

# Board/Commission/Committee Appointment Application

The City of Hendersonville City Council invites residents to participate in governmental decisions by serving as a member on any of the 16 advisory boards, commissions, or committees. Applications received will be filed and considered for vacancies as applicable. Vacancies are posted as they become available.

\*\*\*\*Application deadline is 5:00 p.m. Tuesday, November 15, 2022 in order for City Council to consider vacancies at their December 2022 meeting.\*\*\*\* The City often has advisory boards which consist of both City and County residents. Some of these boards require that persons reside in the county (but within the City's ETJ) and some appointments are made through the County or other entity. Please visit our website at <https://www.hendersonvillenc.gov/> to find out further information regarding residency and appointment requirements. County appointments require the applicant to fill out a county application which may also be downloaded from the advisory boards page. For additional assistance you may contact the City Clerk. Information contained herein becomes a matter of public record per North Carolina General Statute 132-1

**Date of Application**

11/21/2022

**Select Board/Commission/Committee**

Historic Preservation Commission

**Name**

Jane Branigan

**Do you reside  
within  
Hendersonville's  
City limits?**

Yes

**Street Address**112 Clairmont Drive, Hendersonville, North Carolina  
28791

**Mailing Address (If  
Different)**

**Phone**

(307) 220-0965

**Email**

mjbranigan24@gmail.com

**Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-profits ect.**

None other at the present time.

**Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.**

Varied: majored in history, was a banker, had a CO real estate license working in trust department, moved into academia as executive assistant to Chancellors and Presidents of two CO universities (supporting one lawyer, auditing his classes and working on lecture material and translation of Swedish water law), served as Board of Regents and Board of Governors liaison for both universities before serving as Deputy Secretary to the Board of Governors for the Colorado State University System. Have owned three contributing homes in nationally designated historic districts as well participated in management of The Nagle Warren Mansion ([www.naglewarrenmansion.com](http://www.naglewarrenmansion.com)) in Cheyenne WY  
I have a passion for history and have been actively researching Hendersonville's local history since moving here. I have been serving as a commissioner for the last several months, filling a vacancy in on the commission.

**Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.**

I have always recognized the importance of preserving local histories and I have varied knowledge of law, real estate and board operations that help me to function in this environment. I have a real affinity for this community and would like to use my skills in any way that may be of assistance. I have a fundamental knowledge of board work and have viewed historic preservation from the aspect of board/legal issues as well as that of a property owner who values our historic districts.

**For reporting purposes, please select how you identify.**

Female

**Race: For purposes of diversity and inclusion please identify your race.**

White

The City Council adopted a Code of Ethics for Advisory Boards/Commissions/Committees as well a Handbook. All persons appointed to City advisory boards must sign acknowledgement of this document. [You may view the Handbook and Code of Ethics Resolution and other information here.](#)

[The training video is available here.](#)

**Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.**

*Jane Branigan*

Entry #: 271 - 7/11/2022

Status: Submitted

Submitted: 7/11/2022 4:02 PM

Date of Application

7/11/2022

Select Board/Commission/Committee

Historic Preservation Commission

Name

Ralph R Hammond-Green

Do you reside within  
Hendersonville's City  
limits?

Yes

Street Address

1232 Hyman Ave, Hendersonville, North Carolina 28792

Mailing Address (If Different)

Phone

(828) 606-6098

Email

rrhgreen@aol.com

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

Historic Preservation Commission

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

College major in chemistry, ~40 year career in metal finishing including engineering, supervision, hazardous materials & safety. My wife & I own and live in a home in the Hyman Heights historic district

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

I have served on the HPC since appointment, attending all meetings except during the pandemic.

For reporting purposes, please select how you identify.

Female

Race: For purposes of diversity and inclusion please identify your race.

White

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*Ralph R. Hammond-Green*



Entry #: 268 - 6/7/2022

Status: Submitted

Submitted: 6/7/2022 5:24 PM

Date of Application

6/7/2022

Select Board/Commission/Committee

Historic Preservation Commission

Name

Crystal F. Cauley

Do you reside within  
Hendersonville's City  
limits?

Yes

Street Address

627 5th Avenue West #1B, Hendersonville, North Carolina 28793

Mailing Address (If Different)

PO Box # 1, Hendersonville,  
North Carolina 28793

Phone

(828) 489-2213

Email

bbnofwnc@gmail.com

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-profits ect.

Historic Preservation Committee

The Arts Council of Henderson County

Safelight

Substitute Teacher- Henderson County Public School System

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

Founder of Black Business Network of WNC,

Black History Collective of Henderson County NC

African American Parent Alliance

D.I.C.E. Diversity Inclusion Community Engagement

Exodus Performing Arts

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

I am a historian, community leader and focused in preserving Hendersonville, NC for present and future generations. Presently the HPC Board continues to give me experience in the areas that I am most interested in which is historical preservation.

For reporting purposes, please select how you identify.

Female

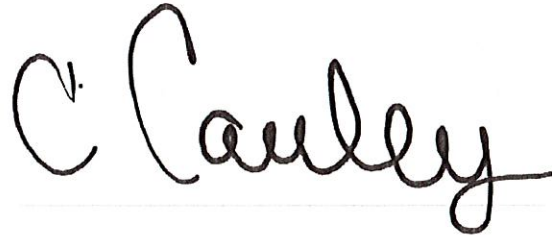
Race: For purposes of diversity and inclusion please identify your race.

Black

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A handwritten signature in black ink, appearing to read "C. Cauley". The signature is written in a cursive style with a large, looped "C" at the beginning and a long, sweeping tail that extends to the right. The signature is positioned above a faint horizontal line.

Entry #: 279 - 8/30/2022

Status: Submitted

Submitted: 8/30/2022 1:10 PM

Date of Application

8/30/2022

Select Board/Commission/Committee

Historic Preservation Commission

Name

Robert D Johnson

Do you reside within  
Hendersonville's City  
limits?

Yes

Street Address

216 Fleming Street, Hendersonville, North Carolina 28739

Mailing Address (If Different)

Phone

(828) 638-1955

Email

rdj@biltwright.com

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

None

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

Resident of Henderson County since 1986 to present (except period of military and federal service from 2007 to 2021 with US Army (Afghanistan, The Pentagon, and Arlington National Cemetery) and Inspector General's office at HUD and USDA in Washington, DC). B.A. (English) from Virginia Military Institute, M.B.A from Campbell University, M.P.S. (Publishing) from George Washington University, and M.A. (Writing) from Johns Hopkins University.

Scoutmaster, Troop 604 Hendersonville; Board member and board president, Housing Assistance Corporation, Henderson County; board member, Hendersonville Planning Board (February-December 2021)

Published author of 2 books, numerous articles in magazines, newspapers, and literary journals.

Strong interest in history of U.S. and North Carolina including a book I wrote on WWII veterans from Henderson County and a published article on Arlington National Cemetery where I worked for 27 months. Also in architecture, especially residential. Experience in teaching writing and architecture at 7 colleges in NC, NV, and DC.

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

I have a strong interest in historical preservation in Hendersonville where I recently built two new homes downtown, ensuring their architecture and landscaping "fit" with the surrounding homes in the neighborhood. I believe we should ensure that new structures (residential and commercial) are appropriate for surrounding structures in their design and scale.

For reporting purposes, please select how you identify.

Male

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White

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*Robert Johnson*



Entry #: 281 - 9/8/2022

Status: Submitted

Submitted: 9/8/2022 11:37 PM

**Date of Application**

9/8/2022

**Select Board/Commission/Committee**

Historic Preservation Commission

**Name**

Xana C Peltola

**Do you reside within  
Hendersonville's City  
limits?**

Yes

**Street Address**

444 Ballantyne Common Cr., Apt 201, Hendersonville, North Carolina  
28792

**Mailing Address (If Different)**

444 Ballantyne Common  
Circle, Apt 201,  
Hendersonville, North Carolina  
28792

**Phone**

(864) 650-2976

**Email**

xanapeltola@yahoo.com

**Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-profits ect.**

None

**Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.**

Masters of Science in Historic Preservation, Clemson University and College of Charleston graduated 2008.

Undergraduate History emphasis on Southern American History, minor in Art History Georgia Southern University, 2006

**Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.**

Hendersonville. For the past ten (10) years I have worked for FEMA (Federal Emergency Management Agency) reviewing federally funded projects across the US for compliance with historic preservation and environmental laws (title: Environmental Preservation Specialist, Manager). This includes identifying and addressing laws within the context of federally funded projects resulting from disasters for compliance with State and Federal environmental laws. This includes but not limited to: NEPA, NHPA, CWA, CAA, ESA, EO 11988 and EO 11990. Between 2015 and 2016 I worked for MNHS (Minnesota Historical Society) which holds among other standings the heritage preservation department. This sub-entity in part functions as the SHPO (State Preservation Office). Among multiple tasks during my employment I reviewed and provided guidance and direction/information to local historical societies across the state to hone their public history tours, national register district survey documentation, and development of historic contexts (be they community/neighborhood, town/city or county/state in geographic in scope).

**For reporting purposes, please select how you identify.**

Female

**Race: For purposes of diversity and inclusion please identify your race.**

White



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A handwritten signature in black ink, appearing to read "Nana Polite". The signature is written in a cursive, stylized font with large, bold letters. The first name "Nana" is written in a more standard cursive, while the last name "Polite" has a very large, looped 'P' and 'l'.

City of Hendersonville Historic Preservation Commission  
Rules of Procedure  
Amended through 17 May 2017

**ARTICLE I  
NAME**

The name of the organization shall be the Hendersonville Historic Preservation Commission.

**ARTICLE II  
OBJECT, MISSION, AND PURPOSE**

The object of the Hendersonville Historic Preservation Commission, hereafter termed "Commission," shall be to preserve the historical, prehistorical, architectural, archaeological, and cultural heritage of the City of Hendersonville, hereinafter sometimes referred to as the "City."  
*(amended 6.21.2006)*

The Commission serves as the City Council's official historic advisory body to identify, preserve, protect and educate the public about Hendersonville's historic resources.

The purpose of these rules shall be to establish procedures for organizing the business of the Commission and for processing applications for certificates of appropriateness as defined in the Hendersonville City Code, Chapter 28, as amended from time to time, or any successor ordinance.  
*(amended 6.21.2006)*

**ARTICLE III  
POWERS**

The powers of the Commission shall be as set forth in the Hendersonville City Code, Chapter 28, as amended from time to time, or any successor ordinance as supplemented by these rules and limited by applicable law. The Commission shall have the following responsibilities and advisory functions which shall be in addition to any other powers, responsibilities and functions specified in these Rules. *(amended 6.21.2006)*

1. Act as, establish, or designate a group, body, or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties, such as color schemes, gardens and landscape features, and minor decorative elements. *(added 6.21.2006)*
2. Propose to the City Council changes to this or any other ordinance, and propose new ordinances or laws relating to historic properties or relating to a total program for the protection and/or development of the historic resources of the City and environment. *(added 6.21.2006)*

3. Communicate with other City boards or commissions or with agencies of the local government or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest. *(added 6.21.2006)*
4. Publish information about or otherwise inform the public of any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements as its budget may allow. *(added 6.21.2006)*
5. Report violations of Chapter 28 of the City Ordinances, the zoning ordinances, or the building code with respect to historic properties to the Development Assistance Director. *(added 6.21.2006)*
6. Accept funds granted to the Commission for preservation purposes from private individuals and organizations. *(added 6.21.2006)*
7. Organize itself and conduct its business. *(added 6.21.2006)*

#### **ARTICLE IV GENERAL RULES**

The Commission shall be governed by Hendersonville City Code, Chapter 28, as amended from time to time, or any successor ordinance as supplemented by these rules. The Chair may from time to time refer to rules set forth in the current edition of *Suggested Rules of Procedure for Small Local Government Boards* to assist in the running of orderly meetings. *(amended 5.17.2017)*

#### **ARTICLE V JURISDICTION**

The Commission's geographical jurisdiction shall be the City's zoning jurisdiction as delineated on the City's official zoning map. *(amended 6.21.2006)*

#### **ARTICLE VI ORGANIZATION OF THE COMMISSION**

##### **1 - Membership**

The Commission shall consist of such number of members as the City Council may determine from time to time. Members shall be as appointed by the City Council and shall serve at its pleasure. Subject to these limitations, the length of term of the members shall be no more than three years. All members shall be eligible for reappointment at the pleasure of the City Council. In the event of a vacancy, the Chairperson shall forthwith ask the City Council to fill the unexpired term. *(amended 6.21.2006)*

The members shall serve without compensation.

## 2 - Actions of the Commission

The Commission, meeting as a whole, shall exercise the powers enumerated in Article III, except when it explicitly authorizes an officer or committee to act for it in a specific instance. Such authorization shall be limited to (1) ministerial and administrative acts that the Commission is empowered to perform and (2) advice to the Commission on legislative acts it is empowered to perform. Without authorization in the form of a City ordinance the Commission shall not delegate its quasi-judicial powers. *(amended 6.21.2006)*

The Commission, meeting as a whole, shall elect its officers and adopt the annual operating and supplementary budgets for the Commission contingent upon actions by the City Council on appropriations requested by the Commission.

## **ARTICLE VII MEMBERS, OFFICERS, STAFF, AND, DUTIES**

### 1 - Personnel and Terms

The officers elected by the commission shall consist of a Chairperson, a Vice Chairperson and a Secretary whose initial terms shall be for one year. The terms of these officers shall begin on March 1.

### 2 - Chairperson

The Chairperson shall be the presiding officer of the Commission; and shall preside over the regular and special meetings of the Commission. The Chairperson shall appoint such standing committees as these Rules may provide, and such ad hoc committees as the Chairperson may deem convenient from time to time, and designate their chairpersons and shall be and ex officio member of all committees. The chairperson shall execute all financial obligations authorized by the commission or by an officer or committee authorized by the Commission pursuant to City Code Chapter 28. *(amended 6.21.2006)*

### 3 – Vice Chairperson

The Vice Chairperson shall assist the Chairperson and in the absence of the Chairperson have all powers and duties of the Chairperson. The Vice Chairperson shall act as Chairperson upon absence of the Chair. *(amended 6.21.2006)*

### 4 – Secretary

The Secretary shall execute all official documents as required by the office. *(amended 10.21.2004)*

### 5 – Staff



The City Manager shall designate a person from the City's Development Assistance Department to serve as professional staff to the Commission in the form of "Commission Coordinator," herein also referred to as the "Coordinator," to assist with administrative duties. *(amended 6.21.2006)*

#### 6 – Attendance at Meetings

Any member of the Commission who misses more than three consecutive regular meetings or more than one half of the regular meetings in a calendar year shall thereupon cease to be a member of the Commission. The Chairperson shall in such case report the vacancy created to the City Council as provided in these Rules. Absence because of sickness, death in the immediate family and like may be excused at the discretion of the Commission by a vote of two-thirds of the other members of the Commission. *(amended 6.21.2006)*

#### 7 – Conflict of Interest.

A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. *(added 6.21.2006)*

#### 8 – Qualification to Vote

Before voting on any matter affecting an application, including a request for reconsideration, any member who has not attended all previous Commission deliberations related to the application shall state for the record that he or she has reviewed the minutes and record of such deliberations. No Commission member shall vote on any matter deciding an application or a request to reconsider, unless that member shall have attended, or have had access to the minutes and record of, the Commission's previous deliberations on such application. In the event of an absence from previous deliberations, the member shall declare for the record that the member has reviewed minutes and record and is familiar with the previous deliberations. *(amended 6.21.2006)*

#### 9 – Impartiality

In order to protect the integrity of the quasi-judicial process, members shall not communicate with any person concerning a pending application before the beginning of deliberations on the application. A member shall before the beginning of deliberations disclose the entire substance of any communication concerning the application to which the member has been a party. *(added 6.21.2006)*

#### 10 – Designation Committee

A Designation Committee may be established from the membership of the Commission to review the inventory and recommend to the full Commission, from time to time, the designation of historic landmarks and districts.

The Designation Committee may also review applications for historic landmark or district designation submitted by property owners. It may meet with applicants for designation at an early stage in the process of preparing the application in order to advise them informally concerning the Commission's standards for reports, the criteria for designation, the boundaries of the property or properties to be designated, and other relevant matters. *(amended 6.21.2006, 5.19.2010)*

The Committee, collectively and individually, shall refrain from an indication of approval or disapproval, but shall not for that reason be barred from reasonable discussion of the applicants' proposals. No advice or opinion given or reported as having been given by any member of the committee at such informal meeting(s) shall in any way be official or binding upon the Commission.

## **ARTICLE VIII MEETINGS**

### **1 – Regular Meetings**

The Commission shall hold regularly scheduled meetings at intervals not less than every three months, unless there is at the time scheduled for a regular meeting no business to come before the Commission. Regular meetings of the Commission shall be held as agreed to by the Commission in the City Hall Council Chambers or such other place as the Commission may determine from time to time, subject always to notice as required by law. *(amended 6.21.2006)*

### **2 – Special Meetings**

Special meetings may be called by the Chairperson. Special meetings may also be called by a majority of members. Minimum notice of special meetings shall be one week to all members and 48 hours to members of the press. *(amended 6.21.2006)*

### **3 – Cancellation of Meetings**

Whenever there is no business for the Commission, the Chairperson shall cancel a regular meeting. The Chairperson may also cancel any meeting for good cause, including severe weather, except that the Chairperson shall not cancel a meeting called by a majority of the members without the consent of a majority of the members. The Chairperson or a designee shall, at least twenty-four hours before the time set for a cancelled meeting, give notice of cancellation to all members and to the press and other such interested persons as the Chairperson may determine. In the case of a meeting cancelled for severe weather, notice shall be given at the earliest practical time. *(amended 6.21.2006)*

#### 4 – Quorum

A majority of members shall constitute a quorum at any meeting of the Commission or of any committee. *(amended 6.21.2006)*

#### 5 – Conduct of the Meetings

All meetings shall be open to the public as provided by law. The order of business at regular meetings to include the review of applications for Certificates of Appropriateness shall be as follows: roll call; approval of agenda; approval of minutes; consideration of returning applications; consideration of new applications; old business; new business; committee reports; commissioner's report; staff report; other business; financial report; adjournment. *(amended 6.21.2006)*

The order of business at regular meetings not to include the review of applications for Certificates of Appropriateness shall be as follows: roll call; approval of agenda; approval of minutes; old business; new business; committee reports; commissioner's report; staff report; other business; financial report; adjournment. *(amended 6.21.2006)*

### **ARTICLE IX CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURES**

#### 1 – Filing of Application

Application for a Certificate of Appropriateness shall be made as set forth in the Hendersonville City Code, Chapter 28 as amended or any successor ordinance.

#### 2 – Notice to Owners of Materially Affected Property

When an application for a Certificate of Appropriateness is filed notification to affected property owners shall be made at least seven calendar days prior to the application being heard by the Historic Preservation Commission. *(amended 6.21.2006, amended 9.16.2009)*

#### 3 – Design Review Advisory Committee

The Chairperson shall appoint a Design Review Advisory Committee (referred to in this Article IX as the "Advisory Committee"). The Advisory Committee may include persons the Chairperson considers competent to review applications, but shall not include any sitting member of the Commission. The Advisory Committee shall consider itself a public body subject to North Carolina laws concerning meetings of public bodies, and shall treat its documents as public records subject to laws concerning inspection and copying of public records. *(added 6.21.2006)*

The Advisory Committee shall review applications and discuss their contents and progress with affected persons not including the members of the Commission. Members of the Advisory

Committee may make recommendations, based on the Design Guidelines approved, and as amended from time to time, by the Commission, to applicants but shall in all cases explain clearly that the Committee sits in an advisory and not a judicial capacity, and that the Committee's recommendations or opinions are not binding on any person. *(added 6.21.2006)*

The Advisory Committee shall meet and review all applications for additions, garages and carports, new commercial buildings and new houses and other applications at the Commission Coordinator's discretion. For all other applications, the Advisory Committee shall, upon the request of the applicant, meet when necessary after an application has been filed. The Chair of the Advisory Committee shall notify all interested persons of meetings not less than 7 days and the press not less than 48 hours before any properly called meeting. *(added 6.21.2006, amended 10.20.2008)*

#### 4 – Public Hearings

Before the approval, approval with conditions or denial of a Certificate of Appropriateness, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. Subject to its power to limit testimony as inadmissible, redundant and the like, the Commission shall permit relevant testimony from any person. *(amended 6.21.2006)*

For purposes of all hearings the Board takes official notice of the official file and of all Hendersonville City Ordinances including specifically the Zoning Ordinance, and of the Zoning map, the Thoroughfare Plan, the Land Development Plan, and all North Carolina Statutes and Hendersonville City Ordinances all without the necessity of any person or entity requesting such notice. Persons may refer to these documents without having them entered into evidence. *(amended 5.17.17)*

#### 5 – Time for Decision.

Applications for Certificates of Appropriateness shall be acted upon within the time limits set forth in the Hendersonville City Code, Chapter 28.

#### 6 – Approved Application

If the application is approved, the Commission shall have prepared a Certificate of Appropriateness for signature by the Chairperson or a designee, clearly describing the nature of the work which has been approved. A placard form of the Certificate of Appropriateness to be displayed on the project shall be included with the Certificate, and both shall be transmitted to the applicant. *(amended 6.21.2006)*

#### 7 – Denied Application

If an application is denied, the Commission shall have prepared a letter for signature by the Chairpersons or a designee, clearly stating the reasons for the denial. The letter and a copy of the Commission meeting minutes shall be transmitted to the applicant.



## 8 – Appeals

An appeal of a decision of the Commission in granting or denying any Certificate of Appropriateness may be taken to the Hendersonville Board of Adjustment. Appeals may be taken by any aggrieved party within twenty calendar days after the decision of the Commission and shall be in the nature of certiorari (only evidence presented at the Commission's meeting shall be considered at the appeal). Appeal from the decision of the Board of Adjustment shall be to the Henderson County Superior Court.

## 9 -- Administrative Approval of Minor Works

Notwithstanding Sections 1 through 7, above, upon receipt of a completed application, the Commission Coordinator may issue a Certificate of Appropriateness on behalf of the Commission for minor works when it is in conformance with the development standards cited in Hendersonville City Code, Chapter 28. *(amended 6.21.2006)*

Minor works are defined in Hendersonville City Code, Section 28-153 and are further described, but not limited to, the following: *(added 6.21.2006)*

1. *Fences and Walls:* Fences or low walls of wood, stone, brick or cast iron, which comply with the Design Guidelines; chain link fences may be permitted in side or rear yards if they cannot easily be seen from a street. *(added 6.21.2006)*
2. *Landscaping Projects:* Heavy pruning or removal of hedges, large shrubs or trees 6" and larger in diameter; construction or replacement of brick or stone retaining walls; construction or replacement of patios which cannot easily be seen from a street; walks and driveways made of brick, stone, concrete or gravel; removal of dead or diseased trees or trees where the roots or limbs are causing damage to a house; new parking areas which are located to the rear of buildings, are not easily visible from a street and which are screened from adjoining properties with fencing or plant materials. *(added 6.21.2006)*
3. *Roof Construction:* Replacement of asphalt or fiberglass roof coverings with new dark color asphalt or fiberglass shingles; replacement of slate, tile or membrane roof covering where there is no change in materials. Installation of rooftop mounted utility, access, or safety structures that are not visible from a street. *(added 6.21.2006, amended 12.19.2007, 7.15.2009)*
4. *Installation of Mechanical and Utility Equipment:* Installation of mechanical and utility equipment including but not limited to heating and air conditioning units which cannot easily be seen from a street or which are screened from view with shrubbery or appropriate fencing, or are installed on the side or rear of a building in the Main Street Local Historic District. *(added 6.21.2006, amended 1.15.09)*

5. *Foundation Repairs:* Repair or replacement of masonry foundations where the original foundation material is retained or where new material matches the original as closely as possible; installation of metal foundation vents (on sides and rear only) and replacement of wood access doors which cannot easily be seen from a street. *(added 6.21.2006)*
6. *Masonry Repairs:* Repainting and other masonry repairs when the color and composition of the mortar matches the original and new brick or stone matches the original as closely as possible. *(added 6.21.2006)*
7. *Exterior Lighting Fixtures:* Lighting fixtures which cannot easily be seen from a street or are similar to those existing in the District. *(added 6.21.2006)*
8. *Awnings:* Addition, removal or replacement of cloth, canvas, or acrylic awnings. *(added 6.21.2006)*
9. *Small Identification Signs:* Signs made of wood or metal nine square feet or smaller in size.
10. *Removal of Artificial Siding:* Total removal of asbestos, asphalt or other artificial siding when the original siding is to be repaired and repainted. Replacement with siding other than the original constitutes a major work. *(added 6.21.2006)*
11. *Replacement of Exterior Stairs, Landing, Steps and Entryways:* Repair or replacement of exterior stairs, steps, ramps or flooring which are made of masonry, rock, painted wood or comparable materials and are similar to styles found in the District. Install new exterior stairs, landings, or steps in the Main Street Local Historic District on side or rear facades that are not visible from King Street, Church Street, or an avenue. *(added 6.21.2006, amended 12.19.2007, 7.19.2009)*
12. *Replacement of Missing Details:* Replacement of missing or deteriorated siding and trim, porch floors, ceilings, columns and balustrade or other architectural details with new materials identical to the original details. *(added 6.21.2006)*
13. *Upper Façade Windows:* Replacement of deteriorated upper façade windows in the Main Street Local Historic District. *(added 6.21.2006, amended 1.19.2009)*
14. *Removal of Accessory Buildings:* Removal of deteriorated accessory buildings which are not original to the site or otherwise historically significant and which cannot be easily seen from a street. *(added 6.21.2006)*
15. *Accessibility for People with Disabilities:* Installation of a temporary structure designed to promote safe access for individuals with disabilities. *(added 7.19.2009)*

16. *Decks*: Installation of a deck in the Main Street Local Historic District on the rear of a building that is not visible from King Street, Church Street, or an avenue. *(added 7.19.2009)*

17. *Other Minor Construction*: Other minor construction not easily visible from a street.

#### 10 - Time Limits for Approved Applications

If an application for a certificate of appropriateness is approved, it shall be valid for a period of six months (or one year here if desired) from the date of issuance. Failure to complete the project, receive a zoning permit, building permit, or other applicable permit if needed for the work proposed, within the six month period directly following issuance shall warrant the certificate of appropriateness null and void. *(added 6.21.2006)*

Applicants may request time extensions for certificates of appropriateness based on the following: If an application was previously approved by the members of the Commission and not by the Coordinator, time extension requests must be received by the Development Assistance Department within the original six month period of issuance and then approved by the Commission at their next regularly scheduled meeting. If the applicant fails to request renewal of a certificate of appropriateness within the initial six month after approval, the project must be resubmitted to the Commission. A certificate of appropriateness for a minor work may be renewed for six months by the Coordinator upon written request of the applicant if the request is received, by the Development Assistance Department, within the initial six month time period of approval. *(added 6.21.2006)*

### ARTICLE X APPLICATION HEARINGS

#### 1 – Consideration of Applications for a Certificate of Appropriateness

Any person with an interest in the application may appear and present a case personally, by agent, or attorney at the meeting. All persons-presenting testimony regarding an application shall be sworn as required by law. Any interested person may cross examine all persons giving testimony and may inspect documents presented to the Commission. *(amended 6.21.2006)*

The Chairperson may order the hearing in any reasonable way consistent with the requirements of due process. The following order shall be deemed acceptable as a guide: *(amended 6.21.2006)*

1. Potential witnesses shall be sworn.
2. The Chairperson or a designee may summarize the application.
3. Hendersonville historic preservation staff may be invited to comment on the application.
4. The applicant may give testimony, subject to cross examination.

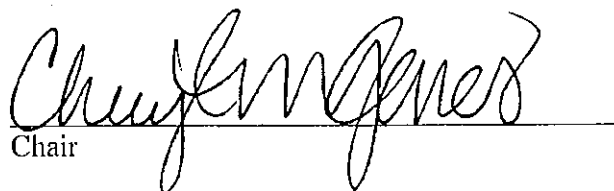
5. Other persons supporting the application may give testimony, subject to cross examination.
6. Persons not supporting the application may give testimony, subject to cross examination.
7. The Chairperson may permit or request arguments if clarification is required.

## 2 - Powers of the Chairperson to Manage the Hearing

The Chairperson shall, subject to the requirements of due process and subject to being overruled by a majority of the members present at the hearing, have plenary powers to manage the hearing on an application. The Chairperson shall in all cases require testimony to be sworn and permit interested persons to cross examine witness and inspect tendered documents, but may otherwise restrict testimony and cross examination in any reasonable way. *(added 6.21.2006)*

## ARTICLE XI AMENDMENTS

These rules may be amended or rescinded from time to time by a vote of a majority of regular members of the Commission but any such change shall conform to City of Hendersonville ordinance and applicable law. Any proposed amendment may be read at any meeting. Final vote thereon, shall take place, if at all, not earlier than ten days nor later than seventy days following the initial reading. *(added 7.15.2009)*

  
Chair

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|-------------------|---|
| Adopted 4.19.1995 | Revised 10.16.1996<br>10.21.2004<br>6.21.2006<br>7.19.2007<br>8.20.2008<br>7.15.2009<br>9.16.2009<br>5.19.2010<br>5.17.2017 |
|                   |   |