

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of July 16, 2008

Commissioners Present: Bette Carter, Ralph Freeman (Chair), George Henry, Barbara McCoy, John Ogletree, Larry Phillips, Brook Tate, Jo Tyler

Commissioners Absent: Staci Blatt

Staff Present: Katrina Newton, Commissioner Coordinator; Sue Anderson, Planning Director; Lu Ann Welter, Administrative Assistant

I Call to Order. The Chair called the monthly meeting of the Hendersonville Historic Preservation Commission to order at 5:00 p.m.

II Agenda. *On motion of Commissioner Henry, seconded by Commissioner Tyler, the Commission approved the agenda.*

III Minutes. *On motion of Commissioner McCoy, seconded by Commissioner Ogletree, the minutes of June 18, 2008 were approved.*

IV William D. and Miller Medina (H08-28-COA) After swearing in potential witnesses for all six hearings, the Chair opened this public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-28-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. Ms. Newton gave the following background on this application:

The applicant has requested that this item be continued to the August 20, 2008 meeting of the Commission. The applicant is out of town at a conference and would like to be able to present their revised application to the Commission in August.

Commissioner Carter moved the Commission to continue the application to the next meeting as per the applicant's request. The motion was seconded by Commissioner Tyler and passed unanimously.

V Pete Willoughby (H08-19-COA) The Chair opened the public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-19-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. Ms. Newton gave the following background on this application:

The Planning Department is in receipt of an application for a certificate of appropriateness from Pete Willoughby at 111 Ashwood Road. The Commission at its June 18, 2008 meeting deferred this application and recommended that the applicant meet with the Design Review Advisory Committee (DRAC) to discuss the design of the carport structure. Staff contacted the applicant to let him know the Commission's action and the applicant indicated that he was willing to attend the DRAC meeting. Staff then informed the applicant that his item would be on the agenda for the

July 2, 2008 DRAC meeting. The applicant did not attend the meeting, but the DRAC reviewed the application and made the following recommendations to the applicant:

- The structure would fit in best with the garage if it had a hipped roof. The pitch of the roof on the structure could be 3/12 or 4/12 to avoid blocking the second story windows on the garage. This pitch is not as steep as the garage.
- To provide screening, prefabricated lattice sheets should not be used, instead 1” thick by 2” thick lattice should be use (1-1/2” total depth), which would be more historically accurate to the age of the house. The lattice work should be space 2” apart and arranged either diagonally or in a vertical/horizontal fashion with horizontal pieces on the inside. The wood used should be stained or painted to match the trim on the garage/house.
- Install shrubs to buffer carport.
- Provide corner trim at the end the lattice in proportion with the house and garage, approximately 1” x 6”. A possible false post in the middle of the carport walls would be appropriate and would allow for two panels of lattice.
- Install banding below soffit similar to house porch.
- If you choose to not use lattice, wood siding on the carport may be appropriate.

To date, staff has not received any updated drawings from the applicant.

Ms. Newton said she has requested drawings from the applicant multiple times, but has received none. The Chair asked if anyone would like to speak on this application. No one came forward. The Chair closed the public hearing.

The Chair said he has strong feelings on this application as the property owner has failed to obtain COAs and building permits all along. He sees no reason to grant this application and feels the Zoning Department should get started on action concerning the illegal setbacks. Commissioner Henry agreed saying the setback issue needs to be handled. The Chair added if is not the Commission’s place to design a project.

Commissioner Carter moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H08-19-COA, if constructed according to the plans reviewed at this meeting, is incongruous with the character of the Hyman Druid Hills District for the following reasons; 2.5.1 Retain and preserve garages and accessory structures that contribute to the overall historic character of the individual building site or the district, 2.5.2 Retain and preserve the character-defining materials, features, and details of historic garages and accessory buildings, including foundations, roofs, siding, masonry, windows, doors, and architectural trim; 2.5.3 Maintain and when necessary repair the character-defining materials, features, and details of historic garages and accessory buildings according to the pertinent guidelines; 2.5.4 If replacement of a deteriorated element or detail of a historic garage or accessory building is necessary, replace only the deteriorated portion in kind rather than the entire feature. Match the original element or detail in design, dimension, texture, color, and material. Consider compatible substitute materials only if using the original material is not technically feasible; 2.5.5 If a historic garage or accessory building is missing or deteriorated beyond repair, replace it with a design based on accurate documentation or a new design compatible in form, scale, size, materials, and finish with the principal structure and other historic garages and accessory buildings in the district. Maintain the traditional height and proportion of garages and accessory buildings in the district; 2.5.6 Locate and orient new garages and accessory buildings in locations compatible with the traditional relationship of garages and accessory buildings to the main structure and the site in the district, 2.5.7 It is not appropriate to introduce a prefabricated accessory building if it is not compatible in size, form, height, proportion,

materials, and details with historic accessory structures in the historic district, or unless screened from view from the street; 2.5.8 It is not appropriate to introduce a new garage or accessory building if doing so will detract from the overall historic character of the principal building and the site, or require removal of a significant building element or site feature, such as a mature tree; 2.5.9 It is not appropriate to introduce features or detail to a garage or an accessory building in an attempt to create a false historical appearance. Commissioner Phillips seconded the motion which passed unanimously.

VI Carolina Pubs Inc. d/b/a Hannah Flannigan's (H08-33-COA) The Chair opened the public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-33-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. Ms. Newton gave the following background on this application:

The Planning Department is in receipt of an application for a certificate of appropriateness from Carolina Pubs Inc. doing business as Hannah Flanagan's to undertake the following work at 300-C N. Main Street;

1. Install awning with sign above the storefront.

Since the proposed project will include the replacement of, or change to, an architectural detail where there is a change from the original or existing materials, it is considered "major work." An application for a certificate of appropriateness for a major work must be reviewed and approved by the Historic Preservation Commission (HPC). A copy of the application is included with this memorandum along with a photo of the existing awning on the subject storefront and adjacent awnings that match the proposed awning.

The subject property is listed as **contributing** in the *Main Street Local Designation Report*. The property is described as:

300 N. Main Street. Commercial Building. ca. 1896; alterations ca. 1950. Contributing. Two-story Commercial Style brick building with a façade dating from ca. 1950. Façade designed in a minimal Art Moderne-influenced style, with glass block panels in central bay, ribbed or fluted brick panels on either side. Central bay at the second story projects slightly, and steps up at the parapet. Modern storefront designs. The ca. 1896 building fabric is visible behind the façade on the side street elevation, including segmentally arched windows infilled with glass block on the first floor. Replacement one-over-one sash at the second floor.

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

300 A,B,C N. Main St. ca. 1896 and ca. 1950. Two-story brick commercial structure with facade dating from ca.1950. Façade designed in minimal Art Moderne style. Central bay projects slightly, steps up at parapet. Glass block panels in central bay at second floor, ribbed or fluted brick panels to either side. Recent storefronts at street level. Older (ca. 1896) building fabric visible behind facade down side street elevation.

Contributing properties within a historic district are those that date back to the district's period of significance and also retain the architectural integrity associated with that time period. Contributing properties should not be altered to the extent that they no longer retain any of the architectural characteristics that are historically significant.

The applicant is requesting to install a vinyl awning over the storefront at 300-C N. Main Street. The applicant is expanding their restaurant into this new space and would like to install an awning that matches the awnings over their existing restaurant storefront. There is currently a dark blue awning over the storefront for 300-C N. Main Street that is the same size and material of the proposed awning. The changes will be the addition of a sign on the awning and the color will be green. The proposed sign on the awning is 6.7 square feet and will match the signs on the existing awnings. Staff notes that all existing awnings were in place prior to the adoption of the Main Street Local Historic District.

Ms. Newton reported the applicant did not meet with DRAC.

Matthew Johnes, owner of Hannah Flannigan's, said they are adding a non-smoking section in the new area, 300-C and want to put up an awning to match the other two awnings over the other two sections of the restaurant. Commissioner Carter asked if there would be an entrance into the restaurant at this location. Mr. Johnes said yes. Commissioner Henry asked if he would be replacing the other two awnings. Mr. Johnes said no. Commissioner Tyler asked if you will be able to enter the restaurant through either door. Mr. Johnes said yes. Commissioner Ogletree asked if he would be matching the other two. Mr. Johnes said yes, as much as possible. The Chair asked if the sign on the awning would be the same. Mr. Johnes said yes. Commissioner Carter commented the existing awning looks to be the same size. Mr. Johnes said he thought the frame was a little shorter. The Chair asked if there would be space between this one and the one next to it. Mr. Johnes said yes. Commissioner Tate asked if he has held a sample up to match the color of the existing ones which have faded. Mr. Johnes said he has tried to match it as best he can. He said the company told him it should fade to match in a couple of months. The Chair asked if this meets the sign ordinance. Ms. Newton said yes.

Commissioner Tate moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H08-33-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Historic District for the following reasons: 2.1.15 Select awning colors that are appropriate to the design of the building. Commissioner Henry seconded the motion which passed unanimously.

VII Richard Baxter. (H08-34-COA) After swearing in potential witnesses for this hearing, the Chair opened the public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-34-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. Ms. Newton gave the following background on this application:

The Planning Department is in receipt of an application for a certificate of appropriateness from Richard Baxter to undertake the following work at 319 Regal Street:

1. Finish roofing on gazebo.
2. Remove and replace roof on existing garage- raise sidewalls approximately 18-24 inches and install windows.
3. Add 7' x 10' sauna room to back end (high side) of garage.

Since the proposed projects include major new construction on the site and alterations to an architectural detail where there is a change from the original or existing materials, they are considered “major works.” An application for a certificate of appropriateness for a major work must be reviewed and approved by the Historic Preservation Commission (HPC).

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

“**319 Regal Street.** Built late 1940’s. A 1½-story veneer, altered.”

The subject property and accessory garage structure are listed as **contributing** on the National Register as the Charles R. Drum House and are better described as:

“**319 Regal Street. Contributing. ca. 1952.** One and one-half story Minimal Traditional house with side gable roof and front gable roof dormers. Wing at northwest corner. One-story addition at rear. Walls are brick veneer with asbestos shingle in dormers. Shed roof added at front over patio. Central brick chimney with chimney pots. Windows are six-over-six and eight-over-eight. House sits high on a hill above street. Notable stone retaining wall with beaded mortar joints curves onto Maiden Lane alley. According to city directories, Charles R. Drum was the first occupant of this house. He died soon after, since his wife, Edna S. Drum, was listed as a widow by 1954. Good condition. (Sanborn maps, city directories).

Garage. ca. 1952. One-story front gable roof building of concrete block, asbestos shingles in gable end.

Contributing properties within a historic district are those that date back to the district’s period of significance and also retain the architectural integrity associated with that time period. Contributing properties should not be altered to the extent that they no longer retain any of the architectural characteristics that are historically significant.

The Historic Preservation Commission approved a certificate of appropriateness (COA) for the work described above on April 18, 2007. The applicant has not completed the work and the COA has expired. The applicant is requesting permission from the HPC to finish construction on the gazebo structure, replace the roof of the garage and construct the sauna room.

The gazebo is intended to provide privacy for the hot tub contained within the structure. Treated lumber is currently used as the materials for the gazebo. However, the applicant plans to apply a light gray stain to the lumber materials upon completion of the project. A roof is also proposed that the applicant plans to cover with architectural shingles. Approximate dimensions of the structure are as follows:

Total height: 13-14 feet
Diameter: 16 feet
Privacy fencing: 5 feet

The applicant also desires to construct a 7’ x 10’ sauna structure along the backside of the accessory garage in the rear yard of the home. Siding materials proposed for the sauna are to be either cedar

shake or horizontal wood siding. Architectural shingles are proposed for the roof of the structure. Refer to the attached site layout drawing to see the location of the proposed sauna.

Lastly, the applicant requests permission to replace the deteriorating roof on the accessory garage structure located in the rear yard of the home. As part of the proposed project, the applicant proposes to add wood-framed clerestory windows, approximately 12"x 24", atop the side walls of the garage to add additional volume and natural lighting within the structure. Doing so will increase the height of the structure by approximately 24". As part of the proposed project the applicant proposes to apply either cedar shake or horizontal wood siding. Again, architectural shingles are proposed as the new roofing materials.

Ms. Newton reported that the applicant did meet with DRAC at their meeting on Wednesday, July 2, 2008, and they decided that the work was appropriate due to its location at the rear of the house and that the alterations to the garage were less than formerly approved by the HPC.

Richard Baxter of 319 Regal Street said the project has been set aside and he is now ready to finish it. The Chair sympathized with having a project and letting it get behind. Commissioner Henry clarified the work he wants to do has already been approved and he needs this approval to get to work. Mr. Baxter said that is correct. The Chair asked if anyone would like to speak on this application. No one came forward. The Chair closed the public hearing.

Commissioner Henry said the Commission is just looking at what was already approved. The Chair said he remembers this project from the first approval. Commissioner Carter asked what Ms. Newton meant in the DRAC recommendation "that the alterations to the garage were less than formerly approved.". Ms. Newton said the applicant is going with smaller windows therefore the height of the garage will be lower.

Commissioner Henry moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H08-34-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Hyman Heights Historic District for the following reasons: 4.3.1 Site new construction to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of setback, orientation, spacing, and distance from adjacent buildings and 4.3.9 Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in the historic district in terms of composition, scale, module, pattern, detail, texture, finish and sheen. Commissioner Ogletree seconded the motion which passed unanimously.

VIII Patricia Oakley/Pink Corsets (H08-35-COA) The Chair opened the public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-35-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. Ms. Newton gave the following background on this application:

The Planning Department is in receipt of an application for a certificate of appropriateness from Patricia Oakley/Pink Corsets to undertake the following work at 318 N. Main Street;

1. Install flush mounted sign above awnings and hanging sign on front building facade.

Since the proposed project will include installation of a sign greater than nine square feet, it is considered “major work.” An application for a certificate of appropriateness for a major work must be reviewed and approved by the Historic Preservation Commission (HPC).

The subject property is listed as **non-contributing** in the *Main Street Local Designation Report*. The property is described as:

318 N. Main Street. Commercial Building. ca. 1970. Non-contributing.

Modern infill building, divided into small shops inside. Previously the site of the Belk-Simpson Department Store. Building is divided into three distinct bays with a recessed outdoor patio.

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

318 N. Main. Ca.1970. Modern addition to Main Street with tacked on mansard-type facade. Divided into small shops inside. Previously the Belk-Simpson Department Store.

The applicant is requesting to install two signs on the front of the building above her space. The signs are existing signs that the applicant is moving from her current store location to the new location at 318 N. Main Street. The signs are constructed of high density urethane that is sandblasted. The dimensions of the large sign are 44” tall by 87-5/8” long and the small hanging sign is 17-1/4” tall by 31” long. There are currently two other business signs on the building because there are multiple tenants at this location. The Commission formerly approved a sign for the Hands on Gallery at this location. Based on staff’s calculations, it appears that with the existing and proposed signage will not exceed the allowed square footage per the Zoning Ordinance.

Section 2.1.3 of the *Main Street Local Historic District Design Guidelines* states, “Use traditional materials commonly found on turn-of-the century commercial buildings such as wood, metal, or stone or use modern materials that have the appearance of traditional.”

Patricia Oakley, business owner, said she is moving her business from 206 Main Street to 318 Main Street and would like to take her signs with her. Commissioner Carter asked if the hanging sign would be where the hanging Touchstone sign is now. Ms. Oakley said yes. She added the bracket is large and felt the smaller one she currently has would be better. Commissioner Henry agreed. Commissioner Tate clarified the hanging sign and bracket could be moved. Ms. Oakley said yes if the Commission felt it was more appropriate. The Chair expressed concern that this would be the only sign above the awning of the building and that more could be added. Mr. Newton said the building as it is has meet its maximum signage allowed. The Chair said he thought having both signs is too much. Commissioner Henry said the tree will block the upper sign when the foliage is out. As far as the sign above the awning, it makes sense as there is a business on one side of the building and a business on the other side so each could have a sign. Commissioner McCoy said a store needs to have a sign. The Chair asked if anyone would like to speak on this application. No one came forward. The Chair closed the public hearing.

The Chair polled the Commission. Commissioner Ogletree and Commissioner Tyler said you would not be able to see the large sign from the street under the awnings. Commissioner Tate said she did not have a problem with it and it was a good fit. Commissioner Carter asked if blue could be added to match the awnings. Commissioner McCoy said businesses need a sign. Commissioner Henry said the upper sign will be visible by cars and it meets the guidelines.

Commissioner Phillips said he hates to detract from the white façade and recalled the lengthy discussion on the Hands On sign and how the Commission had them decrease the sign. The Chair said he doesn't feel the sign should be above the awnings and it will be very noticeable. Commissioner Phillips said there are two large windows for signage. Commissioner Henry said the sign is tasteful.

Commissioner Tate moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H08-35-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Historic District for the following reasons: 2.1.5 Wall signs should be flush-mounted on flat surfaces and done in such a way that does not destroy or conceal architectural features or details and 2.1.7 Projecting signs: Should be carefully designed to reflect the character of the building and be compatible with other adjacent signage; Should have visually appealing elements such as shapes, painted or applied letters; two or three dimensional icons, etc. should be considered, Mounting hardware should be an attractive and integral part of the sign design, May be constructed of a variety of materials including wood, metal, appropriate plastics and composites, Must meet all applicable sign design guidelines for signs within the Downtown Special Tax District as stated in Section 13-1-8 of the Zoning Ordinance. Commissioner Henry seconded the motion which passed seven in favor and two opposed.

Ms. Welter clarified the applicant would be removing the large bracket currently in place and using a smaller bracket with the hanging sign. The Chair said yes.

IX **Robert W. and Martha P. Payton** (H08-36-COA) The Chair opened the public hearing. At the request of Katrina Newton, Commission Coordinator, Commission File No. H08-36-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. Ms. Newton gave the following background on this application:

The Planning Department is in receipt of an application for a certificate of appropriateness from Robert W. and Martha P. Payton to undertake the following work at 513 N. Main Street;

1. Install retractable awning above second floor balcony.

Since the proposed project will include the replacement of, or change to, an architectural detail where there is a change from the original or existing materials, it is considered "major work." An application for a certificate of appropriateness for a major work must be reviewed and approved by the Historic Preservation Commission (HPC).

The subject property is listed as **contributing** in the *Main Street Local Designation Report*. The property is described as:

507-525 N. Main Street. Commercial Building. 1909. Contributing.

Two-story pressed brick Commercial Style building with a projecting modillioned cornice and recessed brick panels above, corbelling, one-over-one windows, three modernized storefronts, and two central doors to the second floor. The second story is twelve bays, with windows slightly recessed in recessed, and balconies above each storefront, as they were when the building opened.

Contributing properties within a historic district are those that date back to the district's period of significance and also retain the architectural integrity associated with that time period. Contributing properties should not be altered to the extent that they no longer retain any of the architectural characteristics that are historically significant.

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

507 N. Main. 1909. Two story brick commercial structure, completely obscured by modern aluminum facade. Modern storefront. A large, LWO story commercial building occupying two 30 foot lots, this structure became a part of the Clarke Hardware Company.

Staff notes that the description found in the National Register Report does not reflect the current building appearance. The aluminum façade of the building has been removed.

The applicant is requesting to install an acrylic retractable awning above their balcony. The awning will be black with dark brown hardware and have a straight hem on the valance. The applicant indicated that black hardware was not available and thought that the dark brown would match the black awning the best. The dimensions of the awning when fully extended will be 4' wide by 14.9' deep, which will just cover the balcony.

The applicant provided a photo of the building prior to 1920. The photo shows an awning in the same location proposed. Section 2.1.12 of the *Main Street Design Guidelines* states, "Base the design of new awnings on historic documentation of the building or examples from buildings of similar style and age. Awnings for new buildings should be of similar materials, size, and scale of that commonly found in the historic district.

Mr. Newton reported the applicant did not meet with DRAC. The Chair clarified the dimensions as 4' deep and 14.9' wide.

Robert Payton of 513 Main Street said the awning will be solid black with dark brown hardware. Commissioner Tate asked the material of the awning. Mr. Payton said acrylic. Commissioner Carter asked if the awning will go all the way to the wall. Mr. Payton said yes, and attach just above the keystones of the window. Commissioner Carter asked if their neighbors will want to do this. Mr. Peyton said yes. Commissioner Tyler clarified the awning would go to the front of the balcony. Mr. Peyton said yes. The Chair asked if anyone else would like to speak. No one came forward. The Chair closed the hearing.

Commissioner Phillips moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H08-36-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Historic District for the following reasons: 2.1.12 Base the design of new awnings on historic documentation of the building or examples from buildings of similar style and age. Awnings for new buildings should be of similar materials, size, and scale of that commonly found in the historic district and 2.1.15 Select awning colors that are appropriate to the design of the building. Commissioner McCoy seconded the motion which passed unanimously.

X **Aunt Adeline's Bed and Breakfast Special Use Permit.** Ms. Newton gave the following background:

The City is in receipt of an application dated May 20, 2008 for a special use permit within the Hyman Heights Historic District for an adaptive reuse to operate an eight-room bed and breakfast. The applicant is also requesting a variance from the requirements of Section 15-6 of the Zoning Ordinance, which requires a ten-foot planting buffer adjacent to residential uses and from the minimum yard requirements of Section 5-5-3. The property owner and applicant is Susan Hathaway. The application is for parcel number 9569-62-7987 (1314 Hyman Avenue) and consists of approximately .59 acres. The applicant is not proposing any additions to the house as part of the special use permit and plans to only make minor changes to the exterior of the house that would either be considered maintenance or minor works.

Applications for a special use permit and associated variances must first be heard by the Planning Board. Upon reviewing the applications, the Planning Board makes a recommendation to City Council. Subsequently, Council holds a public hearing on the applications and approves, approves with conditions or denies the special use permit and variances. Because the property is located with the Hyman Heights Local Historic District, staff felt it prudent to have the Historic Preservation Commission (HPC) review the application and comment on the proposal.

The property is zoned R-6 High Density Residential and is within the Hyman Heights Local Historic District. The property is surrounded by single family homes to the southeast, southwest and northwest, which are all zoned R-6. Only the adjacent property to the southeast is within the Hyman Heights Local Historic District. The property to the northeast, which is also adjacent to the rear of the subject property is zoned PRD, Planned Residential Development and contains the Park Residences Apartments.

The applicant is requesting to operate an eight-room bed and breakfast within the R-6 Zoning District. A bed and breakfast with up to six rooms is considered a conditional use within the R-6 Zoning District, which requires the Board of Adjustment to grant a conditional use permit. In this case, the applicant is requesting to operate an eight-room bed and breakfast, which requires a special use permit per Section 16-4-2 of the Zoning Ordinance, Adaptive Reuses. The Adaptive Reuses Section allows for redevelopment of a property that is not likely to revert to a use permitted by the current zoning. For this property, the permitted uses would include the following:

- Accessory dwelling units subject to special requirements contained in Section 16-4, below
- Accessory structures
- Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Camps
- Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Home occupations
- Neighborhood community centers
- Parks
- Planned residential developments (minor), subject to the requirements of Article VII
- Religious institutions containing no more than 50,000 square feet of gross floor area
- Residential dwellings, single-family
- Residential dwellings, two-family
- Signs, subject to the provisions of Article XIII

The previous owners of the property operated an adult care facility out of the home. The facility

had 16 bedrooms and according to the applicant, it had six residents living there before they purchased the property. The previous owners had applied for a special use permit under Section 16-4-2 to operate a 12-room bed and breakfast and City Council granted the previous owners a special use permit on August 9, 2001. The house was never converted to a bed and breakfast and the special use permit expired on August 9, 2004.

The house was formally known as the Bon Haven Inn and was built ca. 1917-1922. It was originally built as a boarding house and is listed as contributing on both the National Register and in the Hyman Heights Local Designation Report. Below are the descriptions:

National Register

1314 Hyman Avenue. Bonnie Haven. Contributing. Ca. 1917-1922.

Colonial Revival/Four-Square style two-story house with a Craftsman style porch. Sanborn maps from 1926 indicated the original porch was a wraparound, but a portion at the northwest corner has been enclosed. The current river rock porch may be a replacement done early in the life of the building. River rock battered posts, piers and balustrade are a striking feature of the house. Wing on the east side, large two-story addition at rear, built after 1954. Hip roof with wide overhanging eaves, and aluminum siding on walls and soffits. One chimney is also river rock. Windows are nine-over-one, double and triple and front door has transom and sidelights. Large wooded lot, with a low stone retaining wall at the front. Original outbuilding is gone. Bonnie Haven (now called Bon Haven Inn) was listed in the 1937 city directories, but the building was there much earlier. Rene Chaffee was the original innkeeper, who was there until 1944. Cornelius Enright lived there from 1945 to 1949. According to Jody Barber, Mrs. Chaffee often served Sunday meals to residents of the neighborhood along with her guests. Good condition. (Sanborn maps, city directories, owner, interview with Jody Barber).

Hyman Height Local Designation Report

Bon Haven Inn. 1314 Hyman Avenue Built ca. 1920 and in good condition. The two-story, frame, two story dwelling has a hip roof, broad eaves, boxy massing, hip roofed porch, and symmetrical, three bay façade. The house has been vinyl sided, and the windows are nine-over-nine. The porch is supported by heavy, fieldstone piers with a fieldstone skirt.

The applicant is also requesting a variance from the rear yard setback requirement and from the bufferyard requirements. The applicant is not proposing any additions on the rear of the house. This variance request is for housekeeping purposes only as the existing rear yard setback of 4.5 feet does not conform to the required rear yard setback of ten feet in the R-6 Zoning District. The house was built prior to the current setback requirements.

Additionally, the applicant proposes to retain all the existing vegetation on site and does not believe that the bed and breakfast will create an adverse impact on the adjacent properties, which is why she is requesting a variance from the bufferyard requirements of Section 15-6. Section 15-6 requires a ten-foot wide bufferyard with four canopy trees, 25 evergreen shrubs and 33 flowering shrubs per 100 linear feet. For this property, that would be approximately, 19 canopy trees, 115 evergreen shrubs and 152 flowering shrubs.

Susan Hathaway, the applicant, said she would answer any questions. After discussion, Commissioner Carter moved the Commission to recommend to the Planning Board and City Council the approval of variances from the

requirements of Section 5-5-3, Dimensional Requirements for R-6 and Section 15-6, Bufferyards and approval of a special use permit for an adaptive reuse to operate an eight-room bed and breakfast at 1314 Hyman Avenue, PIN 9569-62-7987 for the following reasons: it was previously approved as a bed and breakfast and was originally a boarding house. Commissioner McCoy seconded the motion which passed unanimously.

XI **Vinyl Policy.** Ms. Newton distributed packets of data. The Commission agreed by consensus to discuss this item at next month's meeting.

XII **Design Review Advisory Committee.** Ms. Newton clarified that as the Commission's procedures stand now, the applicant has the option of going before DRAC or not. The Chair felt certain item such as additions and new buildings should be reviewed. Commissioner Tate added applicants might get their items together better if they had that earlier meeting.

Ms. Newton said a joint workshop with the commission and members of DRAC would be good to make sure everyone is on the same page. Ms. Anderson commented that the applicant can have guidance from the committee only to have the Commission vote the opposite. After discussion, the Commission agreed to tentatively set the workshop date September 10 at 5:00 in the Assembly Room.

XIII **Committee Reports –**

- Designation Committee – Ms. Newton said she has received two calls from people interested in the National Register designation. The Chair directed staff to set up a Committee meeting to discuss costs and the next steps in the process.
- Community Affairs – No report.
- District Improvements – Ms. Welter showed photos of the two roadside markers for the West Side District. The Commission discussed possible locations and concluded Fifth & Blythe and Fourth & Washington would be the best locations. The Commission directed staff to investigate costs for additional signs as well as two sided markers and to look at the suggested locations for any possible conflicts.

X **Commissioners Comments.** Commissioner Phillips commented the website is good to link people to the 7th Avenue District. He also asked about helping out with the 7th Avenue District goals. The Chair said the commission will stay in contact with them and hopefully help out in the future.

XI **Staff Comments.** None

XII **Financial Report.** *The Commission approved the financial report by consensus.*

XIII **Adjournment.** *The meeting adjourned at 6:47 p.m.*