

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Meeting of July 17, 2024

Commissioners Present: Jim Welter (Vice-Chair), Cheryl Jones, (Chair), Jane Branigan, Ralph Hammond-Green, David McKinley, John Falvo

Commissioners Absent: Jim Boyd

Staff Present: Sam Hayes, Planner, Daniel Heyman, Staff Attorney, Lew Holloway, Community Development Director

- I **Call to Order.** Chair called the regular meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm.

Public Comment: Ken Fitch stated he lived in Hyman Heights and with the Comprehensive Plan there are many issues that involve historic properties and there are many historic properties identified throughout the city. He discussed some properties not fitting the designation. His concern was protecting the place keepers in the city because there are properties that are not protected, there are historic neighborhoods that are not historic districts, there are historic properties that are not on the National Register and they are at risk. He talked about the height in downtown and there are some projects that are coming up that will affect historic properties. The question is how to protect them in the process. He discussed expanding historic districts to do this. Chair asked Mr. Fitch to give a list to the Commission of these properties and they could discuss this during the Designation Committee meeting.

- II **Agenda.** On motion of Commissioner Welter and seconded by Commissioner Hammond-Green the agenda was approved.

- III **Minutes.** On motion of Commissioner Hammond-Green and seconded by Commissioner Branigan the minutes of the meeting of May 15, 2024 were approved.

- IV **New Business**

- IV(A) **Certificate of Appropriateness -** Patsy Stewart, 1420 Ridgecrest Drive (File No. H24-21-COA). Prior to the opening of the public hearing, Chair announced that there is one application for a COA in the Hyman Heights Historic District. 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 procedure and rules 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 the hearing. 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 present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now. *Commissioner Welter stated he had talked with Lisa concerning the application process. He did not make any promises to her*

but only discussed the process, nothing factual or specific. Commissioner Welter felt he could be fair and unbiased. No one had any objections to Commissioner Welter continuing. Anyone wishing to speak during the public hearing should come forward and be sworn in. Chair swore in all potential witnesses. Those sworn in were Sam Hayes, Lew Holloway, Dan Chapman, Patsy Stewart and Lisa Duncan.

Chair opened the public hearing.

Sam Hayes, Planner stated this is an application from Patsy Stewart for the property located at 1420 Ridgecrest and is located in the Hyman Heights Historic District. The application is for after the fact windows and deck and is considered a major work. The property has a PIN 9569-62-1692 and is 0.35 acres. The property is currently zoned R-6, High Density Residential.

A Historic District Overlay map was shown and is included in the staff report and presentation.

An aerial view of the property was shown and is included in the staff report and presentation.

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

Photos of existing conditions of the property were shown and are included in the staff report and presentation. He pointed out the window that had been expanded.

The Design Standards that apply were included in the staff report and presentation.

Suggested motions were shown for approval and denial and are included in the staff report and presentation.

Commissioner Welter stated there appears to be a lot of masonry work that was also removed. Was the retaining wall not pertinent to the house? Mr. Hayes stated that was part of the greenhouse and was approved to be removed. The double window is now a door and Mr. Hayes has asked the applicant to submit another retroactive application for this.

Chair asked if you would notice this if passing by. Mr. Hayes stated no, it is down the driveway and the lot is very sloped.

Chair asked if the windows that were removed original. Mr. Hayes stated they are not sure, the applicant may be able to speak to that. Chair stated but they were wood. Mr. Hayes stated yes, they were wood. Chair stated so now we have some vinyl and some wood. Mr. Hayes stated that is correct, he does not know exactly what the upper and lower are made out of.

There were no further questions for staff.

Chair asked if the applicant or a representative would like to address the Commission.

Patsy Stewart stated her current living address is a rental 359 Greenville Street, Saluda, NC. Chair stated the question is the materials that were replaced. Ms. Stewart stated on the ground floor she does not think they were ever replaced but they were very deteriorated. The door they changed into a window was so deteriorated they had to replace the floor. The water had been coming in and rotting out the

windows. In the front room they have pictures of how bad the windows were. When she bought the house she received a letter that she may buy the house but she had to be aware there were things she would have to do. One is to correct the foundation, two is repoint the brick because it has deteriorated and three replace any inoperable windows which was mostly all of them. She felt like she was told to do it and therefore probably had permission. Chair asked who the letter came from. Lew, Holloway, Community Development Director stated it was the Order to Repair. That was disclosed as part of the closing process. There was an Order to Repair as part of the Demolition by Neglect process. Chair stated the order would have been subject to the standards on replacement of materials. Mr. Holloway stated yes.

Ms. Stewart stated she has invested a lot of time and energy and Dan Chapman is the general contractor and has been doing a fantastic job and she needed help with technology and Lisa Duncan is there if you have additional questions for her. They will be back with other issues but today this is all they are addressing. They are trying to make things right and address these issues that she thought she was already told to do.

Chair stated she just wanted to be clear because they have met with her before. She stated there is an order that says they need to do these things but there are statutorily required standards for historic properties that have to be met and one of those is certain materials are not supposed to be used to replace materials and then if you are making significant changes you have to come before the Commission again to get permission. This is an after the fact and she wanted to make sure moving forward that we are all clear that the standards have to be followed. They are not optional they are mandatory. Ms. Stewart stated she thought they were pretty close to the standards because they replaced the windows with windows that looked just like them. Chair stated artificial materials are not appropriate on buildings or contributing properties. Existing artificial materials on contributing properties should be replaced with traditional materials. Vinyl is artificial. It didn't exist when the house was built so it can't be an original material. Vinyl windows are never okay. They need to know about the original windows, how many were replaced and the Commission can ask her or she can bring one of her representatives up.

Lisa Duncan, 44 Eastbury Drive Apartment C in Hendersonville, NC. She stated she was the one that completed the application that was submitted. She worked with Sam on this to provide the necessary details, pictures showing before and after and the guidelines. She came in after the fact on this and asked if that was included in the order. Chair stated she did not know exactly what was in the order because that was not issued to Ms. Stewart but the Commission was involved in the process and they were provided to the previous owner, over and over and they had knowledge of the standards.

Ms. Duncan stated she wanted to make sure they were seeing in the application and explained what page they could find the information on the materials and the number of windows that were replaced. She provided the glass block window separately to Sam. It was 22 windows on the main level and the application for the French door is completed and will be turned in to Sam tomorrow for the August meeting. Chair asked how many total windows are there. Ms. Duncan stated it is all the windows on the main level. Chair stated so the upper ones and the lower ones still at some point need to be addressed. Ms. Duncan stated the upper ones were replaced at some point prior to Ms. Stewart owning the property. Ms. Stewart stated they are aluminum clad. Mr. Chapman stated they are solid aluminum. Ms. Duncan stated then you have a basement/crawl space that is accessible from the outside, right side of the house. There were some photos that were shown and it was a garage that was

sort of retrofitted to like a storefront from the old owner. They look original verses the upper level that was replaced at some point.

Chair stated the ones that were replaced on the main level, not the ones they replaced, were those original? Ms. Duncan stated she does not know. It was done before she came on the project.

Dan Chapman, 272 Sugar Hollow Road stated he would say those windows were probably original. Chair asked if they were solid wood. Mr. Chapman stated yes, they were pine. He stated what happened is somewhere along the line someone put up storm windows and the storm windows had slid down and made a pocket for water so it not only rotted the windows themselves but they had to replace the framing and everything below that. They are vinyl. Chair asked if they could have been repaired instead of replaced. Chair stated in the standards the first attempt is to repair. If they cannot be repaired then there are guidelines for replacement. Mr. Chapman stated they were not even worth repairing. A lot of the glass was broken. Several of the windows took out the whole wall. All the wood around the windows is still there. Ms. Duncan stated even though they are vinyl when you look at the home, because the original framing is still there and many of the sills remain usable, it is hard to tell they are vinyl. She understands there are standards. Mr. Chapman stated you see about an inch of the vinyl all the way around.

Chair stated she was trying to figure out how many windows potentially need to be replaced. Mr. Chapman stated none on the first floor but on the second floor there are about eight windows up there and they have already been replaced but not recently. They are very old. Commissioner Welter stated when they do get replaced they will have to meet the standards. Chair stated that is what is going to happen, with the vinyl there then they are going to have vinyl on one floor and whatever happens on the other would be a historically required standard and so they will have mismatched windows from now on basically. It may not be super visible right now but ultimately when you have comparing and contrasting windows all around the house, it will become more visible. There is also a precedent to consider and now we have the problem of the standards being misapplied.

Ms. Stewart asked what was wrong with vinyl. Chair stated vinyl is not a historic material and it did not exist back then. Ms. Stewart stated it looks the same. Chair stated it does not look the same, it does not look like wood. There are artificial materials that look like wood but vinyl looks like plastic.

Commissioner Welter stated concerning the deck, the standards say locate and construct decks so that the historic fabric and structure and character defining features and details are not damaged or obscured. Install decks so that they structurally are self-supporting and may be removed in the future without damage to the historic structure. The deck is there while not very visible looked to him like it was anchored to the brick. Mr. Chapman stated it was actually all those block walls were falling and that is why they got removed. They were not self-supporting. Commissioner Welter stated they will also have a discussion when they come back concerning taking out windows and putting in a door. That is also damaging to the brick.

Chair stated going back to the windows, she understands it is about an inch all the way around. Mr. Chapman stated you could see about an inch all the way around. The deck was just a little walk-out. They whole thing was buried and it wasn't even sitting on the ground. When they took that wall down and yes he was wrong by taking the window out or taking the door out but like she said all of it was rotten. Commissioner Falvo asked if he flashed into the brick for the deck. Mr. Chapman stated yes.

Chair stated if the deck were removed in the future what will the brick look like behind it. Mr. Chapman stated it will look like it did before. Someone had something all the way across that and you can see where the holes were. He doesn't know what it was but if the deck were removed you would see the brick.

The Commission asked if the deck was bolted to the house. Mr. Chapman stated yes by bolts. Discussion was made on the spacing of the bolts. Chair stated size wise it is not substantially different. The door and the flashing were discussed.

Commissioner Welter stated if there is about an inch showing on the windows, is it possible to do some kind of patch to hide it. Mr. Chapman stated he was going to frame that in but absolutely, it would have to be in his opinion something that was treated because otherwise it would rot. It could be wood and they could do that for sure. It was stated the whole window is vinyl.

Ms. Stewart asked if all the Commission members were volunteers and thanked them. Chair stated they do appreciate that she was able to salvage this property.

Chair stated the sash may be hard to try and make a wooden piece to overset it but the perimeter is not as difficult so since they are back next month, they could hold it open and have them propose something since they are going to be addressing all of it. That is one option. She thinks they could deal with the deck tonight and leave the window portion open. Mr. Holloway stated if you wanted to make an approval portion for a component of it you can, just note that the applicant will bring back additional information for the windows.

Ms. Duncan wanted clarification on what they would like for the proposal for that window option. Chair explained the goal is to have it appear to be wood. Mr. Chapman stated he would look into this. Mr. Holloway stated it would be an exhibit brought back to the Commission so that they could see what it will look like. Chair stated then they could get closer to making a decision on it.

Chair asked if anyone had any additional questions for the applicant. No one had any questions.

Chair asked if any would like to speak for or against the application. No one spoke.

Chair closed the public hearing.

The Commission discussed the deck and how it was supported. It could be removed. It is also fully in the rear and the steps are the only thing visible. Wood and metal are permissible. Commissioner Welter suggested including the deck being removable in the motion.

Commissioner Welter moved the Commission to find as fact that the proposed application for a Certificate of Appropriateness, as identified in file # H24-021-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 not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards (Residential) for the following reasons: 1. The location and construction of the deck does not damage or obscure the character-defining features and details of the structure and may be removed without damage to the existing historic structure. [Sec. 4.1.1] 2. The deck is located in an inconspicuous location at the rear of

the building and is not visible from the street. [Sec. 4.1.2] 3. The design and detail of the deck, railings, and steps reflects the materials, scale, and proportions of the building. [Sec. 4.1.3] 4. The deck aligns with the height of the buildings first-floor level. [Sec. 4.1.4]. Ms. Branigan seconded the motion which passed unanimously.

V **Old Business.**

- V(A) **Lennox Spring Park Draft Local Landmark Designation Report.** Mr. Hayes gave a short update and stated they had received the SHPO comments in June. Revisions were made to the report and the report is now finalized. He discussed the stairs and having a survey done for them. Staff recommends reaching out to the property owner as well. Chair asked about the City's deed for this property. Daniel Heyman, Staff Attorney discussed the deeds and the stairs. He stated he had not looked at the other property owner's deed. The deed description was discussed. Mr. Holloway discussed ideas for moving forward. Mr. Hayes stated this comes down to the Commission trying to include the stairs or moving forward with the designation without the stairs or proceeding with the designation and including the stairs at a later time. Mr. Heyman suggested talking to the property owner but he would like to meet with Chair and discuss further first. Other discussion was made on the next steps. The Commission decided to write a letter and reach out to the property owner.

VI **Other Business.**

- VI(A) **Commission Discussion.** Discussion was made on Commissioner Cauley's passing and what could be done to recognize her and all of her work. Discussion was made on the vacant Commission seats.
- VI(B) **Staff Report.** Mr. Hayes updated to Commission on staff approved COA's. Other discussion was made on the COA process.

VII **Adjournment. The Chair adjourned the meeting at 6:31 p.m.**

Chair