

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of May 19, 2010

Commissioners Present: Bette Carter, Cheryl Jones, John Ogletree, Marty Payton, Brooke Tate (Chair), Jo Tyler

Commissioners Absent: Staci Blatt

Staff Present: Tim Murphy, City Planner; 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 Tyler, seconded by Commissioner Ogletree, the Commission approved the agenda.*
- III Minutes.** *On motion of Commissioner Carter, seconded by Commissioner Tyler, the minutes of April 21, 2010 were approved.*
- IV 538 N. Main Street, Certificate of Appropriateness.** Prior to opening the public hearing, the Chair announced that any persons desiring to testify in any of these hearings must first be sworn as a witness 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 these applications should disclose it now.

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. H10-23-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.

The Planning Department is in receipt of an application for a certificate of appropriateness permit from Charles R. and Carrie Kuester to undertake the following work at 538 N. Main St., Condominium # 508: **Replace metal clad wooden windows with vinyl windows.**

This application has been forwarded to the Historic Preservation Commission for review as a "major work" since the applicant is proposing to install windows that do not match the material of the current windows.

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

534-544 N. Main Street. Skyland Hotel. 1929; additions 1947. Contributing. Six-story beige brick building with cast concrete details on the cornice and frieze. Concrete band runs beneath the sixth floor windows. Metal replacement sash were installed when the building was converted to apartments. The central three bays of the second floor project out over the sidewalk, supported by brick and metal piers. This originally served as a balcony from the second floor, but has had modern materials added to it. Modern materials have been added to the five storefronts. Most have transoms painted over, modern doors, and trims. The hotel survived the Depression and received considerable additions in 1947.

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

534-544 N. Main Street. Skyland Hotel. 1929. Contributing.

Six-story beige brick building with cast concrete details on the cornice and frieze. Concrete band runs beneath the sixth floor windows. Metal replacement windows when building converted to apartments. Central three bays of second floor project out over the sidewalk, supported by brick and metal piers. This originally served as a balcony from the second floor. Modern storefronts. The hotel survived the Depression and received considerable additions in 1947.

Staff has also discussed the history of windows on the Skyland Hotel with Homeowners Association President Dennis Dunlap. Mr. Dunlap said that the previous upper façade windows were steel casement windows. In the early 1980s, windows on the 3rd, 4th and 5th floors were replaced with casement or double hung wood windows clad with either vinyl or aluminum. Windows on the 6th floor are vinyl clad wooden windows.

The applicant owns a condominium on the 5th floor of the Skyland Hotel. They propose to replace 1 window (a 2 over 1 pattern window) on the Sixth Ave. side of the building and 3 windows (a double pane window, a triple pane window, and a 2 over 1 pattern window) on the Main St. side of the building. The existing windows are casement windows and are made of wood with a brown metal cladding. Staff provided photographs of the existing windows.

The applicant intends to replace the existing metal clad wooden windows with vinyl windows that match the pane configuration of the existing windows. A brochure for the proposed vinyl windows has been provided along with the application. A letter provided by the applicant states that the existing windows need to be replaced to provide a “significant energy reduction, tax advantages, improved R-factor, less heat and cold transfer, life time no fade guarantee” and easier cleaning. The applicant intends to replace the windows with the “signature 2-lite slider” and the “signature 3-lite slider” windows shown on page 9 of the brochure. The proposed windows will have a bronze color that will match the color of the current window frames.

The installation of vinyl windows has been previously addressed by the Historic Preservation Commission. In August 2008, the Commission Chair requested that a committee be formed to address the use of vinyl materials in local historic districts. The subsequently formed Vinyl Material Committee prepared a memo dated November 14, 2008 that was presented to the Commission at their November 19, 2008 meeting. Specifically applicable to the current proposal is the Vinyl Material Committee’s recommendation that no vinyl materials be allowed on contributing structures and that wood windows should be replaced in-kind.

Since Skyland Hotel has a Homeowners Association, it was necessary for the applicant to get their approval prior to review by the Historic Preservation Commission. The Board of Director's of the Skyland Homeowners Association approved the replacement of the existing windows with vinyl windows on April 20, 2010.

Mr. Murphy reported the applicants did not meet with the Design Review Advisory Committee.

The Chair asked if anyone had questions for staff. The Chair asked if the applicant would like to speak. Charles R. Kuester said he is seeking to replace the windows in his unit and he would prefer to replace the current wooden casement windows with vinyl slider windows. He objected to the portion of the Vinyl Policy Memo that says "No vinyl materials shall be allowed on contributing structures: Please see the full Artificial materials policy in the Residential Design Guidelines 3.12." He added that the Artificial Materials Policy in Section 3.12 does not state that vinyl is not allowed. Mr. Kuester said this is prejudicial against him and should be deleted.

Mr. Kuester addressed Design Guideline 3.7.1 which says "Retain and preserve original windows and doors". He said this is impossible as all the windows were changed out in the 1970s. He quoted Section 3.7.10 of the Main Street Design Guidelines which says "It is not appropriate to introduce new windows or doors if they would diminish the original design of the building or damage historic materials and features. Keep new windows and doors compatible with existing units in proportion, shape, positioning, location, size, materials, and details". Mr. Kuester said that the proposed windows would not diminish the original design of the building and would be compatible with existing windows. He added that the pane configuration will remain the same and that only the material of the windows will be changed. Mr. Kuester said that vinyl windows are already on the Skyland Hotel and that he doesn't see the difference between the proposed vinyl windows and the vinyl clad windows that are currently installed on other parts of the building. He added that the proposed vinyl windows are easily maintained, offer better protection and won't fade. He wants to maintain the physical appearance. Mr. Kuester also mentioned that each condo owner in Skyland is responsible for the cost and replacement of their windows.

Commissioner Jones asked if the current windows are vinyl clad or aluminum clad. Mr. Kuester said they are metal. Commissioner Carter asked about the lower pane in the 2 over 1 pattern window on the Main Street side that appears to have paper in it. Mr. Kuester said there is currently paper in on it. The Chair asked if the proposed replacement for this window would open. Mr. Kuester said it would not open. Commissioner Tyler asked Mr. Kuester if he is proposing to replace the windows with windows similar to those on the floor above. Mr. Kuester said that he is not because he is trying to match the appearance of the existing windows. The Chair asked if he had looked at any non-vinyl windows. Mr. Kuester said he did not and added that metal cladding heats and cools too fast resulting in condensation that deteriorates the wood.

Mr. Murphy responded to Mr. Kuester's comments on the Vinyl Materials Committee memorandum by stating that the memorandum was adopted for all local historic districts including Main Street. However, the memorandum does include references to Design Guidelines that are only applicable in the residential Hyman Heights and Druid Hills Districts, specifically the reference to Artificial Materials Policy in Section 3.12 of the Residential Design Guidelines previously questioned by Mr. Kuester. Mr. Murphy said that the Artificial Materials Policy in the Residential Design Guidelines

would not apply to the Main Street Local Historic District. The Chair asked for clarification on whether the Vinyl Materials Committee memorandum should be considered by the Commission. Mr. Murphy reiterated that the content of the memorandum is applicable except for specific references to the Residential Design Guidelines. The Chair asked if anyone would like to speak for or against this application. When no one came forward, the public hearing was closed.

Commissioner Jones said the guidelines say to replace in kind. Commissioner Payton agreed. Commissioner Carter pointed out that the Vinyl Materials Committee's memorandum says no vinyl on contributing structures. The Chair asked if anyone had a problem with replacing the existing casement windows with slider windows. No one did. The Chair noted that Design Guidelines 3.7.3 and 3.7.10 seem applicable.

The Chair reopened the public hearing and said that the Commission would probably approve wooden windows clad with metal and asked the applicant if this was acceptable. Mr. Murphy said that if the applicant wanted time to consider this option that the Commission could continue the hearing. Mr. Kuester said if the Commission was not going to approve the vinyl windows, he would like to continue the hearing to the next meeting to discuss the situation with other Skyland homeowners who are debating window replacement. Mr. Murphy then said that the Commission could deny the application to install vinyl windows and that if the applicant chose to submit a new application for wooden windows that staff could review it for approval as a minor work. The Chair closed the public hearing.

Commissioner Jones moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H10-23-COA, if constructed according to the plans reviewed at this meeting, is incongruous with the character of the Main Street Local Historic District for the following reasons; 3.4.2.3 If replacement of a window or door element is necessary, replace only the deteriorated element to match the original in size, scale, proportion, pane or panel division, material, detail; 3.4.2.10 It is not appropriate to introduce new windows or doors if they would diminish the original design of the building or damage historic materials and features. Keep new windows and doors compatible with existing units in proportion, shape, positioning, location, size, materials, and details; Vinyl Materials Committee memorandum that does not permit vinyl materials on contributing structures; and adding that Planning staff may approve replacement in-kind windows as a minor work. Based on the preceding findings of fact, Commissioner Jones moved the Commission to deny the application for a certificate of appropriateness as contained in File No. H10-23-COA. The motion was seconded by Commissioner Tyler and passed unanimously.

V Application for a Façade Grant, 418 N. Main Street. Mr. Murphy reported a Façade Grant Application submitted by David Evers of Dancing Bear Toys proposes to undertake the following work at 418 N. Main St.:

1. Remove the aluminum flashing from the coping and replace with cement board covered by stucco matching the appearance of the original concrete coping as closely as possible.
2. Remove loose mortar on the front façade using a masonry saw and hammer and chisel.

3. Replace removed mortar with Type O mortar (defined by the American Society for Testing and Materials as having a strength of 350 psi) and repair broken bricks using a tinted mortar mix that matches the appearance of the brick.
4. Replace damaged and missing black ceramic tile below display windows with new tiles and grout matching the appearance of the original.
5. Clean front façade using a low-pressure water wash (50 psi or less)

A certificate of appropriateness permit for the restoration of the coping (item # 1 above) was previously approved by the Historic Preservation Commission at their January 20, 2010 meeting. The remainder of the proposed work (items # 2-5 above) was approved by staff as “minor works”. Per the Historic Preservation Commission’s adopted Rules of Procedure, staff is authorized to approve masonry repair and replacement of missing details when the color and composition of the mortar and replacement materials matches the original. According to the adopted Façade Grant Program Procedure, the following projects are eligible for a Façade Grant:

1. Safe cleaning of brick or wall surfaces
2. Masonry repair
3. Repair, reconstruction, and/or replacement of original architectural details
4. Removal of siding and exterior false facades
5. Rehabilitation or compatible reconstruction of a storefront

An estimate provided by the applicant lists the total project cost at \$ 1,260.00. Since the Façade Grant is a matching grant, the approved grant amount would be \$ 630.00 with the Historic Preservation Commission and Downtown Hendersonville, Inc. each contributing \$315.00 toward the match.

Commissioner Carter moved the Commission to approve the Façade Grant Application submitted by David Evers for work to be performed on the front façade of 418 N. Main St. finding that the application is in accordance with the Historic Preservation Commission / Downtown Hendersonville, Inc. Façade Grant Program Procedure. The motion was seconded by Commissioner Payton and passed unanimously.

VI Rules of Procedure Text Amendment. Mr. Murphy reported at the Historic Preservation Commission meeting on April 21, 2010, staff mentioned that the role of the Designation Committee per the Commission’s adopted Rules of Procedure is limited to the designation of historic landmarks and does not include the recommending the designation of historic districts. 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. Since the amendment to the Rules of Procedure was discussed at the April 21st meeting, the Commission can now have a final vote on the proposed amendment.

Commissioner Payton moved the Commission to adopt the amended City of Hendersonville Historic Preservation Commission Rules of Procedure as proposed. Commissioner Jones seconded the motion which passed unanimously.

VII Committee Reports.

Designation Committee – Will meet following this meeting.

Community Affairs – Ms. Welter reported that Preservation Week was a success though attendance for many events was low. The cemetery tours did sell out and people have asked that it be repeated.

Concerning the selling of tickets for the Holiday Tour of Inns and Cookie Caper, the Commission agreed the tickets should be sold at the Heritage Museum and City Planning Department. Ms. Welter will investigate if on line tickets can be sold through the city.

District Improvements – No report.

VIII Commissioners Comments. Commissioner Carter suggested a letter should go to the Skyland Homeowners Association stating the Commission's no vinyl policy. Staff will prepare and send the letter.

The Chair said she may not be at the next meeting. Commissioner Payton said she will also be absent.

IX Staff Comments. Mr. Murphy reported the Board of Adjustment denied the appeal of Gypsy Heart. They have 30 days to appeal the Board of Adjustment's decision from the time the Board of Adjustment adopts findings of fact, which should occur at the Board of Adjustment's next meeting.

Mr. Murphy brought up the Comprehensive Plan action item of starting a rehabilitation awards program. The Commission agreed that this task should be assigned to the District Improvements Committee.

Mr. Murphy asked for direction on the remaining satellite dishes that have not conformed to the policy of having them in highly visible areas. The Commission agreed the process should be followed thru and staff may use their desgression to contact people about dish location.

Ms. Welter read an e-mail from a resident of Druid Hills about poor maintenance of the planter on Kensington Rd. After discussion, the Commission agreed that the District Improvements Committee should follow up on the planters and volunteers who maintain them should be reimbursed for items purchased.

X Financial Report. *Commissioner Tyler moved to accept the Financial Report which was seconded by Commissioner Carter and passed unanimously.*

XI Adjournment. *The meeting adjourned at 6:10 p.m.*