Historic Resources Commission Meeting
Minutes of June 11, 2014

Members Present:	Capi Wampler, Brendan Ross, Jo Stephenson, David Carpenter, Patricia Cothran, William Eakins, Richard Fast, David Nutter
Members Absent:	Nan Chase, J. Ray Elingburg, Woodard Farmer, Tracey Rizzo,
Staff:	Stacy Merten, Peggy Gardner, Jannice Ashley, Cathy Ball
Public:	Jason Walls, Geoff Mohney, Tom Bailey, C. Scott Shaw, Jon Sarver, Bryan Moffitt, Mark Marshall, Elzy Lindsay
Call to Order:	Chair Wampler calls the meeting to order at 4:02 pm with a quorum present.
Adoption of Minutes:	Commissioner Carpenter moves to adopt the May 14, 2014 minutes as written. Second by: Commissioner Eakins Vote for: ALL

Chair Wampler notes 15 Terrace Road has been withdrawn from the agenda.

Attorney Ashley reminds the Commissioners of procedures, noting they should base their decisions on information presented at the hearings. She asks if any of them have had outside contact about any items on the agenda. Commissioner Nutter says a Montford resident mentioned the project at 226 Flint Street to him, and he indicated he was a member of the Commission. Commissioner Carpenter says the owner of 226 Flint Street approached him, but he told him he could not discuss it.

Consent Agenda:

None

Public Hearings:

Agenda Item

Owner/Applicant:	Duke Energy
Subject Property	Lodge Street/Brook Street
Hearing Date:	June 11, 2014
Historic District:	Biltmore Village
PIN:	Right-of-way
Zoning District:	CB-II

Staff Comments	Ms. Merten says she has met with the applicant to try and find alternatives, and says the alternate locations which would have met the guidelines are not feasible. One location studied was to the right of the building at 26

	Lodge Street, but this would require guywires which would impede the traffic flow in the parking lot. They also talked about an underground or at-grade structure, but this would violate building safety codes since it is in the floodplain. She reviews the following staff report. **Property Description**: Pole one will be located in the NCDOT right-of-way, in a landscaped traffic calming bump-out on Lodge Street, adjacent to the Biltmore-Oteen Bank building, which was constructed between 1925-1939 in the Georgian Revival style and features classical ornamentation. Pole two will be located in the NCDOT right-of-way on Brook Street adjacent to 2 Alls Souls Crescent, an R.S. Smith half-timbered, Tudor Revival-style Cottage. **Certificate of Appropriateness Request:** Erect two new power poles in the NCDOT right of way to tie distribution feeder lines together in order to improve reliability and switching operation for the surrounding community. Poles will be wood, 40' tall, and 16" diameter. Pole one will be located in the bump-out on the south side of 26 Lodge in front of the Biltmore-Oteen Bank building. Pole two will be located behind the curb in the planting strip on the north side of 2 All Souls Crescent, beside the structure. **All permits, variances, or approvals as required by law must be obtained before work may commence.** **Staff Concerns per the Applicable Guidelines & Submittal Requirements:** Staff has consulted with the applicant and property owners at 26 Lodge Street to explore the possibility of locating the pole in an alternate location that would meet the intent of the guidelines, but has been unable to find an alternate solution without impact to traffic flow and parking for the businesses located on Lodge Street. An underground vault or low profile utility structure is not feasible due to location in the floodplain. The staff does not have concerns with pole two. Staff Suggestions: 1. Paint the conduit riser to match the pole. 2. Provide additional landscaping to obscure the pole at the pedestrian level. The guidelines for the Rehabilitation of Landmark Buildings found on page 23 in Chapter 6 of Book 2, Design Guidelines for the Rehabilitation of Existing Buildings in Biltmore Village was used to evaluate this request. **Staff Recommendation:** Staff recommends approval of the proposed application for the following reasons: 1. Due to the technical and safety requirements for transmission lines, a location behind or on the side of the Oteen-Bank building would create access and parking problems for the adjacent businesses and property owners. 2. A ground-based structure would be in violation of floodplain development requirements.
Applicant(s)	Jason Walls, Duke Energy, offers to answer questions. Commissioner Fast asks how high the conduit riser would be. Ms. Merten says she

	understands it would essentially be as high as the pole, Mr. Walls says that would be 40'.

Public Comment

Speaker Name	Issue(s)
Tom Bailey	Mr. Bailey, Director of the Southern Highland Handicraft Guild, which owns 26 Lodge Street, asks for Mr. Walls to explain the option discussed for an above-ground box. He thinks this would look better than a pole directly in front of, and as high as the newly-restored building. He thinks the pole will change the whole look of the front façade. Mr. Walls shows slides outlining options and objectives. He says the power company needs to connect two circuits to provide reliability to customers, and address high demand. He details the three options, and says the City would be asked to pay for the difference in costs if the most expensive option is required, the above ground box. Cathy Ball, City of Asheville, says a private developer would not be allowed to install a similar mechanical box at this location, due to the floodplain. Ms. Merten says this area is in the 100 year flood zone. Mr. Walls adds the box would be difficult to access for maintenance. Ms. Merten asks Mr. Walls to explain the reason the pole could not be put at the side of the building, instead of right in front. Mr. Walls says they tried to find options for this, and for behind the building, but they would entail closing an alleyway, additional poles and guywires.

Commission Comments/Discussion

Commissioner Nutter states the underground utility directive in the guidelines contributes to preserving the historic character of the district.

Commission Action

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – work description; Exhibit B – 5/22/14 email about proposal from Jason Walls, District Manager, Local Government and Community Relations, Asheville Region, Duke Energy Progress; Exhibit C – feeder tie site plan; Exhibit D – aerial photograph of Biltmore Village showing proposed bore and pole placement; Exhibit E – NC DOT approved drawing; Exhibit F – three photographs of existing and proposed poles; Exhibit G – two slides of objectives and options (*submitted 6/11/14*); and the Commission's actual inspection and review of subject property by all members;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 28th day of May, 2014, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 28th day of May, 2014 as indicated by Exhibits H and I.

2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources

Commission staff and Commission members.

3. That the application is to erect two new power poles in the NCDOT right of way to tie distribution feeder lines together in order to improve reliability and switching operation for the surrounding community. Poles will be wood, 40' tall, and 16" diameter. Pole one will be located in the bump-out on the south side of 26 Lodge in front of the Biltmore-Oteen Bank building. Pole two will be located behind the curb in the planting strip on the north side of 2 All Souls Crescent, beside the structure. **All permits, variances, or approvals as required by law must be obtained before work may commence.**

4. That the guidelines for the Rehabilitation of Landmark Buildings found on page 23 in Chapter 6 of Book 2, Design Guidelines for the Rehabilitation of Existing Buildings in Biltmore Village was used to evaluate this request.

5. This application **does** meet the design guidelines for the following reasons:
    a. Due to the technical and safety requirements for transmission lines, a location behind or on the side of the Oteen-Bank building would create access and parking problems for the adjacent businesses and property owners.
    b. A ground-based structure would be in violation of floodplain development requirements.
    c. The applicant looked at several alternatives in order to mitigate the impact.
    d. Painting the pole and installing landscaping will help to mitigate the impact.

6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness **are** compatible with the historic aspects and character of the Biltmore Village Historic District.

Motion by: Commissioner Eakins

Second by: Commissioner Carpenter

Vote for: ALL

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued,**
With the following conditions:

1. **Conduit riser be painted to match the pole, and maintenance schedule established to keep it painted.**
2. **Landscaping plan which obscures the pole from pedestrian view be submitted for staff review.**

Motion by: Commissioner Eakins

Second by: Commissioner Nutter

Vote for: ALL

Agenda Item

Owner/Applicant: Trace Ridge, LLC/Jon Sarver
Subject Property: 37 West Chestnut Street
Hearing Date: June 11, 2014
Historic District: Montford
PIN: 9649.23-3228
Zoning District: RS-8

Staff Comments	Ms. Merten reviews the following staff report. **Property Description:** New construction of single family residence. **Certificate of Appropriateness Request:** Construct a new 3,170 sq. foot, two-story single-family home with basement garage per attached approved plans. Structure will have painted precast concrete walls, with a combination of wood shingles and smooth stucco siding. Roof will be gable-style with (insert roof color) asphalt shingles. Windows will be aluminum clad, SDL, four light casements in singles and pairs. Details include brackets, window lintels and exposed rafter tails. Doors will be wood, ¾ light. Garage door will be wood. Chimney will be brick. Landscaping per attached approved plan, driveway will be gray gravel and walkway will be concrete**. All permits, variances, or approvals as required by law must be obtained before work may commence.** **Staff Concerns per the Applicable Guidelines & Submittal Requirements:** Porch rail spacing seems too contemporary for historic district. The guidelines for New Construction: Primary Structures found on pages 92-93 and the guidelines for Landscaping and Trees found on pages 40-41 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010 and amended August 2013, were used to evaluate this request. **Staff Recommendation:** Staff recommends approval of the proposed new construction project with concerns as noted for the following reasons: **Reasons** : 1. The new structure is compatible with the surrounding historic buildings in the district in terms of siting, materials, scale, texture, and fenestration.
Applicant(s)	Jon Sarver, representing Trace Ridge LLC and Jade Mountain Builders, distributes a landscape plan and storyboard and offers to answer questions. Commissioner Nutter asks about the broken sidewalk, and plans to repair this. Ms. Merten says she is not sure that is required, but she will check with Zoning. Atty. Ashley says this is beyond HRC's purview and not part of the application. Mr. Sarver says they could take a look at it. Commissioner Carpenter asks for attention to the dormer detail that is on the front and on the porch but not on the bump out staircase. Mr. Sarver

	says they will make this change. Ms. Merten explains the spacing on the balustrades should be closer together to fit the district, and says this could be a condition.

Public Comment

Speaker Name	Issue(s)
None	

Commission Comments/Discussion

Commissioners compliment the applicants on their design and attention to detail.

Commission Action

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – project description; Exhibit B – eight photographs of neighboring houses; Exhibit C – site plan; Exhibit D – basement, main, second and attic level floor plans; Exhibit E – perspective view; Exhibit F – front (southeast), side (southwest), rear (northwest) and side (northeast) elevations; *Exhibits G through N submitted 6/11/14:* Exhibit G – landscape plan; Exhibit H – new construction worksheet; Exhibit I – Superior wall stucco sample ; Exhibit J – brick sample; Exhibit K – storyboard; Exhibit L – roof shingle; Exhibit M – cedar shake; Exhibit N – cedar trim; Exhibit O – window and door specifications; and the Commission's actual inspection and review of subject property by all members;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 28th day of May, 2014, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 28th day of May, 2014 as indicated by Exhibits P and Q.

2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.

3. That the application is to construct a new 3,170 sq. foot, two-story single-family home with basement garage per attached approved plans. Structure will have painted precast concrete walls, with a combination of wood shingles and smooth stucco siding. Roof will be gable-style with Charcoal Black asphalt shingles. Windows will be aluminum clad, SDL, four light casements in singles and pairs. Details include brackets, window lintels and exposed rafter tails. Doors will be wood, ¾ light. Garage door will be wood. Chimney will be brick. Landscaping per attached approved plan, driveway will be gray gravel and walkway will be concrete**. All permits, variances, or approvals as required by law must be obtained before work may commence.**

4. That the guidelines for New Construction: Primary Structures found on pages 92-93 and the guidelines for Landscaping and Trees found on pages 40-41 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010 and amended August 2013, were used to evaluate this request.

5. This application **does** meet the design guidelines for the following reasons:

    a. The new structure is compatible with the surrounding historic buildings in the district in

terms of siting, materials, scale, texture, and fenestration.

6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness **are** compatible with the historic aspects and character of the Montford Historic District.

Motion by: Commissioner Nutter

Second by: Commissioner Eakins

Vote for: ALL

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued,**
With the following condition:

1. Revised detail drawing showing balustrade spacing be submitted for staff review.

Motion by: Commissioner Nutter

Second by: Commissioner Eakins

Vote for: ALL

Agenda Item

Owner/Applicant: Elzy Lindsey & Lauren Carlisle/Mark Marshall
Subject Property: 226 Flint Street
Hearing Date: June 11, 2014
Historic District: Montford
PIN: 9649.13-15591

Staff Comments	Ms. Merten explains this item is an amendment to a previously approved CA, and the project is under construction. She gives the following report. **Property Description**: Vacant parcel, former site of 2 story dwelling. The previously approved CA read as follows: **Certificate of Appropriateness Request:** Construct new 2,400, two-story, single family residence with front porch, per approved attached plans, amended **(insert date).** Structure will have smooth stucco foundation, smooth sided Hardie-board horizontal siding with 8" reveal on lower level and wooden shingles on second story. Roof will be hip-style with a primary pitch of 10/12 and covered with "Pewter Gray" asphalt shingles. Windows will be wood, SDL, double-hung, 2 over 1 in singles and pairs; and some 4 light wooden casements. Details include brackets, frieze-board, 5 ¼"corner-boards and 3 1/2" window and door surrounds. Porch will have T&G wooden decking, 2" x 2" turned posts, 4" on center, with wood columns on stucco base. Front doors will be wood, ¾ light. Chimney will be stucco. A single off-street parking space will be located on southeast corner of lot. Remove 24" Black Walnut and install landscaping per approved amended landscape plan **(insert date). All permits, variances, or approvals as required**

	by law must be obtained before work may commence. **Staff Concerns per the Applicable Guidelines & Submittal Requirements:** Staff asked for the following information to be submitted by June 1, 2014 for distribution via email. 1) Amended application form and an explanation of the changes. 2) Revised plans so that balustrade of stairs does not obscure the front door. 3) Revised site plan that includes the front porch and stairs, walkway, parking and amended landscaping. 4) Revised storyboard accurately reflecting the as-built circumstances After the Executive Committee meeting on June 4th, staff asked again for the above items, including annotated drawings with total height of the structure and the dimensions from the finished floor elevation to the finished grade where the front steps will land. Staff also asked him to consider amended plans to mitigate the impacts of the large amount of exposed foundation. Under typically circumstances I would recommend that this item be continued until the additional information has been submitted, but as the Building Safety Department has placed a limited stop work order on this project I recommend that the hearing go forward at this time. The guidelines for New Construction: Primary Structures found on pages 92-93 and the guidelines for Landscaping and Trees found on pages 40-41 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010 and amended August 2013, were used to evaluate this request. **Staff Recommendation:** Staff recommends the HRC go forward with the hearing on the amended application and work on mitigating the negative impacts created as a result of the structure not being constructed according to the approved CA. Commissioner Nutter asks if the total height is different than approved. Ms. Merten replies it appears to be, but she does not have that information. Chair Wampler asks Attorney Ashley to advise if the Commission can proceed. Atty. Ashley says the Commission should base their decision on the information presented, and can decide whether they have enough information to make a decision.
Applicant(s)	Mark Marshall, contractor, says it has been an emotional process working with HRC, the City attorneys, planners and inspectors. He says the decision to increase the structure's height was made during the grading process. Commissioner Nutter asks if the plan emailed to the Commissioners was different than the one approved. Mr. Marshall says yes. Mr. Marshall says it is not stated that the required storyboard be to scale, and that great weight has been given to the one he presented. He said it was intended to show how the house's style fit in with the surrounding houses. He says if scaling is required, it should be stated.

	The original storyboard is shown. Mr. Marshall says the 1st floor as built is 22" lower than the first floor of the house on the right, and it just appears high because of the angle required to take a photograph. Commissioner Nutter asks for the difference in overall height than what was approved. Mr. Marshall says it is just under 3'. Ms. Merten points out that there are steps to the house on the right, which sits higher on the hill. She thinks the overall height is not as much of a concern as the amount of exposed foundation. She says she believes there are mitigation possibilities. Commissioner Nutter asks why the applicant did not come back for an amendment prior to construction. Mr. Marshall replies the issues were discovered during excavation for the foundation, and he had to make a quick decision to add 2 extra courses of block to comply with the building code. He acknowledges it was an issue of asking for permission vs asking for forgiveness. He says his options were either to violate the building code, grade into adjoining property, or add the two courses. He says stopping the process would have put the project on hold for six weeks. Commissioner Carpenter asks if the applicant had switched from a below grade basement to one above grade between the preliminary and the final review process. Mr. Marshall says the basement was always at grade, originally there were two steps down to the basement door. Ms. Merten agrees the minutes do not reflect a change. Atty. Ashley gives guidance to the Commissioners, to focus on the amended plan presented and decide if it meets the guidelines. She asks to go through the list of things Ms. Merten has asked for, to see if the presented items are sufficient. There is discussion concerning whether the drawings Mr. Marshall has provided with dimension and height of adjacent house will serve as a storyboard. Ms. Merten notes these drawings do not show rooflines, and she thinks this would help the Commissioners in their decision. Commissioner Ross says the drawings should also show the house on the left. Mr. Marshall says the approved storyboard is fiction, only a compatibility study. He says the actual facts are as presented, and his application submitted to the building department has a description. Atty. Ashley asks if he has a list of changes that have been made from the approved plans. Mr. Marshall says nothing has changed but the physical height of the house. He explains reasons why the house was placed as it is on the grade.

Public Comment

Speaker Name	Issue(s)
None	

Commission Comments/Discussion

Commissioner Stephenson asks about adding fill, and wonders if the applicant might put a retaining wall in another place so the staircase would not need to be changed. Mr. Marshall shows where the proposed retaining wall would be, says it is designed to raise the staircase and

minimize exposure of the foundation. Commissioner Stephenson asks if the wall could come further to the left, to enhance the landscape plan and adhere to the guidelines. She notes the front left corner of the foundation is entirely visible.

Commissioner Carpenter suggests steps to the left side, with a landing opening to the front and the back. He says this would allow more room for grading and foliage. Ms. Merten says she was asked to approve a side staircase at the staff level, but she was concerned it was more of a major amendment that may not be compatible with the historic character of the district. Homeowner Elzy Lindsay says he likes this idea better. Commissioner Carpenter says he believes stairs off the side of the porch are very common in Montford, and notes how it would solve some of the grading problem. Commissioner Cothran agrees.

Mr. Marshall says the front foundation wall is framed for R value and electrical. He says the proposed retaining wall is to minimize the view of the foundation. Discussion follows about grading options and placement of the retaining wall and stairs.

5:51 Chair Wampler leaves, Vice Chair Ross takes over.

Ms. Merten says she thinks the Director of Development Services may lift the stop order if she can say the Commission feels a workable solution can be attained. Atty. Ashley expresses concern that the stop work order may not be able to be lifted without approved HRC plans. Ms. Merten says she thinks they could lift certain elements, and she is comfortable recommending this to Building, if the Commission agrees. All agree. Atty. Ashley says the applicant needs to be aware that such approval in no way guarantees that the HRC will approve the revised plans presented at the next meeting and that there is a chance that another SWO may be imposed should those plans fail to meet approval. Mr. Marshall says he understands.

Commissioner Stephenson thinks the staircase form could be determined after the grading issue is solved. She says it would be helpful if the applicant could say how much the grading would reduce the view of exposed foundation. Mr. Marshall suggests that the exposed foundation shall not exceed 4'.

Vice Chair Ross suggests the applicant bring revised plans back to the Commission. Atty. Ashley advises the Commission should give specific issues they want to see addressed on the revised plans. Ms. Merten says they should be submitted according to the posted schedule.

Discussion follows concerning whether an amended CA should be issued with conditions, versus a continuation. It is agreed that the item should be continued.

Commission Action

The HRC determines the original CA remains in effect except for the portions that pertain to the front foundation wall, the front porch and stairs, and the site grading and landscaping, which were continued to the HRC's regular meeting in July.

The applicant was asked to submit an amended application with a description of changes, and revised plans in accordance with the deadlines posted on the submittal calendar, to include:

1) scaled and dimensioned drawings of the front and south side elevations showing the revised porch and stairway and reduced exposed front foundation (exposed portion of foundation not to exceed a maximum of 4')

2) revised site plan/landscape plan to reflect revised grading plan and stair configuration

3) perspective drawing showing how landscaping in vicinity of southeast corner will mitigate exposed foundation at the southeast corner of the new structure.

MOTION TO CONTINUE
Motion by: Commissioner Nutter

Second by: Commissioner Carpenter

Vote for: ALL

Preliminary Review:

None

Other Business:

National Register – West Asheville Aycock School Historic District, Boundary Increase. All Commissioners are in agreement with the proposed boundary increase. Ms. Merten says she has a date to check, but otherwise recommends.

Commissioner Nutter moves to approve the boundary increase. Commissioner Eakins seconds. ALL agree.

Preservation Plan update – Ms. Merten reports she expects to receive a draft of the plan by the end of June.

Discussion of subcommittee schedule – Ms. Merten suggests the Education and Landmarks Committee alternate months and meet right before the Executive Committee meetings, to help attendance. She encourages all Commissioners to volunteer for one of the committees.

Commissioner Nutter moves to adjourn the meeting.
Second by: Commissioner Carpenter
Vote for: ALL

The meeting is adjourned at 6:53 pm.