

**STATE OF NORTH CAROLINA  
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE  
HISTORIC PRESERVATION COMMISSION  
FILE NO. H22-105-COA**

**IN RE THE APPLICATION OF  
KATHRYN VICKERS  
FOR A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9569-72-0766**

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

This matter came before the Hendersonville Historic Preservation Commission on December 21, 2022 and February 15, 2023 for a quasi-judicial hearing on the application of Kathryn Vickers for a certificate of appropriateness for a property located at 1304 Hyman Avenue, Hendersonville, NC, Hyman Heights Historic District, Hendersonville, PIN 9568-78-6159 ("Subject Property") to replace 8 existing windows at the Subject Property, with the application being dated November 18, 2022.

The subject property is referred to as Roy C. Bennett House and is identified as a contributing property in the Hyman Heights designation report.

The file was submitted into the record. In addition, Alexandra Hunt, Planner and Kathryn Vickers 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 replacement of 21 existing windows as requested in the application.

Section 3.7 of the Design Standards provides, in pertinent part, that:

**Section 3.7 Windows and Doors:**

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

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

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

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

**Sec. 3.7.6** - If replacement of a deteriorated window or door unit is necessary, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration,

architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible.

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

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

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

Section 3.12 of the Design Standards provides, in pertinent part, that:

### **Section 3.12 Artificial Materials Policy**

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

Properties and structures in a historic district are categorized as either contributing or non-contributing by the local designation report prepared for each district. Contributing properties contain structures that were typically over 50 years old at the time the designation report was prepared and add to the historic integrity or architectural qualities that make a district significant. Non-contributing properties contain structures that are generally less than 50 years old or have been altered so that their architectural qualities have been lost.

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

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

### **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 1304 Hyman Avenue, Hendersonville.
2. The Subject Property is located at 1304 Hyman Ave, Hendersonville, situated within the Hyman Heights Historic District, and is owned by Kathryn Vickers.
3. The Subject Property is listed as contributing in the Local Designation Report.
4. The Subject Property was constructed circa 1922 and is known as the Roy C.

Bennett House, according to Historic Preservation Commission records.

5. Applicant has requested to replace 8 exterior windows: the two leftmost windows on the upper floor, front (northeast) façade; the two windows on the upper floor, right (northwest) façade; two attic windows, and the two rightmost windows on the lower floor, right (northwest) façade.
6. Only two windows on the structure are currently functional: one in the bathroom and one in the dining room.
7. The proposed replacement windows are aluminum clad wood windows with the same dimensions and grid pattern as the existing windows.
8. Many of the existing windows sashes and frames have rotted. The mechanical components of many of the windows are broken.
9. The proposed replacement windows are not incongruous with the Hyman Heights Historic District and meets the following Design Standards:
  - a. Sec. 3.7.6 – The existing windows are deteriorated and in need of replacement.
  - b. Sec 3.7.6 – The proposed windows match the design and dimension of the original sash or panels, pane configuration, architectural trim, and detailing.
  - c. Sec 3.7.6 – The proposed aluminum clad wood replacement windows are a compatible substitute material.

### **CONCLUSIONS OF LAW**

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

The replacement of 8 existing windows with aluminum clad wood windows as proposed, if installed according to the information reviewed at the hearing and with any representations made by the applicant, 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 the following condition: The applicant shall provide the replacement window unit design and material specifications to Staff for approval prior to installation of the 8 window units.

### **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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair