



**CITY OF HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION**

City Hall | 160 6th Ave East | 2nd Floor Meeting Room  
Wednesday, July 15, 2026 – 5:00 PM

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**AGENDA**

1. **CALL TO ORDER**
2. **PUBLIC COMMENT**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
  - A. Minutes of June 17, 2026
5. **NEW BUSINESS**
  - A. 128 3rd Avenue E – Façade Rehabilitation  
(26-42-COA) – *Sam Hayes / Planner II*
6. **OLD BUSINESS**
  - A. Approval of Findings of Fact - 26-32-COA
7. **OTHER BUSINESS**
  - A. Staff Report
  - B. Committee Reports
8. **ADJOURNMENT**

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**CITY OF HENDERSONVILLE  
Historic Preservation Commission**

**Minutes of the Regular Meeting of June 17, 2026**

**Commissioners Present:** Ralph Hammond-Green, Stan Smith, Jim Welter, (Vice-Chair), Jim Brewer, Jim Boyd, John Falvo

**Commissioners Absent:** Cheryl Jones, (Chair), Lauren Matoian, Edward Sine

**Staff Present:** Sam Hayes, Planner II, Daniel Heyman, Assistant City Attorney, Lew Holloway, Community Development Director

I **Call to Order.** Chair called the regular meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm.

II **Agenda.** On motion of Commissioner Hammond Green and seconded by Commissioner Falvo the agenda was revised to include Public Comment and approved.

III **Public Comment.**

Ken Fitch, 1046 Patton Street thanked the Commission for the award he received.

IV **Minutes.** On motion of Commissioner Hammond-Green and seconded by Commissioner Boyd the minutes of the regular meeting of May 20, 2026 were approved.

V **New Business**

V(A) **Certificate of Appropriateness** – Susan Kohler/Jared Mathis – 1507 Druid Hills Avenue (File No. 26-32-COA).

Vice-Chair stated tonight we have one public hearing to consider, an application for a certificate of appropriateness permit in the Druid Hills Historic District. Any persons desiring to testify in this hearing must first be sworn as a witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the procedures and rules 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 the hearing. Therefore, we ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now. Anyone who wishes to speak during the public hearings should come forward to be sworn in. Vice-Chair swore in Jared Mathis, Sam Hayes, Susan Kohler.

Vice Chair opened the public hearing.

Mr. Hayes stated the city is in receipt of an application, an after-the-fact application for Certificate of

Appropriateness for the property address 1507 Druid Hills Avenue, and this is for window and door replacement. The applicant is Jared Mathis, who's the contractor on the project, and the property owner is Susan Kohler. The PIN for the property is 9569-42-9792, and the project acreage is .4 acres. This is located in our R-10 Medium Density Residential District, and it is within the Druid Hills Historic District overlay. It's a major work, it's an after-the-fact request. I will note, and this was explained a little bit in the staff packet that was provided to you all, a zoning compliance permit was issued for work on this home, I believe in 2025, and, in that, no mention of windows was included within that. It was all specific to the interior work that was being done. And so, because of that, staff was not aware that the windows were being replaced. It came to staff's attention while doing a drive-thru of the neighborhood, and staff then, along with code enforcement, intervened, reached out to the property owner and the applicant, and now we are here today for you all to hear this after-the-fact application.

A map of the Druid Hills Historic District was shown with the subject property shown. This is included in the staff report and presentation.

An aerial view of the property was shown and is included in the staff report and presentation.

A history of the subject property was discussed and is included in the staff report and presentation. Mr. Hayes pointed out the addition on the house.

A brief overview of the COA description was discussed and is included in the staff report and presentation. There are 15 windows that have been replaced with vinyl windows.

Site photos were shown and are included in the staff report and presentation. The photo dates back to 2025 and shows the previous windows. Mr. Hayes is going to say previous windows, because we're not sure if they were the original windows. The applicant has through conversations with staff, said that they were wooden windows, and the applicant can speak to the condition that they were in. The previous door, I will note, does not match the description that was in the architectural description.

Site photos were shown of the new windows. This is included in the staff report and presentation.

A site photo provided by the applicant was included in the presentation.

The Design Standards that apply were included in the staff report and presentation along with the Artificial Materials Policy.

The suggested motions for approval and denial were included in the staff report and presentation. There is a proposed condition regarding the muntins.

Vice Chair asked if there were any questions for staff.

Commissioner Smith asked how does this compare with the Locust property? It looks like it's the same builder. Mr. Hayes stated he is not sure, he is not sure if it's the same builder, and they are similar homes, home styles, both kind of that craftsman bungalow-type style.

Chair asked if there were any questions for staff. There were no further questions for staff.

Chair asked if the applicant would like to address the Commission.

Jared Mathis, 85 Bayview Trail, Zirconia, North Carolina stated he is a lifelong resident here in Henderson County, and the contractor for Ms. Kohler. He has been a GC in the area for a little over 12 years, and built homes in Nose River, Flat Rock, Hendersonville. This is my first in Druid Hills, and so I wanted to first apologize and express my lack of knowledge until my client received a letter stating violation. I wasn't aware of this committee or the protocols that go into that. I want to address a couple of things that Sam said just for correction. One is not all the windows were replaced. There's a vinyl window that was existing, that's still in place there, and it's located on the bathroom, at the right side of the house. When my client hired me, it started as an interior renovation, restoring the floors of the structure, redoing the kitchen cabinets in the kitchen, and as most remodels go, when you begin to peel back layers, you find things that also have to be done. There was prior work there, I think the previous owner had done, that covered up quite a bit of structural issues in the roof. That led to us discovering quite a bit of rot in the windows, probably 90% of the windows in the house. Also, I'd like to state that, to second what Sam said, there's no way for me, looking back on the fact now, knowing what would be original window, as there was three different window types, on the home. Some of that as a byproduct of previous remodels or conditions. Some of that, probably just previous owners replacing windows that had already gone bad. When we begin to look for windows for Ms. Kohler, it wouldn't be something that typically I would add to a permit, because it's nothing that's inspected from a building standpoint. So, we priced out multiple windows, including wood, including aluminum clad. My biggest concern for her was protecting the structural integrity of the house. It's a brick house and block mortar, and the vinyl windows gave us the ability to retrofit within the existing footprint without having to cut any of the structure or compromise any of the structure that's there. Also, the evidence of moisture that seemed to be an issue over the past. I felt, as her contractor, that the best advice I could give her was to use a vinyl product not to have that again. Again, expressing that from a standpoint of not knowing this committee and the architectural requirements there. So, I'll be glad to answer any questions that you may have about the windows or about the doors.

Chair asked if the Commission had any questions for the applicant.

Discussion was made about there being two or three kinds of windows there. Mr. Mathis stated they weren't all the same type of window. So the front part of the house, which would be 8 of the 14 windows, is probably what I would consider the original, at least time-sensitive windows of the house. They were all wood. There were several that were just aluminum, windows that, at some point in time, I think probably that addition by the carport led to some of those windows, and then there were two vinyl windows that were already in the house, so there wasn't a consistent window material.

Commissioner Smith stated the front was the original set, and the ones on the side were vinyl. Mr. Mathis stated so the front porch, those two that you can see in the picture, and then what wraps right around, there's another two on each side, those would be, they were all the same type of window. Everything moving back from there got different.

Vice Chair stated you couldn't make any kind of guess whether those front windows were original to the house? Mr. Mathis stated he could not tell him that, no.

Commissioner Smith stated there was one that was intact that was a lower window. Mr. Mathis stated it's on the bathroom side. It's a smaller window, but probably done during the remodel of the previous

owner. It was a newer, vinyl window. There was no need to replace that one. A photo was shown of this window. It was stated that one opens by sliding.

Daniel Heyman, Assistant City Attorney had a question for the applicant. He stated in your testimony, you mentioned, that you selected vinyl because it fit within the existing opening? Are you saying that if you went with a different window type, you would have had to do brickwork? Mr. Mathis stated correct. You have more flexibility with the retrofit style with vinyl windows. The sizes are a lot more options, as opposed to aluminum clad or wood windows, so for probably 40% of the windows, a wood window would have maybe fit in the space that was there, but there was a large majority that would have required modifying the concrete block and brick structure. Mr. Heyman stated would you have had to fill in or cut additional brick down? Mr. Mathis stated both.

Commissioner Smith stated they do customized wood windows. Mr. Mathis stated it's about a 6-month turnaround currently, and her windows were in pretty bad shape, but coming out of the ice storm, it was very evident, the problems there.

Vice Chair stated I know, in after the fact, it puts us in a little bind, because you probably have gone back and looked at the standards since then and you find that vinyl windows are specifically prohibited. Mr. Mathis stated he did see that. He stated he was quite shocked to drive around the road and see quite a few homes in there with vinyl windows, and many of which would have been in the past four to five years, based off research pulling permits that were on the property, because I did see that, and viewed it sort of as a contextual standard, and, if I'm looking at incongruity and not seeing a definitive majority being a particular window type, it was, I did notice that, yes sir. Vice Chair stated depending on when things have happened in the past, the state has required us to use standards over the last couple years that weren't in place before. So, that might answer to some of your question there.

Mr. Mathis stated let me mention one other thing, because Sam brought it up. The muntins that he referred to, the original windows that I'm calling original had the 6 over 6, and that is why we chose that design. You could do the muntins on one part of the window, but you couldn't on both, because the way the windows open, the gap's not big enough to add a dimensional muntin there. I think probably it would draw more attention to the window to only do it on one part and have it dimensional on the upper part, not if they were casement windows that opened out, you could certainly do it on the full window, but I did research the muntins and tried to figure out what would be feasible there on those windows.

There were no further questions for the applicant.

Susan Kohler, 1507 Druid Hills Avenue, Hendersonville, North Carolina stated her name for the record. She stated she purchased the home at the end of July 25. She moved from South Carolina here. Her husband passed away, and she moved to be near her daughter and her husband, and she was so fortunate to find that small house. She was asked if her realtor told her this was a historic district. Ms. Kohler stated it did state that it was a historic district, but that meant nothing to me other than it was a historic district, because no one gave me any parameters for what you had to do to be in this historic district and renovate a house. Her agent did not inform her. Ms. Kohler stated no, it was in the deed from my attorney when I read that. But no, it was not told to me by my agent.

Ms. Kohler stated I just wanted to renovate that house, not so much preserve it. There's been a lot of discussion with the windows, if I might. Those windows several of them had cracks and that had been taped with, like, scotch tape. They had cheap brass window pulls on them. And in my non-professional opinion, they were not original to that 1922. You get various dates, 22, 26, house. None of that was original. They certainly, in those days, didn't paint their trim black. I just wanted to renovate it and make it my home and live here with my family. And I thought, through Mr. Mathis and his expertise, I thought that I had achieved that, and I was quite taken aback by this deal. I would do anything to preserve, and I mean that word, preserve a house to its original form. This house should last another 100 years now. Everything has been redone on it. Everything. Except some of the mortar and the cracks on the brick that the inspector told me about.

There were no further questions for the property owner.

Vice Chair asked if anyone would like to speak in favor of the application. No one spoke. Chair asked if anyone would like to speak against the application. No one spoke.

Vice Chair closed the public hearing.

The Commission discussed when the historic status was added to the Henderson County GIS. Discussion was made on interior and exterior projects and the process for zoning approval and building permits.

Vice Chair reopened the public hearing.

Mr. Hayes stated the way that we would catch this is through our zoning compliance permit. It's kind of the first step in the process. Once they get that, they can go get their building permits. If they, let's say they're just doing windows, they'd come to us, get their Certificate of Appropriateness, Zoning Compliance Permit, they wouldn't have to get a building permit. And so, we recognize that it is an imperfect system. We're doing our best to improve that system. This is an example that is great for us to learn from and find ways to better improve our system to catch those sorts of things.

Discussion was made on notifying residents of the historic districts and what that entails.

Vice Chair closed the public hearing.

Discussion was made on the applicant coming to the Commission first and the positive thing in this being that the masonry was not touched. The Commission has never asked anyone to take windows out. They have asked them to disguise them a little better. The Commission thought the door was beautiful and the solid wood door does meet the standards. Discussion was made on the snap-on muntins. The Commission discussed vinyl not being acceptable.

Mr. Hayes stated to take any action you would need five votes in support.

The Commission discussed setting a precedent.

Mr. Hayes stated the enforcement is on staff to do, so you all would not be telling them, you have to replace them with windows, or whatever it is. It is for staff to, on the back end, to work with the applicant, and then, theoretically, a new application would come before you.

Commissioner Smith stated so if we don't approve it, then it's up to you to figure out how to move forward with the homeowner. Mr. Heyman stated yes, basically, the application before you is what's been presented and the request of the Commission is to either approve or deny it. If you do work without a COA in a historic district, it stands to reason that you're in violation of the ordinance, and so the city's code enforcement would take the appropriate action to enforce the ordinance, and I can't tell you exactly what that would be, it is case by case, but usually starts with the notice of violation. Commissioner Smith stated and we took an oath to represent the interests of the historic district. Mr. Heyman stated I represent staff and not the board. I just remind you of that as often as I can. But, it would be staff's opinion that even though, and you've heard the distinction, and I'm not disagreeing with how it's been described, the standards are the standards, that there is some unique application of them to every case, and so otherwise it wouldn't be before you. It could be an administrative approval if it were as simple as black and white. It's up to you to determine whether or not it meets the standards.

Discussion was made on whether or not it meets the standards. Mr. Heyman stated the question is whether or not, and staff's opinion, the question is whether or not the application is congruous with the character of the historic district. And the way you determine congruity is whether or not it meets the standards. You may determine that any given application does or doesn't meet the standards. I'm being coy because it's not my place to tell you how to vote. As you have recently learned staff can make a legal argument as to whether or not staff thinks it meets the standard, but you're the decision maker.

Vice Chair stated I think for discussion, the positive side of this is the exterior of the house and the masonry has been preserved. The doors are cracked. We've, in the past, approved an after the fact on Ridgecrest. I think it's Ridgecrest, with an attempt by the homeowner and builder to make them look a little bit less vinyl. And I don't know how to say that in this particular instance. We also heard testimony here that there were windows that were cracked, and they were trying to seal the house up from the weather, and this was the most expeditious way to buy the standard windows.

Discussion was made on putting a condition on the approval. Mr. Heyman stated it'd be staff's opinion that you could put a reasonable condition, if that condition is to make the application meet the standards. If it goes to congruity with the district. If the condition, it meets the standard, but staff would suggest that maybe you question the contractor, the applicant, as to whether or not they could do that.

Vice Chair reopened the public hearing.

Vice Chair asked is there any way to make the windows look a little bit more non-vinyl? Mr. Mathis stated I would be glad to research, that you could get the wooden muntins to put on. Again, it would just be on that lower, part, so I'm not sure that, from an eye test, that it would, disguise it more or draw attention to it more. I have a little concern about putting wood around the jam, just because of the water, problems that were obviously there, previously. Vice Chair asked if the jam was wood or vinyl. Mr. Mathis stated on a vinyl window, everything is vinyl. Vice Chair stated so that whole section that we're looking at there, all white is vinyl. Mr. Mathis stated no, not vinyl trim, just the window itself. Vice Chair asked if the trim was wood. Mr. Mathis stated the trim is a composite material, which was also what was there previously.

Mr. Mathis stated there were two, windows, the one in the bathroom, which we left, it was a newer vinyl window. There was an addition to the home that wasn't the original footprint, that had one big fixed glass aluminum window that didn't match anything, and it had a window on the back that was an

older, vinyl-type window and it was completely broke. It was a single pane, just sort of cheap window, so we replaced it.

Ms. Kohler stated there was one window that didn't even have a window. It was just a storm window. The top and the bottom. And to keep the weather from blowing, you couldn't move it, or the whole darn thing would blow out, so I put duct tape around it to hold it in, and to keep the cold out, and to keep my heat in. They were just in pitiful shape. I understand your predicament, but I'm sort of prejudiced toward my predicament, because I thought I was doing a good thing.

Commissioner Hammond Green stated we appreciate you preserving, the home, and, it's unfortunate that when you purchased, you were given insufficient information. But we have to deal with the facts and the requirements that are in the zoning regulations and the historic overlay district.

Mr. Mathis stated can I speak to one thing? And I'm not a lawyer, and you may, speak to this, but hear the word incongruent, and so I did a little research there. In 2018, NC Supreme Court said for a preservation committee to claim incongruity, that the majority of the district would have to have that particular standard in place in order for you to enforce it onto a homeowner. And I've done work in Asheville and Grove Park. If you go up to there, you see every roof is the same shingle, in that district. And so they could say incongruity there, but if you drive around that neighborhood, it's 60-80% of the homes, different in windows, vinyl, some wood, some aluminum, so to call it incongruent, I guess I'm asking, is it incongruent with what the Preservation Committee's material types are, or incongruent with the historic district? Vice Chair stated it has to be congruent with the historic district. But we're also dealing with a standard that says do not use vinyl windows. Mr. Mathis stated right, but that would be a contextual standard, is what the NC Supreme Court would say, and for you to do that, incongruity would have to happen because the majority of the district has that standard that you're trying to invoke, and that was the case, again, I'm not lawyers, APS versus Raleigh 2018 or 19, where a similar type situation was occurring. Commissioner Falvo stated what our decision is, is based on the incongruity with the standard.

Vice Chair closed the public hearing.

The Commission discussed the approval and the denial of the application. They discussed adding a condition and also holding open the hearing for more information.

***Commissioner Hammond Green moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness as identified in File 26-32-COA and located within the Druid Hills 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 reason: 1. Doors, the original front door is no longer present, therefore obtaining, repairing, and preserving it is not possible. (Section 3.7.2, 3.7.4, 3.7.5). Commissioner Falvo seconded the motion which passed unanimously.***

***Commissioner Hammond Green moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness as identified in File 26-32-COA and located within the Druid Hills 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 reason: 1. Windows, the applicant has proposed vinyl windows which are incongruous with the design standards that prohibit the use of vinyl windows. (Section 3.7.6 and 3.12.1.) Commissioner Smith seconded the motion. The motion was four in favor and two opposed. The opposing votes were Vice Chair and Commissioner Falvo. Mr. Heyman stated It would be, staff's opinion that it's effectively a denial of the application. But there's not a majority voting to approve it. The application was denied.***

V(B) **Tree Pruning** – Vice Chair discussed Duke Power having the trees pruned in the historic districts. Photos were shown. He discussed them pruning a lot of old oak trees. He discussed a magnolia that was butchered. He talked about having a 30 day warning before they just show up and start cutting. Can staff talk to Duke about this? He would like to make a presentation to City Council. We claim to be a tree city and then things like this happen. Mr. Hayes stated as citizens of Hendersonville, you're always able to reach out to City Council. I know our City Council is aware of this. They've been made aware by some of your neighbors And, so therefore, our City Manager is aware of this as well. So Daniel had some items that kind of get into the legal side of what we can and cannot regulate, so if he's able to come back in while we're still discussing this, I'll let him do that. I have made contact with Duke, they've actually got a local government, liaison who works with, several counties in this area. So I talked with him, and where we've gotten to is, he's open to doing some site visits, so meeting with me, and they have an arborist as well, for every area. So we'd all meet together, in Hyman Heights. I believe, and correct me if I'm wrong, but Druid Hills, all of the lines are buried. And then Main Street is, obviously, all the lines are on the alleys. So, Hyman Heights is really our only, local historic district that has power lines that run through it. Obviously, the national districts are a different story. Mr. Hayes discussed talking with other municipalities. He stated he would be happy to speak with Duke about the noticing as well. No action was taken.

Mr. Heyman stated I was expecting to find something in the State Administrative Code, or the Public Utilities Commission, with some, like, mandate for Duke to provide, and they would rely on that. Say, we have a state mandate to provide uninterrupted service. I couldn't find anything to that effect, but I did find something very on point in Chapter 160D, which is the land use and development regulation for local governments. And so in the historic preservation section, very on point. It read nothing in this part, the part being the part on historic preservation, nothing in this part shall be construed to prevent the maintenance, or in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Preservation Commission. Mr. Heyman stated so, basically means, the way I read it is that they can maintain their existing above-ground utility structures, and I don't think it would be a stretch for a court to determine that maintenance includes regular trimming. I still think we would rely on the requirements to get a Certificate of Appropriateness and things like that. Regardless of whether or not you need a COA, you still got to do it by the standards, which is the case for some things we call that aren't even minor works, there are things that don't need a COA. In a historic district, if you repoint a little bit of your mortar, you don't have to come get a COA. That doesn't mean you could put bubblegum in there. You still have to do it by the standards. So, that's the argument we would make. This is just an update on what I have talked to the staff about. I think everybody agrees that ordinarily, a tree, a mature tree, is something you need a Certificate of Appropriateness for to remove or to do some sort of heavy pruning on. And that there's not, like, some blanket exemption just because this is an existing above-ground utility structure. That's just the argument we would make. Commissioner Smith wanted to know what their policy was. Mr. Holloway stated we have never required a COA for Duke Energy to trim the trees. Commissioner Smith felt like this should be added to their policy.

Commissioner Hammond Green stated they could discuss this with City Council and get them to add this to their procedures. Vice Chair stated I don't know that we're going to ask City Council to change the actual COA application to include tree trimming, I think I would like to see us require, before Duke Power does any more trimming, that we do a ride-around with the arborist and Sam or somebody from the city to approve that. I know we can't prevent them from pulling things, but I think it needs to be done a lot more judiciously than it has been. And somehow, I'd like to see that in writing from a recommendation from the Historic Preservation Commission to City Council. Commissioner Hammond Green and Vice Chair plan to attend the July City Council meeting to discuss this.

VI **Old Business.**

VI(A) **Findings of Fact – 314 N Main Street (26-011-COA)**

***On motion of Commissioner Hammond-Green and seconded by Commissioner Falvo the Findings of Fact for File No. 26-011-COA were approved.***

VII **Other Business.**

VII(A) **Edwards Park Project**

Commissioner Smith stated I'm not sure whether it's within our bailiwick as a commission or not, because it involves the backs of the buildings on Main Street, rather than the fronts of the building, rather than the facades. But we have this street that starts here, where I'm pointing, at 6th Avenue, and continues all the way to the Ecusta Trailhead, called Edwards. It's interrupted in some places, but the beauty of it is that when people park. They're always facing Edwards Street before they get to Main Street and we've got a bike plan that is emerging in the city. I would like to suggest that we think about Edward Street as being a bike or cyclist's channel from 6th Avenue all the way to the Ecusta Trailhead. The economic benefits are significant. There's grant money that is potentially available, etc. I don't know whether it is in our bailiwick or not in our bailiwick to support an endeavor like this. But there are three cities, within 100 miles of us that have already done this. Asheville has done this with Wall Street. Huntersville has done it. Greer, South Carolina has done it. Rapid City, South Dakota did this, and it has transformed the city, apparently, because folks are doing paintings on the backs of the buildings, and it's really rejuvenated the city. So, I provided materials to you. I also provided materials to, Jennifer Hensley, who is with the Bike Commission. And I'm not suggesting we take any action today. I just wanted to introduce the notion to you, because think about it, there's a lot of thought that needs to go into it. It's a big project, it would cost about two million bucks. We could find the money, but it would still cost us about two billion bucks. And, I think it would help businesses in town, it would certainly help all the tourists that come to town to get routed, it would leverage our parking spaces, there's all kinds of benefits. Can't find anything that would be a losing proposition for it. It's possible there are negatives, it's just I haven't been able to turn any up. We could, as a Commission recommend to City Council that they adopt a resolution to proceed with exploring getting this done. And then we are in a position to do the grant work, which is necessary. But, we need some impetus for City Council to start that process. And then there's this Bike Committee, which you started seeing signs about it, and if we're going to be doing a bike plan for the town, why not facilitate cyclists getting from 6th Avenue all the way to the Ecusta Trailhead and have our parking leveraged for the Ecusta Trail, which happens to have had a significant impact on our downtown business history. So, I think we can do it, but I don't want to push

an idea that people haven't had a chance to think through. I'm inviting you to think through it. I've got all kinds of materials for you. No action was taken.

Mr. Hayes stated he would connect Commissioner Smith with Matt Manley as he is the one leading the Bike Plan project.

VII(B) **Budget Adoption**

Mr. Hayes discussed the budget with the Commission. He also discussed the work plan for the Commission.

***Commissioner Smith moved the Commission to approve the adoption of the budget. Commissioner Hammond Green seconded the motion which passed unanimously.***

VII(C) **Staff Report**

Mr. Hayes gave a brief update on the COA process and he discussed looking at different municipalities on their processes. He would like to share this information and get feedback from the Commission. He discussed having a staff analysis in the packet. Vice Chair liked the idea but would also like to see a summary of the interaction with staff and the applicant. The Design Standards were also discussed. No action was taken.

VIII ***Adjournment. The Chair adjourned the meeting at 7:16 p.m.***

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Chair



# CITY OF HENDERSONVILLE AMENDED AGENDA ITEM SUMMARY PLANNING DIVISION



**SUBMITTER:** Sam Hayes, Planner II      **MEETING DATE:** July 15<sup>th</sup>, 2026

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

**TITLE OF ITEM:** 128 3<sup>rd</sup> Avenue E – Façade Rehabilitation  
(26-42-COA) – *Sam Hayes / Planner II*

**SUGGESTED MOTION(S):**

<p><b>1. <u>For Recommending Approval:</u></b></p> <p>I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # 26-42-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 <b><u>not incongruous</u></b> with the character of the Hendersonville Historic Preservation Commission Design Standards (Commercial) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The application does not propose altering the openings on the façade, and the new windows and door units will fit the entire façade opening. (Section 3.4.2.4)</li> <li>2. The current windows and doors are not original, and the proposed new units are compatible with the original opening and historic character of the building. (Section 3.7.7)</li> <li>3. The proposed metal awnings are appropriate because they are compatible with the historic character of the building. (Section 2.1.8)</li> </ol> <p>[DISCUSS &amp; VOTE]</p>	<p><b>1. <u>For Recommending Denial:</u></b></p> <p>I move the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # 26-42-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 <b><u>incongruous</u></b> with the character of the Hendersonville Historic Preservation Commission Design Standards (Commercial) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The new windows and doors are not compatible with the original opening and historic character of the building. (Section 3.7.7)</li> <li>2. The metal awnings are not compatible with the character of the buildings. (Section 2.1.8)</li> </ol> <p>[DISCUSS &amp; VOTE]</p>
---	---

<b>PROJECT/PETITIONER NUMBER:</b>	26-42-COA
<b>PETITIONER NAME:</b>	David McKinely (Applicant/Owner)
<b>EXHIBITS:</b>	A. COA Application B. COA Application Supplement C. Staff Report

	D. Staff Analysis E. Warranty Deed
--	---------------------------------------




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**WORKSPACE INFORMATION**


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**Application number**

26-42-COA (Major Work)

**Category**

Certificate of Appropriateness

**Workspace state**

Waiting for payment

**Workspace created**

06/04/2026, 9:58:04 PM EDT

**Application submitted**

06/04/2026, 10:24:47 PM EDT

**Assignee**

Sam Hayes

**Package generation date**

07/08/2026, 8:52:12 AM EDT

---

**LOCATION INFORMATION**


---

**Address**

128 3RD AVE E, Hendersonville, NC

**Property information**

9568872708,

**PARTIES**

NAME AND COMPANY	CONTACT DETAILS	ROLES
David McKinley	126 3rd Ave E Hendersonville dsmckinley7@gmail.com +1 8287770278	Applicant
DS THIRD AVE LLC	126 3RD AVE HENDERSONVILLE NC 28792	Property owner

# TABLE OF CONTENTS

Item A.

Cover page	1
Table of contents	2
Certificate of Appropriateness	3
Zoning-Applicant (Developer) Company Information	4
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**Procedures for Reviewing Applications for Certificates Appropriateness**

The City's Historic Preservation Ordinance provides that no one may erect, alter, restore, move, or demolish the exterior portion of any building or other structure, nor undertake significant modifications to landscaping and other site features, without a Certificate of Appropriateness (COA) which must be approved prior to the commencement of work. The COA application is processed through the city of Hendersonville Planning Department

All COA applications are due 30 days prior to the next regular Commission meeting date. The Historic Preservation Commission meets the third Wednesday of each month at 5pm in the 2nd Floor Meeting Room located at City Hall (160 6th Ave E.).

**Information**

COA Project Description – The burden of proof is on the Applicant to prove the proposed work is in keeping with the historical character of the district. Please list specific references in the Design Standards that support your application.

The scope of the project is to provide improvements upon the existing storefront. Windows shall be replaced in the existing openings, as well as a new door in the existing opening, leaving the structure and finishes of the building in original condition. The existing exterior finishes are to be cleaned and restored to ensure the longevity of the storefront. Canopies are to be added above the windows and entry door to match surrounding historic buildings to both improve the aesthetic of the building, as well as add protection to the windows and entryway.



## Zoning-Applicant (Developer) Company Information

Item A.

### Applicant (Developer) Company Information

Authorized Representative Name:

David McKinley

Company Name (if applicable, check corresponding box below)

David Scot Builders Inc

Company Type:

If other:

- Corporation:       Limited Liability Company:       Trust:  
 Partnership:       Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

President



## Zoning-Property Owner Company Information

Item A.

### Property Owner Company Information (if different from Applicant)

Authorized Representative Name:

David McKinley

Company Name (if applicable, check corresponding box below)

DS Third Ave LLC

Company Type:

If other:

- Corporation:       Limited Liability Company:       Trust:
- Partnership:       Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

Member Manager

ATTACHMENTS

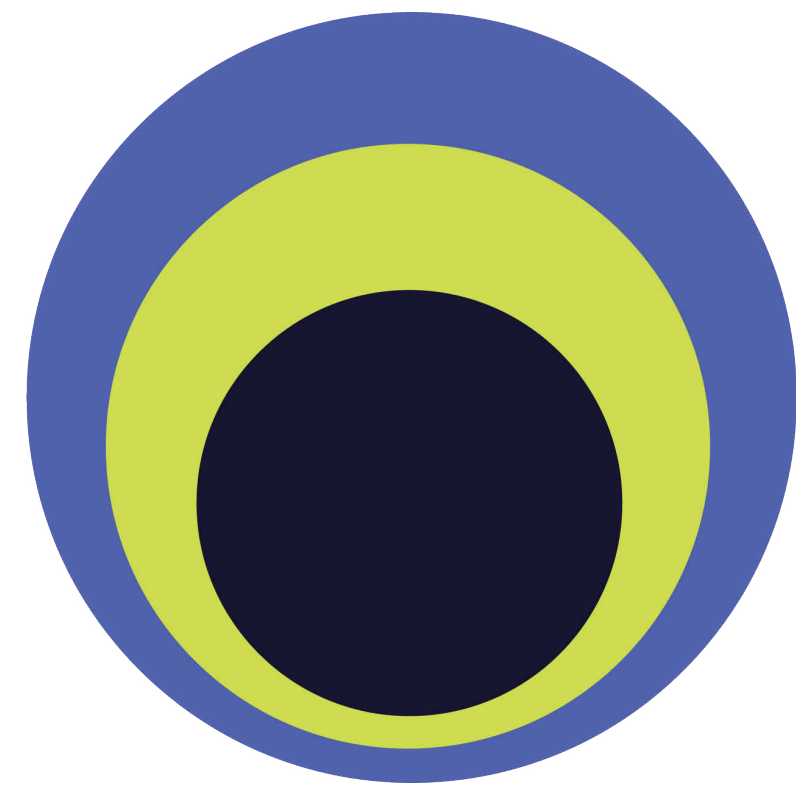
Item A.

This section includes relevant information about the various attachments that have been uploaded to the workspaces or that have been generated as part of the workspace. The actual files are not included in this pdf. Refer to other folders within the downloaded file to view the actual files.

**Phase:** Application  
**Uploaded on:** 07/08/2026, 8:51:22AM EDT  
**Attachment type(s):** Proposed Elevation Drawings

VERSIONS

VERSION	UPLOADED ON	FILENAME(S)	MEDIA TYPE
1	07/08/2026, 8:51:22AM EDT	128 3rd Ave Facade Renovation 7-7-26.pdf	application/pdf

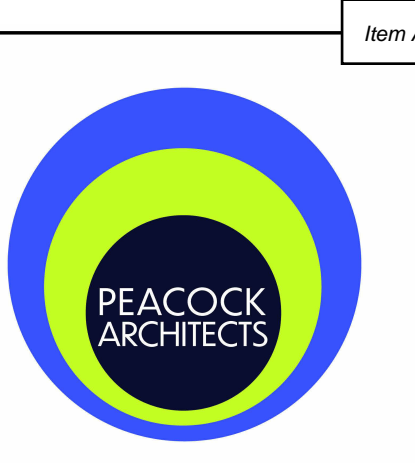


# PEACOCK ARCHITECTS

DAVID MCKINLEY

## 128 3RD AVE FACADE RENOVATION

HENDERSONVILLE, NC



PROJECT DESIGN TEAM:  
THE TAMARA PEACOCK CO. ARCHITECTS  
129 3RD AVE W  
HENDERSONVILLE, NC 28792  
PHONE: 828.696.4000  
LICENSE #12289

OWNER:

PROJECT NAME:  
**128 3RD AVE  
FACADE  
RENOVATION**  
128 3RD AVE.  
HENDERSONVILLE,  
NC 28792

ISSUED FOR:  
  
DATE:

SHEET NAME:  
**COVER  
SHEET**

REVISIONS:

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THIS DOCUMENT DOES NOT EITHER IN WHOLE OR IN PART CONSTITUTE ANY DIRECTION OR INSTRUCTION TO ANY CONTRACTOR WITH REGARD TO CONSTRUCTION MEANS, METHODS OR TECHNIQUES. BY THIS DOCUMENT THE ARCHITECT DOES NOT INTEND TO EXPRESS ANY OPINION, DIRECTION OR INSTRUCTION OF ANY KIND WHATSOEVER AS TO THE MANNER IN WHICH THE CONSTRUCTION WORK IS TO BE ACCOMPLISHED.

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DRAWN BY: AUTHOR  
DESIGNED BY: DESIGNER  
CHECKED BY: CHECKER  
APPROVED BY: APPROVER

SHEET NO.:  
**CS-1**



PROJECT DESIGN TEAM:  
**PEACOCK ARCHITECTS**  
 129 3RD AVE W HENDERSONVILLE, NC 28792  
 PH: 828-496-4000  
**LANDSCAPE ARCHITECTS**  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
**CIVIL ENGINEERING**  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
**MEP ENGINEERING**  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
**STRUCTURAL ENGINEERING**  
 ADDRESS  
 CITY, STATE ZIP  
 PH:

OWNER:  
 DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
 FACADE  
 RENOVATION**  
**128 3RD AVE,  
 HENDERSONVILLE,  
 NC 28792**

TAKARA PEACOCK, R.A.  
 LICENSE NO. 12728

ISSUED FOR:  
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 \_\_\_\_\_  
 DATE:  
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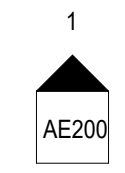
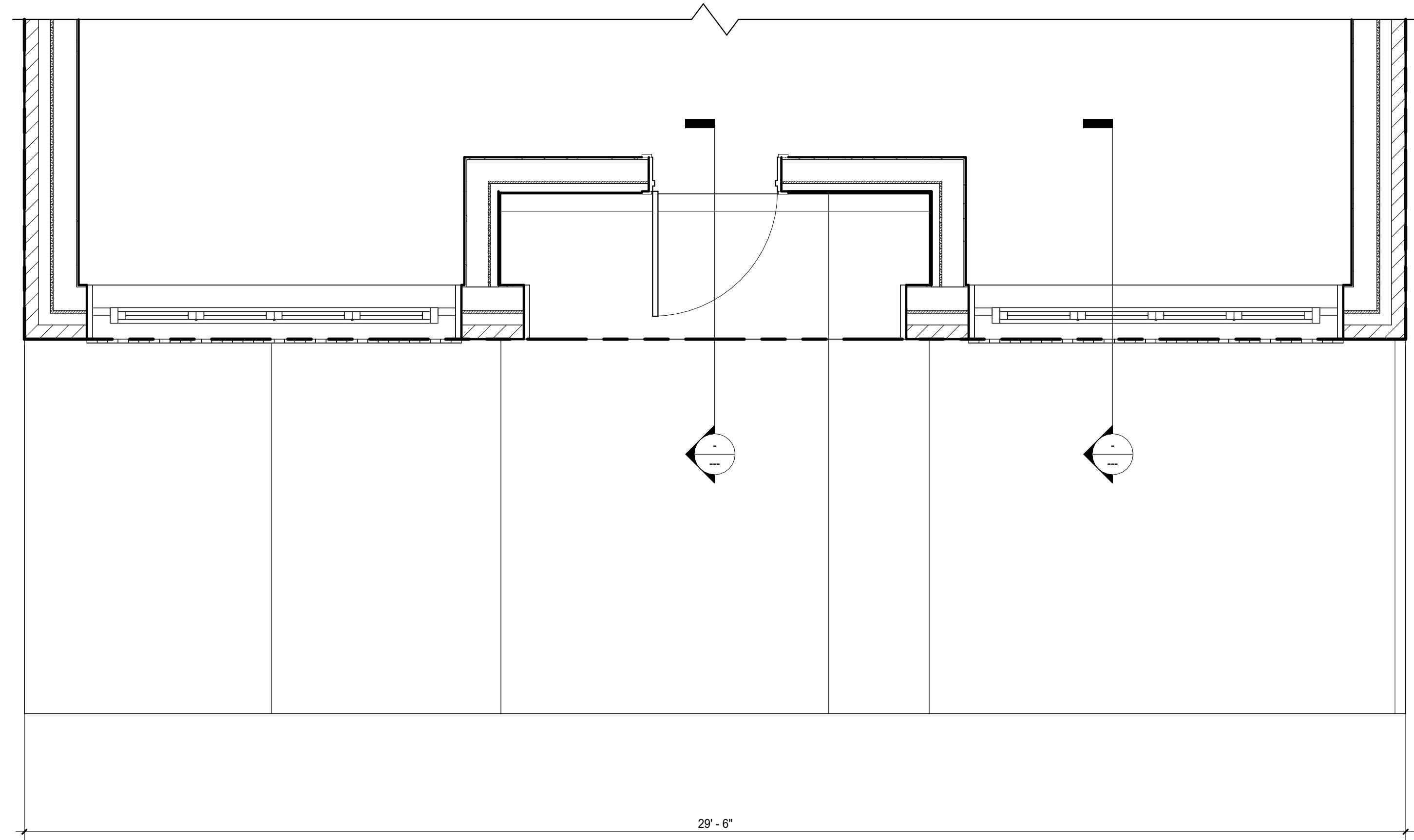
SHEET NAME:  
**EXISTING  
 FLOOR  
 PLAN**

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 DESIGNED BY: DESIGNER  
 REVISION BY: CAPT. APPROVER  
 CHECKER APPROVER

SHEET NO.:  
**AE102**



1 LEVEL 1 - EXISTING  
 AE102 1/2" = 1'-0"



**PROJECT DESIGN TEAM:**

**PEACOCK ARCHITECTS**  
129 3RD AVE W HENDERSONVILLE, NC  
28792

PH: 828-496-4000  
**LANDSCAPE ARCHITECTS**  
ADDRESS  
CITY, STATE ZIP  
PH:

**CIVIL ENGINEERING**  
ADDRESS  
CITY, STATE ZIP  
PH:

**MEP ENGINEERING**  
ADDRESS  
CITY, STATE ZIP  
PH:

**STRUCTURAL ENGINEERING**  
ADDRESS  
CITY, STATE ZIP  
PH:

**OWNER:**

DEWIGHT WINCHESTER

**PROJECT NAME:**

**128 3RD AVE  
FACADE  
RENOVATION  
128 3RD AVE.  
HENDERSONVILLE,  
NC 28792**

TAMARA PEACOCK, R.A.  
LICENSE NO. 37228

**ISSUED FOR:**

\_\_\_\_\_

**DATE:**

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**SHEET NAME:**

**EXISTING  
ELEVATIONS**

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DATE: 7/7/2026 2:28:24 PM

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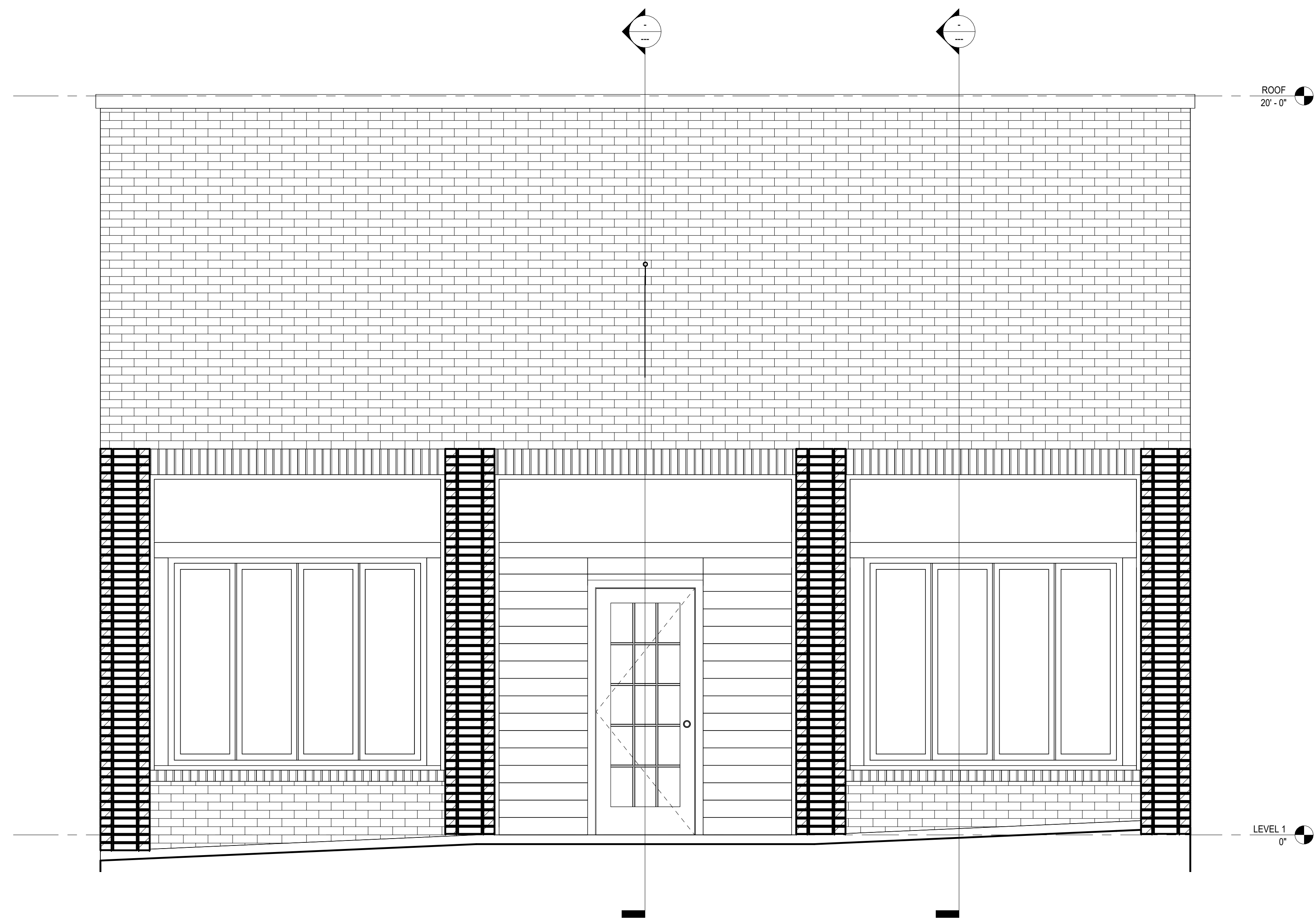
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DESIGNER \_\_\_\_\_

REVISION BY: CHECKER CAPT. APPROVER \_\_\_\_\_

SHEET NO.:

**AE200**



**1 SOUTH - EXISTING**  
AE200 1/2" = 1'-0"



PROJECT DESIGN TEAM:  
 PEACOCK ARCHITECTS  
 129 3RD AVE W HENDERSONVILLE, NC 28792  
 PH: 828-496-4000  
 LANDSCAPE ARCHITECTS  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
 CIVIL ENGINEERING  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
 MEP ENGINEERING  
 ADDRESS  
 CITY, STATE ZIP  
 PH:  
 STRUCTURAL ENGINEERING  
 ADDRESS  
 CITY, STATE ZIP  
 PH:

OWNER:  
 DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
 FACADE  
 RENOVATION**  
**128 3RD AVE.  
 HENDERSONVILLE,  
 NC 28792**

TAMARA PEACOCK, P.A.  
 LICENSE NO. 3728

ISSUED FOR:  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 DATE:  
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SHEET NAME:  
**EXISTING /  
 DEMOLITION  
 FLOOR  
 PLAN**

REVISION	REVISION DATE	ISSUED FOR

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 DRAWN BY: AUTHOR PREP. INGR.: DESIGNER  
 REVISED BY: CHART. APPROVER  
 CHECKER APPROVER

SHEET NO.:  
**AD102**

## GENERAL DEMO NOTES

- THE DEMOLITION INFORMATION ON THESE DRAWINGS, ARE TO BE USED IN CONJUNCTION WITH THE ENTIRE SET OF CONSTRUCTION DOCUMENTS. DO NOT COMMENCE WITH DEMOLITION WITHOUT VERIFYING AND COORDINATING WITH NEW WORK DOCUMENTATION. THE CONTRACTOR SHALL REFER TO AND COORDINATE WITH CIVIL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR ADDITIONAL DEMOLITION INFORMATION.
- THE PURPOSE OF THESE DEMOLITION PLANS, AS MADE PART OF THE CONTRACT DOCUMENTS, IS TO GIVE THE GENERAL CONTRACTOR A GENERAL IDEA AS TO THE SCOPE OF ARCHITECTURAL DEMOLITION WORK REQUIRED. THE CONTRACTOR'S SHALL VISIT THE FACILITY, THOROUGHLY EVALUATE THE EXISTING FACILITY AGAINST THE DRAWINGS AND ACTUAL SITE CONDITIONS.
- REVIEW ALL CONTRACT DOCUMENTS AND ARRIVE AT THE SCOPE OF DEMOLITION WORK REQUIRED TO ACHIEVE THE INTENDED RESULTS AND FINISHED PRODUCT. ALL DEMOLITION WORK SHALL BE INCLUDED IN THE BASE SCOPE OF WORK.
- ALL EXISTING UTILITY PENETRATIONS THROUGH EXISTING WALLS, SLABS, ETC., ARE FOUND UNSEALED OR SEALED IMPROPERLY ARE TO BE RESEALED AND RESEALED IN ACCORDANCE WITH UNDERWRITERS LABORATORIES OR OTHER APPROVED INDEPENDENT LABORATORIES TESTED METHODS AND PRODUCTS FOR THE WALL RATING. INSURE THAT FIRE RATING OF ALL RATED WALLS IS MAINTAINED.
- NOTIFY THE APPROPRIATE UTILITY LOCATION SERVICE PRIOR TO ANY SITE EXCAVATION OR TRENCHING.
- CONTRACTOR SHALL PROVIDE TEMPORARY SUPPORT AS REQUIRED FOR ANY EXISTING ELECTRICAL, TELECOMMUNICATIONS, MECHANICAL, AND PLUMBING SYSTEMS WHICH ARE TO REMAIN.
- THE GENERAL CONTRACTOR SHALL PROVIDE FOR THE TEMPORARY STORAGE OF ALL COMPONENTS OF THE EXISTING WORK SCHEDULED TO BE REUSED. ITEMS SCHEDULED TO BE REUSED THAT ARE DAMAGED AS A RESULT OF POOR OR INADEQUATE HANDLING AND STORAGE MEANS OR METHODS, SHALL BE REPLACED WITH APPROVED SUBSTITUTES BY THE GENERAL CONTRACTOR AT NO ADDITIONAL CHARGE.
- THE OWNER SHALL HAVE FIRST RIGHT OF REFUSAL ON ALL MATERIAL AND ITEMS TO BE REMOVED. ITEMS IDENTIFIED BY THE OWNER TO BE SALVAGED AND TURNED OVER TO THE OWNER ARE TO BE REMOVED BY THE GENERAL CONTRACTOR AND DELIVERED TO A MUTUALLY AGREED UPON LOCATION ON THE JOB SITE.
- REMOVE ITEMS IN SUCH A WAY AS TO NEITHER DAMAGE ADJACENT MATERIALS NOR COMPROMISE THE STRUCTURAL INTEGRITY OF EXISTING BUILDING. CONTRACTOR SHALL PROVIDE ADEQUATE BRACING AND SHORING OF EXISTING CONSTRUCTION AS REQUIRED TO PERFORM THE PRESCRIBED WORK. THE CONTRACTOR SHALL ENGAGE THE SERVICES OF AN ENGINEER, AT THE CONTRACTOR'S EXPENSE.
- ALL HOLES AND OPENINGS IN FLOOR SLABS AS A RESULT OF EXISTING MECHANICAL, PLUMBING, OR ELECTRICAL UTILITY REMOVAL ARE TO BE FILLED IN WITH CONCRETE. ALL DEPRESSIONS ARE TO BE LEVELED UNLESS INDICATED OTHERWISE.
- ALL ABANDONED, NONESSENTIAL OR OTHERWISE NOT SPECIFICALLY SHOWN TO BE REUSED, MECHANICAL, PLUMBING, OR ELECTRICAL UTILITIES THAT ARE EXPOSED AFTER THE CEILING OR WALL REMOVAL ARE TO BE REMOVED AND CAPPED AT POINT OF ORIGIN. CONSULT ARCHITECT IF QUESTIONS ARISE AS TO WHETHER A SERVICE IS TO BE ABANDONED OR IS TO REMAIN.
- THE GENERAL CONTRACTOR SHALL MAINTAIN DURING THE PROGRESS OF THE WORK ALL MEANS OF EGRESS FROM THE FACILITY. CORRIDORS SHALL NOT BE REDUCED IN WIDTH IN SUCH A MANNER AS TO IMPEDE EGRESS FROM THE BUILDING. EXIT SIGNS, ALARM PULL STATIONS, ETC., ARE NOT TO BE BLOCKED FROM VIEW.
- THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING PORTIONS OF THE BUILDING TO REMAIN. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING PORTIONS OF THE BUILDING TO REMAIN, WHICH ARE CAUSED BY THE CONTRACTOR, OR CONTRACTORS' TEAM.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING EMERGENCY LIGHTING, EXITING, SECURITY, AND ALARMS FOR THE ENTIRE SITE. ANY VARIATIONS OF EXISTING SYSTEMS SHALL BE COORDINATED WITH THE OWNER. ALL ISSUES REGARDING PUBLIC SAFETY, AND MUST TAKE ALL NECESSARY PRECAUTIONS PRESCRIBED BY ALL LAWS, ORDINANCES, CODES, REGULATIONS AND ALL AUTHORITIES HAVING JURISDICTION TO PREVENT INJURY TO ANY PERSONS ON, ABOUT, OR ADJACENT TO THE CONSTRUCTION SITE.
- THE CONTRACTOR SHALL IMMEDIATELY REPORT THE DISCOVERY OR SUSPICION OF OR THE PRESENCE OF ANY HAZARDOUS MATERIALS TO THE OWNER PRIOR TO PROCEEDING WITH DEMOLITION WORK.
- THE GENERAL CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE OWNER A MINIMUM OF 72 HOURS PRIOR TO ANY DISRUPTION OF SERVICES INCLUDING LIFE SAFETY SYSTEMS.
- THE PURPOSE OF THE DEMOLITION DRAWINGS ARE STRICTLY LIMITED TO GENERALLY INDICATING AREAS AND/ OR ITEMS TO BE REMOVED. THE CONTRACTOR IS ENTIRELY RESPONSIBLE FOR THE MEANS, METHODS, SEQUENCE AND EXACT EXTENT OF DEMOLITION NEEDED FOR NEW CONSTRUCTION. VERIFY ALL DEMOLITION DIMENSIONS PRIOR TO DEMOLITION AND COORDINATE VERIFIED DIMENSIONS WITH NEW WORK. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES DISCOVERED INCLUDING THE NEED TO RELOCATE ITEMS SUCH AS LIGHT SWITCHES, FIRE ALARMS, EXIT LIGHTS, OUTLETS, ETC. NOT SHOWN ON DRAWINGS. DISCREPANCIES SHALL BE RESOLVED PRIOR TO BEGINNING DEMOLITION WORK.
- REFER TO MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR ADDITIONAL DEMOLITION WORK. CONTRACTOR SHALL COORDINATE DEMOLITION OF UTILITIES THAT SERVE SPACES WHICH WILL REMAIN AS PART OF ANY NEW CONSTRUCTION. PROTECT ALL UTILITIES IN THE DEMOLITION AREA AS REQUIRED TO ENSURE CONTINUOUS OPERATION OF SERVICES. IF UTILITY INTERRUPTION IS ANTICIPATED, THE CONTRACTOR SHALL NOTIFY THE OWNER IN WRITING FIVE BUSINESS DAYS PRIOR TO INTERRUPTION OF SERVICES.
- ALL FURNISHINGS SHALL BE REMOVED BY OWNER PRIOR TO DEMOLITION PROCEDURES.

WHEREVER EXISTING EQUIPMENT, PIPING, DUCTS, ETC., ARE REQUIRED TO BE REMOVED, SUCH REMOVAL SHALL INCLUDE ALL ANCHORS, HANGERS, FOUNDATIONS, ETC. AFTER REMOVAL, AFFECTED CONSTRUCTION AND SURFACES SUCH AS FLOORS, WALLS, BASES, AND CEILINGS SHALL BE FINISHED TO MATCH ADJACENT SURFACES UNLESS OTHERWISE NOTED.

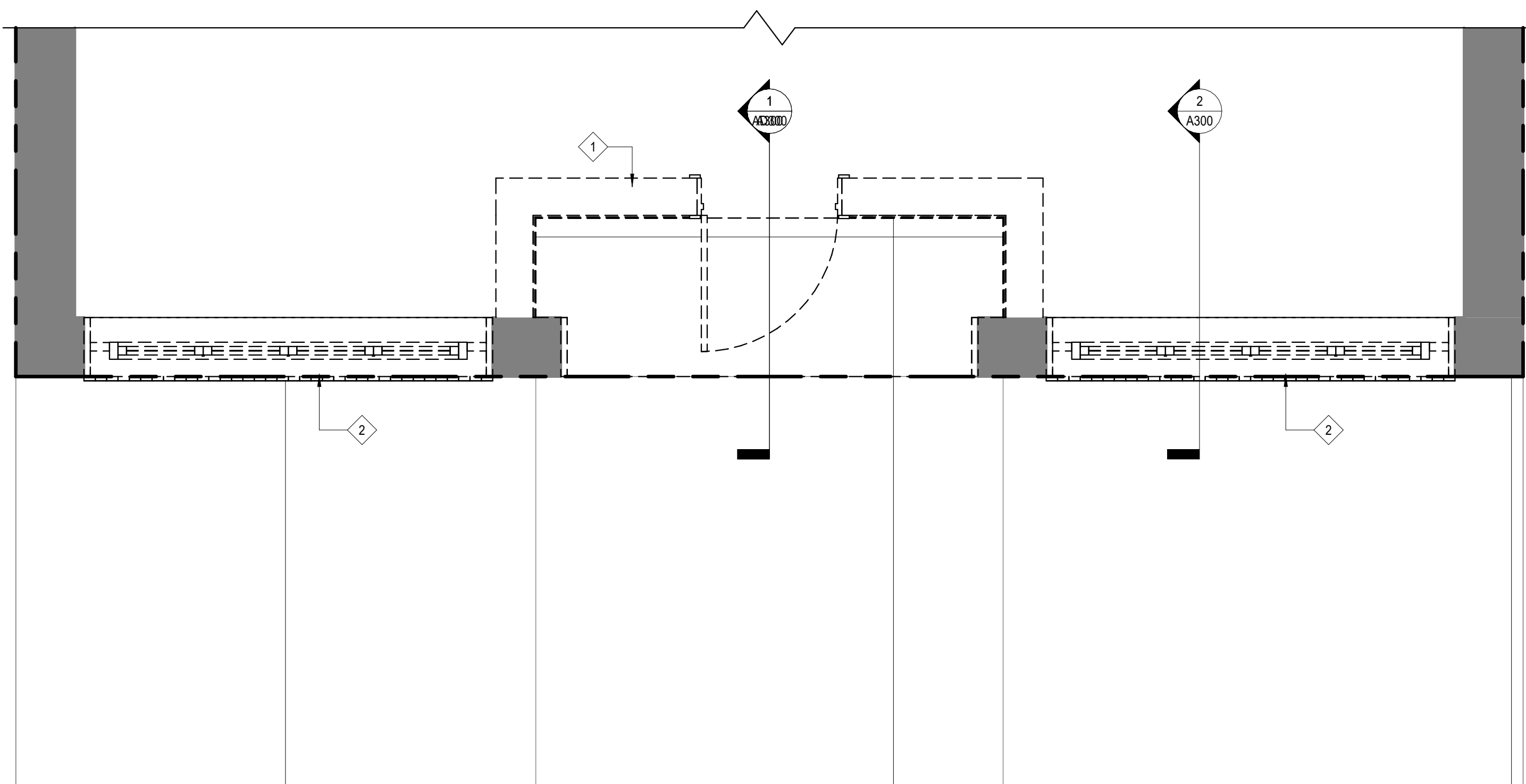
20. WHERE NEW FINISHES ARE INDICATED, INCLUDING FLOOR AND WALL FINISHES, ALL EXISTING FLOORING, WALLCOVERING, PAINT, ETC., IS TO BE REMOVED TO THE SUBSTRATE. EXPOSED SUBSTRATES ARE TO BE GROUND SMOOTH OR FILLED AND REQUIRED AND CLEANED OR OTHERWISE PREPARED TO RECEIVE NEW FINISHES.

21. WHERE NEW CEILINGS ARE SHOWN IN EXISTING SPACES THE EXISTING CEILINGS AND SUPPORT SYSTEMS SHALL BE REMOVED. REMOVE ANY ASSOCIATED CURTAIN TRACKS, CEILING SUPPORTED TV BRACKETS, ETC.

22. DO NOT ALLOW MATERIALS AND DEBRIS GENERATED BY DEMOLITION ACTIVITIES TO ACCUMULATE. ALL ITEMS AND MATERIALS REMOVED FROM THE SITE SHALL BE DISPOSED OF AS SPECIFIED ON SITE BURNING IS PROHIBITED.

## DEMO KEYED NOTES

1	REMOVE DOOR AND WALL IN ENTIRETY. NEW CONSTRUCTION TO BE FLUSH WITH EXTERIOR WALL. PREPARE OPENING FOR NEW STOREFRONT DOOR.
2	REMOVE WINDOW AND WOODEN FRAMING - PREPARE OPENING FOR NEW STOREFRONT WINDOWS. COORDINATE WITH OWNER FOR SALVAGING MATERIALS.
3	REMOVE EXISTING SIGN - COORDINATE WITH OWNER FOR REPLACEMENT / REINSTALLATION OF SIGNAGE
4	REMOVE SIDING AND PREP SURFACES FOR NEW MATERIAL IN NEW CONSTRUCTION





PROJECT DESIGN TEAM:  
 PEACOCK ARCHITECTS  
 129 2ND AVE W HENDERSONVILLE, NC 27977  
 PH: 828-496-4000  
 LANDSCAPE ARCHITECTS  
 ADDRESS CITY, STATE ZIP PH:  
 CIVIL ENGINEERING  
 ADDRESS CITY, STATE ZIP PH:  
 MEP ENGINEERING  
 ADDRESS CITY, STATE ZIP PH:  
 STRUCTURAL ENGINEERING  
 ADDRESS CITY, STATE ZIP PH:

OWNER:  
 DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
 FACADE  
 RENOVATION**  
**128 3RD AVE,  
 HENDERSONVILLE,  
 NC 28792**

TAMARA PEACOCK, P.A.  
 LICENSE NO. 3728

ISSUED FOR:  
 \_\_\_\_\_  
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 DATE:  
 \_\_\_\_\_

SHEET NAME:  
**EXISTING /  
 DEMO  
 ELEVATIONS**

REVISION	REVISION DATE	ISSUED FOR

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DATE: 7/7/2026 2:28:25 PM  
 PROJ. NO.:  
 CHECKER:  
 DRAWN BY: AUTHOR PROJ. INGR.:  
 DESIGNED BY: DESIGNER CAPT.:  
 CHECKER APPROVER

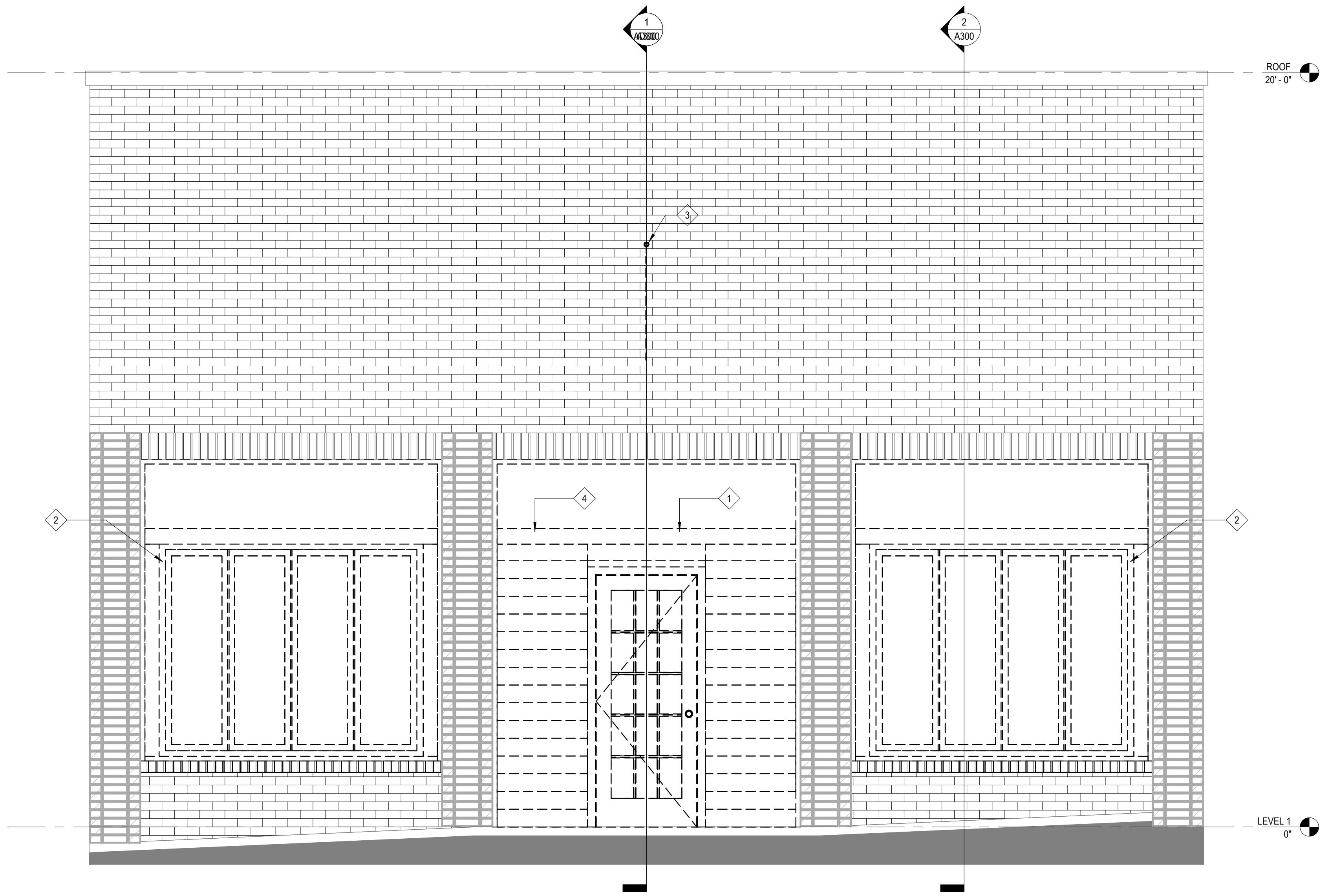
SHEET NO.:  
**AD200**

## GENERAL DEMO NOTES

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1	REMOVE DOOR AND WALL IN ENTIRETY. NEW CONSTRUCTION TO BE FLUSH WITH EXTERIOR WALL. PREPARE OPENING FOR NEW STOREFRONT DOOR.
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4	REMOVE SIDING AND PREP SURFACES FOR NEW MATERIAL IN NEW CONSTRUCTION



1 SOUTH - EXISTING / DEMO  
 AD200 1/2" = 1'-0"



PROJECT DESIGN TEAM:  
 PEACOCK ARCHITECTS  
 129 2ND AVE W HENDERSONVILLE, NC 28792  
 PH: 828-496-4000  
 LANDSCAPE ARCHITECTS  
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 ADDRESS CITY, STATE ZIP PH:  
 STRUCTURAL ENGINEERING  
 ADDRESS CITY, STATE ZIP PH:

OWNER:  
 DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
 FACADE  
 RENOVATION**  
**128 3RD AVE,  
 HENDERSONVILLE,  
 NC 28792**

TAMARA PEACOCK, P.A.  
 LICENSE NO. 3728

ISSUED FOR:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 DATE:  
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SHEET NAME:  
**EXISTING /  
 DEMO  
 SECTIONS**

REVISION	REVISION DATE	ISSUED FOR

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 REVISED BY: CHIEF APPR.: APPROVER  
 CHECKER APPROVER

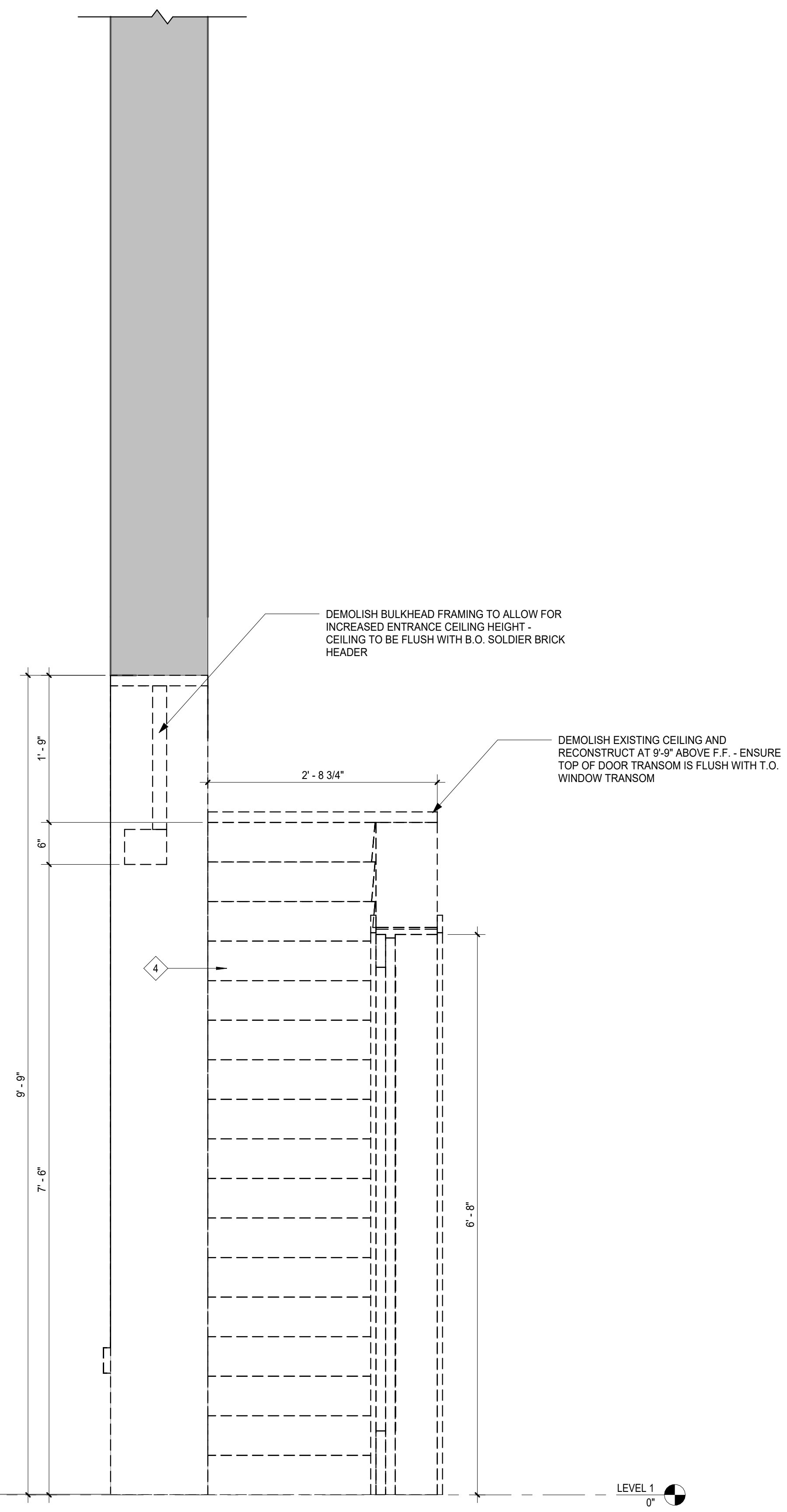
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**AD300**

## GENERAL DEMO NOTES

- THE DEMOLITION INFORMATION ON THESE DRAWINGS, ARE TO BE USED IN CONJUNCTION WITH THE ENTIRE SET OF CONSTRUCTION DOCUMENTS. DO NOT COMMENCE WITH DEMOLITION WITHOUT VERIFYING AND COORDINATING WITH NEW WORK DOCUMENTATION. THE CONTRACTOR SHALL REFER TO AND COORDINATE WITH CIVIL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR ADDITIONAL DEMOLITION INFORMATION.
- THE PURPOSE OF THESE DEMOLITION PLANS, AS MADE PART OF THE CONTRACT DOCUMENTS, IS TO GIVE THE GENERAL CONTRACTOR A GENERAL IDEA AS TO THE SCOPE OF ARCHITECTURAL DEMOLITION WORK REQUIRED. THE CONTRACTOR'S SHALL VISIT THE FACILITY, THOROUGHLY EVALUATE THE EXISTING FACILITY AGAINST THE DRAWINGS AND ACTUAL SITE CONDITIONS.
- REVIEW ALL CONTRACT DOCUMENTS AND ARRIVE AT THE SCOPE OF DEMOLITION WORK REQUIRED TO ACHIEVE THE INTENDED RESULTS AND FINISHED PRODUCT. ALL DEMOLITION WORK SHALL BE INCLUDED IN THE BASE SCOPE OF WORK.
- ALL EXISTING UTILITY PENETRATIONS THROUGH EXISTING WALLS, SLABS, ETC., ARE FOUND UNSEALED OR SEALED IMPROPERLY ARE TO BE RESEALED AND RESEALED IN ACCORDANCE WITH UNDERWRITERS LABORATORIES OR OTHER APPROVED INDEPENDENT LABORATORIES TESTED METHODS AND PRODUCTS FOR THE WALL RATING. INSURE THAT FIRE RATING OF ALL RATED WALLS IS MAINTAINED.
- NOTIFY THE APPROPRIATE UTILITY LOCATION SERVICE PRIOR TO ANY SITE EXCAVATION OR TRENCHING.
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1 Section 1 - DEMO  
 AD300 1" = 1'-0"



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PROJECT DESIGN TEAM:

PEACOCK ARCHITECTS  
129 3RD AVE W HENDERSONVILLE, NC  
28792

PH: 828-496-4000  
LANDSCAPE ARCHITECTS  
ADDRESS  
CITY, STATE ZIP  
PH:

CIVIL ENGINEERING  
ADDRESS  
CITY, STATE ZIP  
PH:

MEP ENGINEERING  
ADDRESS  
CITY, STATE ZIP  
PH:

STRUCTURAL ENGINEERING  
ADDRESS  
CITY, STATE ZIP  
PH:

OWNER:  
DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
FACADE  
RENOVATION**  
128 3RD AVE.  
HENDERSONVILLE,  
NC 28792

TAMARA PEACOCK, P.A.  
LICENSE NO. 07228

ISSUED FOR:

DATE:

SHEET NAME:

**LEVEL 1 -  
FLOOR  
PLAN**

REVISION	REVISION DATE	ISSUED FOR

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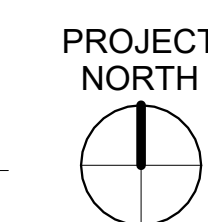
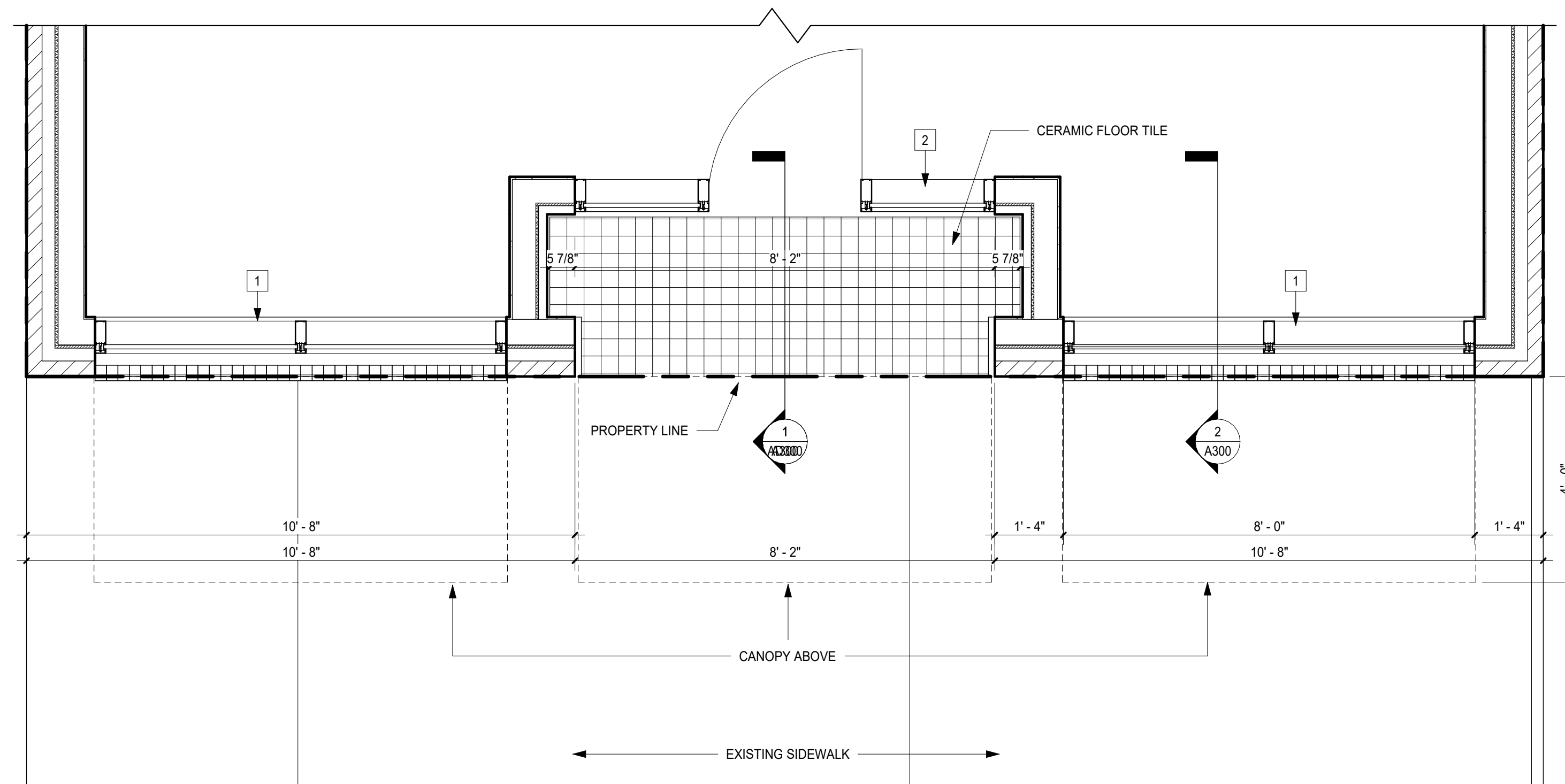
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DRAWN BY: AUTHOR PROJ. MGR.: DESIGNER

REVISED BY: CHECKER CAPT. APPROVER

SHEET NO.:

**A102**



1 LEVEL 1 - NEW CONSTRUCTION  
A102 1/2" = 1'-0"



**GENERAL NOTES**

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129 3RD AVE W HENDERSONVILLE, NC 28792

PH: 828-496-4000  
LANDSCAPE ARCHITECTS  
ADDRESS  
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STRUCTURAL ENGINEERING  
ADDRESS  
CITY, STATE ZIP  
PH:

OWNER:  
DEWIGHT WINCHESTER

PROJECT NAME:  
**128 3RD AVE  
FACADE  
RENOVATION**  
128 3RD AVE.  
HENDERSONVILLE,  
NC 28792

TAMARA PEACOCK, P.A.  
LICENSE NO. 07228

ISSUED FOR:

DATE:

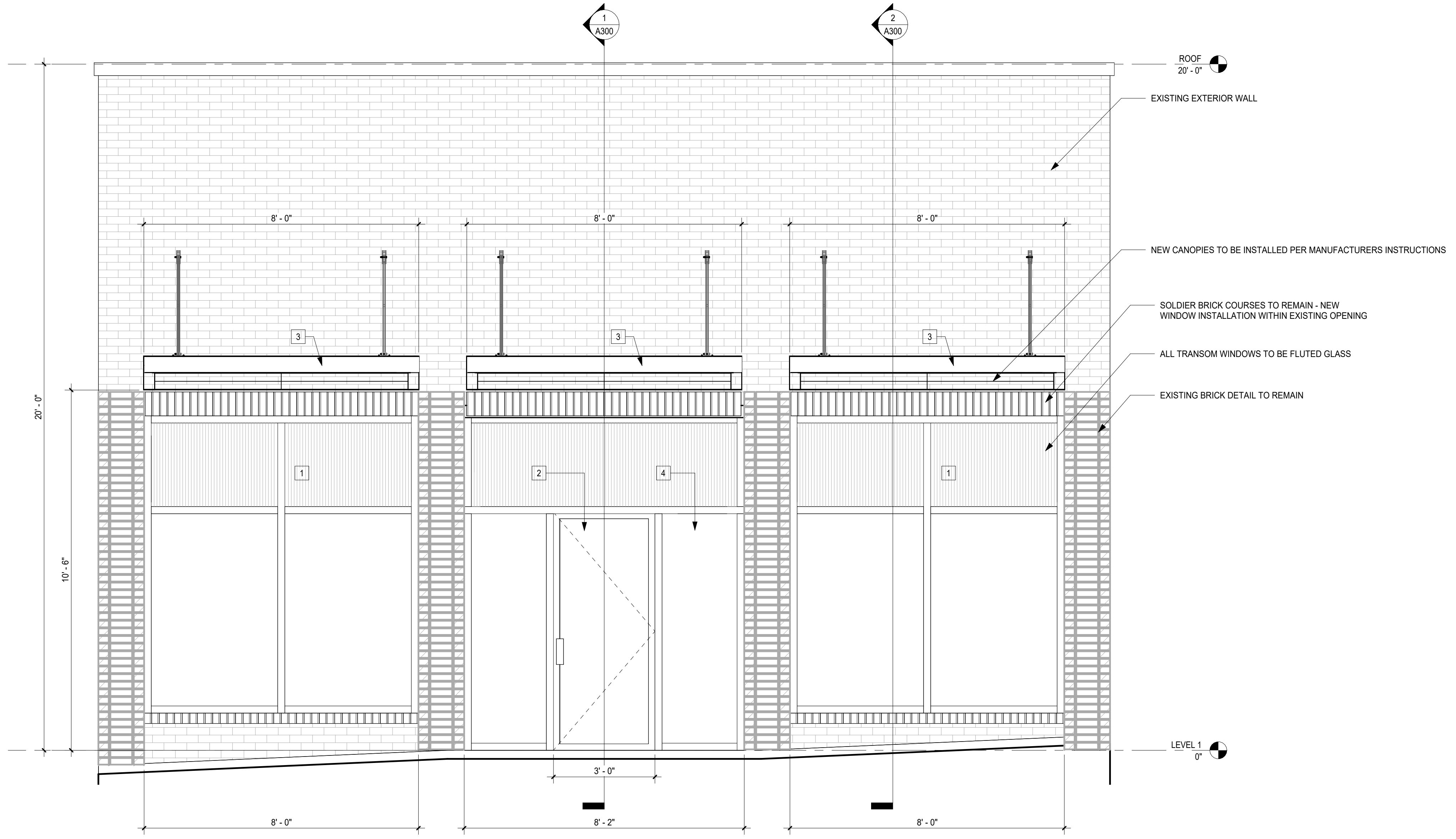
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 PREP. INGR.: DESIGNER  
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 CHECKER: APPROVER

SHEET NO.:  
**A200**



1 SOUTH  
A200 1/2" = 1'-0"

PROJECT DESIGN TEAM:  
**PEACOCK ARCHITECTS**  
 129 3RD AVE W HENDERSONVILLE, NC 28792  
 PH: 828-496-4000  
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OWNER:  
 DEWIGHT WINCHESTER

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**128 3RD AVE FACADE RENOVATION**  
**128 3RD AVE.**  
**HENDERSONVILLE, NC 28792**

TAMARA PEACOCK, P.A.  
 LICENSE NO. 12728

ISSUED FOR:  
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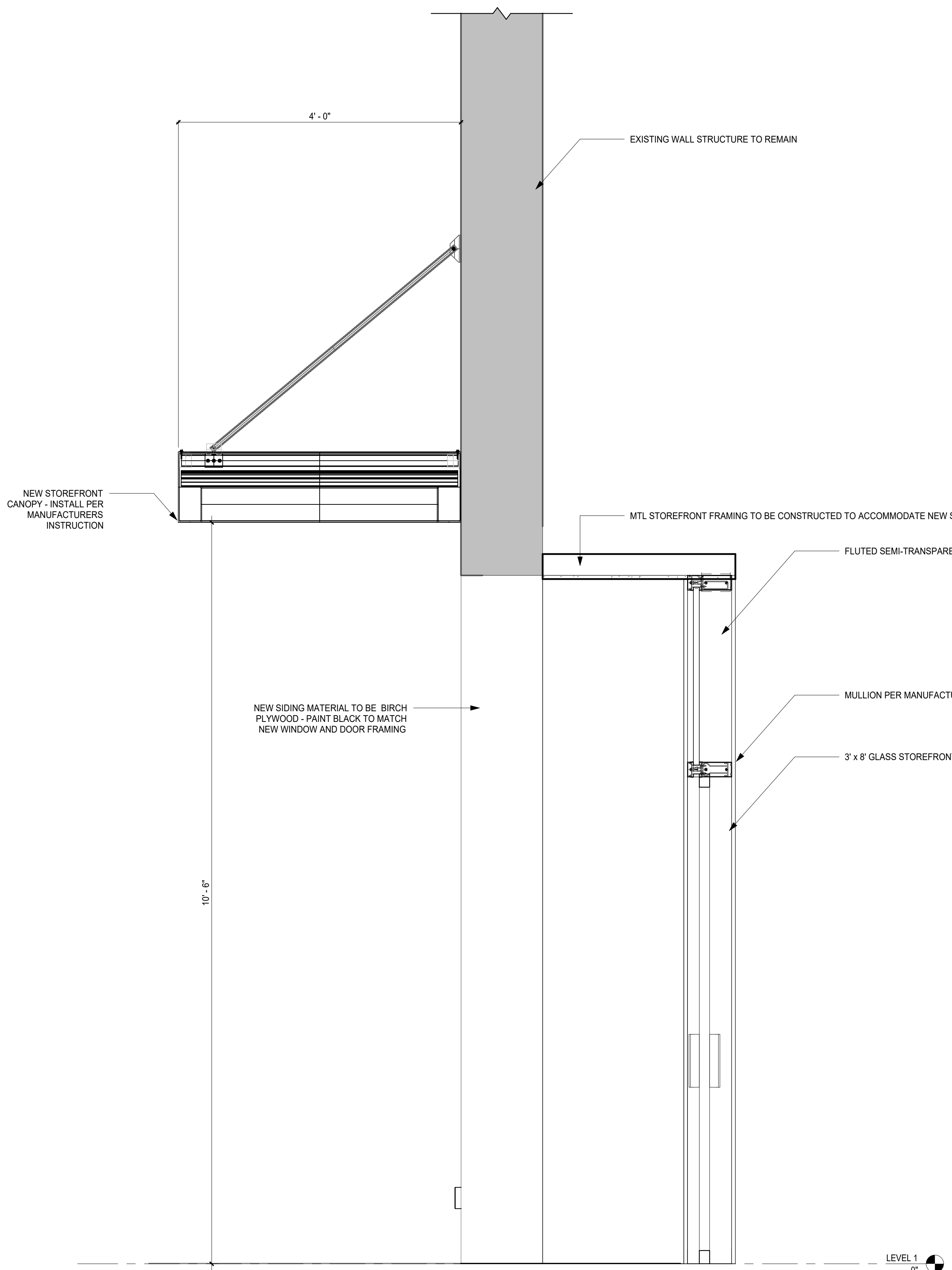
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REVISION	REVISION DATE	ISSUED FOR

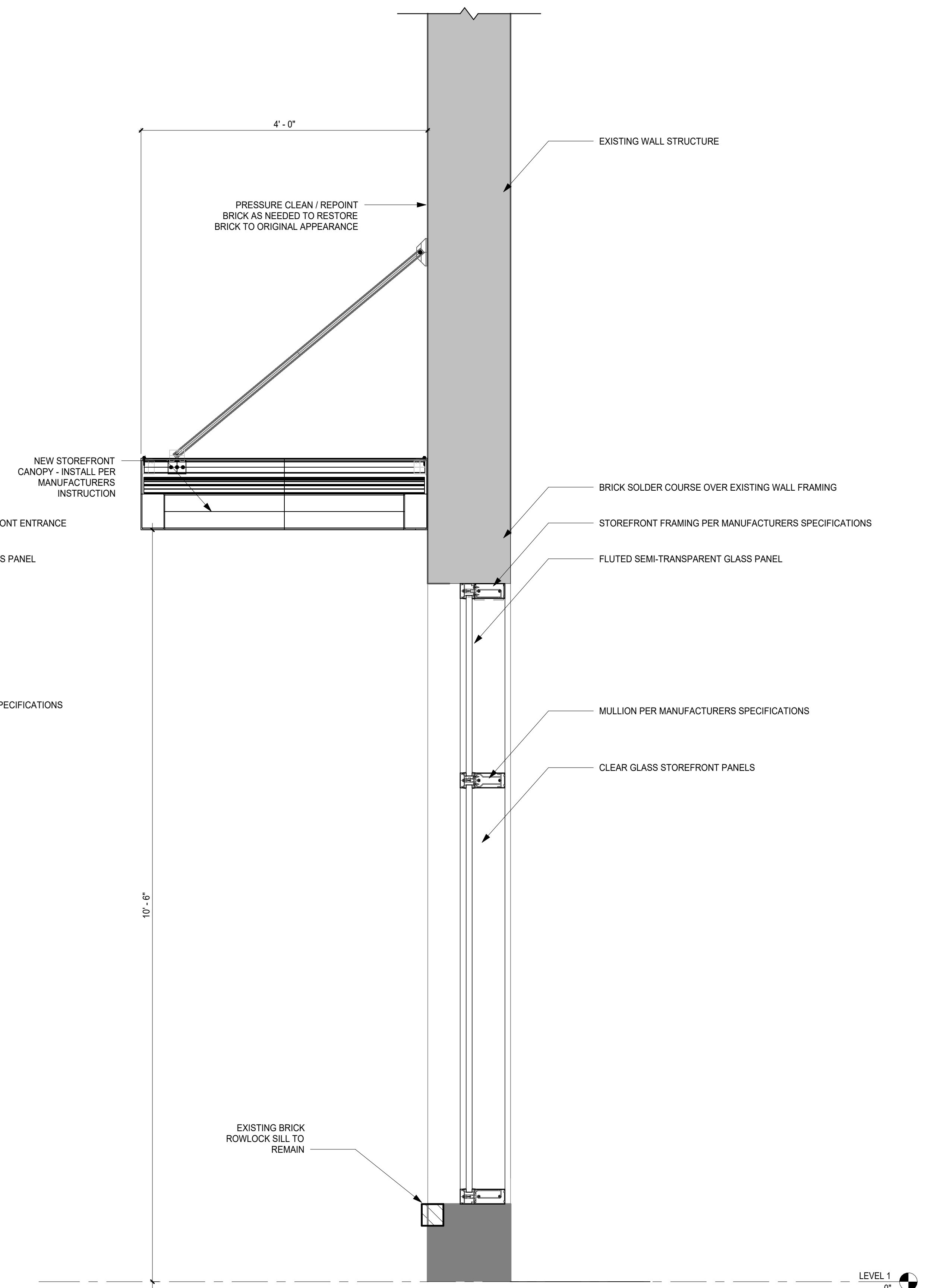
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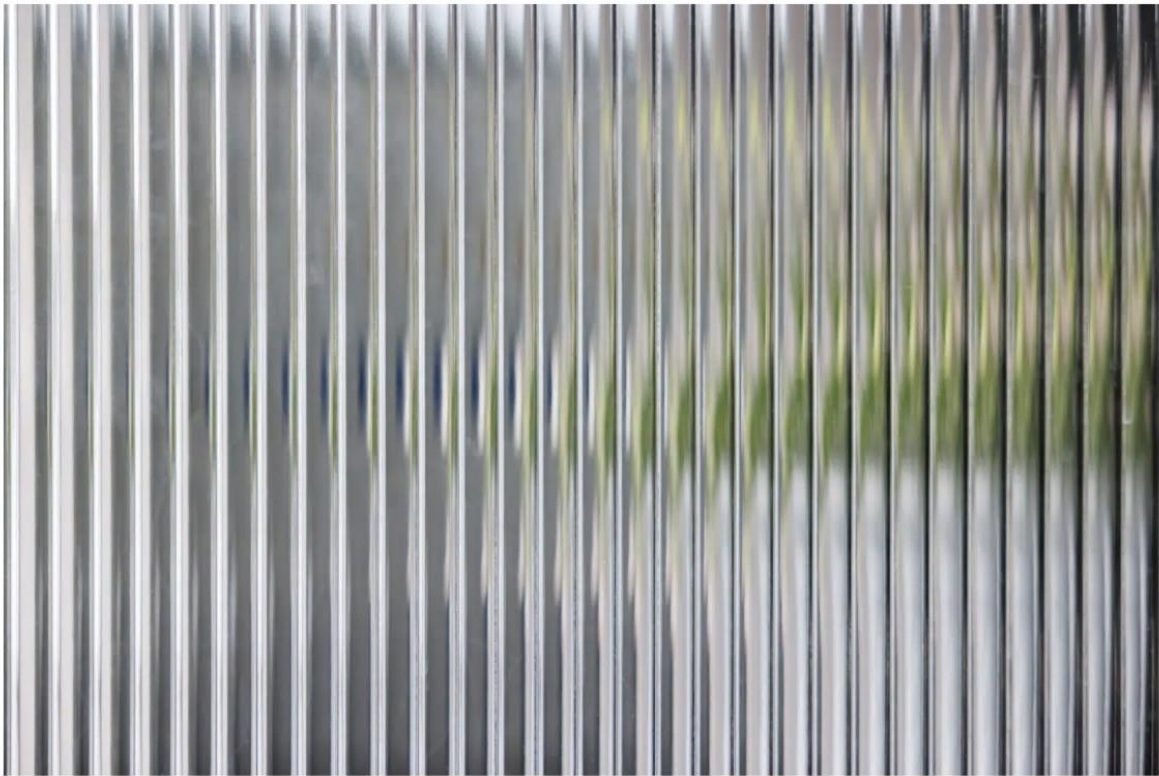
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**A300**



1 Section 1 - NEW CONSTRUCTION  
 A300 1" = 1'-0"



2 Section 2 - NEW CONSTRUCTION  
 A300 1" = 1'-0"



# 26-42-COA – FAÇADE REHABILITATION (26-42-COA)

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

## Staff Report Contents

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SITE VICINITY MAP ..... 2

CITY OF HENDERSONVILLE – DRUID HILLS HISTORIC DISTRICT OVERLAY ..... 3

HISTORY OF SUBJECT PROPERTY..... 3

128 3<sup>RD</sup> AVENUE E ..... 4

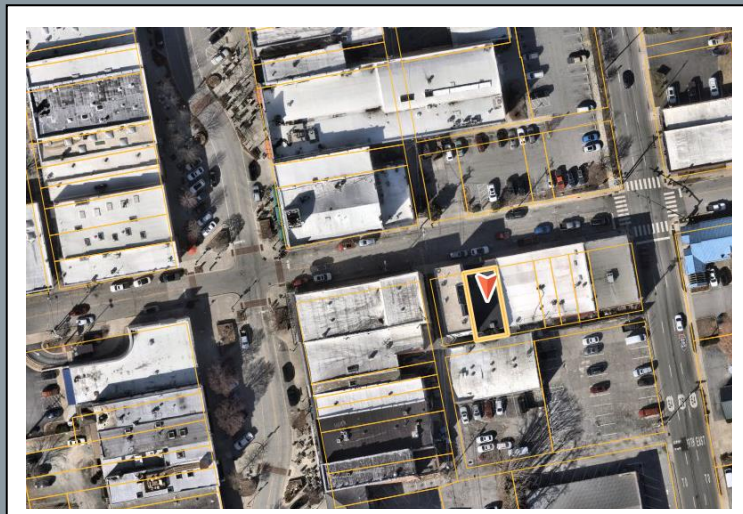
SITE IMAGES..... 4

SITE IMAGES..... 6



PROJECT SUMMARY

**Applicant:** David McKinley  
**Property Owner:** David McKinley  
**Property Address:** 128 3<sup>rd</sup> Avenue E  
**Project Acreage:** .04 Acres  
**Parcel Identification Number(s):** 9568-87-2708  
**Current Parcel Zoning:** C-1 Central Business District  
**Historic District:** Main Street Historic District  
**Project Type:** Façade Rehabilitation (Major Work)

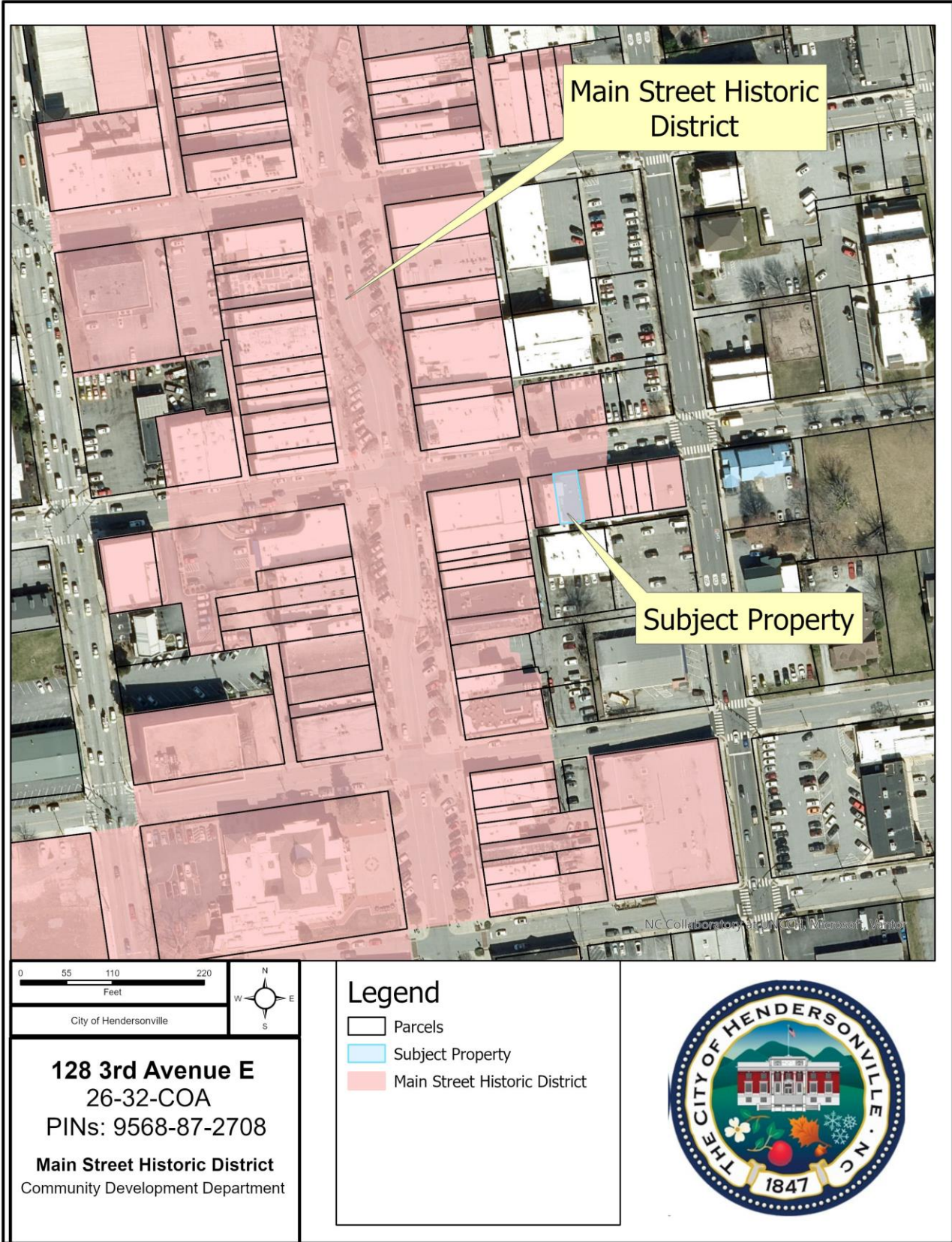
SITE VICINITY MAP**Project Summary:**

The City of Hendersonville has received a Certificate of Appropriateness (COA) application for the façade rehabilitation of the property located at 128 3<sup>rd</sup> Avenue E.

The project proposes a storefront rehabilitation that includes replacing the existing windows and entry door within their current openings, cleaning and restoring the existing exterior finishes, and installing new canopies above the windows and entrance. No structural changes or alterations to the original façade are proposed.

The Design Review Advisory Committee (DRAC) reviewed this application at its June 9th, 2026 meeting.

CITY OF HENDERSONVILLE – DRUID HILLS HISTORIC DISTRICT OVERLAY

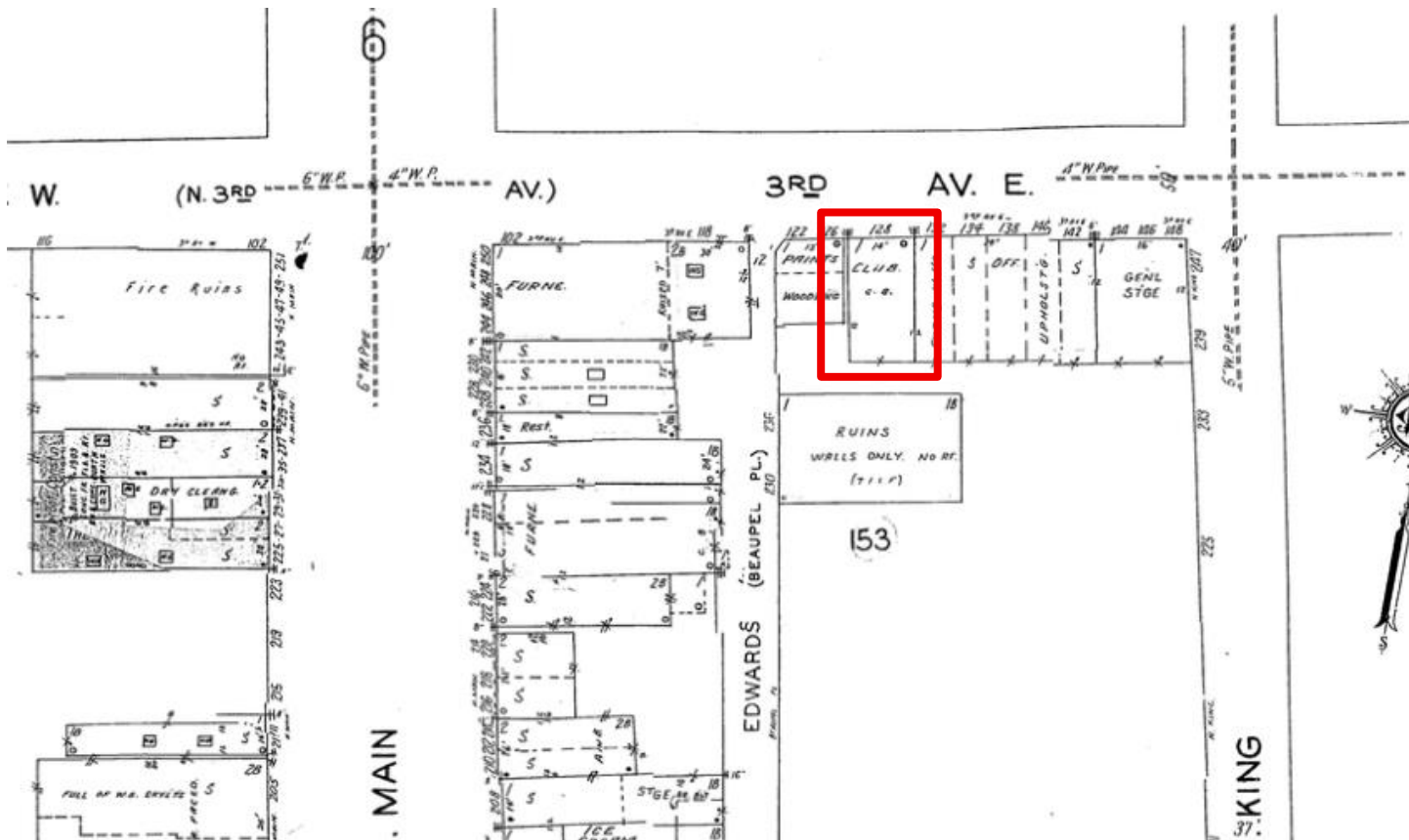


HISTORY OF SUBJECT PROPERTY

# 128 3<sup>RD</sup> AVENUE E

## Commercial Building, ca. 1920. Contributing.

Simple, one-story Commercial Style striated red brick building with a decorative row of vertical brick above all façade openings. Windows and storefront are altered. Sanborn maps from 1922 note this building was in use as a tire shop; by 1943 it was used for furniture storage.



## SITE IMAGES

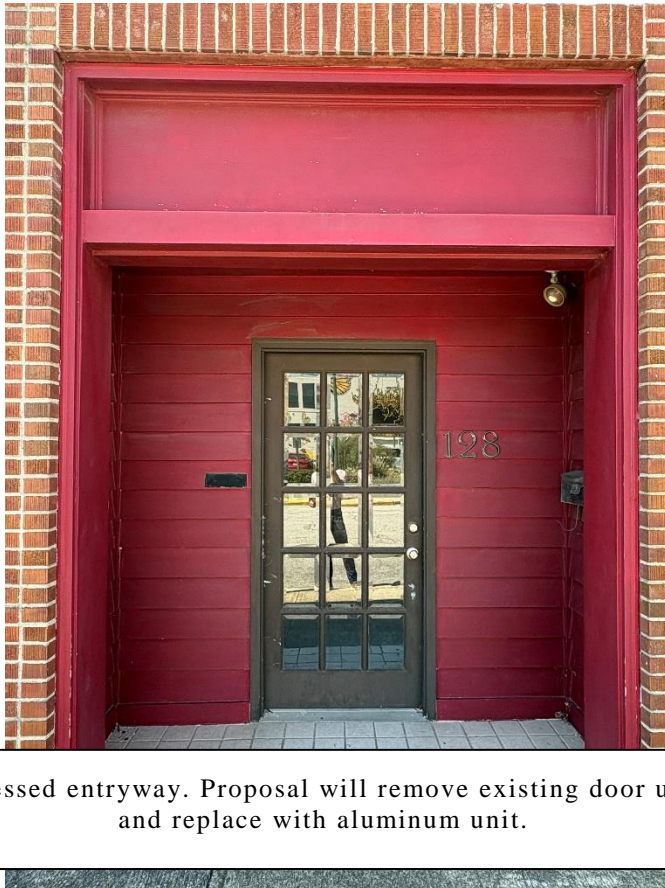


Easternmost infilled windows. Proposal will remove entire window and trim unit and replace with aluminum windows.

SITE IMAGES



Westernmost infilled windows. Proposal will remove entire window and trim unit and replace with aluminum windows.



Recessed entryway. Proposal will remove existing door unit and replace with aluminum unit.



Non-original front door.



Entryway side wall.

## Staff Analysis

### HPC Certificate of Appropriateness Application

File Number/Name: 26-42-COA, 128 3<sup>rd</sup> Avenue E – Façade Rehabilitation

#### Applicable Guidelines

<i>Sections</i>	<i>Applicable Guidelines</i>	<i>Description of Work</i>
2.1	2.1.8, 2.1.10, 2.1.12, 2.1.13	Introductions of metal awnings.
3.1	3.1.1, 3.1.7, 3.1.8	Preservation of existing openings and the introduction of new entryway design.
3.2	3.2.1, 3.2.2	Preservation and possible cleaning of brick on upper façade.
3.4.2	3.4.2.1, 3.4.2.2, 3.4.2.4, 3.4.2.	Replacement windows and doors.

#### Congruity Analysis:

##### Per the Applicable Standards & Submittal Requirements:

1. The existing façade appears to have been altered from its original design. The recessed entry was modernized at some point in recent years. The applicant did not provide documentation of the original façade design, and staff was unable to locate any historical documentation showing its original appearance. Therefore, it is appropriate to consider this rehabilitation a new design as defined in the Design Standards. (Section 3.1.7 and 3.1.8).
2. The brick on the majority of the façade appears to be original. No brick is proposed for removal, and the applicant has discussed with staff the possibility of cleaning the existing masonry. Both of these proposals are consistent with the applicable design standards. (Sections 3.2.1 and 3.2.2)
3. The applicant proposes replacing the existing windows and doors. None of the current windows or doors date to the building's original period of construction. Additionally, the existing windows do not properly fit the original window openings. The proposed replacement windows and doors will be aluminum and sized to fit the existing openings. (Section 3.4.2.4)
4. The applicant proposes to install birch plywood panels within the recessed entryway. This material is appropriate for the rehabilitation of a commercial storefront and is consistent with the applicable design standards. (Section 3.1.7)

5. The applicant proposes using reeded glass to recreate the appearance of a transom. While there is no documentation of the original storefront configuration, transoms were a common design feature in commercial buildings from the period of this building's construction. In the absence of historical documentation, the design standards permit the introduction of a new design that "retains the commercial character of the building through contemporary design." (Section 3.1.7)
6. The applicant proposes installing metal awnings, which introduce a contemporary design element to the façade but do not detract from its historic character. Although fabric awnings are generally preferred, the design standards allow metal awnings in instances where they are compatible with the historic character of the building. Given that this building is located on a side street, where typically, more industrial uses were located, the modern design element could be an appropriate choice. (Section 2.1.8)

**Potential Conditions:**

Based on the congruity analysis, staff concerns, and previous similar applications, the following conditions are suggested for consideration by the Commission, should the Commission choose to approve the application:

1. No conditions proposed by staff.

BK 4433 PG 657 - 662 (6)

DOC# 1001048777

This Document eRecorded:

05/05/2026 10:03:41 AM

Fee: \$26.00

Henderson County, North Carolina

Tax: \$700.00

William Lee King, Register of Deeds

This instrument prepared by Jonathan A. Kendrick, a Licensed NC Attorney, Delinquent taxes, if any, to be paid by the closing attorney To the County Tax Collector upon disbursement of closing proceeds.

Excise Tax \$700.00

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 9568-87-2708

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Mail after recording to: **Kendrick Law PLLC, 513 N. Justice Street, Suite A, Hendersonville, NC 28739**

This instrument prepared by: **Kendrick Law, PLLC, 513 N Justice Street, Suite A, Hendersonville, NC 28739**

**\*\*THE PROPERTY IS NOT THE PRIMARY RESIDENCE OF THE GRANTOR (N.C.G.S. §105-317.2)\*\***

128 3rd Ave E

Brief Description for the index

**NORTH CAROLINA GENERAL WARRANTY DEED**

**THIS DEED made this the 4th day of May, 2026, by and between**

GRANTOR

**The Simons Trust dated October 30, 2017**

GRANTEE

**DS Third Ave LLC, a North Carolina Limited Liability Company**

**126 3rd Ave. East  
Hendersonville, NC 28792**

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 **Henderson County, North Carolina** and more particularly described as follows: **SEE ATTACHED EXHIBIT A**

submitted electronically by "Kendrick Law, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Henderson County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3129, beginning on Page 607.

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: **APPLICABLE EASEMENTS, RIGHTS OF WAY, RESTRICTIONS OF RECORD.**

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.

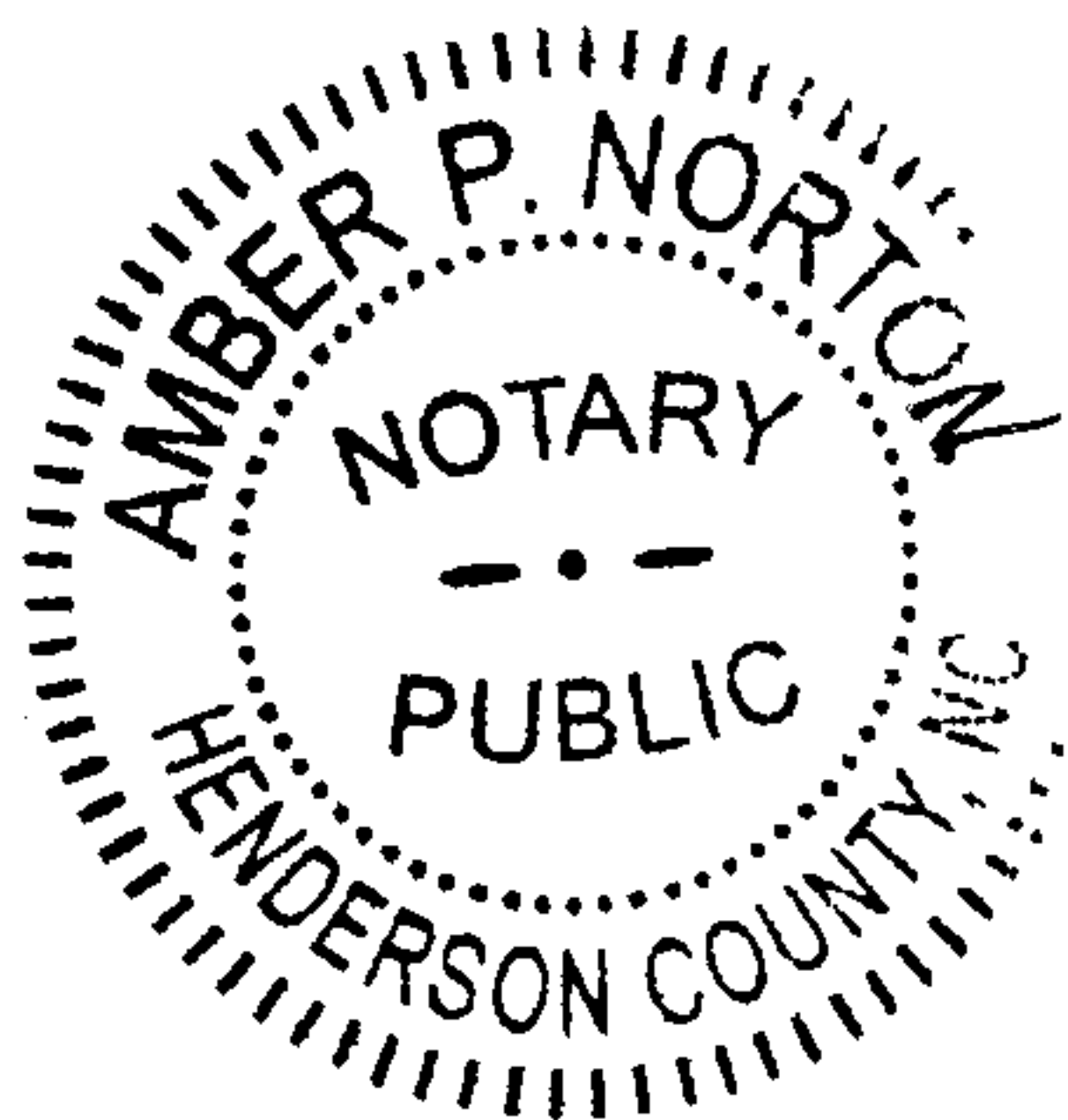
The Simons Trust

BY: John Simons  
John Simons  
Co-Trustee

BY: Rochelle Simons  
Rochelle Simons  
Co-Trustee

SEAL-STAMP

NORTH CAROLINA,  
Henderson COUNTY.



I, the undersigned, a Notary Public of the County and State aforesaid, certify that John Simons and Rochelle Simons, Co-Trustees of The Simons Trust personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 4th day of May, 2026.

My commission expires: 8/26/29 Amber P. Norton Notary Public

## EXHIBIT A

BEGINNING on a point, said point being a building corner located on the southern margin of the sidewalk of Third Avenue East, said point also being located North 81 deg. 04 min. 00 sec. East 30.00 feet from the eastern margin of a ten foot alley and from said beginning point with the southern margin of the sidewalk of Third Avenue East, North 81 deg. 04 min. 00 sec. 29.50 feet to a point, said point being marked by a building corner; thence leaving the southern margin of Third Avenue East and running down and with the Neill line as shown in Deed Book 784 at Page 393, South 09 deg. 12 min. 02 sec. East 70.00 feet to a point in the southern margin of a ten (10) foot alley; thence with the southern margin of said ten (10) foot alley, South 81 deg. 04 min. 00 sec. West 29.52 feet to a point; thence leaving the southern margin of said alley and running with the Survey Properties, Inc. line, North 09 deg. 11 min. 17 sec. West 70.00 feet to the point and place of Beginning and containing 0.05 acres as shown on a map of survey entitled "Luther E. Smith" by Freeland Clinkscales, Inc., dated 17 June, 1994 and further identified as DWG No. HNC14454.

There is excepted from the above-described property a ten (10) foot wide alley running across the southern margin of the above-described property, said alley being subject to the rights of others.

There also are conveyed those wall rights regarding the eastern wall of the above-described property as specified in Deed Book 155 at Page 51, Henderson County Registry, reference to which is hereby made and incorporated herein.

This conveyance is subject to that Deed dated April 25, 1947 and recorded in the office of the Register of Deeds for Henderson County, in Deed Book 272 at Page 49, conveying to Edward L. Kalin, his heirs and assigns, the joint right to use the party wall along the western boundary of the above-described property.

AND BEING that property identified in Deed Book 3129, beginning on Page 607 of the records maintained by the Office of the Register of Deeds for Henderson County, North Carolina.

ADDRESS: 128 3rd Ave E, Hendersonville, NC 28792  
PIN NO.: 9568-87-2708

2603106

Exhibit B

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

PREPARED BY:  
Kendrick Law, PLLC  
513 N. Justice Street, Suite A  
Hendersonville, NC 28739

CERTIFICATION OF TRUST FOR  
THE SIMONS TRUST

\*\*\*\*\*

This Certification of Trust for **The Simons Trust**, made this the 4th day of May, 2026, by **John Simons and Rochelle Simons**, Co-Trustees.

WITNESSETH:

WHEREAS, **John Simons and Rochelle Simons** have been appointed as Co-Trustees to hold title to property and assets located in Henderson County, North Carolina in the name of the "**The Simons Trust**" pursuant to that Agreement and Declaration of Trust dated October 30, 2017; and

NOW THEREFORE, **John Simons and Rochelle Simons**, as Co-Trustees of **The Simons Trust**, and pursuant to NCGS §36C-10-1013 hereby authenticates and certifies as follows:

1. The "**The Simons Trust**" was established pursuant to that Agreement and Declaration of Trust dated **October 30, 2017**.
2. The identity of the settlor is not disclosed and is hereby withheld pursuant to the terms of the trust instruments.
3. **John Simons and Rochelle Simons**, are the acting Co-Trustees of the "**The Simons Trust**", maintaining an address as follows:

**The Simons Trust**

2390 Rosemont Court, Hendersonville, NC 28791

4. **John Simons and Rochelle Simons**, as Co-Trustees have unqualified authority to: execute agreements, contracts, deeds, deeds of trust, mortgages, promissory notes,

and other documents; and to hold and transfer title to real property and assets located in North Carolina in the name of "**John Simons and Rochelle Simons, Co-Trustees of The Simons Trust, dated October 30, 2017**".

5. The Trust is revocable, and the Trustee may be substituted by direction from an appointed representative who may act independently on behalf of the Settlor of the Trust.
6. **John Simons and Rochelle Simons**, are the sole co-trustees, exclusively holding power to sign or otherwise authenticate documents exercising powers of the Trustee on behalf of the Trust.
7. The taxpayer identification number used by **The Simons Trust** has been (or shall be) provided to any Settlement Agent requiring such number for any tax reporting purposes, but such number is not disclosed herein and is hereby withheld pursuant to the terms of the trust instruments.
8. All assets of the Trust are titled as: "**John Simons and Rochelle Simons, Co-Trustees of The Simons Trust, dated October 30, 2017**"; or as "**The Simons Trust**".
9. The Agreement and Declaration of Trust dated **October 30, 2017**, establishing the **The Simons Trust**, has not been revoked, modified or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect and any person, who in good faith, enters into a transaction in reliance upon a Certification of Trust, may enforce the transaction against the trust property as if the representations contained in the Certification were correct.

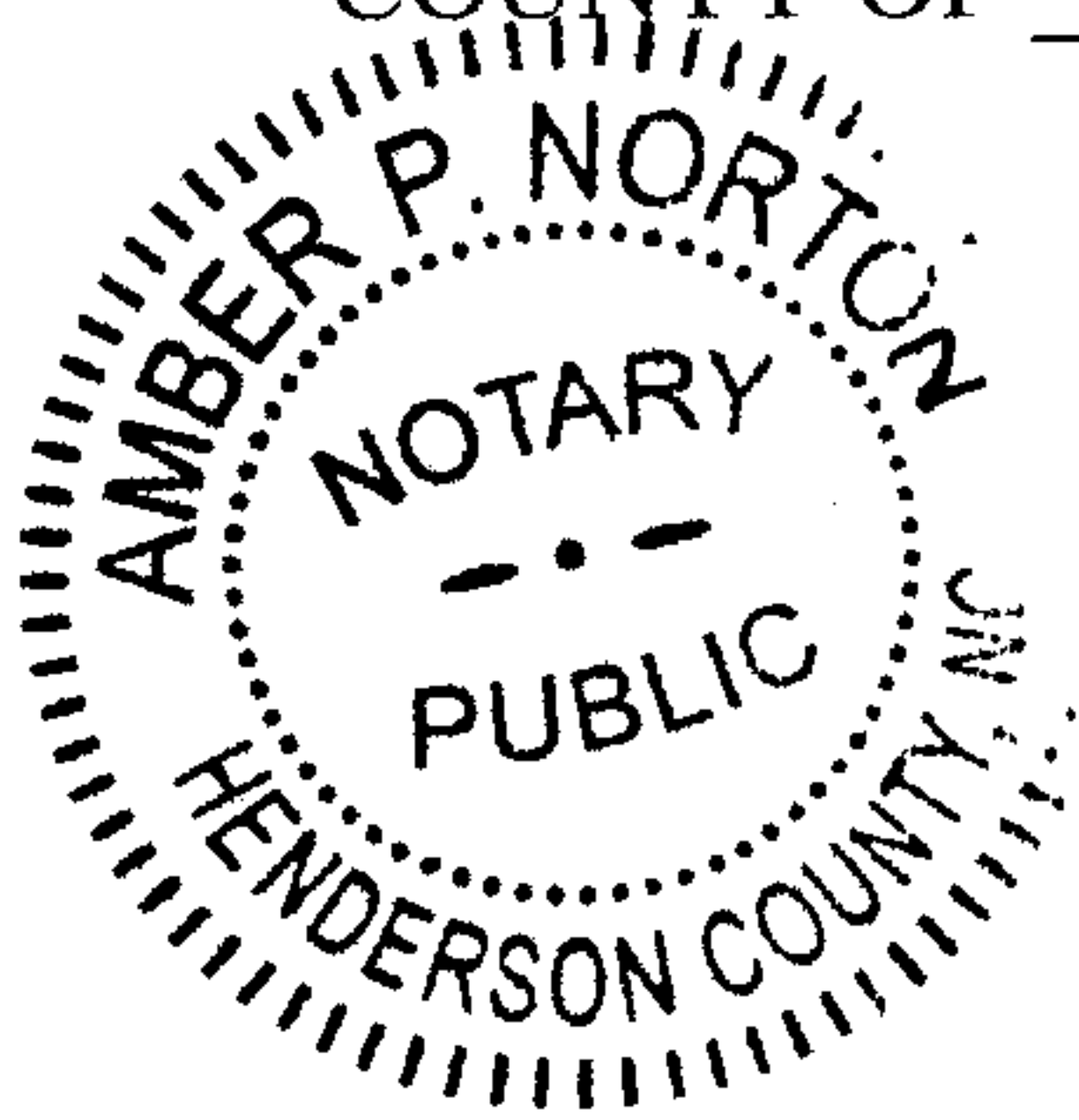
IN WITNESS WHEREOF, **John Simons and Rochelle Simons**, as Co-Trustees, have hereunto set their hand and seal, as of the day and year first above written.

**The Simons Trust**

By: *John Simons*  
**John Simons, Co-Trustee**

By: *Rochelle Simons*  
**Rochelle Simons, Co-Trustee**

STATE OF North Carolina  
COUNTY OF Henderson



The undersigned, a Notary Public for said County and State, does hereby certify that **John Simons and Rochelle Simons, Co-Trustees of The Simons Trust** personally appeared before me this day and acknowledged execution of the foregoing instrument. Witness my hand and official stamp or seal on this the 4th day of May, 2026.

My Commission Expires: 8/16/2029

*Amber P. Norton*  
Notary Public