

**IN RE THE APPLICATION OF  
KATHRYN VICKERS,  
FOR A CERTIFICATE OF  
APPROPRIATENESS  
PIN 9569-72-0812**

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

This matter came before the Hendersonville Historic Preservation Commission on December 15, 2021 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 9569-72-0812 (“Subject Property”) to demolish an existing carriage house due to its poor condition, with the application being dated November 19, 2021.

The subject property has a single-family residence located on it in addition to the carriage house. The carriage house structure is listed as a contributing structure in the Hyman Heights Local Designation Report and is described as a “Two-story pyramidal roof outbuilding with original wood siding, six-over-six windows, original garage doors” on the National Register inventory. The carriage house was built in 1922.

The file was submitted into the record. In addition Matthew Manley, Hendersonville Planning Manager, Kathryn Vickers, property owner and applicant and general contractor Chris Miller, testified and/or presented evidence, after first being duly sworn.

### **Issues**

The Historic Preservation Commission’s adopted Residential Design Standards and the Sectary of the Interior’s Standards are incorporated in these findings and conclusions by reference. The question presented was whether the relevant standards permit the demolition of the carriage house as requested in the application.

Section 5.2 of the Design Guidelines provides that:

#### **5.2 DEMOLITION**

- .1 Before demolition, work with the commission to pursue all alternatives to demolition.
- .2 Before demolishing a historic structure, document its original setting and context. Use photographs, site plans, and other graphic or written statements to record the existing site conditions.
- .3 Before demolition, work with the commission or other interested parties to salvage usable architectural materials and features.
- .4 Before demolition, submit a site plan to the commission illustrating proposed site development or plantings to follow demolition.
- .5 During demolition, ensure the safety of any adjacent properties and historic resources. Also, during and after demolition, take care to protect trees on the site from damage due to compaction of the soil by equipment.
- .6 After demolition, clear the site promptly and thoroughly.
- .7 After demolition, plant or develop the site promptly as approved in the proposed site plan.

## 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 Hyman Avenue, Hendersonville.
2. The Subject Property is located at 1304 Hyman Avenue, Hendersonville, situated within the Hyman Heights Historic District. The carriage house, which is the subject of this decision, is located on the subject property.
3. The Subject Property has a single-family residence located on it as the primary structure, and has the carriage house located on it as an accessory structure. The carriage house is shown on the 1922 Sanborn map.
4. Applicant has requested to demolish the carriage house based on its poor and unsafe condition.
5. As of the date of the hearing on this application, the following was established regarding the condition of the property:
  - a. There are no footers for the existing foundation, which is composed of brick, and is cracking and bulging in places. There is also loose brick in the foundation.
  - b. There are cracks in the floor and in the concrete slab for the structure. The slab is higher on one side than the other and is starting to push out the brick that comprises the foundation.
  - c. Extensive termite damage has rendered it unsafe to go upon the second floor of the structure.
  - d. The building is starting to shift on the back side and is starting to come down. Recent earthwork on the neighboring property has caused the carriage house to shift even further and become even more unstable.
  - e. It is not feasible to jack up the structure and construct an appropriate foundation due to the termite damage and instability of the wood structure. There are vines growing through holes in the wood.
6. The carriage house is structurally unsound and poses a safety risk to persons and children residing or present within the neighborhood.
7. A site plan showing the demolition and replanting of the site has not been submitted.
8. Most of the materials of the structure are not salvageable without posing a safety risk to recover them. There are no architectural features to salvage.
9. Applicant has represented the following to the Commission, upon which the Commission is relying in considering this application:
  - a. Applicant will salvage any materials that can be salvaged.
  - b. After the proposed demolition, the area will be part of the yard. Applicant wants to do some landscaping.
  - c. Applicant is willing to post notice or place yellow caution tape around the structure immediately to put people on notice that it is unsafe.

10. With the imposition of the following conditions the issuance of a certificate of appropriateness for the demolition of the carriage house structure is in order.
  - a. The Applicant is required to submit and site plan with proposed landscaping and replanting showing compliance with all requirements. The replanting of the site with grass, and the landscaping must be completed as soon as is reasonably possible after the completion of the demolition.
  - b. Any materials that can safely be salvaged must be salvaged. Applicant will keep staff informed of any salvageable materials recovered from the demolition.
  - c. All efforts will be made to ensure safety and protection of existing trees.
  - d. Applicant will place yellow caution tape around the structure immediately.
11. Applicant has worked with the Commission to pursue all alternatives.
12. The original setting and context of the structure has been documented.

### **CONCLUSIONS OF LAW**

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

The demolition of the carriage house as proposed is in compliance with the design standards for the Hyman Heights Historic District, and the Certificate of Appropriateness should be granted, subject to the conditions as stated above.

### **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 16th day of February 2022.

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Chair