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AGENDA REGULAR MEETING

**HISTORIC PRESERVATION COMMISSION
TOWN HALL, 9 SOUTH MAIN STREET
SEPTEMBER 3rd, 2025
WEDNESDAY – 2:00 PM**

A. CALL TO ORDER

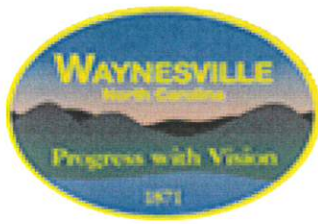
1. Welcome/Announcements

B. BUSINESS ITEMS

1. Cemetery Tour Planning
2. NC250 Mural Update
3. Historic Coloring Books
4. Tour Book Update and Distribution Discussion
5. Handling of Certificate of Appropriateness

C. OTHER BUSINESS

D. ADJOURN



TOWN OF WAYNESVILLE

Historic Preservation Commission

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Alex McKay-Chairman
Glenn Duerr-Vice Chairman
Clare Bass
Leisa Denti
Jane Jenkins
Anne Marie Miller
Bill Revis
Caroline Williamson
Anna Whitmire

Development Services
Director
Elizabeth Teague

Land Use Administrator
Alex Mumby

Regular Meeting

Town Hall- 9 South Main Street, Waynesville, NC 28786
Wednesday, August 6th, 2025, 2:00 PM

The **WAYNESVILLE HISTORIC PRESERVATION COMMISSION** held a regular meeting on Wednesday, August 6th, 2025, at 2:00 p.m. in the Mezzanine Room.

A. CALL TO ORDER:

Chairman Alex McKay welcomed everyone and called the meeting to order at 2:01 p.m.

The following members were present:

Alex McKay
Clare Bass
Glenn Duerr
Leisa Denti
Bill Revis
Ann Melton (Emeritus)
Caroline Williamson
Judy Donovan (guest)

The following members were absent:

Anne Marie Miller
Anna Whitmire

The following staff were present:

Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant

A motion to approve the June 4th, 2025, minutes was made by Vice Chair Glenn Duerr, seconded by Board Member Bill Revis. The motion passed unanimously.

A motion was made by Vice Chairman Glenn Duerr to nominate Alex McKay for Chairman of the Historic Preservation Board, Seconded by Commission member Clare Bass. The motion passed unanimously.

Historic Preservation Commission Minutes
Regular Meeting
August 6th, 2025

A motion was made by Chairman Alex Mc Kay to nominate Glenn Duerr for Vice Chairman of the Historic Preservation Board, Seconded by Commission member Clare Bass. The motion passed unanimously.

B. BUSINESS ITEMS:

1. Tour Book Update and Distribution Discussion

Land Use Administrator Alex Mumby said the Tour Books were finished and gave each Commission members a copy. Mr. Mumby said there were 500 copies printed and are ready to be distributed for a suggested donation of \$10.00.

Vice Chairman Glenn Duerr mentioned to sell the Tour Books directly to the stores for a discounted rate. The stores in return will sell the books for the suggested rate.

The Commission members discussed which locations they would speak with to sell the tour books. A former member Judy Donovan stated she would talk with Panacea and Lake Junaluska. Mr. Duerr said the art galleries and coffee shops. Mr. McKay he would talk with Blue Ridge Books. Mr. Mumby stated he could talk to Orchard Coffee along with Chamber of Commerce. They also discussed putting an article on Facebook and in the two newspaper which retail shops are selling the books.

2. Cemetery Tour Planning

The tour was cancelled last year because of the hurricane. The Commission members discussed the potential actors for the tour in October based on who had committed last year.

- a. John Feichter-Wayne Battle
- b. Anne Marie- maybe
- c. Anne Melton -Wolf statuary art pieces
- d. Bills - Friend Mike
- e. Chuck Dickson -maybe
- f. Caroline's Daughter

The tour will coincide with the Apple Festival with a possible rain date. Staff will confirm dates and logistics. HPC will have to discuss in more detail at the next meeting.

3. NC250 Mural Update

Mr. Mumby stated that the first meeting with the mural artist went well. Alex McKay was compiling information and photos on Robert Love, also some early Waynesville information. The artist is Rafael Blanco his artwork can be viewed by googling his name.

4. Historic Signs Update

The Commission went through each proof of the signs and provided feedback. Mr. Mumby showed the old draft that the Commission had marked up previously and a revised proof which incorporated their comments for the Sulphur Spring House Historic Signage. No Changes were made.

The Commission then looked at the Historic Courthouse Draft Sign and several corrections were made related to county officials, street abbreviations, and use of a hyphen.

The Commission reviewed the Hazelwood Historic Signage and changes were requested on one caption related to the font; and some adjustment to formatting.

Staff will convey requested changes back to A to Z signs.

C. OTHER BUSINESS:

Mr. McKay said the Waynesville Country Club contacted him about an upcoming 100yr Anniversary Celebration of the Country Club. Mr. McKay talked to the club about the Historic Signage for them and they mentioned having a firework show.

D. ADJOURN

Chairman Alex McKay adjourn the meeting at 3:06 p.m.

Alex McKay, Chairman

Esther Coulter, Administrative Assistant

History of Greenhill Cemetery

The founding date of Greenhill Cemetery is unknown. We do know that in 1811, Thomas Love (brother of Robert Love, founder of Waynesville) conveyed 8 acres to the trustees of the Greenhill Academy including the graveyard. Therefore, it is possible that it was started as a Love family graveyard and there could be graves here before 1811. Greenhill Academy was the 1st public school in Haywood County, which operated until 1861.

In 1855 the Methodist Episcopal Church was also built here. It was also the first church structure built in Waynesville. The Presbyterians and Methodist Episcopalians used the structure on alternate Sundays. In 1833 this structure was moved to Pigeon St. and is now the Jones Temple Church. This is believed to be the oldest structure in western Haywood County.

Greenhill growth was very slow in the 1800s. The population for Waynesville in the 1870s was just around 200 people but by the turn of the century it grew to around 1,300.

The historic area where we are standing consists of 15 acres. In the 1940s the slopes on both sides of the hill all the way down to Shelton St. were added. That includes the Veterans Plot. We believe there are around 4,000 people buried here because there are no records of the early 1800s. This is an estimate. In 2016 the Town of Waynesville applied for Greenhill Cemetery to be nominated for the National Register of Historic Places. Unlike nominating an old structure like an old house or public building, this has been nominated as a historical site.

During the final stages of the Civil War, Union troops camped here and turned the church into a hospital for their wounded. There are many interesting persons buried here. Veterans from the Revolutionary War, up to our most recent conflicts.

We have an Oscar winning actor, Pulitzer Prize author, Cherokee Indian Chief and many politicians that helped shape this region.

Another interesting historic aspect is the funerary monuments or tombstones. I'm sure most of you have heard of Thomas Wolfe from Asheville, the author of "Look Homeward Angel". His father William Wolfe, was a well-known stonecutter throughout this region. Born in Pennsylvania where he learned his trade, he worked on the reconstruction of the capital of SC after the Civil War, and also the NC Penitentiary. Moving to Asheville in 1880, he opened a very successful stone cutting business in a two story building on Pack Square. It's very ironic, he was known for his angels but he never carved one. He ordered 15 angels from Carrara, Italy. When he bought them, people said he was foolish; they would never sell. He displayed them in front of his shop on Pack Square. And in fact, it took several years to dispose of his angels. He made the bases and placed them in cemeteries through western NC and all the way to Texas. The most famous one which is on the cover of Thomas Wolfe's novel, "Look Homeward Angel", is in Hendersonville, NC.

Greenhill has 2 of the most ornate ones, the Welch's and Davies' statues. We have documented around 12 monuments in Greenhill attributed to William Wolfe.

GREEN HILL CEMETERY TOUR

Saturday October 12th,
at 4:30 PM*

Green Hill Cemetery
Shuttle available from
American Legion
starting at 4:00 PM

*In case of rain the event will
automatically be rescheduled for
the following Saturday,
October 19th at 4:30

A living history
tour starring some
of Green Hill
Cemetery's most
fascinating, influential, and
eccentric historic figures. Learn
about the history of Waynesville
and Green Hill Cemetery.

Featuring:

Introduction by Anne Marie Miller

History of the Arch by Julie Grasty

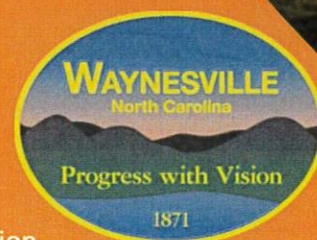
WO Wolfe Statuary by Ann Melton

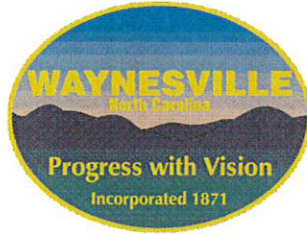
Mariah Love Stringfield - Portrayed by Grace W. Moore

William Wayne Battle - Portrayed by Jon Feichter

Walter Brown - Portrayed by Alex McKay

Hosted by the Town of Waynesville's Historic Preservation Commission





PRESENTS:

The Green Hill Cemetery Tour
October 15, 2015

Richard Neely Barber – Built Barber Orchard into the largest privately owned apple orchard east of the Mississippi. Beside his grave marker are 2 mill stones from the property of Thomas Welch, a Barber ancestor and neighbor of Squire Boone, father of Daniel Boone. *(LeRoy Roberson, Alderman)*

Caroline Miller – Pulitzer prize-winning author of *Lamb in his Bosom and Lebanon*, and member of Georgia Writers Hall of Fame. She moved to Waynesville with her second husband Clyde Ray. *(Julia Freedman, Alderman)*

William Greer – U.S. Secret service and driver for 5 presidents. He was driving the car the day Kennedy was shot. *(Joey Webb, Waynesville Fire Chief)*

Byron Barr / Gig Young – Movie star who won an Academy Award for his role in “They Shoot Horses Don’t They?” Tragically, Gig Young shot his wife and then turned the gun on himself. *(Bill Hollingsed, Police Chief Bill)*

Colonel Robert Love – Revolutionary War Veteran who served under General “Mad” Anthony Wayne and Frontiersman. He was instrumental in establishing the boundary between North Carolina and Tennessee and founded Waynesville in 1809. *(Wells Greeley)*

William Holland Thomas – was elected Chief of the Eastern Band of the Cherokees and worked to establish the Qualla Boundary, the federally recognized territory that is now Cherokee. A North Carolina Senator, he led the famous Confederate Thomas Legion of Cherokee and Highlanders, which never lost a battle. *(Gavin Brown, Mayor)*

This program is presented to raise awareness of the Cemetery’s history as part of an effort to place it on the National Register of Historic Places.

The 4th Annual Green Hill Cemetery Tour

PRESENTED BY:

THE TOWN OF WAYNESVILLE HISTORIC PRESERVATION COMMISSION

A living history tour starring some of Green Hill Cemetery's most fascinating, influential, and eccentric historic figures.

Saturday, October 13, 2018 at 4PM*

Green Hill Cemetery - Off South Main Street

Shuttle available from American Legion starting at 3:15 PM.

*In case of rain, the event will be automatically rescheduled for the following Saturday, October 20 at 4PM.

D. M. Killian - Portrayed by Chip Killian

After joining the Confederacy at the age of 19, Daniel Killian came to Waynesville after the War and started the town's first industrial centers along Richland Creek, including a Woolen Mill, Wagon Factory, Ice Plant, and Laundry. Credited with producing North Carolina's first electricity west of Asheville, he helped bring Waynesville into the industrial age.

S. C. Satterwaite - Portrayed by Dr. Leroy Roberson

Coming to Waynesville in 1890 after marrying into the Smathers family, Mr. Satterthwaite went about the monumental task of cutting a road to the top of Junaluska Mountain and building one of the most famous hotels of the time, the Eagle's Nest Hotel.

Mildred "Ms. Purple" Crawford - Portrayed by Bo Prevost

The daughter of one of Waynesville's most famous early citizens, Congressman W.T. Crawford, Mildred grew up in the Crawford Mansion that sat on Branner Avenue, and became memorable in her own right for what she wore, always dressing in flamboyant purple outfits.

David "Dog" Underwood - Portrayed by Alex McKay

Dog Underwood, in his short life, became one of the town's most prominent businessmen and politicians, but Dog's businesses were not always exactly legal, and his rags-to-riches life was cut short with a bullet.

Colonel William H. Thomas - Portrayed by Gavin Brown

Colonel Thomas was a state senator and the only white chief of the Cherokee. At the outbreak of the Civil War, he organized a regiment comprised of Cherokees and whites, known as Thomas' Legion 69th Regiment. The legion was known for protecting Haywood County from Union raids.

Colonel Alden Howell, Sr. - Portrayed by Jon Feichter

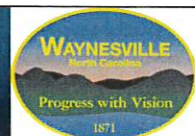
After serving in the Confederate Army as a young boy, Alden Howell, Sr. studied law, worked as an attorney, and opened the first N.C. bank west of Asheville. He also opened and operated the luxurious Hotel Gordon.

Town of Waynesville, North Carolina

(828) 452-0401

Historic Preservation Commission

www.waynesvillenc.gov



The 5th Annual Green Hill Cemetery Tour

PRESENTED BY:

THE TOWN OF WAYNESVILLE HISTORIC PRESERVATION COMMISSION

A living history tour starring some of Green Hill Cemetery's most fascinating, influential, and eccentric historic figures.

Saturday, October 12, 2019 at 4PM*

Green Hill Cemetery - Off South Main Street

Shuttle available from American Legion starting at 3:15 PM.

*In case of rain, the event will be automatically rescheduled for the following Saturday, October 19 at 4PM.

Bas Browning - Portrayed by Alex McKay

A farmer from the Allen's Creek area, Bas Browning was involved in a property dispute with members of his own family that came to a terrible end in the lobby of the Bank of Waynesville on Main Street.

Pop & Rosalie Prevost - Portrayed by Harris Prevost & Nink Swift

Arriving in Hazelwood in 1909, Pop Prevost transformed Unagusta Furniture into the county's largest manufacturing plant. His wife Rosalie operated their expansive home as the Waynewood Boarding House.

Caroline Miller - Portrayed by Autumn Childers

*Born and raised in south Georgia, Caroline Miller won the Pulitzer Prize for Fiction in 1934 for her novel *Lamb In His Bosom*, which portrayed the lives of farm families on the Georgia frontier in the mid-1800s.*

Stephen Shelton - Portrayed by Mike McLean

Rising to the rank of 1st Lieutenant during the Civil War, Shelton saw action in some of the war's bloodiest battles. After making the long trek home when the war ended, he served three terms as Haywood County Sheriff, constructed the Shelton House, and oversaw the construction of the First Methodist Church.

James & Nancy Scates - Portrayed by Mark & Loretta Finnegan

James served in the Confederacy, was wounded twice, and lost three brothers in battle. He struggled to find work and came to Haywood County, where he met and married Nancy, who had been widowed during the war. Their lives and struggles serve as a reminder of the personal impact of the war on families.

The 6th Annual Green Hill Cemetery Tour

PRESENTED BY:

THE TOWN OF WAYNESVILLE HISTORIC PRESERVATION COMMISSION

A tour of Green Hill Cemetery featuring local history and some of
Waynesville's most fascinating, influential, and eccentric historic figures.

Saturday, October 9, 2021 at 4 PM*

Green Hill Cemetery - Off South Main Street

Shuttle available from American Legion starting at 3:15 PM

*In case of rain, the event will be automatically rescheduled
for the following Saturday, October 16, 2021 at 4 PM.

Stephen Shelton - Portrayed by Mike McLean

Rising to the rank of 1st Lieutenant during the Civil War, Shelton saw action in some of the war's bloodiest battles. After making the long trek home when the war ended, he served three terms as Haywood County Sheriff, constructed the Shelton House, and oversaw the construction of the First Methodist Church.

D. M. Killian - Portrayed by Chip Killian

After joining the Confederacy at the age of 19, Daniel Killian came to Waynesville after the War and started the town's first industrial centers along Richland Creek, including a Woolen Mill, Wagon Factory, Ice Plant, and Laundry. Credited with producing North Carolina's first electricity west of Asheville, he helped bring Waynesville into the industrial age.

The Art of W.O. Wolfe - Presented by Ann Melton

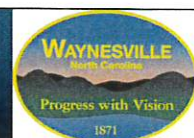
W.O. Wolfe, father of author Thomas Wolfe, was a successful stonecutter and monument dealer who came to Asheville in 1880. Several of his works adorn graves throughout the cemetery.

The History of Green Hill Cemetery - Presented by Lorna Sterling

The cemetery was established around 1826 on a hill overlooking Waynesville. Burials increased as the town went through several periods of rapid growth, especially following the Civil War, and the cemetery expanded rapidly beyond its original hilltop site. The history of the town is inextricably linked to the cemetery. The cemetery was listed on The National Register of Historic Places in 2017.

Town of Waynesville, North Carolina
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The 7th Annual Green Hill Cemetery Tour

PRESENTED BY:

THE TOWN OF WAYNESVILLE HISTORIC PRESERVATION COMMISSION

A tour of Green Hill Cemetery featuring local history and some of
Waynesville's most fascinating, influential, and eccentric historic figures.

Saturday, October 15, 2022 at 4 PM

Green Hill Cemetery - Off South Main Street

Shuttle available from American Legion starting at 3:15 PM

John Kader Boone - Portrayed by Rodney Conard

Few men became as prominent in late 19th century Haywood County as John Boone. Growing up in Crabtree, and a descendent of Daniel Boone, John served as Register of Deeds and Clerk of Court for many years before opening a builders supply depot in the Frog Level area. His house still stands on Church Street as one of the best surviving examples of Victorian architecture in Waynesville.

Captain Lewis E. Perry - Portrayed by Mike McLean

One of Waynesville's early railroad men, Captain Perry was a train conductor for 52 years, served as Chief of Police in Asheville, and operated a successful livery stable in Waynesville. Later in life, he established Camp Dellwood, before suffering a stroke onboard a train and passing away at home. Captain Perry is portrayed by Gerald Ledford, author of "If Rails Could Talk", about early railroads and logging in Western North Carolina.

The History of Green Hill Cemetery - Presented by Ann Melton

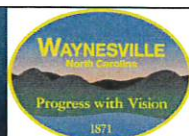
The cemetery was established around 1826 on a hill overlooking Waynesville. Burials increased as the town went through several periods of rapid growth, especially following the Civil War, after which the cemetery expanded rapidly beyond its original hilltop site. The history of the town is inextricably linked to the cemetery. The cemetery was listed on The National Register of Historic Places in 2017.

The Veterans Section of Green Hill Cemetery - Presented by Jon Feichter

The Veterans Section of the cemetery was established specifically to recognize those who served in the military. Veterans from World War I, World War II, and the Korean War are interred in this section.

Town of Waynesville, North Carolina
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Quasi- Judicial Handbook

2024 Edition

A Guide for Boards
Making Development
Regulation Decisions

DAVID W. OWENS & ADAM S. LOVELADY

Certificates of Appropriateness

State law allows cities and counties to establish local historic districts and historic landmarks. After the local designation, property owners must request and obtain a certificate of appropriateness (COA) from the preservation commission to make changes to their property. The preservation commission¹ reviews those requests to determine if the requested change is incongruous with the character of the district or landmark. Because judgment is required to make a COA decision, it is a quasi-judicial decision that should follow the standard procedural requirements for all quasi-judicial decisions.

Authority

Historic districts and landmarks are established by cities and counties in areas with properties that are deemed to have special significance in terms of history, architecture, and/or culture.² Property owners must secure a COA for any construction, alteration, moving, or demolition of any exterior feature of a designated property. The preservation regulation may allow for administrative approval of minor works based on detailed standards adopted by the preservation commission. Minor works subject to administrative approval might include such items as fence type or height,

1. The local historic preservation commission may be composed in a variety of ways—a landmark commission, a districts commission, a planning board, and otherwise. The term “preservation commission” is used interchangeably here for all allowed commission varieties operating under G.S. 160D-303.

2. G.S. 160D-940 to -951.

in-kind material replacement, and minor changes to the rear of the property not visible from the front. Minor works may be approved by staff, but any denial must still be made by the commission.

Quasi-Judicial Procedures Apply

The preservation commission's authority is to prevent changes and new development that "would be incongruous with the special character of the landmark or district."³ That standard—the incongruity standard—requires the judgment of the board. In other words, it is a quasi-judicial standard. As such, parties involved in a COA decision have rights to the basic elements of a fair trial, and the preservation commission must follow quasi-judicial procedures.

The preservation commission is required to follow the same procedural requirements that are imposed for all quasi-judicial decisions made under planning and development regulations.⁴ The commission also is directed to review and act upon all applications "within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed."⁵

Because the incongruity standard is a quasi-judicial standard, preservation commissions must follow all of the procedural standards to protect the due process rights of the parties. As discussed in Chapter 4, the applicable quasi-judicial procedural requirements include

- notice of the hearing mailed to the property owner, applicant, and the owners of abutting parcels as well as a sign posted on the site;
- impartial decision-makers, free from bias, conflicts of interest, and undisclosed ex parte communications;
- an evidentiary hearing with witnesses offering sworn testimony (not mere opinion);
- opinion testimony limited to qualified experts;
- the right of a party to be heard and to cross-examine witnesses;
- a simple majority vote for a decision;

3. G.S. 160D-947(a).

4. G.S. 160D-947(c) directs the commission to follow the procedures of G.S. 160D-406.

- a decision
 - in a reasonable time,
 - supported by competent, material, substantial evidence in the record,
 - determining contested facts and applying applicable standards;
- notice of the decision by written decision document delivered to the applicant and other requesting parties by personal delivery, email, or first-class mail; and
- the right of a party to appeal.

COA Standards and Decisions

Incongruity as a Contextual Standard

The North Carolina Supreme Court explains the incongruity standard to be "a contextual standard."⁶

A contextual standard is one which derives its meaning from the objectively determinable, interrelated conditions and characteristics of the subject to which the standard is to be applied. In this instance the standard of "incongruity" must derive its meaning, if any, from the total physical environment of the Historic District. That is to say, the conditions and characteristics of the Historic District's physical environment must be sufficiently distinctive and identifiable to provide reasonable guidance to the Historic District Commission in applying the "incongruity" standard.⁷

The character of the district or landmark is not left to speculation or guesswork. It is not conjured up at the time of COA review. State law requires the local government to distill and clarify the character and context of the historic district or landmark at the time of designation and to establish principles and standards for COAs.

Before the local governing board may establish a historic district, the local government must draft and submit to the State Historic Preservation

6. A-S-P Assocs. v. City of Raleigh, 298 N.C. 207, 222, 258 S.E.2d 444, 454 (1979).

14. Sanchez v. Town of Beaufort, 211 N.C. App. 574, 580-81, 10 S.E.2d 550,

CLEARLY ARBITRARY

North Carolina courts have ruled that when a preservation commission decision departs from the framework of historic standards and guidelines, that decision is arbitrary and will not stand. In *Sanchez v. Town of Beaufort*, for example, the court disapprovingly noted that the "height requirement was not reached on the basis of any particular determining principle. Rather, each [commission] member reached what he or she considered an appropriate height based on their own personal preferences."^{*}

The court of appeals quoted commissioners discussing the height requirement in loose terms, unmoored from standards. One commissioner argued that the project could be redesigned to reduce it by five feet in height. When the chair asked for the basis for the five feet, the commissioner offered,

Well, five feet (5') would be if you had a . . . This is his determination, with a ten foot (10') ceiling downstairs, and a nine foot (9') ceiling upstairs, if you had eight foot (8') ceilings, that's three feet (3') . . . And then, if the duct work was to be relocated, that's two more feet. So that would be five feet (5') without a lot of material changes. Now it could be a different number, but I'm just throwing that out.^{**}

Another commissioner made his own calculations for how the project could be redesigned. A third commissioner stated simply that "twenty-five feet (25') is a reasonable height." When the commission voted on the height limit, one commissioner "explicitly admitted that none of the [commission] guidelines were used to determine that height."

The court was clear. "Since the twenty-four-foot height requirement was established by each member of the [commission] without the use of any determining principle from the [commission] guidelines, it was clearly arbitrary."^{***}

^{*} *Sanchez v. Town of Beaufort*, 211 N.C. App. 574, 581, 710 S.E.2d 350, 355 (2011).

^{**} *Id.* (emphasis added by court).

^{***} *Id.* at 582, 710 S.E.2d at 355.

incongruous with the character of the district.¹⁵ Conditions must be specific and set forth in the written COA.

Appeals

State law provides that a decision on a COA may be appealed to the board of adjustment if that is authorized by the local regulation. Otherwise, appeals go directly to superior court, as is the case with other quasi-judicial development-regulation decisions. If appeals to the board of adjustment are allowed, the appeal must be filed within the same time that is allowed for appeals of administrative land use decisions, which is thirty days from receipt of written notice of the COA decision.¹⁶ The board of adjustment's decision, in turn, can be appealed to superior court. Appeals to superior court must be made within the time set for appeal of other quasi-judicial development-regulation decisions—thirty days from the effective date of the decision or when a written copy of the decision is delivered.¹⁷ Appeals may be made by an aggrieved party (a party with standing in the case).

Appeals of COA decisions are "in the nature of certiorari," which is different from the nature of other hearings the board of adjustment holds. For an appeal in the nature of certiorari, the board of adjustment acts like a superior court when it reviews a board of adjustment decision on a variance.¹⁸ Below are some guidelines for how the board of adjustment reviews an appeal of a COA decision from the preservation commission.

On the record. The appeal is based on the record from below. The board of adjustment does not take in new evidence on the factual questions of the case. The board of adjustment does not make its own independent decision about whether or not to grant the COA. Rather, the board of adjustment must determine if there is competent, relevant, and substantial evidence in the record to support the decision that the preservation commission made. To reiterate, the board of adjustment does not ask, "Would we choose to approve or deny?" The board of adjustment asks, "Is there evidence in the record to support the preservation commission's decision (to approve or deny)?"

¹⁵ G.S. 160D-947(a).

¹⁶ G.S. 160D-947(e)(2), -405(d).

¹⁷ G.S. 160D-947(e)(4), -1405(d).

Conditions

A preservation commission may issue a COA subject to reasonable conditions necessary to ensure that the proposed development will not be

Questions of law. A party may appeal a preservation commission decision based on a question of law. For example, the applicant may challenge the preservation commission's interpretation of the regulation. The board of adjustment may hear legal arguments (not new factual testimony) from the parties and make its own decision about the correct interpretation of the regulation.