

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of October 21, 2009

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

Commissioners Absent: George Henry

Staff Present: Tim Murphy, City Planner; 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 5:02 p.m.
- II Agenda.** The Chair asked that item IV be moved to item VI, moving up the two COAs in front of the Main Street discussion. *On motion of Commissioner Tate, seconded by Commissioner Carter, the Commission approved the agenda as amended.*
- III Minutes.** *On motion of Commissioner Carter, seconded by Commissioner Tyler, the minutes of September 16, 2009 were approved.*
- IV 418 N. Main Street, Certificate of Appropriateness.** After swearing in potential witnesses for both hearings, the Chair opened the public hearing. At the request of Tim Murphy, City Planner, Commission File No. H09-40-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 David L. Evers of Dancing Bear Toys to undertake the following work at 418 North Main Street:

Replace the stone coping on the front parapet with wood covered by aluminum flashing.

This project has been forwarded to the Historic Preservation Commission for review as a "major work" since it involves the replacement of the stone coping with other materials. The proposed work has already been completed and the applicant has applied for a certificate of appropriateness in response to a notification letter sent by the City's Zoning Administrator.

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

418 N. Main Street. Commercial Building. ca. 1920. One-story striated brick Commercial Style building which retains its original storefront consisting of two recessed entries. Transoms are covered, and the building is unadorned at the cornice.

The subject property is listed as **contributing** on the National Register and described as:
418-420 N. Main. 1920s. 1 story striated red brick with 2 recessed entrances. Plate glass is aluminum frames. Transom intact beneath awning. Unadorned parapet.

The applicant recently installed a rubber membrane on the roof. As is noted in the attached letter provided by Gallion Construction Services, the previous stone coping was “crumbling and very unstable” and needed to be replaced to ensure the safety of pedestrians. The letter from Gallion Construction Services also states that a warranty for the new roofing material would not have been provided without the removal of the stone coping. The application specifies that the stone coping was replaced with treated wood covered with aluminum flashing.

Mr. Murphy reported the applicant did not meet with the Design Review Advisory Committee. The Chair asked if there were any questions of staff.

The Chair asked if the applicant would like to say anything. Dave Evers, owner of Dancing Bear Toys, said he is the point person for building maintenance for the family. He said he is guilty of naiveté that he needed a review for the new roof. The contractor said the acid rain wore away the rock wall and it had to be replaced. He suggested such review requirements be put into leases for Main Street tenants in the future. He was upset to get a letter informing him of this as a phone call would have been just as fast.

Commissioner Tate asked if he did not know Main Street was a historic district. Mr. Evers said he knew it was historic but did not know there was a review process. He said they have done painting, replaced the furnace and worked on the ceiling without review. The Chair said only exterior work to the building required review. Commissioner Tate said she personally visited the store giving handouts on the district. The Chair said they are trying to keep downtown historic and is not sure what else to do. Mr. Evers said he is not interested in spending more than the \$10,000 already spent on the roof. With no further questions from the Commission or the audience, the Chair closed the public hearing.

The Chair noted the before and after photos in the agenda packet. Commissioner Tate said it looked like aluminum on wood when it could have been replaced in kind. Commissioner Phillips asked if the applicant could apply for a façade grant. The Chair reopened the public hearing so staff could answer. Mr. Murphy said yes. The Chair commented this would be a way to get back what was lost and assist them. Commissioner Phillips said the caps on both sides are stone. Mr. Evers listed multiple other addresses that have similar caps, some painted brown, some steel and some copper. The Chair said they may have been there prior to the historic district. Mr. Evers said with so many, you could see why he thought it was okay. The Chair closed the hearing.

Commissioner Carter said the \$10,000 was probably for the whole roof. Commissioner Blatt asked if it would change the warranty for the roof. The Chair said the cap will set over the membrane. Commissioner Blatt asked about the joints. The Chair said they are sealed. Commissioner Tate referenced the Design Guidelines 3.2.5, if replacement of a deteriorated façade feature is necessary, replace only the deteriorated element to match the original in size, scale, proportion, material, texture and detail and 3.4.3.3 retain and preserve historic masonry materials whenever possible. If replacement is necessary, use new masonry materials and mortar that match the historic materials in composition, size, shape, color, pattern, and texture. Consider substitute materials only if the original materials are not technically feasible. The Chair said such caps are available and used in new buildings as well as old. Commissioner Carter asked how the façade grant process would work. The Chair reopened the public hearing. Mr. Murphy said a new COA would need to be filed and the façade grant application would be filed separately. They could run concurrently and would

come back before the Commission. Sue Anderson, Planning Director, reminded the Commission they need to approve or deny this application. The Chair closed the hearing.

Commissioner Tate moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H09-40-COA, if constructed according to the plans reviewed at this meeting, is incongruous with the character of the Main Street District for the following reasons: 3.4.3.3 retain and preserve historic masonry materials whenever possible, if replacement is necessary, use new masonry materials and mortar that match the historic materials in composition, size, shape, color, pattern, and texture, consider substitute materials only if the original materials are not technically feasible, 3.2.7 when reconstructing a historic façade or feature, base the design on historical research and evidence, maintain the original proportions, dimensions and architectural elements, if no evidence of the design of the feature exists, a new design, compatible with the overall character of the building, should be used and 3.2.1 retain and preserve historic façades and façade details such as corbelled brick, stringcourses, cornices, windows, and stonework. The motion was seconded by Commissioner Tyler and passed unanimously.

V **1221 Hyman Avenue, Certificate of Appropriateness.** At the request of Tim Murphy, City Planner, Commission File No. H09-41-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 Cynthia M. Stroud to undertake the following work at 1221 Hyman Avenue:

1. Install a privacy fence along the property line shared by 1221 Hyman Ave. and 1225 Hyman Ave.
2. Install a wooden fence with a gate between the house and the proposed fence along the side property line.
3. Install a wooden fence along the rear property line.

In June 2009, the Historic Preservation Commission approved a certificate of appropriateness application from Corey and Heather Price to install a 6' tall privacy fence along the property line shared by 1221 and 1225 Hyman Ave. Since the approved fence has not been installed, Cynthia Stroud of 1221 Hyman Ave. has submitted a certificate of appropriateness application to install the previously approved fence as well as additional fencing described above. This application has been forwarded to the Historic Preservation Commission for review as a "major work" since the proposed fencing will be taller than traditional fences in the Hyman Heights Local Historic District which average around 4' in height.

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

1221 Hyman Avenue Built ca. 1980, vinyl sided dwelling.

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

1221 Hyman Avenue. House. ca. 1980s. Modern infill building with a shallow front gable roof and aluminum siding. Good condition. (Sanborn maps).

The applicant desires to install a privacy fence along the side property line separating 1221 and 1225 Hyman Ave. in accordance with specifications previously approved by the Historic

Preservation Commission in review of the Corey and Heather Price certificate of appropriateness application at their June 2009 meeting. The proposed wooden fence will have a uniform height of 6', a decorative lattice-work top, and will be setback 15' from the edge of the sidewalk along Hyman Ave. Two additional fence sections are also proposed as shown on the attached aerial photograph. The applicant intends to install a 6' tall wooden fence without a lattice-work top along the rear property line. Additional fencing and a gate will be installed between the front edge of the house and the 6' fence on the side property line. The gate will be 4.5' tall and will have a lattice-work top matching the fence on the side property line. Copper caps are proposed on the gate posts.

Mr. Murphy reported the applicant did not meet Design Review Advisory Committee but the Committee had reviewed this fence with the previous applicant and found that the fence style and height were appropriated but that the fence should be setback 15 feet from the edge of the sidewalk. Mr. Murphy said that the current application complies with DRAC's recommendation. The Chair asked if there were any questions of staff.

The Chair asked if the applicant would like to say anything. Cindy Stroud said she had lived at 1215 Hyman and fixed it up before having to move. She said this property was purchased without a survey, her mistake, and thought there was another twenty feet of yard between her house and 1225 Hyman Avenue. She said this is not an appropriate house in the neighborhood and would like to fix it more like an English cottage down the road. She needs the fence to separate her from the neighbors as there have been many unpleasant experiences with them with police involvement, surveillance cameras, etc. Commissioner Tate asked if the gate would be six feet. Ms. Stroud said no it would be four and a half feet. The Chair said he did not remember the previous fence proposed by the Prices's being 15 feet from the sidewalk. Commissioner Blatt clarified the back fence would not have the lattice. Ms. Stroud said yes, as it is very shady back there she felt the lattice would rot sooner. Ms. Stroud said the neighbors behind are fine with it. The Chair asked if anyone else would like to speak.

Heather Price, of 1225 Hyman Avenue, said what has been said about her is a lie and they may still put up the fence they were approved to do. Her only concern was that this fence be put on the correct side of the property line. The Chair closed the public hearing.

Commissioner Blatt moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H09-41-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: 2.3.8 introduce compatible new fences and walls only in locations and configurations that are characteristic of the historic landmark or district, keep the height of new fences and walls consistent with the height of traditional fences and walls in the district, it is preferred that new fences and walls should be constructed of traditional materials; however, new fencing in side and rear yards not easily visible from the street may be constructed of alternative materials including vinyl and chain link. Commissioner Carter seconded the motion which passed unanimously.

VI Discussion of Main Street Expansion. The Chair said following the negative comments at last month's public input session, there needs to be more education to the public and property owners about expanding the historic district. He said the Commission is at a crossroads in dealing with

those who want historic character saved and those who don't care. He said they may want to look at guidelines for contributing versus non-contributing structures. Commissioner Tate agreed that if Main Street businesses don't understand the process, the Commission is not ready to move on. The Chair said each Commissioner should come back with a way to market the historic district. Commissioner Carter said it was good to hear from all those who came. Ms. Anderson said a lot of outreach has been done.

Commissioner Tate moved the Commission to not forward the expansion of the Main Street Local Historic Overlay District to Planning Board for recommendation and City Council for adoption. Commissioner Ogletree seconded the motion which passed unanimously.

VII Committee Reports – No reports.

VIII Commissioners Comments. The Chair informed the Commission that Commissioner Phillips elected not to be reappointed and thanked him for his service. The Chair said that Commissioners Carter and Tate had been reappointed and Cheryl Jones would be coming on next month.

IX Staff Comments. Mr. Murphy asked if the Commission wanted him to research guidelines for contributing versus non-contributing properties. After discussion, the Commission decided not to pursue this.

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

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