



CITY OF HENDERSONVILLE
HISTORIC PRESERVATION COMMISSION
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Wednesday, December 21, 2022 – 5:00 PM

AGENDA

1. **CALL TO ORDER**
2. **PUBLIC COMMENT**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
 - A. Minutes of November 16, 2022
5. **OTHER BUSINESS**
 - A. Update on Staff Approved COA's - Alexandra Hunt, Planner I
6. **OLD BUSINESS**
 - A. Approval of Findings of Fact H22-82-COA
 - B. Approval of Findings of Fact H22-83-COA
7. **NEW BUSINESS**
 - A. 118 5th Ave W. – Addition of Storefront Entry Door & Windows
(H22-106-COA) – *Alexandra Hunt / Planner I*
 - B. 1304 Hyman Ave. – Replacement of Existing Windows
(H22-105-COA) – *Alexandra Hunt / Planner I*
8. **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 Meeting of November 16, 2022

Commissioners Present: Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Crystal Cauley, Chris Battista, Jim Boyd, Jane Branigan and Anthony Baltiero

Commissioners Absent:

Staff Present: Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney, Jaime Carpenter, Downtown Manager

- I **Call to Order.** Chair called the regular meeting of the Hendersonville Historic Preservation Commission to order at 5:02 pm.
- II **Public Comment.** There was no public comment.
- III **Agenda.** Chair stated they need to amend Item 5C which will be moved to Item 5A, with A moving down to B and B moving down to C. A motion was made by Commissioner Battista and seconded by Commissioner Hammond-Green to approve the amended agenda.
- IV **Minutes.** On motion of Commissioner Hammond-Green and seconded by Commissioner Battista the minutes of the meeting of October 19, 2022 were approved.
- V **New Business**
 - V(A) Alexandra Hunt, Planner stated Item 5A was a Certificate of Appropriateness for 412 N. Main Street for the front façade, but that application was withdrawn earlier today. The applicant (Kingdom Harvest) has removed the façade and sign, so they are in compliance. The Commission had denied the previous application back in April. They intend to get a custom sign made and they will not be doing any work to the façade. They will apply for the appropriate sign permits. Any type of repairs to the stucco will be discussed with staff if any are needed. Staff verified this morning that the sign and façade have been removed and the stucco underneath was not as bad as previously indicated.
 - V(B) **Certificate of Appropriateness,** Lelia White, 921 N. Main Street (File No. H22-082-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 stated City is in receipt of a Certificate of Appropriateness application from Lelia White for the replacement of the entry door at the subject property located at 921 N. Main Street. (PIN 9569-70-3922)

The subject property is .23 acres and is zoned R-6, High Density Residential and is located in the Hyman Heights Historic District. This COA application is considered a Major Work.

A vicinity map was shown, subject property located in green.

An aerial view was shown of the vicinity.

A subject property is a contributing building that was constructed sometime between 1924 and 1937. It is described as having three-vertical-over one windows and four-vertical-lights-over panel entry door.

Ms. Hunt gave a summary of the past COA approvals which is included in the staff report.

Photos were shown of the property's existing conditions. Those are also included in the staff report.

The applicant provided more detailed images and information as it pertains to the condition of the existing door that is included in the staff report.

The applicant has indicated that she would paint the door to match the color of the existing door and that a carpenter will make removable wood muntins to create the four-vertical-lights-over panel design.

Included in the staff report is also various quotes the applicant has provided with estimates for a custom door as well as information about the possibility of restoring the existing door. This is included in the staff report as Exhibits D and E.

The applicant is present.

The Design Standards that pertain to this application were shown and included in the staff report.

Chair asked if there were any questions for staff.

The Commission asked about the proposed door. Ms. Hunt stated it was a shaker style door which was already purchased but has not been installed. The original door is still in place. She went through a lengthy process to see if the existing door could be restored and also obtained quotes on custom doors. There were also foundation issues they were working through. This has been laid out in the letter.

The Commission discussed the panels of the door.

There were not any further questions for staff.

Chair asked if the applicant to come address the Commission.

Lelia White, 921 N. Main Street stated they are extremely happy to be In Hendersonville. They picked

the historical area because they love older homes. They have done work on the foundation which is sinking. She explained how termites were eating away at the wood on the foundation. They still need to change the door and level the foundation. Chair asked when this door goes in, they will not have to replace or do repair work to the entry part. Ms. White stated it would be level, but the entry porch is sinking so they will need to address that. Once they changed the wood beams on the foundation the door could not be closed all the way because the house was lifted. Now they are able to tweak it with the beams and the support beams. It still scrapes and little but once it settles it should be fine. After the door is installed, they will take care of the patio.

Commissioner Welter asked if there were any other options, and he does realize they have already purchased the door. Ms. White stated she was unaware that she needed a permit when she purchased the door, but she tried to get a door as similar to the existing one as she could find. She got quotes for refinishing the door and they were extremely pricey. Repairing the door and making a new door was four or five times more than this door that she purchased. They placed the order for the door in April and the door came four months later. The door was incorrect and had to be corrected and then she received a letter about following the rules of the historic community. That is when Ms. Hunt educated her about the process. She has spent so much money with the foundation of the house and plumbing in the house, it is hard to spend another \$10,000 for the installation of a door. They have spent over \$50,000 on the house already.

Chair asked if this proposed door looks like wood or fiberglass. Ms. White stated the elements of the door will hold up much better than a wood door. The hope is that when she paints the door the same color as the existing one, from afar you cannot tell what material it is. It will look a little different, but she is willing to do the moldings to make it look like it should look. She has not seen the door yet. It is still in the warehouse of the door company. The door that was incorrect did not look cheap. It was not a cheap Home Depot style door. It does not look like wood, but she is hoping when she paints it, it will have the same red and a similar look to the existing door. The moldings will need to be redone and they will match. She explained the termite damage and the damage to the existing door.

Commissioner Welter asked if she had considered any half-light doors. Ms. White stated when she purchased the door, she was unaware of the rules that she needed to follow. If she has to purchase another one, then she will have to purchase it, but she will be out again another \$2,000. She stated she is at the Commission's mercy. They do respect the rules and they do want to follow them. She was unaware of the rules at the time, and she purchased the door to match the windows.

Chair discussed the guidelines stating to replace "in-kind" to match the original. Substitute materials can be used but only when original is not feasible. Chair asked if Ms. White was saying using a wooden door is not technically feasible. Ms. White stated it is feasible, but it is just going to be four times as much. She did get a quote for a custom-made wood door and the prices were much higher than a manufactured door. Some carpenters could not see her until next year. She has about an inch gap of opening that she has been trying to patch. She could have a custom door made but it would cost her much more than she wanted to spend, and she prioritized their budget on the foundation and the plumbing and things the house truly needed to be able to be lived in.

Chair asked if there were any other doors in that area that are fiberglass. How many and how close to hers? Ms. White stated she walked Hyman Heights and looked and had asked Ms. Hunt if she needed to take photos of other doors that have been replaced without the proper permits and Ms. Hunt told her

no. Chair explained the statute stating “shall” which means “must” and so the statute is that you replace deteriorating with “like” materials unless it is technically not feasible to do so. The testimony is that it is technically feasible, and they are talking about a financial hardship which is not a consideration of the statute. If there were other fiberglass doors in the neighborhood that would show that maybe this is not so incompatible. That would be another consideration. Ms. White stated she definitely could provide the Commission with photos and addresses. Chair asked if she could estimate off the top of her head how many are close by. Ms. White stated when taking a drive, she spotted two or three newer style doors on the road behind her property. Commissioner Battista asked if they were in the district. Ms. White stated yes. She stated the homes were on Patton Street and on Oakland Street. Ms. Hunt stated the home directly behind Ms. White on Patton Street was previously approved to be demolished but never was. Chair stated the concern is that she has to follow the statute and that is unfortunate in situations like these because the Commission realizes what she has tried to do to repair the home to make it right and do it right.

Ms White stated there is a safety aspect too with the front door. She is the first house on North Main Street and just last week there was a guy sitting in front of her lawn and he came towards the front of her home and she told him she would call the police. They have had some riff-raff coming around and she feels like a new door needs to be in place. Chair stated technically for feasibility it will be another year before she could get a custom door and there is a security aspect with the door. Ms. White stated yes and that is if she could find someone to commit to making the door.

Chair stated the Commission needs to discuss and figure out if it is feasible for her to have a custom door made when there is a security factor with having a new door in place now verses having to wait to have a custom door made.

Chair asked if anyone had any further questions for the applicant. There were no further questions.

Chair asked if there was anyone else that would like to speak. When no one spoke, Chair closed the public hearing.

Commissioner Welter would tend to agree with her since they recently replaced a door to the rear of their house and was more expensive and it took longer than expected. He stated wood was an option for some of those that you could order off the shelf. Chair discussed a wood door being feasible and if the fiberglass door would be in keeping with the character of the historic district. Chair stated this is a unique property as it is contributing, and the original door is still there.

Commissioner Welter acknowledged there is a safety concern. He was very concerned with how that garage had gotten torn down. He is inclined with the safety concerns, the ability to get the materials, winter coming on. He does not want to set a precedent.

The Commission discussed the windows getting changed too outside of the guidelines.

Chair stated the statute does state to replace in kind and the original door is still there so the only way to get around that is if there is enough evidence presented that it is technically not feasible to replace it with a wood door.

Discussion was made on the replacement of the door and the door frame being replaced due to termite damage.

Chair reopened the public hearing.

Chair stated she knows Ms. White has paid for the door sitting at the warehouse, is there a chance the manufacturer would give her a credit towards a wooden door? Ms. White stated she truly did not know she was in a historic district because her house and the one next door sits separately from the district. They feel like they are more towards the commercial space than in the neighborhood. The first door was delivered in April, and it took them four months to deliver the wrong door and that is when she received the letter and as soon as she received the letter and then she knew she had a problem and thought maybe she could return the door or switch the door and the manufacturer said no. They made a mistake but if she returns the door, she will lose her money. She tried to fight it and consider something else. Then she thought maybe she could repair it but the three people she contacted came and said they did not want to touch this door. They could make a new door but because of the damage to the existing door and the casing, they could not promise the existing door would fit back in place correctly. No one recommended refinishing the existing door so it would be buying a new door, keeping what she has or making one from scratch which would be the most expensive way to go.

Ms. White stated the door frame would be replaced due to damage and it would be replaced with wood. She stated she is willing to go back and replace the wood panels on the windows that have been removed.

Chair closed the public hearing.

The Commission discussed their concerns with replacing the original door with "in-kind". They could also understand the situation. They discussed the look of the door and the door being fiberglass and having other options looked at. Chair's concern was if the Commission is going to approve a new material, then it should at least look like what is currently there. The design and the material are both different. It was stated that the existing door is the original door from 1924. The Commission felt like this door was not salvageable. They are sympathetic to the issues and not finding out the rules until after the fact, but the rules are the rules and Commission Welter stated that would be a half-light door with four panels over and you can order that style door at GBS from his experience over the past year. Those can be ordered in wood and when he ordered it, it took six months to get it. The concern is will that door last but that is not what the Commission is concerned with. These doors can be ordered. Discussion was made on finding an appropriate door. There are other options that are feasible. They discussed the demolition of the garage and the windows being changed. Commissioner Welter was unsure if any doors in the Hyman Heights District were actually fiberglass.

Daniel Heyman, Staff Attorney stated staff's position is legally a decision on a COA does not create a legal precedent. There might be some equitable consideration that you all take into account but there is no legal precedent set when you decide on a COA, they all stand on their own on their facts. So, it should be based on the facts of this particular application and made by each member impartially. This application stands on its own and it is not a legal precedent. Each application stands on its own but recognizing there is some consideration on equity when you make decisions like this. That is staff's position on the issue.

Mr. Heyman stated if you voted on a hypothetical COA and you voted to approve it and a later applicant came and pointed to that as a legal argument, that legal argument would hold no water to that, it could just be dismissed. That is not relevant. It would be relevant to the extent of is it compatible with the neighborhood. Again, each application stands on their own.

Commissioner Welter stated he is more concerned with the design of the door than the material it is made with. Chair stated they either approve this door or tell her to get a different door and if they tell her to get a different door, that door could be wood. It is all about feasibility. She has already gotten this door and has agreed to change it to make it more compatible with the style of the existing door. It is not a perfect match. They have talked about the statute it is 3.7.6, she is going to call a vote. There was a split vote.

Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in File # H22-082-COA and located within the Hyman Heights 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: The proposed entry door replacement does not match the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing and materials. Commissioner Hammond-Green seconded the motion which passed 5 in favor of and 2 opposed (Commissioner Baltiero and Commissioner Boyd). The application was denied.

V(C) **Certificate of Appropriateness**, Melissa Wilkinson, 1109 N. Main Street (File No. H22-083-COA).

Chair opened the public hearing.

Ms. Hunt stated staff is in receipt of an after the fact Certificate of Appropriateness application from Melissa Wilkinson for the addition of a metal roof and painting the exterior brick. It should be noted that the applicant replaced the gutters/downspouts as noted in the COA application. Installation of gutters and downspouts is permitted as normal maintenance if the color matches the house trim. Here, the applicant's house trim is white, and the gutters are black and therefore should be considered as a Major Work for the purpose of this hearing. The subject property is located at 1109 N. Main Street (PIN 9569-71-5665). It is approximately .27 acres and is zoned R-6, High Density Residential and is located in the Hyman Heights Historic District. This COA application is considered a Major Work according to the standards of the Residential Historic District Design Standards.

A vicinity map was shown, subject property located in green.

An aerial view was shown with the parcel outlined in red. The parcels across the street are not located in the Hyman heights Historic District.

A history of the subject property was given and is included in the staff report.

Ms. Hunt explained the existing conditions of the subject property. The metal roof is gray in color which is similar to the color of the shingled roof and is similar in scale. There are two paint marks one by the door and under the window that were done by the applicant prior to her receiving notice that a COA application was needed. Staff identified homes with painted brick veneer specifically along Patton

Street, Highland Avenue, Hyman Avenue and N. Main Street and verified that the painted brick veneer existed at the time the survey was conducted for designation of the historic district. Staff also identified one other home in the district with a modern metal roof without COA approval and the property owner was sent a notice of violation.

The Design Standards that pertain to this application were shown and included in the staff report.

Chair asked if there were any questions for staff. Commissioner Hammond-Green asked if there were any other standing ridge metal roofs in the district. Ms. Hunt stated no, the one that was discovered was off of Hyman Avenue and it did not have a file and there was no COA application. They walked the district and that was the only one that staff identified at that time. Discussion was made on there being no standing metal roofs in any of the districts. Ms. Hunt stated she did not do a complete inventory of all the districts.

Ms. Hunt stated questions about the applicant's reasoning for the roof can be directed to the applicant who is in attendance.

Chair asked about it being asphalt shingles and if staff knew if it was previously asphalt. Ms. Hunt stated staff went off the survey that was done and it was not indicated in the description. The photo that is on the HPC website from the survey that was done in 1994/1995, it appears to be shingled.

Matt Manley, Planning Manager stated it appears that the fascia is the same color as the roof. You have white trim, gray fascia and black gutters and downspouts. He wanted to point that out.

There were no further questions for staff.

Melissa Wilkinson, 1109 N. Main Street stated she has lived here for 12 years. Chair asked what lead her to do a metal roof instead of what was there. Ms. Wilkinson stated finances and she had no idea there was a historic district regulation. She is a single mom and grandmother, and this is her first home. Chair stated she has been there 12 years and didn't know. Ms. Wilkinson stated she has been there 12 years and there is Hyman Heights next door and back and if you go along Main Street it stops. There is a metal roof on N. Main Street and Elizabeth and one inside there. She did not know she was part of the Hyman Heights or that she needed to participate in that. When she purchased her home and if you Zillow it, it does not say anything about her home being in a historic district. But the next one and the one down clearly state they are in a historic district. She had hopes of painting the whole house. She has no desire to look like the neighbor. She did not know she was in a historic district, and she has lived there for 12 years. She loves her little house but from the day she bought it her goal was to one day paint it. The metal came in as an option because when she was finally able to refinance her house, she pulled out enough money to get a new roof. She had to deal with water in the basement and had several estimates on if the foundation needed to be repaired. She took what money equity wise out of her home to secure that house for her and her family. It was estimated that the basement wasn't as much of a problem as the roof and gutters were. It was an economical choice and was right at \$9,000 for an asphalt roof. She understands their position, but this was already done after she received the letter from Ms. Hunt. Chair asked what the metal roof was. Ms. Wilkinson stated \$9,500. Chair stated so she paid more for a metal roof. Ms. Wilkinson stated for a metal roof that is essentially indestructible as compared to an asphalt. It is almost the exact same as far as standards with the color. Her neighbor who is 94 years old said that her roof had been replaced at least one time. The big tree in her front yard

had been dropping limbs and damaged her gutters. She explained needing larger gutters for her type of house for her rain-off. Her intent wasn't to leave the rest of the trim white. She wanted her house to sort of look different. She stated she did not know about the requirements for the historic district, and she gets information from the city all the time but that was not one of the things she received. Chair stated she understands but they need to figure out what has been done and how they will deal with it.

Ms. Wilkinson stated once Ms. Hunt told her about this, she knew she could not un-do the material but thought how can she improve the aesthetics or minimize what may be obvious to some as a metal roof. She had to spend \$800 to get a tree removed that the state trimmed and caused to deteriorate. She has since planted a tree and a bush.

Chair asked if there was a way to change the color of the gutters. Ms. Wilkinson stated she can't because she does not have the ability to. She doesn't have the financial resource and she can't paint anymore. She painted the backside of her house. She was told no one cares about the backside. She painted that brick herself, years ago. She is 63 and she is doing the best she can.

Chair stated they have statutes and ordinances they have to uphold. She can read them to her but none of that is compliant. Ms. Wilkinson stated she knows; she has since learned. Chair stated the gutters are not compliant now. If they were white and matched the trim, which is what the statute says. Ms. Wilkinson stated these were special ordered, you can't paint over metal very easily. Chair stated she is telling her what the statute and the ordinance says, the burden is on her as the applicant, so she has to help them some way. Right now, it is not compliant so they need to find a way to fix that. They need to find a way to address the gutters. Ms. Wilkinson asked what their suggestion would be for the gutters. She doesn't know anything else to do besides paint them. She could try to paint them.

The Commission discussed painting unpainted brick and how there are no newly painted brick houses in the area. Chair stated unpainted brick could not be painted.

Commissioner Welter stated they are trying to find a way to work with her with minimal impact. Ms. Wilkinson stated she would be glad to try and paint the gutters. She discussed having someone paint the gutters if she had painted the house, they could have painted the gutters to match also. Chair stated if they could paint the gutters to match then the gutters could be painted white. Ms. Wilkinson stated the painters could have done this, but she can't paint the gutters. This was part of what they said they could do. Chair asked if she was going to hire someone to paint the house. Ms. Wilkinson stated absolutely. Chair stated so she had money to hire someone to paint the house, but you can't paint the gutters. Ms. Wilkinson stated she did have. She purchased the roof right at \$11,000 with the roof and the gutters and the trim. Chair asked if she put the paint swatch on before she did the roof. Ms. Wilkinson stated no, it was after the roof and was all to be done one right after the other. If she was going to paint the house, it was timely. Three months later and he hasn't answered any of her calls. She would have to find a new painter if she needs to paint the gutters. This has taken so long that the money is just gone.

Commissioner Battista asked when did she make this application. Ms. Wilkinson stated August 29th. She contacted Ms. Hunt as soon as she got the notice in the mail.

Commissioner Welter stated so toady she is just asking for them to approve the metal roof and the gutters. Ms. Wilkinson stated yes, and she will fix the gutters. He stated if the gutters were white, it

would be more compatible.

Chair read the statute pertaining to the roof. She stated the roof should be replaced with in-kind materials and only consider other materials if in-kind is technically not feasible. Ms. Wilkinson stated it is not feasible as far as the color of the asphalt shingle. The color she wanted would take four months. She needed to get that work done then because it was compromising her basement. She has two to three inches of water that she would have to pump out. She was looking for a dark gray shingle which was way on back order. Chair stated so she moved forward with the metal roof because it was not technically feasible to get the asphalt roof in time to stop the water that was going into the basement and repair the damage to the roof and eaves. Ms. Wilkinson stated correct.

The roof was replaced before August 29th. It was recent. She refinanced her house in May to do this work.

Discussion was made on the metal wrap and the termite damage.

Chair asked if anyone had any further questions for the applicant. There were no further questions.

Chair asked if there was anyone else that would like to speak. When no one spoke, Chair closed the public hearing.

The Commission discussed the applicant's testimony.

Chair reopened the public hearing.

Chair asked if they deny the roof part, would she have to take it off or appeal. Mr. Heyman stated if there was something that was done in violation of a city ordinance or a state statute, the city would follow the normal enforcement procedure. There are a number of ways you can enforce when somebody does work without a COA under the city ordinance. The penalties available are petitioning the court for an injunction or order of abatement, civil penalties. Those are the options, but they would have to go through the normal enforcement procedure. There is also the possibility that it doesn't get enforced. He wasn't talking about this one but just in general.

Mr. Heyman stated an appeal of the Commission's decision would go to Superior Court. An appeal of an enforcement issue would have another route. The approval of a COA does not create a legal precedent. This is staff's position. He is not saying someone won't come to you and say that, but it is not a valid legal argument. As long as the Commission's decision was properly made that is staff's position and he is not giving the Commission legal advice, he is just stating staff's position.

Chair closed the public hearing.

The Commission discussed the metal roof and not knowing if it was previously asphalt. The trim was also discussed. They discussed repainting the gutters. The painting of the brick has been withdrawn. The Commission discussed someone not knowing they live in the historic district. Materials were also discussed pertaining to the asphalt shingles and the metal. They discussed denial of the application and enforcement.

Chair reopened the public hearing.

Chair asked if they could do an approval with conditions. Mr. Heyman stated yes, with reasonable conditions.

Chair asked Ms. Wilkinson if the Commission votes on the roof for it to stay, would she agree as a condition of the approval would she be willing to paint the downspouts and the gutters, so that the white trim would match what was there before. Ms. Wilkinson stated yes. Chair stated just to confirm, Ms. Wilkinson is withdrawing the request for painting the exterior brick. Ms. Wilkinson stated yes. Chair stated this application is only for the roof and the gutters and downspouts.

Chair closed the public hearing.

Commissioner Baltiero moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in File # H22-083-COA and located within the Hyman Heights 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 (Residential) for the following reasons: The addition of the metal roof matches the original in scale and color of the building. Consider compatible substitute materials only is using the original material is not technically feasible which they decided was not. Also, with the caveat that the applicant will paint the gutters and downspouts to match the original trim, which was white, and that the application is amended to remove the proposal to paint the exterior brick.

Prior to seconding the motion, Mr. Manley discussed with Chair the fascia and the dormers being gray and there currently being three different colors on the house. Chair reopened the public hearing. Ms. Wilkinson stated the trim above the dormer is gray metal. The dormer is white and can stay white. The metal in that peak protects the wood and that wrap cannot be painted. The peak of the dormer is metal. Chair asked if she would agree to paint the white on the dormer. Ms. Wilkinson stated she would be glad to see if that could be done. The Commission and staff discussed approving the painting of the metal if practical. Chair closed the public hearing.

Commissioner Baltiero amended the motion to include repainting the dormer on the door and the dormer on the house that is currently wrapped in gray metal, if practical will be made white to match the trim. Commissioner Hammond-Green seconded the motion which passed unanimously.

VI Old Business.

VI(A) Approval of Findings of Fact – 1401 Highland Avenue – H22-059-COA

VI(B) Approval of Findings of Fact – 434 N. Main Street – H22-090-COA.

Commissioner Welter moved to approve the Findings of Fact for 1401 Highland Avenue and 434 N. Main Street as written. Commissioner Baltiero seconded the motion which passed unanimously.

Discussion was made on working with Henderson County concerning demolition of properties in the historic district.

VII ***Adjournment.*** The Chair adjourned the meeting at 7:10 p.m.

Chair

DRAFT

**STATE OF NORTH CAROLINA
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE
HISTORIC PRESERVATION COMMISSION
FILE NO. H22-82-COA**

**IN RE THE APPLICATION OF
LEILA WHITE FOR
A CERTIFICATE OF
APPROPRIATENESS
PIN 9569-70-3922**

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

This matter came before the Hendersonville Historic Preservation Commission on November 16, 2022 for a quasi-judicial hearing on the application of Leila White for a certificate of appropriateness for a property located at 921 N Main St, Hendersonville, NC, Hyman Heights Historic District, Hendersonville, PIN 9569-70-3922 (“Subject Property”) for the replacement of the front entry door, with the application being dated August 29, 2022.

The subject property is referred to as the John W. Farmer House and is identified as a contributing property in the Hyman Heights designation report.

The file was submitted into the record. In addition, Alexandra Hunt, Planner and Leila White, applicant/property owner testified and/or presented evidence, after first being duly sworn.

Issues

The Historic Preservation Commission’s adopted Residential Historic District 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 replacement of the entry door as requested in the application.

Section 2.7 of the Residential Historic District Design Standards provides, in pertinent part, that:

3.7 Windows and Doors

Sec. 3.7.1 - Retain and preserve windows that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, sash, muntins, sills, heads, moldings, surrounds, hardware, shutters, and blinds.

Sec. 3.7.2 - Retain and preserve doors that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, glazing, panels, sidelights, fanlights, surrounds, thresholds, and hardware.

Sec. 3.7.6 - If replacement of a deteriorated window or door unit is necessary, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible.

Sec. 3.7.15 - It is not appropriate to use snap-in muntins to create a false divided-light appearance.

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 921 N Main Street, Hendersonville.
2. The Subject Property is situated within the Hyman Heights Historic District
3. The Subject Property is listed as contributing in the Hyman Heights Local Designation Report.
4. The Subject Property was constructed circa 1924-1937 and is known as the John W. Farmer house, according to Historic Preservation Commission records.
5. Applicant has requested a Certificate of Appropriateness for the replacement of the existing wood entry door with a fiberglass door.
6. The applicant has proposed a door that is a similar style with removable muntins.
7. The existing wood door has deteriorated due to age and termite damage.
8. Three contractors contacted by the applicant stated that they could not repair the existing door due to the deterioration.
9. The applicant received quotes for wood doors in a similar style that were more expensive than the proposed fiberglass door.
10. The door frame is also proposed to be replaced and/or repaired with wood.
11. The proposed addition is **incongruous** with the Hyman Heights Historic District because it fails to meet the following Design Standards:
 - a. **Sec. 3.7.6** – The proposed replacement door does not match the existing door in kind because it uses a different material and pane configuration. Use of wood is technically feasible.
 - b. **Sec. 3.7.15** – Snap-in muntins have been proposed.

CONCLUSIONS OF LAW

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

The replacement of the existing wood door with a fiberglass door as proposed, and with the representations made by the applicant at the hearing, is **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 **denied**.

DECISION

For the above reasons, the application for a certificate of appropriateness is **denied**.

Done this 21st day of December, 2022.

Chair

**STATE OF NORTH CAROLINA
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE
HISTORIC PRESERVATION COMMISSION
FILE NO. H22-83-COA**

**IN RE THE APPLICATION OF
MELISSA WILKINSON FOR
A CERTIFICATE OF
APPROPRIATENESS
PIN 9569-71-5665**

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

This matter came before the Hendersonville Historic Preservation Commission on November 16, 2022 for a quasi-judicial hearing on the application of Melissa Wilkinson for a certificate of appropriateness for a property located at 1109 N Main St, Hendersonville, NC, Hyman Heights Historic District, Hendersonville, PIN 9569-71-5665 (“Subject Property”) for the addition of a metal roof, painting of the exterior of the brick, and the addition of gutters that do not match the trim color of the house..

The subject property is referred to as the Robert McMinn house and is identified as a contributing property in the Hyman Heights designation report.

The file was submitted into the record. In addition Alexandra Hunt, Planner and Melissa Wilkinson, applicant/property owner testified and/or presented evidence, after first being duly sworn.

Issues

The Historic Preservation Commission’s adopted Residential Historic District Design Standards and the Sectary of the Interior’s Standards are incorporated in these findings and conclusions by reference. The question presented was whether the relevant standards permit the addition of a metal roof, painting of the exterior brick, and the addition of gutters that do not match the trim color of the house as requested in the application.

The Residential Historic District Design Standards provides, in pertinent part, that:

Section 3.2 Masonry:

Sec. 3.2.2 - Protect and maintain historic masonry materials, such as brick, terracotta, limestone, granite, stucco, slate, concrete, cement block, and clay tile, and their distinctive construction features, including bonding patterns, corbels, water tables, and unpainted surfaces.

Section 3.3 Architectural Metals:

Sec. 3.3.10 - It is not appropriate to introduce architectural metal features or details to a historic building in an attempt to create a false historical appearance.

Section 3.4 Paint and Paint Color:

Sec. 3.4.3 - When repainting, paint colors appropriate to the historic building and district are recommended. Enhance the architectural style and features of a building through appropriate selection and placement of paint color.

Sec. 3.4.4 - Brick, stone, copper, bronze, concrete, or cement block surfaces should be left in their historically unfinished condition.

Section 3.5 Roofs:

Sec. 3.5.1 - Retain and preserve roofs and roof forms that contribute to the overall historic character of a building, including their functional and decorative features, such as roofing materials, cresting, dormers, chimneys, cupolas, and cornices.

Sec. 3.5.5 - If full replacement of a deteriorated historic roofing material or feature is necessary, replace it in kind, matching the original in scale, detail, pattern, design, material, and color. Consider compatible substitute materials only if using the original material is not technically feasible.

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 1109 N Main St Ave, Hendersonville.
2. The Subject Property is situated within the Hyman Heights Historic District
3. The Subject Property is listed as contributing in the Local Designation Report.
4. The Subject Property was constructed circa 1949 and is known as the Robert McMinn House, according to Historic Preservation Commission records.
5. Applicant has requested to add a metal roof, to paint the exterior brick, and to add gutters that do not match the trim color of the house.
6. The proposed metal roof has already been installed on the house, the application is for an after the fact Certificate of Appropriateness as to the roof.
7. Prior to the addition of the metal roof, the roof was previously finished with asphalt shingles.
8. The proposed gutters have already been installed on the house, the application is for an after the fact Certificate of Appropriateness as to the gutters.
9. Installation of gutters that match the trim color of the house is permitted as

normal maintenance and does not require a Certificate of Appropriateness. However, since the Applicant has added black gutters to the house which has white trim, a Certificate of Appropriateness is required.

10. The basement of the home was flooding due to deterioration of the roof prompting the Applicant to install the metal roof.
11. Asphalt shingles that matched the existing asphalt shingles would have taken several months to be delivered.
12. The Applicant withdrew her request to paint the exterior brick at the hearing.
13. The Applicant agreed to paint the gutters and downspouts to match the trim of the house.
10. The proposed addition is not incongruous with the Hyman Heights Historic District and meets the following Design Standards:
 - a. Section 3.5.5 – the replacement roof matches the original in scale and color. Compatible substitute materials are appropriate because the original material is not technically feasible due to roof deterioration causing flooding in the basement requiring prompt correction.

CONCLUSIONS OF LAW

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

The addition of a metal roof 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 21st day of December, 2022.

Chair



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 21, 2022

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

TITLE OF ITEM: 118 5th Ave W. – Addition of Storefront Entry Door & Windows
(H22-106-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 # H22-106-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 addition design is based and historical research and maintains the original proportions, dimensions, and architectural elements. [Sec. 3.1.5]
2. The proposed addition retains the commercial character of the building through contemporary design and is compatible with the scale, design, materials, color, and texture of the historic building. [Sec. 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 # H22-106-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 (Main Street) for the following reasons:

1. The proposed addition does not maintain the original proportions, dimensions and architectural elements of the building. [Sec. 3.1.5]
2. The proposed addition does not retain the commercial character of the building and is not compatible with the scale, design, materials, color, and texture of the historic building. [Sec. 3.1.7]

[DISCUSS & VOTE]

SUMMARY:

The City is in receipt of a Certificate of Appropriateness (COA) application from Marshall Kanner (Applicant) and Hunter Building Holdings, LLC (Property Owner) for the addition of a store front entry door and windows at the subject property located at 118 5th Ave W.

The subject property is a one-story brick addition at the northwest corner of a large, two-story brick commercial style building known as the “Morey Building.” This commercial building was constructed ca. 1912 to house Hunter’s Pharmacy, formerly located down the street. The subject property is described in the local historic district designation report as having “replacement fixed panes in the original display opening and a glass block transom.”

The Applicant made the following statement related to their request:

“I am returning the façade to the original store front design and keeping the glass block transom which is historical to the building.” (Exhibit A)

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

PROJECT/PETITIONER NUMBER:	H22-106-COA
PETITIONER NAME:	Marshall Kammer (Applicant)
EXHIBITS:	<ul style="list-style-type: none"> A. Staff Report B. COA Application C. Henderson County Property Records

118 5th Ave W – Addition of Storefront Entry

Door and Windows

(H22-106-COA)

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

Staff Report Contents

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PROJECT SUMMARY

Applicant: Marshall Kanner

Property Owner: Hunder Building Holdings, LLC (Exhibit B)

Property Address: 118 5th Ave W.

Project Acreage: 0.18 Acres

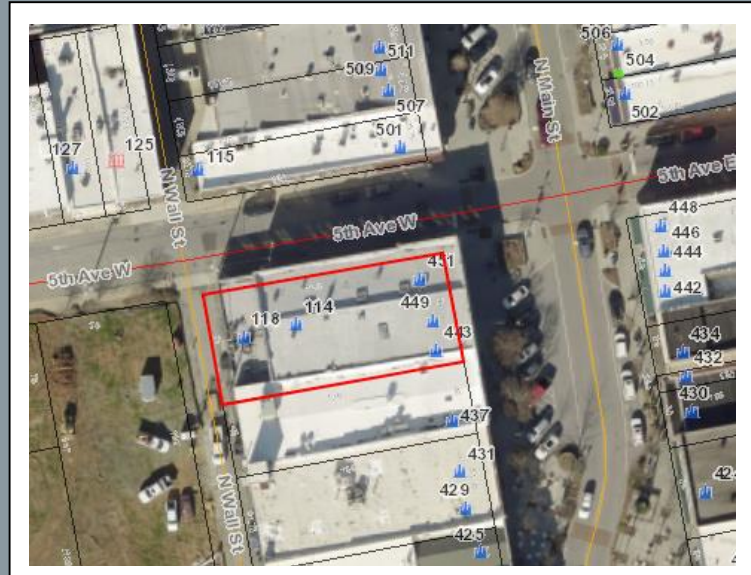
Parcel Identification Number(s):

9568-78-7473

Current Parcel Zoning: C-1 Central Business

Historic District: Main Street Historic District

Project Type: Major Work (Addition of Storefront Entry Door & Windows)



SITE VICINITY MAP

Project Summary:

The City is in receipt of a Certificate of Appropriateness (COA) application from Marshall Kanner (Applicant) and Hunter Building Holdings, LLC (Property Owner) for the addition of a store front entry door and windows at the subject property located at 118 5th Ave W.

The subject property is a one-story brick addition at the northwest corner of a large, two-story brick commercial style building known as the “Morey Building.” This commercial building was constructed ca. 1912 to house Hunter’s Pharmacy, formerly located down the street. The subject property is described in the local historic district designation report as having “replacement fixed panes in the original display opening and a glass block transom.”

The Applicant made the following statement related to their request:

“I am returning the façade to the original store front design and keeping the glass block transom which is historical to the building.” (Exhibit A)

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



CITY OF HENDERSONVILLE – MAIN STREET HISTORIC OVERLAY MAP

HISTORY OF SUBJECT PROPERTY



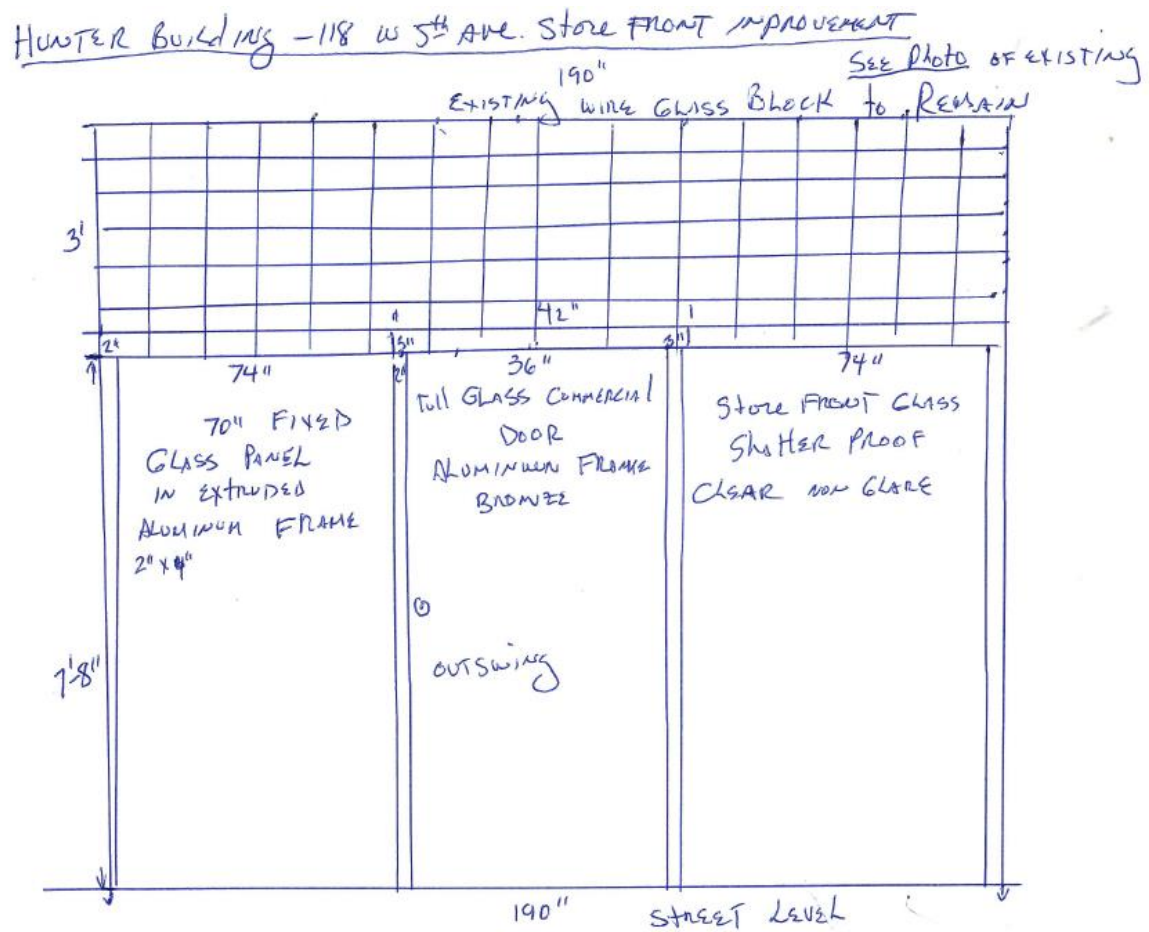
86. 437-451 N. Main Street. Morey Building. ca.1912. Contributing.

Large two-story brick Commercial Style building with Flemish bond brickwork with darkened headers. This building was built to house Hunter's Pharmacy, formerly located down the street. "Morey Building" is embossed into the tinwork at the parapet, above the modillioned cornice. The building is divided into two unequal sections by a doorway to the second floor. The north section of the building is the largest, presently divided into two storefronts one with a corner entry. The south section of the building has a central arched window opening at the second floor. There are three windows to either side, all with fixed panes. The original twelve-over-one windows remain on the north side, with limestone keystones. The storefront is intact on the north side, but has been modified on the south with brick infill and fixed light windows. **There is a one-story brick addition at the northwest corner, with replacement fixed panes in the original display opening and a glass block transom.** The building was damaged by fire in 1926.



SITE CONDITIONS - SITE IMAGES



PROPOSED STORE FRONT

(see Exhibit A)

Material Information

- Windows – 70" fixed glass panel in extruded aluminum frame; glass will be clear, non-glare
- Entry Door – Glass commercial door with aluminum frame in bronze

DESIGN STANDARDS 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 District. The following sections are applicable to the proposed Certificate of Appropriateness application:

Section 3.1 Storefront Standards

Sec. 3.1.4 - If replacement of a deteriorated storefront or storefront feature is necessary, replace only the deteriorated element to match the original in size, scale, proportion, material, texture and detail.

Sec. 3.1.5 - When reconstructing a historic storefront, base the design on historical research and evidence. Maintain the original proportions, dimensions and architectural elements.

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 3.4.2 Windows and Doors

Sec. 3.4.2.2 - Retain and preserve openings and details of windows and doors, such as trim, sash, glass, lintels, sills, thresholds, shutters, and hardware.

Sec. 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.

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.

EXHIBITS

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

Entry #: 58 - 11/18/2022 **Status:** Submitted **Submitted:** 11/18/2022 1:15 PM

Date:
11/18/2022

Local District/Landmark:
Down Town Hunter building

Address of Property:
118 West 5th Ave., Hendersonville, NC 28792

Property Owner Name:
Marshall Kanner

Address
1150 West Blue Ridge Road, Flat Rock, North Carolina 28731

Day Phone:
(305) 904-4211

Contact Name: (if other than owner)

Address

Phone

Email
marshnk@aol.com

Details of proposed work: (attach additional papers if needed).
see attached drawing and photo of existing store front

Upload attachments here:

Attachments:

Photographs, Sketch



[photo of 118 w 5th ave store front.jpg](#)
3.3 MB



[store front improvement 118 west 5th ave.pdf](#)
0.5 MB

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 am returning the facade to original store front design and keeping the glass block transom which is historical to building.

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:

Email

marshnk@aol.com

Item A.

Marshall Kanner

Official Use:

Date Received:

Received By:

City of Hendersonville
General Application
Owner Signature Addendum

Item A.

Application Information

Date of Application 11-18-22 Application Number H22-106-COA
Name of Project 118 5th Ave W. Phase # (if subdivision) _____
Parcel Identification Number(s) (PIN) 9568787473

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

* ^ Printed Name Hunter Building 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 MARSHAWK@aol.com

Address of Property Owner 1150 WEST BLUE RIDGE ROAD, Flat Rock NC 2873

* ^ 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 _____

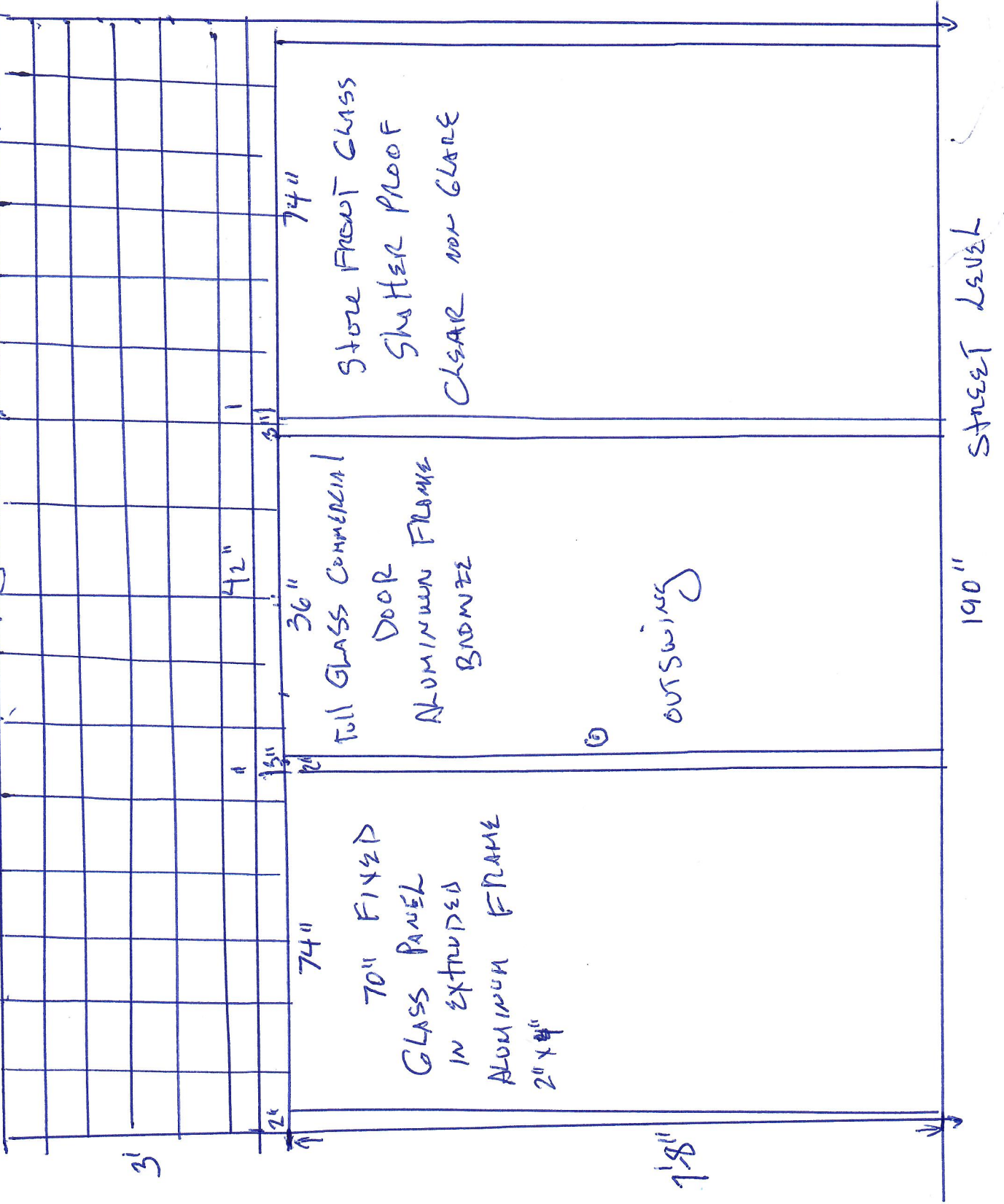
* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

^ 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.

HUNTER BUILDING - 118 W 5TH AVE. STORE FRONT IMPROVEMENT

SEE PHOTO OF EXISTING

EXISTING WIRE GLASS BLOCK TO REMAIN





This document presented and filed:
11/06/2019 01:12:32 PM

WB

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$3,440.00

Excise Tax: \$ 3,440.00 Recording Time, Book and Page

Return To: Gossom Rose
This instrument prepared by: **THERON E. MULLINAX, JR., ATTORNEY AT LAW**
MULLINAX LAW FIRM, P. O. Box 2648, Hendersonville, NC 28793
DEED PREPARATION ONLY - NO TITLE EXAMINATION PERFORMED OR PROVIDED

Parcel #: 105983

Description for Index: 443 N. Main Street, Hendersonville, NC 28792

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of November, 2019, by and between

GRANTOR	GRANTEE
F. V. HUNTER, INC., A North Carolina Corporation, A ONE-THIRD Undivided Interest, and WILLIAM H. O'CAIN and wife, LOUISE S. O'CAIN, A TWO-THIRDS Undivided Interest, 1609 Druid Hills Avenue Hendersonville, NC 28791	HUNTER BUILDING HOLDINGS, LLC A North Carolina Limited Liability Company (which sole member is MIDTOWN DEVELOPMENT ASSOCIATES, LLC, A North Carolina Limited Liability Company) 20 Battery Park Avenue, Ste 900 Asheville, N.C. 28801
	<u>UK</u>

The designated Grantors and Grantees 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.

The property herein conveyed _____ does X does not include the primary residence of the Grantor.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple, all that certain lot or parcel of land situated in **Hendersonville** Township, Henderson County, North Carolina and more particularly described as follows:

BEING all that property described on Exhibit A attached hereto and incorporated into this instrument as if fully set forth herein.


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

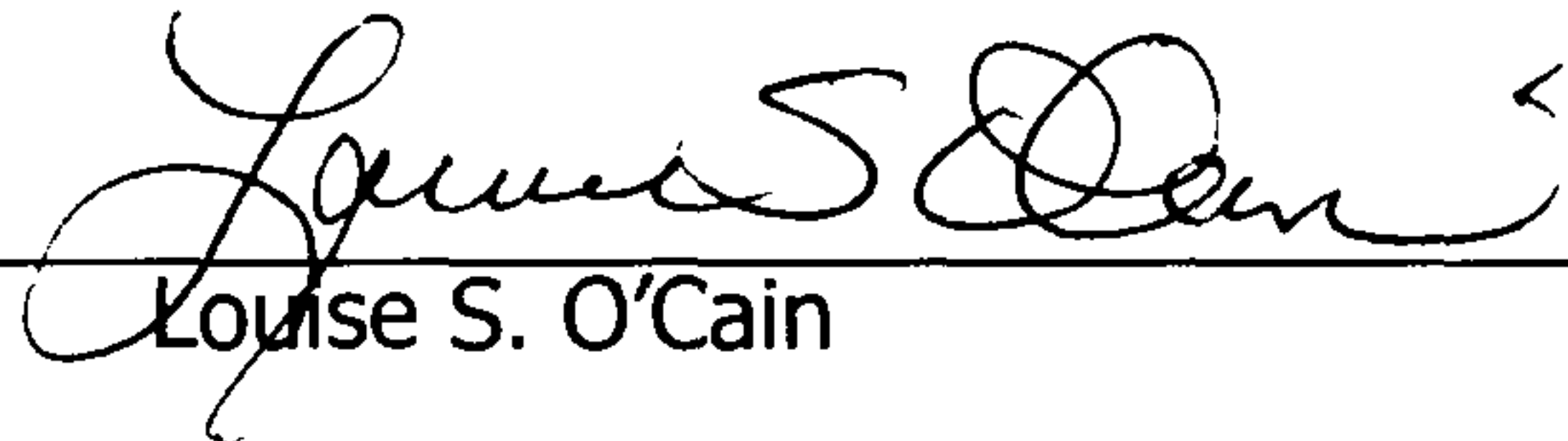
And the Grantor covenants with the Grantees, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

2019 Henderson County ad valorem property taxes

All rights of way, easements, reservations, restrictions and amendment to restrictions, if any, of public record of even date herewith.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.


_____(SEAL)
William H. O'Cain


_____(SEAL)
Louise S. O'Cain

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Beverly S. Hawkins, a Notary Public in and for the above County and State, do hereby certify that **WILLIAM, H. O'CAIN and wife, LOUISE S. O'CAIN**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal, this the 31st day of October, 2019.

My commission expires:
4/12/2024



NOTARY PUBLIC



BEING all that property described on Exhibit A attached hereto and incorporated into this instrument as if fully set forth herein.

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

And the Grantor covenants with the Grantees, 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:

2019 Henderson County ad valorem property taxes

All rights of way, easements, reservations, restrictions and amendment to restrictions, if any, of public record of even date herewith.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

F. V. HUNTER, INC.
By Tallulah Gregory (SEAL)
Tallulah Gregory, President
SEE ATTACHED

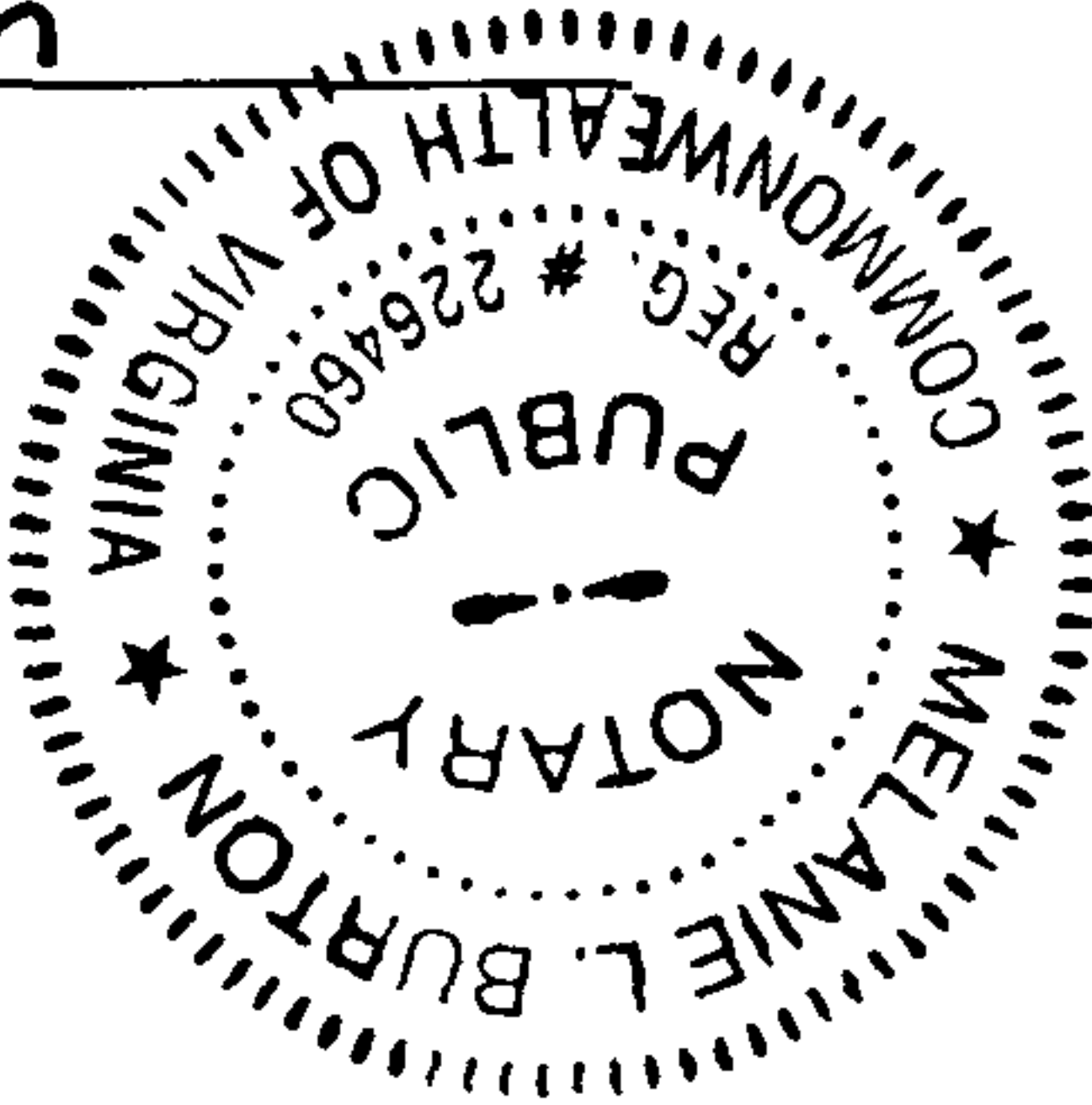
William H. O'Cain (SEAL)
SEE ATTACHED

Louise Stelling O'Cain (SEAL)

STATE OF Virginia
COUNTY OF Salmon
city

I, Melanie Burton, a Notary Public of said County and State, do hereby certify that TALLULAH GREGORY personally came before me this day and acknowledged that she is President of F. V. HUNTER, INC., a North Carolina corporation, and that she, as President being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 30th day of October, 20 19.
My commission expires: 2/28/2023
Melanie J. Burton
Notary Public



STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, _____, a Notary Public in and for the above County and State, do hereby certify that **WILLIAM, H. O'CAIN and wife, LOUISE STELLING O'CAIN**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

EXHIBIT "A"

BEGINNING at a point, said point being a drill-hole in the concrete located at the point of intersection of the western margin of the right-of-way of Main Street, and the southern margin of the right-of-way of Fifth Avenue, and running thence from said BEGINNING point in a southerly direction with the western margin of the right-of-way of Main Street South 11 deg. 01 min. 36 sec. East 60.00 feet to another drill-hole in the concrete, said drill-hole also being located in the western margin of the right-of-way of Main Street; and running thence in a westerly direction with the centerline of a common wall, said common wall being held in common with property either presently or formerly owned by Thomas H. Smith as described in Deed Book 739 at page 413, Henderson County Registry, South 79 deg. 35 min. 30 sec. West 130.00 feet to a railroad spike, said railroad spike being located in the eastern margin of Jackson Alley; and running thence with eastern margin of Jackson Alley, North 11 deg. 01 min. 36 sec. West 60.00 feet to a pk nail marker, said pk nail marker being located in the southern margin of the right-of-way of Fifth Avenue; and running thence with the southern margin of the right-of-way of Fifth Avenue, North 79 deg. 35 min. 30 sec. East 130.00 feet to the point and place of BEGINNING, and containing 0.17 acres, more or less, as shown on a survey prepared by Donald J. Austin, RLS, entitled "Map of Survey made for William H. O'Cain and wife, Louise Stelling O'Cain," dated May 15, 1995, and further identified as Job No. 95-172.

This conveyance is made subject to the rights-of-way of Fifth Avenue, Main Street, and Jackson Alley, to their full and legal widths, and also subject to Henderson County and City of Hendersonville ad valorem property taxes and to utility easements of record.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 21, 2022

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

TITLE OF ITEM: 1304 Hyman Ave. – Replacement of Existing Windows
(H22-105-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 # H22-105-COA and located within the Hyman Heights 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 (Residential) for the following reasons:

1. The proposed windows match the design and dimension of the original sash or panels, pane configuration, architectural trim, and detailing. **[Sec. 3.7.6]**

[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 # H22-105-COA and located within the Hyman Heights 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 windows do not match the existing unit in kind, detailing, and materials. **[Sec. 3.7.6]**
2. Artificial materials are not appropriate on buildings on contributing properties. Existing artificial materials on contributing properties should be replaced with traditional materials. **[Sec. 3.12.1]**

[DISCUSS & VOTE]

SUMMARY:

The City is in receipt of a Certificate of Appropriateness (COA) application from Kathryn Vickers (Applicant/Property Owner) for the replacement of 17 existing windows at the subject property located at 1304 Hyman Ave.

The subject property is contributing Colonial Revival style two-story house constructed ca. 1922 with windows three-vertical-over-one, with multi-light casement windows in the attic.

The Applicant made the following statement related to their request:

“Same grade as previous windows.” (*See Exhibit A*)

The Applicant has also submitted documentation of deterioration related to their request and is attached to this staff report as Exhibit C.

This COA application is considered a Major Work according to the standards of the Residential Historic District Design Standards.

PROJECT/PETITIONER NUMBER:	H22-105-COA
PETITIONER NAME:	Kathryn Vickers (Applicant)
EXHIBITS:	<ul style="list-style-type: none"> A. Staff Report B. COA Application C. Henderson County Property Records D. Applicant Submitted Documentation of Deterioration

1304 Hyman Ave – Replacement of Existing Windows (H22-105-COA)

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

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PROJECT SUMMARY

Applicant/Property Owner: Kathryn Vickers

Property Address: 1304 Hyman Ave.

Project Acreage: 0.31 Acres

Parcel Identification Number(s):

9569-72-0766

Current Parcel Zoning: R-6 High Density Residential

Historic District: Hyman Heights Historic District

Project Type: Major Work (Replacement of Existing Windows)



SITE VICINITY MAP

Project Summary:

The City is in receipt of a Certificate of Appropriateness (COA) application from Kathryn Vickers (Applicant/Property Owner) for the replacement of 17 existing windows at the subject property located at 1304 Hyman Ave.

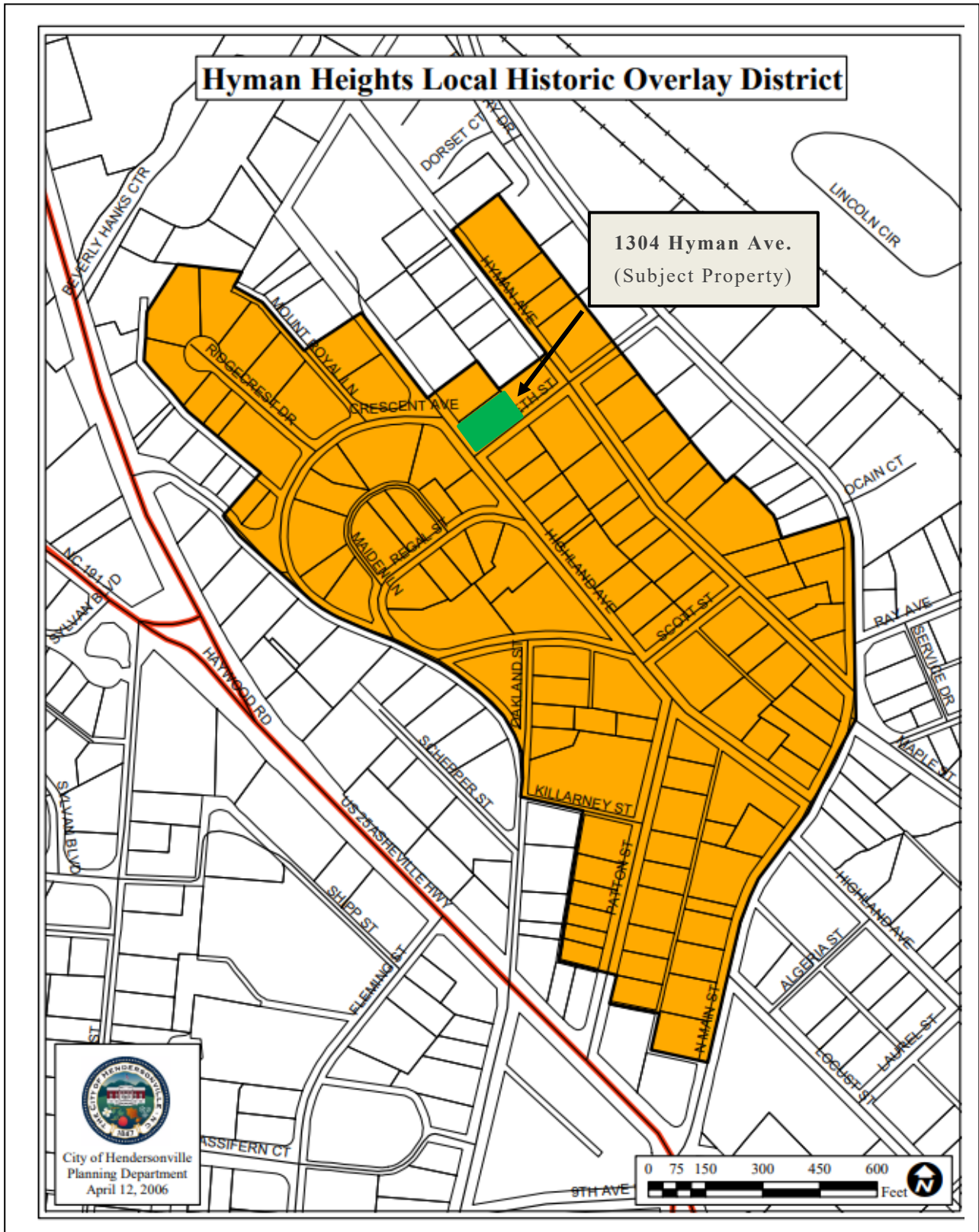
The subject property is contributing Colonial Revival style two-story house constructed ca. 1922 with windows three-vertical-over-one, with multi-light casement windows in the attic.

The Applicant made the following statement related to their request:

“Same grade as previous windows.” (See Exhibit A)

The Applicant has also submitted documentation of deterioration related to their request and is attached to this staff report as Exhibit C.

This COA application is considered a Major Work according to the standards of the Residential Historic District Design Standards.



CITY OF HENDERSONVILLE – HYMAN HEIGHTS HISTORIC OVERLAY MAP

HISTORY OF SUBJECT PROPERTY



1304 Hyman Ave « Roy C. Bennett House »

Contributing, Colonial Revival style two-story house constructed ca. 1922. The house has a wraparound porch which has been partiall enclosed. The north side extends over the drive to create a carport. This does not show on the 1926 Sandborn map, but appears to be original. Wing added to rear. Side gable roof supported by knee braces. Walls are asbestos shingle, with aluminum siding in the soffits. Portions of brick foundation are stuccoed.

Windows are three-vertical-over-one, with multi-light casement windows at the attic. The Roy C. and Sara

Bennett family appears to be the first owner of this house. Bennett worked for the Rigby-Morrow Lumber Company. Good condition.



(1922 Sanborn Map)

PAST COA APPROVALS

- August 2021 – Staff approved COA for the removal of a chimney and roof replacement.
- March 2022 – Commission approved COA for the demolition of a detached garage.

SITE IMAGES



DESIGN STANDARDS CRITERIA

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

Section 3.7 Windows and Doors:

Sec. 3.7.1 - Retain and preserve windows that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, sash, muntins, sills, heads, moldings, surrounds, hardware, shutters, and blinds.

Sec. 3.7.3 - Protect and maintain the wooden and architectural elements of historic windows and doors through appropriate methods:

- Inspect regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
- Clean the surface using the gentlest methods possible.
- Limit paint removal and reapply protective coatings as necessary.
- Reglaze sash as necessary to prevent moisture and air infiltration.
- Weatherstrip windows and doors to increase energy efficiency.

Sec. 3.7.4 - Repair historic windows and doors and their distinctive features through recognized preservation methods for patching, consolidating, splicing, and reinforcing.

Sec. 3.7.6 - If replacement of a deteriorated window or door unit is necessary, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible.

Sec. 3.7.13 - It is not appropriate to remove original doors, windows, shutters, hardware, and trim from a character-defining facade.

Sec. 3.7.15 - It is not appropriate to use snap-in muntins to create a false divided-light appearance.

Sec. 3.7.17 - In accordance with the Artificial Materials guidelines (Section 3.12), it is not appropriate to replace existing vinyl windows with new vinyl windows on contributing structures.

Section 3.12 Artificial Materials Policy

The majority of the structures in the City's local historic districts were built using traditional materials. In order to preserve the character of Hendersonville's local historic districts, the Historic Preservation Commission prefers the use of traditional materials in restoration and new construction projects. Since vinyl and other artificial materials were not utilized to construct most buildings in the historic districts, the Historic Preservation Commission intends to limit the use of artificial materials in order to preserve the architectural integrity and overall character of the district.

Properties and structures in a historic district are categorized as either contributing or non-contributing by the local designation report prepared for each district. Contributing properties contain structures that were typically over 50 years old at the time the

designation report was prepared and add to the historic integrity or architectural qualities that make a district significant. Non-contributing properties contain structures that are generally less than 50 years old or have been altered so that their architectural qualities have been lost.

The Historic Preservation Commission may consider whether a structure is listed as contributing or non-contributing on the district's local designation report when reviewing an application to install artificial materials. The following guidelines apply to the use of artificial materials on contributing or non-contributing properties:

Sec. 3.12.1 - Artificial materials are not appropriate on buildings on contributing properties. Existing artificial materials on contributing properties should be replaced with traditional materials.

EXHIBITS

- Exhibit A – Application
- Exhibit B – Henderson County Property Records
- Exhibit C – Applicant Submitted Documentation of Deterioration



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

Item B.

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

11/19/22

Local District/Landmark

Address of Property

1304 Hyman Ave, Hendersonville

Property Owner: Name

Kathryn Vickers

Address

1304 Hyman Ave

Day Phone

828-642-0359

Contact Name (if other than owner)

Address

Phone

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

See Attached

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.

Same grids as previous windows

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

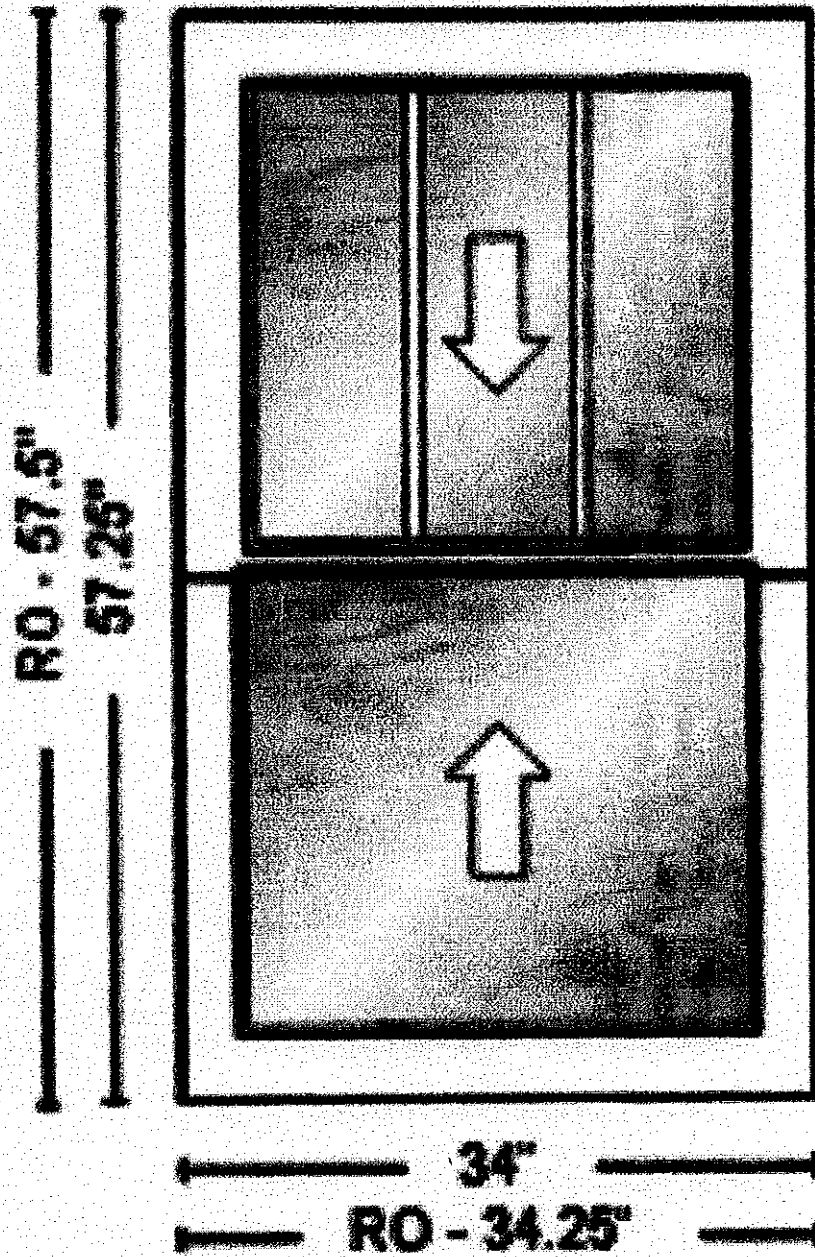
[Signature]

Owner's

Signature

Official Use:

DATE RECEIVED: _____ BY _____





Estimate #4062

Billing Address

Vickers, Katey
1304 Hyman Avenue
Hendersonville NC 28792
United States
katey.vickersslp@gmail.com
+1 828 642 0359

Service Address

Vickers, Katey
1304 Hyman Avenue
Hendersonville NC 28792
United States
katey.vickersslp@gmail.com
+1 828 642 0359

Send Payment To

Window and Door Specialties
311 Linda Vista Drive
Hendersonville NC 28792
828-693-1135
adminnc@windowanddoorspecialties.com

Estimate Date	10/22/21
Total	\$11,790.44
Payments	\$0.00
Balance	\$11,790.44

Charges

Item	Description	Unit Cost	Tax	Quantity	Line Total
Windows:United Vinyl Windows	(14) - United 9600 Series Double Hung Windows (3) - United 9600 Series Picture Window ***SEE SPECS FOR MORE DETAILS***	\$7,859.90	✓	1.0	\$7,859.90
Installation:Installation Labor	Installation Labor (INCLUDES DISPOSAL OF OLD WINDOWS) (INCLUDES TRIM WOOD AS NEEDED) WE DO NOT PAINT	\$3,400.00	×	1.0	\$3,400.00
Acceptance Of Proposal	We hereby-propose to furnish material and labor, complete in accordance with the above specifications. Note: This proposal may be withdrawn by us if not accepted within 30 days. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above this estimate. All Agreements contingent upon strikes, accidents, or delays beyond our control.	\$0.00	×	1.0	\$0.00
					Subtotal \$11,259.90
					Tax \$530.54
					Total \$11,790.44

Payments

Date	Type	Amount
No payments		

Notes

Terms

50 % Deposit / Balance due at time of Installation, Delivery or Pick Up

CUSTOMER QUOTATION

Window & Door Specialties of H
311 Linda Vista Drive
Hendersonville NC 28792

Phone: 828-693-1135
Fax: 828-693-1774

QUOTE DATE
7/19/2022
QUOTE #
759616

Item B.

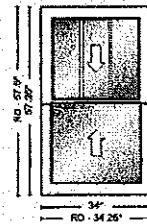
QUOTE TO:

Phone:
Fax:
Email:

QUOTE #	CONTACT	QUOTED BY	PROJECT NAME	CLIENT NAME
759616		r.merritt@windowanddoorspecialties.com	Vickers	Vickers

Comments:

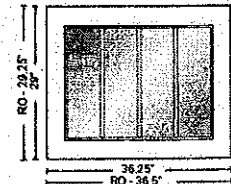
LINE #	DESCRIPTION	QTY	NET PRICE	EXTENDED NET
100-1	PRODUCT: Series 9600 Rep DH White/White Vinyl Sizes OVERALL ROUGH OPENING: 34.25-in X 57.5-in UNIT DIMS: Units 1: 34-in x 57 1/4-in GLASS: LowE-2, Single Strength(std), Argon GRILLES: White Flat Internal 5/8 Grid, New Colonial, 3W1H GLASS BREAKAGE WARRANTY: Glass Breakage Warranty HARDWARE: White Pull Handle, White Double Locks SCREEN: White, Full, Fiberglass Mesh FRAME/CASING: Foam Wrap, No Nail Fin	9	\$456.57	\$4,109.14



UValue: Unrated, SHGC: Unrated,
VT: Unrated, PG: R-PG50, DP±: 50

Comments: BR1,BR2,MB

LINE #	DESCRIPTION	QTY	NET PRICE	EXTENDED NET
200-1	PRODUCT: Series 9600 Rep PW White/White Vinyl Sizes OVERALL ROUGH OPENING: 36.5-in X 29.25-in UNIT DIMS: Units 1: 36 1/4-in x 29-in GLASS: LowE-2, Double Strength, Argon GRILLES: White Flat Internal 5/8 Grid, New Colonial, 4W1H FRAME/CASING: Foam Wrap, No Nail Fin	1	\$454.74	\$454.74

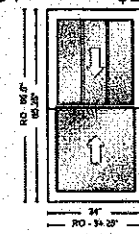


UValue: Unrated, SHGC: Unrated,
VT: Unrated, PG: LC-PG40, DP±: 40

Comments: Stairway

IMPORTANT: ALL PRODUCTS VIEWED INSIDE LOOKING OUT

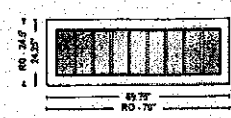
LINE #	DESCRIPTION	QTY	NET PRICE	EXTENDED	
300-1	PRODUCT: Series 9600 Rep DH White/White Vinyl Sizes OVERALL ROUGH OPENING: 34.25-in X 65.5-in UNIT DIMS: Units 1: 34-in x 65 1/4-in GLASS: LowE-2, Single Strength(std), Argon GRILLES: White Flat Internal 5/8 Grid, New Colonial, 3W1H GLASS BREAKAGE WARRANTY: Glass Breakage Warranty HARDWARE: White Pull Handle, White Double Locks SCREEN: White, Full, Fiberglass Mesh FRAME/CASING: J Channel Filler, Foam Wrap, No Nail Fin	5	\$471.61	\$2,358.05	Item B.



UValue: Unrated, SHGC: Unrated,
 VT: Unrated, PG: R-PG30, DP±: 30

Comments: LR,DR

LINE #	DESCRIPTION	QTY	NET PRICE	EXTENDED
400-1	PRODUCT: Series 9600 Rep PW White/White Vinyl Sizes OVERALL ROUGH OPENING: 70-in X 24.5-in UNIT DIMS: Units 1: 69 3/4-in x 24 1/4-in GLASS: LowE-2, Double Strength, Argon GRILLES: White Flat Internal 5/8 Grid, New Colonial, 9W1H FRAME/CASING: J Channel Filler, Foam Wrap, No Nail Fin	2	\$468.98	\$937.97



UValue: Unrated, SHGC: Unrated,
 VT: Unrated, PG: Not Rated, DP±:
 Not Rated

Comments: Attic

UNIT PRICE	\$7,859.90
PRIME	\$0.00
PAINT	\$0.00
SCREEN	\$0.00
TOTAL	\$7,859.90

CUSTOMER SIGNATURE _____ DATE _____

WE APPRECIATE YOUR BUSINESS!

IMPORTANT: ALL PRODUCTS VIEWED INSIDE LOOKING OUT

BK 3744 PG 365 - 367 (3)

DOC# 957629

This Document eRecorded:

07/08/2021

12:54:40 PM

Fee: \$26.00

Henderson County, North Carolina

William Lee King, Register of Deeds

Excise Tax: \$ 500.00

Recording Time, Book and Page

Return To: McDuffy Law Firm

This instrument prepared by: **THERON E. MULLINAX, JR.**, ATTORNEY AT LAW
MULLINAX LAW FIRM, P. O. Box 2648, Hendersonville, NC 28793

DEED PREPARATION ONLY - NO TITLE EXAMINATION PERFORMED

Parcel #: Portion of 102716

Description for Index: 1304 Hyman Avenue, Hendersonville, NC 28792

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 7 day of July, 2021, by and between

GRANTOR

GRANTEE

ALTON LYNN CONNOR, JR., Single
and
LYNDA CORINE CONNOR, Single

KATHRYN ANN STEWART VICKERS
Unmarried

302 Winston Avenue
Colonial Heights, Va 23834

1304 Hyman Avenue

Hendersonville, NC 28792

The designated Grantors and Grantees 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.

The property herein conveyed X does _____ does not include the primary residence of the Grantor.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple, all that certain lot or parcel of land situated in **Hendersonville** Township, Henderson County, North Carolina and more particularly described as follows:

BEING all that property described on Exhibit A attached hereto and incorporated into this instrument as if fully set forth herein.

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

And the Grantor covenants with the Grantees, 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:

2021 Henderson County and City of Hendersonville ad valorem property taxes

All rights of way, easements, reservations, restrictions and amendment to restrictions, if any, of public record of even date herewith.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Alton Lynn Connor, Jr. (SEAL)
Alton Lynn Connor, Jr.

Lynda Corine Connor (SEAL)
Lynda Corine Connor

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Sylvia Maxwell, a Notary Public in and for the above County and State, do hereby certify that **ALTON LYNN CONNOR, JR. and LYNDIA CORINE CONNOR**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal, this the 6th day of July, 2021.

My commission expires:

5-16-24

Sylvia Maxwell

NOTARY PUBLIC

Please insert Notary stamp/seal inside box only

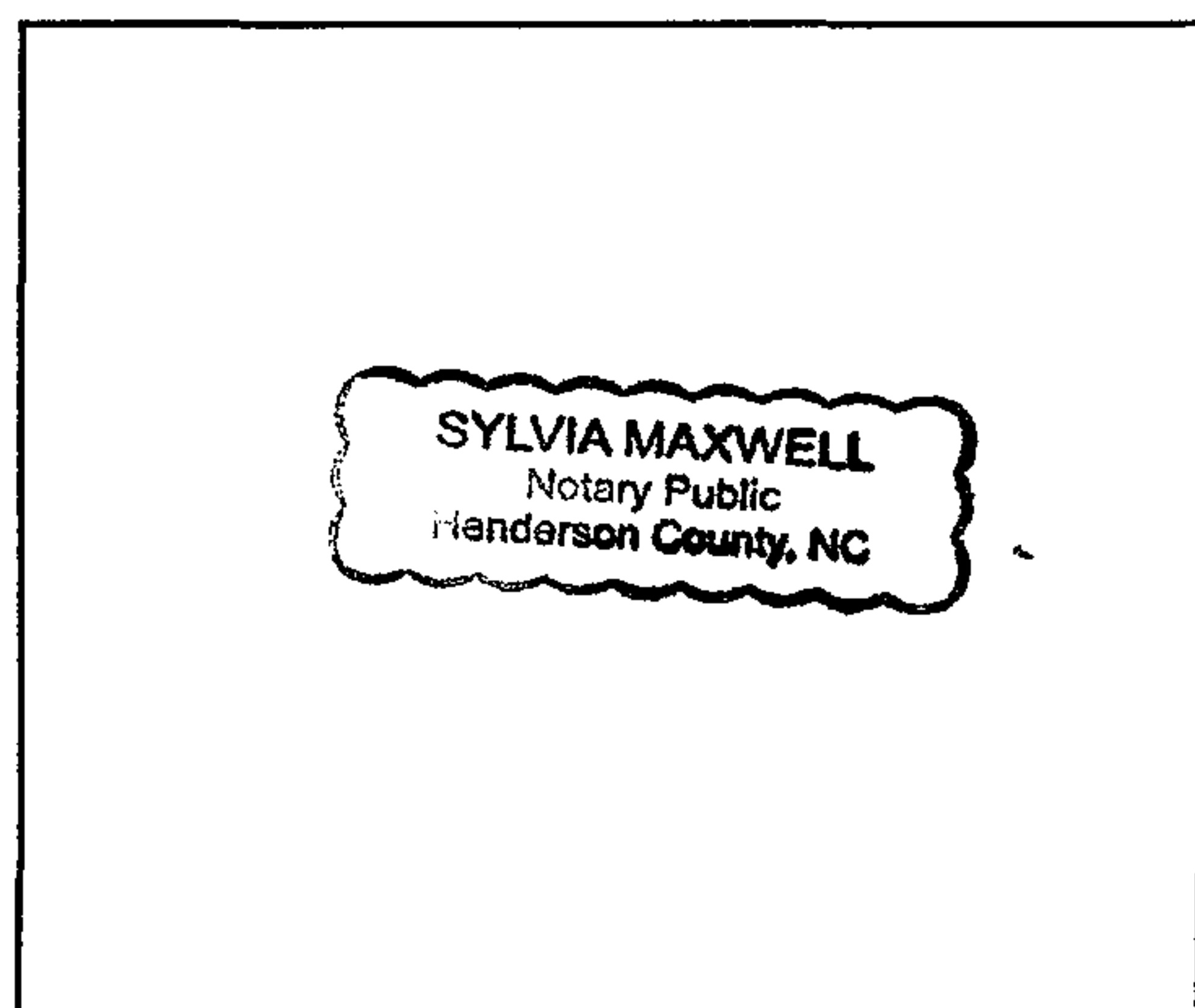


Exhibit A

Lying in Henderson County, North Carolina

BEING all of Tract B containing 13400 square feet as shown on plat of survey for Alton Lynn Connor, Jr. and Lynda Corine Connor by Hill and Associates Surveyors, P.A. dated July 1, 2021 and recorded at Plat Slide 13353 in the office of the Register of Deeds for Henderson County, North Carolina, with reference to said plat being made in aid of this description as if fully set out herein.

This conveyance is made and accepted subject to the right-of-way of Hyman Avenue and Elizabeth Street as they extend to their full legal width.

This conveyance is further made subject to such other easements, restrictions, and rights-of-way of record, if any.

AND BEING a portion of the property described and conveyed by Deed recorded in Book 3723 Page 503 in the Office of the Register of Deeds for Henderson County, North Carolina.

1304 Hyman Avenue, Henderson, NC 28792
Requesting Approval for New Windows
Kathryn Vickers

The current windows in my house have become unusable as the house has settled and shifted. I have hired three professionals to evaluate the existing windows: a window specialist, an architect/engineer, and an experienced carpenter. All three professionals recommended new windows as the current deteriorated windows are not salvageable.

Condition of Windows

- Only two windows are operational; All other windows are unable to open or close. This presents a fire hazard as my children and I would be unable to safely escape the second floor of the house in the event of a fire.
- Multiple windows have significant gaps and do not properly seal. Outside air comes into the house which increases by heating/cooling bills and creates areas around the windows with uncomfortably hot/cold spaces.





- There is extensive wood rot in many windows making their reconditioning near impossible. These rotten windows are not salvageable as they have extensive water damage and rot.







- Some windows have broken or cracked glass panels and are in need of immediate replacement.

I would like to upgrade these windows to more energy efficient, double paned, properly sealed, and functioning windows. The windows I have proposed as replacements are a close match to the styling of the existing windows, with the same grids and measurements. Upgrading these windows will still maintain the character of my older house while also improving the energy efficiency, functionality, and safety of my home.