

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

**Minutes of the Regular Meeting of December 15, 2021**

**Commissioners Present:** Cheryl Jones, (Chair), Derek Cote, Chuck Reed (Vice-Chair), Ralph Hammond-Green, Crystal Cauley, Jim Welter, Chris Dannals

Commissioner Battista was in attendance but did not vote.

**Commissioners Absent:** Chris Barron, Sam Hayes

**Staff Present:** Matthew Manley, Planning Manager/Commission Coordinator, Alexandra Hunt, Planner, Angela Beeker, City Attorney, Terri Swann, Administrative Assistant III

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

II **Agenda.** Chair made a motion to amend the agenda to include the approval of the Finding of Facts under Item 5 -Old Business. Commissioner Hammond-Green seconded the motion. Commissioner Cote made a motion to approve the revised agenda. Commissioner Reed seconded the motion which passed unanimously. Chair stated the vote was for both motions.

III **Minutes.** On motion of Commissioner Reed seconded by Commissioner Cote the minutes of the Regular meeting of October 20, 2021 were approved.

Matthew Manley, Planning Manager thanked Commissioner Reed for his service to the Commission. Chair also thanked Commissioner Reed and stated he would be missed.

IV(A) **Certificate of Appropriateness,** Kathryn Vickers, 1304 Hyman Avenue (PIN # 9569-72-0812), (File No. H21-35-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.

Mr. Manley gave the following analysis:

The Community Development Department is in receipt of an application for a Certificate of Appropriateness permit from Kathryn Vickers to undertake the following work at the above referenced property:

1. Demolition of an accessory structure to the rear of the property located at 1304 Hyman Avenue.

Mr. Manley stated the owner is Kathryn Vickers. The lot is just over a third of an acre. It is in the Hyman Heights Historic District. A vicinity map was shown. The aerial view was also shown. It is shown on the 1922 Sanborn Map. It was believed to be constructed in that year.

Pictures of the existing conditions were shown. There has been some earth work for a driveway down behind the structure. Bricks were loose and there are some cracks. Mr. Manley submitted some email correspondence for the record. There appears to be cracks in the floor and the concrete slab.

Mr. Manley stated Chapter 28 of the City Code was not included in the staff report. Section 28-147 states: Relocation, demolition or destruction of designated properties.

(a) Application for certificate of appropriateness. An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within a designated historic district may not be denied except as provided in subsection (b) of this section. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be deprived of all beneficial use of or return from such property by virtue of the delay. During such period the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the commission finds that a building or site within a district has no special significance or value toward maintaining the character of a district, it shall waive all or parts of such period and authorize earlier demolition or removal.

(b) Denial of certificate. An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance, as defined in the criteria of the National Register of Historic Places, may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

Mr. Manley outlined the criteria for demolition in the Design Standards. Mr. Manley also explained the motions.

Chair asked if there were any questions for staff.

Commissioner Welter asked if staff considered the list of things for the demolition in the Design Standards fulfilled. He stated this is the first time he has heard any of this. It states the applicant needs to work with the Commission to pursue alternatives. Mr. Manley stated that is what is before them tonight. They will hear from the applicant. He also stated this is a contributing structure. It appears that everything is original.

Mr. Manley stated he has not seen a site plan and he has not heard anything about salvaging any of the materials. There has not been any discussion on ensuring safety during the demolition, removal from the site or the timeline. The applicant is here, and they can shed some light on that. The purpose of the hearing is for the applicant to provide evidence related to the request.

Commissioner Hammond -Green asked if the applicant has provided any other structural analysis other than what was provided with the COA. Mr. Manley stated not to staff.

There were no further questions for staff.

Chris Miller, 113 Harrison Pond Road, Campobello, SC stated he is a general contractor and has evaluated the foundation on the building and if you look you can see the top of the foundation is laying out. That is the way they built it back then. The brick is the foundation and there is nothing else there. There are no footers there. The building is starting to shift on the back side, and it is starting to come down. There are a lot of kids in this neighborhood. It is possible that wind or a heavy rainstorm could bring it down. This type of building being historical they do look at how they can save it. There is no way they can jack that building up and get underneath it to get a new foundation under it. The wood has deteriorated due to termites over the years. The slab and a side are actually higher on one side than the other and is starting to push out the brick. In his opinion as a general contractor if he lived in the neighborhood he would want it down because of the kids. The neighbor has 7 or 8 kids that lives behind it and they play there.

Chair asked if they knew how long it has been in this condition. Ms. Vickers stated she just bought the house in July and did not know.

Commissioner Hammond-Green asked if the damage was worsened from the removal of the large tree behind there. Mr. Miller stated he does not think so. He could not see where the soil has been disturbed.

Commissioner Welter asked how much termite damage was there. Mr. Miller stated he would not go upstairs. There is significant damage, and it is not stable. He does not believe the wood was pressure treated. There are vines growing up through the holes in the wood.

Chair asked if the roof was leaking. Mr. Miller stated yes. It is not bad. The roof did not cause this damage.

Commissioner Welter asked if there has been any inventory done of the doors and windows on what could be salvaged. Mr. Miller stated he could get them out if anyone wanted to use them, but the doors have rollers on them and the glass in the windows is very thin and could shatter. You could salvage them, but most people do not want them because of the weights. There are no architectural features to salvage.

Chair asked about a site plan being submitted. Mr. Miller stated he could get that to them and show the shrubs that will be planted back.

Commissioner Cote asked about the asphalt. Mr. Miller stated the trees have grown underneath it. Commissioner Cote asked about preserving the property and the driveway. Mr. Miller discussed using the driveway for extra parking.

Chair asked what the plans are after the demo. Mr. Miller stated it would just be yard.

Kathryn Vickers, 1304 Hyman Avenue stated since this is a safety issue, they haven't worked out the next steps but eventually she would like to put a carport in the back. She is worried right now about the building shifting and her children and other neighborhood kids. She stated she is planning on taking out some really old bushes and planting something back after the work is finished with the neighbor's

property and the retaining wall is put back.

Chair asked about the approved site plan and if it not received tonight could they have them submit a site plan. Angela Beeker, City Attorney stated staff would not object to this being made a condition of the approval.

Mr. Manley talked about the salvaging of the materials and staff could work with the applicant on this as well. He would like to see more details on the salvaging of the materials.

Commissioner Cote asked if they knew of anyone that may want the stuff. Mr. Manley stated there is a market for it and are several salvaging companies in the area.

Commissioner Cauley asked about writing a letter or putting up signage alerting that the property is dangerous. Mr. Manley stated he would ask what the timeline would be. Mr. Miller stated he could do it immediately. He wasn't sure a letter would be sufficient in the short amount of time. He would put up caution tape. Ms. Vickers stated the closest neighbors are aware of this. Mr. Manley stated he recommends they use caution tape immediately.

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

Chair asked if anyone would like to testify concerning the application.

Chair closed the public hearing.

The Commissioner discussed saving the building and how the foundation could not be saved and there are not many options for the Commission. Discussion was made on what the Commission can do to prevent historic structures from deteriorating this badly. They also discussed the work behind the structure causing issues.

Chair reopened the public hearing.

Ms. Vickers stated the floor on the second story is really deteriorated and she understands salvaging the materials but how is anyone going to get those windows out. She does not feel safe with anyone going up there. Chair stated they may not be able to get those out. Mr. Miller stated the wall may give away when the materials are removed. Commissioner Hammond- Green stated only salvage what is conceivable from a safety standard.

Chair reclosed the public hearing.

***Commissioner Reed moved the Commission find as fact that the proposed application for a Certificate of Appropriateness, as identified in file #H21-35-COA and located within the Hyman Heights Historic District if demolished according to the information reviewed at this hearing and with any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards for residential properties for the following reasons: Design Standards 5-2 Demolition has been has been satisfied by the applicant by working with the Commission to pursue all alternatives, the original setting and context of the structure have been documented, work will be performed to salvage usable materials, a***

***site plan will be submitted to staff for review and approval for the post demolition development/plantings, all efforts will be made to ensure safety and tree protection, the site will be cleared promptly and thoroughly and after demolition the site will be developed or replanted promptly. The application for demolition is thereby approved. Commissioner Hammond-Green seconded the motion which passed unanimously.***

- V(A) **Approval of Findings of Fact.** Chair stated the Findings of Fact for H21-29-COA need to be approved.

***Commissioner Reed moved the Commission to approve the Findings of Fact for H21-29-COA. Commissioner Cote seconded the motion which passed unanimously.***

Chair moved to modify the agenda to include the continuation for the Demolition by Neglect for 1420 Ridgecrest Drive. Commissioner Reed seconded the motion which passed unanimously.

- V(B) **Demolition by Neglect, 1420 Ridgecrest Drive. (File No. H21-31-DEM)**

Alexandra Hunt, Planner gave an update on the property. She stated they have retained an attorney, William Alexander. He has asked for a continuance on this matter to figure out the percentages of ownership as to 1420 Ridgecrest and they are still in the process of trying to figure the next steps out. They are asking for some additional time. They asked to continue until the January meeting and staff will keep in contact on any updates. Chair asked about continuing to the February meeting.

***Commissioner Hammond-Green moved the Commission to continue this item until the February meeting. Commissioner Reed seconded the motion which passed unanimously.***

- VI(A) **Boyd Park Discussion.** Mr. Manley stated this was requested for public comment to be made to the Commission on Boyd Park. It is not quasi-judicial. Larry Phillips, 1102 Pinebrook Drive stated he had served on the Hendersonville Historic Commission for three years from 2007-2009. Mr. Phillips discussed the history of Boyd Park and asked that the Commission help to save it by designating it a Local Landmark.

Lynn Williams, 309 Chadwick Avenue also discussed the history of the park and what it means to her. She asked that the Historic Preservation Commission designate the park a Local Landmark and discuss this with City Council.

Discussion was made on the Commission sending a letter to City Council.

Mr. Manley stated under Article III in the Rules of Procedure it states communicate with City Boards and Commissions or with agencies of the Local Government or other Governmental units to offer or request assistance, aide, guidance or advice concerning matters under its preview or mutual interest. If the Commission decides a letter is appropriate, they could reference this power as to why they are reaching out and that it is under their purview and they want to initiate a conversation. Mr. Manley talked about the drafting of the letter and a member taking a stab at the letter and bringing it back to the Commission for review. Discussion was made on support of a letter. Most of the Commission felt like the City Council has already made a decision. Chair stated they are the Historic Preservation and they are an appointed Commission that represents the public interests and also safeguard historic resources and if they don't at least comment, have they really done what they are called to do. She

doesn't disagree that they have made up their minds, but she thinks they at least should comment. She felt like there needs to be a conversation about the historic significance and how they commemorate it. Commissioner Welter had concerns about it being a piece of ground and it did not fit like a landmark to him. He does agree that they need to acknowledge it. Ms. Williams asked that the Commission push a full investigation, but she thanked them for be willing to write the letter.

Chair stated if she could get the newest version of the Rules of Procedure, she would take stab at writing a letter that just states they would love to be included in the conversation and could they just talk to them and start from there. Chair stated they could circulate it by email if it is not official business that has to be voted on. Ms. Beeker stated she did not believe Chair could circulate the letter by email for comment. That would be an open meetings law violation. Mr. Manley stated she could send it but there could be no comment. Chair stated she would have it ready by the January meeting if they could put it on the agenda. Ms. Beeker stated they could authorize the Chair to write a letter and you could "CC" everybody once the letter is done but you need to be careful about opening up for feedback. Chair stated if she has it ready by the January meeting, can they get it on as an agenda item and discuss it. Ms. Beeker stated yes. Mr. Manley stated they could send it out in the packet with no discussion prior to the meeting. Chair stated they could send it out as a draft for them to review it but have the discussion in the meeting and do whatever changes to it and then agree upon a format and if they decide to send it at that point, then they will send it. Commissioner Welter asked if they needed a motion. Chair stated no it just needs to be added to the agenda.

VII ***Adjournment.*** The Chair adjourned the meeting at 6:55 p.m.

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Chair