

Historic District Commission
February 28, 2019
Minutes

Chairman William Blackwelder called the meeting of the Historic District Commission to order at 6:01 p.m. on Thursday, February 28, 2019 at City Hall in the Council Chambers.

Present: Commissioners Clark Simon, Andi Eddlemon, William Blackwelder (Chair), Ed Starr, Dick Ruhlman, and Carol Hauer

Absent: Commissioner Jerry Tucker

Staff present: Joe Gates, Zoning Administrator; Charles Graham, Assistant City Attorney; Kim Wallis, Planner; Chrystal Howard, Secretary; and Justin Gaff, Housing Code Enforcement Administrator/Chief Code Enforcement Officer

ITEM 1a. Roll Call / Sound Check

Chairman Blackwelder opened the meeting and declared a quorum.

ITEM 1b. Adoption of the Agenda

Commissioner Dick Ruhlman made the motion to adopt the February 28, 2019 Agenda. Chairman Blackwelder seconded the motion and the motion passed unanimously (6-0).

ITEM 1c. Approval of Minutes

Commissioner Starr made the motion to approve the December 13, 2018 minutes. Commissioner Eddlemon seconded the motion and the motion passed unanimously (6-0).

Chairman Blackwelder stated because of the quasi-judicial format of the hearings, persons wishing to speak and offer evidence are required by North Carolina law to be sworn in or affirmed, and asked all speakers to come forward to be sworn in or affirmed. Speakers were sworn in by Ms. Chrystal Howard.

ITEM 2. Public Hearing – Certificate of Appropriateness (File # 9185)

- John Fox
- 601 S. York Street
- Install new sign in front yard

Chairman Blackwelder opened the public hearing recognizing Ms. Kim Wallis, Planner for the purpose of staff presentation.

Ms. Wallis stated the applicant's name, subject location, and the Certificate of Appropriateness (COA) request. She provided the property description and findings as presented in the agenda. Ms. Wallis displayed the property location map and front view photo of the house. She also displayed the sign design and the sign location. Ms. Wallis stated key elements of the design and finished her presentation with excerpts from the Design Guidelines as presented in the agenda.

Commissioner Starr asked if the sign's proposed location would create a sight obstruction and Mr. Gates replied that he discussed this with the applicant prior to the application submittal. Mr. Gates explained NCDOT's sight distance triangle requirement and informed the Commissioners that the requested location would not fall inside NCDOT's sight distance triangle. He commented that when the sign permit application is received, staff will review this again for the official sign permit.

Chairman Blackwelder asked if the banner would remain and Ms. Wallis referred this question to the applicant's son.

Mr. Noel Fox was sworn in by Ms. Howard.

Chairman Blackwelder recognized Mr. Noel Fox, 1093 Fairfield Drive of Gastonia, NC. Mr. Noel replied that the banner was temporary and would be removed. Mr. Noel explained their need for a new sign.

After brief discussion, Commissioner Starr made the motion to approve the request as presented and Commissioner Hauer seconded the motion. The motion was unanimously approved (6-0).

ITEM 3. Public Hearing – Certificate of Appropriateness (File # 9186)

- City of Gastonia
- 514 S. South Street
- Demolish structure based on findings as they apply to the minimum housing code

Historic District Commission
February 28, 2019
Minutes

Chairman Blackwelder opened the public hearing recognizing Ms. Kim Wallis, Planner for the purpose of staff presentation.

Ms. Wallis stated the applicant's name, subject location, and the Certificate of Appropriateness (COA) request. She provided the property description and findings as presented in the agenda. Ms. Wallis displayed the property location map and front view photo of the house. Ms. Wallis finished her presentation with excerpts from the Design Guidelines and zoning ordinance as presented in the agenda. Ms. Wallis recognized Mr. Justin Gaff, Housing Code Enforcement Administrator/Chief Code Enforcement Officer for continuation of staff's presentation.

Mr. Justin Gaff gave a brief introduction. He explained the City of Gastonia's Minimum Housing Ordinance and its main objective. Mr. Gaff stated complaints were received from tenants, neighbors, fire department, police, EMS, and social services. He explained the timelines of the case history and violations as provided in the agenda (pages 3-12 to 3-16). Mr. Gaff explained the two order categories as demolition and repair. Cost of repairs estimated under 50 percent of the tax assess value are categorized as repair, and if over 50 percent of the tax assess value it is categorized as demolition. A repair order was issued and a permit was pulled for \$18,500 in repairs in December of 2014. No inspections were passed or scheduled and the permit expired in June of 2015. No permits currently exist. The file went to District Court and a Default Judgment was received and Order of Abatement. The next step in the process would be to demolish the house and the commission has the option to delay this up to 365 days.

Commissioner Starr asked if anyone made any effort to purchase and restore the house. Mr. Gaff referred this question to the property owner, but stated the house had to be boarded due to exterior conditions of the property. People in the community interested in purchasing the property, who have called staff, were informed who the owner is.

Commissioner Ruhlman commented that the owner wants to repair the property and has an interest in selling it. Mr. Gaff explained the owner's opportunity to present this request to the Commission.

Commissioner Eddlemon asked if the commission chose to delay 365 days, would the applicant maintain ownership of the property and can he utilize his funds to repair the property. Mr. Gaff replied, "Yes" and commented that the owner could get a permit tomorrow and start right away.

Commissioner Ruhlman commented that the history is pulling permits and not following through and Mr. Gaff replied, "Yes."

Chairman Blackwelder asked if the commission approved delaying, what would happen if the applicant did nothing and Mr. Gaff replied after the delayed time period, the next step was to move forward with demolishing the property.

No further questions were asked by the commissioners.

Chairman Blackwelder received guidance from Attorney Graham on the order of proponent and opponent speakers.

Mr. Richard Gilmore was sworn in by Ms. Howard.

Chairman Blackwelder recognized Mr. Richard Gilmore, 212 W. Fifth Avenue of Gastonia, NC. Mr. Gilmore stated he was interested in the property and that he had contacted the code enforcement department. He stated he made numerous attempts to reach Mr. Shockley and he was still interested in purchasing the property.

Commissioner Simon asked if his intent was to rehab the property and not demolish the home and Mr. Gilmore replied that his intent is to rehab the house back to original for his family and not to rent or lease.

Chairman Blackwelder recognized Ms. Jenae Blumer, 512 S. South Street of Gastonia, NC. Ms. Blumer purchased her property in 2014, she lives in the house next to the subject property, and she shares a driveway with 514 S. South Street. Ms. Blumer shared her passion for old historic homes. She stated she has two small children. Ms. Blumer stated this house, over the years, has dealt with peeling lead paint in the shared driveway, crime, squatters, drug deals, break-in, utility issues, and very unsafe conditions. She explained how it was unsafe for her children to play outside even in the

Historic District Commission
February 28, 2019
Minutes

driveway. Ms. Blumer explained the reasons for contacting the police four times. She stated she wanted safe conditions and a beautiful property next door for her children and she also reminded the commission that nothing has been done to the property in the past five years at the property. Ms. Blumer finished by stating she was in favor with demolition of this building.

Commissioner Hauer asked Ms. Blumer if her feelings have changed knowing that someone is interested in purchasing the property. After a brief explanation, Ms. Blumer remained in favor of having the building demolished.

No further questions were asked by the commissioners.

Chairman Blackwelder recognized Dr. Janet Bard, 102 W. Second Avenue of Gastonia, NC. Dr. Bard provided a brief background of who she works with and that she is a volunteer treasurer of Southeast Archeological Foundation. Dr. Bard stated she has observed the home for the past five years. She commented that yesterday the side door was open and anyone could walk in. Dr. Bard was aware of interested purchasers; however, she stated the property is a dangerous place for people on the street and children in the neighborhood. She stated the historic district is a wonderful designation. She commented that Gastonia has worked with the owner for years and has come to the conclusion to demolish. Dr. Bard stated that the commission has a responsibility to the whole district. She concluded that she was in favor of the demolition of this building. She requested the commission to not delay this too long and reminded the commission of the children and their safety needed.

Chairman Blackwelder recognized Mr. Richard Gilmore. Mr. Gilmore clarified that he was not in favor of purchasing the property for more than its current assessed value and more is currently owed on the property than it is worth.

Chairman Blackwelder recognized Mr. Eric Laine, 2301 Randolph Road of Charlotte, NC. Mr. Laine provided a brief background of his employment and the work he has completed in the historic district. Mr. Laine stated he has tried to purchase the subject property. He stated he walked the property today and commented that the side door was open. Mr. Laine shared his opinion on whether or not the house should be torn down. He stated he would like the chance to try and save the house and also have the opportunity to purchase the property. If demolition would occur, he would like to build something similar to a building a couple houses down the road. Mr. Laine agreed with Mr. Gilmore that the value is less than the assessed value.

No questions were asked by the commission.

Chairman Blackwelder recognized Mr. Lester Shockley, 514 S. South Street of Gastonia, NC. Mr. Shockley is the owner and is opposed to the demolition request. Mr. Shockley stated his second contractor submitted the permit in 2014, who did not complete the work, and that their relationship ended. The first contractor hired began the interior demolition but ended up moving to California. Mr. Shockley stated he is in a position to renovate the house and has been working with a general contractor. Mr. Shockley received a Scope of Work and was encouraged to have an architect draw plans for permits and for the Historic District Commission approval request. Mr. Shockley distributed copies of R&R Renovations Group LLC's Scope of Work and Jennifer Benson Architecture (JBA), PLLC's proposal. Mr. Shockley briefly summarized payments and schedule on page 2 of the architectural services proposal.

Commissioner Starr asked the applicant why he did not respond to a potential buyer. Mr. Shockley replied that he received requests but was unable to determine legitimate calls. Commissioner Starr asked why the property was left unsecured for a long period of time and why the commission should trust him now. Mr. Shockley replied that the commission has nothing but his word and apologized. He commented that he understood he may not recoup his investment, but he had respect for the historic district and the homes. Commissioner Starr asked how long he owned the property and Mr. Shockley replied he purchased it in 2002 or 2003, lived there for approximately a year and then it became unoccupied.

Commissioner Hauer asked if he was interested in selling the property and Mr. Shockley replied that it was not his first choice and shared his vision of renovation.

Commissioner Simon asked his intention after renovations and Mr. Shockley replied that it would become the primary residence. Commissioner Simon and Mr. Shockley briefly discussed the timeline of the property's downfall and Mr. Shockley's discussion of complaints with Ms. Blumer.

Historic District Commission
February 28, 2019
Minutes

Commissioner Simon share the concern of this problem over a long period of time. After brief discussion, Mr. Shockley shared that he was aware of the problem over a year prior to November.

Commissioner Starr asked if his intention was to move back into the home after renovations and Mr. Shockley replied, "Yes".

Commissioner Eddlemon asked when the work will begin and Mr. Shockley replied that the contractor is ready to start. The major scope of work beginning with the exterior is ready to start in mid to late April with an estimated timeline of three weeks. Commissioner Eddlemon was concerned about the project taking a significant amount of time to repair and potentially falling into disrepair. Mr. Shockley replied he is willing to meet required milestones instead of the 365 days.

Commissioner Starr stated he was concerned about the squatters, crimes, drug deals, and that the property has been unsecure over a period of time. Commission Starr asked if he was aware of these issues and Mr. Shockley replied that he was unaware of these issues and briefly explained how he left the property secured and that a landscaping contractor secured the back door with plywood. Brief discussion ensued on the owner's visits to the house, prior to the intent to hiring workers, which was approximately a year.

Commissioner Hauer stated she had the same concern as Commissioner Starr. Mr. Shockley explained his personal reasons for why he has not been at the property. Mr. Shockley stated he was ready to focus on the property and shared that he is approaching retirement age.

Commissioner Ruhlman inquired about a quote for the whole repair. Mr. Shockley did not have a quote on the total package and referred the commissioners to the scope of work on exterior work. Mr. Shockley shared that he was financially ready to complete the project.

Commissioner Eddlemon inquired about securing the property during the interim work and Mr. Shockley confirmed that he would secure areas within one or two days.

Commissioner Starr asked how the lead paint will be addressed and Mr. Shockley replied that he was unaware of lead paint on the house, so this issue was not addressed. Discussion ensued on the probability of lead paint and the environmental and safety concern. Mr. Shockley stated he will find a lead abatement service. Commissioner Starr asked if he was ever notified by the law enforcement of any of the complaints and Mr. Shockley replied he was not notified. Commissioner Starr shared his experience of being contacted by law enforcement.

Chairman Blackwelder asked if anyone discussed any asbestos issues. Mr. Shockley replied it has not been discussed. Chairman Blackwelder commented that this was another issue to consider and is a health concern. Commissioner Simon suggested reviewing his home inspection if it occurred at the time of purchase.

Brief discussion ensued on the two possible options to purchase the property. Mr. Shockley clarified that his first intent is to renovate the house first, but will consider these options.

Commissioner Hauer asked if his plan will be affected if he has additional lead paint and/or asbestos costs to deal with and Mr. Shockley replied that he would need an assessment from an abatement service in order to answer the question.

Commissioner Eddlemon inquired about a second option for a worst case scenario. Mr. Shockley replied that if it is determined that this work is outside of his budget, he would then contact potential buyers. Lastly, if no one had interest then the house would be demolished.

Brief discussion ensued on collecting estimates, a firm plan, and confirming a timeline within 30 days. Commissioner Hauer did not want to exceed 30 days due to the longevity of the existing situation and the safety issues.

Commissioner Simon inquired on how long it would take to demolish. Mr. Gaff replied that it would take two weeks to a month to have it demolished and summarized the process. Commissioner Hauer asked who maintains the property after demolition and Mr. Gaff replied that there is a lien on the property, but the owner owns the lot and is responsible to maintain it.

Chairman Blackwelder recognized Mr. Gilmore for rebuttal. Mr. Gilmore summarized his conversation with Wells Fargo's Mortgage department that they would not get involved. His major

Historic District Commission

February 28, 2019

Minutes

concern is that there is mortgage on the property and he is only willing to pay the property assessed value. Mr. Gilmore briefly explained his qualifications and his opinion of lead paint and asbestos evidence. He also explained his reasons for estimating the property at land value.

Chairman Blackwelder recognized Ms. Blumer for rebuttal. Ms. Blumer stated she wants a safe place for her children to grow up and that she hopes the property will be fixed to a historical standard. It was determined approximately six children live near the property. Discussion ensued on the state of the house five years ago. The house was abandoned and the condition was much better. She reminded the Commission that she made four police reports of crime at this house and she was with the police when they tried to contact the owner.

Chairman Blackwelder recognized Mr. Laine for rebuttal. Mr. Laine briefly explained his qualifications and agreed with Mr. Gilmore that lead based paint and asbestos exists at the house. He shared tax value and mortgage value. Mr. Laine commented on the in-ground pool filled in with fill dirt in the back yard, holes in the roof, and he shared the dangers in various locations on the property. Mr. Laine reiterated his intention is to save the property; however, if it is beyond repair he would demolish and build something similar. Brief discussion ensued on the repair costs and potential sell price of the home. Commissioner Hauer thanked Mr. Laine for all the work he has done in the historic district.

Chairman Blackwelder recognized Mr. Shockley for rebuttal. Mr. Shockley informed the commission the pool was in the same condition when he purchased the property. He stated what he was told, why it was filled in and by whom at the time of his purchase. Mr. Shockley's intent is to create an adequate parking area, where the pool is located, to prevent blocking the driveway for the neighbors.

Commissioners received guidance from Attorney Graham on their available decision options based on facts testified.

Chairman Blackwelder made a motion to continue the hearing until the next month's meeting to consider the evidence presented and to allow the owner more time to make a decision on renovating or selling the property, address abatement issues, and provide an estimated time frame for the interior and exterior work. Commissioner Simon seconded the motion and the motion was unanimously approved (6-0).

Attorney Graham reminded the commission that this item has been continued and it should not be discussed amongst each other or with any witnesses outside of the hearing. Individual investigation may occur.

ITEM 4. Other Business

Subcommittee Meeting Tonight, if Needed:

Ms. Wallis stated that a subcommittee meeting was needed. Commissioners Simon, Eddlemon, and Blackwelder will participate.

ITEM 5. Adjournment

There being no other business, Chairman Blackwelder adjourned the meeting at 7:40 p.m.

Respectfully submitted:

Chrystal Howard, Secretary

William Blackwelder, Chairman