

# Historic District Commission

December 10, 2020

## Minutes

Chairwoman Eddlemon called the meeting of the Historic District Commission to order at 6:00 p.m. on Thursday, December 10, 2020 via Zoom.

Present: Commissioners Jerry Tucker, James Henson, Ed Starr, Carol Hauer, Camille Fox, and Andi Eddlemon

Absent: Commissioner Dick Rulhman

Staff present: Charles Graham, Assistant City Attorney; Kim Wallis, Planner; Chrystal Howard, Secretary; and Joe Gates, Zoning Administrator

### **ITEM 1a. Roll Call / Sound Check**

Chairwoman Eddlemon opened the meeting, conducted roll call and declared a quorum.

### **ITEM 1b. Approval of Minutes**

Commissioner Hauer made the motion to approve the July 23, 2020 minutes. Commissioner Starr seconded the motion and the motion was passed (6-0).

Commissioner Hauer made the motion to approve the August 27, 2020 minutes. Commissioner Fox seconded the motion and the motion was passed (6-0).

### **ITEM 1c. Approval of 2021 Public Hearing Schedule**

Commissioner Tucker made the motion to approve the 2021 Public Hearing Schedule. Commissioner Hauer seconded the motion and the motion was passed (6-0).

Chairwoman Eddlemon provided an explanation for public hearings on Certificate of Appropriateness (COA) applications and order of business.

Chairwoman Eddlemon 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. Speakers were affirmed by Ms. Howard.

### **ITEM 2. Public Hearing – Certificate of Appropriateness (File # PLCA202000300)**

- Ed Starr
- 515 W. Second Avenue
- To install small garden house in side rear yard

Commissioner Starr is the applicant; therefore, Chairwoman Eddlemon recognized Commissioner Starr as recused.

Chairwoman Eddlemon 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 commented that staff will review the removal of the existing roll-up garage door and replacement. Ms. Wallis displayed the zoning map, site plan of property with proposal, site plan of front yard illustrating the landscaping along with a photo, side-yard site plan illustrating landscaping along with photos, and elevation and colors of the garden house. She read the findings, key elements of design of garden house, and excerpts from the Design Guidelines.

Commissioner Tucker commented that a garden shed, accessory building, was common in the neighborhood and compatible with homes.

Chairwoman Eddlemon recognized applicant Ed Starr, 515 W. Second Avenue of Gastonia, NC. Mr. Starr stated the reason for the garden structure was to alleviate garden equipment, currently stored in the garage, to enable a library/den in the garage area. Moving the location of the library/den would enable a bedroom on the first floor. He corrected an error regarding the house stating it was a full two-story house with bedrooms on the upper floor. Mr. Starr commented that the neighbor to his right will see the structure, and that the structure will also create privacy. Lastly, Mr. Starr mentioned previously approved colors.

Chairwoman Eddlemon asked if the 6 ft. shrubbery dies back in the winter. Mr. Starr replied that the shrubbery was cut back to maintain health and would not die back. He also noted that the Camellias are evergreen and maintain throughout the year.

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Brief discussion ensued on the required setback and it was determined that 5 ft. was the setback. The applicant stated there will have a minimum clearance of 6 ft. to avoid existing shrubbery.

Commissioner Fox asked about the roofing material. Mr. Starr replied that roof shingles will be conventional shingles, not architectural shingles, and will match in color as close as possible to the existing house shingles. Mr. Starr noted the paint will match the fence and gate on the opposite side of the house.

Commissioner Hauer and Chairwoman Eddlemon commented that this was a great and creative solution.

After brief discussion, Commissioner Henson made a motion to approve the garden shed and Commissioner Tucker seconded the motion. The motion was approved (6-0 - Starr recused).

### **ITEM 3. Public Hearing – Certificate of Appropriateness (File # PLCA202000307)**

- Ben Pruitt
- 710 S. York Street
- To install new front yard fence on south property line

Chairwoman Eddlemon 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. Ms. Wallis displayed the zoning map. She read the property description, findings, and key elements of the fence. Ms. Wallis displayed an illustration of the fence location and type. She displayed photos of the fence, cap, and read the applicant's reason for installing the fence as presented in the agenda packet. Ms. Wallis stated this item is to get the applicant into compliance with a new COA for this portion of fence. Lastly, she read excerpts from the Design Guidelines. Ms. Wallis noted that the applicant was not available.

Clarification followed that the fencing portion in the front yard from the front building corner to the sidewalk is the focus of discussion.

Commissioner Henson complimented the owner on the front yard landscaping.

In regards to the concern of the adjacent property, Commissioner Starr stated this was an exception to the rule. He stated he understood why the applicant would like to shield the view of the adjacent commercial building. Under the circumstances of what he has seen, and contrary to the rules, Commissioner Starr commented on the finish side be toward the house instead of the alley and Commercial building. He suggested a black stained or painted fence on both sides rather than the mahogany wood stain to hide it better. Ms. Wallis clarified that the Commission is to make a decision on the privacy fence as is and cannot overturn the city code. Mr. Gates referred to Section 9.4.1(G) of the Unified Development Ordinance. He commented that the fence is fine as it is, but needs to also add or project a finished side on the outward facing property line. No exception is available to this rule, because it would be in contradiction to the ordinance. An example given was of vertical slats added to the opposite side. Commissioner Tucker asked if a condition to add vertical slats on the opposite side of the fence was acceptable. He shared his concern of the unfinished side being visible from York Street and unappealing. He commented that the example Mr. Gates gave would rectify the situation. Ms. Wallis replied that this condition could be added to reiterate the zoning violation be rectified.

Brief discussion ensued on the recommendation of the subcommittee meeting. Chairwoman Eddlemon asked Ms. Wallis if the applicant was responsive to changing the color. Ms. Wallis was not sure if the applicant considered it, as he may believe the brown color would blend with the aluminum fence. Commissioner Hauer commented on the subcommittee's concern of the transition between the two fences, and one suggestion made by the subcommittee was having the fence stained or painted black. Commissioner Hauer commented that the height differences between fences were glaring and it was not the intent to have the height of the fence extend in the front yard. Chairwoman Eddlemon was concerned of visibility issues, too much fence and height, and the fence facing the wrong direction.

Commissioner Henson read portions from the Design Guidelines, *Fences and Walls* a. and b. section and inquired about options with transitioning to a short fence in the front yard while having both sides of the fence finished. He suggested reconfiguring the fence with vertical slats with open spacing in between while having the same appearance on both sides. Top portion of

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fence would have latticework to allow achieving zoning compliance and Historic District compliance. In settings outside the Historic District, Mr. Gates commented that adding vertical pickets in between the vertical supporting posts is an acceptable remedy for correction. Ms. Wallis replied that a condition can be added to their approval and commented that this fence was custom-built onsite. Continued discussion ensued on the both sides of the fence having a finished appearance the full length of fence.

Chairwoman Eddlemon transitioned the discussion to the fence color. Commissioner Henson inquired about the house color and it was determined that it was white. He referred to the Design Guidelines, *Fences and Walls* and noted that the fence should be stained to match the house or painted white. Commissioner Hauer commented that it would be a lot of white. Several commissioners commented they were not in favor of a white fence. Commissioner Fox was not in favor of a solid black fence as it would be as glaring as a white fence. Commissioner Starr disagreed. Commissioner Hauer commented that black would blend better with the front and less obvious; however, she was concerned about the fence being too tall. Brief discussion ensued on the fence height in the front and the aluminum fence being 4 ft.

Commissioner Hauer recommended asking the applicant to present suggestions, as she was unable to determine what she would approve. She added that based on the Commission's comments, continuing the meeting to next month would allow the applicant time to consider different options to come into compliance and aesthetically improve the situation.

Brief discussion ensued on the different complications of the applicant's fence being next to the chain link fence.

Commissioner Tucker added for clarification that the Commission is asking the applicant to reconsider the height of the side yard fence and addressing facing the opposite side of the fence. Chairwoman Eddlemon added addressing the stain color too.

After brief discussion and guidance from Attorney Graham, Commissioner Hauer made a motion to continue the hearing to the next meeting with the request that staff asks the applicant to come back with some additional options based on the Commission's comments. Commissioner Tucker seconded the motion and the motion passed (6-0).

### **ITEM 4. Public Hearing – Certificate of Appropriateness (File # PLCA202000308)**

- Edward George
- 1214 S. York Street
- To install playground structure in back yard

Chairwoman Eddlemon 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 read the property description and displayed the zoning map. Ms. Wallis displayed a front view photo of the house. She summarized the findings and key elements of the design. Ms. Wallis displayed a photo of the playhouse structure and a view from the street. She read the excerpts from the Design Guidelines.

Brief discussion ensued on neighboring property owners having the opportunity to comment and it was determined that staff mailed notification letters to property owners to have an opportunity to comment at this hearing.

Commissioner Tucker asked why the structure was 18 ft. tall. The applicant, Mr. Eddie George, 1214 S. York Street of Gastonia, NC replied that he spoke to a couple neighbors prior to building. Mr. George stated the playhouse was raised to store lawn equipment and children's yard items. They will eventually add a wood covering around the outside to hide the equipment. Applicant, Ms. Jenna George added that raising the playhouse would allow proper drainage, allow the structure to last longer, and allow for a swing and slide.

Commissioner Tucker asked staff about the process for adding a skirting to the lower level of the playhouse and Ms. Wallis replied that the approval of the skirting is at staff level.

Brief conversation ensued on the structure not needing a building permit and staff's approval level of the structure. The structure was built without a COA; therefore, it required being heard by the full commission.

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Commissioner Fox inquired about replacing the 8 ft. privacy fence. Mr. George explained that the fence was removed to allow City crew access with their equipment into the yard and remove two trees that were interfering with the powerline. He stated the plan is to replace the fence in spring of 2021.

Chairwoman Eddlemon asked about the height of the existing fence and Ms. George replied that it was 6 ft. The applicants stated the request is for an 8 ft. fence to allow bathroom privacy, which has a window in the shower. Mr. George stated the 8 ft. fence would be for the complete fencing area for uniformity. The main area of request is the side between both houses. If the Commission preferred, the applicants stated a 6 ft. fence would be fine. Chairwoman Eddlemon inquired about the stain color and Mr. George replied that they would like to use a medium brown. In considering a stain color for the fence, the front door color was displayed. Commissioner Tucker asked about the fence material and Mr. George stated it will probably be pressure treated yellow pine with 4x4s, straight privacy fence, beveled on top, flat across bottom, not offset or special design unless required, and have a double hinged gate in the front with classic carriage fixtures. Commissioner Tucker asked about the location of the front portion of the fence. Mr. George replied that they would like then fence to start at the front corner of the house to the side of the property. Commissioner Fox asked if the fence would continue to the left side of the house surrounding the whole back yard. Mr. George replied that this is the plan, but will be presented at another time in a new COA, as they are not currently ready. A retaining wall request will be included in the COA. Chairwoman Eddlemon was concerned about a double hung gate without any visual. She stated the 6 ft. fence seemed relatively small and was not concerned with an 8 ft. height fence. Mr. George suggested a flush and uniform looking fence without visual fixtures that can open from the inside. Commissioner Eddlemon stated a smooth and seamless fence appearance would be a better option without a visual of a gate. Discussion ensued on the applicant's intention to apply for a COA to request having a fence in the side and rear portion of the yard for privacy and to hide the playground structure.

Continued discussion ensued on the following: 8 ft. height in the front facing Hwy 321 may not be appealing as it may appear as a barrier and very tall. A 6 ft. fence may be preferred in the front. A smooth and seamless fence that hid a gate may be preferred than a double hung gate with fixtures. The front fence may look better setback a couple feet away and not flush with the front corner of the house.

Commissioner Tucker made a motion to approve the playhouse and Commissioner Starr seconded the motion. The motion was approved (6-0).

### **ITEM 5. Other Business**

#### **Subcommittee Meeting Tonight, if Needed:**

Ms. Wallis stated a subcommittee meeting is needed. Commissioner Tucker, Eddlemon, and Hauer will participate.

### **ITEM 6. Adjournment**

There being no other business, Chairwoman Eddlemon adjourned the meeting at 7:19 p.m.

Respectfully submitted:

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Chrystal Howard, Secretary

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Andi Eddlemon, Chairwoman