

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

**Minutes of the Meeting of November 16, 2022**

**Commissioners Present:** Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Crystal Cauley, Chris Battista, Jim Boyd, Jane Branigan and Anthony Baltiero

**Commissioners Absent:**

**Staff Present:** Alexandra Hunt, Planner I, Daniel Heyman, Staff Attorney, Jaime Carpenter, Downtown Manager

- I **Call to Order.** Chair called the regular meeting of the Hendersonville Historic Preservation Commission to order at 5:02 pm.
- II **Public Comment.** There was no public comment.
- III **Agenda.** Chair stated they need to amend Item 5C which will be moved to Item 5A, with A moving down to B and B moving down to C. A motion was made by Commissioner Battista and seconded by Commissioner Hammond-Green to approve the amended agenda.
- IV **Minutes.** On motion of Commissioner Hammond-Green and seconded by Commissioner Battista the minutes of the meeting of October 19, 2022 were approved.
- V **New Business**
- V(B) **Certificate of Appropriateness,** Lelia White, 921 N. Main Street (File No. H22-082-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 stated City is in receipt of a Certificate of Appropriateness application from Lelia White for the replacement of the entry door at the subject property located at 921 N. Main Street. (PIN 9569-70-3922)

The subject property is .23 acres and is zoned R-6, High Density Residential and is located in the Hyman Heights Historic District. This COA application is considered a Major Work.

A vicinity map was shown, subject property located in green.

An aerial view was shown of the vicinity.

A subject property is a contributing building that was constructed sometime between 1924 and 1937. It is described as having three-vertical-over one windows and four-vertical-lights-over panel entry door.

Ms. Hunt gave a summary of the past COA approvals which is included in the staff report.

Photos were shown of the property's existing conditions. Those are also included in the staff report.

The applicant provided more detailed images and information as it pertains to the condition of the existing door that is included in the staff report.

The applicant has indicated that she would paint the door to match the color of the existing door and that a carpenter will make removable wood muntins to create the four-vertical-lights-over panel design.

Included in the staff report is also various quotes the applicant has provided with estimates for a custom door as well as information about the possibility of restoring the existing door. This is included in the staff report as Exhibits D and E.

The applicant is present.

The Design Standards that pertain to this application were shown and included in the staff report.

Chair asked if there were any questions for staff.

The Commission asked about the proposed door. Ms. Hunt stated it was a shaker style door which was already purchased but has not been installed. The original door is still in place. She went through a lengthy process to see if the existing door could be restored and also obtained quotes on custom doors. There were also foundation issues they were working through. This has been laid out in the letter.

The Commission discussed the panels of the door.

There were not any further questions for staff.

Chair asked if the applicant to come address the Commission.

Lelia White, 921 N. Main Street stated they are extremely happy to be in Hendersonville. They picked the historical area because they love older homes. They have done work on the foundation which is sinking. She explained how termites were eating away at the wood on the foundation. They still need to change the door and level the foundation. Chair asked when this door goes in, they will not have to replace or do repair work to the entry part. Ms. White stated it would be level, but the entry porch is sinking so they will need to address that. Once they changed the wood beams on the foundation the door could not be closed all the way because the house was lifted. Now they are able to tweak it with the beams and the support beams. It still scrapes and little but once it settles it should be fine. After the door is installed, they will take care of the patio.

Commissioner Welter asked if there were any other options, and he does realize they have already purchased the door. Ms. White stated she was unaware that she needed a permit when she purchased the door, but she tried to get a door as similar to the existing one as she could find. She got quotes for refinishing the door and they were extremely pricey. Repairing the door and making a new door was four or five times more than this door that she purchased. They placed the order for the door in April

and the door came four months later. The door was incorrect and had to be corrected and then she received a letter about following the rules of the historic community. That is when Ms. Hunt educated her about the process. She has spent so much money with the foundation of the house and plumbing in the house, it is hard to spend another \$10,000 for the installation of a door. They have spent over \$50,000 on the house already.

Chair asked if this proposed door looks like wood or fiberglass. Ms. White stated the elements of the door will hold up much better than a wood door. The hope is that when she paints the door the same color as the existing one, from afar you cannot tell what material it is. It will look a little different, but she is willing to do the moldings to make it look like it should look. She has not seen the door yet. It is still in the warehouse of the door company. The door that was incorrect did not look cheap. It was not a cheap Home Depot style door. It does not look like wood, but she is hoping when she paints it, it will have the same red and a similar look to the existing door. The moldings will need to be redone and they will match. She explained the termite damage and the damage to the existing door.

Commissioner Welter asked if she had considered any half-light doors. Ms. White stated when she purchased the door, she was unaware of the rules that she needed to follow. If she has to purchase another one, then she will have to purchase it, but she will be out again another \$2,000. She stated she is at the Commission's mercy. They do respect the rules and they do want to follow them. She was unaware of the rules at the time, and she purchased the door to match the windows.

Chair discussed the guidelines stating to replace "in-kind" to match the original. Substitute materials can be used but only when original is not feasible. Chair asked if Ms. White was saying using a wooden door is not technically feasible. Ms. White stated it is feasible, but it is just going to be four times as much. She did get a quote for a custom-made wood door and the prices were much higher than a manufactured door. Some carpenters could not see her until next year. She has about an inch gap of opening that she has been trying to patch. She could have a custom door made but it would cost her much more than she wanted to spend, and she prioritized their budget on the foundation and the plumbing and things the house truly needed to be able to be lived in.

Chair asked if there were any other doors in that area that are fiberglass. How many and how close to hers? Ms. White stated she walked Hyman Heights and looked and had asked Ms. Hunt if she needed to take photos of other doors that have been replaced without the proper permits and Ms. Hunt told her no. Chair explained the statute stating "shall" which means "must" and so the statute is that you replace deteriorating with "like" materials unless it is technically not feasible to do so. The testimony is that it is technically feasible, and they are talking about a financial hardship which is not a consideration of the statute. If there were other fiberglass doors in the neighborhood that would show that maybe this is not so incompatible. That would be another consideration. Ms. White stated she definitely could provide the Commission with photos and addresses. Chair asked if she could estimate off the top of her head how many are close by. Ms. White stated when taking a drive, she spotted two or three newer style doors on the road behind her property. Commissioner Battista asked if they were in the district. Ms. White stated yes. She stated the homes were on Patton Street and on Oakland Street. Ms. Hunt stated the home directly behind Ms. White on Patton Street was previously approved to be demolished but never was. Chair stated the concern is that she has to follow the statute and that is unfortunate in situations like these because the Commission realizes what she has tried to do to repair the home to make it right and do it right.

Ms White stated there is a safety aspect too with the front door. She is the first house on North Main Street and just last week there was a guy sitting in front of her lawn and he came towards the front of her home and she told him she would call the police. They have had some riff-raff coming around and

she feels like a new door needs to be in place. Chair stated technically for feasibility it will be another year before she could get a custom door and there is a security aspect with the door. Ms. White stated yes and that is if she could find someone to commit to making the door.

Chair stated the Commission needs to discuss and figure out if it is feasible for her to have a custom door made when there is a security factor with having a new door in place now verses having to wait to have a custom door made.

Chair asked if anyone had any further questions for the applicant. There were no further questions.

Chair asked if there was anyone else that would like to speak. When no one spoke, Chair closed the public hearing.

Commissioner Welter would tend to agree with her since they recently replaced a door to the rear of their house and was more expensive and it took longer than expected. He stated wood was an option for some of those that you could order off the shelf. Chair discussed a wood door being feasible and if the fiberglass door would be in keeping with the character of the historic district. Chair stated this is a unique property as it is contributing, and the original door is still there.

Commissioner Welter acknowledged there is a safety concern. He was very concerned with how that garage had gotten torn down. He is inclined with the safety concerns, the ability to get the materials, winter coming on. He does not want to set a precedent.

The Commission discussed the windows getting changed too outside of the guidelines.

Chair stated the statute does state to replace in kind and the original door is still there so the only way to get around that is if there is enough evidence presented that it is technically not feasible to replace it with a wood door.

Discussion was made on the replacement of the door and the door frame being replaced due to termite damage.

Chair reopened the public hearing.

Chair stated she knows Ms. White has paid for the door sitting at the warehouse, is there a chance the manufacturer would give her a credit towards a wooden door? Ms. White stated she truly did not know she was in a historic district because her house and the one next door sits separately from the district. They feel like they are more towards the commercial space than in the neighborhood. The first door was delivered in April, and it took them four months to deliver the wrong door and that is when she received the letter and as soon as she received the letter and then she knew she had a problem and thought maybe she could return the door or switch the door and the manufacturer said no. They made a mistake but if she returns the door, she will lose her money. She tried to fight it and consider something else. Then she thought maybe she could repair it but the three people she contacted came and said they did not want to touch this door. They could make a new door but because of the damage to the existing door and the casing, they could not promise the existing door would fit back in place correctly. No one recommended refinishing the existing door so it would be buying a new door, keeping what she has or making one from scratch which would be the most expensive way to go.

Ms. White stated the door frame would be replaced due to damage and it would be replaced with

wood. She stated she is willing to go back and replace the wood panels on the windows that have been removed.

Chair closed the public hearing.

The Commission discussed their concerns with replacing the original door with “in-kind”. They could also understand the situation. They discussed the look of the door and the door being fiberglass and having other options looked at. Chair’s concern was if the Commission is going to approve a new material, then it should at least look like what is currently there. The design and the material are both different. It was stated that the existing door is the original door from 1924. The Commission felt like this door was not salvageable. They are sympathetic to the issues and not finding out the rules until after the fact, but the rules are the rules and Commission Welter stated that would be a half-light door with four panels over and you can order that style door at GBS from his experience over the past year. Those can be ordered in wood and when he ordered it, it took six months to get it. The concern is will that door last but that is not what the Commission is concerned with. These doors can be ordered. Discussion was made on finding an appropriate door. There are other options that are feasible. They discussed the demolition of the garage and the windows being changed. Commissioner Welter was unsure if any doors in the Hyman Heights District were actually fiberglass.

Daniel Heyman, Staff Attorney stated staff’s position is legally a decision on a COA does not create a legal precedent. There might be some equitable consideration that you all take into account but there is no legal precedent set when you decide on a COA, they all stand on their own on their facts. So, it should be based on the facts of this particular application and made by each member impartially. This application stands on its own and it is not a legal precedent. Each application stands on its own but recognizing there is some consideration on equity when you make decisions like this. That is staff’s position on the issue.

Mr. Heyman stated if you voted on a hypothetical COA and you voted to approve it and a later applicant came and pointed to that as a legal argument, that legal argument would hold no water to that, it could just be dismissed. That is not relevant. It would be relevant to the extent of is it compatible with the neighborhood. Again, each application stands on their own.

Commissioner Welter stated he is more concerned with the design of the door than the material it is made with. Chair stated they either approve this door or tell her to get a different door and if they tell her to get a different door, that door could be wood. It is all about feasibility. She has already gotten this door and has agreed to change it to make it more compatible with the style of the existing door. It is not a perfect match. They have talked about the statute it is 3.7.6, she is going to call a vote. There was a split vote.

***Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in File # H22-082-COA and located within the Hyman Heights 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 (Residential) for the following reasons: The proposed entry door replacement does not match the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing and materials. Commissioner Hammond-Green seconded the motion which passed 5 in favor of and 2 opposed (Commissioner Baltiero and Commissioner Boyd). The application was denied.***

VII     ***Adjournment.*** The Chair adjourned the meeting at 7:10 p.m.

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Chair