

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Meeting of October 19, 2022

Commissioners Present: Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Ralph Hammond-Green, Crystal Cauley, Chris Battisita, 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 5:34 pm.

II **Public Comment.** Patrick Kennedy, 1419 Ridgecrest Drive spoke to the Commission concerning the house at 1420 Ridgecrest Drive and how the house has been in disrepair since 2008. He stated economic hardship has been the reason the owners are not making the repairs. He stated he does understand having an economic hardship and he is not a proponent of demolishing historic homes however the real history has played out here over and over. Since he has lived in his house, they have been down this road at least four formal times. He was concerned about nothing happening with this property and it just seems like it is a never-ending occurrence. He was frustrated with having to look at this property year after year and nothing being down.

Ken Fitch, 1046 Patton Street (Zoom) asked if they were aware of a proposal making its way to City Council unless it has been withdrawn for a text amendment to allow multi-family housing in the C-2 zone in the 7th Avenue MSD. He stated the applicant was planning the re-use of two buildings at the end of the 7th Avenue Historic District across from Green Meadows. This project might not seem extreme in its specific plan, as a text amendment multi-family and multi-story would be permitted by right throughout the district in the C-2 zone without any guidance or standards for the character or design of the building. The only requirement would be commercial use on the first floor. Without any design guidelines or standards compatibility could be an issue with the historic district and the character of 7th Avenue could be altered significantly. The Downtown Advisory Committee considered the proposal twice and remains opposed to the text amendment. At the Planning Board meeting he did ask if the HPC would be consulted because it does affect your area of concern. Compatible development adjacent to a historic district is a very important issue. He discussed the newly approved project on 6th Avenue and the affects it would have on the single-family homes in the National Historic District, which will alter the character of the neighborhood in that historic district. He suggested the HPC make recommendations in the Comp Plan for historic districts and properties.

There was no other public comment.

III **Agenda.** Chair stated they have an amended agenda on the screen. A motion was made by Commissioner Battisita and seconded by Commissioner Hammond-Green to approve the amended agenda.

IV **Minutes.** On motion of Commissioner Welter seconded by Commissioner Hammond-Green the minutes of the meeting of August 17, 2022 were approved.

V **Other Business**

V(A) **Update of Staff Approved COA's.** Ms. Hunt gave an update of the Certificate of Appropriateness applications that have been staff approved. The properties discussed were 1647 Kensington Road, 1711 Clairmont Drive, 417 Regal Street, 1324 Highland Avenue and 240 N. Church Street.

VI **New Business**

VI(A) **Certificate of Appropriateness,** Rudolf Haug, 434 N. Main Street (File No. H22-090-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 Rudolf Haug who is the applicant/property owner of the subject property PIN 9568-88-0412 and located at 434 N. Main Street and is the current location of the business, The Goldsmith by Rudi.

The subject property is zoned C-1, Central Business and is within the Main Street Historic District. The COA application is for the consideration of a design proposal for the enhancement of the lower façade and is considered a major work. The applicant/property owner previously submitted a COA application for the replacement of the existing wood awning with an architectural metal awning that the Commission heard at its April 20th regular meeting. The applicant is resubmitting a COA application with a design proposal prepared by UNC Greensboro Department of Interior Architecture through their partnership with the North Carolina Main Street Program.

A background of the program/partnership was given by Ms. Hunt.

The UNCG design proposal included two design concepts and the applicant has selected Design Proposal – Scheme 2 (included in the staff report) and is what is being considered as part of this COA application. Dunlap Construction has been contracted to complete the work.

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

An aerial view was shown of the vicinity.

A subject property history background was given and is included in the staff report.

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

The design proposal of Scheme 2 was shown and is included in the staff report. A side-by-side comparison was shown of what the property looks like now and what the proposal will look like.

The Design Standards that pertain to this application were shown and included in the staff report. Ms. Hunt noted that Design Standard 3.4.5 Architectural Metals, was not included in the staff report but is relevant to this application.

Chair asked if there were any questions for staff. There were no questions for staff.

Chair asked if the applicant or representative would like to speak or if anyone had any questions for the applicant. There were no questions.

Chair clarified that the previous application was found not to be congruous and was not approved.

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

The Commission had discussion of the application. Chair stated the Commission was very appreciative to the applicant and Mr. Dunlap for what they have done. Commissioner Welter stated it was really nice to see a well-planned application and working with the Main Street Group on this proposal.

No one had any concerns or comments on the proposal.

Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H22-090-COA and located within the Main Street Historic District, if constructed 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 for Main Street for the following reasons: The proposed lower façade enhancement included in Design Proposal – Scheme 2 would retain the commercial character of the building through contemporary design which is compatible with the scale, design, materials, color and texture of the historic building. Commissioner Hammond-Green seconded the motion which passed unanimously.

- VII **Old Business.** Chair stated the application for the Petition for Undue Economic Hardship was withdrawn by the applicant. Daniel Hetman, Staff Attorney addressed the procedure and stated if the Commission wanted to anything the Commission is already doing it, and this is the process to do it. The Commission filed the petition back in May and the next step was for the Zoning Administrator to conduct a preliminary investigation and Lew Holloway, the Zoning Administrator did that. The next step was if he found a basis to do that and he did that. The next step was an Administrative Hearing and they did that. An order was issued, and it was stayed as they filed a petition for undue hardship. It is a state statute that we provide protections there. After they discussed what repairs have to be made, by the order from Mr. Holloway the applicants stated if the city would work with them on time, they would withdraw the petition for undue economic hardship. Mr. Holloway's order will say six months and they

have to give bimonthly reports on the progress. After that if they don't comply after six months, we can access civil penalties or take them to court to get an injunction to force them to do it or we could get an order of abatement where the city can do it and file a lien against the property. There are some options there.

Ms. Hunt discussed planning a workshop for November or December. She also discussed a training opportunity in December with the School of Government.

The budget was discussed, and Ms. Hunt stated they had missed that window. She will give a breakdown at the budget workshop. They can also discuss goals at the workshop.

Ms. Hunt gave an update on the Cookie Caper. It will be December 11th from 1 to 4 pm.

VIII ***Adjournment.*** The Chair adjourned the meeting at 5:44 p.m.

Chair