

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of February 16, 2022

Commissioners Present: Sam Hayes, Chris Barron, Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Chris Dannals, Crystal Cauley

Commissioners Absent: Chris Battista, Derek Cote

Staff Present: Matthew Manley, Planning Manager/Commission Coordinator, Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney and Terri Swann, Administrative Assistant III

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

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

IV **New Business**

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

Chair opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V Old Business

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

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

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

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

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

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

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

Chair