



**CITY OF HENDERSONVILLE**  
**HISTORIC PRESERVATION COMMISSION**  
2nd Floor Meeting Room - City Hall | 160 6th Ave E. | Hendersonville NC 28792  
Wednesday, December 20, 2023 – 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 November 15, 2023
5. **NEW BUSINESS**
  - A. 101-105 S Main St. – Addition of Basement Access Doorway & Door (H23-090-COA) –  
*Alexandra Hunt / Planner I*
6. **OTHER BUSINESS**
  - A. Adoption of Historic Perseveration Commission Regular Meetings
  - B. Findings of Fact Approval H23-68-COA - 303 N Main Street
  - C. Findings of Fact Approval H23-79-COA - 1619 Kensington Road
  - D. Findings of Fact Approval H23-83-COA - 1704 Clairmont Drive
  - E. HPC Annual Workplan and Budget Discussion
7. **ADJOURNMENT**

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

**Minutes of the Meeting of November 15, 2023**

**Commissioners Present:** Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Jim Boyd, Jane Branigan, Crystal Cauley, John Falvo and Ralph Hammond-Green

**Commissioners Absent:**

**Staff Present:** Alexandra Hunt, Planner I, Angela Beeker, City Attorney, Daniel Heyman, Staff 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 **Public Comment.**

No one spoke during public comment.

III **Agenda.** On motion of Commissioner Welter and seconded by Commissioner Boyd the agenda was approved.

IV **Minutes.** Commissioner Hammond-Green made a few corrections to the minutes. On motion of Commissioner Hammond-Green and seconded by Commissioner Boyd the revised minutes of the meeting of October 18, 2023 were approved.

V **Old Business**

V(A) **Certificate of Appropriateness,** Allen, Stahl & Kilbourne, PLLC, 225 N. Main Street (File No. H23-067-COA). Prior to the opening of the public hearing, Chair announced that there is one new application for a COA in the Druid Hills Historic District and they will also be continuing agenda item 5 from the last meeting and there are new persons that need to be sworn. 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 procedure 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 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 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 wishing to speak during the public hearing should come forward and be sworn in. Chair swore in all potential witnesses. Alexandra Hunt and Lawrence Hogan were sworn in.

Chair opened the public hearing.

Ms. Beeker stated there have been no changes since the last meeting. The applicant stated correct. He does have paper copies.

Staff had no comments.

Jesse Swords, Attorney with Allen, Stahl & Kilbourne, PLLC stated his name for the record. Mr. Swords stated he is representing Hendersonville Holdings, LLC. His office address is 20 Town Mountain Road, Asheville NC. He stated he had gone through the minutes from the last hearing and prepared a set of materials. He handed out those copies. He submitted these copies as evidence to be put into the record. It is evidence of the materials requested from the last hearing. Chair accepted the copies into the record as Exhibit D. He stated he does not have any witnesses, he is relying largely on the evidence before you. He had brick samples and railing samples. Jill from Dunlap Construction did not want to appear tonight. She is backing away from this project because it has become so contentious. The affidavit that was submitted into evidence at the last hearing provides some of the testimony that was requested on the placement of the stair enclosure.

Mr. Swords wanted to take a look at the Main Street Guidelines and he quoted “these guidelines are not intended to prevent change rather the Commission offers assistance to the property owner in shaping change while meeting the requirements of the ordinance. This will ensure that property changes are within the spirit and character of the historic property. Design Guidelines are intended to guide rather than mandate the way changes should be accomplished”. He thinks this is important because he read statements from the last meeting and he wants to make sure the correct standard is applied here. He stated there are applicable standards to historic landmarks and there are applicable standards to historic districts.

The NC General Statute from 160D defines this Commission’s responsibility and authority regarding Certificates of Appropriateness. He read “the Commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of building, structures, appurtenant fixtures, outdoor advertising signs or other significant features in the district that would be incongruous with the special character of the landmark or district. The distinction between landmark and district is not bold face in the statute. But it is an important distinction. North Carolina courts have interpreted this language it uses to be in a different section of the statute, it was in 160A . The changes to 160D, they kept the same language and just relocated it. North Carolina courts have interpreted it as and they have repeatedly held for a building and historic districts as opposed to a specifically designated landmark. The Historic Preservation Commission vote must determine congruity based on the total physical environment of the historic district. That quote is from Sanchez vs. the Town of Old Fork. He discussed other cases which are included in the hand out.

Mr. Swords stated in the context of the historic district Certificate of Appropriateness, again as opposed to landmark, building specific regulations are actually prohibited according to the Meers and Sanchez cases. In those cases there was a height limitation, it was 24’ or if they could prove it had been higher they could go to that height. The Court of Appeals said that was outside the bounds of the Commission’s statutory authority. The applicable standard here is whether the proposed construction is congruent with the total physical environment of the historic district. He mentions this because of comments directed at this building and preserving aspects of it and not wanting to allow changes to this building.

Mr. Swords discussed the placement of the stair enclosure for the rooftop patio. He went back to the guidelines (Section 4.3). He quoted “in an urban environment such as downtown Hendersonville especially with the amount of residential; property owners may wish to construct patios/rooftop decks, balconies and terraces. This type of residential amenity is certainly encouraged and is an important element in the success of the downtown community and movability. Decks, balconies and terraces are appropriate provided they do not damage or alter and historic architectural features of the existing building.” He stated that is a permissive standard.

The affidavit does speak to the stair enclosure and the location of the enclosure. He directed them to the new exhibit on page 12 and stated the Commission could read through this.

Chair stated within those statutes the Commission is permitted to adopt standards and the standards are what they are adhering to. It’s not building specific but where the discussion was last time is based on the side windows. She stated 3.4.2.10 states 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 portion, shape, positioning, location, size, materials and details. The question the whole time has been, do we need something presented or at least the opportunity to present, the burden is with you to present something showing the standards have been met. We are getting there with the materials, that is helpful but she still personally has not heard anything that says the standards have been met. Cutting holes into the building, how is that not damaging historically significant materials when this is the only historic property built like this that we have.

Mr. Swords stated what we have here is this blank wall on the side and it is being considered a significantly historic detail. Chair stated yes, we have to pertain and preserve historic façade details and materials on side and rear elevations and there is another one that talks about it. If you are distinguishing that this façade is not historically significant within a building that is, why is that? Mr. Swords stated the building is historically significant in this district but he does not think it has been designated as a landmark. Chair stated it is in the Main Street Historic District. It doesn’t have to individually be a landmark. Mr. Swords stated it is important because the standards for landmarks do look at the individual features of the building and they are much less permissive than the standards that are allowed for historic districts in general. And it explains that in the cases he referred to. It is the total environment of the historic district and not the building itself. Chair asked if he could demonstrate within the historic district any windows that have been cut in the side of a contributing structure. That would make it at least a consideration for compatible.

Mr. Swords stated he does not think that is considering the standard correctly because it doesn’t even have to be or have a specific analog in the district as long as it is congruent which means if you want to look up the definition, generally in harmony and similar to and in his mind, not sticking out like a sore thumb.

Chair stated if you have a façade that is solid and was constructed that way and is the only evidence of a structure that has a historical type and architectural type and you cut holes in it, how is that not sticking out like a sore thumb when it has been that way for 100+ years. Mr. Swords stated he thinks they disagree on whether this is a historically significant detail. He believes there was a building there originally, built directly next to it. It was designed obviously to have a building built directly next to it,

completely up against it. Chair asked if he had evidence of a second story on the other building or that there was another building there that he can present. Commissioner Welter talked about research on the building and reinforced concrete technique, which in their mind is a significantly historic part of that building. Chair stated the whole building is unique because it was a whole concrete building that was not done anywhere else or in that manor. Richard Sharp Smith created for that reason and that was a historic period way to do it which was unique then and is certainly unique now.

Commissioner Welter stated they have testimony from Dunlap Construction about how it is actual construction done with reinforced concrete slabs were slid into place as a single unit specifically for the back.

Mr. Swords discussed the Commission having jurisdiction over the exterior elements of this and there would be no way to alter the exterior elements or build anything new if no alteration of the historic exterior is permitted. So there must be some room here. Chair stated they are not saying they cannot make alterations but some alterations go further than others. You can't replace what is done, once you cut holes in the side of the building it is done. Something like the window that is in the rear and rooftop deck there was much less concern with discussion of those because they did not have materials to make a decision can we take the side windows off the table and discuss the elliptical and the stairway and focus on those for a minute. Can he consider removing the side windows if the Commission can get to a decision or the other items on the application so they can get to a point of agreement on the rear elliptical window and the rooftop. Mr. Swords stated they can discuss these things in a different order if they want to make a decision on the rear window and rooftop. He doesn't have authority from his client just to drop something. He would also point out that there was originally eight windows and it has been paired down to two. He stated since this is a flat concrete façade, if these windows were cut in and installed, the exterior of the building could be restored actually quite easily to the condition it is now by simply taking out the windows. Chair asked in repouring a whole façade of concrete? Mr. Swords stated no but filling in the gap seamlessly so it would look like it did before. Chair stated 100+ year old concrete. Mr. Swords stated yes. Chair asked if he was aware as part of the record where they cut rear windows and the whole structure came down because it was not structurally sound? Mr. Swords stated he did read that part. He doesn't recall when that was and he does think it was some time ago and he wants to point out that nobody is going to cut a hole in this wall without a permit. The Building Permit Department is not satisfied that this is going to be structurally sound, they won't issue the permit. He thinks structural issues are outside of the purview of this Board.

Mr. Swords stated the stair enclosure will be as small as possible and designed to be minimally visible from the street. No element of the rooftop patio or stairway interferes with the existing skylights, touches the buildings front, side or rear facades. He discussed the design and façade and had a sample for the Commission to see. He directed them to the color chart for the railing. It is the same material as what is on Shine. His client told him the Commission could chose the color between dark bronze and almond. He stated it is designed not to interfere with the building. This is the sort of thing if someone wanted to restore the building to its original look, in every way all of this could be taken down.

He also has authority from his client to offer a condition requiring the railing instead of this design, requiring the railing to match what is on the front balcony.

The Commission asked what the material was for the stairwell enclosure exterior. Mr. Swords stated around the exterior will be the brick, once you are past the brick there is no longer the exterior element.

Chair asked how far this would extend above the current roofline. Mr. Swords stated the height is called out on that revised sheet. The rendering shows 7'3" at the highest point. Chair asked if there was any consideration on trying to reconfigure where the stairwell would not be seen from Main Street. Shine has there rooftop patio in the rear. Mr. Swords stated it was studied various ways. The way it is placed is designed around the skylights and the interior closet they are using as the stairwell. This is discussed in the Lopez affidavit which the Commission has. Chair stated the affidavit only speaks to the closet and this being the convenient place to put it due to the interior. Mr. Swords stated his understanding is that this stair enclosure does not obscure, damage or destroy any features of the building and being placed away from the façade itself and being designed such with the existing supports, means there is the least possible loss of historic fabric.

Commissioner Welter asked the drawing that is up on the screen now, that show the 7 foot quarter inch and then the front of the building façade that looks very different than this drawing that shows it protruding much higher in the front of the building. Is one of them correct? Which is correct? He stated the Commission did not think that looked nice with it sticking over the top but in the other drawing it does not protrude that much. Mr. Swords stated if you look at the revised sheet beside the other sheet you can see how much taller it is. This is the previous drawing. If you look at the top of it versus the railing you can see how much smaller it is on the revised drawing. Chair pointed out the current drawing which does not protrude as high. Mr. Swords stated the rendering showing the view from the street was not updated but what it is showing in that rendering it will be much smaller. Chair stated that was a concern at the last meeting, the height and view from Main Street.

Chair asked if they are cutting the top of the wall for the railing to affix it. Mr. Swords stated his understanding is it does not touch the perimeter.

Discussion was made on the patio and railing. Mr. Swords showed the rooftop patio and it is not in contact with the rear or side façade. It will be interior.

Chair asked about the design of the railing. Mr. Swords stated there are two alternatives. He stated it will either be the sample he brought or like what is on the front balcony.

Chair stated the roof stairwell is either almond or dark bronze. Mr. Swords stated yes.

Mr. Swords stated if the Commission wanted to add a condition that would require final approval by staff, they are open to this. He thinks that is within their authority to delegate that.

Chair asked about the decking being wood or composite. Mr. Swords stated composite is permissible for the decking itself only.

Chair asked about the artificial landscaping. Mr. Swords stated attachment F of the Lopez affidavit is almost ridiculous. Chair was concerned about this looking like a jungle on the rooftop. They need to figure out a general guideline where it's not going to be visible from the street something to be able to approve because they do not have any specifics for it. Mr. Swords stated he is open to suggestions on how to deal with that.

Discussion was made on the landscaping and 4.3.4. Chair was trying to figure out if they wanted that much greenery. Mr. Swords understanding is it being not permanent and they do not have to include that in this approval. The greenery was included to give a better idea of what they intended for the space. Mr. Swords stated his client said the greenery is along the roofline but if the Commission would like to specify that would be fine as well. He doesn't think it needs to be addressed in this approval. Chair stated she disagrees. She doesn't want to approve it and leave it wide open. She would like to have the opportunity to address the greenery. Mr. Swords stated sure and his client said if you do not want it they will not have it anywhere.

Mr. Swords stated the materials for the windows, if they look at the new exhibits 1-5 they are Anderson E Series a high end nice window and they are made of wood with aluminum cladding that would be for the side windows as well as the other window and it is the same type of window as on the front. He believes that was approved last year. He discussed the details that was shown on the plan. In discussions with Hannah and Ms. Beeker and reviewing Richard Sharp buildings they found an example of another bank designed by him around the same time in Bryson City which is included in the Lopez affidavit. Almost every Richard Sharp Smith building does not have side windows because they were designed where you would not be able to see out. Chair stated doesn't that make this distinguishable as he designed the bank to not have side windows. That would be an important design feature, if it is distinguishable from his other designs. Mr. Swords stated based on his understanding the only reason it would have been built this way is because there was a building intended to be up against this one. Chair stated there is a building against it there is just not a second story. If he is wanting the building to look like it does as the architect then that is his style, without windows. Mr. Swords stated he thinks there was a second story there and there was a fire at some point and when it was rebuilt it was only one story. Chair stated the point being when the architect designed the building it was designed with no windows, regardless of the reason the building was designed with no windows. Mr. Swords stated that is correct and if this was a designated landmark then this would be a very different discussion but he doesn't think this Commission's authority allows it to reject adding these windows simply because there weren't windows there before. Chair stated if the building has no bearing why are they bringing in the uniqueness of this other buildings. Mr. Swords stated because he was trying to go above and beyond. He stated he does respect what the Commission does and feels it is important. The goal with providing these details and background was to go above and beyond and reach a design the Commission would be satisfied with.

Discussion was made on the Mian Street Historic District and the design of the Richard Sharp Smith buildings. Mr. Swords stated the windows could be made to look like the windows never happened. Chair asked if he was an expert in this. He stated he was confident an engineer could do it. Chair asked if the windows were a necessity or did they just want to do this. Is there a reason they would need it for a fire escape or a building code reason. Mr. Swords stated the windows would be for light and air. He doesn't think they are necessary for a fire escape or anything like that. He doesn't think being necessary is a valid standard to apply to this situation. He discussed promoting downtown living in the district.

Chair asked if these were for light and air have looked at adding more skylights. Mr. Swords stated he does not know the different designs that were reviewed for this. There were originally eight windows and his client paired it down to two windows. If a future owner wanted to get rid of these windows they could.

Chair's concern was there is no testimony or evidence that shows the windows would not destroy the side of the building in some compacity to cut in. It is not so much the aesthetics. They have the burden of demonstrating that this does meet the standards and not destroying or harming a historical feature of the building. Mr. Swords stated as he mentioned before no one is going to cut into the building without a permit. It will be evaluated by the building department. If you want to add a condition to draw it to the building department's attention that will be fine. The structure, he doesn't think the Board has jurisdiction over the structure itself. These could be removed and the wall completely restored.

Commissioner Welter asked if Mr. Swords did not think this Commission had jurisdiction over a structure of a building in the historic district. Mr. Swords stated correct and referred to the statute in the last item of the packet he presented to the Commission. He discussed this again and read the section again.

Chair stated on that same page where it says the Commission shall take no action after this section except to prevent the construction in which would be incongruous with the special character of the landmark or district. Isn't that what they are deciding? Whether this construction project would be incongruous with the district according to the standards. It says they have that authority.

Angela Beeker, City Attorney stated the Commission could go into closed session to get guidance on the standards. Chair did not feel that was necessary.

Mr. Swords talked about the total physical environment of the district and directed the Commission's attention to that statute.

Chair asked if Mr. Swords could direct the Commission to a structure in the district that had cut windows into a building where windows were not already there. He stated he could and one is on the north side of this building. Chair asked if they were original to that design. He didn't know but these same type windows exist on the Shine. She asked if they were original to the design. Mr. Swords stated he did not think it matters if they are original or not. They exist in the district, they are part of the character of the district and the courts say building specific regulations are not permitted when we are talking about a building in the historic district as opposed to a designated landmark. Those concerns are heavily mitigated by the fact this could be restored and he is not sure why they do not believe him on that. He would stake his reputation on this could be restored like it never happened if it were so desired. Chair stated it could also remain as it has originally been like it never happened. Mr. Swords stated property owners have a right and these historic guidelines put restrictions on that and they are valid. Chair asked if they had knowledge of the guidelines when they bought the property. Mr. Swords stated there is no dispute that his clients knew about the guidelines but they have to be applied within the bounds of the Commission's authority. Otherwise it is nothing short of depriving a property owner in downtown Hendersonville of due process and their property rights.

Commissioner Boyd had discussion on if this would be different in a neighborhood where there was a homeowners association pertaining to property rights. Mr. Swords explained they are different rights. He is not an expert on HOA laws. He discussed land use regulations. He felt his mention of property rights got them in a far field from where they need to be.



Mr. Swords stated if they are seeing this blank façade as a historic detail that would be destroyed by the windows, that concern should be mitigated by the fact that it would be able to be restored in a manner where you would not know it was ever there. Commissioner Boyd stated Section 3.4.2.10 also says if they would diminish the original design, so would this not diminish the original design if you cut holes in the side of this building that is original. Mr. Swords stated he asked his client to do these windows in a way that was complimentary to the front façade and again the fact that this could be restored to its original condition should mitigate that. Commissioner Boyd stated the original design on the side of this building is without windows so cutting windows into this building could possibly diminish the original design.

Chair discussed the design of the building and having windows on one side but not on the other side.

Chair stated let's move to the elliptical on the back of the building.

Mr. Swords stated the rear and side windows are addressed in the Lopez affidavit paragraph 12. The rear window was designed as a replica of another window on Main Street. They provided evidence in the affidavit that it is congruent with the character of other windows in the district. They found in the Henderson County Heritage Museum that there are arch windows on all sides except the front. Chair asked if they were original to the building. He stated it looks original to him if you look at the detailing of the building. There is an arch monteith designed by Richard Sharp in the City of Asheville and they have added that. This is a feature that exists in the historic district. It is congruous with the historic district because it exists in several places. It is in line with the guidelines.

Chair stated it will be a wood frame with aluminum cladding. She asked if it would be double hung. Mr. Swords stated he didn't know if that was called out. Some of them are fixed. He was not sure what double hung meant. Commissioner Welter stated single hung is one pane and double hung is two. Chair stated the sheet labeled Exhibit C says single hung. Chair stated you have to approve plans as presented and there are conflicting plans. Chair stated Exhibit C is what they are going with. Mr. Swords stated that is the drawing that was prepared by the company and he would think that included everything. Chair stated page five is Exhibit C.

Discussion was made about conflicting parts of the application. Mr. Swords talked about the block detail on the revised sheet. Discussion was made on not having the block detail. He stated they could either approve it with the block detail as shown or that could be another staff approved condition on the specifics of the border and the façade.

Discussion was made on window details and what the drawing shows. The window on page five of the new exhibit was the correct drawing.

Attachment A of the affidavit was the window that was designed.

Chair asked if the Commission had any more questions. No one had any questions. Chair asked if Mr. Swords would like to say anything else.

Mr. Swords stated he appreciates the Commission's time. He hopes he was able to give them the information they wanted to see. He feels like the side windows are the most contentious aspect obviously and for those he would simply say that this building could be restored to remove the side windows and the exterior could be restored as if they were never there. The structure could be made sound as if they were never there. And the interior could also be restored as if they were never there. He thinks they are in compliance with the guidelines.

Chair asked if there was anyone that would like to speak in favor of the application or if there was anyone that would like to speak against the application.

Lawrence A. Hogan, 655 East Sunset Drive, Hendersonville stated he is the owner of the center portion of this building and he use to also own the northern portion of it. The building was built in 1906 he thinks. It was all built at the same time with concrete. Concrete is a lot different now than it was back then. He learned this lesson the hard way. He started working on the building he had bought and the whole back end collapsed as soon as they started working on it. And he got to buy the building there, the back of that building and someone had a new truck parked there and he got to buy that too. He thinks that we should not be cutting holes in buildings that are 115 years old. It's dangerous and it's foolish. The other thing is this building was all poured at the same time so that wall goes down, that sags the building and then a few more buildings are gone too. That is just how life is. He represented the concrete company in town for 40 years as a lawyer and he has tried every concrete case that has been tried here as far as he knows. Concrete is entirely different now than it was then. The formulas are different. The way it is done is different. These were forms that were put up, they take them down and put up another form and the concrete would dry where they started and then they pour wet concrete on top of that. Those joints are all weak. This is just not a good idea to do this. He would be happy to answer anyone's questions. He still owns the middle portion and not the northern side put there are no windows on that side. The original drawings for this are in an architect's office in Asheville and he had seen them at an exhibition years ago. He thinks that elevator, that thing sticking up there will look like an infected toe nail. It will be ugly.

Chair asked if there was anyone that wishes to speak before they close the public hearing.

Mr. Swords stated he read through the transcript from the hearing a year or two ago and similar thoughts were shared by Mr. Hogan. The technical aspects of how this construction is accomplished he thinks are outside of the purview of this Board. They are under the purview of someone else being the Building Permit Department and his client is the owner of this building and if the building crumbles he loses his building too. So there is an incentive to do this right before he does it. Also the fact that these walls were poured with a certain method, the fact that that is known partly because of Mr. Hogan's experience before gives the engineers that will be working on this the information they need to know whether they can do it safely. This is just a preliminary approval of the aesthetics. There is more work to come before anybody can cut holes in this building. The incentives are aligned to make sure his client does this right. It is his building, He does not want it to fall down either. While Mr. Hogan has experience and firsthand knowledge to the statements he is making, he is not an engineer and so his statements about the structure per say he doesn't think are competent evidence. Commissioner Boyd stated Mr. Swords is not an engineer either. Mr. Swords stated he is not but what he is pointing out is the engineers will have to do their work before this happens and what they are approving now is the aesthetics of it.

Chair stated it has been said a couple of times that the rear wall came down. Do they know what the wall is made of behind the brick façade on the rear. Mr. Swords stated he bets Mr. Hogan does. Mr. Hogan stated it is framed. They are sitting on a big concrete beam. They put it back better than what it was. Mr. Hogan stated the back of the building that fell down was wood framed and covered with brick. Mr. Swords stated and that is where that window would be going. Mr. Hogan stated yes.

Ms. Beeker asked Mr. Hogan if he put the wood framing up when he built the wall. She stated it wasn't original to the building. Mr. Hogan stated no the original fell down. Chair stated the back wall is a completely different wall than the rest of the building. It is not the original in any way anymore. Mr. Hogan stated that is right.

Commissioner Hammond Green stated he had mentioned that if the building fell down the owner would lose his money but the other side of that is, is that any different than demolition by neglect of a building? In other words you let the building deteriorate and it falls down or has to be taken down because it becomes unsafe. In this case we have a solid wall there and you think you can cut holes in it successfully without it coming down but if it does come down, then the building is lost and it is the same as a demolition by neglect, the end effect. Mr. Swords stated he is not fully familiar with the demolition by neglect issue but if someone does let their building fall down, what is the remedy? Commissioner Hammond Green stated there is no remedy. What they do in demolition by neglect is they try to prevent the neglect which leads to the building having to come down. Mr. Swords stated he does believe this is different because it is not neglect, it is a construct procedure that will be thought out beforehand and permitted by the city beforehand. If something were to go horribly wrong, he suspects it would be built back in one way or another. He doesn't know what the remedies are for that sort of thing. Chair stated it wouldn't matter because they couldn't get the original structure back. Commissioner Welter stated and they are charged with protecting the original structure. Mr. Swords stated you could certainly get something indistinguishable from the original structure and he thinks that is what this Board's purview is, it is the exterior elements. If you are making a decision based on the structure, please note that when you make the decision. But again this is a positive process that will have to be studied by the engineers and permitted by the city before it happens. He guarantees his client has insurance on this building. The contractor will also be insured. It is not like there would be no remedy. It could be built back.

Commissioner Boyd stated the remedy would be losing a historic building. Chair talked about it being a replica if it was built back. She stated they have not heard anything that would show if the standard has been met that it will not damage the building cutting holes into it. Mr. Swords stated it can't be that no destruction is permitted because you cannot remodel anything without some type of destruction first. If this were a unique detail that could not be replicated the fact is it could be completely replicated and made the same.

Chair asked if there was anyone that wished to speak before they closed the public hearing. When no one spoke, Chair closed the public hearing.

The Commission had discussion on the side windows. Chair stated you can't talk about the structure integrity unless it is tied to the standard. They talked about the burden being on the applicant. Discussion was made on 3.4.2.10. They discussed rebuilding the wall and having to patch it.

Chair reopened the public hearing.

Mr. Swords stated that whole wall could be finished with stucco which is the same type of material. It wouldn't be a patch. These are all future hypotheticals. Chair stated the concern is they are taking an original design that is unique and that is contributing to the historic structure and property and the landscape of what made this district permissible and be admitted in historical records anyway and cutting windows in it that the testimony has been are unnecessary and there has been no testimony that they are congruous with the design standards. Mr. Swords stated he totally disagrees with there was no testimony that they are congruent. He stated with all due respect, the rear wall did come down when Mr. Hogan worked on it and the building is still standing. Chair stated they are not talking about the structure coming down. They are talking about cutting windows into the south side where they are cutting holes into if it is congruous with the standards. Mr. Swords stated he thinks it is congruent with the standards because they aren't designed or permitted to prevent all change. Side windows exist elsewhere in the district. Chair stated but not original to the building. They are distinguishable if they are original to the building and you haven't presented anything that states if they are on not. If we were talking about windows that had been added, that would be helpful. He didn't think the evidence exists about which windows have been added downtown and which are original. Chair said they have Baker Barber Mr. Swords stated he doesn't believe this is relevant. Chair stated it is their duty to determine if the standards have been met. He thinks he has met the standards and in fact gone above and beyond. The important thing tonight is to vote up or down. If this Board oversteps its authority and the court finds that. He doesn't want to threaten. Commissioner Boyd stated it seems like a threat.

Ms. Beeker stated it is time to make a decision. She thinks it has been argued and argued and argued and they will have their chance again. If they were to turn it down and you appeal, you will have your chance to make that argument. She feels like there is not anything new that he could say that hasn't already been said.

Mr. Swords stated he thinks the boundaries of their authority are important to his client but also to this Board and important to the city for the appeal process.

Chair closed the public hearing.

Chair discussed the standards. Discussion was made on the standards and the testimony they have received. The Commission felt like they did not have enough testimony that aligns with the standards for the side windows.

The Commission discussed the rear window. The Commission felt like the testimony was clear. Section 3.4.2.10 was discussed. They did not think there windows like that on the rear of any buildings but it is better than what was there. It is not out of character. The Commission was okay with the split design of the window. No objections were made to the flux stone.

The Commission discussed the rooftop patio. They didn't have materials last time or the height of the structure. They have presented more information this time. The Commission discussed the information they have received at this meeting. The decking material will be either wood or composite. The greenery was discussed. The Commission agreed to the greenery as long as it is not visible from the street. The railing was discussed. The Commission was okay with the railing. Chair asked about the colors of almond or dark bronze. The Commissions preference was almond.

**Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H23-067-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons: 1. The subject property is a contributing structure. 2. The proposed rooftop deck is compatible with existing rooftop decks in the district. 3. The proposed rooftop deck will be constructed so that there is the least possible loss of historic fabric. [Sec. 4.3.3] 4. The proposed rooftop deck does not obscure, damage, or destroy character defining features of the historic building. [Sec. 4.3.3] 5. The proposed greenery will not be visible from public streets and the design of the railings will match the front balcony design or the sample provided and they are offset from the exterior wall, not touching the exterior wall. The stairwell roof is almond and the deck can be wood or composite. Commissioner Hammond Green seconded the motion which passed unanimously.**

Chair asked to have the motion for the rear window.

**Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H23-067-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons: 1. The subject property is a contributing structure. 2. The proposed rear window does not diminish the original design of the building or damage historic materials and features. [Sec. 3.4.2.10] 3. The proposed rear window is compatible with existing units in proportion, shape, positioning, location, size, materials, and details. [Sec. 3.4.2.10] 4. The window as designed on page five of the new Exhibit C presented tonight and the amended Exhibit B from the last meeting with the flux stone border and the brick to match the flux stone or the rear façade of the building and the windows are wood aluminum clad design. Commissioner Boyd seconded the motion which passed unanimously.**

Chair stated they now need a motion for the side windows.

**Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H23-067-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 subject property is a contributing structure. 2. The proposed windows would diminish the original design of the building or damage historic materials and features. [Sec. 3.4.2.10] 3. The proposed windows are not compatible with existing units in proportion, shape, positioning, location, size, materials, and details. [Sec. 3.4.2.10] Commissioner Falvo seconded the motion which passed unanimously.**

The Commission took a five-minute recess.

VI **New Business**

VI(A) **Certificate of Appropriateness**, Laura Lynn Hutton (applicant) and Daniel and Amy Yoder (property owners), 1704 Clairmont Drive (File No. H23-083-COA). Chair sworn in all potential witnesses that wanted to speak during this portion of the public hearing. Sworn in were Alexandra Hunt, Planner and Tara Jordan.

Chair opened the public hearing.

Alexandra Hunt stated the city is in receipt of a COA application from Laura Lynn Hutton (architectural designer) and Daniel and Amy Yoder (property owners) for the addition of a second-floor addition to be built above an existing room at the rear of the home. The subject property is located at 1704 Clairmont Drive and possesses a PIN 9569-43-6952 and is located within the Druid Hills Local Historic District. The applicant has submitted site images and elevations that were part of the agenda packet and a large printed copy has been provided as well for the Commission's review. This COA application is considered a major work according to the Residential Historic District Design Standards.

Ms. Hunt showed the historic overlay map which is included in the staff report and the presentation. The subject property was shown in red.

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

Ms. Hunt gave a history of the subject property which is included in the staff report and the presentation. Past COA approvals for the property were also listed.

Site photos of the property were shown and are included in the staff report and the presentation. Site photos from the applicant were also included.

The applicant also provided a site plan and elevations.

The Design Standards that apply to this application were included in the staff report and the presentation.

Chair asked if there were any questions for staff.

Commissioner Welter stated the rear of the lot abuts outside of the historic district. Ms. Hunt stated yes. Chair asked if those properties behind just didn't qualify. Ms. Hunt stated they are residential but she did not know why they were not included in the district.

Chair stated it says the contributing was one-story do we know if there were any additions? Ms. Hunt stated not that was identified as far as the survey report that was done. It just identifies this as having a rear basement level which looks from the photos that were provided it would be like a walkout basement level. The information in your packet was taken directly from the survey report.

Commissioner Welter asked if the original bungalow was wood siding. Ms. Hunt wasn't positive. He asked if they would match and paint it. Chair stated he could ask the applicant.

Commissioner Hammond Green asked if there was going to be enough distinction to. Ms. Hunt the applicant representative is prepared to talk about the distinction between the addition and the original structure. They can talk more about the design and the materials.

Ms. Hunt gave Chair a set of plans. The Commission reviewed the plans and discussed them.

There were further no questions for staff.

Tara Jordan, 318 Creeks End Circle stated the property owners wanted to make sure it did not sit too high above the roofline. They have five kids and they need another bedroom. It is a bedroom and a bathroom, so being able to add that made the most sense on the back of the house on top where they can add stairs to reach that level.

Chair stated she guesses it is not feasible to go off the bottom. Ms. Jordan stated no.

Chair stated with this being a traditional bungalow she is not aware of any additions, this is the shell as it was originally. Ms. Jordan stated she is not aware of any so she cannot speak to that.

Ms. Jordan stated they wanted to add that metal roof to separate it as an addition from the historical property. They wanted the dormers to have the windows underneath and also bringing the ridgeline out more like that bungalow style.

Chair stated the part that will be visible from the street it looks like it says 30 inches above the ridge. How is that the top? Ms. Jordan stated from the existing roofline it would be if you scale it around 30 inches, if you read the numbers on their plan it does say plus or minus because there is one that says 39 inches. It will not be above 39 inches. It will be between 30 to 39 inches. When you scale it with an actual scale on the drawings it comes to 30 inches. Chair asked if it would be a full 30 to 39 inches above. Ms. Jordan stated yes.

Ms. Jordan stated when you drive that street she does not think it will be visible at all.

Commissioner Welter asked if the original bungalow is wood siding. Ms. Jordan stated yes. She stated it has a four and half reveal is just Lapp siding on the new addition wouldn't have the beadboard but would have beadboard on the gables in the front.

Chair asked why the change in roofing from the asphalt shingles. Ms. Jordan stated she thinks to separate the two roofs so that you would have the asphalt plus the metal roofing and separate that as an addition. Chair asked if they would be willing to do an asphalt shingle instead of the metal. Ms. Jordan stated yes.

Chair asked how much alteration would be to the actual structure. They will have to take off that roof so it is the roof, the shingles and build up. It wouldn't touch the siding or anything like that. Just taking off that roof.

Commissioner Welter asked about the windows. Ms. Jordan stated the ones on the home now are wood and they can do wood or aluminum clad with wood interiors.

Chair asked if any other properties in the neighborhood had similar additions or renovations. Ms. Jordan stated she is not sure.

Chair stated the standard does say not appropriate to construct an addition that will detract from the overall character of the building. If you look at this being the original design and the added dormers. Ms. Jordan stated they were just trying to match the roofline. The bungalow roof is somewhat lower and they are trying to match it and add a design aesthetic to the dormer. It is more of a design with the architect.

Chair stated she was trying to figure out if this design aesthetic would be consistent with what a bungalow with a story or story and half would be with a design of that style. It is a pretty big alteration when you look at the design. Three feet above is a distinct difference from what it use to be or the original bungalow design.

Commissioner Hammond Green stated they want to make the addition compatible but distinguish it from the original. Part of their decision is if it is compatible.

Discussion was made on the dormers. Chair discussed 4.2.6 Discussion was also made about the height of the addition. Ms. Jordan did not think it would be very visible from the street. She stated it is three feet above the ridge but not from your viewpoint.

The materials were discussed.

Chair closed the public hearing.

The Commission discussed the standards.

Chair reopened the public hearing and asked the applicant if they would be willing to do asphalt shingles and wood windows. Ms. Jordan stated yes.

Chair closed the public hearing.

***Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H23-083-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 reasons: 1. The new addition creates the least possible loss of historic fabric and does not destroy, damage, or obscure character-defining features of the historic building. [Sec. 4.2.1] 2. The new addition is located on the rear of the building. [Sec. 4.2.5] 3. The size and scale of the addition does not diminish or visually overpower the building. [Sec. 4.2.6] 4. The design of the addition is compatible with the historic building in mass, materials, and relationship of solids to voids in the exterior walls and is discernible from the original. [Sec. 4.2.7] 5. The new addition does not detract from the overall historic character of the principal building and the site [Sec. 4.2.8] 6. They will use asphalt shingles and wood windows. Commissioner Hammond Green seconded the motion which passed unanimously.***



VII **Other Business** – Staff gave updates on the staff approved COA's and on the Committees.

VIII **Adjournment.** The Chair adjourned the meeting at 8:22 p.m.

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Chair

DRAFT



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION



**SUBMITTER:** Alexandra Hunt, Planner I      **MEETING DATE:** December 20, 2023

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

**TITLE OF ITEM:** 101-105 S Main St. – Addition of Basement Access Doorway & Door (H23-090-COA) – *Alexandra Hunt | Planner I*

**SUGGESTED MOTION:**

**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 # H23-090-COA and located within the Main Street Historic District, if added according to the information reviewed at this hearing and, with any representations made by the applicant on record of this hearing, is **not incongruous** with the character of the Hendersonville Historic Preservation Commission Design Standards (Main Street) for the following reasons:

1. The subject property is a contributing structure.
2. The proposed basement access doorway and door do not diminish the original design of the building. **[Sec. 3.4.2.10]**
3. The proposed basement access doorway and door are compatible with existing units in proportion, shape, positioning, location, size, materials, and details. **[Sec. 3.4.2.10]**

**[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 # H23-090-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 subject property is a contributing structure.
2. The proposed basement access doorway and door would diminish the original design of the building and damage historic materials and features. **[Sec. 3.4.2.10]**
3. The proposed basement access doorway and door are not compatible with existing units in proportion, shape, positioning, location, size, materials, and details. **[Sec. 3.4.2.10]**

**[DISCUSS & VOTE]**

**SUMMARY:**

The City is in receipt of a Certificate of Appropriateness (COA) application from Sarah McCormick, Peacock Architects (Applicant) and Mary Vieira (Property Owner) for the addition of an access doorway and door to the basement of the subject property located at 101-105 S Main St.

The subject property is a contributing commercial structure believed to be the oldest surviving structure on Main Street. It currently contains two suites, 105 S. Main St. and 101 S. Main St. The proposed access doorway and door is located on the side façade of 101 S. Main St. along 1<sup>st</sup> Ave W.

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

“Proposal for the addition of an access doorway to the basement of 105 S Main St. Scope of work includes the leveling of the sidewalk along 1<sup>st</sup> Ave W to create a level entry. The addition of a door to match the existing style and color of the current façade; the addition of a staircase leading down into the basement; and the addition of a bench seat in the back room of 101 S Main St. to allow for adequate headspace at the staircase below.”

The Applicant provided the full scope of work in the COA Application which includes changes to the interior of the subject property. However, the Applicant is requesting that the Commission review just the proposed access doorway and door to the basement level of the subject property.

In addition to the COA application, the Applicant has provided elevations and a historical photo of the subject property to supplement the COA application and are attached as Exhibit A.

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

<b>PROJECT/PETITIONER NUMBER:</b>	H23-090-COA
<b>PETITIONER NAME:</b>	Sarah McCormick – Peacock Architects (Applicant)
<b>EXHIBITS:</b>	A. Staff Report B. COA Application Packet C. Warranty Deed

# 101 S. Main St. – Addition of Basement Access Doorway & Door (H23-090-COA)

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

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## PROJECT SUMMARY

**Applicant:** Sarah McCormick, Peacock Architects

**Property Owner:** Mary Vieira (Exhibit B)

**Property Address:** 105 S. Main St.

**Project Acreage:** 0.05 Acres

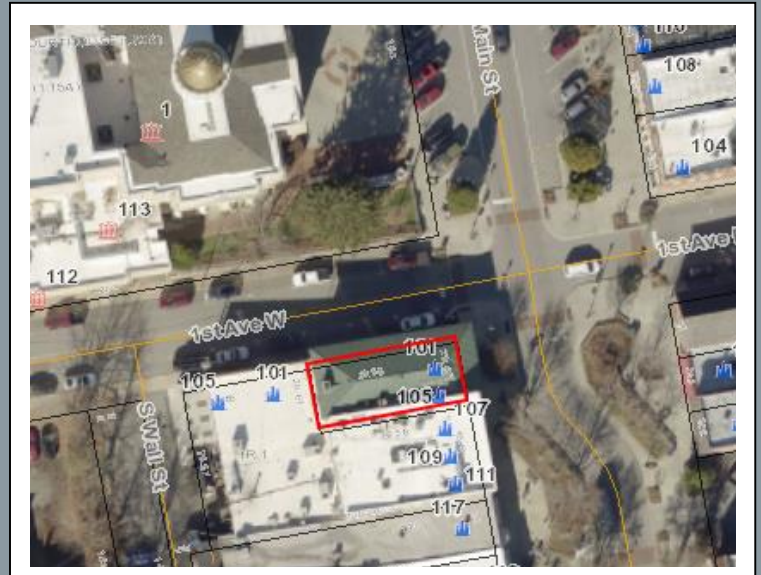
**Parcel Identification Number(s):**

9568-77-9189

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

**Historic District:** Main Street Historic District

**Project Type:** Major Work (Addition of basement access doorway & door)



SITE VICINITY MAP

### **Project Summary:**

The City is in receipt of a Certificate of Appropriateness (COA) application from Sarah McCormick, Peacock Architects (Applicant) and Mary Vieira (Property Owner) for the addition of an access doorway and door to the basement of the subject property located at 101-105 S Main St.

The subject property is a contributing commercial structure believed to be the oldest surviving structure on Main Street. It currently contains two suites, 105 S. Main St. and 101 S. Main St. The proposed access doorway is located on the side façade of 101 S. Main St. along 1<sup>st</sup> Ave W.

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

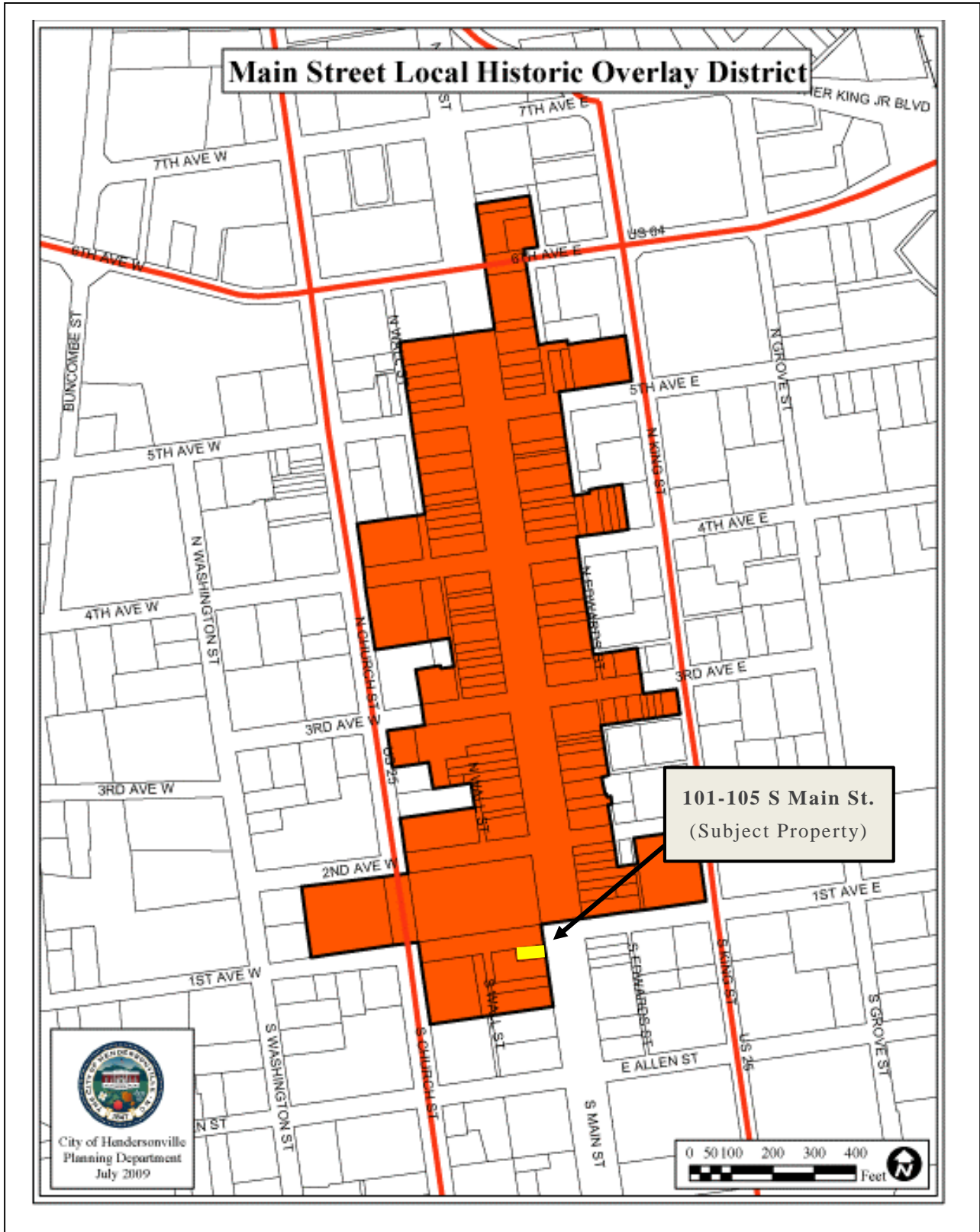
“Proposal for the addition of an access doorway to the basement of 105 S Main St. Scope of work includes the leveling of the sidewalk along 1<sup>st</sup> Ave W to create a level entry. The addition of a door to match the existing style and color of the current façade; the addition of a staircase leading down into the basement; and the addition of a bench seat in the back room of 101 S Main St. to allow for adequate headspace at the staircase below.”

The Applicant provided the full scope of work in the COA Application which includes changes to the interior of the subject property. However, the Applicant is requesting that the Commission review just the proposed access doorway and door to the basement level of the subject property.

In addition to the COA application, the Applicant has provided elevations and a historical photo of the subject property to supplement the COA application and are attached as Exhibit A.

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

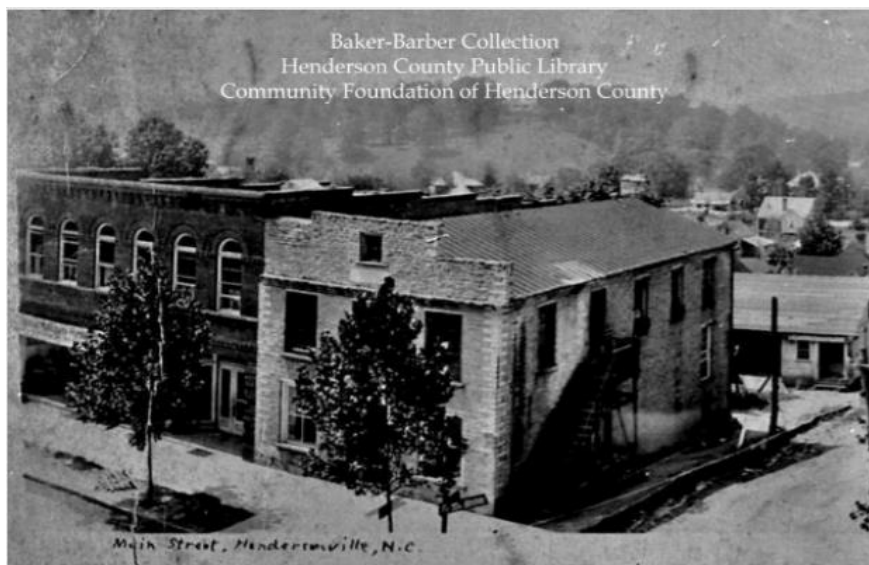
PROJECT SUMMARY - CONTINUED



CITY OF HENDERSONVILLE - MAIN STREET LOCAL HISTORIC OVERLAY MAP



## HISTORY OF SUBJECT PROPERTY



(Photo Dated 1905; Baker-Barber Collection)

*(According to Betty Thomas, Roy Huggins operated an automotive repairs business in the brick building to the rear, built in 1946, and used this building as his offices. Purchased in 1974 by the Thomas Family. Served as a restaurant briefly. Interior remodeled in 1985.)*

### **Historical Marker Placed 2009**

*The Ripley Building ca. 1847*

*“Built by Col. Valentine Ripley, early businessman, this is the oldest building on Main Street. Served as a skating rink, an armory during WWI, office for Huggins Automotive with car repairs in the rear building, the Herb Garden Café and since 1984 Thomas Produce Co.*

### **Past COA History**

- November 17, 2010 – Commission approved COA for the removal of fiberglass shingles and replaced with metal roof covering.
- September 18, 2019 – Commission approved COA for the replacement of the existing front door with a wooden door with a glass panel.



SITE CONDITIONS -SITE IMAGES





SITE IMAGES CONT'D



PROPOSED ACCESS DOORWAY

Submitted by Applicant (*See Exhibit A*)



EXISTING FACADE



PROPOSED FACADE

## 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 Districts and Landmarks. The following sections are applicable to the proposed Certificate of Appropriateness application:

### **Section 3.3 Side and Rear Facades**

Many of Hendersonville’s downtown commercial buildings have side façades that can be seen from public streets, parking lots, sidewalks, and alleyways. As with the primary front façade, these side elevations are important character-defining elements of the downtown historic district. Usually, these façades exist on corner buildings fronting on two streets, but can also occur mid-block where the adjacent property is vacant or is an alleyway.

The side façade generally carries the same design elements and details as the main elevation including fenestrations, brickwork, etc. They are likely to serve a more private utility in providing access to upper-floor office and residential uses and not engage the consumer or the pedestrian like the typical storefront. Still, some of these buildings take advantage of the additional frontage and use the side façade as additional display area, advertising, or even providing additional access for the customer.

The rear façade is also important to the historic character of the building and district. The rear elevation provides access for merchants, their workers, and in some cases, customers. It also continues the same general material treatments as front and side façades. More often than not, rear entrances on Hendersonville’s downtown commercial structures serve as a service entry and, as a result, are the location of any necessary mechanical equipment and garbage receptacles. This translates into a less detailed design with a more private appearance than front and side façades that face public rights-of-way. There are some instances in downtown where the rear façade serves as public or semi-public access. Usually, the design of these façades reflects this public utility resulting in an elevation with similar detailing to its primary façade that is more inviting to the consumer or general public.

#### *Preservation*

**Sec. 3.3.1** Retain and preserve historic façade details and materials on side and rear elevations.

**Sec. 3.3.2** Historic painted advertisements represent an important historic element in downtown Hendersonville. While not required, it is recommended that they be preserved whenever possible.

**Sec. 3.3.3** Whenever a side or rear façade can be seen from the public right-of-way or parking area, it is encouraged that any unnecessary utility lines, mechanical equipment, pipes, etc. be removed. Whenever introducing new utility or service features such as mechanical units and garbage receptacles, screen them from public view with fences, low walls, or landscaping whenever possible.

### *Reconstruction*

**Sec. 3.3.4** If replacement of a deteriorated façade feature is necessary, replace only the deteriorated element to match the original in size, scale, proportion, material, texture and detail.

**Sec. 3.3.5** When reconstructing a historic façade or feature, base the design on historical research and evidence. Maintain the original proportions, dimensions and architectural elements.

**Sec. 3.3.6** If there is historic evidence of a public entrance on a rear façade, rehabilitate the façade to provide for an attractive access from rear parking areas.

**Sec. 3.3.7** Downtown buildings with rear access should use small signs or awnings to provide for visual identification.

**Sec. 3.3.8** Storefronts on side or rear facades must comply with the Storefront Guidelines under Section 3.1.

### *New Design*

**Sec. 3.3.9** If new construction of a side or rear façade is necessary, make sure that the design is compatible with the existing side and rear facades in the district including size & spacing of windows or other fenestrations, proportion, scale, and detailing.

**Sec. 3.3.10** Whenever possible, new designs for rear façades should provide access to the public from rear parking areas and alleyways.

### **Section 3.4.2 Windows and Doors Standards**

Windows and doors by their proportion, shape, positioning, location, pattern, and size can contribute significantly to a building's historic character and are particularly indicative of stylistic periods. These openings in a building's exterior also provide opportunities for natural light, ventilation, and visual connections to the interior.

**Sec. 3.4.2.1** Retain and preserve original 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. 3.4.2.3** If replacement of a window or door element is necessary, replace only the deteriorated element to match the original in size, scale, proportion, pane or panel division, material, and detail.

**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. 3.4.2.5** Protect and maintain existing windows and doors in appropriate ways:

- Maintain caulking and glazing putty to prevent air or water infiltration around glass.
- Weatherstrip windows and doors to prevent moisture and air infiltration.
- Check sills and thresholds to ensure that water run off does not collect.

- Maintain a sound paint film on all wooden windows and doors.
- Monitor the condition of wooden windows and doors.
- Note: Both the peeling of paint and the widening of joints may create the false appearance of deteriorated wood.

**Sec. 3.4.2.6** Repair original windows, doors, and frames by patching, splicing, consolidating, or otherwise reinforcing deteriorated sections.

**Sec. 3.4.2.7** Construct replacement shutters of wood, size them to window openings, and mount them so that they are operable. It is not appropriate to introduce window shutters where no evidence of earlier shutters exists.

**Sec. 3.4.2.8** The use of reflective or highly tinted glass is discouraged.

**Sec. 3.4.2.9** It is not appropriate to fill in existing window or door openings or to replace or cover them with plywood.

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

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

**Sec. 3.4.2.12** If exterior storm windows are desired, they should have little visual impact. Storm windows should be painted to match the building and the color of the window sash. Storm windows should match the existing in size and proportion. Install them so that existing windows and frames are not damaged or obscured.

**Sec. 3.4.2.13** It is not appropriate to use snap-in muntins to create a false divided light appearance.

**Sec. 3.4.2.14** In accordance with the Artificial Materials guidelines (Section 3.8), it is not appropriate to replace existing vinyl windows with new vinyl windows on contributing structures.

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



### **Section 3.4.3 Masonry**

By far, the primary construction material in the downtown historic district is brick. Brick, stone, terra-cotta, concrete, stucco, and mortar are all typical masonry materials found on the exterior of historic buildings. The texture, the scale, the color, the bonding pattern, the joints, and the detail of masonry surfaces can all contribute significantly to the overall character of the historic building. Masonry features such as chimneys, arches, quoins, lintels, sills, cornices, and pediments further define a building's historic character.

#### **Masonry Guidelines**

##### *Preservation*

**Sec. 3.4.3.1** - Retain and preserve original masonry walls, foundations, and roofs.

**Sec. 3.4.3.2** - Retain and preserve all masonry construction features that are character defining elements of historic buildings, including walls, foundations, roofing materials, corbels, chimneys, piers, arches, quoins, cornices, and lintels.

**Sec. 3.4.3.3** - Retain and preserve historic masonry materials whenever possible. If replacement is necessary, use new masonry materials and mortar that match the historic materials in composition, size, shape, color, pattern, and texture. Consider substitute materials only if the original materials are not technically feasible.

**Sec. 3.4.3.4** - It is not appropriate to apply paint or other coatings to unpainted masonry elements that were historically not coated.

**Sec. 3.4.3.5** - Paint previously painted masonry elements in colors that best reflect the color of the masonry material.

**Sec.3.4.3.6** - It is not appropriate to apply nontraditional masonry coatings such as waterproofing and water repellents to masonry as a substitute for repointing or repair. Use such coatings only if masonry repairs have failed to eliminate water-penetration problems.

**Sec. 3.4.3.7** - Removal of paint from masonry surfaces is encouraged when the brick is of high quality and was intended to be exposed. Undertake removal only with a chemical paint remover specifically formulated for masonry. Always test the remover on an inconspicuous area or a test panel first.

**Sec. 3.4.5.8** - When removing paint from a masonry surface, use the gentlest means possible. High-pressure water cleaning (greater than 500 PSI) or other harsh methods can destroy the surface of historic brick and damage the mortar between bricks.

EXHIBITS

- Exhibit A – COA Application
- Exhibit B – Warranty Deed

**Entry #:** 68 - 10/23/2023    **Status:** Submitted    **Submitted:** 10/23/2023 4:41 PM

Item A.

**Date:**

10/23/2023

**Local District/Landmark:**

Main Street

**Address of Property:**

105 S Main St

**Property Owner Name:**

Mary Vieira

**Address**

105 S Main St, Hendersonville, North Carolina 28792

**Day Phone:**

(828) 696-6381

**Contact Name: (if other than owner)**

Sarah McCormick

**Address**

105 S Main St, Hendersonville, North Carolina 28792

**Phone**

(828) 696-4000

**Email**

sarah@peacockarchitect.com



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

PROPOSAL FOR THE ADDITION OF AN ACCESS DOORWAY TO THE BASEMENT OF 105 S MAIN ST. SCOPE OF WORK INCLUDES THE LEVELING OF THE SIDEWALK ALONG FIRST AVE W TO CREATE A LEVEL ENTRY, THE ADDITION OF A DOOR TO MATCH THE EXISTING STYLE AND COLOR OF THE CURRENT FACADE, THE ADDITION OF A STAIRCASE LEADING DOWN INTO THE BASEMENT, AND THE ADDITION OF A BENCH SEAT IN THE BACK ROOM OF 101 S MAIN ST TO ALLOW FOR ADEQUATE HEADSPACE AT THE STAIRCASE BELOW.

**Upload attachments here:**

**Attachments:**



[1st Ave W Access Door Proposal.pdf](#)

1.8 MB

Photographs, Site Plan (showing existing features and proposed)

**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.**

This design complies with sections 3.3.1, 3.3.3, 3.3.9, 3.3.10, 3.4.1.1, 3.4.1.2, 3.4.2.3, 3.4.2.10, 3.4.2.11, 3.4.3.2, 3.5.5, 3.5.6, 3.6.1-3 of the Main Street Design Guidelines

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**

sarah@peacockarchitect.com

Item A.

*Mary Thomas Vieira*

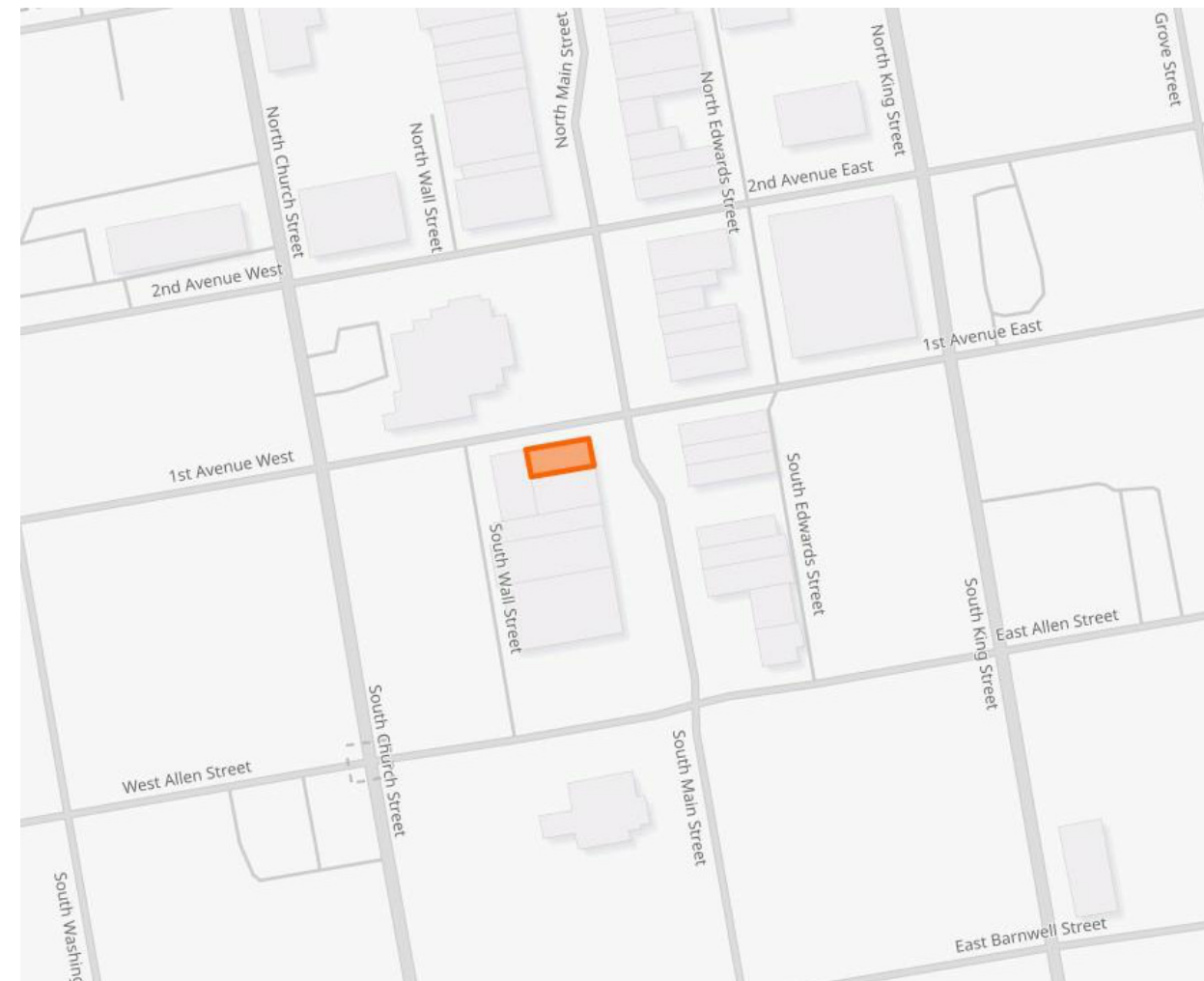
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**Official Use:**

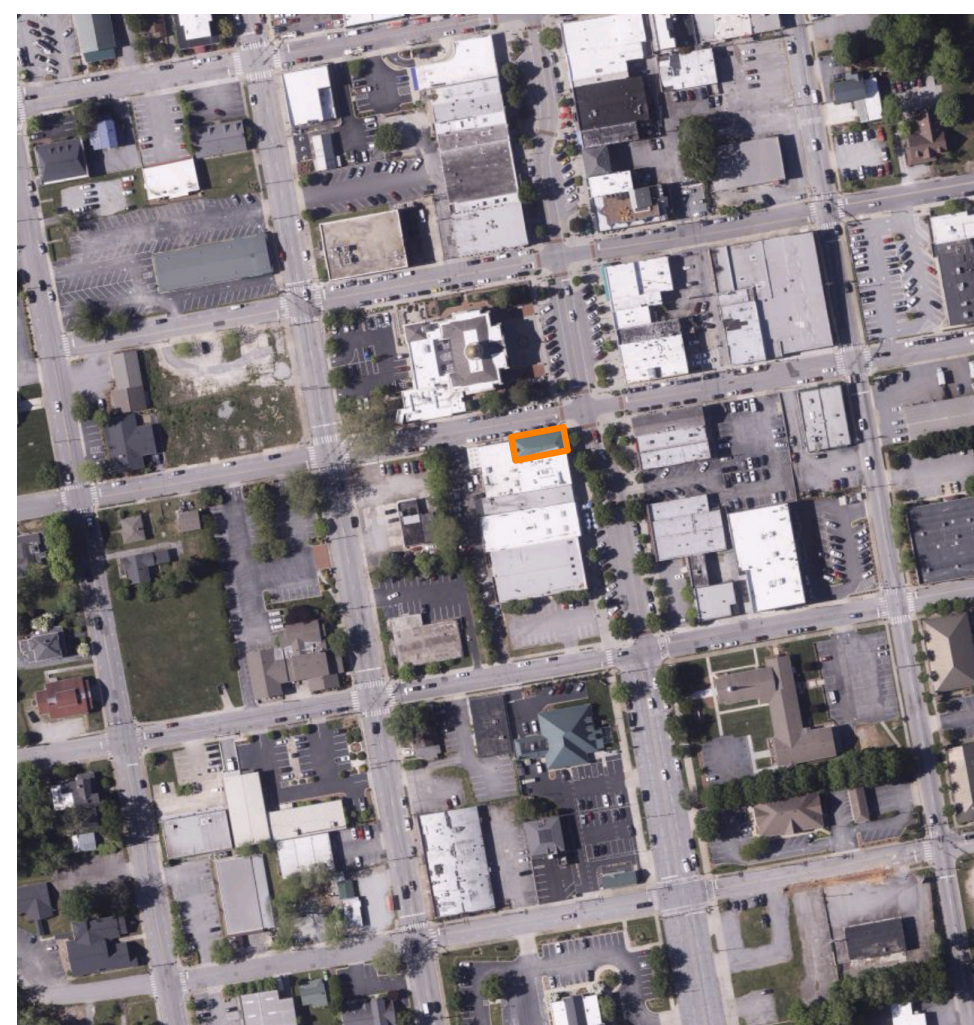
**Date Received:**

**Received By:**





LOCATION MAP



AERIAL MAP



**105 S MAIN STREET  
HENDERSONVILLE, NC 28792**

# ARCHITECT:

PEACOCK ARCHITECTS  
105 S MAIN STREET HENDERSONVILLE, NC 28792  
(828) 696-4000

# CONTRACTOR:

# MEP:

# STRUCTURAL:

Sheet List	
Sheet Number	Sheet Name
A100	COVER SHEET
A101	GROUND FLOOR/BASEMENT
A102	ELEVATIONS
A103	FAÇADE PROPOSAL

## SCOPE OF WORK:

PROPOSAL FOR THE ADDITION OF AN ACCESS DOORWAY TO THE BASEMENT OF 105 S MAIN ST. SCOPE OF WORK INCLUDES THE LEVELING OF THE SIDEWALK ALONG FIRST AVE W TO CREATE A LEVEL ENTRY, THE ADDITION OF A DOOR TO MATCH THE EXISTING STYLE AND COLOR OF THE CURRENT FAÇADE, THE ADDITION OF A STAIRCASE LEADING DOWN INTO THE BASEMENT, AND THE ADDITION OF A BENCH SEAT IN THE BACK ROOM OF 101 S MAIN ST TO ALLOW FOR ADEQUATE HEADSPACE AT THE STAIRCASE BELOW.

- ALL WORK SHALL MEET THE MINIMUM REQUIREMENTS OF THE LATEST ADOPTED EDITIONS OF THE APPLICABLE CODES, AS INDICATED ON C004 AND ALL OTHER LOCAL, STATE OR FEDERAL CODES OR REGULATIONS HAVING JURISDICTION.
- ALL CONSTRUCTION SHALL BE HANDICAPPED ACCESSIBLE AND COMPLY WITH BARRIER FREE DESIGN AND OTHER APPLICABLE STANDARDS. DIMENSIONS SHOWN FOR EXTERIOR DOORS AND WINDOWS ARE TO EDGE OF FRAME UNLESS OTHERWISE NOTED.
- PROVIDE FIRE EXTINGUISHERS IN ACCORDANCE W/ NFPA 10. INSTALL WALL MOUNTED FIRE EXTINGUISHERS (FE) AT 4'-0" AFF TO TOP OF CABINET. GENERAL CONTRACTOR TO COORDINATE LOCATIONS WITH LOCAL FIRE MARSHAL.
- HORIZONTALLY BRACE (STIFFEN) ALL METAL STUD SYSTEMS AS RECOMMENDED AND BRACE TOPS OF ALL PARTITIONS TO STRUCTURE ABOVE.
- DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING CLARIFICATION FROM THE ARCHITECT BEFORE CONTINUING WITH THE WORK.
- IN THE EVENT OF ANY DISCREPANCIES FOUND IN THE DRAWINGS OR CONFLICTS BETWEEN THE ARCHITECTURAL DRAWINGS AND THOSE OF THE ENGINEERS, THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- ALL WOOD BLOCKING TO BE FIRE RETARDANT TREATED IF REQUIRED BY CODE. ALL WOOD IN CONTACT WITH MORTAR, CONCRETE, OR MASONRY TO BE PRESSURE TREATED.
- ALL WORK LISTED, SHOWN OR IMPLIED ON THE CONSTRUCTION DOCUMENTS SHALL BE SUPPLIED AND INSTALLED BY THE GENERAL CONTRACTOR EXCEPT WHERE OTHERWISE NOTED. THE GENERAL CONTRACTOR SHALL CLOSELY COORDINATED HIS WORK WITH THAT OF OTHER CONTRACTORS OR VENDORS TO ASSURE THAT ALL SCHEDULES ARE MET AND THAT ALL WORK IS DONE IN CONFORMANCE TO THE SUPPLIERS REQUIREMENTS.
- ALL INTERIOR DIMENSIONS GIVEN ARE FROM FACE OF STUD, OR CENTERLINE OF COLUMN, UNLESS OTHERWISE NOTED. EXTERIOR DIMENSIONS ARE FROM FACE/ EDGE OF MASONRY/ CONCRETE OR COLUMN CENTERLINE, UNLESS OTHERWISE NOTED.

**THE TAMARA PEACOCK COMPANY**  
*Architects*  
105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PHONE: 828.696.4000  
LICENSE #12289

PROJECT DESIGN TEAM:  
THE TAMARA PEACOCK CO. ARCHITECTS  
105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PH: 828-696-4000

OWNER:

PROJECT NAME:  
**VIERA RESIDENTIAL CONVERSION**  
**105 S MAIN STREET,**  
**HENDERSONVILLE**  
**NC 28792**

TAMARA PEACOCK, P.A.  
REGISTRATION NO. 12289

ISSUED FOR:  
PROJECT STATUS:

DATE:  
10/23/2023 11:59:21 AM

SHEET NAME:  
**COVER SHEET**

REVISIONS:

THIS DOCUMENT IS PROPERTY OF TAMARA PEACOCK COMPANY AND NO PART HEREIN SHALL BE USED EXCEPT FOR THE SPECIFIC PROJECT WITHOUT CONSENT OF THE TAMARA PEACOCK COMPANY.  
THIS DOCUMENT WAS PREPARED BY THE TAMARA PEACOCK COMPANY ACCORDING TO THE TERMS OF GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION.  
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.

DATE: 10/23/2023 11:59:21 AM  
PROJ. NO.:  
PROJECT NUMBER  
DRAWN BY: AUTHOR  
DESIGNED BY: DESIGNER  
CHECKED BY: CHECKER  
APPROVED BY: APPROVER

SHEET NO.:  
**A100**





**PEACOCK**  
*Architects*

105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PHONE: 828.696.4000  
LICENSE #12289

PROJECT DESIGN TEAM:  
**PEACOCK COMPANY ARCHITECTS**

105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PH: 828-696-4000

OWNER:

PROJECT NAME:  
**BASEMENT ACCESS PROPOSAL**  
**105 S MAIN ST HENDERSONVILLE NC 28792**

TAMARA PEACOCK, R.A.  
REGISTRATION NO. 12289

ISSUED FOR:  
PROJECT STATUS

DATE:  
10/23/2023 11:58:04 AM

SHEET NAME:  
**GROUND FLOOR / BASEMENT**

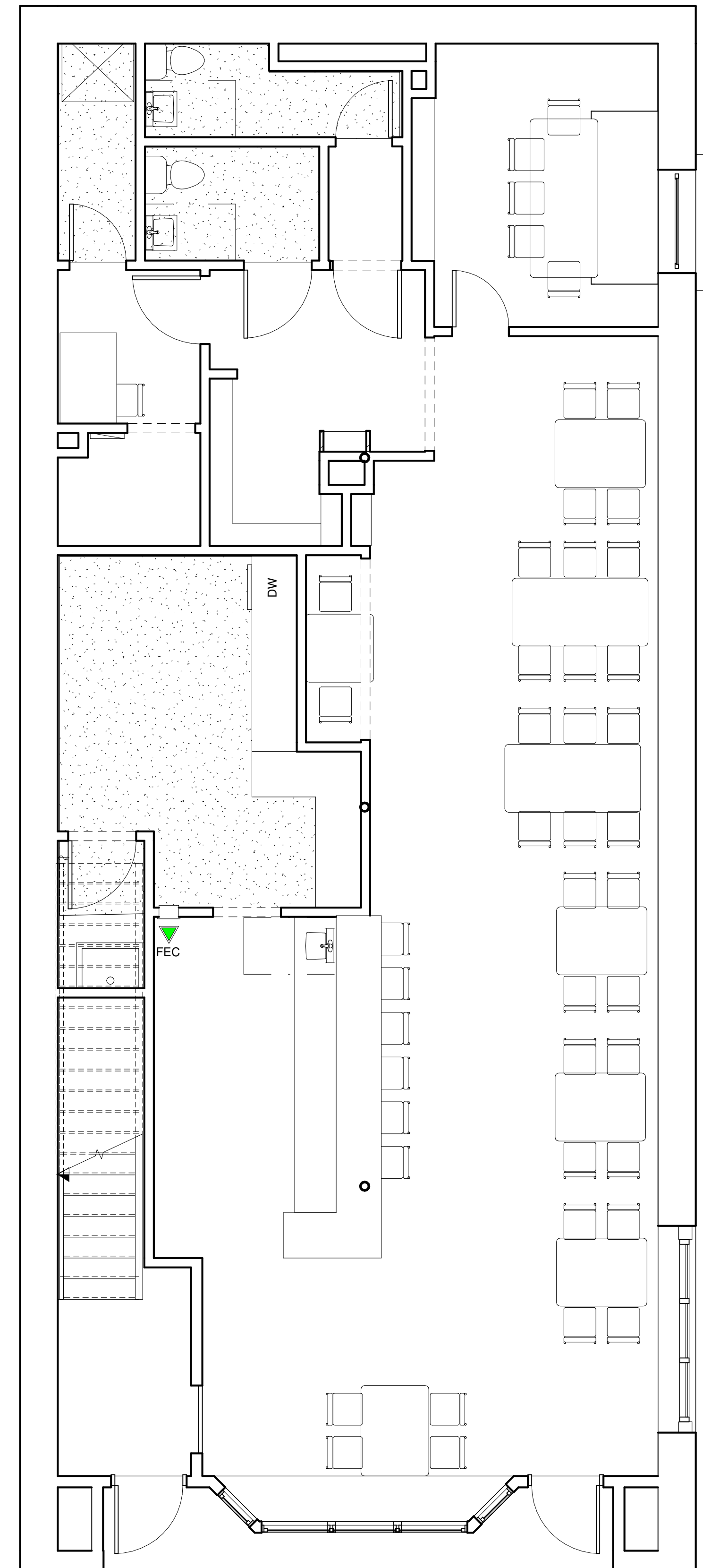
REVISIONS:

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DATE: 10/23/2023 11:58:04 AM  
PROJ. NO.:  
PROJECT NUMBER

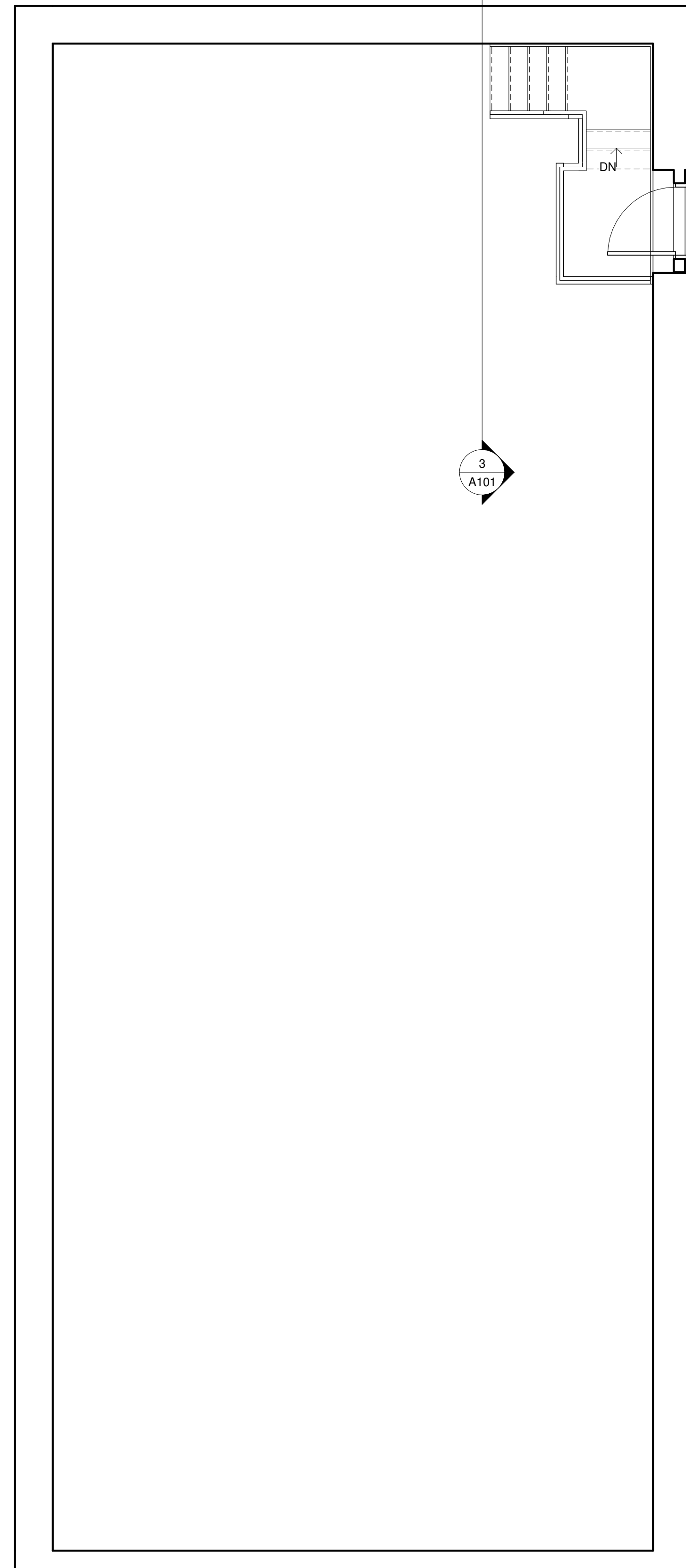
DRAWN BY: AUTHOR	PROJ. MGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:  
**A101**

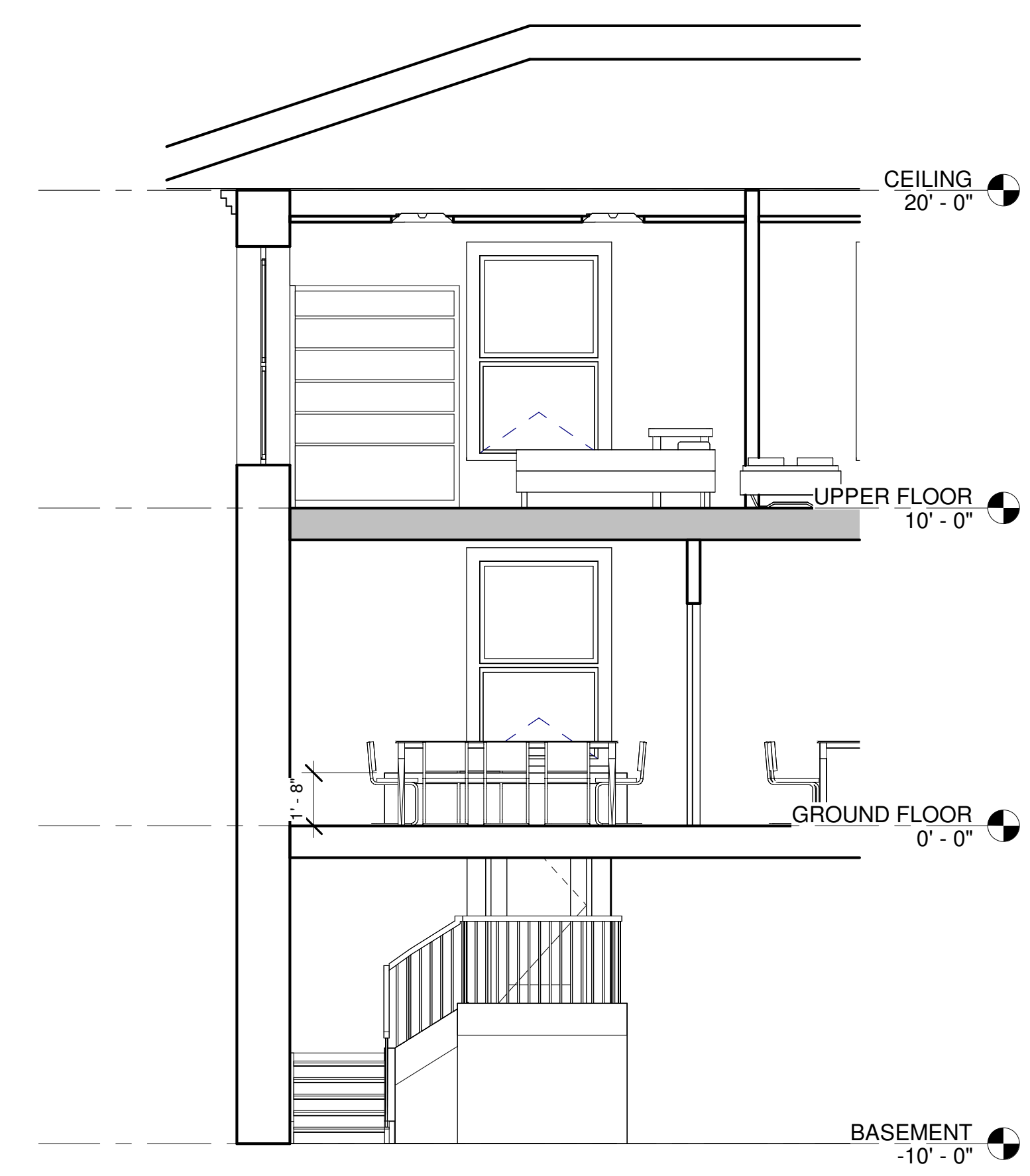


**105 S MAIN ST** UPSTAIRS  
**101 S MAIN ST** DOWNSTAIRS

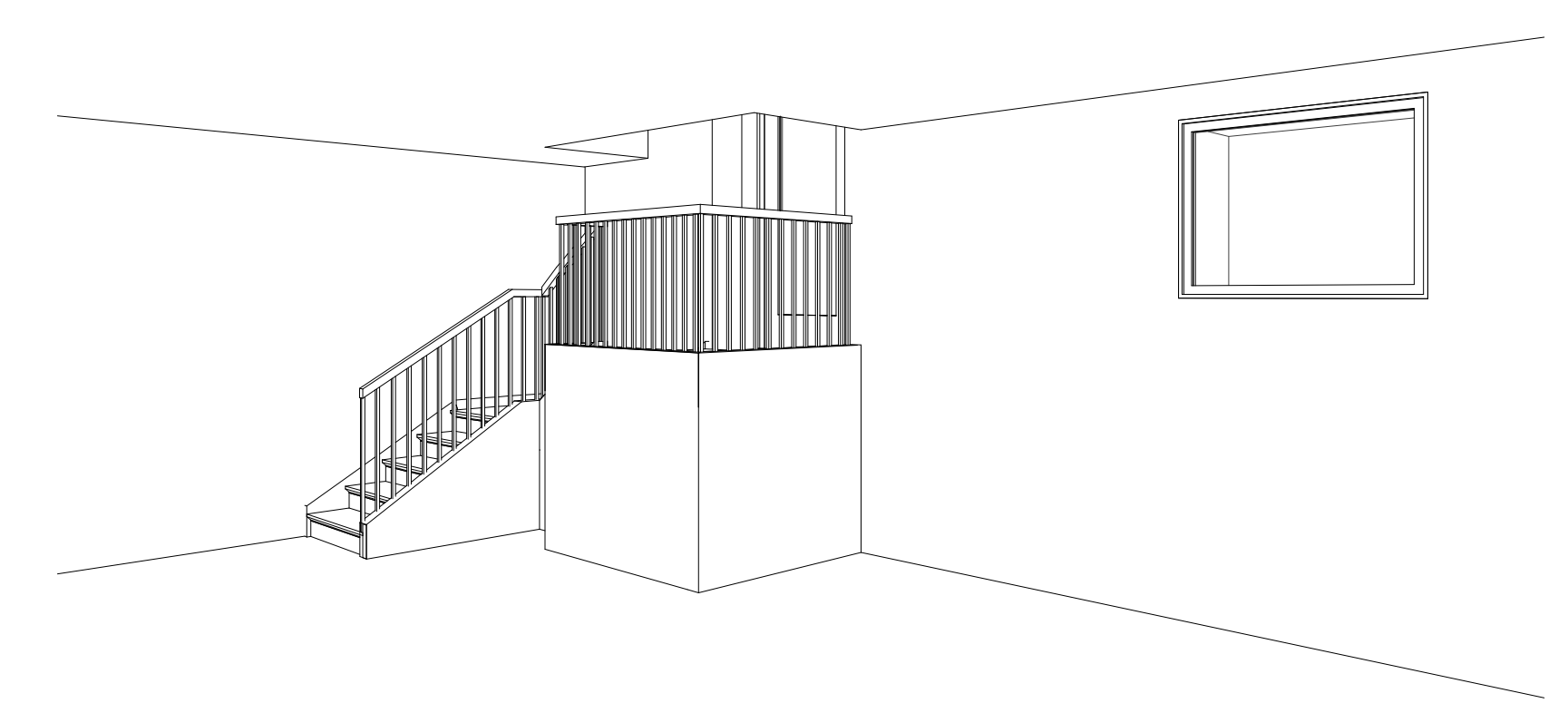
① GROUND FLOOR  
1/4" = 1'-0"



② BASEMENT  
1/4" = 1'-0"



③ Section 1  
1/4" = 1'-0"



④ 3D View 1



**PEACOCK**  
*Architects*

105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PHONE: 828.696.4000  
LICENSE #12289

PROJECT DESIGN TEAM:  
**PEACOCK COMPANY ARCHITECTS**

105 S MAIN ST  
HENDERSONVILLE, NC 28792  
PH: 828-696-4000

OWNER:

PROJECT NAME:  
**BASEMENT ACCESS PROPOSAL**  
105 S MAIN ST  
HENDERSONVILLE NC 28792

TAMARA PEACOCK, R.A.  
REGISTRATION NO. 12289

ISSUED FOR:  
PROJECT STATUS

DATE:  
10/23/2023 11:58:06 AM

SHEET NAME:  
**ELEVATIONS**

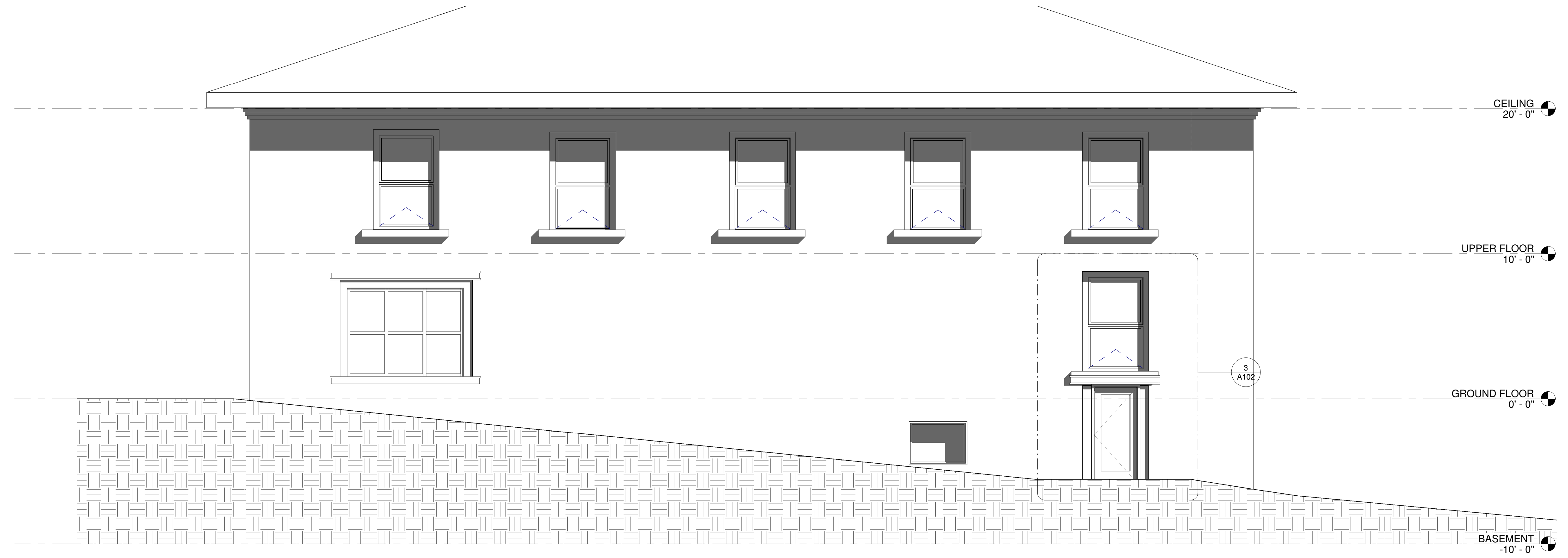
REVISIONS:

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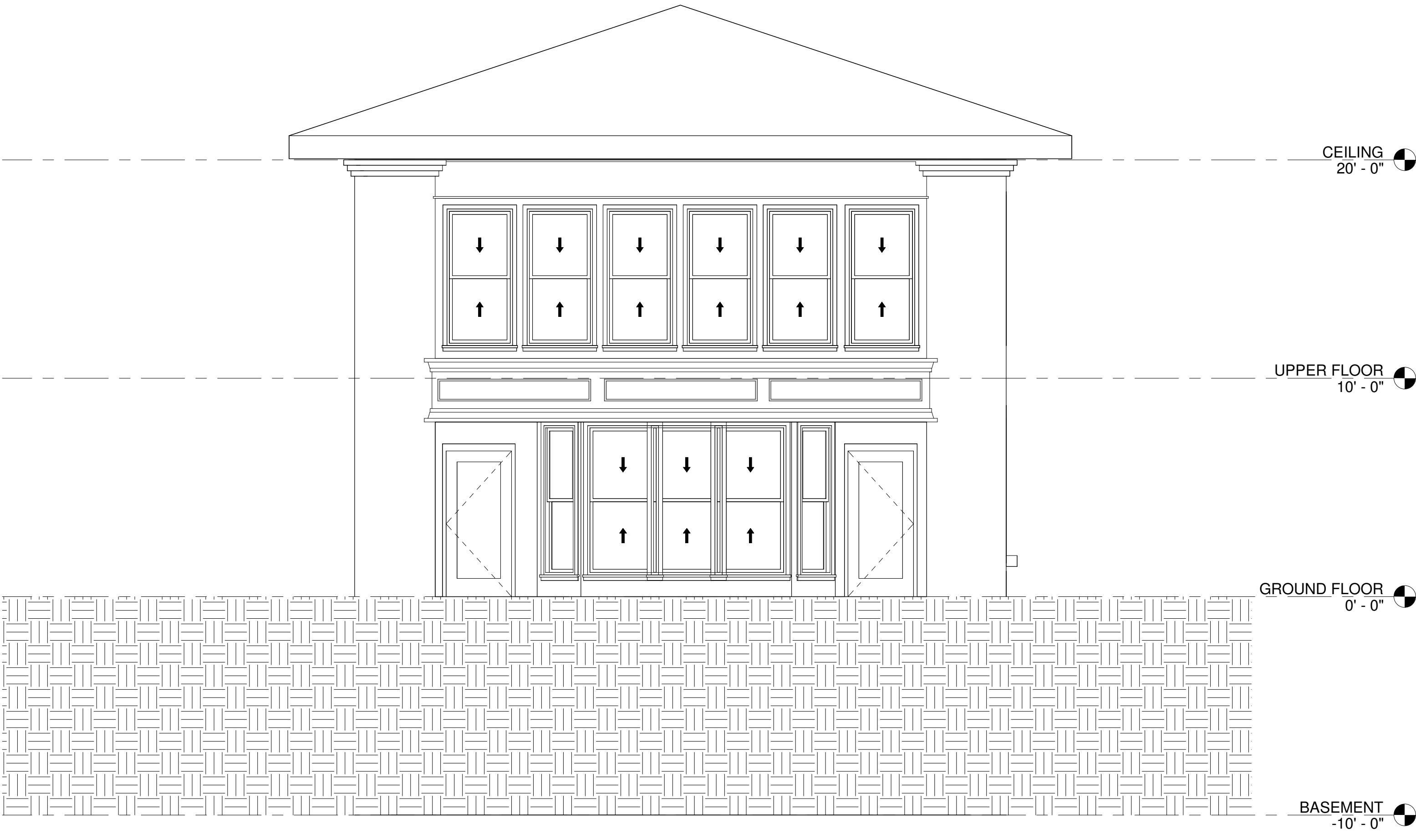
DATE: 10/23/2023 11:58:06 AM  
PROJ. NO.:  
PROJECT NUMBER

DRAWN BY: AUTHOR	PROJ. MGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

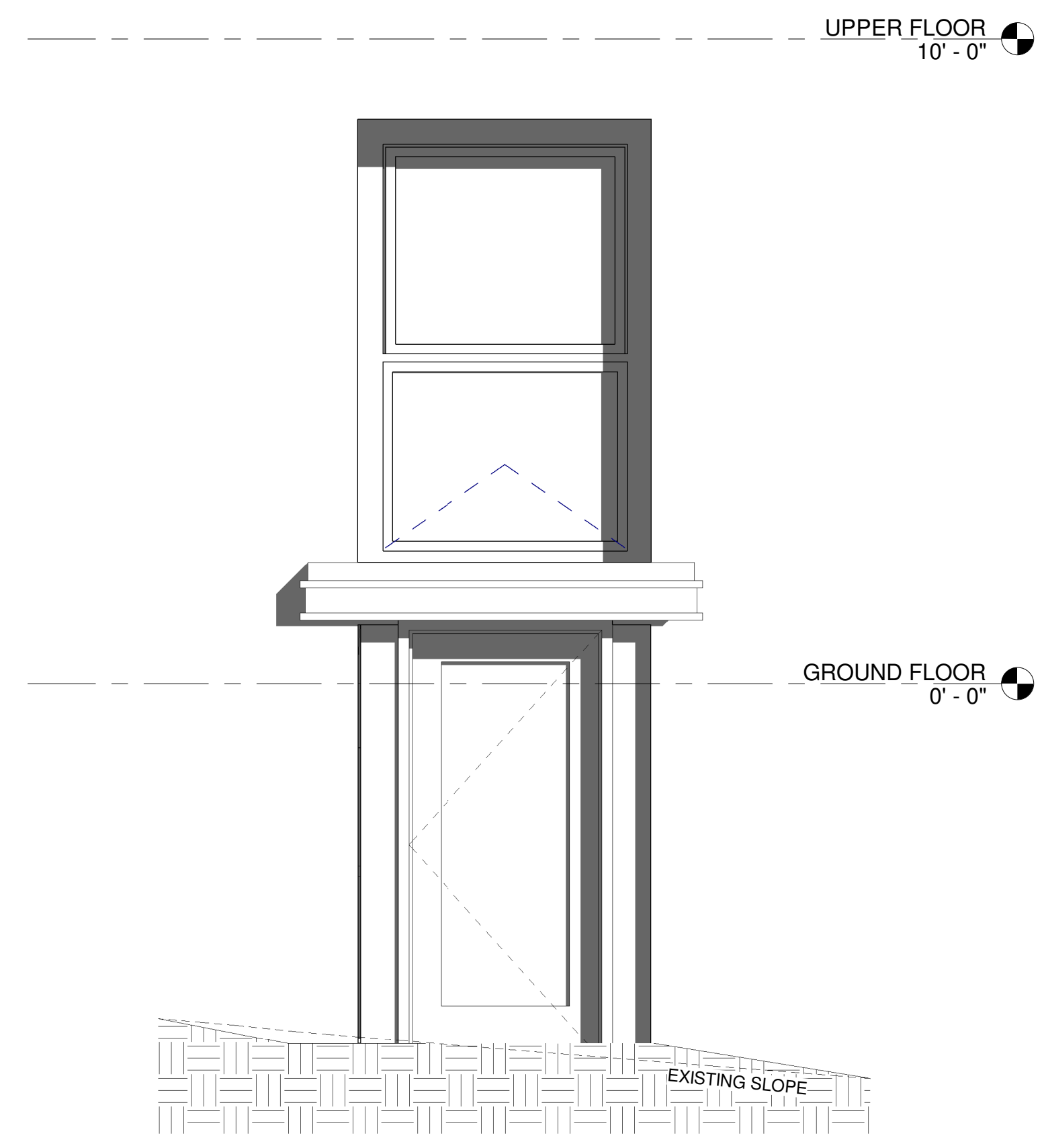
SHEET NO.:  
**A102**



① East  
1/4" = 1'-0"



② South  
1/4" = 1'-0"



③ NEW ENTRY DETAIL  
1/2" = 1'-0"

Proposal for a basement access door  
**105 S Main St. Hendersonville, NC**



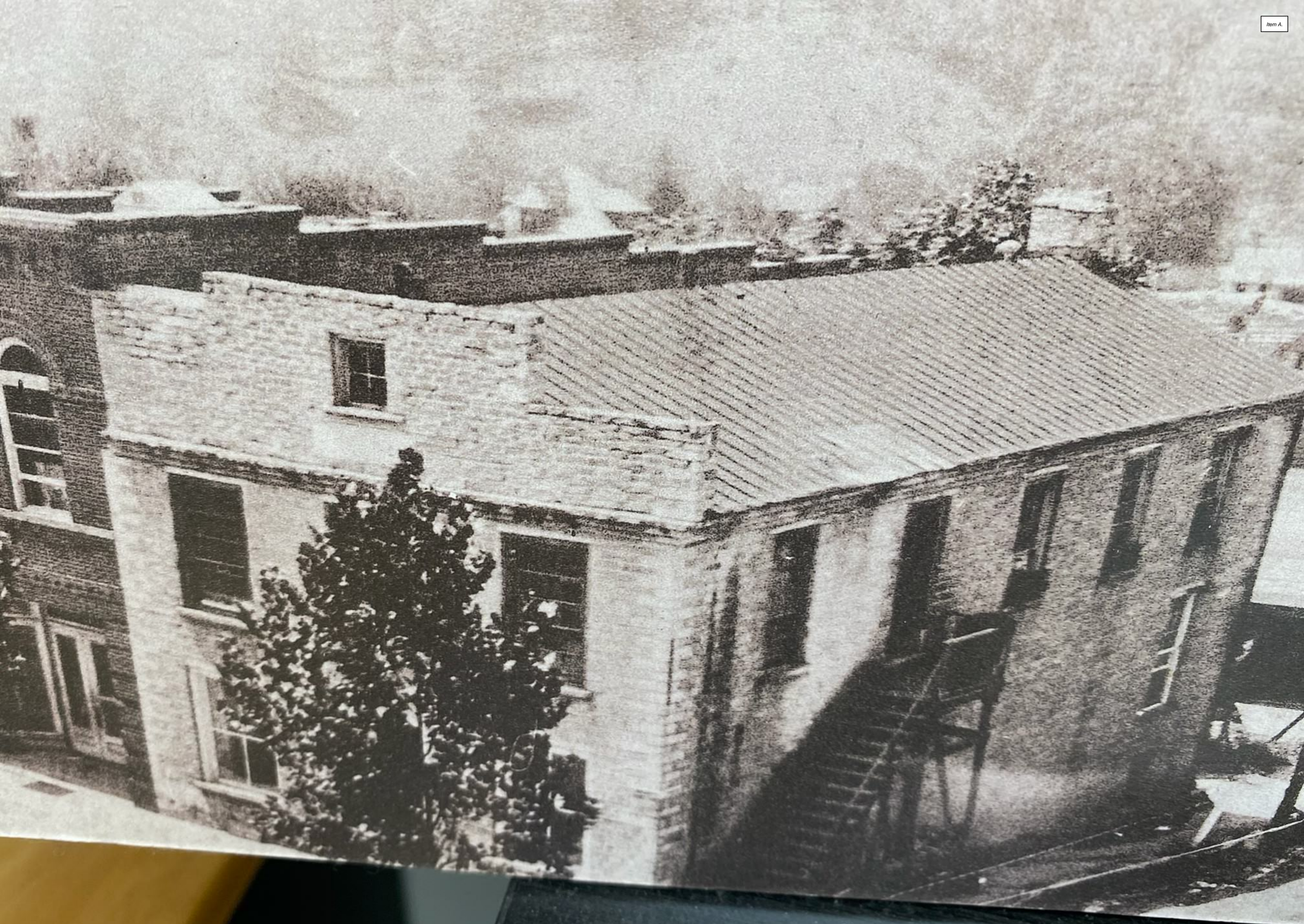
EXISTING FACADE



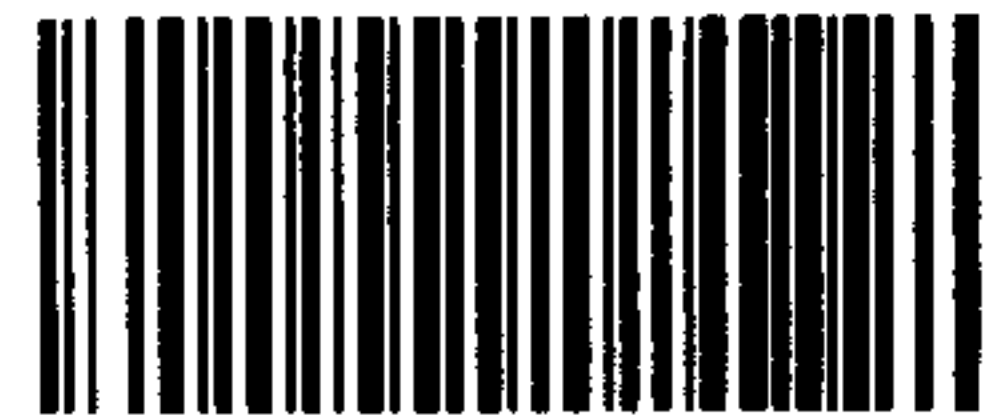
PROPOSED FACADE











This document presented and filed:  
01/10/2023 01:16:03 PM

WILLIAM LEE KING, Henderson COUNTY, NC  
Transfer Tax: \$667.00

→ PMA

Doc Stamps \$667.00

Prepared by: B.B. Massagee III  
Deed Prep'n Only

**This instrument is prepared by B. B. Massagee, III, a licensed North Carolina attorney. Delinquent taxes, if any are to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.**

STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

COUNTY OF HENDERSON

THIS DEED is made and entered into this 6<sup>th</sup> day of January, 2023, by and between Richard Latt Thomas (also known as Richard L. Thomas) and wife, Sherry Baldwin Thomas (herein collectively referred to as the "party of the first part" and having a mailing address of 2511 Little River Road, Hendersonville, N.C. 28739) and Mary Thomas Vjeira (the "party of the second part" and having a mailing address of P.O. Box 1463 Hendersonville, NC 28793);

WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey in fee simple unto said party of the second part, her heirs and assigns, a one-third (1/3rd) undivided interest in and to certain real property lying and being in Hendersonville Township, Henderson County, North Carolina, more particularly described as follows:

Being all of that real property conveyed to Royce P. Thomas by Mae Belle Huggins by deed recorded August 7, 1974 in Deed Book 522, Page 639, Henderson County Registry, less and except [1] the property conveyed to Susan K. Fazio by those deeds recorded in Deed Book 932, Page 376 and Deed Book 932, Page 378, and [2] the Tract One and Tract Two conveyed to LKLG Corporation by deed recorded in Deed Book 1062, Page 56, Henderson County Registry, reference to which deeds is hereby made for more complete description.

TO HAVE AND TO HOLD the aforesaid real property, together with all privileges and appurtenances thereunto belonging, to the said party of the second part, her heirs and assigns, in fee simple forever.

And said party of the first part does covenant that the party of the first part is seized of the said one-third undivided interest in said real property in fee simple and have the right to convey the same in fee simple, that title to same is marketable and free and clear of all encumbrances, and that they will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever. This conveyance and these warranties are made subject to utility easements of record, to the existing lease agreements for the Huggins Building, to the party wall agreement of record for the Huggins Building, and to 2023 Henderson County and City of Hendersonville ad valorem property taxes.

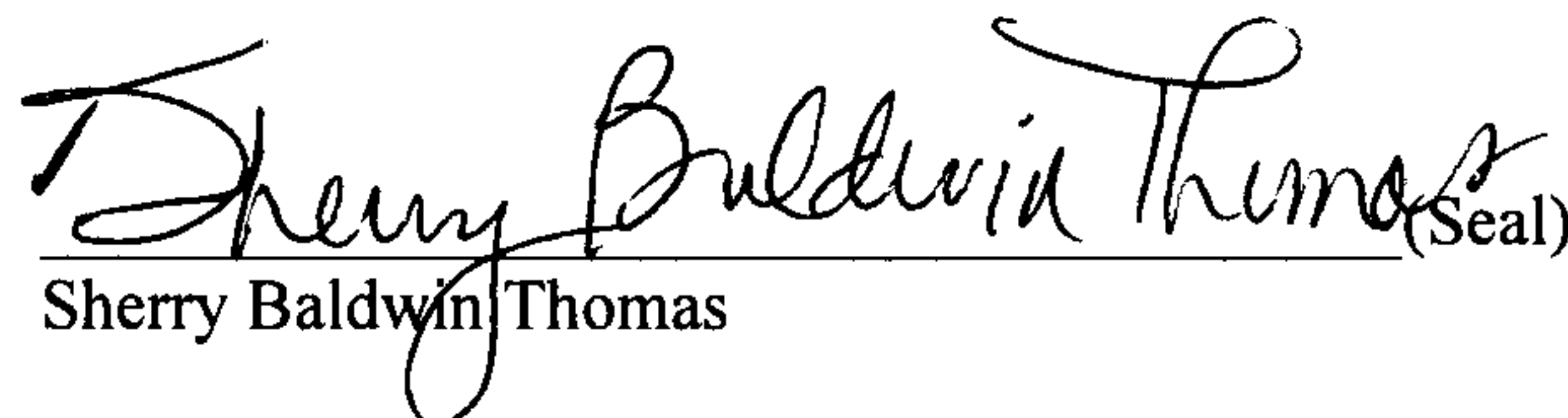


The real property conveyed herein does not include the primary residence of the party of the first part.

IN TESTIMONY WHEREOF, said party of the first part has hereunto set their respective hands and seals, the day and year first above written.

  
(Seal)

Richard Latt Thomas

  
(Seal)

Sherry Baldwin Thomas

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

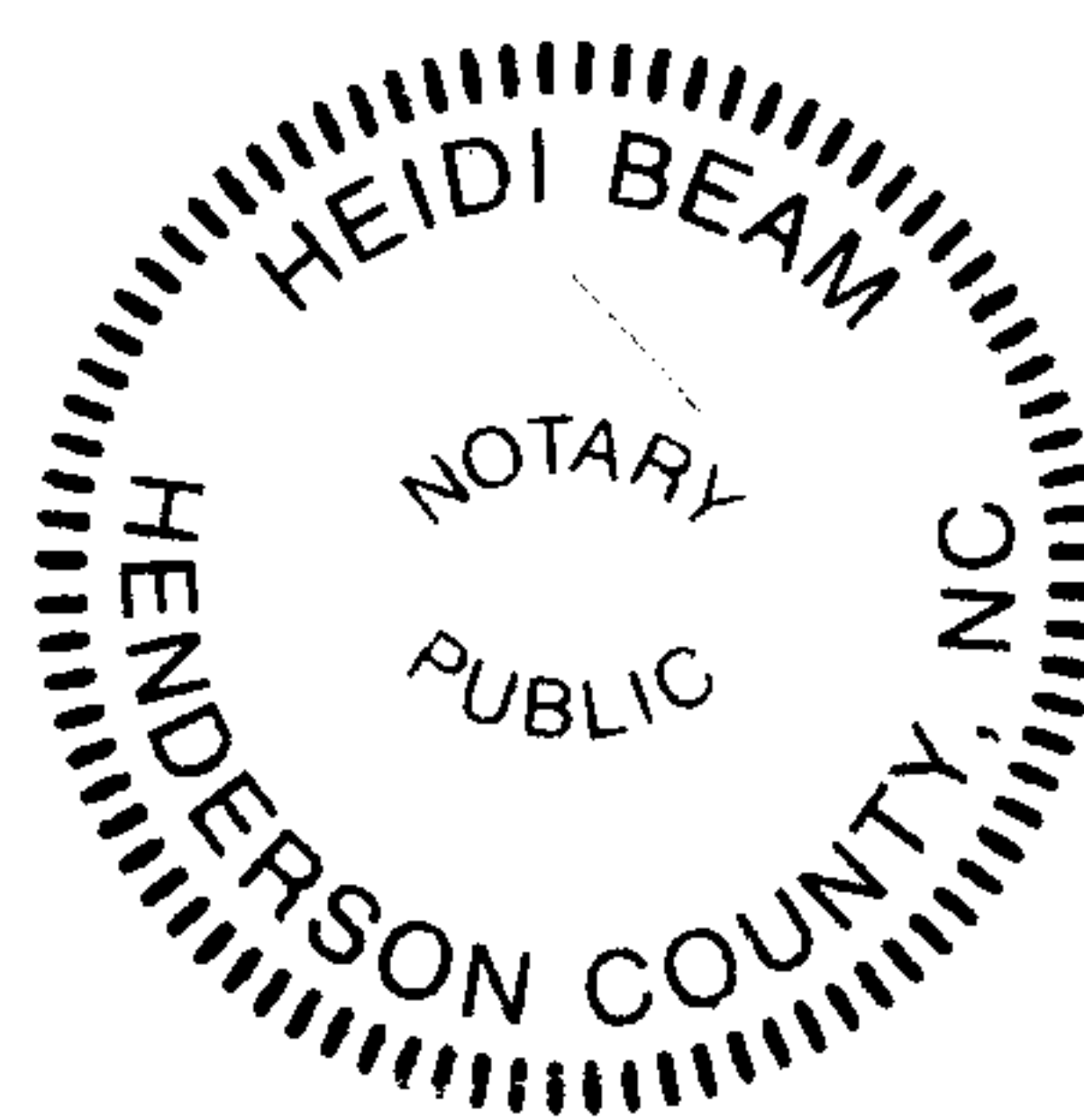
I, a Notary Public of the County and State aforesaid, certify that Richard Latt Thomas and Sherry Baldwin Thomas personally appeared before me this day and acknowledged their voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 6<sup>th</sup> day of January, 2023.

My Commission Expires:

11.24.2027



Notary Public



# NOTICE

City of Hendersonville Historic Preservation Commission

305 Williams St. Hendersonville, NC 28792

## NOTICE OF HISTORIC PRESERVATION COMMISSION REGULAR MEETINGS

**Regular Meetings** of the City of Hendersonville Historic Preservation Commission are held on the **Third Wednesday** of each month beginning at **5:00 p.m.** **2<sup>nd</sup> Floor Meeting Room** inside **City Hall** located at **160 Sixth Avenue East, Hendersonville NC** unless otherwise noticed\*. The following regular meetings have been scheduled for 2024:

**January 17, 2024**  
**February 21, 2024**  
**March 20, 2024**  
**April 17, 2024**  
**May 15, 2024**  
**June 19, 2024**  
**July 17, 2024**  
**August 21, 2024**  
**September 18, 2024**  
**October 16, 2024**  
**November 20, 2024**  
**December 18, 2024**

---

Cheryl Jones  
Chair

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 a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

*Adopted: 12/20/2024*

<https://www.hendersonvillenc.gov>



**STATE OF NORTH CAROLINA  
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION  
FILE NO. H23-68-COA**

**IN RE THE APPLICATION OF  
LOVE IN AN APOTHECARY, LLC  
AND PATTY ADAMIC  
FOR A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9568-77-8873**

**DECISION**

This matter came before the Hendersonville Historic Preservation Commission on October 18, 2023 for a quasi-judicial hearing on the application of Love in an Apothecary, LLC and Patty Adamic for a certificate of appropriateness for a property located at 303 N Main St, Hendersonville, NC, Main Street Historic District, Hendersonville, PIN 9568-77-8873 (“Subject Property”) for the replacement of 17 existing windows, with the application dated August 8, 2023.

The subject property is referred to as the Justus Pharmacy and is identified as a contributing property in the Main Street designation report.

The file was submitted into the record. In addition Alexandra Hunt, Planner and Patty Adamic, tenant/applicant testified and/or presented evidence, after first being duly sworn.

**Issues**

The Historic Preservation Commission’s adopted Main Street 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 reopening of existing windows on the first floor of the structure that have been filled, as requested in the application.

Section 3.4.2 of the Main Street Historic District Design Standards provides, in pertinent part, that:

Section 3.4.2 Windows and doors:

Windows and doors by their proportion, shape, positioning, location, pattern, and size can contribute significantly to a building’s historic character and are particularly indicative of stylistic periods. These openings in a building’s exterior also provide opportunities for natural light, ventilation, and visual connections to the interior.

**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.

**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.

**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 3.8. of the Artificial Materials standards states, in pertinent part, that:

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

### **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 303 N Main St, Hendersonville.
2. The Subject Property is situated within the Main Street Local Historic District
3. The Subject Property is listed as contributing in the Main Street Local Designation Report.
4. The Subject Property is described in the Main Street Historic District Local Designation Report as follows:

Two-story brick building with stucco applied to front facade. Underlying brick shows through, including crenellation beneath corbelled cornice. Glass block and black Carrara glass added at storefront. Built as a pharmacy for W. H. Justus, remaining in the same family until 1957, and still run under the same name. Interior retains much of its earlier character. According to the French Broad Hustler, April 19, 1906, "The Justus Pharmacy, newly painted and decorated, inside and out, with its handsome new awning presents a handsome appearance." Mr. Hunter and Mr. Justus were continually trying to outdo the other with new soda fountains. French Broad Hustler, April 11, 1907: "The new fountain at the Justus Pharmacy is now almost ready, only a little plumbing required to put it in working order. It is of the new style, the clerks drawing different beverages from under the front counter. It is undoubtably one of the handsomest fountains to be found anywhere. The massive back is of mahogany and plate glass, and remarkably beautiful glass, outlined with electric lights of different sizes. The electric light fixtures are of brass, very pretty in design. The counters and front are entirely of marble, with a heavy brass rail at the top and bottom. The latest appliances and cleanliness and quickness are incorporated in the big fountain, and the

whole effect is most pleasing. "

5. Applicant has requested a Certificate of Appropriateness to replace 17 existing windows with either aluminum or wood.
6. The windows were replaced with vinyl approximately 20 years ago, before the designation of Main Street as a local historic district.
7. The City's relevant Artificial Materials standards prohibit the replacement of windows with vinyl windows on a contributing structure in a local historic district.
8. The proposed replacement windows are one-over-one and designed to fill the entire existing window opening.
9. The proposal to replace 17 windows with either aluminum or wood windows, as presented during the hearing, is **not incongruous** with the Main Street Historic District because it meets the following Design Standards:
  - a. **3.4.2.10** - The subject property is a contributing structure and the proposed windows do not diminish the original design of the building or damage historic materials and features.
  - b. **3.8.1 of the Artificial Materials standards** - The proposed windows as presented replace vinyl with traditional materials

### CONCLUSIONS OF LAW

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

The replacement of 17 existing windows with either aluminum or wood windows, as proposed in the application, and with the representations made by the applicant at the hearing, 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**.

### DECISION

For the above reasons, the application for a certificate of appropriateness is granted subject to the conditions stated, and the certificate is ordered issued.

Done this 20th day of December, 2023.

\_\_\_\_\_  
Chair

**STATE OF NORTH CAROLINA  
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION  
FILE NO. H23-79-COA**

**IN RE THE APPLICATION OF  
TATJANA KOPP FOR  
A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9569-43-6385**

**DECISION**

This matter came before the Hendersonville Historic Preservation Commission on October 18, 2023 for a quasi-judicial hearing on the application of Tatjana Kopp for a certificate of appropriateness for a property located at 1619 Kensington Road, Hendersonville, NC, Druid Hills Historic District, Hendersonville, PIN 9569-43-6385 (“Subject Property”) for the addition of a shed in the rear yard, with the application being dated August 12, 2023.

The subject property is identified as a non-contributing property in the Druid Hills designation report.

The file was submitted into the record. In addition Alexandra Hunt, Planner and Tatjana Kopp, 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 addition of a shed in the rear yard as requested in the application.

Section 2.5 of the Residential Historic District Design Standards provides that:

**2.5 Garages and Accessory Structures**

- 2.5.6 - Locate and orient new garages and accessory buildings in locations compatible with the traditional relationship of garages and accessory buildings to the main structure and the site in the district.
- 2.5.7 - It is not appropriate to introduce a prefabricated accessory building if it is not compatible in size, form, height, proportion, materials, and details with historic accessory structures in the historic district, or unless screened from view from the street.
- 2.5.8 - It is not appropriate to introduce a new garage or accessory building if doing so will detract from the overall historic character of the principal building and the site, or require removal of a significant building element or site feature, such as a mature tree.
- 2.5.9 - It is not appropriate to introduce features or detail to a garage or an accessory building in an attempt to create a false historical appearance.

Section 4.3 of the Residential Historic District Design Standards provides that:

### Section 4.3 New Construction

- 4.3.1 - Site new construction to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of setback, orientation, spacing, and distance from adjacent buildings.
- 4.3.2 - Design new construction so that the overall character of the site, site topography, character-defining site features, and significant district vistas and views are retained.
- 4.3.6 - Design new buildings to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of height, form, size, scale, massing, proportion and roof shape.
- 4.3.9 - Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in the historic district in terms of composition, scale, module, pattern, detail, texture, finish and sheen.
- 4.3.10 - Design new buildings so that they are compatible with but discernible from historic buildings in the district. It is not appropriate to design new buildings that attempt to duplicate historic buildings.

### 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 1619 Kensington Rd, Hendersonville.
2. The Subject Property is situated within the Druid Hills Historic District
3. The Subject Property is listed as **non-contributing** in the Druid Hills Local Designation Report.
4. The Subject Property is described in the Druid Hills Historic District Local Designation Report as follows: “Non-contributing, one-story-plus basement style house with side gable roof and projecting front gable bay at the northeast corner. Wing on the south side has garage beneath. Walls are asbestos shingle with scalloped board panels in the gable ends, probably original to the house. Windows are six-over-six and the front door is modern. Small lot slopes away to the rear.”
5. Applicant has requested a Certificate of Appropriateness to place a 10’ x 12’ shed in the rear yard..
6. The proposed location of the shed will not be easily visible from the street, because it is behind the house and the yard slopes downward away from the street.
7. The proposed shed will match the colors of the existing house, and will be constructed with wood and siding.
8. The proposed shed will meet the applicable zoning setbacks.

9. The proposed shed is **not incongruous** with the Druid Hills Historic District because it meets the following Design Standards:
- a. **Sec. 2.5.7** – The shed is compatible with the traditional relationship of accessory buildings to the main structure and the site in the district.
  - b. **Sec. 2.5.8** – The shed is compatible in size, form, height, proportion, materials and details with historic accessory structures in the historic district and the shed is screened from view from the street.

### CONCLUSIONS OF LAW

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

The placement of a shed in the rear yard as described in the application, and with the representations made by the applicant at the hearing, 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**.

### DECISION

For the above reasons, the application for a certificate of appropriateness is granted subject to the conditions stated, and the certificate is ordered issued.

Done this 20th day of December, 2023.

\_\_\_\_\_  
Chair



**STATE OF NORTH CAROLINA  
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION  
FILE NO. H23-83-COA**

**IN RE THE APPLICATION OF  
DANIEL AND AMY YODER  
FOR A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9569-43-6952**

**DECISION**

This matter came before the Hendersonville Historic Preservation Commission on November 15, 2023 for a quasi-judicial hearing on the application of Daniel and Amy Yoder for a certificate of appropriateness for a property located at 1704 Clairmont Drive, Hendersonville, NC, Druid Hills Historic District, Hendersonville, PIN 9569-43-6952 (“Subject Property”) for the construction of a second-floor addition to be constructed above and existing room on the rear of the existing structure, with the application being dated August 10, 2023.

The subject property is identified as a contributing property in the Druid Hills designation report.

The file was submitted into the record. In addition Alexandra Hunt, Planner and Tara Jordan, employee for the applicant’s contractor, 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 a second-floor addition on the rear of the existing structure as requested in the application.

Section 4.2 of the Residential Historic District Design Standards provides, in pertinent part, that:

**4.2 Additions to Historic Buildings**

- Sec. 4.2.1 - Construct new additions so that there is the least possible loss of historic fabric and so that the character-defining features of the historic building are not destroyed, damaged, or obscured.
- Sec. 4.2.5 - Locate a new addition on an inconspicuous elevation of the historic building, usually the rear one.
- Sec. 4.2.6 - Limit the size and the scale of an addition in relationship to the historic building so that it does not diminish or visually overpower the building.
- Sec. 4.2.7 - Design an addition to be compatible with the historic building in mass, materials, and relationship of solids to voids in the exterior walls, yet make the addition discernible from the original.
- Sec. 4.2.8 - It is not appropriate to construct an addition if it will detract from the overall historic character of the principal building and the site, or if it will require the removal of a significant building element or site feature, such as a mature tree.

## 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 1704 Clairmont Drive, Hendersonville.
2. The Subject Property is situated within the Druid Hills Historic District
3. The Subject Property is listed as **contributing** in the Druid Hills Local Designation Report.
4. The Subject Property is described in the Druid Hills Historic District Local Designation Report as follows:
 

“Ella Ross House.” One-story bungalow with a hip roof and a basement level at the rear. Wing at the rear projects to the northeast. Engaged wraparound porch has a projecting front gable over the entry area. Porch details include squire posts on brick piers and a simple balustrade. Wood siding on the upper level, brick on the basement level walls. Front gable end at the porch has paneled v-boards, possibly a replacement of the original. Windows are six-over-one and the front door is six-light-overpanel. A garage is located below the porch at the southeast corner. Large lot, drops away to the rear, mature trees, perennial beds. Ella Ross, widow of Henry C. Ross, lived in this house from 1937 through `944. At that time, Miss Gladys Ross also lived in the house. Gladys Ross continued to live in the house through at least 1949. Good condition.
5. Applicant has requested a Certificate of Appropriateness to construct a second story addition over an existing room on the rear of the existing home.
6. The rear of the lot abuts property that is not within the Druid Hills Local Historic District.
7. It is not feasible due to the size of the lot and slope of the yard to construct the addition at the same level of the existing structure.
8. Due to the slope of the lot, only a small portion of the addition will be visible from the street.
9. The original structure has wood siding.
10. The proposed windows on the addition will be wood or aluminum-clad wood.
11. The proposed addition will have dormers and a bungalow-style roof to match the architectural style of the existing structure but provide features that differentiate it from the existing structure.
12. The applicant will agree to use asphalt shingles on the addition.

13. The proposed addition is **not incongruous** with the Druid Hills Historic District because it meets the following Design Standards:
- a. Sec. 4.2.1 – The new addition creates the least possible loss of historic fabric and does not destroy, damage, or obscure character-defining features of the historic building.
  - b. Sec. 4.2.5 – The new addition is located on the rear of the building.
  - c. Sec. 4.2.6 – The size and scale of the addition does not diminish or visually overpower the building.
  - d. Sec. 4.2.7 – The design of the addition is compatible with the historic building in mass, materials, and relationship of solids to voids in the exterior walls and is discernible from the original.
  - e. Sec. 4.2.8 – The new addition does not detract from the overall historic character of the principal building and the site.

### CONCLUSIONS OF LAW

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

The second-floor addition as described in the application, and with the representations made by the applicant at the hearing, 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 is **approved**, with the following condition:

- a. The roof of the addition will be asphalt shingle to match the existing structure.

### DECISION

For the above reasons, the application for a certificate of appropriateness is granted subject to the conditions stated, and the certificate is ordered issued.

Done this 20<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
Chair