TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711
Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Historic Preservation Commission
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for July 21, 2021
Date: July 12, 2021

The **Town of Black Mountain Historic Preservation Commission** will meet on **Wednesday, July 21, 2021 at 6:00 p.m.** in Town Hall at 160 Midland Avenue and via Zoom.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;

2. Draft minutes from June 16, 2011;

3. Certificate of Appropriateness Application for 120 Broadway; and

4. Proposed Amendments for Historic District Standards.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner
Ron Sneed, Town Attorney

PUBLIC NOTICE

BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

The Town of Black Mountain Historic Preservation Commission will meet for their regular meeting on **Wednesday, July 21, 2021, at 6:00 p.m.** in the Council Meeting Room at Town Hall, 160 Midland Avenue, Black Mountain, NC 28711. A Zoom link is also provided for anyone wishing to participate but is not able to attend in-person.

There are three ways the public can participate in the meeting:

1. **Attend the meeting in-person at Town Hall.**

2. **Join the meeting through Zoom on your computer or smart device.** *Citizen video feeds will not be enabled. There is no password.

   https://us02web.zoom.us/j/81093126203

   Meeting ID: 810 9312 6203

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at Zoom.us/download and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

3. **Join the meeting by telephone (listen only).**

   Simply call US **Toll-free 1-877-853-5247** or US **Toll-free 1-888-788-0099**

   Meeting ID: 810 9312 6203 followed by the Pound sign (#)

Jennifer Tipton
Senior Admin

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Posted to the Town Bulletin Board 07/01/2021
www.townofblackmountain.org

AVISO PÚBLICO

COMISIÓN DE PRESERVACIÓN HISTÓRICA DE BLACK MOUNTAIN

La Comisión de Preservación Histórica de La Ciudad de Black Mountain se reunirá para su reunión regular el **miércoles, 21 de julio de 2021, a las 6:00 p.m.** en la Sala de Reuniones del Consejo en al Ayuntamiento, 160 Midland Avenue, Black Mountain, NC 28711. También se proporciona un enlace de Zoom para cualquier persona que desee participar pero no pueda asistir en persona.

Hay tres formas en que el público puede participar en la reunión:

1. **Asistir a la reunion en persona en el Ayuntamiento.**

2. **Únase a la reunion a través de Zoom en su computadora o dispositivo inteligente.**
   *Las transmisiones de video ciudadanas no estarán habilitadas. No hay contraseña..

   https://us02web.zoom.us/j/81093126203

   ID de reunión: 810 9312 6203

Si no ha utilizado Zoom antes en una computadora o dispositivo inteligente, le recomienda descargar la aplicación desde su sitio web en Zoom.us/download y probarla antes de la reunión. No hay ningún costo asociado con el software o asistir a la reunión y hay opciones de número gratuito para marcar para escuchar solo en vivo.

3. **Únase a la reunion por teléfono (solo escuchar).**

   Simplemente llamo al **número gratuito 1-877-853-5247** o **al número gratuito 1-888-788-0099**

   ID de reunión: 810 9312 6203 seguido del signo de libra (#)

Jennifer Tipton
Administrador senior

La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 or por correo electrónico a Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 07/01/2021
www.townofblackmountain.org

Historic Preservation Commission Regular Meeting
July 21, 2021

PROPOSED AGENDA

I. CALL TO ORDER
- **Welcome**
- **Determination of Quorum**

II. ADOPTION OF AGENDA
- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES
- **Motion:** To adopt the minutes of June 16, 2021 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
- Certificate of Appropriateness for 120 Broadway
- Proposed Amendments of Historic District Standards

VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN
HISTORIC PRESERVATION COMMISSION

The Black Mountain Historic Preservation Commission held its regular meeting on Wednesday, June 16, 2021, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

The meeting was called to order at 6:02 p.m. with the following members present:

Susan Leive, Chair
Ron Collins, Vice Chair
Elaine Loutzenheiser
Frank Cappelli

Absent:

Matthew Turner

Staff:

Jennifer Tipton, Senior Admin

Others Present:

The meeting was called to order at 6:02 p.m. and duly constituted and opened for business with a quorum of four (4) regular members.

II. ADOPTION OF AGENDA

Ron Collins made a motion to adopt the agenda as presented. The motion was seconded by Elaine Loutzenheiser and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

There were three minor changes to the minutes of May 19, 2021. Elaine Loutzenheiser made a motion to approve the minutes as amended. The motion was seconded by Frank Cappelli and approved by a vote of 4-0.

IV. OLD BUSINESS

There was no official old business but Ron Collins asked about the adopted guidelines and Jennifer Tipton said that they had been amended from the last meeting and posted on the website. Mr. Collins asked about additional ways to let people know about the guidelines and Ms. Tipton said that she could do a newsflash on the website, which could then also be posted to social media, and contact the newspapers to do a brief article about the updated guidelines.

V. NEW BUSINESS

1. <u>Minor Works Approvals</u>

Jennifer Tipton presented the two minor works projects that have been approved since the last meeting. The first was a sign for Artful Gypsy, which moved into 208 Sutton Avenue. The second was the mural at 203 W. State Street for the new tapas bar.

2. Discussion of Murals/Signs/Art

Based on the discussion from the last meeting on murals and signs, particularly the mural at 203 W. State Street, Ms. Tipton contacted Ron Sneed and found some articles about murals and

signage and first amendment rights. Mr. Sneed said that the mural did not qualify as a sign by the current definition of a sign and that the guidelines at the time the mural as painted did not have any criteria for murals. Ms. Tipton was also able to get in contact with Annie McDonald from the State Historic Preservation Office and she recommended not having guidelines for murals in terms of the content but rather focusing on materials and placement. Ms. Tipton also provided some definitions to add to the glossary for signs, murals, and art. Ron Collins suggested that if a mural or artwork is painted on another media, such as plywood, foamboard, etc. then it should be treated as signage and follow the guidelines for signage. Ms. Tipton also mentioned that the color requirements should be listed in the sign section as well so that it is not construed that the colors only apply to the exterior of buildings. Mr. Collins also suggested adding to the mural definition that a mural is applied directly to the building and that for artwork, we add the word commercial. It was also recommended that Ms. Tipton reach out to the Black Mountain Center for the Arts and let them know that before they paint another mural on the side of the building, they need to come before the commission for approval. Mr. Collins also spoke about the scale of some of the murals in town and suggested that the sign ordinance have some guidelines or criteria about the size of murals.

3. <u>Discussion of Timeframes for Approvals</u>

Ms. Tipton explained that the current standards have it listed that minor works approval can be approved in a few days while major works can be approved in 14 to 45 days. Both of these timeframes are vague and sometimes it may take longer for approvals. Ms. Tipton mentioned that with the Planning Board, they have to make a decision within thirty days or the item is deemed approved and the item moves forward. It was suggested that minor works approvals be listed at a week and major works be listed at 60 days and must have a written decision or else will be deemed approved. If a minor works member is on vacation or cannot be reached, then another member will fill in to make a decision. Major works projects could possibly take longer than 60 days as long as the commission continues the meeting and notes the explicit items that are needed for a decision to be rendered.

4. <u>Discussion of Going Back to In-Person Meetings</u>

Ms. Tipton noted that Town Hall is now open and most mandates have been lifted and the guidance that has been given to staff is to let each board or commission decide if they are ready to go back to in-person meetings. Ms. Tipton said that a hybrid option will still be available if there is a board or commission member or an applicant who is not comfortable coming in person. Ms. Tipton also said that anyone is allowed to wear a mask but it will not be mandated. It was decided to go back to in-person meetings beginning with the July meeting.

VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION

Elaine Loutzenheiser and Frank Cappelli both announced that they would not be reapplying for another term. They both said that they have enjoyed their time on the commission but felt that it was time to move on and give other people a chance to serve. Everyone thanked them for their service and said how much they would be missed.

VII. COMMUNICATION FROM STAFF

Ms. Tipton said that there are currently no applicants for the commission but that there are several for Planning Board who might be interested if they are not chosen for Planning Board. Ms. Tipton did inform the commission of the new policy that will allow them to review the applications and make a recommendation. Susan Leive asked about her term and Ron Collins' term and Ms. Tipton said that she will check with Savannah Parrish to make sure that we will not be left without a commission.

VII. ADJOURNMENT

Ron Collins made a motion to adjourn at 6:58 p.m. The motion was seconded by Elaine Loutzenheiser and approved by a vote of 4-0.

Prepared by:

_____
Susan Leive, Chair

_____
Jennifer Tipton, Senior Admin

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

CERTIFICATE OF APPROPRIATENESS APPLICATION

www.townofblackmountain.org

PROPERTY INFORMATION	
Address: 120 BroadwayAvenue, Black Mountain, NC	PIN #: 0619-35-4843-00000
Property Owner: 120 Broadway Street, LLC	
Address: 600 Kellwood Parkway, Chesterfield, MO 63017	Phone #: 314-439-6253
APPPLICANT INFORMATION	
Name: 128 Broadway Street, LLC	Phone #: 314-439-6253
Address: 600 Kellwood Parkway, Chesterfield, MO 63017	Email: jsykora@cordelllaw.com

PROJECT INFORMATION

☐ Administrative Review ☑ Certificate of Appropriateness

☐ Minor Works Committee Review ☐ Conservation District Review

Description of Project:
Add a chain & post fence on two sides of 128 Broadway.

Site plan, sketches, drawings, photographs, specifications and other information attached.

ACKNOWLEDGEMENT

I certify that all of the information presented by the undersigned of this application is accurate to the best of my knowledge, information and belief.

Joseph Cordell		7/6/2021
Print Name	Signature	Date

OFFICE USE ONLY

Date Received: 7/7/2021	Fee: 50	Date Paid: 7/7/21
Cash: ✓ Check: _____ Credit: _____		Meeting Date: 7/21/21

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

FENCE PERMIT APPLICATION

Town of Black Mountain
160 Midland Avenue,
Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030
www.townofblackmountain.org

PERMIT #: ____________
( ) Residential (X) Commercial
( ) Flood Zone Elevation: ______
( ) Slope: ______

By signing this permit, you consent to the entry on the permitted premises by Building Inspectors of the Town of Black Mountain to determine compliance with all codes. This consent is valid for the period commencing with the issuance of this building permit approval and terminating with the issuance of a certificate of occupancy or until earlier if revoked in writing by the owner of the property.

Owner Name: 120 Broadway Street, LLC Owner Phone #: 314-439-6253
Owner Address: 600 Kellwood Parkway, Suite 300, Chesterfield, MO 63017
Project Address: 120 Broadway Street, Black Mountain PIN #: ____________

Please attach if applicable:
☐ Zoning Approval
Zoning Administrator Signature: ____________ Date: ____________

Project Cost: $ Appriximately $7,500 **Height of Fence:** 36"
Fence Material: Wood & Chain

Fence Requirements – Chapter 8 Section 8.3.4

* No fence shall be place or retained in such a manner as to obstruct vision at any intersection of public or private streets as specified in section 4.3.6
*Fences are prohibited in all rights-of-way. No fence or wall shall be erected or maintained within or on any state or town right-of-way.
*Fences shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch and are prohibited within the FEMA Designated Floodways and Non-Encroachment Areas. (Chapter 2, Article 5, Section F of the Town of Black Mountain Land Use Code.)
*Razor wire fencing shall be prohibited in the CR-1, SR-2, TR-4 and UR-8 zoning districts.

Contractor Information:
Name: British Standard Fence Co Phone: 828-667-0665 License #: N/A

Signature: [signature] JAMES SMITH Date: 6-25-21
Contractor

Signature: [signature] Date: 6/23/2021
Owner

~~~~~~~~ **Office Use Only** ~~~~~~~~

Total Fees: ____________ Cash: _____ Check #: ________ Credit: ______
Approved by: ____________ Date: ____________

A FINAL INSPECTION must be scheduled upon completion of the project
~~~~~~~~

BEGLEY LAW FIRM, PA

103 RICHARDSON BLVD.
BLACK MOUNTAIN, NORTH CAROLINA 28711
Telephone (828) 669-4000
Facsimile (828-669-9619

COUNSELOR AT LAW
WM. MICHAEL BEGLEY, J.D.
e-mail: mike@begleylaw.net

STAFF
Mary P. Wald, Certified Paralegal
e-mail: mary@begleylaw.net

June 3, 2019

VIA EMAIL

Michael Triana, Superintendant
Providence Construction

Re: Former Alley Now Owned by 120 Broadway Street, LLC

Dear Mike,

This letter will address matters related to the additional property now owned by 120 Broadway Street, LLC (the "LLC") for which Joe Cordell is the Manager resulting from the conversion of the former alley into exclusive private ownership and control by the LLC.

Because the alley had not been accepted nor maintained by a public entity after its dedication in 1925, the attached Withdrawal of Dedication (the "W/D") was recorded in April 2018 which vested private ownership of the ten (10) foot alley into the LLC pursuant to statutory authority (NCGS §136-96). The attached portion of the updated Buncombe County Tax map shows that the two (2) LLCs owned by Joe Cordell now have continuous ownership of property (herein referred to as the "Railway Exchange Property") from Cherry Lane on the South side of the Old Ice House near the Take A Hike store to the real estate office of Mountain Vista Properties on the North.

Although the alley no longer exists, and no other person or owner has a right of access through the Railway Exchange Property, the future use of the space between the Railway Exchange Property and the rear of Cherry Street buildings has not yet been fully determined. In the near future, Joe Cordell must choose between two alternatives. The less desirable alternative will be to separate the lower elevated parking on the Railway Exchange Property from the higher elevated parking on the Cherry Street properties with a necessary and expensive retaining wall. Without publicity, Joe Cordell is offering for consideration of cooperative owners a preferred alternative for an agreement for shared access and parking to be constructed at his expense. For approximately the same total cost, the cooperative agreement should result in (i) almost double the number of off-street parking spaces, (ii) more room for fire and rescue emergency vehicles with closer proximity to buildings, and (iii) a safer, more convenient, and less congested traffic flow out of Cherry Lane into Broadway near the intersection with Sutton Avenue. The Town has reviewed the conceptual drawing that demonstrates the potential benefits to property owners, the Town, and the larger business community; but the plan must result, if at all, from agreement between cooperative private owners.

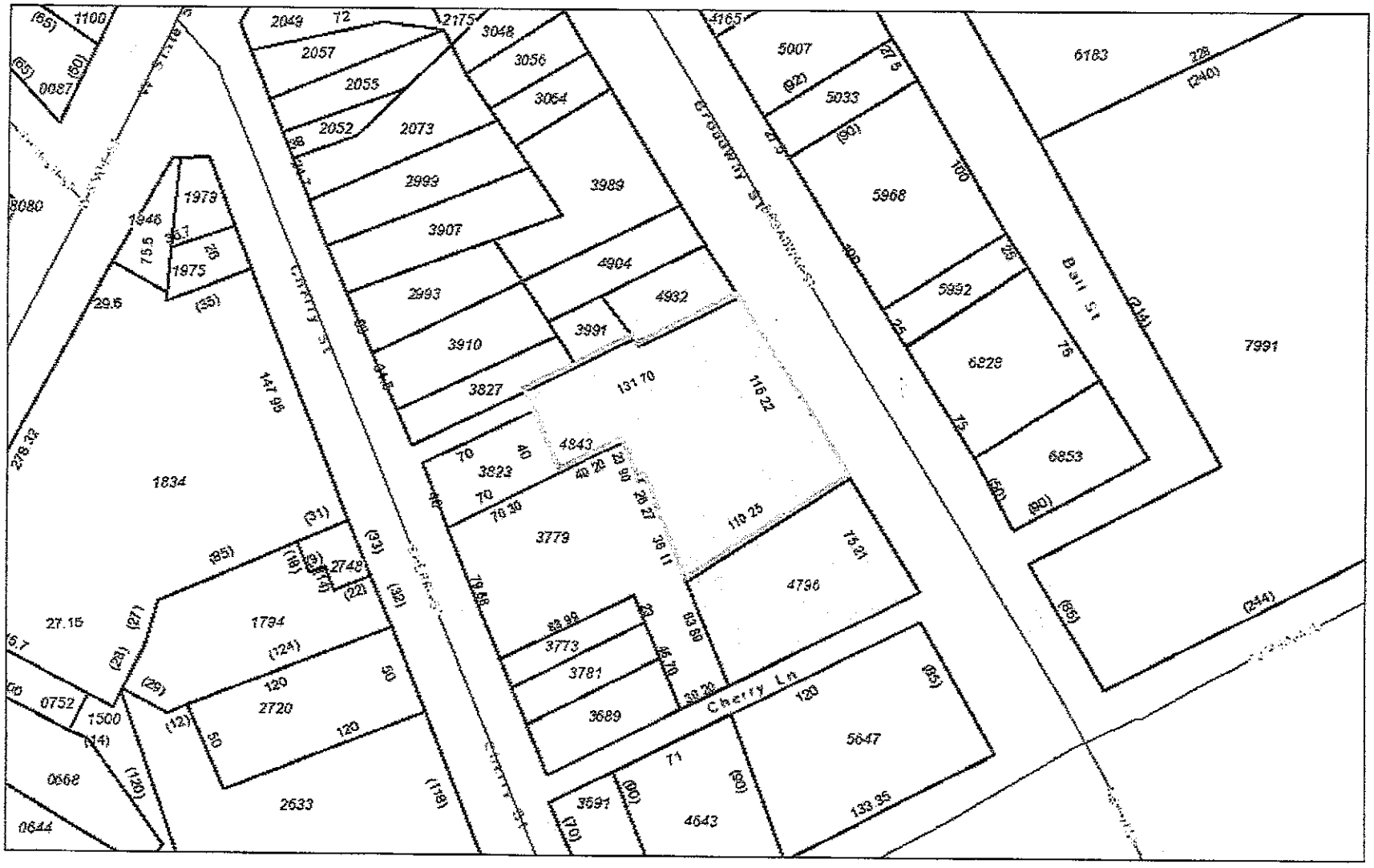
With warm regards, I am

Very truly yours,

Mike

Wm. Michael Begley

120 Broadway



May 9, 2019

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Type: CONSOLIDATED REAL PROPERTY
Recorded: 4/5/2018 12:46:59 PM
Fee Amt: $26.00 Page 1 of 3
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5651 PG 1359 - 1361

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

WITHDRAWAL OF DEDICATION

THIS WITHDRAWAL OF DEDICATION is made this the 4th day of April, 2018, by 120 Broadway Street, LLC and 128 Broadway Street, LLC, as hereinafter set forth.

RECITALS:

1. Broadway Development Corporation, North Carolina corporation, was incorporated by a Certificate of Incorporation, dated December 23, 1924, filed with the Secretary of State for the State of North Carolina as of December 29, 1924 and denoted thereon as #25576, and recorded on January 21, 1925 in the Office of the Register of Deeds for Buncombe County, North Carolina in Corporate Book C007, Page 253.

2. Broadway Development Corporation (as the "Dedicator") recorded a plat on December 14, 1925, entitled "BROADWAY DEVELOPMENT CORP.", dated December 3, 1925, in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 9, Page 76 (the "Plat"), showing thereon property located within the Town of Black Mountain (the "Town").

3. The Plat, by the recordation thereof, was a revocable dedication or offer for dedication to the public of the alley shown thereon, said alley being 10.1 feet in width extending from Broadway Street to Cherry Street (the "Alley").

4. The Alley thus dedicated or offered for dedication actually was neither accepted by a proper public authority, opened by a proper public authority, controlled by a proper public authority or used by the general public within fifteen (15) years from and after the recordation of the Plat; and in fact, the Alley has never been so accepted, opened, controlled or used.

5. The Dedicator is a corporation that is no longer in existence, as evidenced by a Certificate of Dissolution, filed July 22, 1930 with the Secretary of State for the State of North Carolina and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina on July 28, 1930 in Corporate Book C012, Page 238.

6. 120 Broadway Street, LLC is the current owner of those lots or parcels of land shown on the Plat as Lots 27 through 32, inclusive, having acquired such properties by Deed recorded in Book 5543, Page 537.

This document prepared by:
Wm. Michael Begley
Begley Law Firm, PA

Submitted electronically by "Begley Law Firm, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

7. 128 Broadway Street, LLC is the current owner of those lots or parcels of land shown on the Plat as Lots 24 through 26, inclusive, having acquired such properties by Deed recorded in Book 5543, Page 541.

8. 120 Broadway Street, LLC and 128 Broadway Street, LLC are owners claiming under a dedicator as set forth in NCGS §160A-299 who are exempt from application of said municipal authority to close an unopened alley by paragraph (d) thereof.

9. The Alley is not necessary to afford convenient ingress or egress to any lot or parcel of land sold by the Dedicator other than those lots or parcels of land now owned by 120 Broadway Street, LLC and 128 Broadway Street, LLC .

10. The Alley is not part of any future street shown on a street plan adopted by the Town pursuant to NCGS §36-66.2.

11. Pursuant to NCGS §136-96, the Alley is conclusively presumed or deemed to be abandoned, but said conclusive presumption occurs upon recordation of a withdrawal of dedication in the Office of the Register of Deeds for Buncombe County, the county within which the Alley is located.

12. Upon such recordation, the portion of the Alley withdrawn from dedication is conclusively presumed to be vested in those owners of lots or parcels of land shown on the Plat to be adjacent to the withdrawn portion of the Alley.

13. After the Alley, or any portion thereof, shall have been withdrawn by the recording of this document, and thereby conclusively presumed to have been abandoned by the public, no person shall have any right, or cause of action thereafter, to enforce any public or private easement therein.

NOW THEREFORE, pursuant to North Carolina General Statutes §136-96, the undersigned owners hereby withdraw from dedication that portion of the Alley extending from the Southwestern margin of the right of way of Broadway as shown on the Plat in a Southwesterly direction, terminating approximately 137.7 feet from said margin of said right of way, said Westernmost terminus of the withdrawn portion of the Alley being located at the Westernmost corner of Lot #31 as shown on the Plat.

IN WITNESS WHEREOF, the undersigned owners execute this document, the day and year first above written.

120 BROADWAY STREET, LLC, a North Carolina Limited Liability Company

By: _____
Joseph E. Cordell, Manager

128 BROADWAY STREET, LLC, a North Carolina Limited Liability Company

By: _____
Joseph E. Cordell, Manager

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, W. Michael Begley, a Notary Public of said State and County, do hereby certify that JOSEPH E. CORDELL, as Manager of 120 BROADWAY STREET, LLC, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said entity for the purposes therein expressed. Witness my hand and official stamp or seal, this the 4th day of April, 2018.

(NOTARY SEAL)

W. MICHAEL BEGLEY
NOTARY
PUBLIC
BUNCOMBE COUNTY, NC

W. Michael Begley, Notary Public
My Commission Expires: December 2, 2020

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, W. Michael Begley, a Notary Public of said State and County, do hereby certify that JOSEPH E. CORDELL, as Manager of 128 BROADWAY STREET, LLC, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said entity for the purposes therein expressed. Witness my hand and official stamp or seal, this the 4th day of April, 2018.

(NOTARY SEAL)

W. MICHAEL BEGLEY
NOTARY
PUBLIC
BUNCOMBE COUNTY, NC

W. Michael Begley, Notary Public
My Commission Expires: December 2, 2020

E-recording Report of Recorded Documents
Itemized Fee View

Prepared for: Begley Law Firm, PA (NCT8KC)
Cost center: NCT8KC
Report generated: 04/05/2018 10:57 AM MDT

Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE		SF		AMT	TOTAL	PROCESSED
Buncombe County, NC										
Apr 5, 2018										
Trestle										
Withdrawal of Dedication	*OTHER PAPERS W/VERIFICATION*	3	B 5651 P 1359	04/05/2018 12:46 PM EDT	Submission Fee	10.00	Subsequent Fee	26.00	36.00	04/05/2018
						0.00	No fee	0.00	0.00	04/05/2018
						10.00		*26.00*	*36.00*	
						10.00		26.00	36.00	
Totals for Buncombe County, NC						10.00		26.00	36.00	

Recording Fee Totals

COUNTY	RECORD DATE	SF	AMT	TOTAL
Buncombe County, NC	04/05/2018	10.00	26.00	36.00
Totals for Buncombe County, NC		10.00	26.00	36.00
Total of All Recording Fees		10.00	26.00	36.00

Document Count: 1
Package Count: 1

Questions Contact:
Simplifile Support 800.460.5657, option 3
5072 North 300 West
Provo, UT 84604

120 Broadway

May 9, 2019

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

NCCGIA

Hi Jennifer,

If you could, please let the Commission know that the owners of the 120 Broadway property are requesting this fence as a result of a recent situation they were notified of by a local community member. Though I'm not privy to all the details, apparently a delivery truck backing up the former alley a few weeks ago nearly hit an older couple who were standing or walking behind the truck, but were unseen by its driver. Such deliveries routinely occur there, despite the fact that signs are already posted at the entrance to the property from Broadway specifically stating "No Delivery Trucks Beyond This Point" (see images attached).

Though the above incident fortunately did not result in any injuries, the property owners realized after learning about it that they need to do what's necessary in order to ensure to the degree possible that no similar potential liability issues occur in the future. For this purpose, at the owner's request, we've designed a simple post-and-chain "fence" which would prevent vehicular traffic across the property, but would visually detract as little as possible from the setting. Note that the portion of chain across the entrance to the former alley would be secured with a "Knox Lock", enabling the Fire Department to gain access across the property if and as necessary.

Given that the grading permit for the 120 Broadway property remains active at this point, the owners could conceivably install a less expensive chain-link construction fence in this location if they opted to, but they likewise do not wish to do anything that would unnecessarily detract from the appearance of the property.

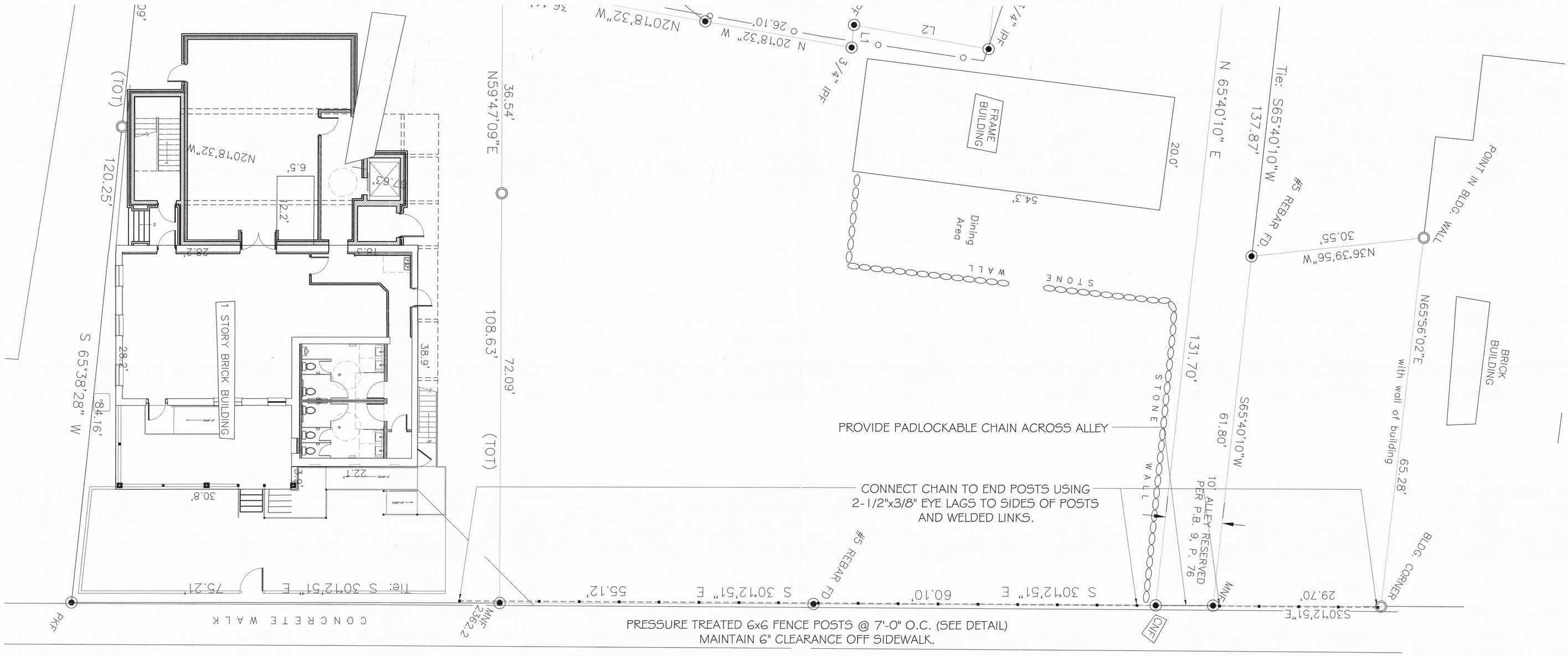
Thank you, Jennifer and I look forward to seeing you at the HPC meeting on July 21st.

Best Regards

Maury

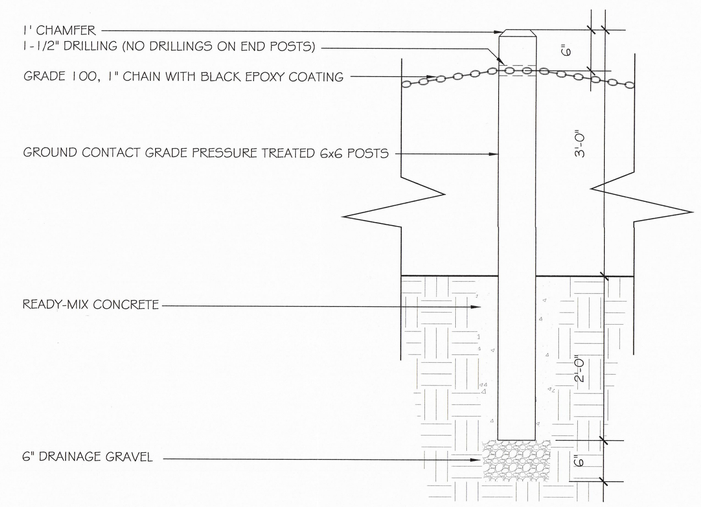
NO
DELIVERY
TRUCKS
BEYOND
THIS
POINT
TOYOTA
TACOMA
TRD OFF ROAD
4WD

NO
DELIVERY
TRUCKS
BEYOND
THIS
POINT



NOTE: CONTRACTOR TO VERIFY POST LOCATIONS WITH ULOCO TO ENSURE NO INTERFERENCE WITH BELOW GRADE UTILITIES.

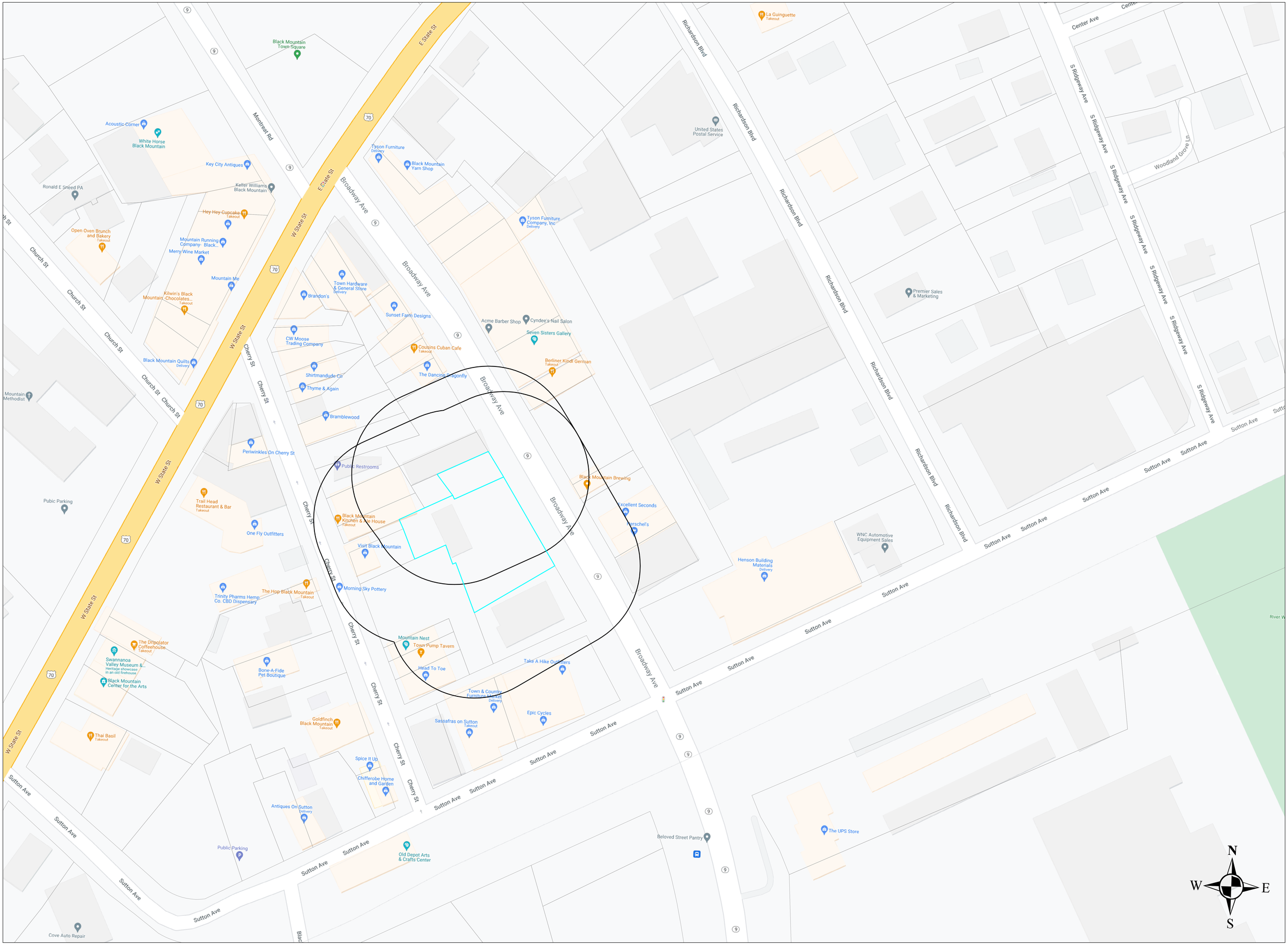
B R O A D W A Y S T R E E T



Fence Post Detail

1" = 1'-0"

Broadway 100' Buffer Map



Name	Address	City	State	Zip	PIN #	
120 Broadway Street LLC	1841 Kehrs Mill Rd	Wildwood	MO	63005	0619-35-4843	
120 Broadway Street LLC	1841 Kehrs Mill Rd	Wildwood	MO	63005	0619-35-4932	
Harry Hyder (LE)	PO Box 926	Black Mountain	NC	28711	0619-35-4904	Attn: Joseph Hyder
Town of Black Mountain	160 Midland Avenue	Black Mountain	NC	28711	0619-35-3989	
Dragonfly3 Building LLC	1586 Haven Heights Dr	Marion	NC	28752	0619-36-3064	
Kim Caraway; Cheryl D Caraway	80 Oak Cir	Marion	NC	28752	0619-35-2999	
Town of Black Mountain	160 Midland Avenue	Black Mountain	NC	28711	0619-35-3907	
Town of Black Mountain	160 Midland Avenue	Black Mountain	NC	28711	0619-35-2993	
Second Stream LLC	14 Woodlink Rd	Asheville	NC	28801	0619-35-3910	
J & L Butler LLC	PO Box 309	Black Mountain	NC	28711	0619-35-3827	
Channing B Howard	165 Eastern Ave	Essex	MA	1929	0619-35-3823	
Andrea Munn LLC	55 Highland Dr	Black Mountain	NC	28711	0619-35-3870	
Andrea Munn LLC	55 Highland Dr	Black Mountain	NC	28711	0619-35-4705	
Stanley E Jones; Debby D Sharp	206 Stonewall Ave	Swannanoa	NC	28778	0619-35-3773	
Terri Lynn Fisher	17 Cottage Dr	Asheville	NC	28805	0619-35-3781	
Distance to Empty LLC	130 S Blue Ridge Rd	Black Mountain	NC	28711	0619-35-3689	
Sobol Family Living Trust	204 Chapel Rd	Black Mountain	NC	28711	0619-35-4643	
Grey Eagle Land Company LLC	PO Box 428	Folly Beach	NC	29439	0619-35-5647	
128 Broadway Street LLC	1841 Kehrs Mill Rd	Wildwood	MO	63005	0619-35-4796	
Dakota Ranch LLC	PO Box 5070	Warner Robbins	GA	31099	0619-35-6853	Attn: Mark Bayer
William Earley; Carolyn Earley	7101 Lancer Dr	Charlotte	NC	28226	0619-35-6828	
131 Broadway LLC	117 Cherry St, Ste C	Black Mountain	NC	28711	0619-35-5992	
Tyson Furniture Co, Inc.	109 Broadway	Black Mountain	NC	28711	0619-35-5968	
Roy Lee Atwood	PO Box 151	Granite Falls	NC	28630	0619-36-5033	
Andrea Munn LLC	55 Highland Dr	Black Mountain	NC	28711	0619-36-5007	

Town of Black Mountain

160 MIDLAND AVENUE • BLACK MOUNTAIN, NORTH CAROLINA • 28711 Phone (828) 419-9300
PLANNING AND DEVELOPMENT Fax (828) 669-2030
TDD 1-800-735-2962

NOTICE OF REQUEST FOR A CERTIFICATE OF APPROPRIATENESS
FOR A MAJOR WORK WITHIN THE HISTORIC DISTRICT

DATE**:** **July 6, 2021**

TO**:** **Property Owner**

FROM**:** **TOWN OF BLACK MOUNTAIN**
PLANNING AND DEVELOPMENT

Property Description/PIN #**:** **120 Broadway and 99999 Broadway**
0619-35-4843.00000 and 0619-35-4932.00000

An application for a Certificate of Appropriateness has been applied for by**:** **120 Broadway Street, LLC**

This Certificate of Appropriateness is requested to allow the property owner to**:** **construct a fence made of wood and chain across the front of 120 Broadway and 99999 Broadway.**

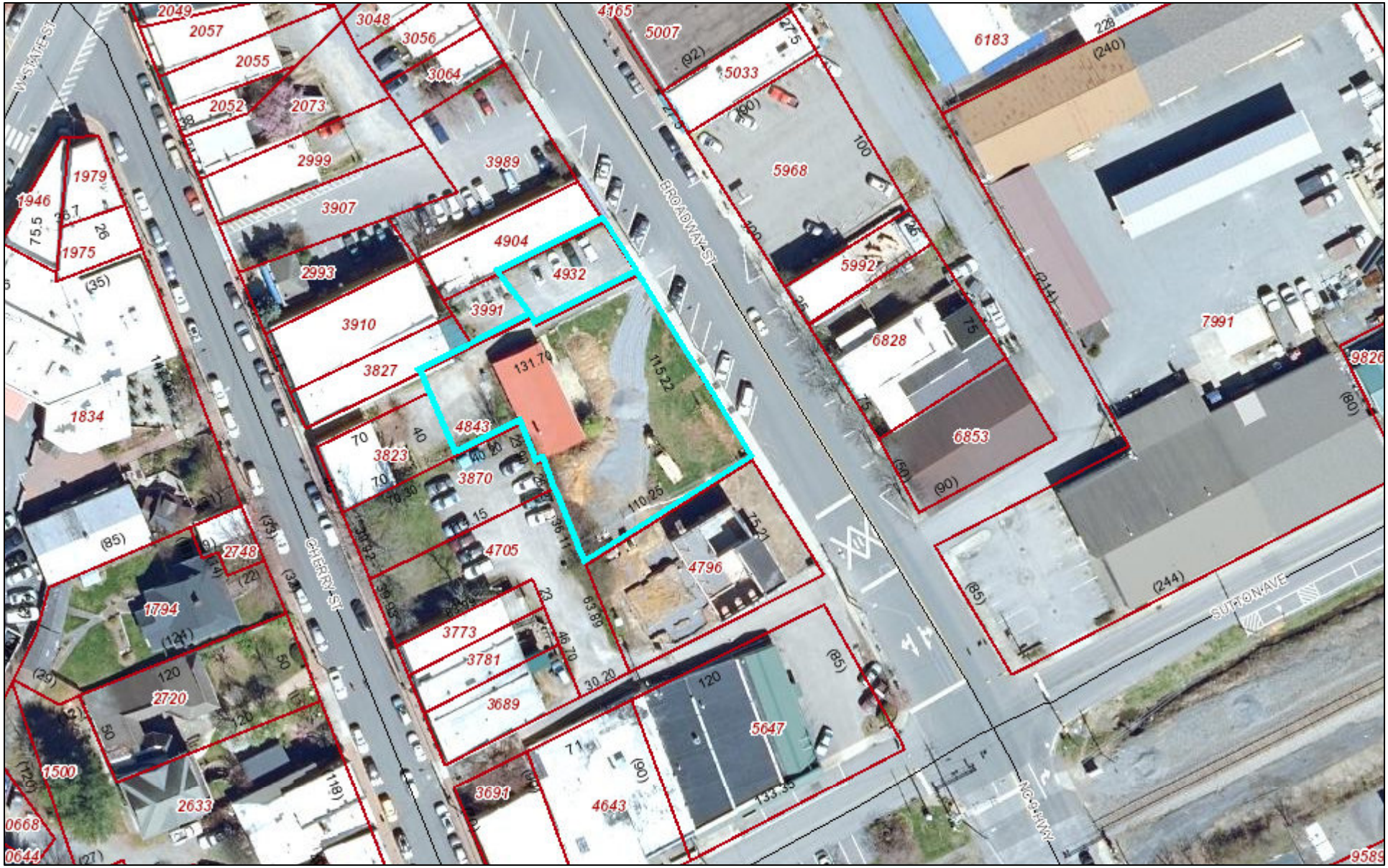
An Evidentiary Hearing will be held Wednesday, July 21, 2021 @ 6:00 P. M. in the Town Hall Board Room, 160 Midland Avenue, Black Mountain, N.C.

Zoom will also be available for those who are not comfortable meeting in-person.

https://us02web.zoom.us/j/81093126203
Meeting ID: 810 9312 6203
Toll-free: 1-877-853-5247 or 1-888-788-0099
Meeting ID: 810 9312 6203 followed by the pound sign (#)

The purpose of the historic district is to encourage the restoration, preservation, rehabilitation and conservation of historically, architecturally and archaeologically significant structures, buildings, sites, objects and their surroundings, and to review construction design to ensure compatibility with the character of the district. Under Section 4.7.3.14 (B) of the Land Use Code for the Town of Black Mountain, we are informing you as an adjoining property owner that there will be a public hearing to consider a request for a Certificate of Appropriateness for a major work within the District and that you may choose to show cause as to why this request should not be granted. If you have any questions regarding this Notice, please contact the Planning and Development Department at 828-419-9300.

Buncombe County



July 1, 2021

1:1,128

0 0.0075 0.015 0.03 mi

LEGAL NOTICE

BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

EVIDENTIARY HEARING

Wednesday, July 21, 2021 at 6:00 p.m.

The Black Mountain Historic Preservation Commission will meet on **Wednesday, July 21, 2021, at 6:00 p.m**. in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to hear a request for a Certificate of Appropriateness to add a fence along the properties of 120 Broadway and 99999 Broadway, further identified as PIN #0619-35-4843 and 0619-35-4932.

The meeting is open to the public and will be a hybrid meeting. To attend by Zoom, please follow the Zoom link below:

https://us02web.zoom.us/j/81093126203
Meeting ID: 810 932 6203
Call Toll-Free: 1-877-853-5247 or 1-888-788-0099
Meeting ID: 810 9312 6203 followed by the pound sign (#)

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton, Senior Admin at 419-9373 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 07/01/2021
Published in the Black Mountain News 07/08/2021 and 07/15/2021
www.townofblackmountain.org

Historic District Standards Amendments

Page 6:

Certificates of appropriateness are approved either through minor works or by the applicant appearing before the full board. Most projects fall under minor works, and, if they meet the Design Standards, can be approved in ~~just a few a days~~ **a week**. **If a decision has not been rendered in writing after a week, then the project will be deemed approved.** If the project is more extensive and requires going before the Commission, the applicant can get approval in ~~14 to 45 days~~ **60 days**, depending on when the application is submitted. **If a decision has not been rendered in writing after 60 days, barring additional information needed for approval from the Commission, the project will be deemed approved.**

Page 30:

Add the following bullets under sign standards:

- Appliques applied to media (i.e. plywood, foamboard, etc.) other than the masonry shall follow the standards for signs.
- Color selection for signs will not be restricted to a specific palette, however, colors within the Historic District shall be based on respect for the historical context and period of the building.
- Selected colors shall be calm and muted and blend in with neighboring buildings and compliment the surrounding neighborhood.
- Accent colors on signs shall be complimentary to the dominant color. The use of loud, harsh, or garish colors is not allowed. Supporting documentation will need to be provided for any challenge.

Page 45:

Add the following definitions to the glossary:

Art, Commercial: The expression or application of human creative skill and imagination, typically in a visual form such as painting or sculpture, producing works to be appreciated primarily for their beauty or emotional power.

Mural: A mural is a form of painting applied directly to a wall or side of a building that does not advertise a product, service, establishment, or any type of business.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display or attract attention to an object, person, institution,

organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.