



Historic Preservation Commission

Regular Meeting

<http://www.townofboone.net/>

~ Agenda ~

Jane Shook
828-268-6960

Tuesday, July 11, 2023

3:00 PM

WebEx

This meeting will be held using video conferencing software (WebEx).

For information on how to watch, listen, and/or participate in the meeting, please see the WebEx Video Conferencing Information section at the end of this agenda.

I. Call to Order

II. Approval of Minutes

May 9, 2023 Quasi-Judicial Meeting Minutes

May 16, 2023 Special Quasi-Judicial Meeting Minutes

III. Case Z06679-052423 Valcore Restaurant - COA

Z06679-052423 Exhibit 1 - Application

Z06679-052423 Exhibit 2 - Description of Work

Z06679-052423 Exhibit 3 - Historical Documentaton

Z06679-052423 Exhibit 4 - Historical Photos

Z06679-052423 Exhibit 5 - Existing Conditions Photos

Z06679-052423 Exhibit 6 - Elevations

Z06679-052423 Exhibit 7 - Site Plans

Z06679-052423 Exhibit 8 - Staff Report

Z06679-052423 Exhibit 9 - Digital Watauga Historic Images

IV. Adjournment**WebEx Video Information**

WATCH OR PARTICIPATE IN THE MEETING: Individuals who wish to give testimony/evidence with respect to a case may do so through WebEx, either online (by computer or smartphone) or telephone. To do so, please email Jessica Mitchell, Long-Range/Special Projects Planner at jessica.mitchell@townofboone.net or call 828-268-6960 and you will be provided with an email invitation to the meeting. All requests for participation must be completed by 2 p.m. on the day of the meeting.

Staff will be happy to schedule a test meeting with each participant to ensure that they are able to participate the day of the meeting. Please call Jessica Mitchell at 828-268-6960 if you are interested in this option.

Staff will moderate the WebEx session to ensure all participants have an opportunity to speak. Individuals who require user assistance registering or joining the WebEx vent on the day/night of the meeting can call 828-268-6960 for support.

CONCERNS REGARDING PARTICIPATION: Please contact Jessica Mitchell, Long-Range/Special Projects Planner by phone at 828-268-6960 as soon as possible if you are concerned about your ability to participate through the options listed above (online or by telephone) in the "To participate in the meeting" section above.

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
MAY 9, 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: Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, Stacey Miller-Chief Building Inspector, and Marlene Crosby-Board Secretary

Others in Attendance: Chelsea Garrett- Watauga County Attorney, Deron Geoque-Watauga County Manager, Bill Dixon-Appalachian Architecture, Leigh Blevins-Appalachian Architecture, Alan Crees-Municipal Engineering, Allison Meade-Town Attorney, and Tim Futrelle-Mayor

Call to Order

Chair Eric Plaag called the HPC Quasi-Judicial meeting, held via WebEx, on May 9, 2023, to order at 3:04 p.m.

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

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 Student Member Ziegler, to approve April 11, 2023, meeting minutes as amended with the following changes:

- Page 8, eighth paragraph, third sentence delete “building material that is currently on the building”
- Page 8, paragraph nine, first sentence change it to read “Member Sharp asked if the owner and architect can make progress on the other proposed façade improvements while accessing the area of the façade behind the board and batten.”
- Page 8, paragraph nine, remove the second sentence “Further, he added to his question if the HPC is left to discuss other matters such as the bulkhead, low wall, and the collapsing storefront windows.
- Page 3, paragraph two, second sentence change to “He said that in collaboration with Mr. Dixon, who was aware of the history of the Town, they had spoken with a stonemason 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.
- Page 3, last paragraph, last line change “River’s” to “Rivers”
- Page 4, first paragraph last line change “River’s” to “Rivers”

- Page 4, fourth paragraph, first line change “River’s” to “Rivers”
- Page 6, seventh paragraph, third sentence change to “He said the proposed stone panel in the frieze did not appear to have any architectural support.”
- Page 7, second paragraph, second sentence change to “He described the building as having wood-framed, possibly early metal-framed shop windows around the inverted entrance.”
- Page 7, second paragraph, third sentence change to “He said that given the date of construction, he had no doubt that the appearance in the 1940 photo.”
- Paragraph 7, third paragraph, second sentence change “there was” to “there is”
- Page 7, third paragraph, last sentence change to “below that was where the clerestory windows and the recessed entry were”
- Page 7, sixth paragraph, second paragraph change to “keeping” to “in keeping”
- Page 7, tenth paragraph, first sentence change “Chair Plaag said” to “Chair Plaag asked”
- Page 7, tenth paragraph, first sentence change “permitted work” to “permitted work,”
- Page 8, second paragraph, fourth line change “was non-party witness” to “was any non-party witness”
- Page 8, fifth paragraph, first sentence add another sentence at the end that reads “Chair Plaag asked Mr. Kevorkian, if he wanted to make a closing statement. He did not.”
- Page 8, ninth paragraph, third sentence change “COA” to “Certificate of Occupancy”
- Page 9, first paragraph, second sentence change to read “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.”
- Page 9, second paragraph, second sentence change to read “He said it creates the illusion of the footprint of the user space, particularly if it is done in a historic material such as stone.”
- Page 9, fourth paragraph, fifth sentence change “use temporary elements” to “many property owners use temporary elements”
- Page 9, fourth paragraph, sixth sentence change “removable” to “are removable”
- Page 13, third paragraph, first sentence change “he moved on the motion” to “he moved on to the motion”
- Page 14, third paragraph, third sentence change “today’s date, April 11, 2024” to “today’s date, or April 11, 2024”

Vote: Aye – All

Nay – None

The motion passed.

CASE Z06555-032323 WATAUGA COUNTY PARKING DECK – MODIFIED COA

Watauga County has requested to modify a previously approved Certificate of Appropriateness for Major Work (COA) for the proposed new construction of a parking structure on Water Street (Watauga County PIN: 2900-79-9830-000), located in the Downtown Boone Local Historic District. The modification includes a change in the exterior materials for a thin-set brick in precast concrete wall panel system, modify the window arrangement, and the number of window openings.

Chair Plaag opened this case and swore in the following members of the staff for both cases on the agenda, Ms. Jessica Mitchell, Long-Range/Special Projects Planner, and Ms. Christy Turner, Senior Planner.

Chair Plaa asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change; had 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. There were no answers in the affirmative.

Chair Plaa asked if any commissioner had engaged in any undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Chair Plaa asked Ms. Chelsea Garrett, Attorney, if she was representing Watauga County in this case. She said yes and noted that off camera, the following were present Mr. Deron Geoque, Watauga County Manager, Mr. Alan Crees from Municipal Engineering, and Ms. Leigh Blevins from Appalachian Architecture.

Ms. Garrett said she would make the opening statement and noted that Mr. Bill Dixon would be a witness presenting the information on the case. Chair Plaa swore in Mr. Dixon.

Ms. Garrett explained that the applicant is proposing to use precast brick panels on the proposed parking deck based on information about the anticipated expense of using natural brick that the applicant hoped they would be able to use. She established the fact that Mr. Dixon was the architect that Watauga County used when the original Certificate of Appropriateness (COA) was approved by the Historic Preservation Commission.

She asked Mr. Dixon if the original COA included the approved plans for a true brick veneer to be used on the proposed parking deck. Mr. Dixon replied yes, the approved plan was for a traditional brick veneer material to be used on the proposed parking deck. Ms. Garrett asked Mr. Dixon when did he, the applicant, or the contractor discuss that true brick veneer was desired. Mr. Dixon pointed out that when an applicant applies for a COA, they generally present a conceptual drawing for the review process. He further explained that generally, the owners do not release the architect to do full construction drawings because they want to know if the project would be approved. He explained that there is often a difference between the conceptual drawings and the end product when the architect does construction drawings because this is when they begin to deal with the materials for a building. He asked the HPC to be sympathetic to this information. He added that it is probably true in all cases that come before the HPC that they would be approving a proposed conceptual design, and it is up to the professionals to make it a reality. He said this is part of what happened on the proposed parking deck.

Mr. Dixon explained his concern for potential opportunities for moisture intrusion in a true brick wall that would not be in a similar exterior with a thin-set brick wall. He based this information on different experiences and looked at the exterior material on the addition to the Watauga Medical Center (WMC) and the Appalachian State University (ASU) parking deck.

Ms. Garrett confirmed with Mr. Dixon that he had indicated that his initial reason for questioning the use of true brick veneer was water intrusion. Mr. Dixon responded yes, that was his reason for questioning the use of the true brick veneer as a building material. Ms. Garrett asked Mr. Dixon exactly where on the proposed parking deck did he have a concern about water intrusion. Mr. Dixon referred to the building elevations on packet page 31. He said in the original approval; there were a total of ninety window openings in the structure. He said some of them are true openings shown in the lower left of the building elevation to let air in. He said most of the windows are false openings to represent the illusion of a

window. He noted that the false openings were added to break up the size and the massing and to make the proposed parking deck look like an inhabited heated and cooled building. He described it as an open parking deck subject to freezing, thawing, rain, snow, and wind.

Mr. Dixon asked Ms. Mitchell to screen share a sketch of a diagram of a window that he had previously emailed to her (permanently attached). He explained that a true brick wall system has a one-inch air cavity behind the brick and the sub-structure that is supporting it. He said that brick is a porous material, and water gets in the cracks of it. He said the idea is for the water to drain out the one-inch cavity. He further explained that over time, the cavities get full of mortar and do not drain well, and then spalling and cracking of the brick occurs. He said there is a one-inch air space in all of the 90 window openings. He stated it is the architect's job to prevent moisture from getting in the one-inch cavity. He said there are four sides to each window, considering there are 90 window openings, which is a lot of opportunity for moisture to get behind the brick.

Mr. Dixon pointed out there are two concrete precast material manufacturers in the North Carolina and South Carolina regions that make this type of material. He said the material is made in a factory under their controlled standards and shipped to the job site. He said the concrete precast material is typically shipped with openings that are 12 feet wide by 50 feet or 60 feet long increments. He explained that this is the case for the proposed parking deck, the precast material would go up along the perimeter of the building. He said with 12 feet increments, there are expansion joints that allow for movements in the concrete for freezing and thawing. He said typically, in a structure, when you have a brick veneer, you have an expansion joint not only in the concrete panel but also in the brick veneer, which should be in the same pane. He said with the brick being subject to the heat of the sun and being a darker color, it will expand greater than the concrete wall behind it. He said in the case of the proposed parking deck, there will be expansion joints every 12 feet. He said it was inevitable that this structure would have expansion joints in the middle of some of the window openings, as illustrated in the exhibits. He explained that rubber-tight expansion joints that shrink and expand would be less likely to allow for water intrusion. He said because of the way the windows lined up in the building, they were going to split up the precast concrete header sill allowing for further possibilities for water intrusion. He further added that this would defeat the purpose of having the precast concrete material, which is structural support. He said if you cut the sill in half, it will not be structurally sound.

As Mr. Dixon explained that as he reviewed the previously approved COA design, he saw multiple areas where water could possibly get between the brick and the precast concrete header, which could cause long-term maintenance issues. He said the building would not be structurally sound or have a good appearance over a certain period of time. He said that precast concrete has been around since the 1950s. Ms. Garrett asked Mr. Dixon if the precast concrete was faux brick, and he said, no, it was a true brick that is manufactured like normal brick and typically cut in slices from one-half inch to three-eighths inch thick and poured into the wall panels as they are being made. He said it is better than having two different materials with a big air gap between them. He said it is a long, solid mass without the inherent water intrusion issues.

Mr. Dixon pointed out that with thin-set brick, the wall thickness is about 8 inches, and with true brick, the wall thickness is about 12 to 14 inches. Ms. Garrett asked Mr. Dixon why would the thinner wall thickness help. Mr. Dixon said in terms of the proposed parking deck, the thin-set brick allows for a larger

parking surface with easier maneuverability. He said the difference would make about one foot of space that can be used inside the parking deck itself, causing the foundation and footings to be smaller. He said that the setback might change, which would allow more green space around the building than if a true brick veneer was used.

Mr. Dixon referred to the application and the last paragraph of his architect statement. He suggested that the HPC review the following two examples of thin-set brick, which include the WMC and the ASU parking deck.

Ms. Garrett asked Mr. Dixon to explain the effect of using the precast concrete panels in terms of the reduction of windows. Mr. Dixon referred to packet page 31 and responded that because the precast concrete panels come in 12-foot increments, there was no way to avoid the 12-foot increments from hitting somewhere in the windows. He pointed out in the north elevation that the 12-foot panels would hit the center window that is marked out in red. Mr. Dixon said when you have an expansion joint using a thin-set brick wall panel, it is not as much of a significant issue if you were using a true brick veneer, and there is a difference in the expansion of the brick and the concrete itself. He said he tried every pattern when laying out the building to avoid a lot of the expansion joints in the precast structure and in the brick and to avoid the window openings in which there was no way to do it. He said the expansion joints are visible on the outside of the building and can be used to enhance the building or used to distract what is happening in the building, he said he preferred the latter to be able to use expansion joints.

Mr. Dixon polled the HPC to see who had visited the WMC and the ASU parking deck. He thought these were good examples for the HPC to look at, regarding the appearance of them because they used the thin-set brick concrete panel system as their exterior building material.

Chair Plaag asked Mr. Dixon if he was the architect on the Rivers Walk project. Mr. Dixon replied no, he did not work on that project other than designing some conceptual drawings early on in the project. Chair Plaag said the reason he asked Mr. Dixon if he had worked on the Rivers Walk project was that it appeared to him that they had used a thin-set brick product on the brick portions of that building.

Chair Plaag noted that he had been out of town and had not been able to view the Watauga County Medical Center building or the ASU parking deck structure. He added that he did not think the HPC was required to view the said buildings in order to review this case.

Chair Plaag said he was familiar with the Rivers Walk building and asked Mr. Dixon if the building material on the brick portions of the Rivers Walk building was thin-set brick veneer. Mr. Dixon said that officially he could not confirm with Chair Plaag about the type of building material on the Rivers Walk building.

Chair Plaag asked the other HPC members if they had viewed the brick building material in addition to the WMC building or the ASU parking deck structure. Vice-Chair Bond, Student Member Riley, and Member Sharp said that they had not viewed either one of them. Member Watkins noted that he had viewed both structures. Chair Plaag reiterated that he had not closely viewed them. Mr. Dixon said that it was unfortunate because they are good examples of the thin-set brick on the precast concrete panel. He thought the photographs in the meeting packet did a great job of showing the quality of this type of product.

Ms. Garrett asked Mr. Dixon to explain what he observed when he visited the two structures and

inspected the thin-set veneer and if he believed that it is indistinguishable from the true brick veneer. Mr. Dixon referred to packet page 30 and began explaining that, as he started creating the construction drawings for the proposed parking deck, he visited these two structures. In referencing these examples, he said he had a difficult time distinguishing between what were true brick veneer and thin-set brick. He explained the difference between the two types of brick as outlined in the exhibit drawing. He further added that the wall section on the right side of the drawing shows a set thin-set brick that is a real brick made of red clay, fired like real brick, and then cut into sections of about a one-half inch or so. He said it is cast into the precast wall itself, and it has no cavity and no potential for water intrusion into a true brick wall. It said it is a much better product than the true brick. He explained that the wall section on the left side of the drawing shows a true brick cavity wall with a one-inch air space with a concrete panel behind it. He said in this air space is where moisture gathers, which can cause harm to the brick veneer.

Ms. Garrett asked Mr. Dixon if the thin-set brick was faux or synthetic. Mr. Dixon said that the thin-set brick was not faux or synthetic brick. She also asked Mr. Dixon if the difference between thin-set brick and true brick is that thin-set brick is thinner, and it is applied to a precast concrete panel and applied in sections. Mr. Dixon agreed with Ms. Garrett. Ms. Garrett asked Mr. Dixon if the difference was more of an application difference than a material difference; Mr. Dixon replied in the affirmative.

Ms. Garrett asked Mr. Dixon why true brick is referred to as true brick veneer; Mr. Dixon agreed with Ms. Garrett that veneer is considered the facade material and a name for the visible exterior surface, further adding that veneer used in this sense does not imply a synthetic material. Ms. Garrett asked Mr. Dixon if there was a difference between the true brick that is laid brick by brick or brick that is laid in these panels. Mr. Dixon said there is no difference in the material in the true brick or the thin-set brick.

Ms. Garrett asked Mr. Dixon if there were any other buildings in town that have a thin-set brick veneer. Mr. Dixon said it was his understanding from the property owners that the Southend Brewing Company building had thin-set brick veneer on it.

Ms. Garrett asked Mr. Dixon what type of brick was on the disanti, Capua, and Garrett Law Office buildings. Mr. Dixon said that a true brick veneer installed with an anchored veneer system to the wall behind it, with either wood framing, metal studs, or concrete. He said at the law office, the brick was not anchored well, and the brick was pulling off of the substructure. He said this was the same thing with the Mast Store building. He said the air gap continued to get bigger and bigger because of the water intrusion.

Ms. Garrett stated that she had no further questions for Mr. Dixon.

Chair Plaag asked the HPC if they had questions for Mr. Dixon. Member Watkins asked Mr. Dixon if he was building the proposed parking deck 50 years ago, how he would build it. He noted that the water intrusion issue would be the same, and there would not be a panel system for construction. Mr. Dixon said that the building would have been built from concrete and stucco and no brick veneer on it. Mr. Dixon said he thought the thin-set brick application began in the 1950s. He noted that 50 years ago, no parking decks were built. He said they may not have had brick veneer, but the architect would have done the best job possible to prevent moisture in the building. Member Watkins said that malls had parking decks 50 years ago. Mr. Dixon said brick veneer was installed onto raw concrete for most parking decks.

Member Watkins asked Mr. Dixon if the headers and the sills were cast at the same time. Mr. Dixon replied yes, in a thin-set brick application, the headers and sills would be cast at the same time. Member Watkins

asked if there would be a 12-foot section that had the openings and the sills in the same place. Mr. Dixon said yes, the appearance would be the same, adding they would be recessed, and the false storefront windows would be inserted into the openings, making them appear like windows.

Member Watkins asked Mr. Dixon who is the manufacturer. Mr. Dixon responded that there are two manufacturers and they are Metromont and Tindall Corporation, and they both have extensive experience in manufacturing thin-set veneer.

Member Watkins noted that he had read an article that suggested that thin-set brick veneer, on occasion, might pop off with expansion and contraction. Mr. Dixon said that he had not heard about this happening, and the same thing could happen with true brick veneer during the freezing and thawing process.

Member Watkins asked Mr. Dixon, on the finished panel, if the mortar between the bricks was in place. Mr. Dixon said yes, the mortar is in place.

Member Watkins noted that when he reviewed the two structures with the thin-set veneer, he thought the WMC work was superior compared to the work done on the parking deck at ASU. He explained it was partly because the vertical expansion joints had been tinted to match the mortar at the WMC, but in the ASU parking deck, the mortar was a refrigerator-white color as opposed to the rest of the mortar joints.

Member Watkins asked if there was some concern with the variation in the quality of the installation of the thin-set brick veneer. He asked Mr. Dixon who would do the installation of the proposed thin-set veneer. Mr. Dixon said, for example, if the Tindall Corporation shipped the building materials, he thought the general contractor would have a crane that would take it off the truck and install it. Mr. Dixon explained that the floor systems in parking decks are made of double T's, which are two T's that are attached together. He said the T's come in 12-foot panels attached to the wall panels that support the floor structure.

Mr. Dixon agreed with Member Watkins that the WMC building is a much better example of the thin-set brick veneer. He said the ASU parking deck is not quite as quality controlled.

Mr. Dixon stated that the expansion joints would be tinted to match the bricks on the proposed parking deck.

Member Watkins asked Mr. Dixon, given the fact that some of the fake fenestration is being removed and a panel system is being used, could he estimate the cost savings for Watauga County. Mr. Dixon explained that when he produced the construction documents, he made the decision that the thin-set brick veneer was the better product. He said he produced two sets of construction documents for the contractors to bid on. He knew the thin-set brick veneer would be more expensive from the factory, but there would not be the cost of a brick mason laying the brick. Ms. Garrett asked Mr. Dixon if he was bidding on both styles of brick; Mr. Dixon replied yes, he was bidding on both styles of brick.

Member Watkins pointed out that Mr. Dixon had stated that it was difficult to tell the difference between the two types of installation. He said the one thing drawn to his attention was that the mortar joints were perfectly uniform. He said if a brick mason was doing the work, the mortar joints would not be that uniform. Mr. Dixon responded that there are a lot of variables when the cement is mixed on-site and when the brick is laid on-site, including the variation in sand or the weather.

Vice-Chair Bond agreed that the cost of the project might be cost less if thin-set brick veneer was used

because the project might be less labor intensive.

Chair Plaag referred to packet page 73 and talked about the original plan that was submitted previously and included in the meeting packet. He said the drawing from that plan stated brick veneer typical. He asked Mr. Dixon if it was a true brick veneer used on the original plan for the proposed parking deck. Mr. Dixon said that the original plan did call for true brick veneer. Chair Plaag told Mr. Dixon that he could not locate any references to a precast concrete panel, but there are references to precast concrete lintels and cells and caps on the pilasters. He said there were no references to what the superstructure would be made of. He further asked if it was meant to be a precast concrete panel or more of a traditional formed concrete type of pour that would have taken place on-site. Mr. Dixon explained that at that point in working on the design, he had not gotten into the design enough to know the concrete type. He said it would probably have been a precast concrete system. He said when he presents to the HPC, they usually discuss the exterior appearance and not usually discuss the inside of the building.

Chair Plaag pointed out that when the conceptual drawings were initially presented to the HPC that Mr. Dixon was comfortable using a true brick veneer wall system over some sort of concrete superstructure underneath, whether it was precast concrete panels or a more traditional concrete pour. Chair Plaag noted that he wanted to make sure that, at that time, Mr. Dixon did not have any concerns regarding the use of a true brick veneer. Mr. Dixon said he was always concerned about using a true brick veneer. He added that he did not think it was appropriate to bring up the use of true brick veneer at that point because they were trying to get the conceptual design approved to build the proposed parking deck.

Chair Plaag referred again to packet page 73, where Mr. Dixon had indicated brick veneer typical was shown on the Water Street elevation. He asked Mr. Dixon if that would be a true brick veneer, not a thin-set brick system. Mr. Dixon said that it would be a true brick veneer. Chair Plaag said that at that time, Mr. Dixon was comfortable using the true brick veneer, and Mr. Dixon told Chair Plaag that he was correct in making that statement. Mr. Dixon said at this time, he thought the use of the true brick veneer was problematic.

Ms. Garrett asked Mr. Dixon about his practice when he labels brick on his drawings. She asked Mr. Dixon why he put true brick versus brick on his drawings. Mr. Dixon said he could not explain why he used that language in his drawings.

Chair Plaag referred to the drawing that was discussed earlier regarding the comparison of the true brick and the thin-set brick. He talked about the blue line on the drawing that represented moisture in the one-inch air space between the concrete and the brick veneer. Mr. Dixon explained brick veneer is a porous material, and the waterproofing goes behind the brick. He said the water would get behind that cavity, drain down the waterproof membrane, and then there is a series of weep holes along the bottom of the wall for the water to get out. Chair Plaag said when this process is done correctly, it is designed so that not all the moisture gets behind the brick and has nowhere to go. He said it is designed with a weep and drain system to allow that moisture to drain out. Mr. Dixon said that is correct, but there are some inherent flaws in that system because they often get clogged up with mortar, insects, and a variety of things that can prevent drainage from behind the wall after the building is completed.

Chair Plaag thought this was a standard method for commercial buildings or homes for maybe 100 years, where you would have a concrete foundation, a vapor barrier, and a series of weep holes. He asked Mr.

Dixon if this was a typical method of construction for about this period of time. Mr. Dixon said yes, for commercial buildings or homes, but not for a parking deck. Mr. Dixon pointed out that a building that is conditioned is probably easier to design than a building that is open to the elements, as in the case of a parking deck that has no windows. He added that in the case of a parking deck, it does not have a roof or windows and has a lot more opportunity for water to intrude.

Chair Plaag pointed out that when Ms. Garrett began talking about this case on an occasion, she indicated that she was going to give an update on the case based on concerns about cost, then Mr. Dixon transitioned to talking about concerns with water intrusion. Chair Plaag asked Mr. Dixon to explain how the conversation between him and his principal evolved from the last time this case was heard by the HPC until now. Chair Plaag asked Mr. Dixon if his principal had a concern about the cost, asked him to explore cost-saving methods, and he researched the thin-set brick, further deciding they could also address some concerns they had about moisture and how it might save on costs. Mr. Dixon responded that cost was never a factor. He said that the research that he had done during the design process made him realize the thin-set brick veneer was a better product, and he did not know if it was going to be any cheaper. He added that the cost was never discussed with the County Commissioners.

Chair Plaag stated that earlier in the meeting, Member Watkins had asked Mr. Dixon about an article he had read about thin-set bricks and the most common causes of failure in this type of system. Mr. Dixon said there were no common cases of failure in this type of system. Chair Plaag asked Mr. Dixon what happens to the thin-set brick when a seismic event occurs, thermal expansion, or vibration caused by wind. He asked Mr. Dixon isn't fairly common in all of those scenarios as well as possible moisture intrusion from the interior of a concrete structure, that there could be cracking that occurs to the concrete. Mr. Dixon responded yes, and that is why there are built-in expansion joints.

Chair Plaag said that he had seen parking decks that use a concrete panel system where there are cracks in the midst of a panel, not at the joint, which is fairly common. Chair Plaag asked Mr. Dixon what happens to the exterior of a thin-set brick panel when the panel cracks. Mr. Dixon said he guessed the brick would crack and further commented that was a hypothetical question.

Ms. Meade voiced her discomfort and noted that she felt that there was some limit to the relevancy to the HPC of getting into a debate about things that are beyond the expertise of the HPC. She noted that there are no other experts present other than an architect who thinks the thin-set brick is a better product. She was not sure why it was relevant to the historic district standards that the HPC may think it is not as good a product as Mr. Dixon. She said ultimately, the review of the HPC is about appearance, and maybe some deeper questions about what is appropriate in the historic district when we have a product like this. She explained that more cases would be coming like this one, and this would not be the last time the HPC would face this type of material proposal. She said there are engineered wood interior products, and it will be easy for there to be engineered wood siding that fools everybody. She agreed that this is a difficult question regarding the proposed material, but she did not think it was appropriate to be debating these types of items, as opposed to the appearance issues.

Chair Plaag responded to Ms. Meade's concern about this type of questioning of Mr. Dixon. He said his reason for questioning the thin-set brick is that Mr. Dixon presented himself as an architect or person of expertise. Chair Plaag said that Mr. Dixon stated in his letter and testimony that he believed the thin-set brick is superior to a normal brick veneer wall system. He said that some of the things that Mr. Dixon was

concerned about with a true brick veneer are appearance-related topics, such as mortar cracking, brick cracking, brick spalling, and brick discoloration because of weep. He thought it was fair when someone is presenting in their expert opinion that a product is superior to the more traditional product that might be used. He thought it was also fair to cross-examine to ask that person, in their expert opinion, the possible things that are already recognized in the industry.

Chair Plaag said the list he started to read from was a report on the common causes of failure in thin-set veneer systems. He said his purpose was to determine if there were possible issues with thin-set veneer that are already documented within the industry. He said since Mr. Dixon has already presented himself as an expert, he wanted to get a better sense of how expert he was with regard to thin-set brick veneer.

Ms. Meade respectfully disagreed with Chair Plaag and explained that this is new construction, and two different types of exterior material could clearly be allowed. She said the owner gets to decide whether they want to use, for instance, wood or stone, despite the fact that there may be huge differences in both the cost and longevity of the two materials. She did not see where discussing the materials was any concern of the HPC

Chair Plaag asked Mr. Dixon if he was familiar with whether or not a thin-set brick system was an approved substitute material by the National Park Service (NPS) for use in historic properties or new construction in historic districts. Mr. Dixon responded no. Chair Plaag asked Mr. Dixon if he was familiar with how other historic districts have treated thin-set brick systems in terms of their suitability for established historic districts, particularly in new construction. Mr. Dixon responded no.

Chair Plaag asked Mr. Dixon if he was aware that the City of Charlottesville, Virginia, has a Downtown Historic District that is similar to Boone's architecture, and they prohibit using thin-set brick as a substitute material and exterior cladding material on new construction. Mr. Dixon confirmed with Chair Plaag that he was comparing Charlottesville, Virginia, with Boone, North Carolina, historically. Chair Plaag said their Downtown Historic District area involves construction that is similar to Boone's downtown construction.

Ms. Garrett interjected that while usually, these conversations can be productive, she felt like Chair Plaag was bringing up his own research and sources, although she recognized that Chair Plaag did have his own expertise. She felt the discussion was digressing into a board member trying to present evidence versus asking questions.

Ms. Meade responded and pointed out that she was not the decision maker, but she had sympathy with Ms. Garrett's point of view. She added that out of fairness to the applicants, because the material being presented was not in the meeting packet, and they have not had a chance to review or respond to it, makes it problematic. She said if this happens again, she thought the whole process should be examined because it may be relevant on the one hand, but it's not fair to the applicant to be met with evidence that is not of record and are not in a position to answer.

Chair Plaag asked Ms. Meade to clarify what burden is on the applicant in demonstrating a proposed substitute material that is suitable material for the proposed parking deck with regard to the historic district standards in relationship with the Secretary of the Interior's Standards for Rehabilitation. Ms. Meade referred to pages 98 through 99 of Appendix D, Sections 14.1 and 14.2, and she stated that she believed these would be the major standards that would be applicable to this case. She stated that these standards did not reference directly any NPS standards (Secretary of the Interior Standards). She said if

the SOI standards need to be considered, then Appendix D, Sections 14.1 and 14.2 standards need to be updated to reflect those standards.

14. New Construction of Commercial Buildings within the District

It is inevitable that new commercial buildings will be constructed within the District. The intention of these design standards is not to prevent such changes but to ensure that new construction is compatible with and complementary to the integrity and architectural character of the District. While new commercial buildings should not attempt to replicate existing historic properties, they should mesh with and support the historic design principles of the other commercial properties in the District. These standards are intended to preserve the integrity of the District while also encouraging sensitive and appropriate new construction.

14.1 New commercial construction within the District should not seek to duplicate historic buildings in the District or mimic their appearance. That said, new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Thus, new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District.

14.2 New construction should incorporate the predominant historic materials typical in surrounding historic buildings when possible—usually brick, native stone, structural glass, wooden trim, and similar historic materials. Synthetic, non-traditional materials, such as vinyl, synthetic stone, fiber cement board, aluminum, plywood, parging, and pre-formed concrete panels, are not permitted in new construction. It is NOT appropriate in new construction to use contemporary substitute materials in place of traditional materials. The use of the highest-quality, historically appropriate, exterior-facing materials is encouraged.

Ms. Meade pointed out that Section 14.2 appears difficult to apply to this case. She added that Section 14.2 would prohibit it if the proposed material was something such as a vinyl brick. However, she agreed, as Chair Plaag pointed out, that it would not be permitted if it was a rehabilitation or renovation; however, this case is based on new construction. She noted that she did not think this was an easy case to review.

Chair Plaag thought that Section 14.2 was one of the two standards that were central to the proposed change. He said the thin-set brick was a substitute material, and the guidelines talk about brick, and they do not talk about panel systems that have a substantially thinner component that gives the appearance of brick but does not function like a brick. Ms. Garrett and Mr. Dixon interjected that the thin-set brick is brick, just a thinner brick. Chair Plaag disagreed with Ms. Garrett and Mr. Dixon and noted that thin-set brick is not just a thinner brick. He gave an example of an earlier version of a similar type of product on a building outside the historic district on “Hippy Hill.” He said the building material gives the appearance of brick and the feel of brick, and it is a brick veneer wall system. Ms. Garrett asked Chair Plaag if it was a true brick. Chair Plaag responded that it was something like the thin-set brick; it has an applique slight profile system applied over probably a concrete block. He said it was probably a product from the 1970s or 1980s that was sold to cover concrete blocks. Mr. Dixon asked Chair Plaag what this had to do with this case. Chair Plaag responded that the building material is a substitute material. He further explained that

it was not a brick wall in the traditional sense. He said it is a very low-profile product that is embedded in concrete and installed.

Chair Plaag voiced his concern that he can see the seams every time this type of substitute product is used on a building. He said that true brick wall systems do not have seams. Ms. Meade told Chair Plaag that she believed he was mistaken because she believed that they do have seams. She said that she had driven around town and she saw lots of buildings with true brick and thin-set brick. She added that these buildings need vertical seams to allow for expansion, otherwise, the brick would split at those seams as they expand and retract. Chair Plaag asked Ms. Meade if there were historic buildings in the historic district that used concrete panel wall systems. She responded no, and added that she didn't think that Chair Plaag was suggesting that a concrete panel wall system was inappropriate in the historic district. She pointed out that a concrete panel wall system cannot be seen, and it is like using metal studs instead of wood studs.

Chair Plaag referred back to the original plan that was presented to the HPC by Mr. Dixon. He said that the HPC had been asked to look at a façade of brick and stone that had no seams. He said the plan that the HPC has been asked to review now has seams. He also pointed out that now some of the windows needed to be removed. He noted that he had no strong objection to the removal of some of the windows. He mentioned that now there was a specific request to use precast concrete wall panels that were not included in the original application reviewed by the HPC. He said this is the reason that he asked Mr. Dixon if this was his original plan or not. Mr. Dixon told Chair Plaag that he was incorrect in that wall seams were not shown in the original presentation; he added there would certainly be wall seams where the brick and block meet. He explained that the HPC did not want the brick and block, they wanted only brick. Mr. Dixon said that Chair Plaag could not construe that there were no seams in the original presentation. Mr. Dixon reiterated that there were seams, you just could not see them.

Chair Plaag told Mr. Dixon that if he was able to cover the entirety of those seams on the original plan for this proposal without having seams in the midst of those brick portions and you only have seams at the rock pilasters, why can't you put the seams at the brick pilasters. Chair Plaag believed that the answer is that you cannot cover the spans with a concrete panel wall system.

Chair Plaag said his point was that the HPC was presented with an appearance that did not have seams in it, and that appeared to be a true brick wall not divided by seams because of an underlying concrete panel system. He said the HPC is now being presented with a proposed plan containing a concrete panel system. He said as a result, the appearance of those brick walls is going to change, and it going to look like a substitute system, not like a true brick wall. Mr. Dixon told Chair Plaag that he completely disagreed with him because he said when he is creating a conceptual design, he is not designing seams.

Ms. Garrett asked Mr. Dixon if he normally showed seams on buildings in his drawings, including if there was a natural break occurring because of a different use of materials along a long wall in a conceptual drawing. Mr. Dixon responded that only when you begin to create detailed construction drawings is when he would add the expansion joints on a building.

Ms. Garrett noted that she was confused about why there was so much focus being spent on seams. She said there was not much discussion on seams at the last hearings with the HPC on the proposed parking deck. She told Chair Plaag that she thought he assumed there were no seams based on the first

presentation. She said that seams were not part of the conversation prior to this point. She said from a construction standpoint, seams have to be used for expansion. She said she was not sure why this debate was happening.

Chair Plaag asked Mr. Dixon if he would have seams in a traditional cavity wall system, then would he have seams in the veneer brick. Mr. Dixon responded absolutely there would be seams in it. Chair Plaag asked Mr. Dixon why he would have seams if there was air space and the brick is not completely adhered to the concrete behind it. Mr. Dixon referenced as an example the King Street Flats building that was built three years ago to explain that brick expands differently than the metal studs behind it. He said there are vertical and horizontal seams on this building that cannot be seen because they are tucked in between the brick and the rock. He added that you cannot build massive buildings without having expansion joints. He said the Brick Veneer Association recommends expansion joints every 12 to 20 feet.

Chair Plaag asked Mr. Dixon if it was fair to state that he originally planned to put the expansion joints at the seams where he had the rock pilasters. Mr. Dixon noted that he was not thinking about seams when he created the conceptual design of the proposed parking deck.

Chair Plaag encouraged the applicant to follow the language in the COA application when preparing for a case regarding the design as presented. He said if the HPC does not know if the underlying system is a concrete panel system, that will necessitate the need for expansion joints that meet the width of the panels versus a more traditional concrete pour system that might make those seams further apart or better hidden in a panel system. He stated, as a result, the HPC cannot properly evaluate what is being proposed by the applicant.

Chair Plaag explained what he thought the HPC was approving in the initial approval was exactly what was presented to them at that time, which was a true brick veneer system over some sort of concrete system behind it. He said that given that concrete panels were not present; he did not think that concrete panels were involved. He pointed out that the HPC was being asked to review a modified plan that changes the appearance of the proposed parking deck that was approved by the HPC. He added that Member Watkins asked questions earlier in the meeting about the proposed change, which goes to this point. Chair Plaag pointed out that Member Watkins had concerns regarding the panel system if it failed and the appearance of the mortar being different in a thin-set brick and a true brick. He said these things are a substantial change to the appearance from a historic perspective. Chair Plaag added that in his experience, he has noted that buildings that use the thin-set brick show a very different appearance over a period of time compared to a true brick veneer system. Mr. Dixon told Chair Plaag that it was unfortunate that he did not visit the WMC or ASU parking deck to see that is not always true.

Ms. Garrett asked Chair Plaag for clarification considering the discussion about the original plans not showing seams, considering whether the brick be thin-set brick panels or true brick, and the application of concrete panels was not brought up, she asked Chair Plaag to confirm his statement about not considering seams. Chair Plaag confirmed that the inclusion of seams was his primary concern because Mr. Dixon highlighted it in his drawings. He explained his reason for asking about the windows was being made because the seams would fall in the middle of some of the windows. He added that this was a substantial proposed change, and it was discovered after the decision to explore this alternative system, which is an alternative to the original approval by the HPC.

Ms. Garrett stated that concrete panels are not prohibited as building material because they would be behind the brick. She stated that earlier, Chair Plaag had seemed adamant in his statements that the thin-set brick is not true brick but a substitute material. She asked Chair Plaag, from a historic standpoint, how it is a substitute material if it is made of the same exact material as brick, and the application of putting it on a panel and applied to a structure is different. She asked Chair Plaag to explain what is the difference in the brick just because one of the types of brick is thinner. Chair Plaag explained that the issue is typically that substitute materials create a very thin coating to simulate some other type of product, and they reveal their flaws over time. He said it is clear to the seasoned eye that the thinner brick is a substitute material that was used to save on costs. He added that over time, the appearance of the thin-set brick becomes incongruous with the appearance of the historic district.

Ms. Meade asked Chair Plaag if he was saying that if Mr. Dixon could prove to him that this type of brick lasted just as long as the normal construction of true brick veneer, if that would address his concern, and was this the crux of his issue. Chair Plaag said it was not the crux of his issue and that it would not look like a brick veneer wall system would look. Ms. Meade reminded Chair Plaag that they are discussing new construction. Chair Plaag pointed out that Appendix D, Section 14.2 states that it is not appropriate in new construction to use contemporary substitute materials in place of traditional materials. He reiterated that thin-set brick is a substitute material.

Ms. Garrett felt the reason for the debate was because she asked if a thin-set brick was a substitute material. She gave an example if hardy board wood comes in long strips, and then if it is cut into smaller pieces to apply it, why is it not considered the same wood applied differently? Chair Plaag explained the concern that when it is compared to a true brick veneer wall, the difference between the two types of brick is distinguishable. He said a large part of the difference is in the mortar pattern and, on a huge expansive wall, the seams that are created. He suggested the example of the Rivers Walk building, that he suspected used a thin-set brick veneer. Mr. Dixon noted that it was true brick on the Rivers Walk building. Ms. Meade agreed that she thought the Rivers Walk building had a true brick veneer on it, and it has expansion joints because of the construction. She pointed out that more recently, the newly constructed buildings in town, such as the WMC and at ASU, have seams even though it is a real brick.

Ms. Garrett and Mr. Dixon showed a sample of the thin-set brick to the HPC. She stated that it is an actual brick and not a substitution for brick, as they are made out of clay, just crafted to be smaller. She added that the thin-set brick is actual brick, not another material substituting for brick. Mr. Dixon noted that he could confirm that the Rivers Walk building has true brick on it because he thought Chair Plaag was mistaken about the brick on that building.

Discussion ensued on the windows. Chair Plaag referred to packet page 33 and discussed what he thought Mr. Dixon did: remove the center window of the three windows in each section between pilasters. Mr. Dixon agreed with Chair Plaag that was the proposal for the windows. Chair Plaag said one of the reasons that the thin-set brick concrete panel wall system was proposed was for concern for water intrusion in the windows, mostly on the Water Street view at the second level of the building. Mr. Dixon explained that he was concerned about the water getting in between the true brick and the concrete wall. He added with the thin-set brick, there is no cavity for the water to enter. Ms. Garrett clarified the question if Mr. Dixon was concerned about water intrusion on the top level versus the bottom level because the windows are recessed in on the bottom level, and there is not an opening for the water to go through on the top

level. Chair Plaag said his understanding is all of the lower-level windows are true openings. He assumed that in that type of system, there would be some type of coping that would prevent moisture from passing between a brick veneer and the concrete. Mr. Dixon agreed with Chair Plaag on the moisture prevention on the lower level windows. Mr. Dixon mentioned that, in this case, there would be a false storefront window frame that would cover the air space. He said the frame would not prevent moisture from going in those windows, but it would help to keep it out.

Chair Plaag suggested an option if the windows line up properly where the deck is at the second level, he said potentially the second-floor windows could be pass-throughs as well. He noted that car bumpers and headlights might show through the windows. Mr. Dixon said there are sections in the Unified Development Ordinance that do not allow what Chair Plaag suggested as an option, as the wall has to be solid up to 42 inches high.

Chair Plaag talked about reducing the windows from six to four windows. He said he did not object to this proposed change, whether the true brick veneer or the concrete wall panel system was used.

Chair Plaag asked the HPC if they had other comments or concerns regarding this case.

Discussion ensued on selecting the color of the brick for the proposed parking deck. Member Watkins pointed out that at ASU, every building around the parking deck has used a different color of brick than what is on the parking deck. He said it is a very noticeable appearance. Mr. Dixon responded that there is only certain brick that precast manufacturers like to use. He added that the brick had not been selected yet for the proposed parking deck, but the brick color would be a dark red and not a brown-orange colored brick. Member Watkins told Mr. Dixon that he wanted to know if there was a building within the site line of the proposed parking deck that would help Mr. Dixon form his decision on brick color. Mr. Dixon pointed out there is a building across Queen Street nearby Ms. Meade's law office is located, and there is a brick house beside her office; however, he stated that this might not be a fair comparison.

Ms. Garrett pointed out that a brick color was referenced in the initial meeting for this case. Chair Plaag referred to packet page 74, and Mr. Dixon said the brick color might not be the exact color shown under exterior materials, but it would resemble that color of brick.

Chair Plaag asked Ms. Garrett if she wanted to redirect. She voiced that she did not have a need to redirect, but she wanted to make a few closing remarks.

In closing, Ms. Garrett believed that having reviewed Appendix D, Section 14.2 regarding new construction on commercial buildings, she agreed with Ms. Meade and Chair Plaag that this is the most relevant section that applies to this proposal. She then read: new construction should incorporate prominent historical materials typical when surrounding historic buildings when possible, usually brick, or native stone. She continued referencing this section, stating that it continues to talk about glass and wood trim and similar historic materials. She pointed out that it mentions use of synthetic materials; she pointed out that through testimony in this meeting, it was discussed that the proposed material is not synthetic but is made of clay and the things that traditional true brick is made of. She listed that this section references non-traditional materials like vinyl synthetic stone, fiber cement board, aluminum plywood, and precast concrete panels. She noted that the concrete panels that were discussed would be underneath and not visible and no part of the structure.

Ms. Garrett pointed out that Chair Plaag had stated earlier that it was not appropriate in new construction to use contemporary substitute materials in place of traditional materials. She thought the term contemporary substitute materials was a vague term that may have some meaning when applied to specific situations. She noted that the proposed brick is brick, it is just thinner, and it is the installation that changes versus the material.

Ms. Garrett referred to Appendix D, Section 14.1, and she said that the code does state that new construction should employ an architectural design that reflects its current time, place and use, and culture provided that its use is compatible with the character of the district.

Ms. Garrett did not believe that the proposed material was prohibited. She said that one could argue that true brick veneer is the same brick attached to concrete panels because it is true brick. She said that veneer is anything attached to the exterior of a building that creates the look of the building. She thought this application of the thin brick was just a veneer on the concrete panels. She said it goes back to the proposal for a change in the installation of the material being used.

Ms. Garrett said she would understand if HPC and the Staff would need to revisit Appendix D, Section 14.2 to revise it. Her interpretation of this section was that it does not prohibit the proposed brick in this matter.

Ms. Garrett noted that there was a lot of discussion on water intrusion in this meeting. She stated that Member Watkins had asked how would a parking deck be built with the panel system. She understood there was a lack of comfort from the HPC in applying the brick in this way with a lack of familiarity. She said that does not change the fact that advances in technology allow for the application of materials to be more efficient for better performance.

Ms. Garrett said there was a lot of discussion on the potential failure of materials that are the traditionally applied brick veneer and the failure of the application of concrete panels. She noted that all materials are going to have a failure point. She said respectfully she did not think there was competent evidence for the HPC to deny this application based on speculation about the failure of the proposed material, especially if it is not already prohibited and addressed.

Ms. Garrett said she understood the trepidation, but this request, with the modifications, purports to what is allowed in Appendix D, Section 14, she thought the proposal was compatible with the district, but she said there was some tan brick around the proposed parking deck, but color was not an issue. She said respectfully it would be an injustice not to approve it. She said if the HPC wants to reconsider after this hearing to rephrase Section 14, she would understand.

In summary, she thought this proposal using real bricks should be approved. She told Chair Plaag that she made a statement when she was asking Mr. Dixon about the reasons for the proposed change, using the words "financially preferable" or to that effect, which were her words and not from a conversation with Mr. Dixon or the applicant. She said she had not been involved in a conversation about approaching the HPC with the proposed change because of finances. She said that Mr. Dixon had testified that the material would cost more. She said there might be a savings on labor costs that might balance it out. She said it was more of a hope that the savings would occur over time with not needing to maintain and repair the thin-set brick concrete panel system versus a more traditional application of brick. She noted that if the HPC would like to see any samples of material, she could work on getting them.

Chair Plaag asked Ms. Garrett if she had any objection to any of the materials in the meeting packet. Ms. Garrett said she did not have an objection to the materials in the meeting packet.

Chair Plaag asked Ms. Turner if she had any evidence pertinent to the application. Ms. Turner responded that she did not have evidence to present for this application.

Chair Plaag asked the HPC if they had any questions for Staff on this application. There were no questions for staff on this application.

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 Ms. Garrett if she had a rebuttal to the information discussed for this application. Ms. Garrett said that she did not have a rebuttal for this application.

Chair Plaag asked the Staff if they wanted to make a closing statement. Ms. Turner said she did not have a closing statement for this application.

Ms. Meade made it clear that it is not a facile question when looking at the last sentence of Appendix D, Section 14.2, especially when it is read against the language of Section 14.1. She believed that it is the province of the HPC to decide what the language in Sections 14.1 and 14.2 means applied to this particular fact pattern. She said it is extremely fact-intensive based on the material in the meeting packet. Ms. Garrett responded that she was in agreement with what Ms. Meade said about Appendix D, Sections 14.1 and 14.2 because the HPC had the discretion to interpret its own ordinance. She said that she strongly agreed that her interpretation was the correct one.

Chair Plaag opened the floor for the HPC to discuss the evidence at hand regarding the proposal. He said he had two motions for findings of fact. He referred to packet page 48 and read Appendix D, Section 14.2.

Motion and Vote:

Chair Plaag began by reading into the record Appendix D, Standard 14.2 and made a motion seconded by Member Sharp that the Historic Preservation Commission finds the use of thin-set brick on a concrete panel system is the use of a contemporary substitute material used in place of traditional materials.

Discussion ensued on the finding of fact for this case. Member Watkins asked Chair Plaag about what evidence do we have from the National Park Service (NPS) or other preservation organizations regarding a substitute material instead of traditional materials. Chair Plaag noted this is part of why he asked Mr. Dixon if he was aware if the proposed material was approved by the NPS. Chair Plaag said if he recalled correctly, Mr. Dixon was not aware if the proposed material was approved by the NPS.

Chair Plaag gave an example of an exterior building material that is other than brick. He said this is an example of something that the NPS has approved. He mentioned Carrara glass or Vitrolite, a structural glass that was a common material used approximately from the 1930s until the 1950s. He explained that it was adhered with a mastic to masonry, which could be brick or concrete block. He said the Appalachian Theatre originally had this type of glass. He said after 40 or 50 years, the mastic would fail, and the panels would start falling off. He said when someone would begin to restore the glass, it was difficult to find enough salvaged glass to do it. He said the NPS has approved spandrel glass, which is a substitute material that is acceptable in restorations or rehabilitations of buildings that had a structural glass. He said the spandrel glass is held in place by the frame and not the mastic. He said most people do not notice the metal frame.

Chair Plaag added that the HPC had not heard evidence that thin-set brick on a concrete system is an approved substitute material. Member Watkins said it is a brick, it is just sliced thin, although it does not function in the same manner as a traditional full-size brick, even in a veneer fashion. He said in between those bricks are mortar joints, as there would be in a regular veneer application. He said the joint does not quite appear the same way that a tooled mortar joint appears. He said when he looked at the WMC

building, he was more impressed by the appearance of it than the ASU parking deck. He said the ASU recording studio, previously the bus station, is a good example of the appearance of concrete panels, and they obviously stand out as being incorrect. He said that he knows that governments are habitually bad about the maintenance of their buildings. He said the idea that there would be a product with the appearance of brick that might actually hold up better than the alternative is attractive in his view. He added that he found this to be a difficult and problematic question. He noted that the proposed material is not like replacing vinyl siding on a structure. He added because the thin-set brick is proposed for the parking deck, it will not be admired for whatever appearance Mr. Dixon is able to produce. He told Chair Plaag that he would not be able to support his motion for a finding of fact for the reasons stated above.

Chair Plaag responded regarding if the proposed material is a brick or not a brick. He said a “slice of bread” is not a “loaf of bread.”

Vote:

Aye- (Plaag, Riley, Sharp)

Nay – (Bond, Watkins)

The motion passed.

Motion and Vote:

Chair Plaag made a second finding of fact with the motion that thin-set brick on a concrete panel system does not represent the highest quality historically appropriate exterior facing material as used in this particular proposal. There was no second to this motion, the motion failed.

Chair Plaag explained that a finding of fact had been made that the material that was proposed is a contemporary substitute material being used in place of traditional materials. He said that Appendix D, Section 14.2 states it is not appropriate in new construction to use contemporary substitute materials in place of traditional materials.

Chair Plaag noted that he does not have a particular objection to the proposed window change in the number of windows being placed, providing they adopt the general arrangement that Mr. Dixon has indicated on the revised drawings with two smaller windows on top and the two larger ones below.

Chair Plaag asked the HPC if there was a motion to either approve or deny based on the finding of fact and the other evidence heard in this case. Ms. Garrett asked Chair Plaag if he was asking the HPC to approve the reduction of windows, specifically, because she would like the windows to be considered as a separate request, whether the panels are approved or not approved. Chair Plaag responded that the HPC could make two separate motions.

Motion and Vote:

Member Watkins made a motion, seconded by Chair Plaag, to approve the proposed change to reduce the number of windows and location of them.

Vote:

Aye- all

Nay – none

The motion passed.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, to approve the use of a thin-set brick mounted in the concrete panel wall system in place of the use of a true-brick veneer cavity wall system that was previously proposed and approved by the Historic Preservation Commission.

The following conditions are automatically included and a part of any approval.

- 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.

Vote:

Aye – (Bond, Sharp, Riley, Ziegler)

Nay – (Plaag)

The motion passed.

CASE Z06553-032323 SOUTHEND BREWING CO. – ADDITION AND PATIO IMPROVEMENTS – COA

Chair Plaag suggested that this case be tabled to a later date and time. Discussion ensued with the HPC, Staff, and Applicants, and they agreed to have a special meeting on Tuesday, May 16, 2023. Chair Plaag tabled Case Z06553-032323 Southend Brewing Co. – Addition and Patio Improvement – COA to Tuesday, May 16, 2023, at 11 a.m., via Webex.

ADJOURNMENT

Student Member Ziegler made a motion, seconded by Vice-Chair Bond, to adjourn the meeting at 5:31 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

**TOWN OF BOONE
SPECIAL HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
MAY 16, 2023, 11:00 a.m.
WebEx Video Conferencing**

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Chuck Watkins, and James Sharp

Student Member: Riley Ziegler

Town Staff in Attendance: Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, Brandon Wise-Environmental Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Chelsea Garrett- Attorney, Bill Dixon-Appalachian Architecture, Leigh Blevins-Appalachian Architecture, Aram Kevorkian-Applicant, Megan Kevorkian, Eric Kevorkian-Property Owner, William Brown, Seth K., and Allison Meade-Town Attorney

Call to Order

Chair Eric Plaag called the HPC Quasi-Judicial meeting, held via WebEx, on May 16, 2023, to order at 11:01 a.m. He noted that this meeting was continued from May 9, 2023.

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

Chair Plaag introduced the Staff members as Ms. Jane Shook, Director of Planning & Inspections, Ms. Jessica Mitchell, Long-Range/Special Projects Planner, Ms. Christy Turner, Senior Planner, Mr. Brandon Wise, Environmental Planner, Ms. Marlene Crosby, Board Secretary, and Ms. Allison Meade, Town Attorney.

Chair Plaag told the HPC that he had two issues to discuss at the end of this meeting that might impact the June advisory and quasi-judicial meetings.

CASE Z06553-032323 SOUTHEND BREWING CO. – ADDITION AND PATIO IMPROVEMENTS – 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 an addition and patio improvements on the secondary elevation at the rear of the property. This property is located within the Downtown Boone Local Historic District. (Watauga County PINs 2900-79-8447-000, 2900-79-7377-000, 2900-79-8421-000, 2900-79-7368-000). The COA request includes patio improvements which consists of work to the existing deck and stairs, adding a second-level deck and corresponding emergency exits, installing pavers for a patio area, modifying an existing retaining wall, and screening for existing containers on site. The COA request also includes the addition of a storage container as a bar for the principal restaurant use.

This development would involve work on the secondary elevation of the property, according to the definitions included in the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District Design Standards and Handbook.

Chair Plaag swore in Ms. Shook, Ms. Mitchell, Ms. Turner, and Mr. Wise in case they were to give

testimony for this case.

Chair Plaag asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change; had 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. There were no answers in the affirmative.

Chair Plaag asked if any commissioner had engaged in any undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Chair Plaag confirmed that Mr. Chelsea Garrett, Attorney, was representing the applicant in this case. Chair Plaag asked Ms. Garrett if she had any objection to the information in the meeting packet; she had no objection to the information.

Chair Plaag asked Ms. Garrett if she would like to make an opening statement. She had a brief opening statement, and she had some points of clarification that she needed to consult with staff on.

Ms. Garrett pointed out that it was not the intention of the applicant to remove the wood seating area around the tree area that was installed by the prior owner, Mr. Henley. She believed the wood seating was not historic and not a part of the current request from the applicant. She clarified with Ms. Christy Turner, Senior Planner, that this topic has no bearing on this application. Ms. Turner responded that Mr. Brandon Wise, Environmental Planner, had looked at the tree. Mr. Wise stated that he reviewed and approved the removal of the tree with the understanding that it was not a historic tree. Ms. Garrett confirmed that Ms. Turner had stated that there was no historical concern with the removal of the tree.

Ms. Garrett asked Ms. Turner about some minor restorative grading that would be needed in the courtyard area. She felt the proposed grading was not the type of grading that would need to meet any of the requirements of Appendix D. Ms. Turner asked Mr. Wise to clarify what he understood about the proposed grading. Mr. Wise said the proposed grading plan that he reviewed showed minor grading to remove some gravel and level the area in the courtyard. He further clarified that the zoning approval for the proposed minor grading would be dependent on the HPC's approval of the Certificate of Appropriateness (COA) for the Addition and Patio Improvement. Ms. Garrett noted that there had been no change to the proposed plan that was been submitted to and reviewed by staff for the minor grading.

Chair Plaag asked Ms. Garrett if she was referring to Appendix D. Section 14.6 for the proposed grading. Ms. Garrett replied yes, Section 14.6 is what the proposed grading plan was based on. Chair Plaag read aloud the said section for the benefits of the HPC.

New Construction of Commercial Buildings within the District

Section 14.6 New construction should respect the existing topography and vegetation on the site. Large-scale grading to level or otherwise dramatically alters the natural slope of a lot is destructive to the historic landscape and is not appropriate. Whenever possible, existing trees and historic landscape features should be incorporated into the design for a new property. If large trees must be removed, they should be replaced with trees similar in type and species. During construction, any mature tree that will not be removed should be protected with appropriate fencing around the tree's canopy area that will eliminate construction parking, material storage, and concrete washout that could harm the mature tree.

Chair Plaag confirmed with Ms. Garrett that what she had indicated was that the proposed grading, in her opinion, would not meet the definition of large-scale grading that would dramatically alter the natural slope of the site. Ms. Garrett agreed with Chair Plaag that the proposed grading would not meet the definition of large-scale grading in the courtyard.

Chair Plaag referred to the meeting packet and read some provisions for saving one mature tree and incorporating it into the new design. Mr. Kevorkian explained that it was their intention to save the tree to help provide vegetative screening because he thought it was a historic tree.

Ms. Garrett began the opening statement by announcing that the applicants, Mr. and Mrs. Kevorkian, and the master brewer for Southend Brewing Company, Mr. William Brown, were present at the meeting. She noted that the prior owner had restored some of the building, but the current application is limited to changes to the rear patio and courtyard proposal. She explained that the applicant is proposing to grade and resurface the ground in the courtyard and restore and repair the deck, which supports the stairs that are currently not to code. She noted the proposal includes making the roof of the deck serve as the floor for a second-level deck, and turning the right offset from center window at the rear of the building into a fire exit. She pointed out that the proposed changes are necessary to bring the building up to the current code so it can be used. She said the proposal does not include increasing the capacity. She noted a statement she had from Mr. Stacey Miller, Chief Building Inspector, that said a rear fire exit would be required. She anticipated that most of the discussion would be around adding the second level over the existing deck and the fire exit because these two things would be affixed to the historical structure and would maintain the fenestration of the rear of the building. She added that they wanted to add a temporary metal shipping container to the courtyard, which is not an addition that affects the historic structure. She said the applicant is proposing that the HPC consider what they prefer to see used as a material on the exterior of the shipping container. She pointed out that the rear of the building is the tertiary elevation, it is visible from Howard Street, and that she is aware that there are certain standards related to this type of elevation. In closing, she noted that the owners were eager to get started on this proposed project and have it completed in order to take advantage of the summer season.

Chair Plaag asked the staff if they wanted to make an opening statement with regard to this application. Ms. Turner said the staff did not have an opening statement for this application.

Chair Plaag asked Ms. Garrett if she would like to provide any witness testimony. Ms. Garrett responded that she would like to call on Mr. Bill Dixon from Appalachian Architecture, and Mr. Aram Kevorkian, the applicant, as witnesses. Chair Plaag swore in Mr. Dixon and Mr. Kevorkian.

Ms. Garrett asked Mr. Dixon to walk through the proposed design in the conceptual drawings in the current meeting packet and identify which proposed changes would be new and what would be restoring the existing building.

Mr. Dixon stated that since the original packet was submitted, the staff had completed a zoning review prior to this meeting for several minor changes. He outlined some of the proposed changes as working with the waste management company to get the dumpster location moved so they can access the trash dumpster, working with soil and water on the impervious pavers, final wall designs and locations, screening for the grease trap, and designation of the parking areas. He described the appearance of the rear of the building as a gravel wasteland. He said the proposed renovations would make it a more habitable and pedestrian-friendly area for outdoor use as a restaurant. He said the associated metal shipping container bar would be added as a part of the restaurant operations. He explained that the seating is conceptual because the fire department and building inspectors were requiring a true path of exiting which will be outlined with a paving pattern. He said the historic Locust tree is adjacent to the west of the property, which is currently under construction. He said the property owner beside the Southend Brewing property would make the necessary repairs to the existing retaining wall that is failing behind the trash dumpsters.

Mr. Dixon explained that included in this request is a proposed second-floor deck and egress exit stairs, removing the metal awning, and enlarging an existing window to be an exit door, which would make it easier to use the second-floor level for larger gatherings.

Ms. Garrett pointed out that Mr. Stacey Miller, Chief Building Inspector, had measured the space. She asked Ms. Turner if she knew that the applicant was not proposing to add onto the building to increase the occupancy. She confirmed with Mr. Dixon that the upstairs is now used for office space. Mr. Dixon explained that occupancy is limited because there is only one exit onto King Street, they are only allowed less than 50 people on the second-floor level. He added that the installation of a new door and an exit out of the rear of the building would allow the occupancy to increase.

Ms. Garrett talked about the use of the current office space on the second level of the building. She said if the second-level space was broken up, and walls removed, it would allow the use to be changed so that there would be room for groups and other patrons in that space. Mr. Dixon agreed with Ms. Garrett. Ms. Garrett asked Mr. Dixon if it was Mr. Miller that had indicated that in order to use that second-level space for that purpose, another door exit would be required; Mr. Dixon replied yes.

Ms. Garrett asked Mr. Dixon would the current deck, other than repairing it, would stay in its current location at the historical structure. Mr. Dixon said it is attached at the main floor level and bolted into the wooden structure into the brick. Ms. Garrett asked Mr. Dixon if he was adding to where that was bolted in; Mr. Dixon replied no. Ms. Garrett asked, as far as the roof of the existing deck, would it be removed and replaced with new flooring for the second-floor deck, and Mr. Dixon responded that was correct. Ms. Garrett asked where would the second-floor deck be attached, and Mr. Dixon responded that it would be attached at the rear of the building at the second-floor level. Ms. Garrett asked if it would be attached at the same place that the roof would be attached. Mr. Dixon replied basically yes, that it would be attached at the same place. Ms. Garrett asked what type of alteration or disruption, if any, would there be to the physical structure of the building. Mr. Dixon said there might be some minor alteration because of some additional lag bolts at the rear of the new deck, but there would not be a whole lot of disruption from it. Ms. Garrett asked Mr. Dixon about the location of the lag bolts and if they would be in a different location than the existing bolts that are attached to the building. Mr. Dixon answered that the bolts would probably not be located in a different location. Ms. Garrett asked Mr. Dixon if the existing deck needed some structural repair, and he responded that he thought structural repair was needed.

Ms. Garrett asked Mr. Dixon if there had been any discussion with staff regarding the paving material. Mr. Dixon replied that Mr. Kevorkian could better answer this question because he had spoken with Ms. Turner and Mr. Wise about the paving material.

Ms. Garrett asked Mr. Dixon to describe the existing stairs. Mr. Dixon described the stairs as a combination of wood, cement, and gravel going off the existing deck in the rear of the building. He said those stairs would be replaced with quality material and handrails that meet the building code.

Ms. Garrett asked Mr. Dixon to describe the proposed knee wall. Mr. Dixon said it almost mimics the existing wall that was made out of pressure-treated wood and railroad ties that are in disrepair. He explained that the repairing of the knee wall located on the east side would better define the property lines in the patio area.

Chair Plaag opened the floor for the HPC to ask questions of Mr. Dixon.

Discussion ensued on engineering studies for the second-floor deck. In general, Member Watkins talked about the collapse of decks. He asked if any engineering studies had been completed to determine the potential weight loads for the second-floor deck. He mentioned this because of the lag bolts being attached to an old historic building. Ms. Garrett responded and noted that the engineering studies for the proposed deck should not be a topic of discussion for the HPC because it would be a building inspection issue and not a historic issue. Mr. Kevorkian stated that he had spoken to an engineering firm, and the design for the second-floor deck would be completed to the engineer's specifications.

Chair Plaag asked Mr. Dixon about the proposed method for using the lag bolts, along with where and how they would be connected to the building and the potential impact on the masonry. Mr. Dixon said an engineer should answer that question, but the lag bolts would be where the aluminum metal roof was located. He said the lag bolts could be about one-half inch in size, basically in the location where the bolts are now. Chair Plaag asked Mr. Dixon if the lag bolts would go through the actual brick or in the mortar between the brick. Mr. Dixon reiterated that an engineer should answer that question, but he thought the lag bolts would go beyond the brick and tie into the wooden structure of the building and not rely on the brick veneer to support it.

Chair Plaag said oftentimes in cities with historic districts, you see earthquake rods or other types of bolts passing through masonry walls that rely on a plate system on the exterior side and presumably a plate system on the interior of the building to attach the nut and bolt. Chair Plaag asked Mr. Dixon if he anticipated that there would be bolts attached to a plate over the masonry and on the interior of the building, and if there would be a receiving plate for the nut attaching the bolt to the plate. Mr. Dixon responded that they probably would not penetrate the pressure-treated fire retardant wood and not require a plate system as described by Chair Plaag. Mr. Dixon said there might just be a washer versus a plate. Chair Plaag said the reason he mentioned the plate system is because it has a way of not marring the masonry as badly, and they align so they pass through the mortar rather than through the masonry itself. Mr. Kevorkian interjected that there is an existing ledger board bolted with lag bolts to the building to support the roof. He explained that it was their intention to rely on these preexisting locations along with going by the engineer's specifications.

Ms. Allison Meade, Town Attorney, stated that she felt it was appropriate for the HPC to give direction for the engineer to design a connection pattern that avoids penetrating the brick and it penetrates the mortar, even if it requires a bit more work on the part of the constructors. She further stated that it would be difficult to imagine that an engineer could not work with these types of limitations. Mr. Dixon said every attempt would be made to go through the mortar and not the brick because it makes it easier to drill and make those connections, even though it is sometimes difficult to drill into the exact location.

Ms. Garrett mentioned that she expected that where and how the bolts attached to the building would be the crux of the discussion because it affects the actual structure. She explained that the engineer has not completed the plans because the proposed plan had not been approved yet. She said this makes it difficult to know what the engineer would propose. She requested to the extent possible, if the HPC could give direction on the things the applicant needs to do to get approval on topics, like drilling into the mortar.

Member Watkins voiced his concern for the HPC being asked to hypothetically approve this proposed application. He explained that he felt this way because the HPC does not know what kind of changes an engineer might propose to make the plan workable. He said some of that proposal might have an effect on the appearance of the building and might need to be discussed by the HPC. Ms. Garrett pointed out that the applicant was not asking the HPC to give a carte blanche approval but wanted the HPC to establish the materials that they might approve. She continued, for example, using the same bolts in the same areas and not increasing the bolts more than a certain number and these things could be incorporated into the engineer's plan. She said then once the applicant receives the engineer's plan and it is submitted to staff, it can be approved. She noted that in the past the HPC had given instructions with the understanding that if something did not work out and needed a change, the applicant could come back to the HPC to further discuss the situation. Mr. Kevorkian added that in his conversations with the engineer, they wanted to know the materials that the HPC had approved to add to the proposed plan prior to submitting it for approval. He pointed out that he thought it was unfair for him to be required to submit the approved materials before the HPC approved them.

Member Watkins spoke from a personal perspective, he said it's not so much about the appropriate materials but about what would be required to anchor the second-level deck and what would that do to the appearance of the building. He said what possible changes would need to be made to make the addition of the deck sound from an engineer's standpoint. He added that he did not see where it was the HPC's responsibility to pre-limit what the HPC's approval or lack of approval would involve.

Ms. Garrett said the applicant was requesting approval of what has been presented to the HPC, and if the manner in which the second-level deck is attached was the question, she said it is possible to table the discussion of the deck attachment issue and discuss the other items proposed for this case. She said the HPC could consider the appearance of the deck without being concerned about how it was attached.

Chair Plaag pointed out that at least two HPC members have shown concern about the issue of how the second-level deck is going to be attached to the existing tertiary façade of this building. He felt that this was an area where the HPC would place some conditions and perhaps want to see at some later date more detail on the appearance of it.

Mr. Kevorkian pointed out that the current proposal shows lag bolts with the ledger board, which is standard practice. He said these types of bolts were used on the existing deck and tied into the building. He told the HPC that at this time, he did not anticipate varying from the existing structure supports in the building, but he was open to the HPC's guidance on them. He hoped that the proposed plan would be approved with the ledger board and lag bolts as presented. He noted that they are not proposing to increase the capacity of the existing deck.

Ms. Meade asked for clarification on the ledger board, if they were proposing an already installed ledger board or installing another one. Mr. Kevorkian explained that the lower deck would be similar in utilization to the second-level deck that relies on a board attached with lag bolts to the building, the current roof has a board with lag bolts going into the building. He anticipated using the same basic methods that are employed on the lower deck to support the second-level deck based on the engineer's approval. He also anticipated it to be minimally invasive by relying on the location of the board that currently supports the roof. He said if the HPC wanted to offer alternative guidance, he was open to hearing it.

Ms. Garrett confirmed with Mr. Kevorkian that, at this time, he was proposing to use the existing board that is supporting the roof. Mr. Kevorkian said the specific board may need to be altered based on the engineer's report. He said if the engineer said the board might need to be larger, he would respect that from a life safety perspective. Mr. Dixon said the existing board will probably need to be replaced at the same location. He guessed that there would be lag bolts about every 16 inches horizontally, spaced about eight inches vertically and connected into the mortar joints.

Chair Plaag pointed out that in the meeting packet and in Mr. Dixon's testimony, he had described a second-level window being enlarged. He asked Mr. Dixon to provide more detail about the enlarging of the window. Mr. Dixon said the roll-lock seal would be removed from this existing window and the brick below it. He said the window would be enlarged vertically but not horizontally to make an emergency exit. He said from the photographs, it appears the window already meets the width requirements.

Chair Plaag asked the applicant to think about the possibility of what is being proposed for the enlarging of the window and if they thought it violated Appendix D, Sections 1.8 and 6.1, and how Section 6.4 might interact with Sections 1.8 and 6.1. He encouraged the applicant to tailor their argument for what is being proposed to the standards because the HPC would consider if the standards apply or do not apply to that proposal for enlarging the window. Mr. Dixon thought enlarging the window was based on life safety issues and providing proper exiting from the building. Chair Plaag replied that the enlarging of the window is not a required change to the building, it is only a life safety issue because the applicant wishes to change, not only the interior of the second level, but also the way the second level is used. He said under code, it necessitates a different type of window opening. He added that in this case, if a proposed change

necessitates a change to the exterior of the building as Mr. Dixon described, it is within the purview of the HPC to consider whether that change, even if it is coming from an interior use change. He reiterated that this is the reason he asked if Appendix D, Sections 1.8 and 6.1 might be a violation, and if the language in Section 6.4 might change that discussion. Ms. Garrett explained that they would respond to the HPC later today on said topic.

Ms. Garrett asked Chair Plaag to swear in Ms. Megan Kevorkian so she could speak on this application. Chair Plaag swore in Ms. Kevorkian.

Ms. Kevorkian referred to Appendix D, Sections 11.1, 11.2, and 11.3 that talk specifically about the implementation, or addition of exterior fire escapes on historic properties. She said that, as the applicant, they did consider these sections of the Unified Development Ordinance (UDO), when making their proposal. She said in the proposed plan, they placed the fire escape at the main exiting window on the tertiary elevation which was explicitly requested in Section 11.2, and on the inconspicuous side as much as possible. She explained that for several reasons, it was not possible to place the fire escape on any other elevation. She described the reasons including, the secondary elevation facing the new Winkler Hotel property does not have any existing windows, historically on that side of the building. She further described another reason is the other secondary elevation was facing the Fire Department that has some existing windows in place that will be clearly visible from King Street, which would drastically change the secondary elevation façade. She also believed that there was a ghost sign on that side of the building, and they did not want to alter that side of the building. She said this left the tertiary elevation, which she believed had some advantages.

Ms. Kevorkian referred to the existing tertiary façade photos in the meeting packet. She pointed out that not much of the building was visible from Howard Street through the small alley partly because of the slanted metal roof on the deck it is rather obscured. She said from that vantage point of Howard Street, there would be very little change other than maybe the bottom section that is going to be extended to create the window into a door. She thought enlarging the window for the fire escape would be the least invasive option to be able to have an adequate fire escape. She referenced Appendix D, Section 11.1, which showed a photo of existing fire escapes in Downtown Boone. She said one of the photos references the Dark Ridge Pottery building that is next to the Horton Hotel building. She said there was a photo in this section that states that is an appropriate implementation of an external fire escape to the building. She noted that particular fire escape takes up a massive part of the building, proportionally of the building itself. She said in the proposal with the second-level deck, they are not only allowing more visibility of the building on the first-level deck, but they are also going to minimize the obscuring of the building on the first and second-level floors by not having a wrought iron metal fire escape. She explained the proposal is to use the staircase that is on the side and is fairly hidden and would still allow large visibility of the building. She said they wanted to showcase their building and make it more visible. She thought their proposal included the best way for both life and safety as well as convenience for their patrons. Chair Plaag agreed that the sections that Ms. Kevorkian referenced were relevant to this application.

Chair Plaag referred to meeting packet page 59 and a historic image from possibly the 1990s of the rear of the building. He said what appears in that image is some sort of caged fire escape with a circular material around the ladder that descends from the window to the ground. He asked Mr. Dixon if that circular portion of the fire escape had been removed, and Mr. Dixon responded that it had. Chair Plaag added that the historic photographs showed the fire escape being extended all the way to the ground. Mr. Dixon explained that the current fire escape only goes down to the first-level deck, and there are stairs that exit the deck.

Chair Plaag explained that his line of questioning was to find out if the historic fire escape survives intact as it probably was originally on this building in the 1990s. He said if part of this fire escape has been

removed then the integrity of that architectural element has been compromised. Ms. Garrett confirmed that in the current photo of the rear of the building, there is no circular material around the fire escape.

Mr. Kevorkian pointed out that in the 1990s image, the fire escape ladder actually goes over a pre-existing window. He said they could not narrow it down to the year, but given the materials, installation techniques, and reviewing all of the photos that they had presented, there was no indication that the fire escape ladder was original to the building.

Chair Plaag talked about the original set of proposals for this project and that the updated proposal was presented in blue ink. He said it appeared to him that the original proposal showed the patio covering was a “stained pattern concrete” but that was changed. Mr. Kevorkian confirmed that they are not proposing to use a “stained pattern concrete” for the patio covering. He explained that there is an overlap between the HPC and the environmental planner and the design of the patio area has to consider permeability to save the tree. He added that the proposed design changes are based on the specific request of the Planning Department.

Chair Plaag pointed out that at the rear of the building there are two or three parcels that are to the west of the Town alley, and a tiny parcel near the top of the alley that are owned by the applicant. He said the Town alley goes into an L-shaped turn that continues to the east behind the other King Street buildings. He asked Ms. Turner, if the Fire Department had commented on the turning radius of their vehicles to access that alley way. He noted that currently the Fire Department has the ability to access the alley way by going over onto the applicant’s property. He showed concern for if the HPC approved this project and the project is completed, whether it would impact the ability of the Fire Department to make the turn to access the alley way. Ms. Turner said that the Fire Department reviewed the turning radius for their vehicles and they had no issue with the proposal of the project. She added that the applicant had combined their property located at the rear of the building to the front parcel but it had not been updated yet at the Watauga County tax office.

Chair Plaag confirmed that the proposed outbuilding that is being built around a shipping container was going to sit on the ground and would not be anchored into the ground. Ms. Garrett replied that the shipping container would not be fixed to the ground in any way so it can easily be moved.

Chair Plaag asked the HPC if they had additional questions for Mr. Dixon’s testimony.

Member Watkins noted that in the meeting packet there were conceptual proposed clad options and a plat that showed a different kind of rendering of the shipping container. He asked if there was a proposed final design for it or was it a hypothetical design. Ms. Garrett explained that the applicant consulted with staff extensively regarding the shipping container. She felt that because the process was new for everyone there was not much direction given because no one wanted to commit to what the HPC might require. She explained that unlike the deck discussion, it is alright to delay the discussion on the shipping container because the applicant wants to know from the HPC what they want the shipping container to look like. She said the applicant wanted to propose a building material that would be acceptable in the historic district. She said the applicant would be willing to consider using a wood material option on it along with painting it and using a trellis and vines to screen the side of it that faces Howard Street.

Member Watkins pointed out that the shipping container may be a movable unit but it is 20 feet long and it is going to look like a building. Again, he voiced his personal opinion that he felt like the HPC was being asked to approve a hypothetical design. He said the HPC does not know the type of roof it might have or if it has windows or not. Ms. Garrett explained that it would not have a pitched roof. Ms. Garrett asked the HPC to give into account that the staff has not given a lot of input on it because it is such a new process for them. She said there would be new things that come up that have not been considered before and understandably staff would want the HPC to review them instead of staff making a decision. She said respectfully, it is not reasonable to expect the applicant to have everything completed knowing that the

HPC would potentially have an opinion on it. She stated that it is a shipping container that could easily be approved by telling the applicant the material they wanted it covered in. She voiced her frustration that the HPC felt like they could not weigh in on the building material.

Chair Plaag explained that Member Watkins was trying to say that there is a perception that has evolved that the way to go through this process with the HPC is to attend the hearing, and the applicant would ask the HPC to tell them what they want to see. He explained that the way the process is supposed to work is that an applicant tries to create a design that complies with the standards, and the appearance, in the opinion of the applicant, while maintaining some degree of flexibility. He said then, if the HPC expresses concern that some portion of the proposal violates a standard, the applicant can pivot to another solution for that particular issue. He said this should not be a process where the HPC is telling the applicant how to design their buildings.

Ms. Garrett pointed out that there was already a specific shipping container structure proposed design before the HPC. She said the applicant was told by staff that the said proposal would not meet the code and was told to put wood on it. She added that there was no instruction in Appendix D on what to put on the shipping container or on a temporary accessory building. She asked the HPC to tell the applicant if they wanted something changed on the proposed building material.

Mr. Kevorkian explained the process that led up to this. He explained, after reviewing the code very carefully, he submitted a proposed plan with renderings for a shipping container bar that included vegetative screening and made sure the shipping container was not attached to the ground. He said one day before the deadline for this hearing, the staff told him that they thought he needed to clad the shipping container in wood. He said he was open to cladding the container, and he revised the plans to include the wood option; however, he did not have time to have the architect update the renderings. He agreed with Ms. Garrett that he did submit a proposed plan for the container based on the specific guidance received prior to this hearing. Chair Plaag clarified with Mr. Kevorkian that he referred to Number Five under the proposed improvements provided in the meeting packet. Mr. Kevorkian confirmed that the amended proposal was shown in blue ink.

Chair Plaag confirmed for the HPC that the renderings on meeting packet page 29 showed the original container itself with no wood cladding, and on meeting packet page 30, the revised renderings showed the proposed conceptual wood cladding options. Mr. Kevorkian agreed with Chair Plaag's description. Ms. Garrett noted that the roof would not be pitched, but it would be covered with metal that would not be visible.

Member Watkins noted that he was familiar with shipping containers, and he was not sure that the HPC would approve the dropping of a shipping container in the historic district. He voiced his concern for the HPC to approve something where there was no design presented to them for their review.

Ms. Turner stated that the staff did meet with the applicant several times before the staff report was created. She noted that the staff did speak to the applicant a couple of days before the meeting packet was supposed to be posted, and the staff encouraged the applicant to withdraw their submission and wait until the next hearing so they could get more information on the metal shipping container. She said she spoke again with Ms. Garrett and Mr. Kevorkian on the phone about the metal cladding. Ms. Garrett seemed to think that the HPC would allow the metal cladding on the shipping container because the HPC allowed it on the diSanti, Watson, Capua, and Garrett Law Office building to be able to put the stucco on the building.

Ms. Garrett clarified that it was her understanding that the HPC was concerned with the appearance of historic structures and materials that are visible and not what material is under a historic structure. She added that the shipping container was a temporary container, and what is under the wood is not within the HPC's purview. She thought what was relevant was if the HPC liked the materials on it and the

appearance of it and would they be willing to approve a temporary structure building not fixed to the ground

Ms. Meade stated that she was concerned about the references made to the shipping container as a temporary building. She pointed out that the shipping container would be reviewed under the building and zoning codes because it would have plumbing and lighting. She said the shipping container would be no different than if it was stick built, as she understood it. She said the fact that it appears to be temporary by appearance would matter to the HPC. She said it doesn't matter that the building started as a shipping container, it just happens to be the bones of this particular building. She said maybe it can be made to appear in a way that the HPC thinks it is congruent. She said the fact that it is not fixed to the ground does not change the review under the codes nor the analysis of the HPC in this case.

Chair Plaag responded to Ms. Meade's comment about the bones of this particular building. He said the HPC is concerned with regard to historic buildings, existing historic buildings, and whether changes to the underlying bones as part of a renovation to a building are appropriate or not. He said the HPC is generally focused on exteriors, but if part of creating a new exterior is destroying the workmanship or the material of a historic building, then the HPC would be concerned and want to comment on it.

Chair Plaag explained that the reason the HPC was less concerned about the bones of the diSanti, Watson, Capua, and Garrett Law Office building and what laid under the exterior material was because it was determined that nothing historic of that façade survived because of the various changes that occurred over time. He said a new storefront was allowed because the existing storefront was no longer available.

Chair Plaag explained that in the case of the shipping container, we are talking about new construction, no matter whether it is temporary or permanent, it is a form of construction. He said, unfortunately, the standards are written without a "carve out" that specifically addresses buildings that are temporary, for example, trailers or double-wide trailers. He added that, in some ways, the shipping container proposal is like dropping a trailer in the middle of the historic district. He appreciated Member Watkins's comments on whether or not a shipping container is appropriate in the historic district. He noticed that the original proposal presented a screen mounted possibly along the alleyway, just to the south of where the shipping container would be located. He said the original plans referred to a wood lot that was not in the revised proposal or in the proposed improvements under Number Five dated April 25, 2023.

Ms. Garrett pointed out that the applicant was told to use wood cladding, and they did. She said for the screening this is where the applicant needed guidance on whether to add vines or not add vines. Chair Plaag responded that it was not clear to him if the screening meant an independent screen, something connected to the dumpster wall, or the way you would screen an air conditioning unit on a rooftop. He further added if the applicant meant they were proposing to put something on the back of the shipping container to make it look less like a shipping container. Ms. Garrett noted that she understood Chair Plaag's point regarding the proposed screening.

Chair Plaag said that Member Watkins and other HPC members had a concern about whether it is appropriate to put a shipping container in the historic district. He added that if we think of it as a building that has plumbing and electrical in it, it is regulated under the building code. He said it is probably considered a building, even if it's temporary, and then the construction standards would apply for what is appropriate for new construction. Mr. Dixon referenced the Design Standards for Historic Streetscapes, Landscapes and Monuments, and Other Resources in the District. He pointed out that these are provisions in the code that allow for new accessory structures.

Appendix D., Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, Streetscapes Section 1.17. New accessory structures should be complementary to the scale, form, materials, and details of surrounding historic buildings but built in such a way that they do not convey a false sense of historic association. New

structures should be located at the rear of historic properties so that they do not intrude upon the historic streetscape.

Ms. Meade told Chair Plaag that he would need to ask staff how they analyzed this as an accessory building versus a primary building. Chair Plaag asked Ms. Turner to comment on this topic from a zoning perspective. He asked Ms. Turner if the staff was treating the shipping container as an accessory structure or as a building. Ms. Turner said that the staff considered the shipping container as a new Principal structure. She said it would not be considered an accessory structure because of the use of the building being different from what the restaurant was going to be as a separate structure outside for ordering food and drink. Ms. Garrett asked Ms. Turner if she had ever told the applicant about the principal use because the applicant was not aware of it being referred to the accessory building structure. Ms. Turner said it was an accessory use because it is an outdoor bar of the existing building. Ms. Garrett said this was the first time that she and the applicant had heard the term principal use. She noted that she did not know how it could be a principal use.

Ms. Jane Shook, Director of Planning and Inspections, stated that she felt that the conversation needed to be split between the use and the structure. She said the staff was considering the use being part of the restaurant use. She explained that the activity generated was not being looked at as an accessory use but as another principal structure in the Downtown. She further explained that it doesn't matter if it is an accessory use or principal use, as it has no bearing in the Downtown because the setbacks do not change like in other zoning districts that would have an impact on the setbacks.

Chair Plaag said it would have an impact on which section of Appendix D the HPC was looking at when considering the standards. Ms. Shook said as the staff was reviewing the use, they looked at it like an addition and not necessarily under new construction. She said when the staff went through the standards, it was interpreted that new construction standards were being compared to the construction of other buildings on other adjacent lots. She continued that comparing the new construction standards to those under the additions standards were different. Further, she added that the additions standards were comparing the construction on the same lot to the main building, or in this case a restaurant. She said the staff used the additions standards in the staff report. Chair Plaag asked the staff if it was Appendix D, Section 13 of the Commercial Standards; Ms. Turner replied that was correct.

Ms. Garrett stated that Ms. Turner had always been very helpful, but Mr. Kevorkian was telling her that this was the first time he was hearing of the principal use, prior to now, it was never mentioned. Ms. Turner said, as Ms. Shook stated, it has no bearing on the setback for the Downtown Historic District because there are no setbacks. Ms. Garrett asked Ms. Turner if that meant that it had no bearing in this hearing because that was what she was concerned about, and the use was the context of all of the discussions. Mr. Dixon commented that he did not see how it could be considered anything but an accessory structure to the primary building. Ms. Garrett asked to review the section that the staff was basing the use on to determine it as a principal structure. She did not understand how this proposal was different than where somebody parks their car and goes into their home. She said this is a bar where someone can walk out and sit on the patio and visit the restaurant. Ms. Shook explained that a shipping container bar was not customarily associated with restaurant use. Ms. Garrett asked Ms. Shook if an outdoor bar type of structure would be considered an accessory use. Ms. Shook asked Ms. Garrett if she was talking about the use or the structure. Ms. Garrett asked Ms. Shook to point out the code that the staff was referring to. Ms. Shook clarified with Chair Plaag that we are still distinguishing between the use and the structure. She said we are not disagreeing that the use within the structure is the restaurant use. She said we are agreeing that the structure itself is not necessarily an accessory use because the structure is not necessarily associated with that particular building. She agreed with Ms. Meade that more clarification on the temporary use would be helpful. She said does temporary mean just because they can move it or that they are going to move it occasionally.

Chair Plaag pointed out that he, and maybe other members of the HPC, feel that based on the new understanding of how this building is being treated by staff, in regards to what type of structure it is primary versus secondary, trying to find out which set of standards applies to this discussion. He does not think it is fair to the applicant or to the Town to try to figure it out on the fly. He said that distinction was not spelled out in the meeting packet that was presented to the HPC by staff. He said because this significant distinction would affect how the HPC evaluates this topic, it would be appropriate and fair to the applicant and to the Town to take a pause on it and allow the applicant to respond to this information to see if they believe that it does nor doesn't meet certain standards that would apply. He felt that it was imperative that the Town make it clear which set of standards they believe everyone should be considering. He added that he was looking at a different set of standards for this property based on what was described for this particular proposed shipping container/building. He reiterated that he did not feel comfortable making a quick decision on the fly without having had a chance to review the standards and how they would apply to Appendix D, Section 13, Additions to Existing Buildings in the District, or Section 14, New Construction of Commercial Buildings within the district. Ms. Garrett reiterated that the applicant would be willing to table the request regarding the shipping container and move on to the rest of the proposal and revisit the shipping container at the next hearing if that was acceptable by the HPC.

Ms. Shook pointed out that when the staff report was created for this case, the staff included Appendix D, Section 13, Additions to Existing Buildings, [Design Standards p. 96-98]. She told Chair Plaag he would have to ask Ms. Turner why she added Appendix D, Section 14.6 on new construction in the staff report. She pointed out that in the last review letter sent to the applicants by staff that Appendix D, Section 13 was included in those letters. Chair Plaag asked Ms. Shook if the review letter was in the meeting packet; Ms. Shook said typically, they are not part of the packet. Ms. Garrett stated that she and the applicant would read the review letter. Ms. Shook said that in the future, at the beginning of the review of an application, the staff needs to discuss the applicable standards. Ms. Garrett said that the applicant could revisit this topic with the staff and come back before the HPC.

Chair Plaag told Ms. Shook that he understood that Section 13 standards were included, and he assumed that it was in reference to the addition of the second level of the deck. He said it was not clear to him that staff was reviewing the shipping container as an addition to an existing building.

Ms. Meade explained that in her view, and at least in common practice, felt that this is the building of a new accessory building. She added that staff and, ultimately the HPC, needed to see if that is the case and figure out what are the best standards to apply to it. She said the standards might not be directly on point, but they might be the closest that the HPC has to apply to them.

Chair Plaag stated that, at best, we are looking at a continuation of this hearing to give everyone a chance to ponder how the standards might apply rather than risking making a decision on the fly that may not be correct or a fair decision for everybody involved.

Chair Plaag asked Ms. Garrett if she had additional topics to address about what was proposed today or did, she want to hold those topics until they were reconvened. Ms. Garrett responded that she did not have more information to present on, materials, or witnesses for the rest of the hearing.

Ms. Garrett clarified that the applicant would like to request for the HPC to consider the approval of the fire escape and the appearance of the second-level deck at this time, until the engineers could provide the applicant with how they are suggesting to attach the deck to the building. She said that information could be presented at the next hearing when the shipping container was discussed. She added that the proposal for the second-level deck would be a ledger board and lag bolts. She said the applicant would like for the HPC to make a decision on the second-level deck and give clear direction with a recommended attachment mechanism that the applicant can give to his engineer. She said the applicant also would like to request that the HPC approve the fire escape, stairs, and patio area with some sort of knee wall around

it. She understood that if the HPC allows the ledger board with the lag bolts and the engineer says that will not work, the applicant would come back before the HPC to discuss a modification.

Member Watkins clarified that his personal concern was not questioning the use of the shipping container as a substructure or as the basis for building something else. His concern was that the HPC had no rendering to review the final appearance of it.

Chair Plaag told Ms. Garrett that he appreciated it and he understood the reasoning for her request for approval. He explained that the HPC typically reviews the entire application and they do not review them in parts, he said they might negotiate or revise some things through the COA process of considering a COA. He added that he didn't think that the HPC could give approval at this hearing based on the question about the shipping container and because it is such a substantial part of what was proposed for this case. He stated that he would feel uncomfortable giving a piecemeal approval because that is not what was submitted, and the HPC was voting on the entire application, and they are not voting on pieces of the application.

Chair Plaag explained that after the testimony phase of this hearing, he was willing to entertain a discussion among the HPC on the things that Ms. Garrett enumerated, so the applicant can get a sense of what concerns the HPC might have about what is proposed for those other areas.

Chair Plaag asked Ms. Garrett what her thoughts were about his willingness to entertain a discussion among the HPC members on their proposed items. Ms. Garrett responded that it was imperative for the applicant to be able to start work, and he did not want to wait. She said respectfully, she did not understand why the HPC could not consider the entire plan except the shipping container because it was completely separate and did not affect anything else. She said if the applicant cannot get approval, the applicant would withdraw the request for the shipping container entirely and reapply for it later, when there was some clarity on what code applies to it. She said the applicant did not want to hold up the work because of the shipping container aspect of the request. Chair Plaag asked Ms. Meade if she saw an issue with Ms. Garrett withdrawing the claim for the shipping container for now. Ms. Meade had no issue with putting aside the shipping container issue and proceeding with the rest of the proposal.

Ms. Shook advocated for the applicant, noting that the only reason that she would do that is that she believed that there was a miscommunication that the staff needed to clear up, and the staff would love to have the opportunity to do so. She also mentioned that if there was a way that it could be done without having the applicant reapply, she thought that would be beneficial. Ms. Meade noted that the HPC could continue the hearing as to the other issues and then issue a limited COA just on this particular point. She stated that she did not see an issue with handling it this way.

Chair Plaag asked Ms. Garrett if there was other testimony or evidence that she wanted to present at this time. Ms. Garrett said she did not have other testimony or evidence to present, but she was ready to give a closing statement. Chair Plaag told Ms. Garrett to go ahead with her closing statement.

In closing, Ms. Garrett asked the HPC if they were comfortable with the proposed ledger board and lag bolts, specifically in the mortar. She said that if the engineer cannot support those materials, the applicant would let the staff know and ask to modify the proposed plan. She said the applicant would ask the HPC to consider approving the deck with whatever attachment they were comfortable with or approve the deck and concept and ask the applicant to show what the attachment would be. She said that the applicant does not want a denial over whatever the attachment would be.

Ms. Garrett talked about the removal of the brick below the window to allow for the installation of a fire escape exit that will be a permanent change to the structure. She thought, based on the fact that this proposed change was bringing the building and the fire escape up to code. She said there needs to be a fire escape, regardless of whether Southend Brewery uses it for a greater number of people or not.

Ms. Garrett said that the applicant made it clear that they are willing to clad the second-level deck or any portion thereof with wood or anything that the board prefers that would make it more compatible with the historic district.

Ms. Garrett said bringing the stairs up to code is a safety issue, and the applicant is flexible on the building materials used on the stairs.

Ms. Garrett said the applicant believes that the proposed changes would be a vast improvement over the existing rear elevation and the use was the same as the existing use.

Ms. Garrett thought the proposed changes would work well into the Comprehensive Plan in terms of pedestrian traffic, using the historic buildings in a manner that allows the public to enjoy them. She said that the applicant would ask that the HPC take their application as an effort to get guidance and do what they think would be the best possible use for the rear of this building. She said that the applicant hoped that the HPC would consider this proposal appropriate for the historic district.

Chair Plaag asked the staff if they had other evidence that wanted to present on this case. Ms. Turner replied that the staff did not have other evidence to present for this application.

Chair Plaag asked Ms. Turner if the staff wanted to make a closing statement. Ms. Meade noted that she heard in this hearing that there had to be an entry door, but that was not consistent with her understanding which would be a matter of increasing the capacity. She noted that, to be clear, if there was a second-level deck, an entry door would be required. Ms. Garrett clarified that the information was based on a comment that Mr. Kevorkian had made, and she may have misunderstood him. She asked Mr. Kevorkian to clarify what he knew about the capacity. He explained that based on a letter presented by Mr. Miller, to utilize the second-level floor for its current use at its maximum, a second form of egress would be required. Ms. Garrett explained that without changing the current use, the existing fire exit upstairs was not counted by the Fire Marshal because it is not usable. She pointed out the Fire Marshal said whether the Southend Brewery used the upstairs or not, a fire exit was required.

Chair Plaag noted that he was not comfortable with an applicant testifying to a letter that they received from the staff without that staff person attending the hearing to say what was actually in the letter. He also noted that the letter was not in the meeting packet. He asked the staff that in the future, to add the letter or information that is in support of a case into the meeting packet if the information was concerning pertinent issues like this one. Ms. Shook explained that Mr. Miller was available at the prior hearing for this case when it was originally scheduled. She said, unfortunately, he was not available for this hearing, and he wrote the letter in anticipation of not being able to attend this hearing. She said the staff does have a copy of the letter. She pointed out that it is not the staff's practice to modify staff reports or board packets after publication which is the reason it was not in the meeting packet. She thought this might be information that a licensed architect could confirm, and she suggested that perhaps Mr. Dixon could speak to the information.

Ms. Meade told Chair Plaag that she was hearing the applicant say that it is required, as a matter of law, in order to continue using this space, and there has to be a new entryway. She confirmed that if a new second-level deck is put there, then the new door entryway would be required.

Ms. Garrett told Ms. Meade that she wanted to clarify that when she was making her closing statement, she may have misunderstood what Mr. Kevorkian had stated regarding the continued use of the upstairs space. She said in the context of Mr. Kevorkian's statement about the old fire escape, it was not relevant, except that Mr. Kevorkian had commented that the Fire Marshal was not counting the old fire escape that was there. She asked Mr. Kevorkian to explain the fire department requirements to continue with this use, which was the Ransom Restaurant and Bar and upstairs office and apartments.

Mr. Kevorkian explained that to continue to use the building with restricted capacity, the current fire escape was not considered, they could technically continue the same use under this punitive situation. He said he perceived this information as enforcement that he must limit the capacity, if they change the use, then a second form of egress would be required to remove the restrictive measures.

Ms. Garrett said she did not think that Appendix D addresses the use, it does address fire escapes, when they are attached, and about preference for tertiary elevations. She added that the building use has been restricted, and there is no change to the structure of the building except bringing the building structure up to the current code. She thought telling a property owner that he cannot use his building for its capacity is restricting the use of the building. She said the applicant was not asking for increased capacity, but that is by law what they are allowed to use it for. She clarified that the capacity is allowed for the restaurant but you have to have a fire escape to make it permissible. Ms. Meade pointed out that the applicant does not have the right to expand a restaurant use into an area that has not been a restaurant use in the past. Ms. Garrett said she was referring to occupancy. Ms. Meade responded either way, the applicant does not have the right to change the use or occupancy, she added that the applicant will have to comply with the HPC.

Chair Plaag told Ms. Garrett that he agreed with Ms. Meade's point regarding the use or occupancy. He stated that to reach that expanded occupancy number, the applicant was proposing to take down interior walls and modify the interior space to the second floor, which is not in the purview of the HPC. He explained that what the applicant was proposing had to be permitted by the Town in order to even get the increased occupancy in the first place. He further explained that we are not talking about an occupancy use on the second-floor level that is already permitted by right. Mr. Kevorkian pointed out that he was not proposing alterations to the use of the second floor, and they are not recommending that it be changed to restaurant use because this area is currently office space. He added that this same area is restricted as office space.

Ms. Garrett asked Mr. Dixon to read into the record the letter dated May 8, 2023 (permanently on file) from Mr. Miller that stated the details of his site visit to measure and determine the occupancy limit of the Wine to Water upstairs space located at 747 W. King Street. The result of Mr. Miller's site visit indicated that the space measured in its current configuration would accommodate 61 people. The letter further stated that since this space only had one approved means of egress, the occupancy was limited to 49 people per the current building code, and if a second approved means of egress were established, full occupancy could be used. Ms. Garrett noted that the information in the letter was slightly different from what she had previously stated and that any internal renovations to the upstairs were irrelevant. She thought Mr. Miller had stated in his letter that the upstairs space in its current configuration does accommodate 61 people, but it does not have fire access for that many people. She stated that the applicant was not asking for an increased occupancy limit over 61 people.

Chair Plaag stated that Mr. Miller's letter does not say in order to solve this problem, the applicant should install a second-level floor of decking to be used as a second gathering area for people using the restaurant and build a new fire escape to serve it. He thought Mr. Miller was stating in his letter that the current fire escape can only safely, under the NC Building Code, facilitate 49 people being able to escape the second floor of the building. Ms. Garrett pointed out that the existing fire escape is not a fire escape, according to the building inspector. She said there is no fire escape right now for the second floor on the back of the building. She stated currently, the 49 people allowed in the upstairs area have to exit through the primary entrance. Chair Plaag said that Mr. Miller's letter stated that if the applicant wanted to add a new fire escape that would more adequately serve the upstairs in its current configuration, they might be able to expand it. Mr. Kevorkian stated that because they wanted to use the building for business, he felt like they needed a fire escape.

Ms. Garrett noted that since Mr. Miller was not available, she suggested that she withdraw the way she phrased her previous statement in her closing statement regarding the old fire escape that was at the rear of the building. She said that based on the way that Mr. Miller expressed the need for a fire exit, the applicant's plan proposes to maintain the existing fenestration to the degree that wouldn't be adding an opening but expanding an existing opening vertically. She said the existing tertiary elevation has a roof over the deck, they would propose to remove that roof and make a top deck, which is allowed by the historic standards and is in conformity with the district. She referenced Appendix D, Section 11, for the proposal of the fire escape. She noted that for the applicant to be able to use the building for its capacities is important. She asked that the HPC consider balancing the historic goals with allowing the property owners to use their building with their minimal proposed changes.

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; and 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 closed the testimony phase of the hearing for this case. He noted that the witnesses heard from previously might be recalled for additional testimony during the HPC's discussion.

Chair Plaag opened the floor for the HPC to discuss the evidence at hand regarding this proposal.

Chair Plaag confirmed that the applicant had withdrawn, for the time being, the shipping container aspect of the proposal for this particular project. He thought the questions that the HPC needed to address to consider, in keeping with the standards for the district, were regarding the proposed addition of a second-floor rear exterior deck, the proposed method of connection of the second-floor rear exterior deck using the ledger board and lag bolts passing through the mortar, the proposed courtyard changes including the layout, the new walls at various edges of the courtyard area, the new stair system, as well as pavers on the courtyard itself, and the modification of the existing second-level window into a fire door exit with a vertical change, not a horizontal width change, to facilitate a new fire escape that would go out on the second-level deck.

Chair Plaag opened the floor for questions or discussion by the HPC. He asked the HPC to speak to the relevant standards and whether they believe or do not believe that the items proposed comply with the standards of the district.

Member Sharp asked the HPC if they had concerns about the proposed specific installation method of the ledger board and lag bolts. Member Watkins noted that Ms. Garrett asked the HPC to determine if the HPC was comfortable with the use of a ledger board and lag bolts. He stated that he was not an engineer and he was not comfortable with that solution. He might be comfortable with this solution if he could see an engineer's report. Ms. Garrett interjected that the safety of the structure would be determined by another body. She agreed that the proposed work needed to be safe, but the HPC does not consider safety as part of their purview. She said the HPC cannot make their determination based on the safety of the proposed work. He explained that an engineer would be able to tell the HPC the required modifications for the building. He said the requirements from the engineer might affect the HPC's opinion because it would reflect potential changes to other parts of the building to make the deck structurally sound and safe.

Ms. Meade expressed her thoughts that an engineer could create a design that involves drilling through brick and another design that involves not drilling through brick. She said it is within the purview of the HPC to say that if the engineer comes up with a solution that only involves drilling through mortar, not defacing the brick and attaching ledger boards, and it is proper under the Unified Development Ordinance (UDO) per the staff, that the HPC conditionally agrees to that type of an attachment. She said the HPC

could say that they want the bolts attached only through penetrations through the mortar as the preferable method, whereas penetrating through brick is not. She said this is a way for the HPC to give some direction to the engineer who can solve this issue.

Chair Plaag told Member Watkins that he appreciated him expressing his concern, but he agreed with Ms. Meade that the way for the HPC to address this concern is to make a conditional approval that says, assuming it meets all of the code requirements of the Town and passes the engineer's review for safety purposes, the HPC is approving the use of ledger board and lag bolts that pass only through the mortar joints of the tertiary elevation of the building as an acceptable method for attaching the proposed second-level story of the deck to the building. He explained that this way, the applicant is still required to meet the engineering test through the permit process and other UDO requirements. He added that if the attachment method in the conditional approval is not acceptable, the HPC could verbalize to the applicant that they would be required to come back to the HPC for reconsideration of the second-story deck and its connection method to the building.

Member Watkins reiterated his concern was the HPC had not been presented with evidence about load calculations. He added that the HPC does not know what has to be done to the rest of the building in order to make that possible. He further stated that he did not see how the HPC could make a judgment as to the applicability of that solution to the problem until they can be presented with the load calculations from the engineer.

Chair Plaag pointed out that the HPC cannot consider safety concerns because it is not in their purview. He said the HPC could consider the impact of proposed additions to a building. He said the applicant had requested to use a ledger board and lag bolts passing through the mortar joints. He noted that this was a specific revised proposal the applicant made as part of the means for anchoring the second-level deck to the building. He said he was comfortable with that from a historic standpoint, unless the engineer says there is no way the proposed deck can be put there that will support 60 people using that method of installation. He explained that by making a conditional approval the applicant would be required to come back to the HPC and explain that the engineer could not use the proposed method of installation and present a revised proposal. He further explained that the HPC had to consider the request from the applicant based on the merits and the evidence that is available to them.

Member Watkins responded to Chair Plaag's comments and stated that he agreed with Chair Plaag regarding the purview of the HPC. He asked Chair Plaag if he thought the proposed resolution would bring the applicant back if the engineering studies proved to be incompatible with the proposed solution. Chair Plaag replied yes because the HPC was approving a specific method of attachment. He added that it would be a conditional approval based on that being the method that is used. He pointed out that when the Town inspectors go onsite, they review the plans prior to the site visit, and they would know if the applicant had adopted another method in the plans, and the Town inspectors would notify the applicant that they would need to go back to the HPC for further discussion. Chair Plaag said he had confidence that if there was an issue with the connection method, it would ultimately come back to the HPC for reconsideration.

Ms. Meade reminded Chair Plaag that the HPC proceeded in the same way with conditional approval when they reviewed another COA application for the front of this building. She said the conditional approval was based on what was found underneath the plywood that was taken off the building. She said also for that same case, the HPC provided for contingent approval, and it turned out to be the best-case scenario, and the applicant was able to proceed without coming back to the HPC for further review and discussion.

Chair Plaag noted for the record that he was not entirely satisfied with the solution that was achieved on the front of the building next door because he took the photos while it was still open and the frieze panel was indeed there, which is what they expected. He said on the outer surfaces of the pilasters was a veneer

that was mounted over the original pilasters. He explained that there was one layer of brick that was pushed out from the original pilasters and they have tried to seam in that frieze panel so that it aligned with the outer layer instead of aligning with the original layer. He wondered if this was the type of thing that might force the applicant to come back to the HPC for further review and discussion. He did not know if staff or anyone other than someone with a trained eye would have picked up on it. Ms. Garrett asked for clarification because it might affect the HPC's consideration of this application. She asked if the concern was that the applicant did something that they were not supposed to do because the applicant thought they did what they were asked to do. Chair Plaag did not say that somebody did something wrong. He explained that as part of the renovations that were done in likely the 70s or late 60s on that building, they put on a new veneer to facilitate bringing the profile of the building out to meet the Crab Orchard stone on the building next door and to allow for that new panel and to make it look right. She reassured the HPC that the applicant fully knew that their work needed to be inspected.

Chair Plaag emphasized that in this particular case, and in the other building case, the applicants impressed him with their desire to try to do something that respects the history of the two buildings, while also allowing them to adaptively reuse the building in a way that is beneficial to their business. He said he appreciated it. He noted that his disappointment about how things turned out in the front of the building next door is not a reflection on them.

Chair Plaag asked the HPC if there were other comments on the congruent or in congruency of the proposed second-level deck and its connection method as proposed by the applicant.

Discussion on the fire escape. Chair Plaag said the applicant was proposing at the rear of the building to take the second window from the right on the second floor and vertically expand that opening to make it a door without widening the window. He said that he would require any approval for the fire escape to be conditional on it not being widened and changing the width of that opening of the original window.

Chair Plaag referred to Appendix D, Sections 1.8 and 6.1 and 6.4.

Standards for Commercial Properties Within the District, Commercial Properties with the District, Storefronts, Upper Facades, Side Elevations, and Rear Elevations, [Design Standards p. 61-67]

Section 1.8 Facade details of side (secondary) and rear (tertiary) elevations should always be retained and preserved if possible. When repairing these features, retain and preserve in place original elements as much as possible. If repair is not possible, replace damaged elements with materials that match the originals in composition, design, texture, color, and other visual qualities. If there is evidence of a rear public entrance that is no longer extant, use historical research and other evidence to reconstruct or provide an equivalent rear entrance whenever possible.

Standards for Commercial Properties Within the District, Commercial Properties with the District, Windows, Doors, and Awnings, [Design Standards p. 75-84]

Section 6.1 The pattern, arrangement, location, size, and shape of windows and doors contribute significantly to a building's historic character, and their consistency within the district helps unify the buildings in context to one another. For this reason, it is always preferable to repair damaged windows and doors rather than replacing them. Furthermore, it is imperative that the fenestration pattern of the door and window openings on the building and of the doors and windows themselves (muntin width, number of lights per sash, etc.) be maintained when repairs to or replacement of elements is underway. It is never appropriate to introduce new features, such as vents, bays, windows, or door openings, in exterior walls if they diminish the historic character of the wall or damage historic materials.

Section 6.4 Unless restoring the appearance of a building to its original, historic context, the pattern, arrangements, and dimensions of doors and windows on principal elevations should be retained. On tertiary elevations not visible from the street, new door or window openings should be proportionate to existing ones and include matching design elements.

Section 6.8 Shutters should be attached to the window casing, not the siding or masonry, unless the original historic context of the property featured shutters attached to the siding or masonry.

Chair Plaag pointed out that the applicant referred to Appendix D, Section 11.1. and Section 11.2 for fire escapes and their locations.

Standards for Commercial Properties Within the District, Commercial Properties with the District, Accessibility, Health, and Safety Considerations, [Design Standards p. 93-95]

Section 11.1 New exterior fire escapes are not permitted on historic properties unless more adequate exit facilities cannot be provided. If they must be installed, fire escapes generally should be located at the rear (tertiary elevation) of the building and never along an elevation visible from an adjacent street.

Section 11.2 Introducing items such as wheelchair ramps, fire exits, and fire stairs without damaging the character of a historic structure requires careful planning. Owners should introduce fire exits, stairs, landings, and ramps on the rear (tertiary elevation) or inconspicuous side (secondary elevation) locations. If access ramps must be installed in a manner that makes them visible from the public right-of-way, they should be constructed in a manner that makes them as simple and compact as possible and limits their projection from the building.

Section 11.3 Construct fire exits, stairs, landings, and ramps in such a manner that they do not damage or significantly obscure historical materials and features. Such additions should be designed to be complementary to the architectural style, materials, scale, and function of the historic property.

Chair Plaag read aloud Section 11.1 and noted that the section creates some confusion because of the text that reads “never along an elevation visible from an adjacent street.” He pointed out that about every building along King Street, with the exception of the stretch from roughly this building down the alley, where Ben and Jerry’s are located, most of the other buildings along King Street are generally visible from the tertiary elevation, the rear elevation is visible from an adjacent street.

Chair Plaag said the applicant’s counsel pointed out that the applicant had three options. He said option one is their current proposal, option two is to go out on the west side of their building from the second floor, which will create an opening that does not exist in the second level of that building, and option three is to go out on the east side onto the roof of the building next door that the applicant owns. He noted that the last option could potentially be explored, but it would also create an opening that does not exist in the East elevation of the building. He said this leaves the option that they have proposed.

Chair Plaag explained that, generally speaking, there was more forgiveness of alterations that are made to tertiary elevations, when the impact on the historic material is minimized as best as it can be. He said the applicant is proposing to remove some bricks in order to turn a window into a door, and they are changing the function of that window to a door. He said he would argue that the other possible ways of solving this problem of creating a fire escape from the second level are more intrusive to the building and more destructive to the historic integrity of the building than what is proposed.

Chair Plaag mentioned the cage around the fire escape as a historic element and the fact that it had been removed sometime in the past, he felt that destroyed the integrity of that historic element. He thought the removal of the ladder, as proposed in order to put in the door, does not destroy anything that has any

remaining integrity to it; therefore, he did not have any problem with the removal of the ladder from that tertiary elevation. He said a reasonable person could disagree with him on whether it was necessary to create the fire escape door in the first place. He thought that would be a fair argument to make because the only reason why it is necessary to create that door opening currently, even by code, is because the building owner wants to essentially accomplish two things. He explained it is because they want to put on a second-level deck, and there was mention of the possibility in the future of the second-level space being reworked to allow for a greater occupancy. He thought this was why the applicant was also asking for that second-level floor door fire exit.

Chair Plaag said with all of these things in mind, the HPC had to balance these various standards against one another and balance those standards against all other aspects of the standards and the integrity of this building, essentially allowing for adaptive reuse of this building in a way that is sympathetic to its historicity and its importance to the district.

Chair Plaag said with regard to balance, allowing the conversion of this window to a door is about the least intrusive way that the applicant can create a fire escape that provides for expanded life safety for any use of that second level. He said it also facilitates the proposed addition of the second-level deck.

Chair Plaag felt in the particular case, there was some flexibility within the standards to allow for this limited modification of the brick exterior of the second level on that tertiary elevation.

Chair Plaag asked the other HPC members to give their feedback on the point of extending the window to a door. Student Member Ziegler agreed with the statement that it is the least intrusive option and would hold up the best long term. She noted that it was previously mentioned that one option was for the fire escape to lead to the roof of the other building that the applicant owns, and that could be problematic should the buildings change hands in the future and are owned by different people. She agreed with Chair Plaag's statement that it is not a favorite idea, but it is definitely the least intrusive to the integrity of the building. Member Sharp also agreed with Chair Plaag's statement that it would be the best and least intrusive option. He referred to Appendix D, Section 1.3, regarding complying with code requirements, and he thought making minimal impact seemed to be the solution. He referred to Appendix D, Section 6.4, and thought retaining the proportion of the existing window space preserved it, even though they are extending the arbor in a vertical way. Member Watkins agreed with Chair Plaag's statement that it would be the best and least intrusive option. He said that being sensible about adaptive reuse is helpful. He also agreed with Chair Plaag that this was a prerequisite to making the case for increased occupancy on the second level. Chair Plaag added that the elevation of the building already has some loss of integrity because at least two of the window openings have been bricked in. He thought the building owner before the current owner did a great job of unbreaking windows that are on the west side of this building on the first level of the building which was before the historic district was created.

Chair Plaag talked about the bricked-in windows and thought the current owner might want to explore the possibility of reopening those window openings. He explained that this is not a requirement of this application, it is just a thought for the current property owner to ponder.

Chair Plaag said that the HPC had already discussed the fire escape and the connection of the second-level deck. He said the topics that remain for the HPC to consider are the various changes to the courtyard, the rebuilding of the stairs leading from the deck down into the courtyard, creating the courtyard surface with the pavers set in sand or gravel, installation of new walls to delineate the boundaries of the courtyard for ABC control purposes, regrading of the courtyard area to level out some areas that have eroded over time, and preservation of the existing tree. He noted that the applicant had testified that they wanted to preserve the existing tree. He asked the HPC if they had any concerns or discussion, regarding the proposed changes listed above. There was no other discussion on these proposed changes.

Chair Plaag asked for a motion either for or against the proposal. He suggested that if a motion was being made for approval that the person say that the motion excludes consideration of the appurtenant structure at the rear of the courtyard, which was to the proposed shipping container that is not part of the motion. He said the motion is also conditional upon the connection method described, which is ledger board and lag bolts passing through mortar joints for connection of the second-level balcony. Ms. Meade added that the motion for approval should say that the proposal is congruent with the historic district standards.

Motion and Vote:

Student Member Ziegler made a motion, seconded by Member Sharp, to conditionally approve the connection method described as ledger board and lag bolts passing through the mortar joints for connection of the second-level balcony, and if the connection method cannot be used that the applicant will return to the Historic Preservation Commission. And to approve the following because they are congruous with the historic district: addition to the courtyard, the rebuilding of the stairs leading from the deck down into the courtyard, creating the courtyard surface with the pavers set in sand or gravel, and installation of new walls to delineate the boundaries of the courtyard for ABC control purposes, regrading of the courtyard area to level out some areas that have eroded over time, and preservation of the existing tree. This motion excludes the appurtenant structure described as a shipping container at the rear of the courtyard. And the proposal is congruous with the historic district.

Vote:

Aye – (Plaag, Sharp, Ziegler)

Nay – (Watkins)

The motion passed.

Member Watkins explained that he voted no for the proposed application because of his initial concerns about the HPC not having an engineering study of the proposed change to review.

Chair Plaag told Ms. Garrett that in this conditional approval, if the connection method cannot be completed the applicant will be required to come back to the HPC for consideration. He also told Ms. Garrett that he would like to continue this hearing.

Discussion ensued on choosing a date to continue the hearing. Chair Plaag said he would normally like to continue this hearing to the next scheduled quasi-judicial hearing date of the HPC on June 13th, but he is not able to attend that hearing date. Ms. Meade asked if the hearing could be changed to a date prior to June 13, 2023. Chair Plaag said he would be out of town starting May 21st through June 1st. After some further discussion Chair Plaag, Ms. Garrett, Ms. Meade, the applicant, and the staff agreed on June 5th at 3 p.m. for the next hearing date.

Chair Plaag said if there was no objection, he would continue the hearing of this case until Monday, June 5, 2023, at 3 p.m., via WebEx. There was no objection from the HPC or staff to continuing the hearing to the said date.

Ms. Garrett had no objection, but she wanted to confirm that the staff was authorized to issue a Certificate of Appropriateness (COA) based on the approval of this application in this hearing. Chair Plaag reiterated that the approval was for a conditional COA.

Ms. Shook asked Chair Plaag to clarify for the applicant and staff what should be expected at the next meeting. Chair Plaag said he would appreciate some clarification on what the Town's position is on the shipping container appurtenant structure and what portion of the standards the staff believes it falls under, the applicant should be prepared to make an argument for the portion of the standards they

believe it falls under, and would like for the HPC members to carefully review the Section 13, Addition to Buildings, Section 14, New Construction of Buildings, and Section 1.17, Streetscapes.

Ms. Shook asked Chair Plaag if the HPC was comfortable with a revised staff report, and Chair Plaag responded yes. She noted that the staff had about two weeks to make the changes to the staff report. Chair Plaag and Ms. Shook agreed that June 1st was a reasonable timeframe to complete the staff report. There were no objections to the June 1st timeframe.

Chair Plaag said that since the next quasi-judicial meeting will be on June 5, he proposed that the HPC continue with their Advisory meeting on June 6th as scheduled. There was no objection to having these back-to-back meetings.

Chair Plaag explained that he had contacted the State Historic Preservation Office (SHPO) for additional clarification on the thin-set brick material discussed at the Watauga County Parking Deck hearing. He said he copied staff on the email. He said he would like to discuss at the next advisory meeting possible direction to staff on some actions that they could take to help the HPC better evaluate material for the district. Mr. Dixon asked to receive a copy of the email that Chair Plaag had sent to the staff. Chair Plaag asked Ms. Mitchell to forward that email to Mr. Dixon. Ms. Mitchell said that she could include that email in the Advisory meeting packet so all HPC members are aware of it. Ms. Meade pointed out that the Town Council would need to be involved with any potential UDO revisions.

ADJOURNMENT

Chair Plaag adjourned the meeting at 2:08 p.m.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

Certificate of Appropriateness for Major Work

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net**A. Required to be Submitted at Time of Application***Note: A pre-application meeting is required prior to application submittal.***Failure to provide the required information will delay the review and scheduling of the requested hearing.**

- ☐ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☐ Four paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO), including UDO Appendix A (max. size 30" x 42")
- ☐ Information in compliance with the Supplemental Checklist on Page 4
- ☐ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit. You may have the property owner sign this application (Section [L](#)), or the property owner can provide a written and signed authorization that clearly states they are authorizing the applicant to submit this application. Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for datesDate of requested hearing: TUESDAY, JULY 11TH, 2023**C. Property Information**

Street Address:

587 WEST KING STREET

Watauga County Parcel Identification Number:

2900-88-4868

Existing Zoning District(s):

B-1 DOWNTOWN CORE DISTRICT

Total Land Area:

4,773 SQ. FT.

Are there any existing variances or other site-specific approvals granted to the property?

☐ Yes ☒ No ☐ Unknown

If yes, describe:

D. Applicant Information

Name:

JEAN BORHMAN DBA. VALCORE, INC.

Complete Mailing Address (Street, City, Zip):

1144 HUNTING HILLS LANE, BOONE, NC 28607

Phone Number:

828-773-3195

Email Address:

borhman@aol.comPreferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☐ Email**E. Property Owner Information**

Name:

MICHAEL VETRO

Complete Mailing Address (Street, City, Zip):

PO BOX 71-OTS, BOONE NC 28607

Phone Number:

828-265-3001

Email Address:

mvetro@vetrolaw.com**F. Landmark/District Information**

District/Landmark Name:

B1-CD

Period of Significance:

ORIGINAL BUILDING - 1940'S / RENOVATED - 2002

G. Project Details

Project Cost: \$ 350,000.00

Project Type:

☐ New Construction

☒ INTERIOR Renovation

☐ Landscaping

☐ Moving Structure

☐ Demolition

H. Design Professional Information

Designer is an: ☒ Architect

☐ Engineer

☐ Owner

☐ Other: _____

Name:

Bill Dixon

Company:

APPALACHIAN ARCHITECTURE, PA

Complete Mailing Address (Street, City, Zip):

703 WEST KING ST or PO Box 179, Boone, NC 28607

Phone Number:

828-265-2405

Email Address:

bill@appalachianarch.com

Additional Designer Information: If additional designers are involved beyond the one listed, please provide additional info on a separate sheet

I. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application, that all information is correct and complete, and all work will comply with all applicable State and local laws, ordinances, and regulations.

I acknowledge and agree that the Historic Preservation Commission members, Town employees, and Town agents may enter, solely in performance of their official duties and only at mutually agreeable times, upon the applicant's property for examination or survey thereof pursuant to North Carolina General Statute 160A-400.8.

I understand and agree that an approved Certificate of Appropriateness is valid only for the particular application, plans, specifications, and related project details presented to, and approved by, the Historic Preservation Commission. Any proposed modification or addition must be submitted to the Planning and Inspections Department for review.

By signing below, the applicant agrees to notify the Planning and Inspections Department of any changes or alterations in the data contained in this application, the approved plans, or the approved specifications related to the project that is the subject of this application.

Hearings on Certificate of Appropriateness applications before the Commission are quasi-judicial proceedings. Therefore, Historic Preservation Commission members cannot discuss a pending application with the applicant or other party. By signing below, the applicant agrees to refrain from speaking with or contacting any member of the Historic Preservation Commission about an application outside of the formal evidentiary hearing on the application.

Jean Borhman

Applicant (Print)

J. Borhman

Applicant (Signature)

5/22/2023

Date

Michael Vetro

Property Owner (Print)

Michael Vetro

Property Owner (Signature)

5/19/2023

Date

Official Use Only

Permit Name:

Valcore Restaurant - COA

Permit Number: <u>206679-052423</u>				
Date: <u>5-24-23</u>	Fee: \$ <u>374.00</u>	Receipt Number: <u>706869</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>8939</u>	Paid By: <u>Appalachian Architecture</u>

Public Hearing Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No

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COA for Major Work Supplemental Checklist

Note: The following is a checklist for the presentation materials needed for your application. It is the applicant's responsibility to provide adequate photographs, architectural plans, and other material to enable the HPC to understand the proposal and its impact on the historic district/landmark. The consideration of the application may be delayed if preservation materials are not sufficient to evaluate the proposal.

- ☒ Written Description of the proposed work: Describe in detail the scope and nature of the proposed project, including exact material types, colors, and dimensions for materials to be used (e.g., width of siding, color of window trim, type of roofing materials, etc.).
- ☒ Design Standards References: Cite the applicable sections of the design standards related to and/or reflected in the proposed request.
- ☒ Photographs of Existing Conditions: Provide current photographs showing the present conditions of the area where the work will be completed and/or the portions of any existing building that will be affected by the proposed work. Photographs must be clearly labeled and keyed to a site plan.
- ☒ Site Plan: For development which includes modifications to the site in addition to the building, the applicant shall provide scaled drawings prepared in accordance with UDO Appendix A, which depict at least the relationship of all buildings, secondary structures, driveways, sidewalks, fences, drains, lighting, and trees to the property line. Clearly identify the location of any and all proposed changes. Caliper of trees should be indicated as measured from four and a half feet (4.5') above the earth's surface.
- ☒ Historical Documentation: If available, provide copies of historic photographs of the property in question, along with a list of any known previous alterations to the property (and the approximate date of those alterations). If the property is already listed on the National Register of Historic Places or is a designated Local Historic Landmark, include a copy of the nomination text for the property.

PROPOSED WORK - 587 West King Street - The proposed work is required to renovate the entire main level and western section of the basement level to accommodate a new restaurant. The open breezeway on the main level will be enclosed as conditioned space to accommodate the dining, bar and kitchen. Walk-in cooler, freezer, food prep and storage is to be located in the basement. A new internal stair will connect the two levels.

RECENT BACKGROUND: The 1940's building was completely renovated in 2002. Primary, Secondary and Tertiary exterior elevations were radically altered. The interior on the first floor and basement levels were subdivided to allow multiple tenants. The 2nd level was completely renovated to accommodate the law offices of the building's owner.

The primary (King Street) elevation was altered to create a separate opening to access a stair and elevator lobby to the 2nd level attorney's offices. A second gated entrance, breezeway and internal open stair were created to access the main level and basement level tenants.

The open breezeway on the main level on the left side of the building runs the entire length allowing access to multiple tenants and provides access to a second (required) exit onto a metal fire escape stair at the rear of the building which was installed in 2002. Four openings were installed in the breezeway on the main level eastern (secondary) elevation of the building. New openings were installed on the rear (Tertiary Elevation) of the building to access the external fire escape stair. A stucco finish was applied to the Tertiary Elevation and sections of the primary (King Street) elevation. The original 2002 tan colored stucco was repaired and repainted to match the brick color in 2019.

Planning & Inspections issued a Zoning Permit to renovate the building for the proposed restaurant on April 6, 2022. The Zoning Permit recently expired.

PROPOSED EXTERIOR WORK

PRIMARY ELEVATION (North/King Street) – No work proposed.

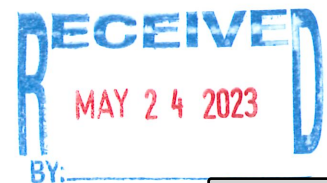
SECONDARY ELEVATION (East/Municipal parking lot) – Proposed work includes removal of the painted metal security railings and installation of new windows in three of the four existing openings. The fourth opening in the covered entrance open air vestibule area at the front of the building is to remain unchanged. The (3) proposed windows that will enclose the current breezeway into the conditioned dining area of the new restaurant are to be operable sectional garage door type windows with mullions to resemble the double hung windows on the 2nd level offices above.

TERTIARY ELEVATION (South/Howard Street) – Proposed work includes infilling and closing the existing gated opening at the breezeway and installation of a new full glass aluminum storefront exit door from the dining area of the new restaurant onto the existing metal fire escape stairs at the rear of the building.

Additional proposed work on the tertiary (rear) elevation includes installation of (2) new openings and to accommodate the exhaust and intake ductwork* which extend up to new roof top units to supply exhaust and make-up air for the new kitchen exhaust hood on the main level. The proposed ductwork will be painted to match the color of the building. ** Zero lot line (west) and code required clearances from existing openings on the rear of the building prevent the kitchen exhaust hood fan units and ductwork from being installed anywhere else on the building but the roof.*

Proposed work on the tertiary (rear) side of the building includes removal of the (3-4) above ground propane tanks located at the rear of the building which are to be replaced by new natural gas service to the building. New bicycle racks and dumpster enclosure for the restaurant will also be installed at the rear of the building. New mechanical units will replace the existing mechanical units located on the ground behind the building.

WEST ELEVATION facing an alley is predominantly obscured by a building.



DESIGN STANDARDS FOR COMMERCIAL BUILDINGS

1. **Storefronts, Upper Facades, Side and Rear Elevations**

1.1 – 1.8 - Not Applicable – Renovations that occurred in 2002 significantly altered the primary, secondary and tertiary elevations of the historic building.

1.9 – Exposed mechanical ductwork serving the new restaurant's kitchen exhaust hood on the tertiary (rear) elevation will be painted to match the building. New rooftop mechanical units which are visible from Howard Street will be screened.

2. **Architectural Components and Details** – Not Applicable

3. **Foundations** – Not Applicable

4. **Masonry** –

4.1 – 4.5 – Not Applicable

4.6 -A yellow/tan colored stucco was applied to the building's Tertiary Elevation (Rear) and part of the primary Elevation (King Street) during the 2002 renovations. The stucco was painted to match the historic brick color on the Primary Elevation in 2019.

4.7 – 4.11 – Not Applicable

5. **Wooden Elements** – Not Applicable

6. **Windows, Doors and Awnings** – 2002 renovations significantly altered the historic windows and doors on the Primary, Secondary and Tertiary elevations.

6.1– 6.6 - Windows and doors were significantly altered on the Primary, Secondary and Tertiary elevations during the 2002 renovations. The 2002 renovations included an open-air breezeway extending the full depth of the building along the left (East) side wall. This breezeway connected to a new metal fire escape stair which was installed at the rear of the building, providing a required second exit for the Main and 2nd Floor levels. The breezeway is to be eliminated during the proposed restaurant renovations with the space being incorporated into the dining area of the new restaurant.

Secondary Elevation (Municipal parking) - Applicant proposes to install fold-up windows on three of the four openings on the Main Floor Level of the Secondary Elevation (Municipal Parking). The new fold-up windows will have the appearance of double-hung windows to match the windows on the 2nd floor level. The 4th opening near the front of the building is to remain unchanged.

Tertiary Elevation (Howard Street) - A gated opening was created from the breezeway at the rear of the building to access the external stairs which were installed during the 2002 renovations. Applicant proposes to close this opening and install a new required emergency exit door to the left of the current breezeway opening. The new door will match the scale and proportions of the windows and doors in the building.

6.7 – Shutters on the building's windows were installed during the 2002 renovations. Shutters were removed from the 2nd floor windows on the Secondary Elevation (Municipal Parking) when the brick was painted in 2019. The remaining existing shutters on the two 2nd floor level windows on the Tertiary Elevation (Howard Street) will be removed during the construction of the proposed restaurant.

6.8 – 6.15 – **Awnings** – Awnings were installed on the Primary Elevation (King Street) during the 2002 renovations. The fabric was replaced in 2019. Awnings were removed on the Secondary Elevation (Municipal parking) when the brick was painted in 2019. The exterior metal fire escape stairs on the Tertiary Elevation (Howard Street) were covered with fabric awnings when they were constructed as part of the 2002 renovations. These awnings are to remain.

7. **Roofs** – Not Applicable. No proposed additions or changes to the existing low sloping roof.
8. **Entrances, Porches and Balconies** – Not Applicable. The 2002 renovations significantly altered the exterior appearance on the Primary, Secondary and Tertiary elevations of the building. The gated entrance to the open-air stair on the left side of the Primary Elevation (King Street) will remain as it is. A new storefront door will be installed inside the building beyond the open-air stair which will be the public entrance to the proposed restaurant. Except for the previously mentioned changes, the building's entrances will remain as they were after the 2002 renovations.
9. **Paint and Paint Color** – The brick on the exterior of the building was repaired and painted in 2019 to match the brick on the Primary Elevation (King Street) with a color approved by the Town.
10. **Utilities and Energy Retrofit** – Existing mechanical equipment located on the roof or on grade at the rear of the building will be replaced as required. Above ground propane tanks located at the rear of the building will be removed and replaced with new natural gas service to the building.

10.3 – Applicant proposes to install new kitchen exhaust hood ductwork on the Tertiary Elevation (rear) of the building to new rooftop mechanical units. Exposed ductwork will be painted to match the building. New rooftop mechanical units which are visible from Howard Street will be screened.
11. **Accessibility, Health, and Safety Considerations** – A new required emergency egress door is to be installed from the dining room area of the proposed restaurant to the existing fire escape stairs on the Tertiary Elevation of the building.
12. **Additional Standards on Artificial materials** - Not Applicable.
13. **Additions to Existing Buildings in the District** – Not Applicable. The proposed restaurant is primarily an internal renovation. With the exception of the previously mentioned minor changes to the exterior, no additional exterior work on the building is anticipated.
14. **New Construction of Commercial Buildings within the District** – Not Applicable.
15. **Height, Width, Spacing and Setback requirements** – Not Applicable.

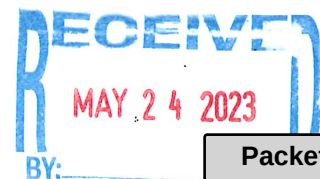
Exhibit 3

WT0847 John W. Hodges Building 587 West King Street

This two-story, commercial block building has seen many changes since its construction in mid-1940. Built on land that originally held a frame structure in which the Carolina Pharmacy was located, the Hodges block was the brainchild of former sheriff John W. Hodges. According to a June 6, 1940, article in the *Watauga Democrat*, Hodges originally intended to build a one-story structure but redesigned the plan to add a second story for apartments. Walter C. Greene was the contractor (*Watauga Democrat*, March 28, 1940). First floor businesses at the time the building opened included the Gateway Café (*Watauga Democrat*, September 19, 1940). The building was also used as the emergency headquarters for the Watauga Red Cross in the wake of the devastating floods of August 1940 (*Watauga Democrat*, August 22, 1940). By 1949, the basement of the facility was also home to the Veterans Bowling Center (Pal-Bla-4-236).

Images of the Hodges Block from the 1949 Centennial Parade (Pal-Bla-4-236) and the 1952 Qualls Block fire (Pal-Bla-3-573) reveal that the second floor window piercings of the north elevation were essentially the same as they appear today. The first floor elevation, however, was quite different then. At that time, the space was divided into two storefronts, with a brick pilaster (which still survives) as the dividing line between shopfronts. The east shopfront consisted of a central, aluminum frame door with a transom light above, flanked on either side by large, plate glass windows with low stone bulkheads below. Above this shopfront were leaded glass, clerestory windows divided into four sections. The west shopfront had an L-shaped stairwell with a protective, iron balustrade built out into the sidewalk area, providing access down to the basement level, where the bowling alley was located in 1947. Just to the left was a recessed entry into the west shopfront of the first floor, which was home to the Sanitary Barber Shop for many years. To the right of the recessed opening was a large, plate glass window. Above this section were more leaded glass, clerestory windows, divided into three sections. Similarly, the east wall of the building was originally clad in brick, with four, irregularly spaced, one-over-one windows on the second floor (Appalachian Collection image, 5015_096_03, 1963).

The east and north elevations changed dramatically in 1970, when a devastating fire essentially gutted the Hodges Block and WT0848 immediately to the west. Damage from the fire was extensive, even to the exterior walls (an ASU Digital Collection image from Fall 1970 shows the brick badly blackened around the east, second floor windows), which may explain why the east elevation today is a rough parging over



the original brick, and all signs of the original window piercings have been sealed over. Instead, seven proportionately spaced window piercings, each with a six-over-one, double-hung sash, wooden window in a deep surround, flanked by wooden, board and batten shutters, are visible on the second floor of the east elevation. The stepped parapet roofline has terra cotta tiles, which appear to be original, as coping. On the first floor, meanwhile, four large, rectangular openings, none with windows but all covered with iron bars, have been cut into the east wall to provide light and air to a wide breezeway that runs through the east side of the building. Metal framed, canvas awnings cover each of these window openings.

The north elevation has seen its own changes since the 1970 fire. The original window piercings of the second floor are present, as are the recessed brick lintel treatments over each window and the rowlock sills. The windows themselves, however, are obvious replacements, now consisting of eight-over-one, double-hung sash, wooden windows. For a brief time, a cable-hung awning covered the north elevations storefronts (as seen in a ca. 1997 Cultural Resources Department photograph, when the building housed Earp's in the east storefront), but this appears to have been removed in 2002. The original, multicolored, running bond brick pattern is also mostly intact, although Michael Vetro, who purchased the building in 2002, has removed the original, limestone frieze plate that read, "John W. Hodges," and replaced it with his own limestone frieze plate that reads, "VETRO MMII." The first floor orientation of the north elevation, however, is dramatically changed. The original storefront configuration of the east bay (just left/east of the surviving pilaster) is entirely altered, with a second pilaster added between a large breezeway piercing to the east and a double bay of aluminum framed, plate glass windows to the west. Both the breezeway and the window bay have metal framed, fabric awnings over them. This second pilaster, which is likely of concrete block, has been parged with a poorly executed mix of stucco and brick veneer arranged to resemble a World War I-era, bombed out French village. The east breezeway leads from the front to the rear of the building, providing access to several stores off the breezeway. Just inside the breezeway and to the west is a staircase with an iron balustrade that leads to the basement level shops. The interior walls of the breezeway are parged, while long rows of aluminum frame, plate glass windows and doors provide light into the interior shops. The breezeway floor is over ceramic, multicolored tile intended to resemble brick. To the west of the original, north elevation pilaster, the recessed entry has been brought forward, flush with the façade, and the sidewalk staircase to the lower level has been filled in. The new configuration includes an aluminum door with plate glass to the left/east, followed to the west by another aluminum framed, plate glass window, while the original window piercing to the west of that has been parged over with another poorly executed mix of stucco and brick veneer. This window and door configuration also has a metal framed, fabric awning hanging over it. Curiously, the clerestory window piercings appear to survive, although they are obscured/filled in by more of the poorly executed mix of parging and brick veneer.

The south elevation has also been parged over, and much of it is obscured by a massive, iron staircase structure that provides access from the rear ground level to the south end of the breezeway, then up to a single, metal door at the second floor level. Metal-framed, fabric awnings provide coverage to landings on the staircase structure. Two six-over-one, double-hung sash, wooden windows, each with flanking, board and batten, wooden shutters, are visible at the east and west ends of the south elevation on the second floor. Meanwhile, the basement level features two symmetrically spaced, metal doors, along with a single window at the east end of the south elevation. Concrete pads at the southeast corner support several propane tanks. Much of the first floor and basement level of the west elevation is obscured by WT0848 to the west, but the rear portion of the west elevation is fully exposed. The basement level appears to be a concrete foundation that has been parged over. The first and second floors are of red brick that started out as common bond in a 5:1 ratio, but this was abandoned after the first two groupings. Some of the brickwork on this west elevation shows signs of spalling. The second floor of the west elevation, meanwhile, features at least five, symmetrically spaced window piercings that have been bricked in. Support rods and plates have been introduced along this west wall, apparently to stabilize the wall following the fire. The roofline of the west elevation is a stepped parapet identical to that found on the east elevation, and also clad in terra cotta coping. The flat roof of the building is presumed to be rubber.

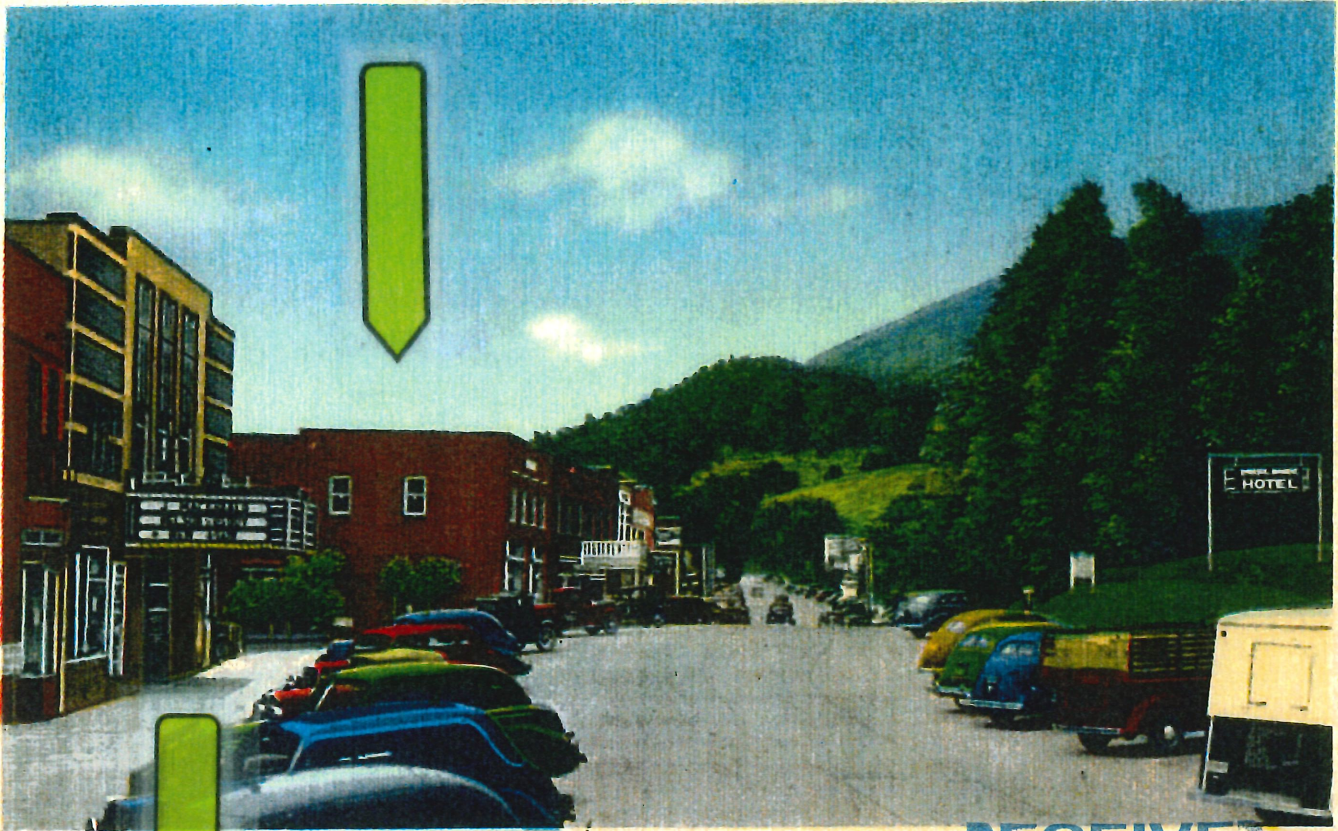


Communication: Z066679-052423 Exhibit 4 - Historical Photos (Case Z066679-052423 Valcore Restaurant - COA)

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B-11 MAIN STREET LOOKING NORTH. BOONE, N. C.



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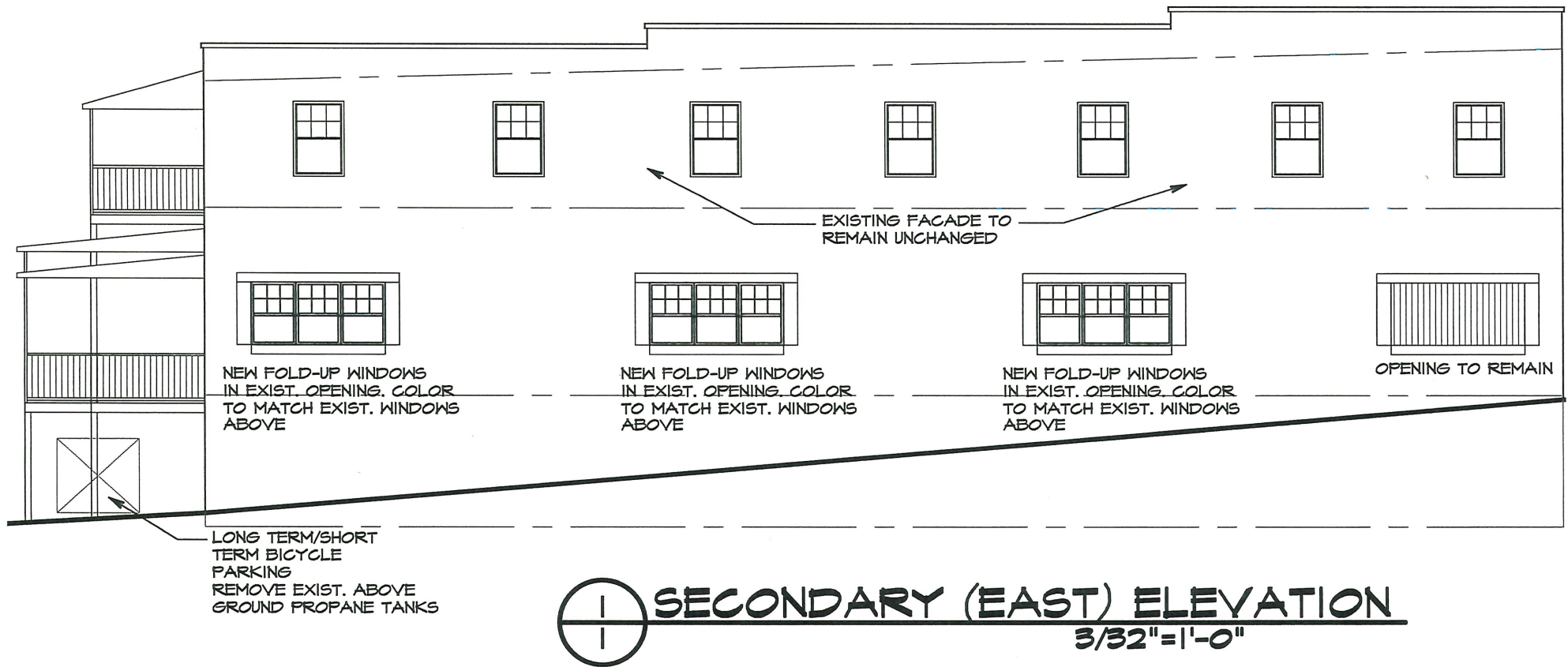
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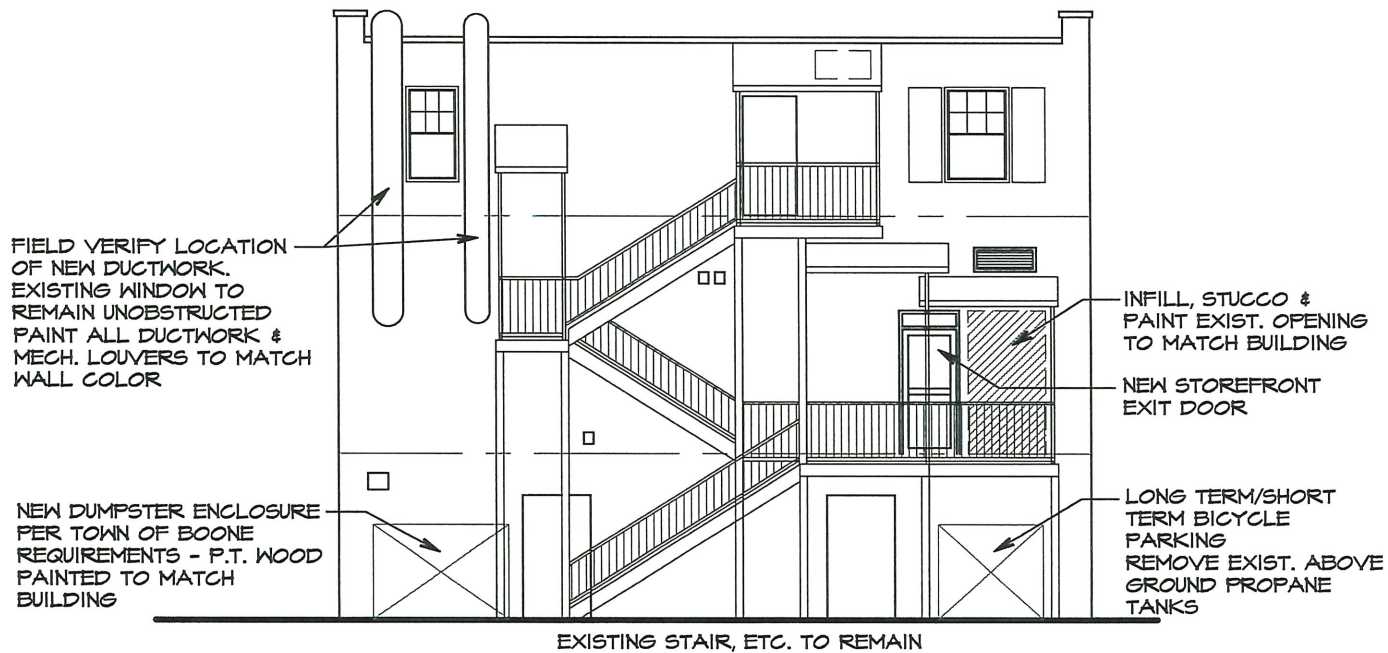


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APPALACHIAN ARCHITECTURE, P.A.
BOONE, NC



COA APPLICATION
JULY 11, 2023 HPC HEARING
VALCORE RESTAURANT

MAY 24, 2023

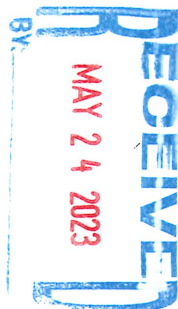


1
2

TERTIARY (SOUTH) ELEVATION

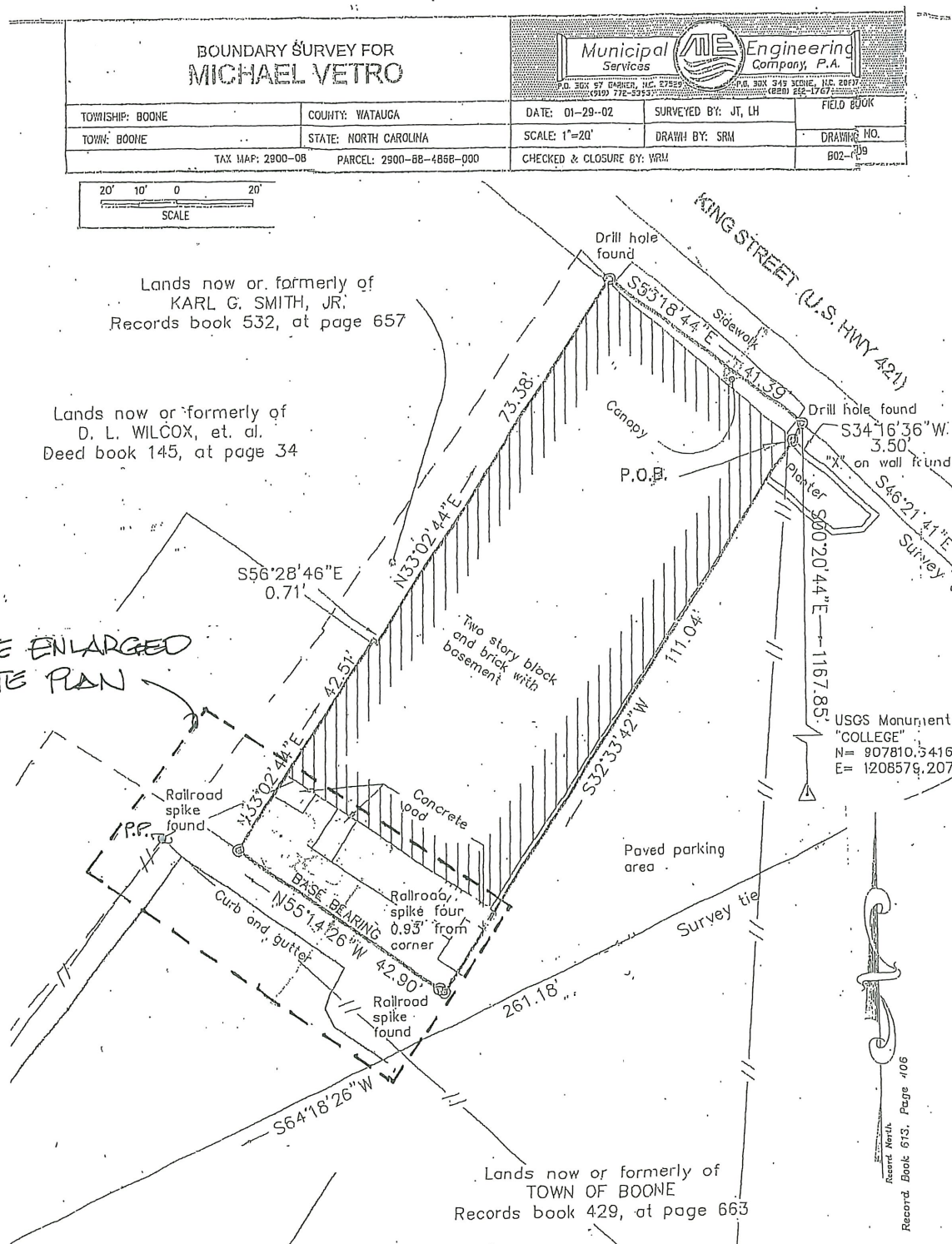
3/32"=1'-0"

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APPALACHIAN ARCHITECTURE, P.A.
BOONE, NC



COA APPLICATION
JULY 11, 2023 HPC HEARING
VALCORE RESTAURANT

MAY 24, 2023



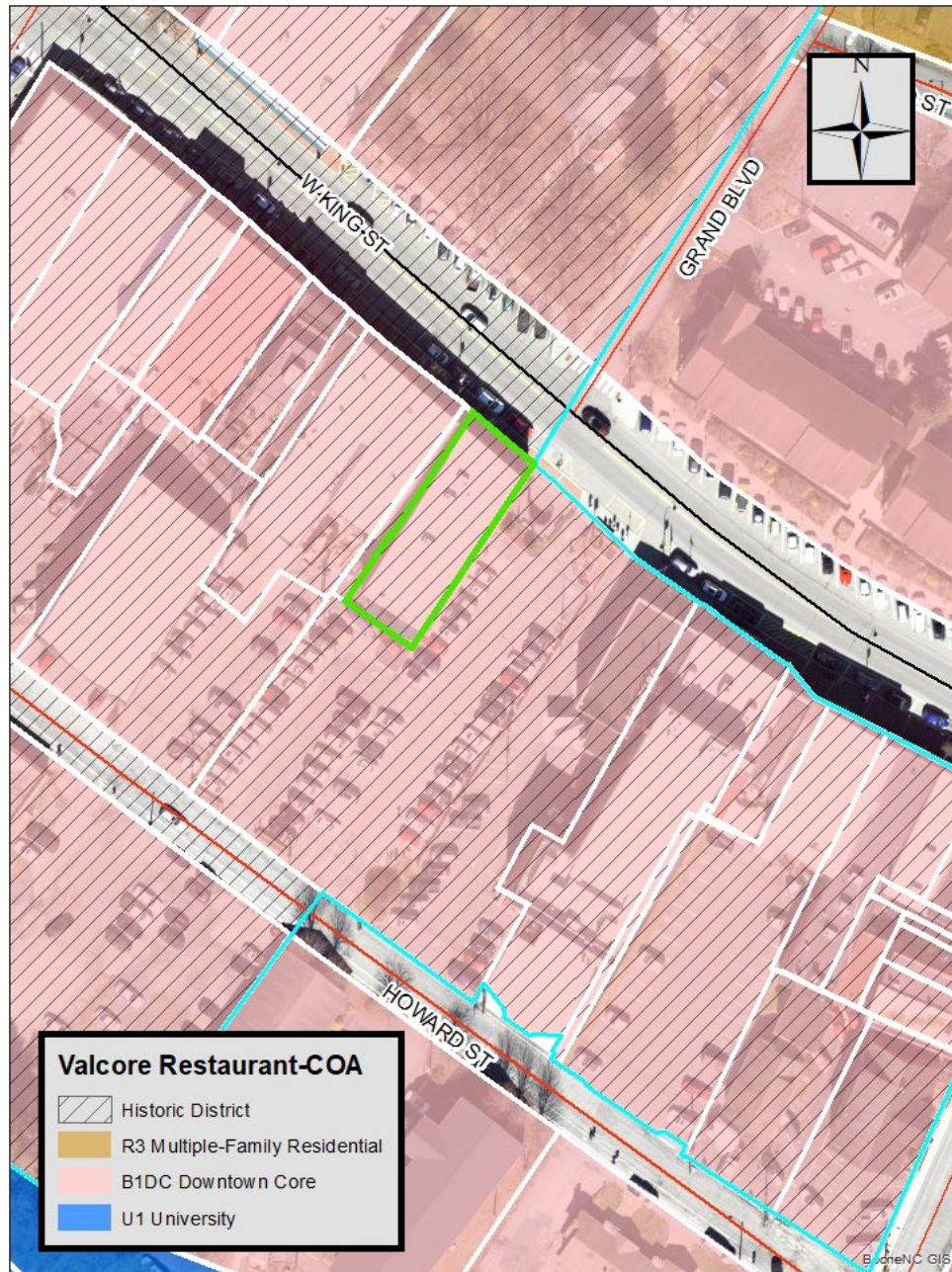
Survey

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**STAFF REPORT
HISTORIC PRESERVATION COMMISSION
JULY 11, 2023
CASE Z06679-052423-VALCORE RESTAURANT-EXTERIOR MODIFICATIONS -COA**



Communication: Z06679-052423 Exhibit 8 - Staff Report (Case Z06679-052423 Valcore Restaurant - COA)

Request

Jean Borhman, on behalf of Valcore, Inc., has filed an application for a Certificate of Appropriateness (COA) at 587 W. King Street (Watauga County PIN 2900-88-4868, formerly the John W. Hodges Building, now the Vetro Building) to install three (3) new windows, which will be operable sectional garage style windows with mullions on the secondary elevation in existing openings. The applicant proposes to infill a gated opening and install a

new full glass aluminum storefront exit door on the tertiary elevation. Additionally, the applicant proposes two (2) new openings on the tertiary to accommodate the exhaust and intake ductwork.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA Application for Major Work, a COA is required for replacement of architectural details when there will be a change in design or materials from the original.

Parcel Information

Address: 587 W. King St.
Property Owner: Michael Vetro
Watauga County PIN: 2900-88-4868-000
Lot size (total): .126 Acres
Jurisdiction: Town of Boone
Access: W. King St. (State maintained)/Howard St. (Town Maintained)
SFHA: No
Watershed District: No
Corridor District: No
NCD: No
Viewshed: No
Steep Slope: No
Transitional Zone: No
Current Zoning: B1 Downtown Core, Downtown Historic District Overlay

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B1, Downtown Core, Downtown Boone Local Historic District	Government Cultural Facility, Including Outdoor Activity
East	B1, Downtown Core, Downtown Boone Local Historic District	Parking Lot
South	B1, Downtown Core, Downtown Boone Local Historic District	Parking Lot
West	B1, Downtown Core, Downtown Boone Local Historic District	Other Restaurants less than or equal to 2,500 square feet/Personal Service Establishment

History

August 26, 2021 - The applicant proposed to enclose four (4) existing openings with dark bronze aluminum storefront windows. Staff explained that the proposed windows were not allowed under the current Unified Development Ordinance (UDO) at that time, which was Article 18 based on the 2020 UDO version, and that distinctive or historic materials, features, finishes, construction techniques or examples of building craftsmanship of a building shall be retained

and preserved for the openings. The applicant resubmitted double-hung windows in the succeeding permit submission, which was approved.

April 6, 2022 - A Zoning Permit was issued to Jean Borhman for Valcore Restaurant.

April 5, 2023 - The Zoning Permit expired because no more than 10% of the work on the project was completed before the expiration date.

Zoning Analysis

On the secondary elevation, the applicant proposes to enclose the existing window openings with operable sectional garage style windows with mullions in order to air condition the space, which is proposed to be used as a restaurant with dining, a bar, and a kitchen. The proposed work will affect three (3) of the four (4) current window openings.

On the tertiary elevation, the applicant hopes to infill and close the existing gated opening of the breezeway and install a new full glass aluminum storefront exit door from the dining area of the new restaurant to the existing metal fire escape stairs. Additionally, work on the tertiary elevation includes proposed changes for new openings to accommodate the exhaust and intake ductwork from being installed anywhere else on the building, but the roof. Three (3) -four (4) propane tanks located on the tertiary will also be removed and replaced with natural gas service.

Historic District Analysis

In October 2021, the Town of Boone adopted the Downtown Boone Local Historic District overlay. Overlay districts are those districts that overlap one or more general use or conditional districts and imposed standards, in addition to the underlying district zoning standards. Where requirements conflict, overlay district standards supersede general use district standards.

The following three documents are central to the Downtown Boone Local Historic District:

1. [Comprehensive Architectural Survey of Downtown Boone, NC – Final Report](#)
2. [Report and Recommendation for the Designation of the Downtown Boone Local Historic District, Boone, NC](#)
3. [Downtown Boone Local Historic District Standards](#)

The designation report (#2 above), was created using the architectural survey of the downtown area (#1 above) and recommended the Downtown Boone Local Historic District area be designated as a historic overlay district; and the Downtown Boone Local Historic District Design Standards, which are outlined in a separate document (#3 above), are to be applied by the HPC when it considers applications for Certificates of Appropriateness for proposed development within the historic district.

INVENTORY CLASSIFICATION

The following information has been taken from the designation report starting on page 69. The property inventory found within the report was specifically written to assess the contributing significance and integrity of the district's resources. Integrity, as determined was based upon the following:

1. design integrity, meaning the building's relationship to its original appearance or altered appearance during the period of significance;
2. material integrity, meaning the building's relationship to original materials during the period of significance or replacement materials that mimic the appearance of original materials during the period of significance;
3. locational integrity, meaning the building's relationship to its original location during the period of significance;
4. integrity of association, meaning the building's relationship to its original or adapted use, function, and purpose during the period of significance; and
5. integrity of relationship to the district as a whole, meaning the building's historical importance to the development of downtown Boone's commercial district during the district's four periods of growth within the period of significance (1918-1964).

This ratio of parcels with contributing resources to the overall number of parcels in the district represents an unusually dense and rich collection of commercial, institutional, and residential buildings and/or structures with excellent to outstanding integrity as defined by the above criteria, thus illustrating the special significance of the district to the town of Boone in terms of its history and architecture. Taken together, these resources help to tell

the story of the development of downtown Boone's commercial district through its four periods of growth within the period of significance. For these reasons, the district possesses outstanding integrity as a whole, which can only be improved as owners of individual resources continue to rehabilitate their properties and storefront configurations to their historic appearance.

Inventory Classifications:

CA: Contributes to the character of the district based on architectural significance

CH: Contributes to the character of the district based on historical significance related to events or individuals associated with the property

NC: Non-contributing property

VL: Vacant lot

DESIGNATION REPORT/ARCHITECTURAL SURVEY PROPERTY SUMMARY

The Designation Report summary is included on the right (in blue), and the full Architectural Survey summary is included below. The subject property is classified as "CA" meaning the property contributes to the district based on architectural significance. The subject property is also classified as "CH" meaning the property contributes to the district based on historical significance related to events or individuals associated with the property. The parcel has One entry in these reports for 587 West King Street.

WT0847 John W. Hodges Building (1940) 587 West King Street

This two-story, commercial block building has seen many changes since its construction in mid-1940. Built on land that originally held a frame structure in which the Carolina Pharmacy was located, the Hodges block was the brainchild of former sheriff John W. Hodges. According to a June 6, 1940, article in the Watauga Democrat, Hodges originally intended to build a one-story structure but redesigned the plan to add a second story for apartments. Walter C. Greene was the contractor (Watauga Democrat, March 28, 1940).

First floor businesses at the time the building opened included the Gateway Café (Watauga Democrat, September 19, 1940). The building was also used as the emergency headquarters for the Watauga Red Cross in the wake of the devastating floods of August 1940 (Watauga Democrat, August 22, 1940). By 1942, the basement of the facility was home to Charlie's Bowling Center (Watauga Democrat, October 29, 1942), later known as the Veterans Bowling Center (Watauga Democrat, July 10, 1947, and Pal-Bla-04-236).

Images of the Hodges Block from the 1949 Centennial Parade (Pal-Bla-04-236) and the 1952 Qualls Block fire (Pal-Bla-03-573) reveal that the second floor window piercings of the north elevation were essentially the same as

WT0847 John W. Hodges Building (1940)—CH 587 West King Street (2900-88-4868-000)

Walter C. Greene served as the contractor on this two-story, commercial block building erected in 1940 for John W. Hodges. Early tenants included the Gateway Café, the Sanitary Barber Shop, and Charlie's Bowling Center in the basement.

Apartments were available on the second floor. In its original configuration, the building featured an L-shaped, sidewalk staircase descending to the basement level from the front of the building. A 1970 fire completely gutted the building, and for years, a rough parging covered the east wall to hide scorch marks around the original window openings. Sometime after this fire, one owner created a front-to-back arcade in the west storefront of the building, effectively destroying the original storefront configuration and creating new piercings in the east wall and a number of inappropriate architectural treatments on the north elevation. An interior staircase to the basement also replaced the sidewalk access which was filled in. The present owner removed the east wall parging in 2019, revealing the original piercings of the east wall, most of which had been bricked in. Unfortunately, because of the prior application of inappropriate paints, the entire wall was repainted. While the building retains its basic, original form, its current appearance bears only passing resemblance to the original building.

they appear today. The first floor elevation, however, was quite different then. At that time, the space was divided into two storefronts, with a brick pilaster (which still survives) as the dividing line between shopfronts. The east shopfront consisted of a central, aluminum frame door with a transom light above, flanked on either side by large, plate glass windows with low stone bulkheads below. Above this shopfront were leaded glass, clerestory windows divided into four sections. The west shopfront had an L-shaped stairwell with a protective, iron balustrade built out into the sidewalk area, providing access down to the basement level, where the bowling alley was located in 1947. Just to the left was a recessed entry into the west shopfront of the first floor, which was home to the Sanitary Barber Shop for many years. To the right of the recessed opening was a large, plate glass window. Above this section were more leaded glass, clerestory windows, divided into three sections. Similarly, the east wall of the building was originally clad in brick, with four, irregularly spaced, one-over-one windows on the second floor (Appalachian Collection image, 5015_096_03, 1963).

The east and north elevations changed dramatically in 1970, when a devastating fire essentially gutted the Hodges Block and WT0848 immediately to the west. Damage from the fire was extensive, even to the exterior walls (an ASU Digital Collection image from Fall 1970 shows the brick badly blackened around the east, second floor windows), which may explain why the east elevation at the time of survey was a rough parging over the original brick, and all signs of the original window piercings had been sealed over. Instead, seven proportionately spaced window piercings, each with a six-over-one, double-hung sash, wooden window in a deep surround, flanked by wooden, board and batten shutters, are visible on the second floor of the east elevation. The stepped parapet roofline had terra cotta tiles, which appeared to be original, as coping. On the first floor, meanwhile, four large, rectangular openings, none with windows but all covered with iron bars, have been cut into the east wall to provide light and air to a wide breezeway that runs through the east side of the building. Metal framed, canvas awnings cover each of these window openings. In early 2019, the present owner stripped most of the parging from the east and south elevations and in the process uncovered numerous original piercings that had been bricked in. Unfortunately, due to the application of inappropriate paints that cannot be removed without damaging the brick, the present owner had no choice but to paint over the old brick once again.

The north elevation has seen its own changes since the 1970 fire. The original window piercings of the second floor are present, as are the recessed brick lintel treatments over each window and the rowlock sills. The windows themselves, however, are obvious replacements, now consisting of eight-over-one, double-hung sash, wooden windows. For a brief time, a cable-hung awning covered the north elevations storefronts (as seen in a circa 1997 Cultural Resources Department photograph, when the building housed Earp's in the east storefront), but this appears to have been removed in 2002. The original, multicolored, running bond brick pattern is also mostly intact, although Michael Vetro, who purchased the building in 2002, has removed the original, limestone frieze plate that read, "John W. Hodges," and replaced it with his own limestone frieze plate that reads, "VETRO MMII." The first floor orientation of the north elevation, however, is dramatically changed. The original storefront configuration of the east bay (just left/east of the surviving pilaster) is entirely altered, with a second pilaster added between a large breezeway piercing to the east and a double bay of aluminum framed, plate glass windows to the west. Both the breezeway and the window bay have metal framed, fabric awnings over them. This second pilaster, which is likely of concrete block, has been parged with a poorly executed mix of stucco and brick veneer arranged to resemble a World War I-era, bombed out French village. The east breezeway leads from the front to the rear of the building, providing access to several stores off the breezeway. Just inside the breezeway and to the west is a staircase with an iron balustrade that leads to the basement level shops. The interior walls of the breezeway are parged, while long rows of aluminum frame, plate glass windows and doors provide light into the interior shops. The breezeway floor is over ceramic, multicolored tile intended to resemble brick. To the west of the original, north elevation pilaster, the recessed entry has been brought forward, flush with the façade, and the sidewalk staircase to the lower level has been filled in. The new configuration includes an aluminum door with plate glass to the left/east, followed to the west by another aluminum framed, plate glass window, while the original window

piercing to the west of that has been parged over with another poorly executed mix of stucco and brick veneer. This window and door configuration also has a metal framed, fabric awning hanging over it. Curiously, the clerestory window piercings appear to survive, although they are obscured/filled in by more of the poorly executed mix of parging and brick veneer.

The south elevation was also parged over (removed in 2019 and original brick repainted), and much of it is obscured by a massive, iron staircase structure that provides access from the rear ground level to the south end of the breezeway, then up to a single, metal door at the second floor level. Metal-framed, fabric awnings provide coverage to landings on the staircase structure. Two six-over-one, double-hung sash, wooden windows, each with flanking, board and batten, wooden shutters, are visible at the east and west ends of the south elevation on the second floor. Meanwhile, the basement level features two symmetrically spaced, metal doors, along with a single window at the east end of the south

elevation. Concrete pads at the southeast corner support several propane tanks. Much of the first floor and basement level of the west elevation is obscured by WT0848 to the west, but the rear portion of the west elevation is fully exposed. The basement level appears to be a concrete foundation that has been parged over. The first and second floors are of red brick that started out as five-course common bond, but this was abandoned after the first two groupings. Some of the brickwork on this west elevation shows signs of spalling. The second floor of the west elevation, meanwhile, features at least five, symmetrically spaced window piercings that have been bricked in. Support rods and plates have been introduced along this west wall, apparently to stabilize the wall following the fire. The roofline of the west elevation is a stepped parapet identical to that found on the east elevation, and also clad in terra cotta coping. The flat roof of the building is presumed to be rubber.

SANBORN FIRE INSURANCE MAPS FROM THE LIBRARY OF CONGRESS

The Library of Congress has made Sanborn Fire Insurance Maps from 1928 and 1947 accessible. As these years fall within the historic district's period of significance (1918-1964), these maps will be used when the property in question, or area of the property in question, can be viewed within these maps. The content of the Library of Congress online Sanborn Maps Collection is in the public domain and is free to use and reuse. Credit for each map will be included underneath each image. An image of the full map, followed by a cropped version is included below; the image has been cropped by Planning Staff.

1928 Sanborn Fire Insurance Map – E. King Street, W. King Street, and Howard Street

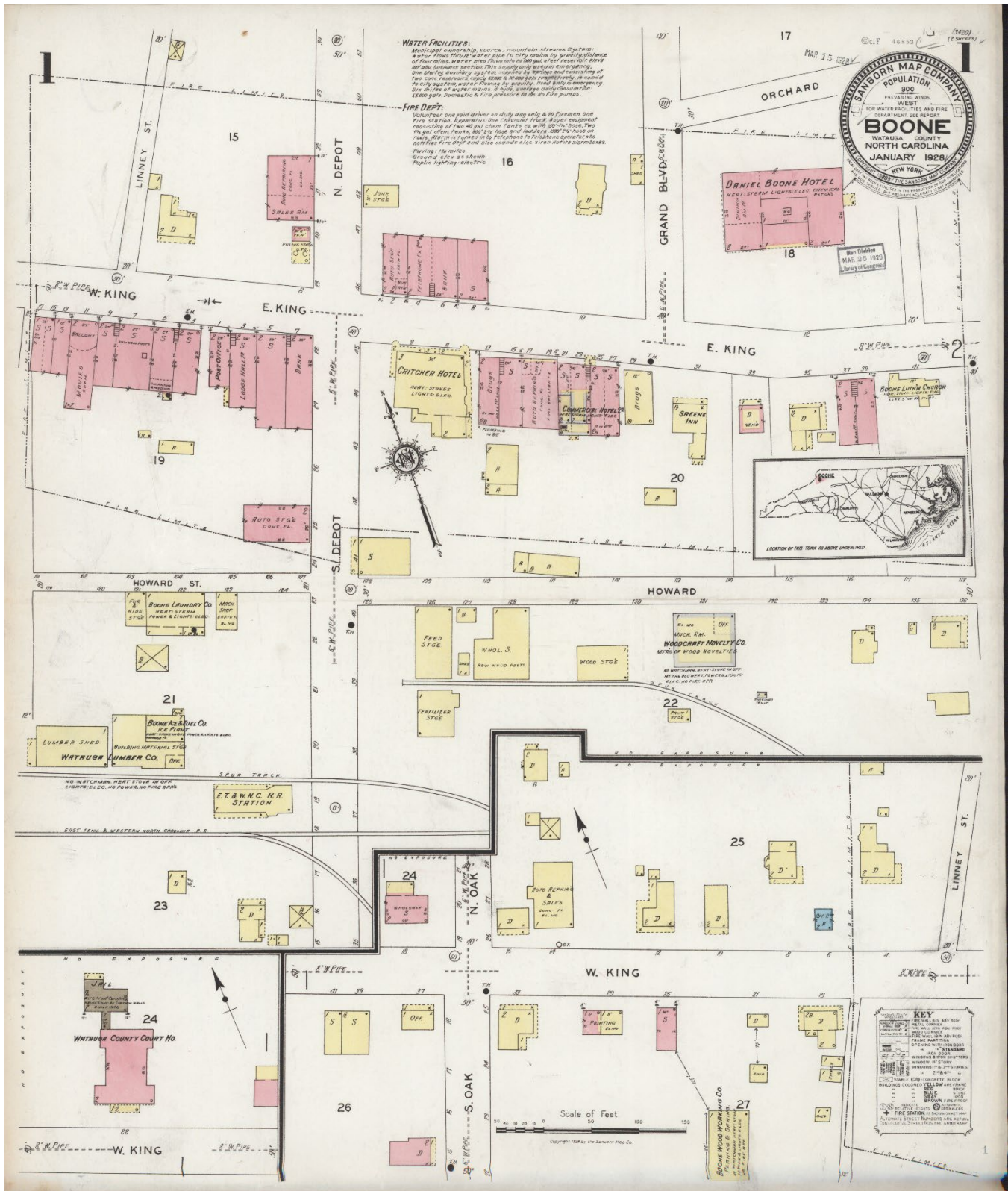
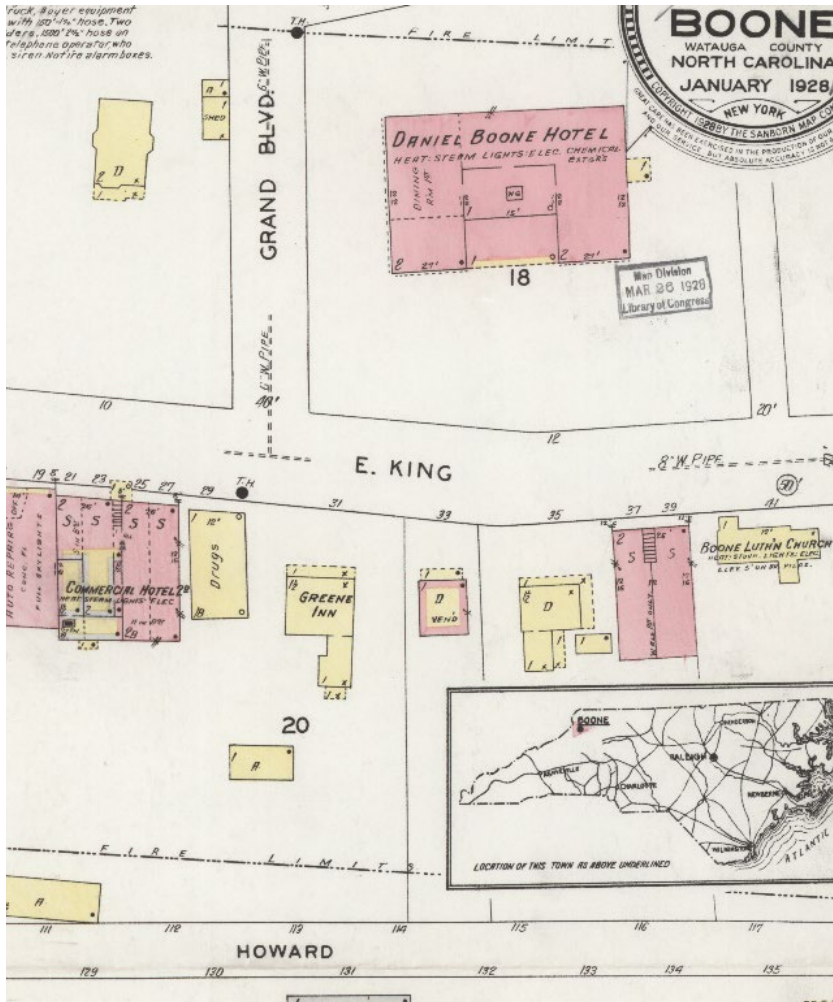


Figure 1. Sanborn Fire Insurance Map from Boone, Watauga County, North Carolina. Sanborn Map Company, Jan, 1928. Map. https://www.loc.gov/item/sanborn06383_001/. Digital Id http://hdl.loc.gov/loc.gmd/g3904bm.g3904bm_q063831928.



CROPPED IMAGES OF Figure 1. Sanborn Fire Insurance Map from Boone, Watauga County, North Carolina. Sanborn Map Company, Jan, 1928. Map. https://www.loc.gov/item/sanborn06383_001/. Digital Id <http://hdl.loc.gov/loc/gmd/q3904bm.q3904bm.q063831928>.

1947 Sanborn Fire Insurance Map – E. King Street, Grand Boulevard, Howard Street, Depot Street, Linney Street, Queen Street



Communication: Z06679-052423 Exhibit 8 - Staff Report (Case Z06679-052423 Valcore Restaurant - COA)

Figure 2. Sanborn Fire Insurance Map from Boone, Watauga County, North Carolina. Sanborn Map Company, Jun, 1947. Map.
https://www.loc.gov/item/sanborn06383_002/. Digital Id http://hdl.loc.gov/loc.gmd/q3904bm.q3904bm_q063831947



CROPPED IMAGE OF Figure 2. Sanborn Fire Insurance Map from Boone, Watauga County, North Carolina. Sanborn Map Company, Jun, 1947. Map. https://www.loc.gov/item/sanborn06383_002/. Digital Id http://hdl.loc.gov/loc.gmd/q3904bm.q3904bm_q063831947

DESIGN STANDARDS

Applicable design standards from the Downtown Boone Local Historic District Design Standards and Handbook, UDO Appendix D, are included below.

Commission Procedures, [Design Standards p. 27]

Elevation Definitions

Primary Elevation: The elevation generally thought of as the main facade that faces the public street and that contains the building's primary pedestrian entrance.

Secondary Elevation: The elevation that faces a public street or adjacent buildings and that may contain additional pedestrian entrances other than the primary pedestrian entrance.

Tertiary Elevation: The elevation(s) that does not face a public street and is generally not visible from public streets. This elevation typically includes posterior, exterior elevations, features, and land area.

Staff Comment: *These elevation definitions are included as the proposed written description of work describes that the work is to affect the secondary and tertiary elevations.*

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Storefronts, Upper Facades, Side Elevations, and Rear Elevations [Design Standards, p. 61-67]

Storefronts, Upper Facades, Side Elevations, and Rear Elevations

Similarly, secondary and tertiary elevations of many of Boone’s historic commercial properties are vital to the character and integrity of its downtown commercial district. Often, significant side (secondary) elevations are located on corner buildings adjacent to two or even three streets, but sometimes such details are visible on mid-block buildings separated from nearby buildings by an alleyway or a vacant lot. Many of these buildings retain original fenestration, entrances, brickwork, and/or advertisements (some of the “ghost ad” variety) that contribute in their own significant way to the architectural character of the downtown historic district. Similarly, rear (tertiary) elevations can possess many of these same characteristics and also reveal much about the history of a property because of their frequently utilitarian design intended for the workers, owners, and residents who most often saw these rear elevations.

...

1.2 When reconstructing an historic storefront, upper façade, or other elevation, use historical research and evidence as the basis for the design. Reconstructed storefronts should incorporate original dimensions, proportions, and architectural elements.

1.3 In making changes to storefronts or other elevations to comply with code or accessibility requirements, avoid destroying historic materials and features and select configurations that have minimal intrusion or impact on the character-defining aspects of the property in question.

...

1.8 Facade details of side (secondary) and rear (tertiary) elevations should always be retained and preserved if possible. When repairing these features, retain and preserve in place original elements as much as possible. If repair is not possible, replace damaged elements with materials that match the originals in composition, design, texture, color, and other visual qualities. If there is evidence of a rear public entrance that is no longer extant, use historical research and other evidence to reconstruct or provide an equivalent rear entrance whenever possible.

1.9 Utility lines, mechanical equipment, pipes, garbage receptacles, and other service items on side (secondary) and rear (tertiary) elevations—whether old or new—should be screened from public view whenever possible.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Architectural Components and Details, [Design Standards p. 67-68]

Architectural Components and Details

- 2.1 It is important to preserve character-defining, historical, architectural features of exterior walls, such as cornices, friezes, medallions, sunbursts, brackets, bays, turrets, fascias, quoins, columns, brickwork, string courses, and decorative moldings. Original architectural details should always be retained if structurally feasible, even if portions of the original material are damaged or deteriorated to a point requiring replacement. If original details are missing, design replacement features based on historic photos and other documentation.
- 2.2 It is NOT appropriate to cover or remove rather than repair or replace in kind such features when they are deteriorated. If replacement is necessary, the new materials should match the materials being replaced in composition, design, texture, color, and other visual qualities. Original architectural features that are covered should be uncovered, exposed, repaired and/or restored, and maintained.
- 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.
- 2.4 Historic architectural metals, such as pressed tin, aluminum, and cast or wrought iron, should always be retained. If these items are not repairable due to rust or other deterioration, replacement materials should duplicate the form, details, texture, material, size, shape, color, pattern, and composition of the original. When cleaning of architectural metals is necessary, use the gentlest methods possible, such as water, a gentle, non-caustic soap, and soft bristle brushes.

Staff Comment: Staff has included these standards to ensure that any of the proposed work to the building is appropriate in preserving any existing features. Staff is aware, as the applicant has described, that previous work to the building has altered the interior and exterior features. However, in order to ensure protection of any possible and/or remaining historic elements, Staff has included these standards in this Staff Report.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Masonry, [Design Standards p. 69-73]

Masonry

Terracotta, stucco, and concrete are other masonry elements that are occasionally found on historic commercial properties in Boone. In addition, many historic commercial properties feature chimneys, arches, quoins, lintels, sills, cornices, corbelling, and pediments that are all essential to the historic character of the building in question.

- 4.1 It is NEVER appropriate to paint masonry materials, such as brick, concrete block, cast concrete, or stone, that were historically unpainted, including masonry associated with foundations. If there is historic precedent for painting of masonry in the building's original historic context, it should be completed using colors that can be documented with original historic photographic evidence or analysis of original paint samples. Removal of non-historic paint from masonry can be challenging and problematic, and doing so requires strict adherence to preservation guidance published by the National Park Service. Generally speaking, such work should be completed by a professional trained in historic preservation methods and using a chemical paint remover specifically intended for masonry and the gentlest application means possible. In some instances, inappropriately applied paints may not be removable without damaging the underlying masonry, so it is always advisable to test removal techniques in an area that is not easily visible to the public. The HPC will provide guidance in such instances on the best approach to addressing unusual paint removal challenges.

Staff Comment: *Staff has included this standard in reference to the proposed work regarding painting the proposed ductwork to be installed. Although this standard is in reference to the masonry of the building, the proposed ductwork on the tertiary elevation of the building could impact the existing masonry elements on the tertiary elevation.*

...

4.6 Unless there is historic precedent for its use on the building in question, stucco should never be applied to existing masonry walls, as it can trap moisture that accelerates the deterioration of the masonry. If historic stucco is being repaired, the stucco mixture should duplicate the original appearance, color, and texture as closely as possible.

Staff Comment: *The applicant has included this standard in the proposed description of work, and Staff includes it with the explanation that the installation of stucco occurred before the historic district was adopted. The zoning permit that recently expired involved, trading dark bronze aluminum storefront windows with double hung windows due to appearance standards found in the Town of Boone UDO from the time the original application was submitted.*

...

4.8 All historic masonry architectural features, including cornices, moldings, chimneys, and other decorative flourishes, should be retained as they are integral to the architectural character and integrity of the building.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Windows, Doors, and Awnings [Design Standards p. 75-84]

Windows, Doors, and Awnings

The arrangement of doors and windows on an historic property is one of the most important elements of building design. It is imperative that these arrangements be preserved in order to maintain the integrity of individual historic properties and the integrity of the District. Because older windows and doors were not always designed with heating and cooling efficiency in mind, it is often tempting to property owners to replace these features with modern doors and windows. Despite the apparent advantages of doing so, replacement with modern doors and windows is often far more expensive than repairing existing historic doors and windows, and their use often completely destroys the integrity of the historic property in question. Furthermore, many companies are now producing “modern” wood replacement windows that replicate the appearance of their historic antecedents with fixed muntins but feature double-pane glass to assist with heating and cooling efficiency. The HPC reviews proposals for the use of modern wood replacement windows carefully to insure that muntin thickness aligns with the muntin dimensions of historic windows. Boone’s downtown commercial historic district has also suffered from the installation of various architectural elements designed to simulate a “mountain village” appearance. These typically consist of large, wooden porch attachments or awnings that are not historically appropriate to the downtown area and its historic context. Metal and modern vinyl awnings have also appeared on some properties, disrupting the integrity of many of Boone’s historic commercial properties.

6.1 The pattern, arrangement, location, size, and shape of windows and doors contribute significantly to a building’s historic character, and their consistency within the district helps unify the buildings in context to one another. For this reason, it is always preferable to repair damaged windows and doors rather than replacing them. Furthermore, it is imperative that the fenestration pattern of the door and window openings on the building and of the doors and windows themselves (muntin width, number of lights per sash, etc.) be maintained when repairs to or replacement of elements is underway. It is never appropriate to introduce new features, such as vents, bays, windows, or door openings, in exterior walls if they diminish the historic character of the wall or damage historic materials.

- 6.2 Whenever possible, the original window and door hardware should be preserved and maintained, as these components are also vital elements of historic properties.
- 6.3 Whenever possible, other original window and door elements, such as sashes, glass, sills, frames, casings, weather-stripping, lintels, architraves, surrounds, and shutters, should be repaired rather than replaced. This includes sidelights and fanlights on both doors and windows, which are vital architectural elements that help identify the style and period of a particular property. Snap-in muntins are not historically accurate and should always be avoided.
- 6.4 Unless restoring the appearance of a building to its original, historic context, the pattern, arrangements, and dimensions of doors and windows on principal elevations should be retained. On tertiary elevations not visible from the street, new door or window openings should be proportionate to existing ones and include matching design elements.

Staff Comment: Staff has included these standards in reference to the proposed description of work that is to change the current window openings. The applicant has included in the proposed description of work that the previous renovation modified the window openings to the building's current state; Staff notes that this modification was completed before approval of the historic district. This standard is included for any historic element of the windows, moreover, the window openings that remain and proposed to be changed.

...

- 6.7 If a building did not historically possess shutters, they should not be added. Similarly, historic shutter elements should be repaired and retained. Existing shutters should never be replaced with materials that are not historic to the property (metal, vinyl, or plastic shutters, for example), nor should they be replaced with shutters of a different size or configuration, especially those that do not fit the window opening and are attached to existing siding or masonry.
- 6.8 Shutters should be attached to the window casing, not the siding or masonry, unless the original historic context of the property featured shutters attached to the siding or masonry.

Staff Comment: The applicant's proposed description of work does include these standards and notes to reference work completed in the previous renovation, before approval of the historic district. Staff recognizes the applicant's comments regarding this work and includes these standards in reference to any further changes to the current building conditions in the proposed COA application.

...

Staff Comment: Standards 6.11 through 6.15 are not included in this Staff Report because the applicant does not propose any changes to the front elevation, which is where the awnings are currently installed. As referenced in the applicant's proposed description of work, the awnings were installed during the previous renovation before the approval of the historic district.

...

- 6.16 New construction, additions, and renovations to existing historic buildings or properties within historic districts should maintain established proportions and spacing of window and door openings.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Paint and Paint Color, [Design Standards p. 91-93]

Paint and Paint Color

- 9.3 Select paint colors that are appropriate for the building's architectural style and that are complementary to neighboring buildings. In general, color should function as a method of contrasting

among different materials and architectural elements that make up the building. Contrasting colors that accent architectural details and entrances are discouraged, however, except in those cases where this design element was common to the historic architectural style of an existing historic property and there is historic precedent for such accenting.

...

Staff Comment: The applicant's proposed description of work includes painting the newly installed ductwork on the tertiary elevation. Staff has selected this standard within Section 9, as this standard could apply if painting the ductwork is to impact any painting on the tertiary elevation. The applicant has referenced that the currently painted brick was completed in the previous renovation before the approval of the historic district.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Utilities and Energy Retrofit, [Design Standards p. 93]

Utilities and Energy Retrofit

Updating utilities and energy systems in historic properties is a common and natural event in the life of a building. As technology improves and environmentally friendly mechanical systems become more readily available, many property owners will desire to improve the efficiency of their historic properties. The HPC encourages the installation, rehabilitation, or replacement of mechanical systems—in compliance with local building codes and utility company standards—with systems that will improve the overall efficiency of those properties. That said, these mechanical systems, when installed in or on an historic property, must comply with certain essential standards.

- 10.1 Install utilities and mechanical equipment in areas and spaces that will require the least possible alteration to the plan, materials, and appearance of the building. Installation at the rear (tertiary elevation) of the building, if feasible, is preferred.
- 10.2 It is NOT appropriate to locate mechanical equipment farther forward on the property (i.e. toward the street facing the primary elevation) than the midpoint of the primary building.
- 10.3 Ductwork, piping, fuel tanks, plumbing vents, solar collectors, and satellite dishes should not be visible from the street. Ground-level equipment that can be seen from the street should be screened with shrubbery or fencing. Rooftop equipment should be screened with existing parapet walls or located toward the portion of the roof nearest the tertiary elevation.
- 10.4 If an interior location is not feasible, place utilities and mechanical equipment and conduit in inconspicuous locations and/or conceal with architectural elements such as downspouts.

...

Commercial Properties Within the District, Standards for Commercial Properties within the District, Artificial Materials, [Design Standards p. 95-96]

Artificial Materials

While most of the historic properties in the District were built using traditional materials (such as kilned brick, wood trim, structural glass, and native stone), over the years, some properties have been covered with aluminum, vinyl, asbestos, plywood, parging, modern brick veneers, simulated stone, pre-formed concrete panels, cast concrete patterned to look like stone or brick, or other non-traditional materials. Due to the loss of both historic character and original materials inherent in the application of such substitute materials, the damage caused during

installation, and the potential for undetected insect infestation and moisture damage, the practice is not acceptable for a historic property in the District.

12.1 The removal of previously installed substitute materials of all types is strongly encouraged.

Staff Comment: *Staff has included this standard based on the building's current condition from the previous renovations before the approval of the historic district. The applicant has detailed in the proposed description of work the past changes to the building.*

...

CONFORMITY TO ADOPTED PLANS COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

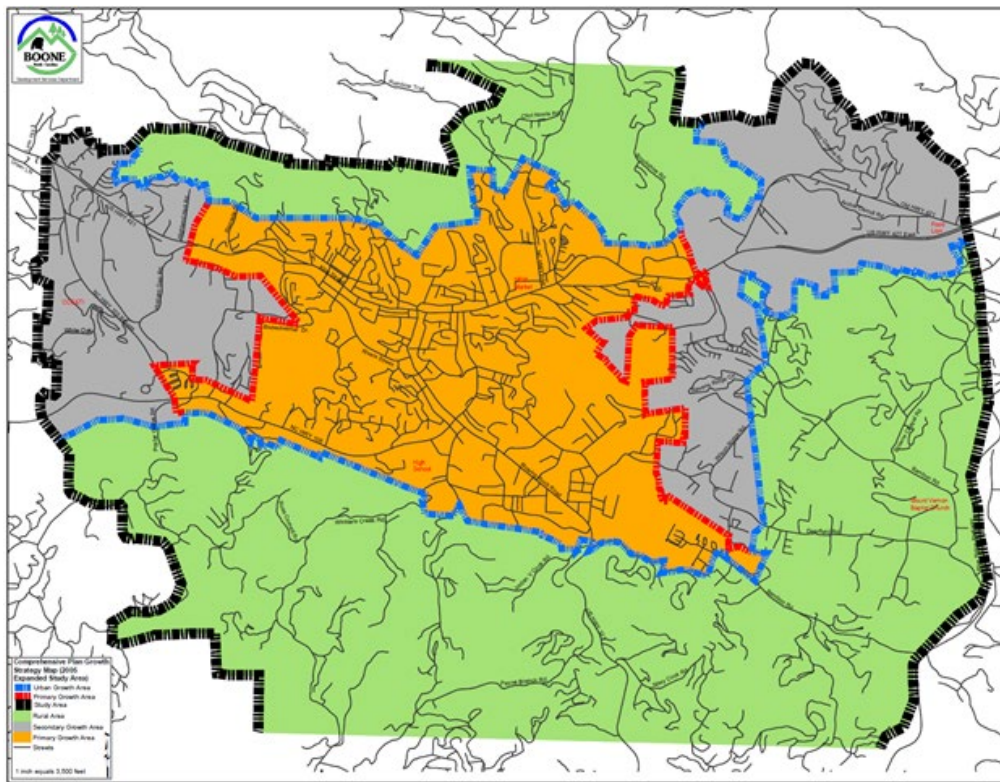
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): This development is located within the Primary Growth Area as shown on the Growth Strategy Map. The Primary Growth Area is that portion of the urban growth area where urban levels of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below:



2.0 Policies for Growth and Development (P. 18-77)

Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Board should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 THE ECONOMY (p. 19)

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long-term component of an economic development strategy.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.5 Downtown

- A. A compatible design character for the downtown area, drawing upon the locality's original High-Country small-town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.
- B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.
- C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.
- D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.
- E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.
- F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.3 THE COMMUNITY (p. 60).

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

- C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.2 Community Character (p. 67)

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High-Country small town.

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public. ****
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Conditions of Approval

The following conditions are automatically included and a part of any approval.

- Where there is a conflict between the application information (May 24, 2023), and the plans (May 24, 2023), 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 Commission may issue approval subject to reasonable conditions necessary to carry out the purposes served by the historic district (see G.S. 160D-940, 160D-947(a)):

1. Condition (as warranted) ...

Historic Preservation Commission Procedure

Congruity with the historic district

The question before the Historic Preservation Commission is whether the proposed exterior modification is incongruous (i.e., not in agreement, not in harmony) with the special character of the historic district. If the proposed exterior modification is not incongruous, the Commission shall issue the requested COA. If the proposed exterior modification is incongruous with the special character of the historic district, the Commission shall deny the requested COA. The Commission shall approve or the deny the COA by majority vote.

The Commission may issue a COA subject to reasonable conditions necessary to carry out the purposes of the historic district. In this connection, the purposes of the historic district are to (i) safeguard the heritage of the town insofar as the Historic District embodies important elements of the town's culture, history, architectural history, and/or prehistory, and (ii) to promote the use and conservation of the district for the education, pleasure, and enrichment of the residents of the town and/or the State as a whole, See G.S. §160D-940, 944, 947(a).

Historic Photos for Case Z06679-052423 – Valcore Restaurant - COA

Planning Staff acquired these photos by coordinating with Digital Watauga. Planning Staff only compiled the images into this document as presented. Images presented are at the best possible size for the image quality. Some images are presented on a separate page with the corresponding cropped image.



Dr. Flemmons, Glenn Andrews, Alfred Adams, Dempsey Wilcox, Jerry Cole, Stanley Harris, Watt Grogg and Herman Wilcox.



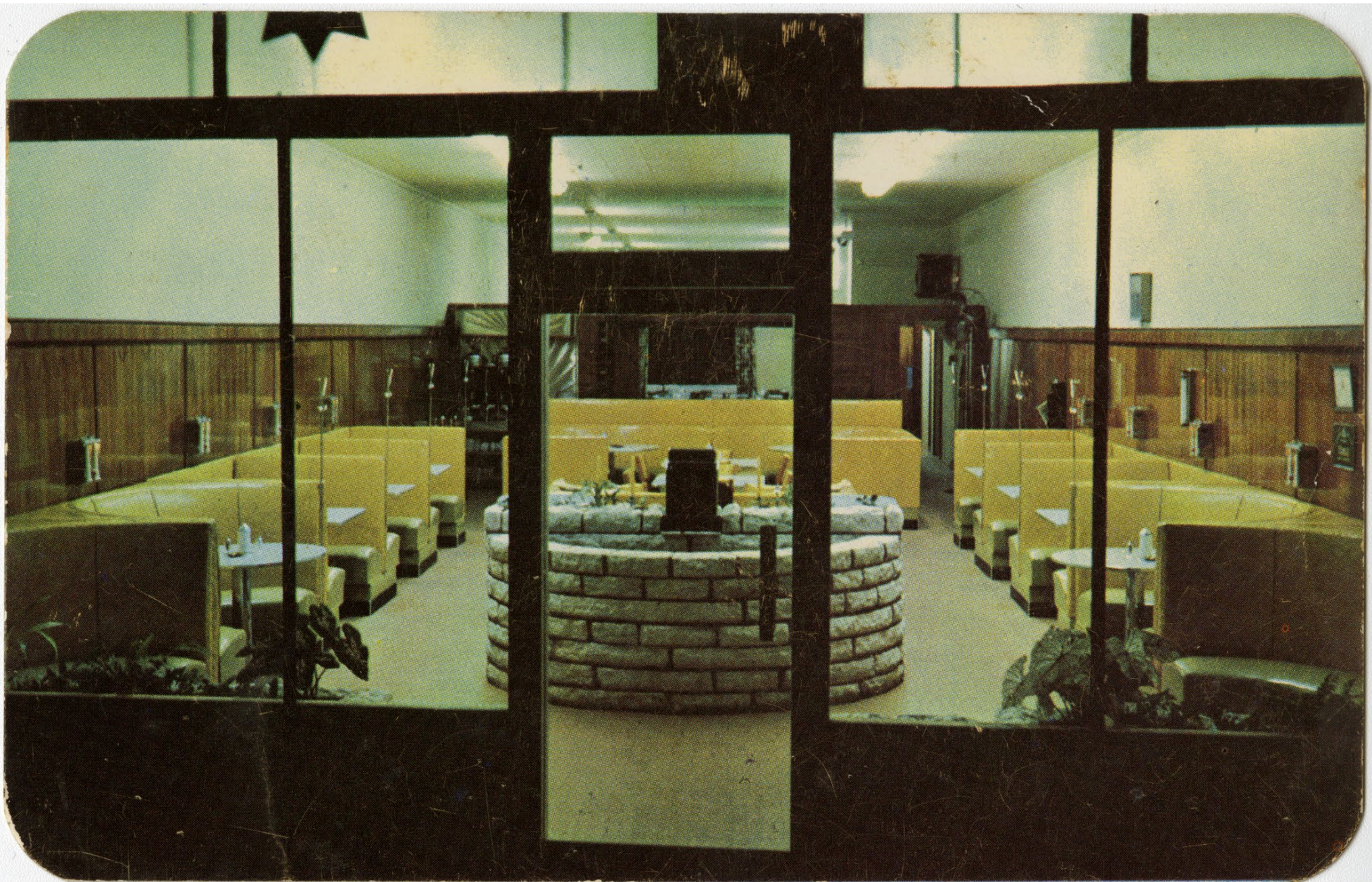




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Communication: Z06679-052423 Exhibit 9 - Digital Watauga Historic Images (Case Z06679-



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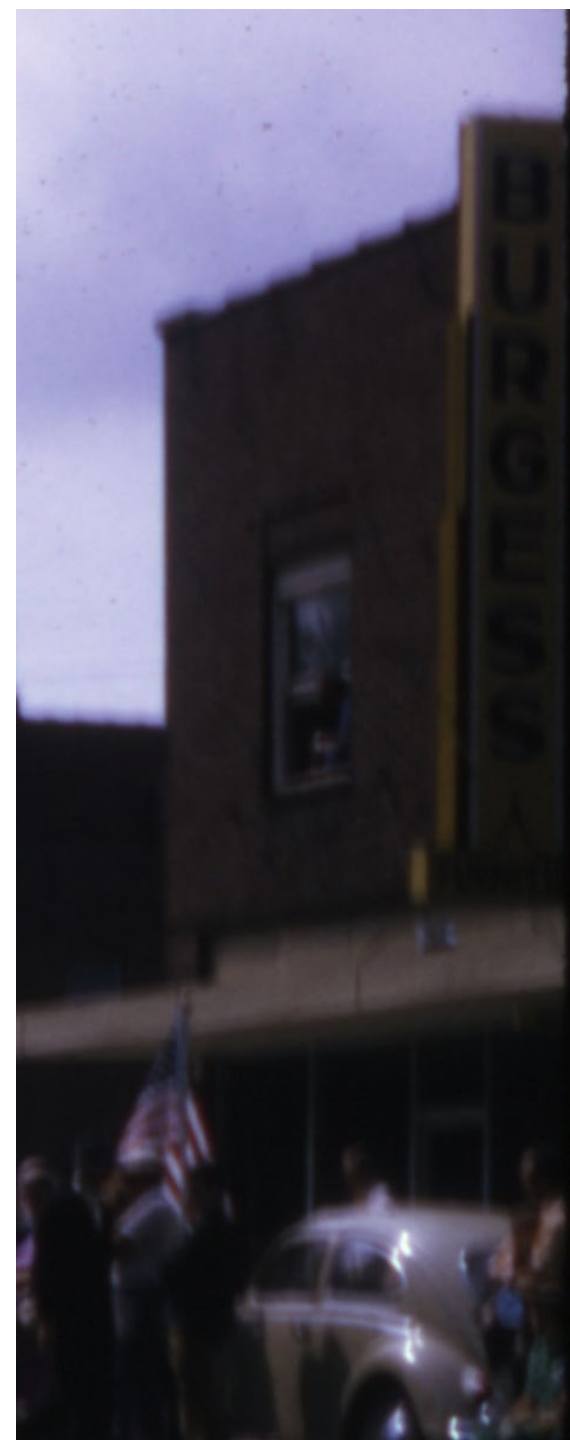








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Communication: Z06679-052423 Exhibit 9 - Digital Watauga Historic Images (Case Z06679-



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Sarah L. ... (Singer)

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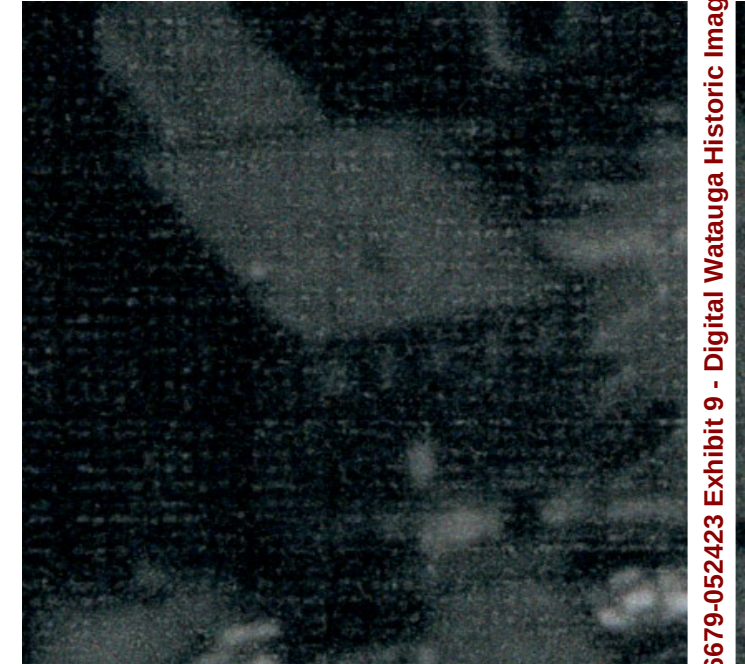


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