

**STATE OF NORTH CAROLINA
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE
HISTORIC PRESERVATION COMMISSION
FILE NO. H23-68-COA**

**IN RE THE APPLICATION OF
LOVE IN AN APOTHECARY, LLC
AND PATTY ADAMIC
FOR A CERTIFICATE OF
APPROPRIATENESS
PIN 9568-77-8873**

DECISION

This matter came before the Hendersonville Historic Preservation Commission on October 18, 2023 for a quasi-judicial hearing on the application of Love in an Apothecary, LLC and Patty Adamic for a certificate of appropriateness for a property located at 303 N Main St, Hendersonville, NC, Main Street Historic District, Hendersonville, PIN 9568-77-8873 (“Subject Property”) for the replacement of 17 existing windows, with the application dated August 8, 2023.

The subject property is referred to as the Justus Pharmacy and is identified as a contributing property in the Main Street designation report.

The file was submitted into the record. In addition Alexandra Hunt, Planner and Patty Adamic, tenant/applicant testified and/or presented evidence, after first being duly sworn.

Issues

The Historic Preservation Commission’s adopted Main Street Historic District 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 reopening of existing windows on the first floor of the structure that have been filled, as requested in the application.

Section 3.4.2 of the Main Street Historic District Design Standards provides, in pertinent part, that:

Section 3.4.2 Windows and doors:

Windows and doors by their proportion, shape, positioning, location, pattern, and size can contribute significantly to a building’s historic character and are particularly indicative of stylistic periods. These openings in a building’s exterior also provide opportunities for natural light, ventilation, and visual connections to the interior.

3.4.2.2 Retain and preserve openings and details of windows and doors, such as trim, sash, glass, lintels, sills, thresholds, shutters, and hardware.

3.4.2.4 It is not appropriate to replace windows or doors with stock items that do not fill the original openings or duplicate the unit in size, material, and design.

3.4.2.10 It is not appropriate to introduce new windows or doors if they would diminish the original design of the building or damage historic materials and features. Keep new windows and doors compatible with existing units in proportion, shape, positioning, location, size, materials, and details.

Section 3.8. of the Artificial Materials standards states, in pertinent part, that:

Sec. 3.8.1 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 303 N Main St, Hendersonville.
2. The Subject Property is situated within the Main Street Local Historic District
3. The Subject Property is listed as contributing in the Main Street Local Designation Report.
4. The Subject Property is described in the Main Street Historic District Local Designation Report as follows:

Two-story brick building with stucco applied to front facade. Underlying brick shows through, including crenellation beneath corbelled cornice. Glass block and black Carrara glass added at storefront. Built as a pharmacy for W. H. Justus, remaining in the same family until 1957, and still run under the same name. Interior retains much of its earlier character. According to the French Broad Hustler, April 19, 1906, "The Justus Pharmacy, newly painted and decorated, inside and out, with its handsome new awning presents a handsome appearance." Mr. Hunter and Mr. Justus were continually trying to outdo the other with new soda fountains. French Broad Hustler, April 11, 1907: "The new fountain at the Justus Pharmacy is now almost ready, only a little plumbing required to put it in working order. It is of the new style, the clerks drawing different beverages from under the front counter. It is undoubtably one of the handsomest fountains to be found anywhere. The massive back is of mahogany and plate glass, and remarkably beautiful glass, outlined with electric lights of different sizes. The electric light fixtures are of brass, very pretty in design. The counters and front are entirely of marble, with a heavy brass rail at the top and bottom. The latest appliances and cleanliness and quickness are incorporated in the big fountain, and the

whole effect is most pleasing. ".

5. Applicant has requested a Certificate of Appropriateness to replace 17 existing windows with either aluminum or wood.
6. The windows were replaced with vinyl approximately 20 years ago, before the designation of Main Street as a local historic district.
7. The City's relevant Artificial Materials standards prohibit the replacement of windows with vinyl windows on a contributing structure in a local historic district.
8. The proposed replacement windows are one-over-one and designed to fill the entire existing window opening.
9. The proposal to replace 17 windows with either aluminum or wood windows, as presented during the hearing, is **not incongruous** with the Main Street Historic District because it meets the following Design Standards:
 - a. **3.4.2.10** - The subject property is a contributing structure and the proposed windows do not diminish the original design of the building or damage historic materials and features.
 - b. **3.8.1 of the Artificial Materials standards** - The proposed windows as presented replace vinyl with traditional materials

CONCLUSIONS OF LAW

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

The replacement of 17 existing windows with either aluminum or wood windows, as proposed in the application, and with the representations made by the applicant at the hearing, 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**.

DECISION

For the above reasons, the application for a certificate of appropriateness is granted subject to the conditions stated, and the certificate is ordered issued.

Done this 20th day of December, 2023.

Chair