

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

**Minutes of Special Meeting of August 17, 2011**

**Commissioners Present:** Phillip Allen, Bette Carter, Cheryl Jones, Julie Jones, John Ogletree, Marty Payton, Brooke Tate (Chair)

**Commissioners Absent:** Staci Blatt, Jo Tyler

**Staff Present:** Tim Murphy, City Planner; Lu Ann Welter, Administrative Assistant

- I Call to Order.** The Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:00 pm
- II Agenda.** *On motion of Commissioner Carter seconded by Commissioner Payton, the Commission approved the agenda.*
- III Minutes.** *On motion of Commissioner Ogletree, seconded by Commissioner Allen, the minutes of July 6, 2011 were approved.*
- IV 1020 Patton Street, Certificate of Appropriateness, File # H11-8-COA.** Prior to opening the public hearings, the Chair announced that any persons desiring to testify at this hearing must first be sworn as witnesses and will be subject to cross-examination by parties or persons whose position may be contrary. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. As this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, 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 this application should disclose it now.

After swearing in potential witnesses for both hearings, the Chair opened this public hearing. At the request of Tim Murphy, City Planner, Commission File No. H11-08-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission's Design Guidelines. Mr. Murphy gave the following analysis:

The Planning Department is in receipt of an application for a certificate of appropriateness permit from the William Edward Jackson Jr. Trust to undertake the following work at 1020 Patton Street:

- Replace wooden railing on front porch with a wooden railing
- Replace wooden front door with wooden door and install a storm door
- Remove a tree on the side property line

This application is a modification of work previously approved by the Historic Preservation Commission at the March 2011 meeting.

The subject property is listed as **contributing** in the Hyman Heights Local Designation Report and is described as:

**1020 Patton Street** Built ca. 1920. This vinyl sided, front gable bungalow has both four-over-one and eight-over-one windows, and a front gable porch supported by brick piers.

The subject property is listed as **contributing** on the National Register and described as:

**1020 Patton Street.** Clyde A. Fetner House. by 1922. One-story plus basement bungalow with a front gable roof. Walls are covered with vinyl siding. Attached wraparound porch at northwest corner has splayed posts on brick piers. Windows are 8-over-1, and front door is multi-light. Outbuilding from 1926 no longer stands.

At the Historic Preservation Commission's March 16, 2011 meeting, the Commission approved a certificate of appropriateness application for this property. The proposed modifications included removing a sandbox, door replacement, railing replacement, enclosing the basement, deck replacement, utility installation and roof replacement.

The applicant is requesting several modifications to the previously approved work. The proposed changes are:

- **Front porch railing:** When the application was reviewed in March 2011, the front porch was enclosed by a wooden railing. The wooden railing has since been removed. At the March 2011 meeting, the applicant received approval to install a metal railing around the front porch.

The applicant has since found additional photographs of the property showing what appears to be a wooden railing around the front porch (see attached photographs). The applicant desires to modify the previous approval to allow the installation of a wooden railing similar to the one shown in the photographs.

- **Front door:** The current front door is wooden with 9 panes. The previous application states that the lock is broken and cannot be replaced. In March 2011, the Commission approved the installation of a new 9 pane wooden door (see attached).

The applicant is requesting to modify the previous approval to install a wooden door with 1 pane and 3 inset panels. A photograph of the door is attached. A screen door similar in style to the one approved on the rear door is proposed to be installed.

The application also includes the removal of a tree along the side property line to the rear of the house. The application states that the tree was previously struck by lightning. Staff noticed decay and fungus on the tree trunk. There is some loss of foliage in the upper canopy of the tree.

Mr. Murphy reported the applicant did not meet with the Design Review Advisory Committee (DRAC).

Janice Jackson, of 156 Poplar Loop, Flat Rock, said they wanted to change to the railings once they found old photos of the house that showed what the railing had been. Concerning a new front door, they found a 1912 door that they believed would be a good fit for the house. Ms. Jackson said the tree is dying and leaning over the neighbor's house.

Commissioner Payton complimented the Jackson's on how great the house looks because of all their work. She added the proposed door was not in keeping with the character of the house and believed the original front door could be repaired. The Chair agreed the proposed door looked more like a side or rear door. Commissioner Payton asked if a storm door was needed. Ms. Jackson said probably not but felt it was a good if someone wanted their front door open. The Chair asked if anyone would like

to speak for or against the project. Mr. Murphy reminded the Commission if the tree is removed it must be replaced. When no one came forward, the Chair closed the public hearing.

The Chair asked if the Commission had any problems with the proposed railing. No one did. Concerning the storm door, Commissioner Payton pointed out that storm doors should be full-light based on guideline 3.7.11. Commissioner J. Jones added a full light door would show off the front door better. Concerning the front door, Commissioner Payton said the proposed door does not look as good as the original. Commissioner Carter agreed saying it looks more like an office door. The Chair asked about the tree removal. Commissioner Carter said it sounds like it should come down.

***Commissioner Carter moved the Commission to find as a fact that the proposed application for a certificate of appropriateness permit, as identified in file number H11-08-COA, if installed 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 or inappropriate with the character of the Hyman Heights Local Historic District for the following reasons: 2.2.5 Replace a seriously diseased or severely damaged tree or hedge with a new tree or hedge of a similar or identical species. In the absence of a substantial threat to person or property, it is not appropriate to remove, damage or disfigure healthy, mature trees or established hedges or large shrubs; 3.8.6 If a feature or an entire entrance, porch, or balcony is missing, replace it with a new feature based on accurate documentation of the original or a new design compatible with the original opening and the historic character of the building; 3.7.4 Repair historic windows and doors and their distinctive features through recognized preservation methods for patching, consolidating, splicing, and reinforcing; 3.7.6 If replacement of a deteriorated window or door unit is necessary, replace the unit in kind, matching the design and the dimension of the original sash or panels, pane configuration, architectural trim, detailing, and materials. Consider compatible substitute materials only if using the original material is not technically feasible; 3.7.11 If desired, introduce full-light storm doors constructed of wood or aluminum with a baked-enamel finish that do not obscure or damage the existing door and frame. Select storm doors with a painted, stained, or baked-enamel finish color that is compatible with the color of the existing door. Bare aluminum storm doors are not appropriate. Commissioner Carter added that the proposed front door is not appropriate and that the storm door should be full-light. Therefore, the proposed door and storm door are denied. The motion was seconded by Commissioner Payton and passed unanimously.***

- V **1242 Hyman Avenue, Certificate of Appropriateness.** The Chair swore in an additional witness. The Chair opened this public hearing. At the request of Tim Murphy, City Planner, Commission File No. H11-44-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission's Design Guidelines. Mr. Murphy gave the following analysis:

The Planning Department is in receipt of an application for a certificate of appropriateness permit from Robert and Elizabeth Duffey to undertake the following work at 1242 Hyman Avenue:

Construct a wooden deck at the rear of the building

The subject property is listed as **non-contributing** in the Hyman Heights Local Designation Report and the national Register and is described as: **1242 Hyman Avenue** Built ca. 1950 and in good condition. Brick, minimal traditional cottage.

The proposed wooden deck will be constructed on the rear of the house facing North Main Street. The deck will not be visible from Hyman Avenue. Visibility of the deck from North Main Street would be minimal due to vegetation and fencing in the rear yard as well as the location of buildings along North Main Street.

Per a sketch provided by the applicant, the length of the deck parallel to the house will be 20'. The deck will extend 10' from the rear of the house. The height of the deck will be 5.5' which is approximately the same height as the existing stairs. The existing rear porch and stairs will not be demolished as the deck will be constructed on top of them. Wooden stairs will be constructed to access the deck from the rear yard.

Mr. Murphy reported the applicant did not meet with DRAC. The Applicant Elizabeth Duffey of 1242 Hyman Avenue offered to answer any questions. Commissioner Carter asked what would happen to the existing steps. Ms. Duffey said they will remain and the deck would cover them. Commissioner C. Jones asked about the railing. Ms. Duffey said it would be removed and stored in case someone wanted to replace it in the future. The Chair asked if anyone would like to speak for or against the project. When no one came forward, the public hearing was closed.

The Chair said a deck would be a nice feature and it cannot be seen. She added the stairs could be used in the future.

*Commissioner Jones moved the Commission to find as a fact that the proposed application for a certificate of appropriateness permit, as identified in file number H11-44-COA, if installed 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 or inappropriate with the character of the Hyman Heights Historic District for the following reasons: 4.1.1 Locate and construct decks so that the historic fabric of the structure and its character-defining features and details are not damaged or obscured. Install decks so that they are structurally self-supporting and may be removed in the future without damage to the historic structure; 4.1.2 Introduce decks in inconspicuous locations, usually on the building's rear elevation and inset from either rear corner, where they are not visible from the street; 4.1.3 Design and detail decks and associated railings and steps to reflect the materials, scale, and proportions of the building; 4.1.4 Align decks generally with the height of the building's first-floor level. Visually tie the deck to the building by screening its structural framing and posts with compatible foundation materials such as skirt boards, lattice, masonry panels, and dense evergreen foundation plantings. The motion was seconded by Commissioner Cater and passed unanimously.*

**VI Councilman Ralph Freeman.** Councilman Freeman updated the Commission on the City's actions to find an appropriate use for the Grey Hosiery Mill building. While no decisions have been made at this time, the structural analysis report the Commission helped to fund will be a great help. He thanked the Commission for their support in this and other preservation activities in the City. The Chair announced the Commission's September meeting will be a joint meeting with City Council to review the results of the engineering report.

**VII Oakdale Cemetery National Register of Historic Places nomination.** Mr. Murphy gave the following background:

For the past several months, the Historic Preservation Commission's Designation Committee has been meeting to discuss potential nominations to the National Register of Historic Places as well as designation of local landmarks and historic districts. At their July 2011 meeting, the Designation Committee recommended that the Historic Preservation Commission consider pursuing the nomination of the City owned Oakdale Cemetery to the National Register of Historic Places.

Oakdale Cemetery currently encompasses 20.7 acres along 6<sup>th</sup> Avenue West (U.S. 64). The cemetery contains approximately 5,400 marked graves. Following is a brief history of the cemetery:

- 1885: 5.5 acres purchased by the City for use as a cemetery
- 1886: First interments occurred near U.S. 64 with African Americans buried on the north side of U.S. 64 and whites on the southern side.
- 1905: "Wolfe Angel" marker is installed. This marble angel is rumored to have inspired Thomas Wolfe's classic novel "Look Homeward, Angel".
- 1913: 4 acres added to cemetery
- 1923: First United Methodist Church moves its graveyard to Oakdale
- 1936: World War I veteran section established
- 1938: Jewish section established
- 1943: 7 acres added to cemetery
- 1947: World War II veteran section established
- 1953: First Presbyterian moves graves to Oakdale

In 2008, the City established a U.S. Highway 64 West Widening Task Force and retained a traffic consultant to review alternatives to widening U.S. 64 in Oakdale Cemetery. NCDOT proposed widening U.S. 64 to three lanes which would have required a significant number of grave relocations. This issue was resolved by constructing a new connector road from U.S. 64 to Prince Drive to which was named Bearcat Loop. Twelve unmarked graves had to be relocated to allow the new road to be constructed.

As part of the road widening project, NCDOT was required to retain a consultant to prepare a Historic Architectural Resources Survey report. The report prepared by URS Corporation of Morrisville, NC suggests that Oakdale Cemetery would be eligible for National Register nomination because the cemetery "holds the graves of a cross section of Hendersonville's citizens, black and white, rich and poor, Christian and Jew." The URS Corporation report found that the grave markers are largely functional but are significant because they "represent the full gamut of funerary choices that were locally available, in the late nineteenth and twentieth centuries."

The National Register of Historic Places is the Nation's official list of archeological, historical, cultural or architectural features and places that are worthy of protection. It can include individual properties or groups of properties as a historic district. Inclusion on the National Register usually does not restrict the ability of a property owner to modify the appearance of buildings or landscapes on their property unless the owner is applying for tax credits. There are currently 12 individual properties and 7 historic districts within the City that are on the National Register of Historic Places.

*Designation Process*

1. The Historic Preservation Commission hires a consultant to conduct an architectural / historical survey and prepare a designation report for submission to the State Historic Preservation Office.
2. The State Historic Preservation Office solicits public comment on the proposed designation.
3. The State Historic Preservation Office and the State National Register Advisory Committee review and approve the designation. The State National Register Advisory Committee meets 3 times a year and complete applications must be submitted a month in advance.

4. Final review and approval is administered in Washington D.C. by the National Park Service's Keeper of the National Register of Historic Places.

The primary expense in nominating a property to the National Register is preparation of a designation report by a qualified consultant. Staff has contacted several consultants to determine the appropriate scope of work for this project and an estimated cost.

Sybil Argintar of Southeastern Preservation Services anticipates that the "best approach would be to describe block sections of the cemetery, and not a description of each individual marker...there are several landscape features that would need to be described in detail and a lot of history and context to be conveyed since this involves the social history of many groups in Hendersonville." Ms. Argintar has provided a preliminary estimate of \$ 6,800.00 for preparation of the designation report.

Clay Griffith of Acme Preservation Services anticipates a similar scope of work. Mr. Griffith estimates \$ 5,000.00 to prepare the designation report although he cautions that his estimate is very preliminary.

Staff is requesting direction from the Historic Preservation Commission regarding whether the Commission is interested in providing financial support for the nomination of the Oakdale Cemetery to the National Register. The funding would come from the Commission's General Fund which has a current balance of \$ 9,396.59 and must be spent prior to June 30, 2012. If the Commission intends to proceed with the National Register nomination, staff will prepare a Request for Proposals and will present the submittals to the Commission for their consideration.

The Chair asked if there was a reason to have the listing. Mr. Murphy said it is an honor, offers some protection and may allow tax credits. Commissioner Carter asked if there were other avenues of money to use. Mr. Murphy said they could apply for the federal Historic Preservation Fund grant as they have in the past.

The Commissioner agreed to table the topic while additional funds can be researched.

## **VIII Committee Reports.**

**Designation Committee** – No further report.

**Community Affairs** – No report.

**District Improvements** – The Chair asked if Commissioner J. Jones would be willing to serve on this committee. She agreed.

**IX Commissioners Comments.** The Chair informed the Commission that the Chair of the Tree Board suggested the Commission review their guidelines on replacement trees and perhaps add some size regulations. The Chair said he would like to come to a future meeting and discuss it.

**X Staff Comments.** Mr. Murphy brought up the subject of temporary structures, such as tents, in historic districts. He said the business on Meadowbrook Terrace is using a tent and wanted to know if the Commission would like to review such structures. The Commission agreed not to review such applications unless staff thought it necessary.

**XI Financial Report.** *Commissioner C. Jones moved to approve of the Financial Report which was seconded by Commissioner Payton and passed unanimously.*

XII Adjournment. *The meeting adjourned at 6:15 p.m.*

Not approved