

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
APRIL 11, 2023, 3:00 p.m.
WebEx Video Conferencing**

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, Chuck Watkins, and James Sharp

Student Member: Riley Ziegler

Council Liaison: Virginia Roseman

Town Staff in Attendance: Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Allison Meade-Town Attorney, Aram Kevorkian-Applicant, Bill Dixon-Appalachian Architecture, and Eric Kevorkian

Call to Order

Chair Eric Plaag called the HPC Quasi-Judicial meeting, held via WebEx, on April 11, 2023, to order at 3:06 p.m.

Chair Plaag introduced himself as the Chair of the Historic Preservation Commission and members Vice-Chair Bettie Bond, Student Member Riley Ziegler, Member Chuck Watkins, and Member James Sharp.

Chair Plaag introduced the Staff members as Ms. Jessica Mitchell, Long-Range/Special Projects Planner, Ms. Christy Turner, Senior Planner, Ms. Marlene Crosby, Board Secretary, and Ms. Allison Meade, Town Attorney.

Approval of Minutes

Vice-Chair Bond made a motion, seconded by Member Sharp, to approve February 14, 2023, meeting minutes with the following change:

- Add 2023 to the date in the title of the meeting minutes

Vote: Aye – All

Nay – None

The motion passed.

Member Sharp made a motion, seconded by Student Member Ziegler, to approve March 14, 2023, meeting minutes with the following changes:

- Page 2, paragraph seven, first sentence change “buildings,” to “buildings;”
- Page 4, paragraph one, fifth sentence: change “lath base,” to “lath base, that would”
- Page 4, paragraph three, third sentence: change “reiterated that if the face of the brick, if left like they are, it will continue” to “reiterated that the face of the brick, if left like they are, will continue”
- Page 4, paragraph four, second sentence: change “Mr. Greene says” to “Mr. Greene said”
- Page 5, paragraph six, first sentence: delete “instead of being covered”

- Page 5, paragraph six, third sentence: change “justify” to “jeopardize”
- Page 6, first paragraph, third sentence: change “confirmed” to “asked” and change “Mr. Folk that” to “Mr. Folk if”
- Page 6, third paragraph, first sentence: change “or realistic to do that kind of work” to “or realistic”
- Page 6, seventh paragraph, first sentence: change “but there was none” to “but given that there was none”
- Page 10, fourth paragraph, second sentence: change “He said he had rather” to “He too had rather”
- Page 10, paragraph six, third sentence: change “looked” to “should look at”
- Page 10, paragraph six, third sentence: change “separate” to “stucco”
- Page 11, second paragraph, third sentence: change “He thought from a congruous standpoint; he thought painting it red did not feel right,” to “He thought from a congruous standpoint that painting it red did not feel right,”

Vote: Aye – All

Nay – None

The motion passed.

CASE Z06492-022423 – Southend Brewing Co., LLC – COA

Aram Kevorkian, on behalf of Edakco, LLC (Southend Brewing Co.), has filed an application for a Certificate of Appropriateness for Major Work for 747 W. King St. for a renovation to the facade including the front veneer, windows, and sidewalk. This property is located within the Downtown Boone Local Historic District. (Watauga County PIN 2900-79-8447-000). Per the applicant’s proposal, the storefront windows on each side of the entry door will be replaced with an entry system to “open air” the front of the restaurant to the sidewalk. An 18” seat-height wall will be installed to the property line in the sidewalk to match the wall at the Rivers Printing building. The plywood will be replaced with a thin-set rock veneer.

Chair Plaag opened this case and noted that the applicant’s information began on packet page 17, a description of the proposed work on packet page 20, references to some standards on packet page 21, and a rendering of the proposed work on packet page 26 labeled as Exhibit 6.

Chair Plaag swore in Ms. Christy Turner and Ms. Jessica Mitchell.

Chair Plaag asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change, if any commissioner had a conflict of interest regarding this case, including any financial interest in the outcome of the case or a close familial relationship with any person affected by the outcome of the case; or if any commissioner had engaged in any undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Chair Plaag asked Mr. Bill Dixon, Appalachian Architecture, if Mr. Aram Kevorkian, the applicant, was in the same office as Mr. Dixon; Mr. Dixon confirmed Chair Plaag’s question. Chair Plaag asked Mr. Kevorkian if he was self-representing this case; Mr. Kevorkian replied that he was self-representing. Chair Plaag asked Mr. Kevorkian if he had any objections to the materials provided to the HPC in advance of the hearing, and that was published in the meeting packet. Mr. Kevorkian stated that he had no objections to the material in the meeting packet.

Chair Plaag asked Mr. Kevorkian to make an opening statement. Mr. Dixon asked if he would be considered a witness in this case and not a presenter. Chair Plaag said it is likely that Mr. Dixon would be presenting evidence about what was proposed for this case. Therefore, Chair Plaag recommended that Mr. Kevorkian make the opening statement and not Mr. Dixon. Ms. Meade stated that Mr. Dixon should only serve as a witness, not as an attorney, not summarizing or arguing outside his realm. She said the applicant could serve that role because this is an individual owner or corporate owner that's involved. Mr. Aram Kevorkian explained that the owning agency of the building is Dafoe, LLC, which is primarily owned by Mr. Eric Kevorkian, also attending this meeting. Mr. Aram Kevorkian noted that they are all a family that is operating the business within that space collectively. He said he was prepared to make the opening statement on their behalf.

In his opening statement, Mr. Aram Kevorkian said they are proposing to continue to use the building as a restaurant and pub. He said that in collaboration with Mr. Dixon, who was aware of the history of the Town, they had spoken with a stone mason who proposed a design that is functional and practical for their clients, as well as proposing materials that would match the historical look and feel of the Town. He said that they tried to consider stakeholders, and relevant regulations, including ABC regulations, fire department requirements, and historical considerations for this project. He said he was happy to discuss the details of this proposed application.

Chair Plaag asked the Staff if they had an opening statement. Ms. Turner said Staff did not have an opening statement for this application.

Chair Plaag asked Mr. Kevorkian if he had witnesses to provide evidence on behalf of this application. Mr. Kevorkian said his witnesses were his brother, Eric Kevorkian, and Mr. Dixon. He called Mr. Dixon as his first witness. Then, Chair Plaag swore in Mr. Dixon.

Mr. Dixon referred to packet page 21 and noted that he felt these Design Standards for Commercial Properties within the District supported the proposed renovations to the building. He explained that this is an unusual project because the applicant is requesting several alterations. He felt it was fair and safe to say that the original building was built in tandem with the building to the left of it. He said even though they are two separate properties, they share similar facades, and both facades have been radically altered on numerous occasions. He added that the crab orchard stone on the building to the left was added to the former dry cleaner building. Mr. Dixon referred to packet page 23 and said that this is the existing facade that the applicant is proposing to make alterations to.

Mr. Dixon reviewed the following Design Standards and voiced why he felt they applied to the proposed facade alteration.

- 1.3 – Proposed facade improvements will have “minimal intrusion or impact on the character-defining aspects of the property in question.”
- 1.4 – Proposed facade improvements incorporate “a contemporary design that is compatible with the scale, materials, color, style, design, and texture of the surviving and surrounding historic buildings”.
- 2. Architectural Components and Details – The “character-defining historical features” which mean only the facade will be preserved. The new storefront window system will provide an open and inviting presence to the public sidewalk and enhance the street life in front of the building.
- 3. Foundations – Not Applicable
- 4. Masonry – Existing terra cotta parapet cap and brick elements will remain. The proposed new rock veneer and mortar joints will match the historical rock veneer on the Rivers Printing building

next door and create a cohesive front facade that reflects the internal layout of the existing restaurant which includes this property and the adjacent Rivers Printing building next door.

- 5. Wooden elements such as trim boards on the facade will remain.
- 6. Windows, Door Awnings – While the proposed storefront windows and doors will not match the shiny aluminum storefront system materials and sizes used on the original facade, the proposed facade will create a uniform and contemporary appearance to the overall restaurant which occupies both this property and the adjacent Rivers Printing building next door.
- 7. Roofs – Not applicable
- 8. Entrances – The existing centralized and historical door location will remain unchanged. Dark Bronze materials will create a uniform appearance to the overall restaurant which occupies both this property and the adjacent Rivers Printing building next door.

In Design Standard 1.3, Mr. Dixon said the proposed improvements would have minimal impact on the character-defining aspects of this property. He thought the proposed facade renovation was an improvement compared to the existing facade.

In Design Standard 1.4, Mr. Dixon said most importantly, the proposed facade improvements incorporate a contemporary design that is compatible with the scale, materials, color, style, design, and texture of the surviving and surrounding historic buildings.

In Design Standard 2, Mr. Dixon said he was not sure if there were many character-defining historical features left on the current facade due to the renovation in the 1990s. He said the applicant is proposing an open storefront that is inviting to the public and also thought it would be a great enhancement to the Downtown area. He said the applicant wants to preserve the masonry features, such as the terracotta parapet caps, and the rock and brick elements on each side of the existing facade. He said that currently, there is a dark bronze or black storefront material used. He said the proposed storefront would be similar in nature and color. He said the applicant would like to open the storefront so there is less distinction between the inside and outside of the building allowing for bar-type seating along the front wall in direct contact with the sidewalk. He noted that the entrance is not original to the building, and he thought it was altered in the 1990s renovation.

Mr. Dixon said the applicant is proposing to add a low wall and seating area on the sidewalk to match the wall at the Rivers Printing building. He said the property does extend out to the sidewalk about halfway, and he didn't know if it would render zoning staff approval to add the proposed low wall and seating. He added that to maintain an ABC license, property owners have to designate and mark where their property lines are located, and the low wall would really define the property line.

Chair Plaag informed Mr. Kevorkian that it might be useful for the purposes of the witness's testimony to establish for the record who Mr. Dixon is, his area of expertise, and his role in this project. Mr. Kevorkian asked Mr. Dixon to clarify his role in this proposed project. Mr. Dixon said he is a licensed architect in North Carolina who does a lot of work in Downtown Boone. He noted that he had appeared before the HPC on multiple occasions, and he was employed by the Southend Brewing Co., LLC, to assist them in their endeavors to renovate what was formerly the Ransom Restaurant and Bar.

Chair Plaag asked Mr. Kevorkian if he had other witnesses that he wanted to present evidence with regard to this application. Mr. Kevorkian said he had no other questions for Mr. Dixon, and he had no other witnesses to call at this time.

Mr. Kevorkian clarified that he had done research into the stones that are commonly used around Town and the stones that have been used in adjacent buildings. He felt they would be able to find stones that

are locally mined in Marion, North Carolina, that closely match the facade. He said this would maintain the historical look and feel of the block the building is on, as well as match the Rivers Printing building. He said they have the ability to match the grout for the stones that they are proposing to use on the proposed facade. He said this information was not included in the application but was discovered later through a qualified stonemason.

Chair Plaag opened the floor for the HPC to ask questions on this case.

Chair Plaag referred to packet page 56, Figure 1. Unknown, "Flood Waters Rush Through Boone, NC, August 13, 1940."

Member Watkins clarified with Chair Plaag that this image was not in the applicant's submittal package, but the Staff had provided it as part of the staff report for this case. Member Watkins clarified that Exhibit 4 was an image submitted by the applicant.

Chair Plaag continued to discuss the image on packet page 56. He talked about this pair of buildings in the image. He said they look like they are one building because of the facade, but they are actually two buildings. He described the image, explaining if you see the two people standing in the middle of the pillar at the center of that image, the building on the left is the building that now has Crab Orchard stone over the front of it. He noted that you might remember that building as the Watauga Insurance building, and it may now be somehow part of the Escape Room. He pointed out that the building to the right in the image is the applicant's building. He explained why he wanted to draw attention to this image, stating if you look at the Crab Orchard side of the building, on the left side of the two buildings, these facades are made to mirror one another. He wanted to point out that at the top of the facade, above the Highland Cleaners sign, and mostly below the Second-Hand Store Shoes and Clothing sign, you can see a frieze plate in the brick. He said you could also see a recessed brick area because of the shadow of the pilaster at the east end or left end of the building. He pointed out to the right of the Second-Hand Store Shoes and Clothing that you can see a series of corbels that also recess away from the roofline to that frieze plate. He said this is difficult to see because the tree and GE Appliances sign obscures what would have been the storefront of the applicant's building.

Chair Plaag pointed out that there was a clerestory window above the storefront. He said some people inaccurately referred to these types of windows as transoms, but they are clerestory windows. He said it looked like it probably consisted of five individual panes, assuming it mirrored the other side of five individual lights within that clerestory window. He said below the clerestory windows, the storefront would have mirrored each other, so you had a central entrance that was probably a singular entry that recessed from the building facade line. He added on each side of the recessed entry were angled storefront windows, and near the building facade plane, there is a continuation of that window system with the brick bulkhead below it.

Chair Plaag explained that there is another image of the Watauga Democrat, or Rivers Printing building, from 1949 that was not in the meeting packet that he would like to share for the purposes of having a better understanding of the building. He said he made reference to this image in the description of the building. Chair Plaag asked Mr. Kevorkian and the HPC if they had an objection to him sharing this image. There were no objections to Chair Plaag sharing this image.

Chair Plaag explained that the image is of the 1949 Watauga County Centennial Parade. He said this image shows more detail about what he had described earlier about the storefront. He continued that it shows the angled shop windows and the entryway; further, he described that above the clerestory windows, there was some bunting, and above that, there is the frieze panel. He said you could see the corbelled lines recessing down to the frieze panel between the bunting to the left of the Maytag sign. He noted that this image came from the Appalachian Collection at Appalachian State University, and it is not certain, but

Palmer Blair may have taken the image. He said he acquired the image while he was doing the survey report.

Chair Plaag referred to packet page 23, which shows the current image of the building. He said as described in the application, this image shows a board and batten-type wood material that is above the storefront sitting between those two pilasters on either side. He asked if any effort had been made to determine whether that frieze plate and the corbelling treatment that were originally on the building survive beneath basically this wood element that is currently on the building. Mr. Dixon responded he thought the property owners would be willing to pull off some of the T1-11 plywood and see if there is any original brick behind it. He added that if they find the brick in good shape, he thought they would be willing to expose it and not have the wooden material over the frieze panel.

Chair Plaag referred to packet page 26 and asked Mr. Dixon if the design submitted is a proposal to install a new stone veneer, basically in that frieze panel area as well as the bulkhead areas. He said if it was the applicant's intention to essentially rearrange the bulkhead, it was not expressed in the meeting packet. He noted that he did not think it was the applicant's intention to match or resemble the same height of the bulkhead that was shown in the historic images. He said the effect is that the lower stone veneer would be used to basically raise the bulkhead, and he asked Mr. Dixon if this was correct. Mr. Dixon asked Chair Plaag if he meant by the bulkhead, the wall with the bottom of the storefront; Chair Plaag said that is correct. Mr. Dixon replied that it would be 42 inches or seat height.

Chair Plaag said he understood from the meeting packet that the applicant's intention was to have the stone veneer effectively match the stone veneer on the Rivers Printing Company building. Mr. Dixon replied that was correct regarding the stone veneer.

Chair Plaag asked Mr. Dixon if it was the applicant's intention to match the pronounced mortar joint pattern on the Watauga Democrat building. Mr. Dixon said that is correct regarding the mortar joint pattern. Chair Plaag confirmed with Mr. Dixon that the intention, even though it is a veneer material, was to use natural stone and not simulated stone. Mr. Dixon said that is correct, they would use a natural stone material.

Chair Plaag pointed out that in addition to the drawing on packet page 26, it referenced the proposed low seating wall that would be in front of the applicant's building, which is the C.M. Critcher Building. He asked to confirm that the intention of the wall addition is to define that ABC required a seating area to delineate a line behind which alcohol can be served, and beyond that line, it's not supposed to be served. Mr. Dixon said yes, that is the general purpose of the proposed wall. Mr. Dixon believed that Ransom Restaurant and Bar used to put up some type of pedestrian movable barriers. He added that the applicant's goal is to have a more semi-permanent low wall that could also accommodate seating. Chair Plaag asked would it also consist of the same stone materials and the same pronounced mortar joint pattern; Mr. Dixon said that is correct.

Chair Plaag asked if there were other questions from the HPC on this topic. Mr. Dixon added that if the HPC would prefer to see the brick in the frieze panel area on the building, the Southend Brewing Company was willing to accommodate that versus using the rock material.

Member Watkins stated that he understood the concept of using garage doors as a device for trying to get an indoor-outdoor feel for restaurants. He was interested to know what is behind the plywood material in the frieze panel area above the fenestration of the building. He said the proposed stone panel in the frieze did not appear to have any architectural support. He said for this reason, this is why the HPC is interested in the historic photographs. He also noted that he expected to see older photographs submitted with the application. He asked Mr. Dixon if it was his impression, having been part of the survey, that the building originally was clad in brick. Chair Plaag asked Ms. Meade if he could give his opinion

about the materials of the building. Ms. Meade said she did not think it was a problem if the applicant did not object to Chair Plaag giving his opinion. Mr. Dixon responded that the applicant had submitted with their application a historic photograph of what was the Watauga Democrat building. Mr. Dixon told Member Watkins that he did not go back to the 1930s and 1940s and locate earlier historic photographs. He added that the historic photo that the applicant submitted was 37 years old. The applicant did not have an objection to Chair Plaag responding.

Chair Plaag said that he would have to look in more detail at exactly what the survey report entry says again, but he thought it was clear that this was a conventional one-story, commercial block building, composed entirely of brick elements with brick bulkheads. He described the building as having wood-framed, possibly, early metal-framed, shop windows around the inverted entrance. He said that given the date of construction, he had no doubt the appearance in the 1940 photo, it was its original appearance. He said to his knowledge, there were no stone elements.

Member Watkins wondered if what we are looking at with those pilasters is the original cladding of the building and if it continues to exist under the wooden paneling. He said it would be nice to know if there is an original facade underneath the wooden paneling before there is an expensive effort made to introduce an entirely new design element to the building. Chair Plaag said it is hard to judge because the lower part of the storefront has been altered so much. He said, for the record, he did not believe that the clerestory windows survived behind the double-tiered plywood treatment. He said the plywood treatment makes it clear to him that everything above that part still has brick behind it, and everything below that was where the clerestory windows and the recessed entry were.

Chair Plaag said it is important for the work that the HPC does as a Commission to know whether that brick survives and is intact beneath the frieze panel and the corbelling. He said the design standards are clear that if those components do survive, the HPC would want to see them uncovered and preserved and not recovered with stone.

Vice-Chair Bond asked if there was evidence about the clerestory windows. She expressed interest in seeing what details were there for this entrance.

Chair Plaag explained the next steps of the meeting to Mr. Kevorkian regarding possible conditions and changes. Mr. Dixon said that Mr. Kevorkian is willing to remove the plywood building material and expose the brick to see if it is in good shape, and if not in good shape, he is willing to install a brick that is more in keeping with the historic nature of the building. He thought the same thing was true for the clerestory windows shown in the image on packet page 23. Mr. Dixon agreed with Chair Plaag that the original clerestory windows probably went up to that horizontal line shown in that image. He said the applicant is willing to make this change in this meeting, including the rock that was originally proposed to brick below the bar-height windows to try to bring back a more historical context to the building.

Chair Plaag asked Mr. Kevorkian if he had other questions to ask Mr. Dixon or did he want to conclude his testimony for now. Mr. Kevorkian said he had no other questions at this time.

Chair Plaag asked Mr. Kevorkian again if he had other witnesses to call, and Mr. Kevorkian said no.

Chair Plaag asked Staff if they wished to present any evidence other than in the meeting packet with regard to this application. Ms. Turner pointed out that the Staff had talked to the Public Works Department, who confirmed that the property lines are within their legal boundaries for the proposed wall.

Chair Plaag asked Ms. Turner if, after the completion of permitted work, is the business owner allowed, for example, to put out a set of planters to delineate their property line within the Downtown Core zoning district or within the historic district. Ms. Turner said she would have to ask the Public Works Department

about what is allowed in the Downtown Core. Ms. Meade said with some certainty the business owner would be allowed because it is within their parcel lines and not within the Town sidewalk. She said that Chapter 96 of the Town Code, which applies to the sidewalk and obstructions of the sidewalk, would not apply. She thought it was clear if the business owner has the right to put up a wall, they have the right to put up temporary barriers, and there may be some restrictions. She pointed out that signage would not be allowed.

Chair Plaag asked if there was any other interested party to speak or present evidence supporting the application, if there was any non-party witness to speak or present evidence supporting the application, if there was any interested party to speak or present evidence in opposition to the application; if there was any non-party witness to speak or present evidence in opposition to the application. There were no answers in the affirmative.

Chair Plaag asked Mr. Kevorkian if he would like to rebut any of the evidence submitted by Town Staff. Mr. Kevorkian stated that he had no rebuttal.

Chair Plaag asked Mr. Kevorkian if he would prefer to give a closing summary or argument or defer that closing summary or argument until after Town Staff had the opportunity to do so. Mr. Kevorkian chose to defer.

Chair Plaag asked if the Staff wished to make a closing summary, and Ms. Turner replied not at this time. Chair Plaag asked Mr. Kevorkian if he wanted to make a closing statement. He did not.

Mr. Dixon noted that the applicant appreciated the HPC's consideration and was willing to consider some of the proposed changes to keep the project moving to the wishes of the HPC.

Chair Plaag closed the testimony phase of this case with the understanding that Mr. Dixon could be called back at any point to provide additional testimony.

Chair Plaag opened the floor for the HPC to discuss the evidence at hand regarding the proposal. Vice-Chair Bond said she would like to see what is behind the facade, she liked the use of the building, and she hoped that the proposed building facade would be somewhat reminiscent of the Watauga Democrat building. Member Sharp agreed that it is a priority to find out what is behind the board and batten.

Member Sharp asked if the owner and architect can make progress on the other façade improvements while accessing the area of the façade behind the board and batten. Chair Plaag confirmed with Ms. Turner that as work is continuing on the exterior of the building, the Staff can approve a Certificate of Occupancy (COO) for a business to carry on its business inside even as things are being determined either by the HPC or Town Staff about outside work. Ms. Turner pointed out that the zoning should be approved first, and building inspectors can issue a Certificate of Occupancy.

Member Sharp talked about the bulkhead, the low wall area, and the stone that is proposed that will match the building next door. He asked would the stone be an acceptable or unacceptable material in line with the historic nature and material used on buildings on King Street, or would there be an issue with the material, by all accounts that the HPC can determine, has not existed on the exterior of this building.

Chair Plaag pointed out that there are multiple issues from the standards perspective about what is being proposed for this case. He appreciated Mr. Kevorkian and Mr. Dixon's willingness to work with the HPC on finding a solution that's appropriate within the standards.

Chair Plaag talked about the effort to match the stone to the building to the west, and he read the following standard from the Commercial Properties Within the District section, Architectural Components, and Details:

Design Standard 2.3. It is NOT appropriate to cover or replace historic materials with substitute materials, such as aluminum, vinyl, fiber cement board siding (or similar materials simulating the appearance of wood), or plywood panels. Architectural details that are not appropriate to the historic context and character of a building should never be added. At the same time, property owners should never use details from an earlier period to try to make a building look older than it is.

Chair Plaag said the property owners should never use details from an earlier period to try to make a building look good with the building next to it or make it seem more historic. He said it is a common expectation in the preservation world that one should not add historic-looking features, even in an attempt to create a match between two adjacent properties.

Chair Plaag talked about the permanent element extending to the property line in front of the building. He said it creates the illusion of the footprint of the user, particularly if it is done in a historic material such as stone. He added that attempting to create a match between two adjacent properties can create a false sense of historic appearance. He explained that in the preservation world, that would only be redefining the physical form of the building.

He referred to packet page 48 and read the following standards from the Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, Streetscapes section, Streetscapes:

Design Standard 1.1, The form, scale, and massing of building facades located along public ways should be preserved.

Design Standard 1.2, The width, alignment, and configuration of streets, alleys, sidewalks, and walkways within the District should be retained and preserved.

Chair Plaag thought that the proposal for permanent elements failed the test based on Design Standards 1.1 and 1.2. He said the proposal is redefining the facade of the building, even though it is just a low wall on the outer perimeter of it, and it is altering the understanding of the sidewalk space. He said a part of it is on the applicant's property and not in the Town's right-of-way. He said it is also altering the visual sense of the sidewalk. He said this is why he asked Ms. Turner earlier in the meeting if temporary elements, such as planters, were allowed. He continued to explain that in about every city that has a historic district and where there is a great demand for seating within the property owner's space in front of their building, many property owners use temporary elements. Chair Plaag explained the reason that temporary elements work is because they are not permanent, are removable, do not harm historic elements, and do not change the historic understanding of the building itself or the sidewalk space. He added that the use of a wooden fence, a concrete weight with rebar in it, or the use of planters are all temporary elements that help delineate the space in the front of a building. He concluded that using temporary elements would accomplish the applicant's goal of delineating that space for not only expanding seating purposes but also for ABC purposes without creating an issue for the HPC and the historic standards for the district.

Chair Plaag asked if the applicant was open to considering temporary components to delineate the seating space rather than using the low stone wall on the exterior. Mr. Kevorkian stated that he understood the meaning of the temporary solution as described, and he was open to considering temporary solutions instead of what was proposed in the application. He clarified that it was not their intent to redefine the footprint of the building but to propose a wall in that proposed location. He said if a temporary solution was the only solution, that would be acceptable but recognized that it comes with more logistical challenges down the line. Chair Plaag clarified with Mr. Kevorkian what he meant by temporary, which is something that is not permanent in that you are not attaching to the building or sidewalk within your property line. Additionally, he explained this is considering they do not violate some other standard of the

district in terms of appearance.

Mr. Kevorkian responded to Chair Plaag's comment about altering the historic nature of the building with the proposed materials. He explained that it was never his intention to in any way alter or change the period of the building and its appearance. His intention was to propose a solution that matches the historical look and feel of Downtown Boone in the locations where stone granite was proposed. He said if the brick was preferred by the Commission, he said he was flexible and did not have an issue with a discussion on specific material. Mr. Kevorkian said that without knowing what is underneath the facade, they thought the stone was an appropriate option for the facade building materials. He told Chair Plaag that if the HPC felt like brick was a more appropriate option, he understood. Chair Plaag said that brick was his preference for both the areas above the storefront and also in the bulkheads. Member Watkins asked a clarifying question regarding the seat height wall of 18 inches.

Mr. Dixon emailed Ms. Mitchell a pencil sketch that he had drawn to try to respond to the feedback from the HPC during this meeting. He said that Mr. Kevorkian is willing to expose the brick above the windows along with a brick bulkhead below the 42-inch high operable opening windows and also increase the clerestory windows back to their original height.

Chair Plaag thought what Mr. Dixon pointed out in the pencil sketch was an improvement. Chair Plaag said he would love to see Mr. Kevorkian recreate the original proportions of the storefront to include the recessed entry, where the door itself is set back about six feet from the facade plate of the building with angled shop windows coming out from the bulkhead below them. He said doing all of this would further facilitate what is trying to be accomplished with having a seating height bulkhead and windows that open; he said this creates two little pockets at the front of the storefront. He added this would be ideal for bar-height seating with the windows open and people looking out onto the street. He told Mr. Kevorkian that if he recreated this orientation of the storefront, he thought he would have two highly desirable seating areas at the front of the building. He said this would help to restore as much of the original appearance as possible.

Mr. Kevorkian explained that the space that he would be recessing into is interior space, which includes electrical, plumbing, and fire extinguishers. He said the challenge of reassessing the front facade in that manner as described would be highly prohibitive in this project. He also noted that he understood what Chair Plaag had stated about creating seating areas.

Member Watkins stated that he did not have a problem with the proposed folding windows. He explained it was a nice accommodation to use brick rather than stone if possible, assuming the brick underneath the plywood is in good shape. He thought Mr. Dixon's design was a good one for integrating the two buildings. He said it would require that the Town boundary be moved a little to the east to make it possible.

Ms. Meade suggested that the HPC discuss conditions to try to handle both the preferred possibility that the brick is still in good shape behind the frieze panel area and that it can be resuscitated. Further, she suggested that the HPC could discuss the possibility that the brick cannot be recovered and has to be instead replaced.

Chair Plaag said that since an investigation has to be completed, he wondered if the easiest way to handle this is to continue the case, pending exploration behind the frieze panel area and several possible outcomes for the brickwork above the entrance. He asked Ms. Meade her thoughts on the best way to proceed with this case.

Ms. Meade said there seem to be certain eventualities in which the HPC could go ahead and give full guidance. If the applicant finds the original brick under the frieze plate area in good shape, the applicant could proceed with the original brick. On the other hand, if the applicant finds that the original brick has

been removed or the face destroyed, and there is no question that is not recoverable, the applicant should be allowed to proceed by replacing the brick. If the Staff felt it is unclear whether the brick was recoverable, then the HPC might direct Mr. Kevorkian to come back to the HPC. In these ways, the HPC could avoid rehearing the case if it is not necessary.

Vice-Chair Bond liked the proposal to remove the plywood element and uncover the original brick frieze panel area, and she hoped it was intact or required only minimal repair.

Chair Plaag said that Mr. Kevorkian and Mr. Dixon had stated that they liked the idea of adding a new storefront window system, which included the clerestory windows above the folding windows that would match the original clerestory windows. He said whether the brick is intact or not and whether the brick needs to be replaced, they like the idea of bringing back the clerestory element from an aesthetic perspective. He agreed with these elements being done. Ms. Meade asked Chair Plaag if he would ask Mr. Kevorkian and Mr. Dixon if they agreed with these proposed conditions. Mr. Dixon said that they agreed with those proposed conditions.

Mr. Kevorkian noted that if they find that the brick is either missing or damaged and not able to be repaired, he would bring in his general contractor, who is licensed as a stonemason, to assess, and he would be willing to commit to replacing and returning the brick to that location. Chair Plaag was fine with both of Mr. Kevorkian's statements.

Chair Plaag had a concern that if Mr. Kevorkian finds out that the brick is damaged but reparable, then there are requirements about mortar and repair. He said he would like to help Mr. Kevorkian to avoid having to come back to the HPC. He suggested a condition that says if the brick is intact but requires repair, those repairs are to be completed in compliance with the existing standards for the district for brick repair, subject to Planning Staff referring Mr. Kevorkian back to the HPC if they have concerns about what is proposed on that repair not meeting those standards. Chair Plaag asked Ms. Meade if what he stated was sufficient. Ms. Meade noted that this was sufficient, adding that if the Planning Staff had any questions of fact as to the repairability of the brick, it could then be referred back to the HPC. Chair Plaag asked Mr. Kevorkian and Mr. Dixon if they were amenable to that condition, and they replied yes.

Mr. Kevorkian stated that he had already undertaken efforts to find appropriate stonemasons who can match the more complicated brick that exists on the Rivers Printing building and follow the historical requirements to repair or replace the brick.

Chair Plaag suggested that a condition be placed, to the extent that is possible, if the brick for the bulkheads, which is, in essence, new brick, could be similar in color but sufficiently different enough that there is not a mistake of it being original to the building. He asked Mr. Kevorkian and Mr. Dixon if this was an acceptable condition, and they agreed that it was acceptable.

Chair Plaag suggested a condition for the outdoor seating area and parcel boundary demarcation. He said the applicant should use temporary means rather than permanent fixtures to demarcate the outdoor seating area and parcel boundary lines. He gave an example of temporary elements, including heavy planters or benches, and they cannot be attached to the sidewalk or the building. He asked Mr. Kevorkian if this was a condition that he was willing to accept, and he said yes.

Ms. Meade asked Chair Plaag to ask Mr. Kevorkian and Mr. Dixon if they were clear that once they take off the board and batten that they will make the window opening proportions like they existed before, including the clerestory windows, although they will not be required to recess that glass like it was before. Chair Plaag clarified that the clerestory windows were not recessed. They were flat across the front. He said it was only the storefront part, the middle recessed area, and they are not expected to do that.

Ms. Meade asked Mr. Dixon if he would be installing the overall proportions of the entry door glass

openings, including the clerestory window openings, which would be recovered and used with new material. Mr. Dixon said that Mr. Kevorkian agreed to increase the height of the clerestory windows back to what appears to be the original line, but that would not be the case on the rest of the storefront facade below.

Chair Plaag noted that the 42-inch height is a proposed increase in the height of the brick bulkheads. He said in the photos that he has, he was estimating the height of the brick bulkheads was something more like 24 to 36 inches. He said he did not have an issue with the height of the bulkheads, as the proposal is for an entirely new storefront, not the original storefront. He had no objection to the proposed new storefront. He stated that he did not think from his perspective of the standards that the proposed storefront violates anything in the standards, he said an allowance is given for new storefronts when original storefronts have been obliterated.

Chair Plaag clarified that proportions were discussed just for the clerestory windows and not the part below them. He said this would allow Mr. Kevorkian to do the sliding windows and the other elements they want to use in that space. Mr. Dixon and Mr. Kevorkian agreed to that condition.

Chair Plaag reviewed the other proposed elements. He said the terracotta parapet is required to remain.

Ms. Meade requested clarification of Chair Plaag's prior statement that if the brick had to be replaced, it could be replaced with a different color so it doesn't look like the old brick. Chair Plaag reiterated that the bulkheads are not the original bulkheads, they are not to the height of the original bulkheads. He further explained that the bulkhead is that brick element below the windows, and he had asked if that brick could be of a similar color but sufficiently distinct to not be confused as original to the building. He added that for the brick above the clerestory windows, there would be no replacement needed if it is uncovered and is still intact and can be repaired. He added that if a brick or two had to be replaced, the applicant would need to match that brick. He said if all of it has to be replaced for any reason, it should also match because you are restoring that part to the original proportion. He said you would want to replace that with a brick of a similar cut and similar color. He said it is a multicolored brick that should be easy to find because it is common brick today and fairly easily matched. Chair Plaag asked if there were any objections from the applicant or architect about the clarification on the brick, and no objections were stated.

Mr. Kevorkian clarified with Chair Plaag that the windows that he said would roll out would actually pull upwards and will look identical from the outside when closed. Chair Plaag noted that he was confused because, on packet page 20 and number five, it stated that the storefront windows on each of the entry doors would have a new shorter folding windows system to open either from the left of the center door would fold against the left wall, windows to the right of the center door would fold against the right wall. Mr. Kevorkian apologized and explained that after further research, he received a better understanding of track systems from experts. He said he identified that the superior product for weather sealing durability and have the same visual aesthetic, but they simply fold upwards instead of outwards. Chair Plaag added that it makes it almost like a garage door, and Mr. Kevorkian agreed it makes a nicer look than a garage door. Chair Plaag noted that there would be a condition that the windows that are proposed would be that system and not the folding to the side system since it is an alteration to the material package. Chair Plaag confirmed that the HPC accepted this proposed condition.

Chair Plaag asked if there were other areas of concern for the HPC or Planning Staff. Ms. Meade asked if the existing brick that does survive on the sides of the building was original. Chair Plaag said that he believed that the brick that Ms. Meade asked about was original. Chair Plaag referred to packet page 20 and pointed out that this is what the proposal states under Facade Renovation – 747 W. King Street – WT0865 C.M. Critcher Building, Number 2, Existing 28" wide (+/-) full height, brick veneer on left and right sides of the facade to remain. Ms. Meade confirmed that is what the applicant would be matching to the

upper area of brick, and Chair Plaag said that is correct.

Member Watkins pointed out that Exhibit Six shows the windows moving left and right and not up and down. He asked if he was correct in thinking that these windows would go straight up. He added to his question if the windows would be like a garage door where they are on a track that goes up and back. Mr. Dixon said the windows would go straight into the wall. Member Watkins said that his garage door is curved, and it goes up and ends up parallel to the ceiling of his garage. Mr. Dixon said that might be the case, but we are probably talking about four to five feet of height versus a garage door which can be eight to ten feet tall.

Chair Plaag asked if there were other concerns or questions of the HPC, and hearing none, he moved on to the motion and vote for this case.

Motion and Vote:

Student Member Ziegler made a motion, seconded by Member Sharp, to conditionally approve the application as written based on the following conditions:

- Where there is a conflict between the application information and the plans (February 24, 2022), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit and a basis for a stop work order and/or permit revocation if violated.
- The applicant shall submit the necessary applications, plans, details, and specifications which meet the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
- The applicant will remove the existing plywood, etc., above the existing storefront windows:
 - (a) If the brick that is uncovered is the original (historic) brick and is intact and/or can be recovered/restored/repared, it shall be so restored/recovered/repared by a skilled mason. Any brick and/or mortar that must be replaced/repared shall be replaced with brick and mortar as nearly similar to the original as it is reasonably possible to obtain.
 - (b) If the original brick is missing or is so damaged as to be unrecoverable, it shall be replaced with brick of a similar cut and color and with matching or mortar so as to match surviving brick on the sides of the building.
 - (c) Once the existing plywood etc., is removed and the original brick evaluated by the applicant's contractor(s), the applicant shall report to Planning Staff with respect to the condition of the brick and the applicant's intentions as to recovery, repair or replacement of the brick. Planning Staff will then evaluate whether there is any question of fact as to whether the brick is recoverable or reparable; if such a question is presented, the matter shall be referred back to the Commission for additional consideration.
- The new storefront window:
 - (a) The brick used for the bulkheads below the windows shall be similar in color to, but sufficiently distinct from, the original brick (on the sides of the building) so as to distinguish it from the original brick so that it is not mistaken for the original, historic brick.
 - (b) The new storefront window system shall include clerestory windows(s) above the folding windows that will match the original storefront clerestory windows as to top height (from

grade) and width.

- Outdoor seating area/parcel boundary demarcation. The applicant shall use temporary means rather than permanent fixtures to demarcate the outdoor seating area/parcel boundary lines. Such temporary means might include, for example, heavy planters or benches; no such item shall be affixed to the sidewalk or the building.

Chair Plaag asked if there was any further discussion on this application. He said he had a friendly amendment to add. He stated in the event that there are concerns, either expressed by the applicant or Planning Staff, with regard to repair or replacement of the brick elements above the proposed clerestory windows, the applicant be permitted to come back to the HPC for a reopening of their case, subject to a one-year period from today's date, or April 11, 2024. He said this gives them time to assess the materials, and if there are issues or the Planning Staff has issues, they are not having to repeat the entire COA process over again. He asked if there were any objections from the Planning Staff to taking this approach. Ms. Meade offered a suggestion to Chair Plaag to table the case, keeping the case open with the understanding that if it proceeds as well as we hope it will, the Planning Staff is then empowered to close the case. She said this way, it is very clear there will be no further permit fee and no additional notice is required, which seems fair given where we are in this case.

Chair Plaag clarified that the HPC is potentially approving the motion subject to the friendly amendment that the case shall otherwise remain tabled until such time as the Commission elects to either reopen the case or close the case as conditions merit. Ms. Meade confirmed that this empowers the Planning Staff to bring it back to the HPC or to close the case if there is no further business to be done.

Chair Plaag asked Student Member Ziegler and Member Sharp if they would accept this friendly amendment which is a conditional approval subject to the language that Ms. Meade just said about potentially reopening the case if either the applicant or Planning Staff feels that is necessary. Student Member Ziegler and Member Sharp accepted the friendly amendment.

Chair Plaag asked Mr. Kevorkian and Mr. Dixon if they had any questions for the HPC or Planning Staff. Mr. Dixon voiced his concern about the tabling of the case. He asked does this mean they basically have the approval of the HPC to proceed with their project unless the brick proves that it is unrepairable or needs replacing or the Planning Staff thinks the case needs to go back to the HPC. Mr. Dixon asked does this grant them permission to proceed with the approved application. Chair Plaag told Mr. Dixon that was correct that they are able to proceed because it is a conditional approval with the understanding that either the Planning Staff, Mr. Kevorkian, or Mr. Dixon have concerns about what they find behind the frieze panel area, and if they feel that it needs more discussion, then the HPC has the ability to reopen the case for this purpose. He also explained that the Planning Staff is empowered to proceed with the normal permitting process for the work that's proposed and that's been conditionally approved.

Mr. Kevorkian asked if he can proceed unless an official concern is brought to his attention, then he would need to stop work. Ms. Meade responded and told Mr. Kevorkian that he can proceed unless when they uncover the brick and there is a question about the brick not being repairable. She explained that at that point, he would need to communicate that information to Staff to discuss how they would need to proceed.

Ms. Turner said that she would ask Mr. Mike James, Senior Planner, to issue the "Certificate of Appropriateness" (COA) for this case because she was out of the office.

With the conditional approval, Chair Plaag effectively tabled this case for one-year pending further action, to be recalled as recommended by Staff if it becomes necessary.

Adjournment

Vice-Chair Bond made a motion, seconded by Student Member Ziegler, to adjourn the meeting at 5:04 p.m.

Eric Plaag, Chair

Marlene Crosby, Board Secretary