

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of August 19, 2009

Commissioners Present: Staci Blatt, Bette Carter, Ralph Freeman (Chair), Barbara McCoy, John Ogletree, Jo Tyler

Commissioners Absent: George Henry, Larry Phillips, Brook Tate

Staff Present: Tim Murphy, City Planner; Sue Anderson, Planning Director, Susan Frady, Zoning Administrator; Sam Fritschner, City Attorney, Lu Ann Welter, Administrative Assistant

- I Call to Order.** The Chair called the monthly meeting of the Hendersonville Historic Preservation Commission to order at 5:01 p.m.
- II Agenda.** The Chair asked to move item 5, 121 Clairmont Drive COA application, to number 3 on the agenda. *On motion of Commissioner Blatt, seconded by Commissioner Tyler, the Commission approved the agenda as amended.*
- III 121 Clairmont, Certificate of Appropriateness.** After swearing in potential witnesses for this hearing, the Chair opened the public hearing. At the request of Tim Murphy, City Planner, Commission File No. H09-32-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 background:

The Planning Department is in receipt of an application for a certificate of appropriateness from Jeff and Sarah Kowalak to undertake the following work at 121 Clairmont Drive:

Install a bay window on the side façade.

On July 7, 2009, Staff approved a certificate of appropriateness application from Jeff and Sarah Kowalak as a "minor work" to replace wooden windows on the front, side, and rear facades of their house with aluminum-clad wooden windows. Jeff and Sarah Kowalak now desire to replace one existing window on the side façade of their house with a bay window. The application to install a bay window has been forwarded to the Historic Preservation Commission for review as a "major work" since it involves a change in design from the original architectural details.

The subject property is described as **contributing** in the *Druid Hills Local Designation Report*. The property is described as:

121 Clairmont Drive. Crawford A. Smith House. Contributing. by 1926. Unusual Spanish Eclectic style one-story plus basement house with a flat, parapet roof. Front "facade" wall of protruding brick, with two arched openings. Screened porch with a shed roof on the southeast corner appears added. An arched multi-light door framed by arched multi-light windows opens onto the patio inside the screened porch. Arched, double, three-vertical-over-one windows on the front facade wall. Rear of house is covered with a rough-textured stucco. Front door is multi-light over panel. Small

wooded lot slopes away to the rear. Crawford A. Smith, a traveling salesman, and wife Mary lived here from 1941 to 1946. Beginning in 1948, Hugh Eady and wife Louisa lived here. Mrs. Eady was a nurse. Good condition. (Sanborn maps, city directories).

The subject property is listed as **contributing** on the National Register and described as the same as the local register report.

The bay window is proposed to be installed on the second floor of the dwelling on the eastern side façade as shown on the attached photograph. The dimensions of the existing window opening are 39" by 74". The window opening will not need to be enlarged in order to accommodate the bay window.

The bay window will be a Pella 850 Architect Series double-hung aluminum-clad bay window. It will extend 20" outward from the side building façade. The applicant has indicated that the bay window will have a 45° bay angle as shown in the attached Pella brochure. The applicant provided photographs of other bay windows in the Druid Hills Local Historic Overlay District.

Mr. Murphy reported the applicant did not meet with the Design Review Advisory Committee. Commissioner Tyler stated the front windows were three over one and asked if the bay window would have to be same. The Chair said they would have to check the guidelines. The Chair asked if there were any questions of staff.

The Chair asked if the applicant would like to say anything. Jeff Kowalak, of 121 Clairmont Drive said the existing windows on the side were not three over one. Commissioner Carter asked if this was the original style of the house. Mr. Kowalak said he didn't know, he has not seen early photos of the house. Commissioner Carter asked if the house has always been Spanish or was it an arts and crafts made to look Spanish. Mr. Kowalak said he thought it was always Spanish. The Chair added it was rough texture on the rear so it was probably always like that. The Chair asked if anyone else would like to speak.

Barbara Volk of 1654 Druid Hills Avenue said she lived across the street and would view this bay window from their side porch. She commented it would not be obvious from the street with the large trees in the neighborhood. She said they added a bay window to their home around 1976 and for a small kitchen such a window can make the space seem larger and let in a lot of light. She said it would be very unobvious and a nice improvement. She supports this application.

Commissioner Blatt asked the applicant about the top overhang of the bay and how they will dress it. The Chair said the photos show some protected by the upper overhang. Sarah Kowalak said it would be similar to the roofing on the house. The Chair asked what the roofing is. Mrs. Kowalak said asphalt shingles. The Chair asked if they were three dimensional or flat tab. Commissioner Carter asked which window on the brochure they were planning to get. Ms. Kowalak said the one circled. The Chair clarified the side windows would be one over one. Ms. Kowalak said yes. The Chair called for any further comments. When no one came forward, the Chair closed the public hearing.

The Chair said he understood a bay can help a closed in area and if the roof or façade are keeping with the style of the house, the guidelines are a close call. The Chair said they are trying to be consistent, the style is important. Commissioner Carter said they have a COA as a minor for windows and noted 3.7.5 of the Guidelines. Commissioner Blatt noted 3.7.9. Commissioner

Carter stated this is not an addition. Commissioner Blatt said it was the rear or non-character defining elevation. The Chair said the minor work approval was for windows approved in the past, this style is different. Commissioner Carter asked if this window would be wooden. The Chair said yes. Commissioner Carter said the addition of a bay to a dark kitchen is very helpful.

Commissioner Blatt moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H09-32-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 Druid Hills Historic District for the following reasons: 3.7.9 If additional windows or doors are necessary for a new use, install them on a rear or non-character-defining elevation of the building, but only if they do not compromise the architectural integrity of the building. Design such units to be compatible with the overall design of the building, but not to duplicate the original. The motion was seconded by Commissioner Carter and passed unanimously.

- IV Request that the Commission enter closed session to consult with the City attorney to preserve the attorney-client privilege between the attorney and the Commission as provided under North Carolina General Statutes ‘143-318.11(a)(3). *At 5:25 p.m., the Chair moved Commission to enter a closed session to consult with the City Attorney. A unanimous vote of the Commission followed. Motion carried.*

Commissioner Blatt moved to exit the closed session at 6:00 p.m. No action was taken.

- V ***Minutes.*** Commissioner Carter asked that the word **not** be removed from the first sentence of Commissioner Tate’s motion on page 3. ***On motion of Commissioner Carter, seconded by Commissioner Blatt, the minutes of July 15, 2009 were approved as amended.***

- VII **City Code Text Amendment of Chapter 28.** Mr. Murphy gave the following background:

In reviewing Chapter 28 Historic Preservation Section 28-149 Issuance, staff identified two areas for the Historic Preservation Commission to consider for a text amendment.

1. In Section 28-149(b) Contents of Application there is no mention of having the property owner’s signature on applications for a certificate of appropriateness. Section 28-149(b) states “Contents of application. The commission shall, by uniform rules in its rules of procedure, require data as are reasonably necessary to determine the nature of the application. An application for a certificate of appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.”

Staff recommends adding the following sentence to the above paragraph:

The application for a certificate of appropriateness shall be signed by the record owner of the property or by an agent specifically authorized by the owner to sign such application. Where an agent signs the application, the applicant shall provide documentation acceptable to the city that the owner of the property has authorized the agent to sign in the owner’s behalf.

2. Section 28-149(d) states “Prior to issuance or denial of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any

property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. The commission shall notify all adjacent property owners seven business days prior to the meeting for which the application is scheduled. A property shall be deemed adjacent notwithstanding the intervention of a street right-of-way that is 100 feet wide or less.”

Staff recommends changing the second sentence to read “the commission shall notify all adjacent property owners at least seven business calendar days prior to the meeting for which the application is scheduled “ in order to be consistent with Section 28-149(b).

The Chair asked if a tenant leased the building and was allowed in that lease to make changes if the property owner would still have to sign. Sue Anderson, Planning Director, said in those circumstances the City attorney would review it.

Commissioner Carter moved the Historic Preservation Commission to recommend City Council adopt an ordinance amending Chapter 28, Article V Section 28-149 of the City of Hendersonville Code of Ordinances. The motion was seconded by Commissioner McCoy and passed unanimously.

VIII Rules of Procedure Text Amendment. Mr. Murphy gave the following background:

In reviewing the Historic Preservation Commission’s Rules of Procedure, staff identified one area for the Commission to consider for a text amendment in order to be consistent with the amendment to City’s Code of Ordinances proposed by the previous agenda item. Additions to the Rules of Procedure are underlined and deletions are ~~struck through~~.

Article IX (Certificate of Appropriateness Application Procedures), Section 2 currently reads as follows:

“2 – Notice to Owners of Materially Affected Property

When an application for a Certificate of Appropriateness is filed notification to affected property owners shall be made at least seven business days prior to the application being heard by the Historic Preservation Commission.”

Staff recommends changing this section to read “When an application for a Certificate of Appropriateness is filed notification to affected property owners shall be made at least seven business calendar days prior to the application being heard by the Historic Preservation Commission.”

Per Article XI (Amendments) of the Rules of Procedure, the Historic Preservation Commission cannot vote on an amendment to the Rules of Procedure at the meeting in which the amendment is initially discussed. The Historic Preservation Commission can vote on the proposed amendment to the Rules of Procedure at their next regularly scheduled meeting on September 16, 2009.

IX Committee Reports –

- Designation Committee – No report.
- Community Affairs – Ms. Welter said a newsletter will be going out in September. Mr. Murphy said the clean-up week is scheduled for October. The Chair said Commissioner Tate has distributed flyers to the businesses on Main Street but not the side streets yet.
- District Improvement – Ms. Welter said eight plaques have been ordered for Main Street.

X Commissioners Comments. The Chair announced the Main Street conference will be in New Bern in January.

Commissioner Carter said the search for a new DHI director is underway.

XI Staff Comments. Mr. Murphy reported the state historic office has returned their comments on the expansion of the Main Street District and asked the Commission for direction. The Chair said he thought they should move forward. *The Commission agreed by consensus to move forward with the designation process and hold a public comment session at the next meeting.*

Mr. Murphy said three Commissioners are up for reappointment and should contact the City Clerk if they wish to continue to serve.

Mr. Murphy said the State Historic Preservation Office will be holding a training on October 14 in Hendersonville.

XII Financial Report. *The Financial Report was passed by consensus.*

XIII Adjournment. *The meeting adjourned at 6:25 p.m.*