



**CITY OF HENDERSONVILLE**  
**HISTORIC PRESERVATION COMMISSION**  
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792  
Wednesday, April 20, 2022 – 5:00 PM

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## **AGENDA**

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - A. Minutes of February 16, 2022
  - B. Minutes of March 30, 2022 Special Meeting
4. **OLD BUSINESS**
  - A. Approval of Findings of Fact - H22-01-COA
  - B. 1420 Ridgecrest Update - Demolition by Neglect (H21-31-DEM)
5. **OTHER BUSINESS**
  - A. Appointment for the Community Affairs Committee
6. **NEW BUSINESS**
  - A. 225 N Main St. – Addition of Balcony/Replacement of Windows (H22-019-COA) – *Alexandra Hunt / Planner I*
  - B. 412 N Main St. – Addition of Vinyl Wrapped Metal Facade (H22-024-COA) – *Alexandra Hunt / Planner I*
  - C. Chair Update on Boyd Park Recognition and Request for Direction from HPC
  - D. 434 N Main St. – Replacement of Awning & Siding (H22-028-COA) – *Alexandra Hunt / Planner I*
7. **ADJOURNMENT**

*The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.*

**CITY OF HENDERSONVILLE**  
**Historic Preservation Commission**

**Minutes of the Regular Meeting of February 16, 2022**

- Commissioners Present:** Sam Hayes, Chris Barron, Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Chris Dannals, Crystal Cauley
- Commissioners Absent:** Chris Battista, Derek Cote
- Staff Present:** Matthew Manley, Planning Manager/Commission Coordinator, Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney and Terri Swann, Administrative Assistant III
- I **Call to Order.** Vice-Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm.
- II **Agenda.** Mr. Manley asked that the agenda be revised to swap other business and new business with the first item being (B) Blythe Street. On motion of Commissioner Hammond-Green and seconded by Commissioner Barron; the Commission approved the revised agenda.
- Chair arrived at 5:03 pm.
- III **Minutes.** On motion of Commissioner Hammond-Green seconded by Commissioner Hayes the minutes of the Regular meeting of January 19, 2022 were approved.
- VI **Other Business**
- VI(B) **Blythe Street @ US 64 (6<sup>th</sup> Avenue) – NCDOT project U5783** – Mr. Manley stated staff has received phone calls from residents concerned about the NCDOT project at Blythe Street. It is in the vicinity of Pine Crest Drive which has an Erle Stilwell home at the corner. Mr. Manley stated this is an engineering project according to the map from the Engineering Department and it will not extend that far. Some residents were concerned that the home could be impacted. He has tried to contact NCDOT but has not heard back yet. Once he gets feedback from NCDOT he will let the Commission know. He just wanted to put the Commission on notice so they would know about the concerns. Chair asked about it being a local landmark and if an environmental review could or has been done. Mr. Manley stated the residents are joining together and he will get more information once he speaks with NCDOT. Commissioner Welter stated for local landmarks, a project can be stopped for 12 months to be reviewed. Mr. Manley stated he will look into it and bring it back to the Commission. No action was taken.
- VI(A) **HPC Budget Discussion** – Adam Murr, Budget Manager provided a table of what is available in the HPC account. He explained adopting the budget and if there are any requests that the HPC need more money for, now is the time to make them. He explained the fund balance and how it had built up after the Cookie Caper. He stated the budget is adopted each financial year and can be amended anytime. The end of the year fund balance for 21-22 was \$18,053.25. He explained to the Commission how much they had in the account and that they are approved to spend \$7,500.00. Commissioner Welter talked about the budget and some projects that may come up next year. Mr. Manley stated the Commission

could form a Finance Committee to discuss the budget and what money they may need. Mr. Murr explained making a request for additional funds. They are in process of preparing the budget for next year now and he asked the Commission to get any requests they have in as soon as they can. Mr. Manley stated if they formed a committee it would have to be noticed as a public meeting since three or more members will be meeting. Mr. Heyman talked about the requirements for noticing a public meeting. Chair stated she would like to have a financial statement like they use to receive in their packets. No action was taken.

#### IV **New Business**

- IV(A) **Certificate of Appropriateness**, PNC Bank, 245 N. Main Street (File No. H22-001-COA). Prior to the opening of the public hearing, Chair announced that any persons desiring to testify at any of the public hearings must first be sworn as witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, come forward to the podium and begin by stating your name and address. Anyone who wishes to testify during the public hearings should come forward to be sworn in. Chair swore in all potential witnesses.

Chair opened the public hearing.

Alexandra Hunt, Planner I stated her name and title for the record and asked that the staff report and presentation be entered into the record.

Ms. Hunt stated the applicant is Lightning Restoration of the Carolinas. The property is in the Main Street Local Historic District and is identified as PIN 9568-77-8710 and is located at 245 N. Main Street. The property is 0.47 acres. The proposal is for a major work to demolish the existing chimney above the roofline.

A vicinity map was shown with the property highlighted in yellow. The property is located at 3<sup>rd</sup> Avenue and Main Street. An aerial view was shown of the property.

The 1896 Sanborn Map was shown and indicated the building was used as a bank. The 1912 Sanborn Map indicates a hotel was there with added additions. The 1922 Sanborn Map indicates a hotel and plaza. The 1926 Sanborn Map states fire ruins and a building is no longer there. The 1951 aerial was shown, and shadows are all that you can see. A structure was rebuilt in 1953. The 1954 Sanborn Map shows the building that is there today.

The existing conditions of the building were shown. Chair asked if the chimney was left over from the fire. Ms. Hunt stated it appears to be what is left of the ruins. The chimney appears to be older than the existing building now. Mr. Manley stated it could have been constructed with the building. There is no way to verify if it was left over from the earlier building.

Ms. Hunt presented Chapter 28 of the City Code which states:

**Application for certificate of appropriateness.** An application for a certificate of appropriateness

authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within a designated historic district may not be denied except as provided in subsection (b) of this section. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be deprived of all beneficial use of or return from such property by virtue of the delay. During such period the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the commission finds that a building or site within a district has no special significance or value toward maintaining the character of a district, it shall waive all or parts of such period and authorize earlier demolition or removal.

(b) Denial of certificate. An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance, as defined in the criteria of the National Register of Historic Places, may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

The Design Standards for Main Street were shown that could apply. Mr. Manley stated these standards are the best staff could come up with for this demolition. They are basically to provide some guidance. Chair asked if they can only deny to delay it. Mr. Manley stated he feels like where it states, *If the commission finds that a building or site within a district has no special significance or value toward maintaining the character of a district, it shall waive all or parts of such period and authorize earlier demolition or removal.* If they find the chimney has no special significance the Commission can grant the demolition based on that.

Commissioner Welter asked as a historic structure that has been there since 1953, if there was any consideration to rebuild the chimney. Mr. Manley stated the chimney is inoperable and is also located in the rear of the building.

Rich Baxley, 23 Business Park Circle, Environmental Chimney Service stated the chimney is not being used and the bank has chosen another heat source. It has been abandoned and is no longer in use. He imagines this chimney was left standing after the fire and is from the original building in 1826. The existing building is built around the chimney and not attached.

Chair asked if they could cap the chimney and be able to salvage it. Mr. Baxley stated they could, but the bricks are starting to fall off onto the roof. There would be a lot involved in rebuilding the chimney. It would take a lot of interior work and a lighter would need to be installed.

Commissioner Welter asked what caused the deterioration. Mr. Baxley stated every chimney is different but water, wind and the weather is the main factors. Most people do not maintain their chimneys. There is water trapped inside the chimney and it is leaking into the building. Commissioner Barron stated a lot of things happen to a structure after a fire. Mr. Baxley stated the cement is cracking and there is a lot of disrepair underneath. It has been abandoned, they now use another heat source, and it has become useless at this point. He felt it should be taken down as it serves no purpose and is causing issues inside the building. He understands the preservation issue but from a chimney industry issue it makes more sense to tear it down.



Commissioner Dannals asked if it is a safety hazard now. Mr. Baxley stated only if you are walking on the roof. Bricks could fall on the roof.

Chair asked if any plans had been made for salvaging any materials. Mr. Baxley stated no.

Robert Strack, 50 Westside Drive stated he works for Lightning Restoration of the Carolinas and the bank is requesting the chimney be taken down as there is a lot of water coming into the bank and creating black mold and mildew and it is posing a health risk for the employees. They plan to take the chimney down and seal it.

Chair asked if he plans to cut it below the roofline. Mr. Strack stated yes. Commissioner Welter asked if the health risk would be alleviated if the chimney was repaired. Mr. Strack stated the manager of the bank is on the zoom call. Daniel Heyman, Staff Attorney stated she would be able to listen to the hearing, but the open meetings law would prohibit her from participating remotely.

Commissioner Hammond-Green stated the property owner should provide information so the Commission could make a clear decision.

Mr. Baxley stated the chimney has been abandoned and is rather useless as it is. Repairing it does not seem like a good solution.

Mr. Strack stated they would like to be able to tear down the chimney immediately.

Chair stated they could delay the decision, but they cannot deny it. Mr. Heyman stated staff's position is if the Commission determines demolition is necessary then they can move forward with approving the demolition.

Discussion was made on the building having state significance. Chair stated they are not looking at the building but only the chimney having significance. Mr. Manley stated staff could contact the state and come back to the Commission with any findings. Mr. Manley stated this was not listed as contributing or noncontributing in the Main Street Historic District. Discussion was also made on a salvage plan. Commissioner Barron felt like the bricks would not be salvable due to the fire damage.

There were no further questions. Chair closed the public hearing.

Mr. Heyman stated the Commission could continue the hearing but only for 180 days or make a decision if they feel the section in the City Code does apply and they cannot deny it, or they can approve it because they find it has no significance with the character of the Main Street Historic District.

Chair stated they can approve it, approve it with conditions or delay it and ask them to come back with more information on the chimney. Commissioner Welter was frustrated that this is the second application in two months where a property owner has neglected their property.

Chair asked about the Commission being concerned that the chimney has statewide significance. The Commission did not feel it had any significance. She was also concerned that the guidelines require a site plan be submitted. She stated the only place you can see it is from the top and asked if the Commission wanted them to provide a site plan. The Commission did not want the applicant to provide

a site plan. Commissioner Welter stated if the chimney were removed it would not distract from Main Street. Chair asked if the Commission wanted a salvage plan for the brick. Commissioner Hammond-Green stated he is not sure it is salvageable. Commissioner Barron stated it is not realistic after being in a fire. The Commission waived a salvage plan.

***Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-001-COA and located within the Main Street Historic District, if demolished according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards pursuant to Section 28-147 of the City Code. Mr. Barron seconded the motion which passed unanimously.***

- IV(B) **Certificate of Appropriateness** – Dennis Dunlap – 314 N. Main Street (File No. H22-002-COA). Metal façade and awning removal. Chair stated this is not a quasi-judicial hearing, this one is discussion only because it is a staff approval. Mr. Manley stated that is correct.

Ms. Hunt stated this one after already being posted and notified was determined that it was a minor work, it just was not very clear. Under minor works awnings are listed but after it was posted and after looking at it staff determined that the facade removal could also be under the removal of artificial siding under minor works.

Ms. Hunt stated the storefront guidelines state: whenever repairing or renovating, it is recommended that any non-historic storefront or façade treatments including metal cladding or other non-historic alteration be removed. For upper facades it states: It is appropriate to remove or replace original upper façade windows with modern materials. The enclosing or bricking in of windows shall not be permitted. Staff wanted to bring this in front of the Commission to get guidance.

Ms. Hunt presented the HPC Inventory List which states this is in the Toms Block area. Mr. Manley stated the description is a two-story brick commercial structure covered with corrugated metal false façade and that led staff to believe it falls under an artificial siding and therefore could be approved by staff as a minor work. However, the metal is old. This could not be denied by staff and could only be denied by the Commission.

Mr. Manley discussed aluminum cladding during the 50's and 60's and the section that pertains to this.

Commissioner Hammond-Green asked what is underneath the metal façade and could it be worse than what is there now.

Dennis Dunlap, Dunlap Construction stated you can look down between the metal façade and the building and it is brick. It can be restored like Mast General Store and the Houston's Furniture building. It is a good restorable brick storefront. Mr. Dunlap has done numerous projects in downtown.

Commissioner Hammond-Green asked if there were windows underneath. Mr. Dunlap stated yes on the second floor is big wooden windows. Chair asked if the windows could be original. Mr. Dunlap stated yes. He stated once they remove the metal façade they can determine and evaluate the condition of the building underneath.

Chair discussed wanting to know what was behind the metal before removing it since the front dates back to 1906. Discussion was made on the when the metal was placed on the building. Mr. Manley stated the building was constructed in 1906 but the metal was placed on it in the 50's or 60's. Chair stated that is still 70 years old. Mr. Manley stated it is not in the time period that would make the metal significant with the Main Street character. It is actually out of character with the district. Chair stated she was just concerned about what is behind the metal. Commissioner Welter stated it would be great to see what is behind the metal façade.

Commissioner Barron stated with that stand-off design that is a lot of weight for that front to carry with the steel. Mr. Dunlap stated it is aluminum and is very light. Mr. Dunlap stated the façade is not up against the brick and they may have to do some repointing or replace a few bricks, but he believes it can be restored. He discussed the upper level having a 12-foot ceiling and the building having two floors with a basement. Mr. Dunlap stated he has remodeled or restored 25 buildings on Main Street.

Mr. Manley stated this is just coming to the Commission for guidance. After the removal if there is any maintenance that needs to be approved by the Commission, staff will bring it back to them. Chair thanked Mr. Dunlap for doing this right and helping to preserve the historic building.

## V Old Business

Discussion was made concerning the Findings of Fact approval and construction starting. Mr. Heyman stated some people start work after the COA approval but technically the approval is not locked in until the Findings of Fact are approved. Commissioner Welter stated he is not opposed to the approval of these Findings, but he stated nothing has been done and it was considered dangerous. It has not been roped off or any demolition of the structure. Mr. Manley stated he had some correspondence from the property owner where she tried to salvage the garage doors but had no takers and she was to provide feedback on this. He asked for a site plan and that was where things came to a halt. He has not been back out to the site. He asked if tape had been put up. Commissioner Hammond-Green stated no but it is not easily accessible except to the property owners down the hill. Mr. Manley stated they have six months to act on an approved COA. Mr. Heyman stated that six months starts once these Findings of Fact are approved. That would start from today, if they are approved tonight.

VI(A) **Approval of Decision H21-35-COA. *Commissioner Welter moved to approve Decision H21-35-COA. Commissioner Barron seconded motion which passed unanimously.***

VI(B) **Staff Update on Demolition by Neglect (1420 Ridgecrest).** Mr. Manley stated two months ago their attorney stated they needed two months to sort this out. Mr. Heyman stated he spoke with attorney Bill Alexander today and he asked to share this update with the Commission. Mr. Alexander is involved with the property long enough to get a plan for the exterior improvements and repairs. That includes looking at their finances as well to determine what they can accomplish. Once they have that plan in place, he wants to have a status meeting with the Commission at one of their regular meetings since it has to be noticed, to discuss the plan and see if it addresses your concerns. He wants to have that done in the next 30 to 60 days. He requested the Commission not refer the petition to the Zoning Administrator until he can have that plan complete. The estate is also still unresolved. He did caution Mr. Heyman that he is not going to continue to represent them through completion. It would be on the property owners to finish it. His understanding is there are limited finances. That is all Mr. Heyman knows. Chair asked about the estate. Mr. Heyman stated he is working with them on resolving the

estate. That is part of the reason for the delay. Mr. Manley stated the city currently does not have a Code Enforcement Officer and they would be the ones to refer the petition. Mr. Heyman stated probate has not been completed. Chair asked what if they give them until April. That will give them time to sort things out and for staff to hire a Code Enforcement Officer.

***Commissioner Hammond-Green moved the Demolition by Neglect for 1420 Ridgecrest be postponed until the April Meeting. Commissioner Cauley seconded the motion which passed unanimously.***

Chair gave an update on the City Council meeting pertaining to the Landia Guest House marker. Chair also gave an update on Boyd Park. Discussion was also made on having a Finance Committee and including a financial statement for each month.

VII ***Adjournment. The Chair adjourned the meeting at 6:55 p.m.***

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Chair

**CITY OF HENDERSONVILLE**  
**Historic Preservation Commission**

**Minutes of the Special Meeting of March 30, 2022**

**Commissioners Present:** Sam Hayes, Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Chris Dannals, Derek Cote, Chris Battista

**Commissioners Absent:** Crystal Cauley, Chris Barron

**Staff Present:** Matthew Manley, Planning Manager, Lew Holloway, Community Development Director, Angela Beeker, City Attorney, Daniel Heyman, Staff Attorney

- I **Call to Order.** Chair called this special meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm.
- II **Agenda.**
- III **Minutes.** No minutes were approved.
- IV **New Business**
  - IV(A) **Budget and Future Projects Discussion** – Lew Holloway, Community Development Director gave a presentation on the HPC Budget. Discussion of future projects was also made. He explained the \$10,000 General Fund contribution and explained what it had been used for from 2016 and forward. Suggestions for projects were made and fundraisers were discussed. Migration from an outside service for the HPC website to the city service was discussed. Rehabilitation of properties and Community Development Block Grants were discussed. The Commission formally asked Mr. Holloway to request \$25,000 to cover the list of projects. Mr. Holloway stated he will request this amount but may not get it all. If the Commission exceeds this amount, he will tackle that issue at that time.
  - IV(B) **Quasi-Judicial Boards and Legal Representation** – Angela Beeker, City Attorney discussed quasi-judicial hearings and the role the Commission members have. Quasi-judicial proceedings and 160D was discussed. She discussed the Code of Ordinances and Chapter 28. Certificates of Appropriateness were discussed along with the standards. Historic districts were discussed. Training materials were given to the Commission. No action was taken.
- V **Old Business - None**
- VI **Other Business. None**
- VII **Adjournment.** The Chair adjourned the meeting at 7:23 p.m.

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Chair

**STATE OF NORTH CAROLINA  
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION  
FILE NO. H22-01-COA**

**IN RE THE APPLICATION OF  
LIGHTNING RESTORATION OF  
THE CAROLINAS and FIRST  
COMMERCIAL BANK,  
FOR A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9568-77-8710**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DECISION**

This matter came before the Hendersonville Historic Preservation Commission on February 16, 2022 for a quasi-judicial hearing on the application of Lightning Restoration of the Carolinas and First Commercial Bank for a certificate of appropriateness for a property located at 245 N Main Street, Hendersonville, NC, Main Street Historic District, Hendersonville, PIN 9568-77-8710 (“Subject Property”) to demolish an existing chimney due to its poor condition, with the application being dated January 10, 2022.

The subject property is currently the location of PNC Bank. It is listed on the Hendersonville Historic Preservation Commission website as the “only structure of a distinctly modern design on Main Street,” and 1970’s as the indicated time period.

The file was submitted into the record. In addition Alexandra Hunt, Planner, Rich Baxley, contractor, and Robert Strack, applicant, all testified and/or presented evidence, after first being duly sworn.

**Issues**

The Historic Preservation Commission’s adopted Residential Design Standards and the Secretary of the Interior’s Standards are incorporated in these findings and conclusions by reference. The question presented was whether the relevant standards permit the demolition of the carriage house as requested in the application.

Section 5.2 of the Design Guidelines provides that:

## 5.2 DEMOLITION

- .1 Before demolition, work with the commission to pursue all alternatives to demolition.
- .2 Before demolishing a historic structure, document its original setting and context. Use photographs, site plans, and other graphic or written statements to record the existing site conditions.
- .3 Before demolition, work with the commission or other interested parties to salvage usable architectural materials and features.
- .4 Before demolition, submit a site plan to the commission illustrating proposed site development or plantings to follow demolition.
- .5 During demolition, ensure the safety of any adjacent properties and historic resources. Also, during and after demolition, take care to protect trees on the site from damage due to compaction of the soil by equipment.
- .6 After demolition, clear the site promptly and thoroughly.
- .7 After demolition, plant or develop the site promptly as approved in the proposed site plan.

### Testimony

Testimony is accurately reflected in the minutes.

### FINDINGS OF FACT

Based on the above testimony, the Board finds as follows:

1. The affected property is 245 N Main Street, Hendersonville.
2. The Subject Property is located at 245 N Main Street, Hendersonville, situated within the Main Street Historic District. The chimney, which is the subject of this decision, is attached to the principal structure.
3. The Subject Property has a commercial structure located on it and is the current location of a branch of PNC Bank.
4. Based on Henderson County records, the subject property was built in 1953.
5. Applicant has requested to demolish the chimney based on its poor and unsafe condition.
6. As of the date of the hearing on this application, the following was established regarding the condition of the property:
  - a. The chimney is leaking and appears to be causing mold to accumulate inside the structure. Bricks are falling off of the chimney.
  - b. The chimney appears to have been damaged in a structure fire.
  - c. The chimney has been abandoned by the property owner. The building uses an alternative heat source.

7. The chimney is structurally unsound and poses a safety risk to persons near the property.
8. A site plan showing the demolition has not been submitted.
9. Staff has gathered available historic materials and documented the presence of the chimney and its known historic context.
10. The materials of the structure are not salvageable due to the damaged sustained in a previous structure fire. There are no architectural features to salvage.

### **CONCLUSIONS OF LAW**

Based on the above findings of fact, the Commission concludes as follows:

The demolition of the chimney as proposed is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards pursuant to Section 28-147 of the City Code, and the Certificate of Appropriateness should be granted, subject to any conditions as stated above.

### **DECISION**

For the above reasons,

The application for a certificate of appropriateness is granted, subject to the conditions as stated, and the certificate is ordered issued.

Done this 20<sup>th</sup> day of April, 2022.

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Chair





## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** April 20, 2022

**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development

**TITLE OF ITEM:** 225 N Main St. – Addition of Balcony/Replacement of Windows (H22-019-COA) – *Alexandra Hunt / Planner I*

### **SUGGESTED MOTION(S):**

#### **1. For Recommending Approval:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-019-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **not incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons:

1. The proposed addition would not diminish the original design of the building or damage historic materials and features, and the new windows and doors are compatible with existing units in proportion, shape, positioning, location, size, materials, and details. **[Section 3.4.2.10]**
2. The proposed addition retains and preserves original architectural metals, including cast iron, wrought iron, steel, pressed tin, copper, aluminum, and zinc, as well as their finishes and colors. **[Section 3.4.5.1]**
3. The proposed addition will be constructed so that there is the least possible loss of historic fabric and will ensure that character-defining features of the historic building are not obscured, damaged, or destroyed. **[Section 4.2.2]**
4. The proposed addition is designed so that it is compatible with the historic building in mass, materials, color, and proportion and spacing of windows and doors, and either references

#### **1. For Recommending Denial:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-019-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Residential) for the following reasons:

1. The proposed addition would diminish the original design of the building or damage historic materials and features, and the new windows and doors are not compatible with existing units in proportion, shape, positioning, location, size, materials, and details. **[Section 3.4.2.10]**
2. The proposed addition is not designed so that it is compatible with the historic building in mass, materials, color, and proportion and spacing of windows and doors, and does not reference design motifs from the historic building, or introduce a contemporary design that is compatible with the historic building. **[Section 4.2.5]**

**[DISCUSS & VOTE]**

design motifs from the historic building, or introduce a contemporary design that is compatible with the historic building.  
[Section 4.2.5]

[DISCUSS & VOTE]

## SUMMARY:

The City is in receipt of a Certificate of Appropriateness (COA) application from Denis Dunlap of Dunlap Construction (Applicant) and Hendersonville Holdings, LLC (Property Owner) for the addition of a balcony and replacement of windows to the second-floor residential unit located at 225 N. Main St. The residential unit is located in the People's National Bank building above the Four Seasons Christmas Garden Décor and More retail store.

The Applicant is making the following statement related to their request:

“Add balcony to front (Main St.) match balcony on right front, large sign to be removed and not put back, one window will become a door, windows on the second floor behind balcony will be replaced to match windows on the right side.” (Exhibit A)

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

|                                   |  |
|-----------------------------------|--|
| <b>PROJECT/PETITIONER NUMBER:</b> | H22-019-COA  |
| <b>PETITIONER NAME:</b>           | Dunlap Construction (Applicant)  |
| <b>EXHIBITS:</b>                  | <ul style="list-style-type: none"> <li>A. Staff Report</li> <li>B. COA Application</li> <li>C. Elevations</li> <li>D. Henderson County Property Records</li> </ul> |

# 225 N Main St. – Addition of Balcony & Windows

## (H22-019-COA)

### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT - HISTORIC PRESERVATION

#### COA STAFF REPORT

## Staff Report Contents

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## PROJECT SUMMARY

**Applicant:** Denis Dunlap – Dunlap Construction

**Property Owner:** Hendersonville Holdings, LLC (Exhibit C)

**Property Address:** 225 N. Main St.

**Project Acreage:** 0.07 Acres

**Parcel Identification Number(s):**  
9568-77-8673

**Current Parcel Zoning:** C-1 Central Business

**Historic District:** Main Street Historic District

**Project Type:** Major Work (addition of balcony and door, replacement of windows, and removal of awnings)



SITE VICINITY MAP

### **Project Summary:**

The City is in receipt of a Certificate of Appropriateness (COA) application from Denis Dunlap of Dunlap Construction (Applicant) and Hendersonville Holdings, LLC (Property Owner) for the addition of a balcony and replacement of windows to the second-floor residential unit located at 225 N. Main St. The residential unit is located in the People's National Bank building above the Four Seasons Christmas Garden Décor and More retail store.

The People's National Bank is a contributing building and currently houses both residential units and retail shops. The addition of the balcony and replacement of windows will match the existing balcony and windows of 231 N Main St., the residential unit to the right of the subject property when facing the building from N Main St.

The Applicant is making the following statement related to their request:

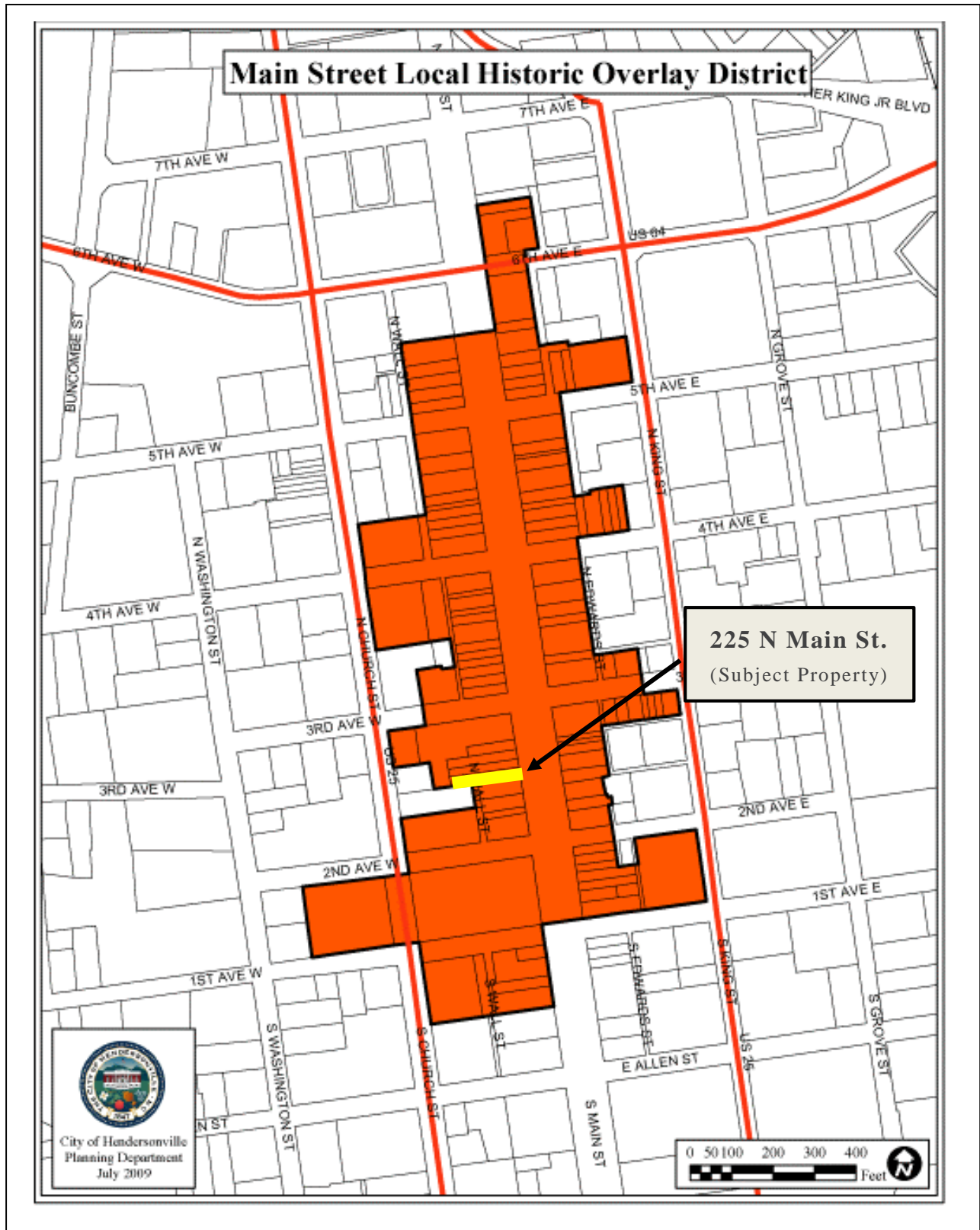
“Add balcony to front (Main St.) match balcony on right front, large sign to be removed and not put back, one window will become a door, windows on the second floor behind balcony will be replaced to match windows on the right side.” (Exhibit A)

In addition to the COA application, the Applicant has provided elevations which are attached as Exhibit B.

On March 15, 2022, the Tree Board reviewed an application to remove the Holly Tree located in front of the subject property and the Board subsequently voted to deny removal of the Holly Tree. (Exhibit D)

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

PROJECT SUMMARY - CONTINUED



CITY OF HENDERSONVILLE - MAIN STREET LOCAL HISTORIC OVERLAY MAP



## HISTORY OF SUBJECT PROPERTY

### **227-231 N. Main People's National Bank**



**Ca. 1910.**

Two-story Neo-Classical structure of cream colored brick has a recessed central entrance beneath entablature carried by ionic columns with egg and dart motif and dentil blocks. Stepped parapet, with high point at center. Storefront to either side of entrance bay;

south side unaltered, north side modern. Four second story windows to either side of entrance bay, grouped in pairs with a common sill and a limestone lintel above each. Limestone trim on the parapet cap, lower part of entablature, over second story windows, sills, columns, and bases of columns and piers. Second story windows in flanks and flanking storefronts altered.

Designed by notable Asheville architect Richard Sharp Smith, this was the earliest use of Neoclassical style and a reinforced concrete technique for a commercial structure in Hendersonville. Concrete made its splashy debut as a building form in 1910 when W. F. Edwards, the most active builder in Hendersonville during this period, decided to try out this material for a new bank. Mr. Edwards had already been the contractor responsible for much of the town's water and sewer system, the present Court House, and the Hendersonville Town Hall. For the People's National Bank, he worked with a Mr. Blythe.

The project clearly caught the fancy of the local citizens. The following reports came from the French Broad Hustler:

(1/27/10) "Messrs. Edwards and Blythe have returned from Atlanta, where they purchased the latest improved machinery for reinforced concrete construction. This machinery will be used for the first time in the construction of the People's National Bank."

(2/17/10) "Concrete mixer arrives for People's National Bank job."

(4/14/10) "...over a thousand barrels of cement will be used in the construction of the People's National Bank."

(6/23/10) "Edwards and Blythe are through with the concrete part of the People's National Bank's new building and are now starting to finish."

## SITE CONDITIONS - SITE IMAGES

Image taken in 1987.



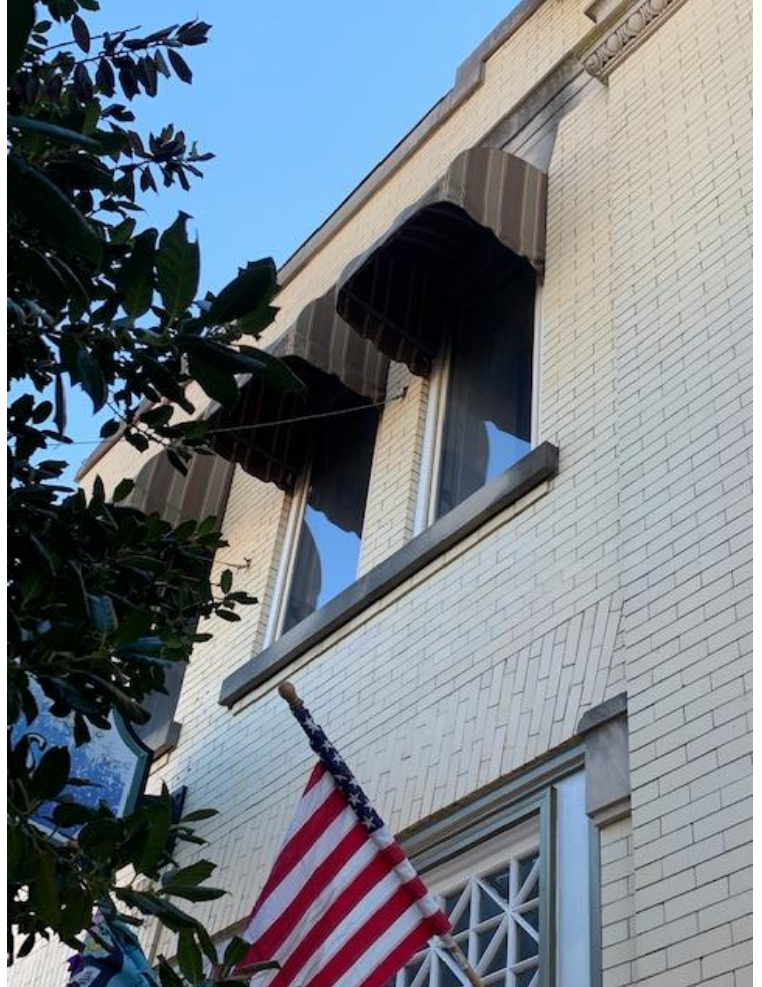
Current Site Images:



Staff is unable to determine when the balcony was added to 231 N Main St.

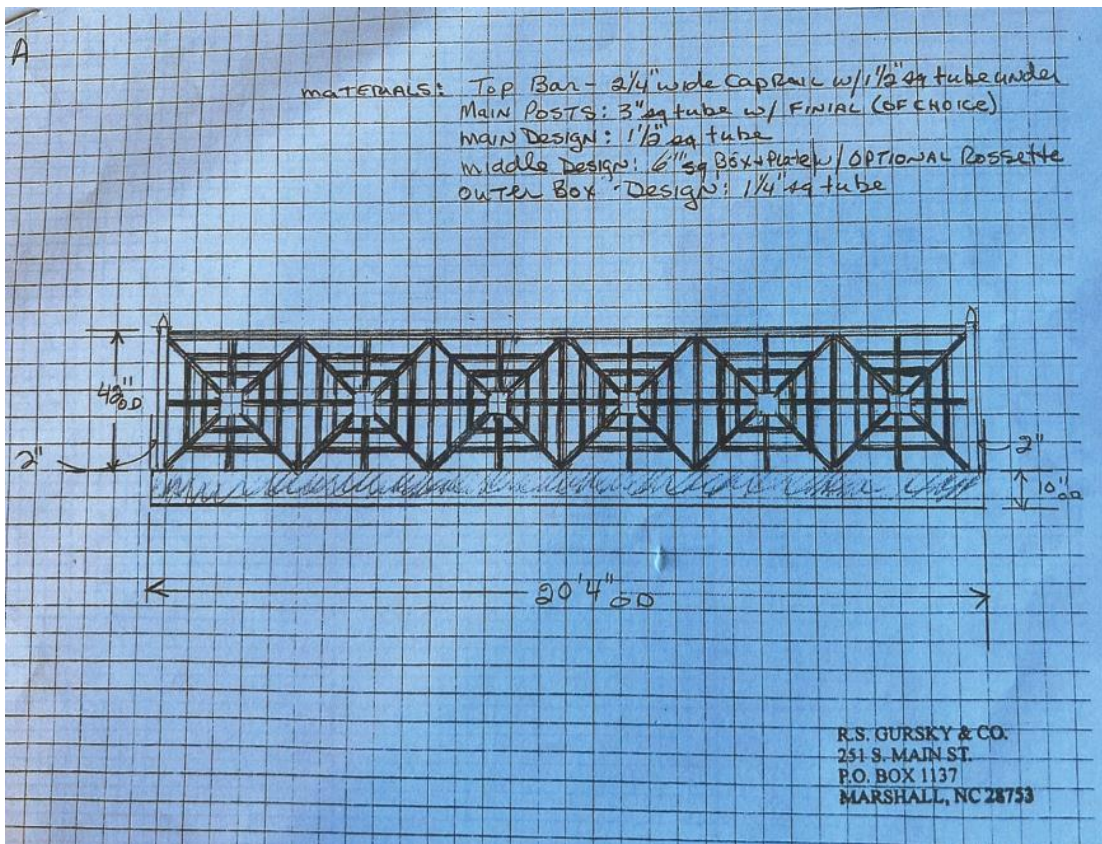
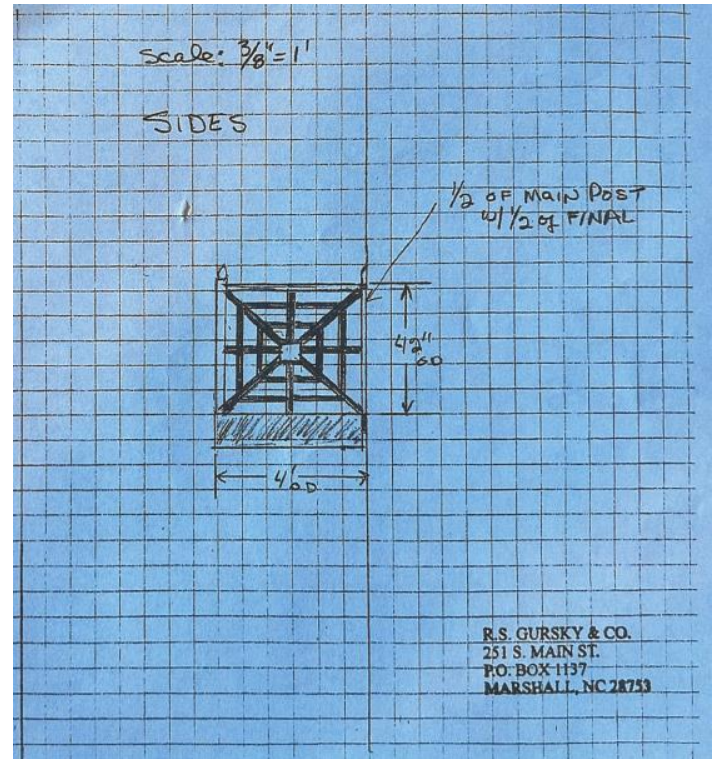
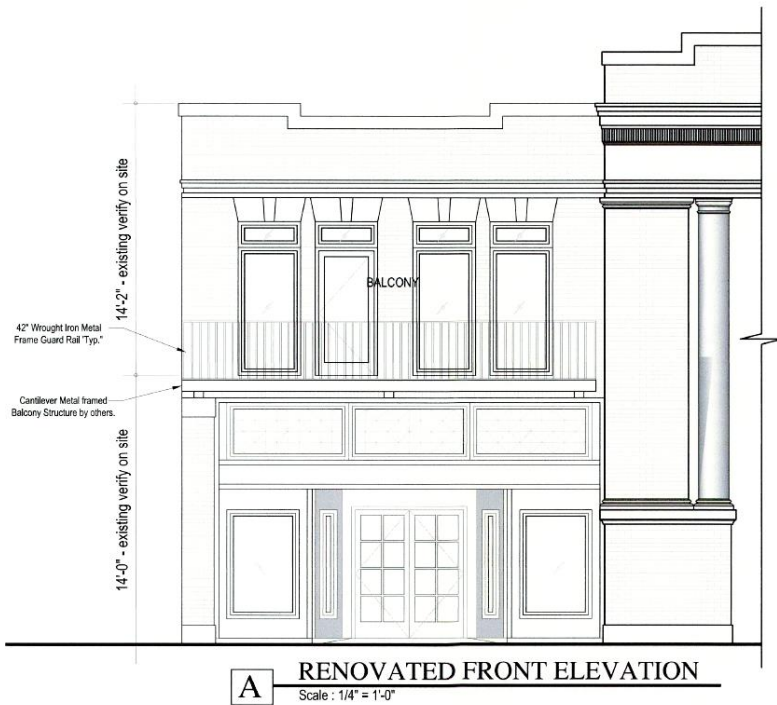


SITE IMAGES CONTINUED





# ELEVATIONS - PROPOSED BALCONY





SITE IMAGES – EXISTING BALCONY 231 N. MAIN ST.



## DESIGN GUIDELINES CRITERIA

The proposed addition is governed by the *Hendersonville Historic Preservation Commission Main Street Design Standards*, which is applied to the City's Main Street Historic Districts and Landmarks. The following sections are applicable to the proposed Certificate of Appropriateness application:

### Section 3.4.2 Windows and Doors Guidelines:

**Sect. 3.4.2.4** - It is not appropriate to replace windows or doors with stock items that do not fill the original openings or duplicate the unit in size, material, and design.

**Sec. 3.4.2.10** - It is not appropriate to introduce new windows or doors if they would diminish the original design of the building or damage historic materials and features. Keep new windows and doors compatible with existing units in proportion, shape, positioning, location, size, materials, and details.

**Sec. 3.4.2.11** - If a new window or door is required to meet building and safety codes, it should be done in a way that is the least intrusive to the façade and without destroying historic materials and features.

**Sec. 3.4.2.15** - Existing windows and doors on non-contributing structures should be replaced in-kind.

### Section 3.4.5 Architectural Metals

Cast iron, wrought iron, copper, tin, sheet metal, aluminum, steel, and bronze are all traditional architectural metals that contribute to the architectural character of historic buildings through their distinctive forms, finishes, and details.

### Section 3.4.5 Architectural Metal Guidelines

**Section 3.4.5.1** - Retain and preserve original architectural metals, including cast iron, wrought iron, steel, pressed tin, copper, aluminum, and zinc, as well as their finishes and colors.

### Section 4.2 Additions

The introduction of additions compatible with historic buildings in the district is acceptable if the addition does not visually overpower the original building, compromise its historic character, or destroy any significant features and materials. By placing additions on inconspicuous elevations and limiting their size and height, the integrity of the original buildings can be maintained. It is important to differentiate the addition from the original building so that the original form is not lost. Additions should be designed so that they can be removed in the future without significant damage to the historic building or loss of historic materials. Also, as with any new construction project, the addition's impact on the site in terms of loss of important landscape features must be considered. The compatibility of proposed additions with historic buildings will be reviewed in terms of the mass, the scale, the materials, the color, the roof form, and the proportion and the spacing of windows and doors. Additions that echo the style of the original structure and additions that introduce compatible contemporary design are both acceptable.

**Additions Guidelines:**

**Sec. 4.2.1** - Locate additions as inconspicuously as possible, on the rear or least character-defining elevation of historic buildings.

**Sec. 4.2.2** - Construct additions so that there is the least possible loss of historic fabric. Also, ensure that character-defining features of the historic building are not obscured, damaged, or destroyed.

**Sec. 4.2.3** - Limit the size and the scale of additions so that they do not visually overpower historic buildings.

**Sec. 4.2.4** - Design additions so that they are differentiated from the historic building. It is not appropriate to duplicate the form, the material, the style, and the detail of the historic building so closely that the integrity of the original building is lost or compromised.

**Sec. 4.2.5** - Design additions so that they are compatible with the historic building in mass, materials, color, and proportion and spacing of windows and doors. Either reference design motifs from the historic building, or introduce a contemporary design that is compatible with the historic building.

**Sec. 4.2.7** - Design additions so that they can be removed in the future without damaging the historic building.

## EXHIBITS

- Exhibit A – Application
- Exhibit B – Elevations
- Exhibit C – Henderson County Property Records
- Exhibit D – March 15, 2022 Tree Board Minutes



APPLICATION FOR A  
 CERTIFICATE OF APPROPRIATENESS PERMIT  
 100 N. King Street ~ Hendersonville, NC ~ 28792  
 Phone (828) 697-3010 ~ Fax (828) 697-6185  
 www.cityofhendersonville.org

HENDERSONVILLE HISTORIC PRESERVATION COMMISSION

The following are required to constitute a complete application:

- ~ This form including the property owner's signature.
- ~ Attachments such as sketches, photos, site plan, etc., necessary to clearly explain the project.

Date 2-23-22

Local District/Landmark Main Street

Address of Property 225 N Main St Hendersonville NC 28792

Property Owner's Name Mr & Mrs Jason Kraas

Address 19500 State Highway 249 Ste 350

Day Phone 281-840-5611

Contact Name (if other than owner) Dani's Dunlap - Dunlap Construction Co

Address 220 B Grove St Hendersonville NC 28792

Phone 388-0859

Details of proposed work: (attach additional papers if needed).

Add Balcony to Front (Main St) Side

Attachments: ☐ Photographs ☐ Sketch ☒ Site Plan (showing existing features and proposed)  
☐ Commercial samples ☐ Commercial brochures

The burden of proof is on the applicant to prove the proposed work is in keeping with the historical character of the historic district. Please list specific reference(s) in the Design Guidelines that support your application.

I, the undersigned, certify that all information in this application and in any attachments thereto is accurate to the best of my knowledge. Furthermore, I understand that should a certificate of appropriateness be issued, such certificate will be valid for a period of six months from the date of issuance. Failure to procure a building permit within that period will be considered as failure to comply with the certificate, and the certificate will become invalid. If a building permit is not required, the authorized work must be completed within six months. Certificates can be extended for six months by requesting an extension in writing prior to their expiration from the Commission Coordinator.

Owner's  
 Signature

Owner's  
 Signature



City of Hendersonville  
General Application  
Owner Signature Addendum

**Application Information**

Date of Application 2.23.22 Application Number H22-019-COA  
 Name of Project 225 N. Main St Phase # (if subdivision) \_\_\_\_\_  
 Parcel Identification Number(s) (PIN) 9568778673

**Property Owners: (Signature indicates intent that this page be affixed to Application.)**

\* ^ Printed Name Hendersonville Holdings LLC

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature \_\_\_\_\_

Title Manager Email jdk@kransattorneys.com

Address of Property Owner 225 N. Main St, Hendersonville, NC 28792

\* ^ Printed Name \_\_\_\_\_

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

\* ^ Printed Name \_\_\_\_\_

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

\* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

BK 3877 PG 151 - 154 (4)

DOC# 974769

This Document eRecorded:

03/02/2022 01:15:28 PM

Fee: \$26.00

Henderson County, North Carolina

Tax: \$1,800.00

William Lee King, Register of Deeds

## NORTH CAROLINA GENERAL WARRANTY DEED

|                                  |  |
|----------------------------------|--|
| Excise Tax:                      | 1800.00  |
| Parcel ID:                       | 9568-77-8673   |
| Mail/Box to:                     | Romeo, Harrelson & Coiner, P.A. 136 S. King Street, Ste B, Hendersonville, NC 28792        |
| Prepared by:                     | Van Winkle, Buck, Wall, Starnes & Davis, P.A. 422 S. Main Street, Hendersonville, NC 28792 |
| Brief description for the Index: | 225 N. Main Street   |

THIS GENERAL WARRANTY DEED ("Deed") is made on the 2<sup>nd</sup> day of March, 2022, by and between:

| GRANTOR  | GRANTEE   |
|--|---|
| Marvin K. Allen and wife, Sharon B. Allen<br><br>314 N Main Street<br>Hendersonville, NC 28791 | Hendersonville Holdings, LLC, A Delaware Limited Liability Company<br><i>19500 State Hwy 249 Ste. 350<br/>Houston, TX 77070</i> |

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

*This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Hendersonville, Hendersonville Township, Henderson County, North Carolina and more particularly described as follows (the "Property"):

SEE EXHIBIT A ATTACHED HERETO FOR REFERENCE

Page 1

NC Bar Association Real Property Section Form No. 3 © Revised 02/2021  
Printed by Agreement with the NC Bar Association

Submitted electronically by "Romeo, Harrelson & Coiner, P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Henderson County Register of Deeds.



All or a portion of the Property was acquired by Grantor by instrument recorded in Book 711 page 658, Henderson County Registry.

All or a portion of the Property includes or does not include the primary residence of a Grantor.

A map showing the Property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, covenants, conditions and restrictions of record; 2022 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

  
Name: Marvin K. Allen

  
Name: Sharon B. Allen

\_\_\_\_\_  
Entity Name

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I Edward L Harrelson, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 2nd day of March 2022 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any): Marvin K. Allen and wife, Sharon B. Allen.

Affix Notary Seal/Stamp

Edward L Harrelson  
NOTARY PUBLIC  
Polk County, NC

  
Notary Public (Official Signature)

My commission expires: 1-17-2025

**EXHIBIT A: PROPERTY of  
HENDERSONVILLE HOLDINGS, LLC, a DELAWARE LIMITED  
LIABILITY COMPANY**

BEGINNING at a stake in the west margin of Main Street, said stake being the northeast corner of the property known as the St. Johns Hotel property, and the southeast corner of the Peoples Bank property, the said pin standing North 7 deg. 58 min. 27 sec. West 150.14 feet from the Southeast corner of that property described in Deed Book 596 at Page 599, Henderson County Registry; and running from said BEGINNING point, leaving Main Street, South 81 deg. 58 min. 26 sec. West 130.72 feet to a railroad spike; thence a new line, North 8 deg. 10 min. 58 sec. West 22.90 feet to a railroad spike; thence North 81 deg. 58 min. 26 sec. East, partly with the center line of a common wall, to a point in the westerly margin of Main Street; thence with the westerly margin of Main Street, South 8 deg. 10 min. 58 sec. East 22.90 feet to the point and place of BEGINNING, and containing .06 acre, more or less, as shown upon "Map of Survey for Main St., Inc.," prepared by Laughter, Venezia and Associates, P.A., dated April 1983, and identified as Job No. 83-108.

There is also conveyed herewith all of the rights and uses described in that deed from the Peoples National Bank to M. C. Toms and C. F. Toms, dated March 21, 1912, recorded in Deed Book 75 at Page 194, Henderson County Registry. The above described property is the easterly portion of the property described in Deed Book 75 at Page 194, as well as Deed Book 391 at Page 393, and Deed Book 383 at Page 197, Henderson County Registry.

This conveyance is made and accepted subject to any easements of record.

There is also excepted from this conveyance, the right of egress from and ingress to the tract of land situated immediately to the west of this property, which is retained by Marion F. Toms, Jr., and Elizabeth Birch Toms, their heirs, successors and assigns, and which is presently used for parking purposes, the said easement to lead across the existing driveway in a southerly direction out to the city alleyway and then to Second Avenue West, the said right of way to be non-exclusive and to be used by Marion F. Toms, Jr., and Elizabeth Birch Toms, their heirs, successors and assigns, their successors in interest, the Grantees and any other party entitled to use the same. The tract which the easement is to serve is described by metes and bounds as follows:

BEGINNING at an iron pin, southwest corner of that tract described in Deed Book 586 at Page 413, Henderson County Registry; and running thence North 81 deg. 58 min. 26 sec. East 39.28 feet to a railroad spike; thence a new line, running South 8 deg. 10 min. 58 sec. East 22.90 feet to a railroad spike; thence running

South 81 deg. 58 min 26 sec. West 39.36 feet to an iron pin, southwest corner of the original tract described in Deed Book 75 at Page 194 Henderson County Registry; and running thence North 8 deg. 0 min. 8 sec. West 22.90 feet to the point and place of BEGINNING, and containing .02 acre, more or less, and being the westerly portion of the tract described in Deed Book 75 at Page 194, Henderson County Registry.

AND BEING the same property which was conveyed by deed from James H. Cunningham and wife, Suzanne J. Cunningham to Marvin Kenneth Allen and wife, Sharon B. Allen, dated December 30, 1987, and of record in Deed Book 711 at Page 658 of the Henderson County, North Carolina Register of Deeds Office.

Said property is further identified by address:

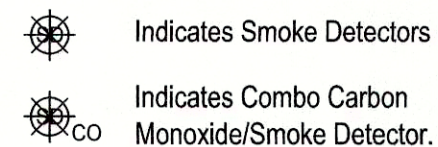
225 N. Main Street

Hendersonville, NC 28792

Tax Parcel: 116589



# A 2.0







## CITY OF HENDERSONVILLE TREE BOARD - REGULAR MEETING AND VIA ZOOM

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792  
Tuesday, March 15, 2022 – 2:00 PM

### MINUTES

#### 1. CALL TO ORDER

The meeting was called to order at 2:00 PM.

Members present were Mac Brackett, Mark Madsen, Glenn Lange, Pat Christie, Andy Crawford, and Council Member Debbie Roundtree. Members absent were Mary Davis and Landon Justice.

#### 2. APPROVAL OF AGENDA

A motion was made by Glenn Lange to approve the agenda. Vote - all ayes.

#### 3. Approval of the February 15, 2022 Minutes

A motion was made by Glenn Lange to approve the February 15, 2022 minutes. Vote - all ayes.

A. February 15, 2022 Minutes

#### 4. NEW BUSINESS

D. Vegetation Removal Permit Application - 225 N. Main Street

An application to remove a Holly Tree at 225 N. Main Street was discussed. The tree is in relatively good shape so the Tree Board decided to deny the vegetation removal permit. A motion to deny the permit was made by Glenn Lange. Vote - all ayes.

#### 5. OLD BUSINESS

A. Changes to City Ordinances/Zoning Concerning Trees

Glenn Lange will meet with Debbie O'Neil Roundtree to discuss the proposed changes. The Tree Board should present the changes to City Council. City Council will likely refer it back to staff for review.

#### 6. OTHER BUSINESS

A. Utility Update

Nothing to update at this time.

B. Tree Board Budget Expenditures

Staff provided an update to the current budget and remaining available funds.

C. Vice Chairperson

No action taken.

D. Staff Comments

No staff updates.

**7. ADJOURNMENT**

The meeting was adjourned.



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** April 20, 2022

**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development

**TITLE OF ITEM:** 412 N Main St. – Addition of Vinyl Wrapped Metal Facade (H22-024-COA)  
– Alexandra Hunt / Planner I

### **SUGGESTED MOTION(S):**

#### **1. For Recommending Approval:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-024-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **not incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons:

1. The proposed facade would retain the commercial character of the building through contemporary design which is compatible with the scale, design, materials, color and texture of the historic building. [Section 3.1.7]

**[DISCUSS & VOTE]**

#### **1. For Recommending Denial:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-024-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Residential) for the following reasons:

1. The proposed facade would not retain the commercial character of the building through contemporary design and is not compatible with the scale, design, materials, color and texture of the historic building. [Section 3.1.7]

**[DISCUSS & VOTE]**

**SUMMARY:**

The City is in receipt of a Certificate of Appropriateness (COA) application from William Ford (Applicant) and Betty R. Johnson (Property Owner) for the addition of a vinyl wrapped metal facade on the subject property located at 412 N. Main St.

The subject property is a non-contributing building that was constructed ca. 1920. The subject property originally had a brick façade that has been stuccoed and modernized.

The Applicant is making the following statement related to their request: “Using metal in creation of sign. Visual of wood with Store Sign in front.” (Exhibit A)

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

|                                   |   |
|-----------------------------------|---|
| <b>PROJECT/PETITIONER NUMBER:</b> | H22-024-COA   |
| <b>PETITIONER NAME:</b>           | William Ford (Applicant)  |
| <b>EXHIBITS:</b>                  | <ul style="list-style-type: none"> <li>A. Staff Report</li> <li>B. COA Application</li> <li>C. Henderson County Property Records</li> </ul> |



# 412 N Main St. – Addition of Vinyl Wrapped Metal Facade (H22-024-COA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT - HISTORIC PRESERVATION  
COA STAFF REPORT

## Staff Report Contents

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## PROJECT SUMMARY

**Applicant:** William Ford

**Property Owner:** Betty R. Johnson  
(Exhibit B)

**Property Address:** 412 N. Main St.

**Project Acreage:** 0.09 Acres

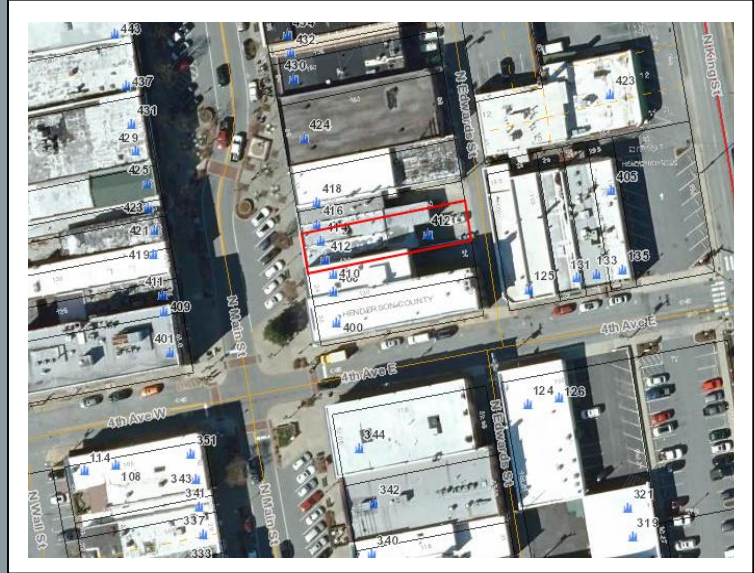
**Parcel Identification Number(s):**

9568-88-0236

**Current Parcel Zoning:** C-1 Central Business

**Historic District:** Main Street Historic District

**Project Type:** Major Work (Addition of vinyl wrapped metal facade)



SITE VICINITY MAP

### **Project Summary:**

The City is in receipt of a Certificate of Appropriateness (COA) application from William Ford (Applicant) and Betty R. Johnson (Property Owner) for the addition of a vinyl wrapped metal facade on the subject property located at 412 N. Main St.

The subject property is a non-contributing building that was constructed ca. 1920. The subject property originally had a brick façade that has been stuccoed and modernized.

The Applicant is making the following statement related to their request:

“Using metal in creation of sign. Visual of wood with Store Sign in front.” (Exhibit A)

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

PROJECT SUMMARY – CONTINUED



CITY OF HENDERSONVILLE – MAIN STREET LOCAL HISTORIC OVERLAY MAP



## HISTORY OF SUBJECT PROPERTY



According to the HPC website, a historical marker was placed on the subject property in 2009. The marker states the following:

### ***412-414 N. Main ca. 1920***

*“Originally a brick facade, The Pickwick, lunches & billiards, was here from 1939 until 1955. Rosenberg's Men's Wear and Wades' Shoes shared the building in the late 1950s. Mac's Men's Wear operated here from 1960 until 2007. The owner, Max Provda, was a downtown retailer for 60 years.”*



Image from 1987.

SITE CONDITIONS - SITE IMAGES





SITE IMAGES CONTINUED





EXAMPLES OF NATURAL WOOD FACADES ON MAIN ST.



## DESIGN GUIDELINES CRITERIA

The proposed addition is governed by the *Hendersonville Historic Preservation Commission Main Street Design Standards*, which is applied to the City's Main Street Historic Districts and Landmarks. The following sections are applicable to the proposed Certificate of Appropriateness application:

### **Section 3.1 Storefront Guidelines**

**Sec. 3.1.3** - Whenever repairing or renovating, it is recommended that any non-historic storefront or façade treatments including metal cladding or other non-historic alteration be removed.

**Sec. 3.1.7** - Where original or early storefronts no longer exist or are too deteriorated to save, retain the commercial character of the building through contemporary design which is compatible with the scale, design, materials, color and texture of the historic buildings.

### **Section 3.2 Upper Façade Guidelines**

**Sec. 3.2.2** - The covering of upper façades is not appropriate. Whenever possible, remove metal or other non-historic covering from upper façades.

**Sec. 3.2.6** - It is only appropriate to use alternate materials when all the original windows are missing or destroyed. The installation of artificial materials shall follow the Artificial Materials guidelines (Section 3.8).

**Sec. 3.2.7** - When reconstructing a historic façade or feature, base the design on historical research and evidence. Maintain the original proportions, dimensions and architectural elements. If no evidence of the design of the feature exists, a new design, compatible with the overall character of the building, should be used.

### **Section 3.4.1 Architectural Details and Ornamentation Guidelines**

**Sec. 3.4.1.2** - If replacement of an architectural element is necessary, use new materials that match the historic materials in composition, size, shape, color, pattern, and texture. Consider substitute materials only if the original materials are not technically feasible.

**Sec. 3.4.1.3** - If the entire architectural detail is missing, design the replacement feature based on historic documentation. If there is no documentation, but evidence that the element was originally on the building, any new design should be compatible with the historic character of the building and district.

**Section 3.8 Artificial Materials** - The following guidelines apply to the use of artificial materials on contributing or non-contributing properties:

**Sec. 3.8.1** - Artificial materials are not appropriate on buildings on contributing properties. Existing artificial materials on contributing properties should be replaced with traditional materials.

**Sec. 3.8.2** - Replace windows, doors, siding, trim and other exterior materials on non-contributing structures in-kind.



## EXHIBITS

- Exhibit A – Application
- Exhibit B – Henderson County Property Records



# APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS PERMIT

100 N. King Street ~ Hendersonville, NC ~ 28792

Phone (828)697-3010 ~ Fax (828) 697-6185

www.cityofhendersonville.org

## HENDERSONVILLE HISTORIC PRESERVATION COMMISSION

The following are required to constitute a complete application:

~ This form including the property owner's signature.

~ Attachments such as sketches, photos, site plan, etc., necessary to clearly explain the project.

Date 03-16-22

Local District/Landmark

Main Street

Address of Property 412 N. Main Street Hendersonville, NC 28792

x Property Owner: Name Jose Martin

x Address 412 N. Main Street Hendersonville, NC 28792

Day Phone 786-302-6271

Contact Name (if other than owner) William Ford

Address 22c New Leicester Hwy #133, Asheville NC 28806

Phone 828-775-9131

Details of proposed work: (attach additional papers if needed).

Metal Sign with Image

Attachments: ☐ Photographs ☐ Sketch ☐ Site Plan (showing existing features and proposed)  
☐ Commercial samples ☐ Commercial brochures

The burden of proof is on the applicant to prove the proposed work is in keeping with the historical character of the historic district. Please list specific reference(s) in the **Design Guidelines** that support your application.

Using Metal in creation of sign. Visual of wood with Store Sign in front.

I, the undersigned, certify that all information in this application and in any attachments thereto is accurate to the best of my knowledge. Furthermore, I understand that should a certificate of appropriateness be issued, such certificate will be valid for a period of six months from the date of issuance. Failure to procure a building permit within that period will be considered as failure to comply with the certificate, and the certificate will become invalid. If a building permit is not required, the authorized work must be completed within six months. Certificates can be extended for six months by requesting an extension in writing prior to their expiration from the Commission Coordinator.

x Owner's  
Signature

Owner's  
Signature



Prepared By: Francis M. Coiner, Attorney

State of North Carolina  
County of Henderson

This Indenture, Made this 11th day of February, 1985, by and between

E. LELAND JOHNSON

hereinafter called Grantors, and

E. LELAND JOHNSON and wife, BETTY R. JOHNSON

hereinafter called Grantees, (said designations shall

include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

**Witnesseth:** That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns (subject, however, to any conditions, restrictions, limitations, reservations or exceptions appearing after the description below), the following particularly described real estate, located in Hendersonville & Blue Ridge Township, Henderson County, North Carolina, to-wit:

**TRACT ONE:** Being the identical property described in deed from Lois Randolph and husband, George Randolph, to I. E. Johnson and wife, Dean Cole Johnson, dated February 7, 1942, and recorded in Deed Book 235, at page 523, Henderson County Registry.

**TRACT TWO:** Being the identical property described in deed from Worth K. Lyerly and wife, Charlie Potts Lyerly, to I. E. Johnson and wife, Mary Cole Johnson, dated April 29, 1958, and recorded in Deed Book 367, at page 195, Henderson County Registry.

**TRACT THREE:** Being the identical property described in deed from Fred G. Miller and wife, Irene Miller, to Ira E. Johnson and wife, Mary Cole Johnson, dated May 4, 1972, and recorded in Deed Book 495, at page 252, Henderson County Registry.

**TRACT FOUR:** Being the identical property described in deed from W. H. Britt and wife, Priscilla Britt, to I. E. Johnson and wife, Mary Cole Johnson, dated December 27, 1943, and recorded in Deed Book 249, at page 305, Henderson County Registry.

**TRACT FIVE:** Being the identical property described in deed from John M. McCullough and wife, Nora McCullough, to Mary Cole Johnson and husband, I. E. Johnson, dated March 9, 1955, and recorded in Deed Book 339, at page 539, Henderson County Registry.

**TRACT SIX:** Being the identical property described in deed from W. R. Sherman and wife, Annie Laura Sherman, to I. E. Johnson and wife, Mary Cole Johnson, dated September 21, 1946, and recorded in Deed Book 268, at page 183, Henderson County Registry.

**To Have and to Hold** the above described land and premises, with all appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

**In Witness Whereof,** the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

\_\_\_\_\_[SEAL] E. Leland Johnson - [SEAL]  
\_\_\_\_\_[SEAL] E. Leland Johnson [SEAL]

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Nadine Brown, a Notary Public of said County and State, do hereby certify that

E. LELAND JOHNSON

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this 12th day of November, 1985

My commission expires 7/8/90  
\_\_\_\_\_  
Notary Public

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

The foregoing certificate of Nadine Brown

Notary Public (Nadine Brown) is/are certified to be correct. This instrument presented for registration and recorded in this office this 12 day of Nov 1985 at 4:30 P.M. in Book 668 Page 300

Ruby H. McSwire  
Register of Deeds

By: Wesley Simpson  
(Assistant) (Deputy)



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** April 20, 2022

**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development

**TITLE OF ITEM:** 434 N Main St. – Replacement of Awning & Siding (H22-028-COA) –  
*Alexandra Hunt | Planner I*

### **SUGGESTED MOTION(S):**

#### **1. For Recommending Approval:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-028-COA and located within the Main Street Historic District, if replaced according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **not incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons:

1. The proposed awning is compatible with the historic character of the building. [Section 2.1.8]
2. The proposed awning does not obscure or damage historic architectural features of the building and is placed appropriately above the transom and projecting over individual window or door openings and fits within the window or door opening. [Sec. 2.1.10]
3. The proposed awning would retain the commercial character of the building through contemporary design which is compatible with the scale, design, materials, color and texture of the historic building. [Section 3.1.7]

**[DISCUSS & VOTE]**

#### **1. For Recommending Denial:**

I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-028-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Residential) for the following reasons:

2. The proposed awning is not compatible with the historic character of the building. [Section 2.1.8]
3. The proposed awning obscures the historic architectural features of the building and is not placed appropriately above the transom or individual window or door openings and does not fit within the window or door opening. [Sec. 2.1.10]
4. The proposed awning would not retain the commercial character of the building through contemporary design and is not compatible with the scale, design, materials, color and texture of the historic building. [Section 3.1.7]

**[DISCUSS & VOTE]**

## SUMMARY:

The City is in receipt of a Certificate of Appropriateness (COA) application from Dennis Dunlap of Dunlap Construction (Applicant) and Rudolf Haug (Property Owner) for the replacement of the wood shingles on an existing awning and wood siding with architectural metal on the subject property located at 434 N. Main St.

The subject property is a non-contributing, two-story brick building that was designed by Erle Stilwell and constructed ca. 1915. The subject property is currently the location of The Goldsmith by Rudi, Ltd.

The Applicant is making the following statement related to their request:

“Remove wood shingles from front awning and install new metal roof and new metal over existing wood siding.” (Exhibit A)

On March 30th, Staff met with the Applicant at the location of the subject property. The Applicant had removed a portion of the wood siding to inspect the condition of the original façade. It was determined that the original façade was beyond repair and therefore, the existing wood siding and awning could not be removed completely.

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

|                                   |   |
|-----------------------------------|---|
| <b>PROJECT/PETITIONER NUMBER:</b> | H22-028-COA   |
| <b>PETITIONER NAME:</b>           | Dunlap Construction (Applicant)   |
| <b>EXHIBITS:</b>                  | <ul style="list-style-type: none"> <li>A. Staff Report</li> <li>B. COA Application</li> <li>C. Henderson County Property Records</li> </ul> |

# 434 N Main St. – Replacement of Awning & Siding (H22-028-COA)

## CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT - HISTORIC PRESERVATION COA STAFF REPORT

### Staff Report Contents

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## PROJECT SUMMARY

**Applicant:** Dunlap Construction

**Property Owner:** Rudolf Haug

(Exhibit B)

**Property Address:** 434 N. Main St.

**Project Acreage:** 0.08 Acres

**Parcel Identification Number(s):**

9568-88-0412

**Current Parcel Zoning:** C-1 Central Business

**Historic District:** Main Street Historic District

**Project Type:** Major Work (Replacement of awning and siding)



SITE VICINITY MAP

### **Project Summary:**

The City is in receipt of a Certificate of Appropriateness (COA) application from Dennis Dunlap of Dunlap Construction (Applicant) and Rudolf Haug (Property Owner) for the replacement of an existing awning and wood siding on the subject property located at 434 N. Main St.

The subject property is a contributing, two-story brick building that was constructed prior to 1908 and later remodeled by Erle Stilwell ca. 1915. The subject property is currently the location of The Goldsmith by Rudi, Ltd.

The Applicant is making the following statement related to their request:

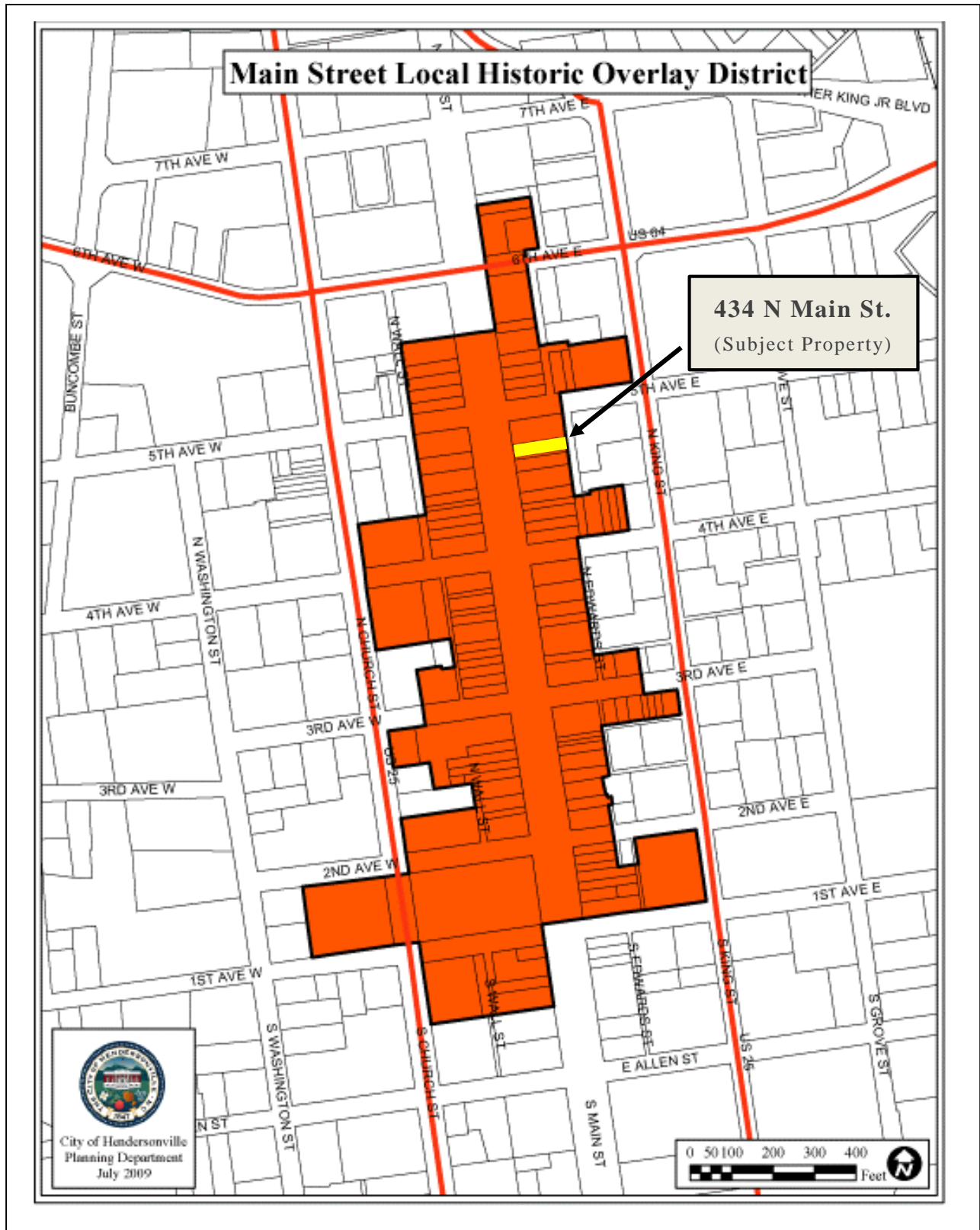
“Remove wood shingles from front awning and install new metal roof and new metal over existing wood siding.” (Exhibit A)

On March 30<sup>th</sup>, Staff met with the Applicant at the location of the subject property. The Applicant had removed a portion of the awning to inspect the condition of the original façade. It was determined that the original façade was beyond the scope of repair the Property Owner budgeted for and therefore prevents the complete removal of the existing wood siding and awning.

On April 12<sup>th</sup>, Staff met with the Applicant at the location of the subject property to further examine the condition of the original façade after Applicant removed more of the awning. The Applicant reviewed three proposed design options and quotes that would be presented to the Property Owner. The Property Selected the first option. (Exhibit C)

This COA application is considered a Major Work according to the standards of the Main Street Historic District Design Guidelines.

PROJECT SUMMARY - CONTINUED



CITY OF HENDERSONVILLE - MAIN STREET LOCAL HISTORIC OVERLAY MAP

## HISTORY OF SUBJECT PROPERTY

According to the HPC website, a historical marker was placed on the subject property in 2009. The marker states the following:



### **The Queen Theater ca. 1915**

*« Built originally for retail, this building was redesigned into a theater in 1915 by prominent local architect Erle Stillwell. The Neo-Classical building served as the Queen, then the State, then the Fox until the early 1960s. »*



to remodel the theater and later was hired to do a second remodel in 1921. This was his first theater project of any kind. Stilwell paid particular attention to the building's facade, giving it a neo-classical appearance. The brickwork was simple and straightforward, but he brought it into life with extensive terra cotta embellishments. The entablature, pilaster capitals and bases, and the wide sign panel over the lobby all had the appearance of expensive carved marble.

The theater was renamed the State Theater in the 1930's and the Fox Theater around 1950 before closing in the early 1960's. Since then, major changes have been made to the building's street level facade but the decorative top half of the facade remains unaltered.

The brick building was constructed prior to 1908. It was first used as a livery and transfer warehouse, by 1912 it was a grocery store. In 1915, Erle Stilwell was commissioned to remodel and enlarge it into a



SITE CONDITIONS - SITE IMAGES





SITE IMAGES CONTINUED



SITE IMAGES OF FAÇADE





SITE IMAGES OF FAÇADE CONTINUED





7.2 Panel >

### 7.2 Panel

Ribbed metal roofing & siding cantilever capabilities.



PBC >

### PBC

A popular corrugated metal architectural applications.



PBR >

### PBR

A structural panel which re



PBU >

### PBU

Can be installed directly ov appearance.



Perma-Clad® >

### Perma-Clad®

Great for residential, light c buildings.



### Rain Guard®

An exposed fastening syste



Retro-R® >

### Retro-R®

The Retro-R® panel eliminati as it is installed directly over



Rustic C >

### Rustic C

Features a beautifully weath



Stormproof® >

### Stormproof®

Can be used with DripStop ti



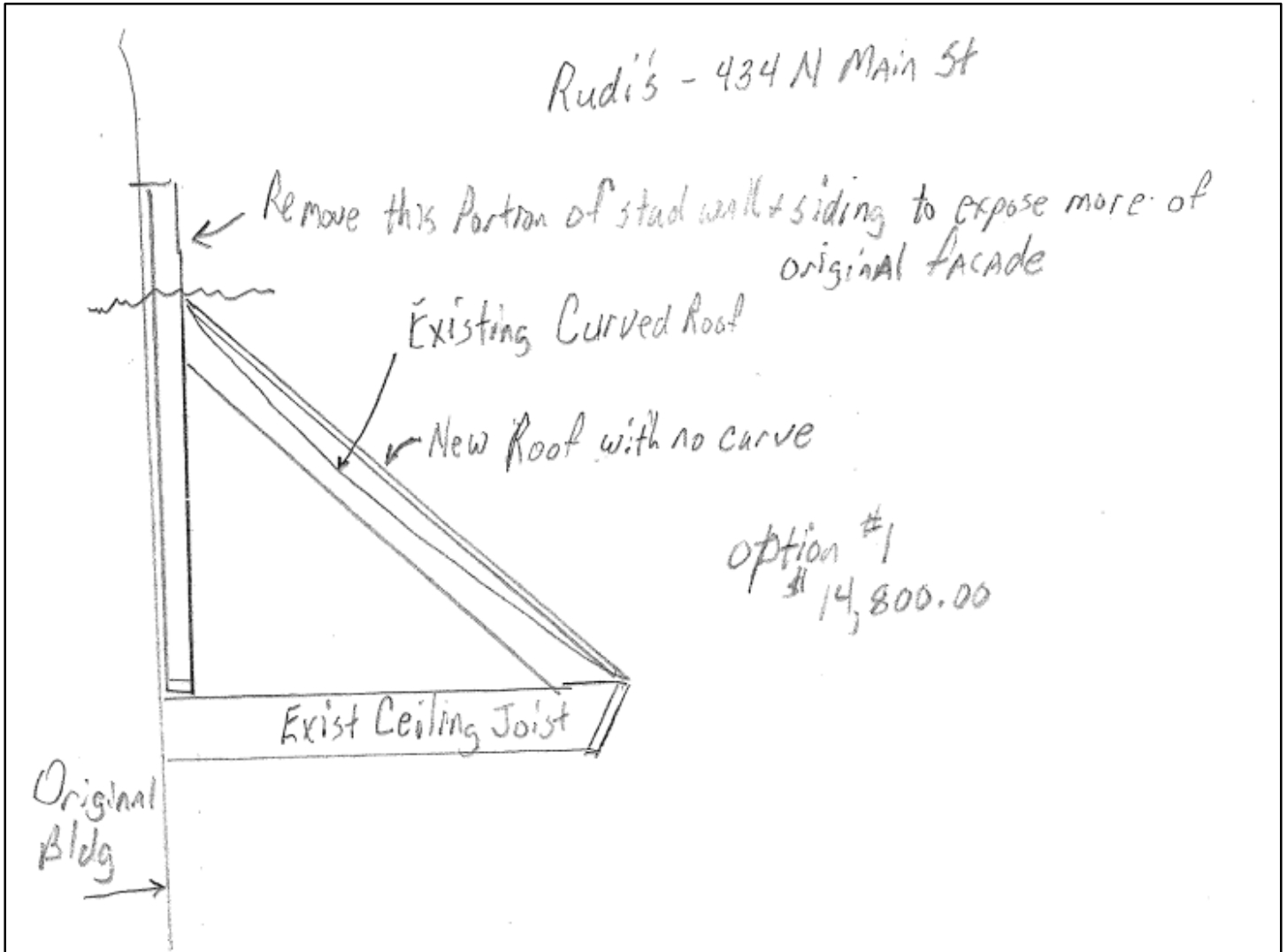
WeatherSafe® >

### WeatherSafe®

Ideal for roof, wall and canop

Examples of proposed exposed fastener roof panels to replace existing cedar shake shingles provided by Applicant.



PROPOSED DESIGN AND QUOTE

## DESIGN GUIDELINES CRITERIA

The proposed addition is governed by the *Hendersonville Historic Preservation Commission Main Street Design Standards*, which is applied to the City's Main Street Historic Districts and Landmarks. The following sections are applicable to the proposed Certificate of Appropriateness application:

### **Section 2.1 Awning Guidelines**

**Sec. 2.1.8** - Awnings should be made of cloth or other woven fabric such as canvas or acrylic. Metal awnings are generally not appropriate, but can be used in some instances if they are compatible with the historic character of the building. Vinyl or plastic awnings are not appropriate.

**Sec. 2.1.9** - Base the design of new awnings on historic documentation of the building or examples from buildings of similar style and age. Awnings for new buildings should be of similar materials, size, and scale of that commonly found in the historic district.

**Sec. 2.1.10** - Mount awnings in a manner that does not obscure or damage historic architectural features of the building. Awnings should be placed appropriately above the transom and projecting over individual window or door openings. They should fit within the window or door opening. A continuous awning is not appropriate.

**Sec. 2.1.12** - Select awning colors that are appropriate to the design of the building.

### **Section 3.1 Storefront Guidelines**

**Sec. 3.1.3** - Whenever repairing or renovating, it is recommended that any non-historic storefront or façade treatments including metal cladding or other non-historic alteration be removed.

**Sec. 3.1.7** - Where original or early storefronts no longer exist or are too deteriorated to save, retain the commercial character of the building through contemporary design which is compatible with the scale, design, materials, color and texture of the historic buildings.

**Section 3.8 Artificial Materials** - The following guidelines apply to the use of artificial materials on contributing or non-contributing properties:

**Sec. 3.8.1** - Artificial materials are not appropriate on buildings on contributing properties. Existing artificial materials on contributing properties should be replaced with traditional materials.

**Sec. 3.8.2** - Replace windows, doors, siding, trim and other exterior materials on non-contributing structures in-kind.

## EXHIBITS

- Exhibit A – Application
- Exhibit B – Henderson County Property Records
- Exhibit C – Design Options and Quotes



APPLICATION FOR A  
CERTIFICATE OF APPROPRIATENESS PERMIT

100 N. King Street ~ Hendersonville, NC ~ 28792

Phone (828)697-3010 ~ Fax (828) 698-6185

www.hendersonvillenc.gov

**HENDERSONVILLE HISTORIC PRESERVATION COMMISSION**

The following are required to constitute a complete application:

~ This form including the property owner's signature.

~ Attachments such as sketches, photos, site plan, etc., necessary to clearly explain the project.

Date

1-27-2022

Local District/Landmark

Main Street

Address of Property

434 N Main Street

Property Owner: Name

RUDOLF HAUG

Address

434 N. MAIN ST. H/VILLE, NC 28792

Day Phone

828-606-5768

Contact Name (if other than owner)

Dennis Dunlap

Address

720 B Grove Street Hendersonville NC 28792

Phone

828-388-0859

Details of proposed work: (attach additional papers if needed).

Remove wood shingles from front Awning - Install new metal roof And new metal over existing wood siding

Attachments:



Photographs



Sketch



Site Plan (required for new construction)



Commercial samples



Commercial brochures

The burden of proof is on the applicant to prove the proposed work is in keeping with the historical character of the historic district. Please list specific reference(s) in the **Design Guidelines** that support your application.

I, the undersigned, certify that all information in this application and in any attachments thereto is accurate to the best of my knowledge. Furthermore, I understand that should a certificate of appropriateness be issued, such certificate will be valid for a period of six months from the date of issuance. Failure to procure a building permit within that period will be considered as failure to comply with the certificate, and the certificate will become invalid. If a building permit is not required, the authorized work must be completed within six months. Certificates can be extended for six months by requesting an extension in writing prior to their expiration from the Commission Coordinator.

Owner's  
Signature

*[Handwritten Signature]*

Owner's  
Signature









Item D.







033823

STATE OF  
NORTH  
CAROLINA



Real Estate  
Excise Tax

50.00

MAY 13 '81

FB 10749

129

Filed and recorded in the Register of Deeds Office for  
Henderson County, N. C. this 12 day of May, 1981  
at 12:10 o'clock P.M. in Book 601 at page 129

Rudolph H. Haug  
Register of Deeds

By Gladys Simpson  
Assess

50.00

Excise Tax

O.K.  
E.V.

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to James C. Coleman, Attorney at Law

317 Washington Street, Suite 7, Hendersonville, NC 28739

This instrument was prepared by James C. Coleman, Attorney at Law

Brief description for the Index

North Main Street

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th day of May, 1981, by and between

GRANTOR

NAOMI HARTNETT and husband, E. E. HARTNETT

GRANTEE

RUDOLF H. HAUG and wife, VALERIE W. HAUG  
432 North Main Street  
Hendersonville, NC 28739

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Hendersonville, Hendersonville Township,

Henderson County, North Carolina and more particularly described as follows:

BEGINNING at a point in the western margin of Edwards Alley, said beginning point being the Northeasternmost corner of that property conveyed to E. E. Hartnett and wife, Naomi Hartnett from Star Theatres, Inc. by deed recorded in Deed Book 382 at Page 549, Henderson County Registry; thence from said beginning point and with the western margin of Edwards Alley, South 08 deg. 48 min. 43 sec. East 27.37 ft. to the middle of a wall; thence down and with the center of the wall, South 81 deg. 23 min. 37 sec. West 130.73 ft. (still in the middle of the wall) to a point in the eastern margin of Main Street; thence with the eastern margin of Main Street, North 08 deg. 06 min. 11 sec. West 27.37 ft. to the corner of a building, said corner being a joint corner between two walls, said corner also standing South 08 deg. 06 min. 11 sec. East 56.50 ft. from the intersection of the east margin of Main Street and the southern margin of Fifth Avenue West; thence with the wall of the building herein conveyed, North 81 deg. 23 min. 37 sec. East 130.37 ft. to the point and place of BEGINNING and containing .08 acres according to a survey thereof prepared by Jon Laughter, RLS, in May of 1981.

The above described property is a portion of that property conveyed to E. E. Hartnett and wife, Naomi Hartnett by deed recorded in Deed Book 382 at Page 549, Henderson County Registry, and it is agreed that the party wall running with the southern margin of the property conveyed shall be and remain a party wall, and the two owners agree to maintain the wall with each being responsible for their prorata share of the maintenance of the wall.

(Continued on Reverse Side)



There is also conveyed hereby a perpetual easement or right-of-way into and over that certain 20 ft. alley situated to the east of the above described premises leading from Fifth Avenue with the free right of ingress and egress at all times in and through said alley to the premises herein granted. This alley sometimes being known as Edwards Alley or Edwards Street.

The property hereinabove described was acquired by Grantor by instrument recorded in .....  
 Deed Book 428 at Page 115, Henderson County Registry.

A map showing the above described property is recorded in Plat Book ..... page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....  
 (Corporate Name)

By: .....

..... President

ATTEST:

.....

..... Secretary (Corporate Seal)

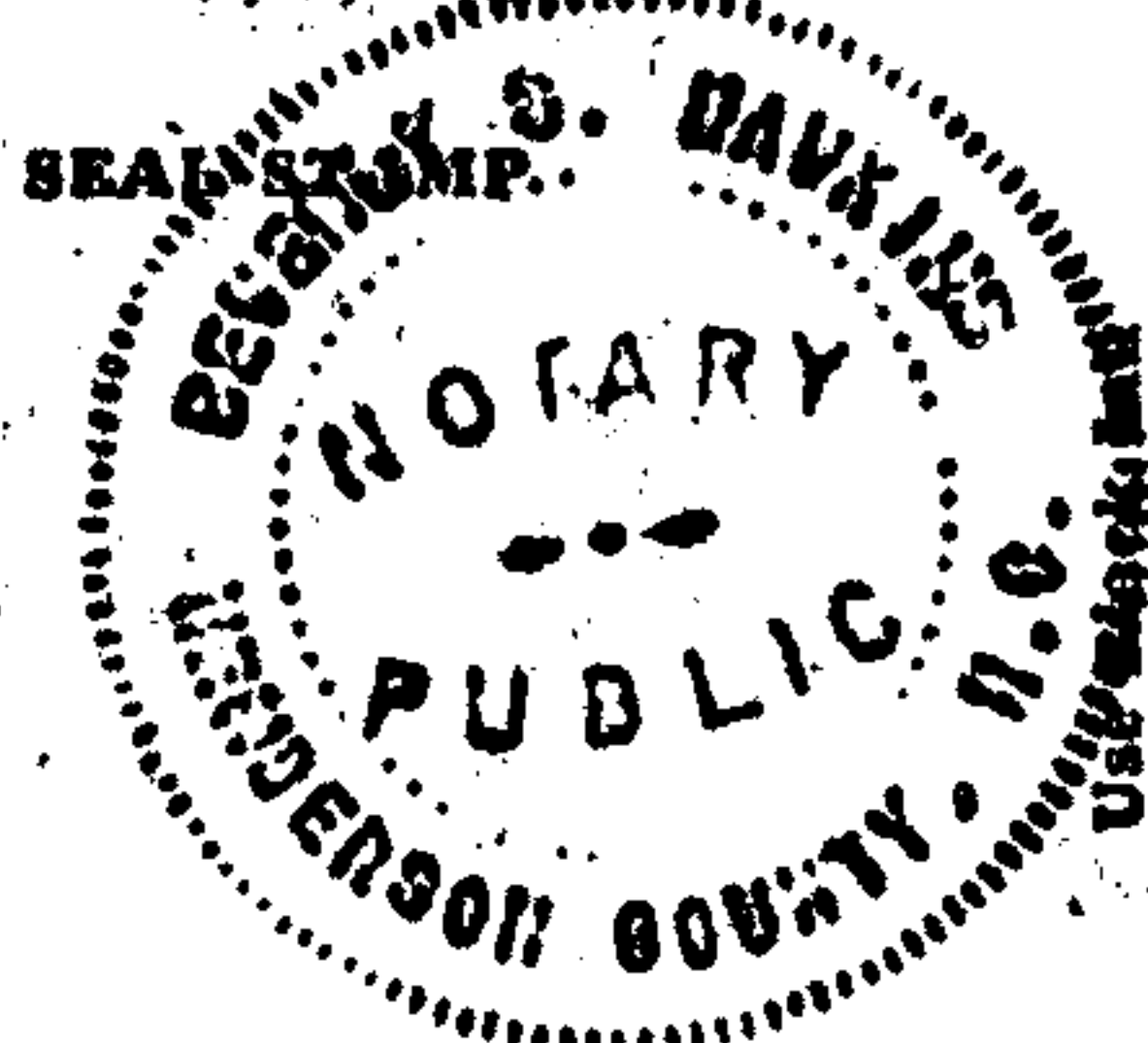
USE BLACK INK ONLY

*Naomi Hartnett* ..... (SEAL)  
 Naomi Hartnett

*E. E. Hartnett* ..... (SEAL)  
 E. E. Hartnett

..... (SEAL)

..... (SEAL)



NORTH CAROLINA, ..... Henderson ..... County.

I, a Notary Public of the County and State aforesaid, certify that .....  
 Naomi Hartnett and husband, E. E. Hartnett ..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of May, 1981.

My Commission Expires April 12, 1984  
 My commission expires: ..... Beverly S. Hawkins ..... Notary Public

SEAL-STAMP

NORTH CAROLINA, ..... County.

I, a Notary Public of the County and State aforesaid, certify that .....

personally came before me this day and acknowledged that ..... he is ..... Secretary of

..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by ..... as its ..... Secretary.

Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....  
*Beverly S. Hawkins*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

*Ruby H. Maxwell* ..... REGISTER OF DEEDS FOR ..... Henderson ..... COUNTY

By *Shady Simpson* ..... Deputy Assistant - Register of Deeds

Rudi's - 434 N Main St

Item D.

