

**STATE OF NORTH CAROLINA
HENDERSON COUNTY**

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

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

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

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

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

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

Issues

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

Section 5.2 of the Design Guidelines provides that:

5.2 DEMOLITION

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

Testimony

Testimony is accurately reflected in the minutes.

FINDINGS OF FACT

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

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

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

CONCLUSIONS OF LAW

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

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

DECISION

For the above reasons,

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

Done this 20th day of April, 2022.

Chair