

Historic District Commission

September 26, 2024

Meeting Minutes

Vice Chair Hauer called the meeting of the Historic District Commission to order at 6:02 p.m. on Thursday, September 26, 2024, at City Hall in the Council Chamber, 181 S. South Street of Gastonia, NC.

Present: Vice Chair Carol Hauer, Commissioners, Jeff Trepel, Blair Propert, and Kaitlyn Peeler

Absent: Chair Andi Eddlemon and Commissioner Josh Hauser

Staff present: Charles Graham, Quentin McPhatter, Maddy Gates, Jordan Tubbs and Jalen Nash

ITEM 1a. Roll Call / Sound Check

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

ITEM 1b: Approval of August 22, 2024 Meeting Minutes

Vice Chair Hauer asked the board if there were any corrections or additions to the August 22nd meeting minutes. Commissioner Trepel moved to adopt the meeting minutes as submitted. Commissioner Peeler seconded the motion. The motion was unanimously approved.

ITEM 2. Public Hearing – Certificate of Appropriateness (File # PLCA202400345) Cont.

- Ever Torres
- 1223 Jones Street
- Requesting after-the-fact approval for the installation of a new gravel driveway.

Vice Chair Hauer opened the public hearing and recognized Jordan Tubbs, Senior Planner, for the purpose of the staff's presentation. The Certificate of Appropriateness (COA) application was presented. Mr. Tubbs presented the property's zoning map and stated the property was built in 1940, and is a noncontributing structure within the Local Brookwood Historic District. He stated the property is zoned RS-12 and is surrounded by residential zoning districts. Mr. Tubbs stated that the applicant was notified of the violation on July 12, 2024, and the applicant applied for a Certificate of Appropriateness (COA) on July 22, 2024, for after-the-fact approval. Mr. Tubbs presented relevant excerpts from the design standards and the Unified Development Ordinance for consideration. He also mentioned that the applicant is present tonight and that he is available for any questions.

Vice Chair Hauer asked the board if anyone had any questions for the Planning Staff.

Commissioner Peeler asked the staff about the permitting process for installing a driveway, noting that it is currently located on the front lawn.

Mr. Tubbs responded that driveway permits are handled by the engineering department, which determines the appropriate location for the driveway entrance from the right-of-way.

Commissioner Hauer inquired whether this process had been completed.

Mr. Tubbs replied that it had not been completed, and he was unsure of the status in this case.

Commissioner Peeler then asked Mr. Tubbs if that was something that would need to be done.

Mr. Graham responded that this would be a zoning enforcement issue, not a matter for the Historic District Commission (HDC). He stated that the HDC would still need to approve the gravel driveway, the bordering, and any other related elements they deem necessary. Mr. Graham explained that the engineering department would focus on the driveway's connection to the main street, particularly its proximity to intersections, other driveways, and the curb cut.

He confirmed that the board was correct in noting that the applicant is required to obtain Engineering's approval for a new driveway.

Commissioner Hauer asked Mr. Graham if he recommended voting on this matter without an approved driveway permit.

Mr. Graham responded that the driveway connection is a separate issue, outside the board's jurisdiction. However, the board can still discuss aspects like whether the driveway can be gravel, the type of bordering needed, and, based on the pictures, maintenance considerations in this case. These are the types of issues the HDC should evaluate.

Historic District Commission

September 26, 2024

Meeting Minutes

Commissioner Hauer noted that in the past, the board has denied gravel driveways because of the mess they can create in yards and on the streets.

Commissioner Probert asked the Planning Staff, given that the board only handles aesthetics, why they are being asked to decide on whether the driveway is aesthetically pleasing if it hasn't been approved for installation by the engineering department.

Mr. Tubbs responded that the HDC would first approve the design, including the appearance of the driveway. Afterward, the applicant would apply for a driveway permit with the engineering department. Engineering might then approve the driveway as is, or they may require adjustments, such as shifting the location, but they might not require any changes at all. He noted that the process involves coordination between both departments. Discussion continued regarding the driveway permitting process.

Commissioner Trepel stated that the photos being presented at the September 26 meeting had also been shown at the August HDC meeting. He explained that he had taken the photos in August, prior to that meeting, and noted that Mr. Torres was not present at that time. He continued, stating that the purported driveway has since deteriorated into scattered gravel across the yard, leaving him unsure about what the board is being asked to consider.

Commissioner Peeler agreed, noting that the grass has overtaken the area.

Commissioner Peeler then asked the Planning Staff whether homeowners are allowed to park on their yards.

Mr. Graham responded that he did not disagree with the board's observations, but clarified that according to the process discussed earlier regarding zoning issues in the historic district, the ordinances require the HDC to either approve or deny the Certificate of Appropriateness (COA) request before it moves on to zoning for approval. He added that this is the same process used for building permits—HDC approval must be granted for the COA before final building permits can be issued. What complicates this particular case, however, is that it is an after-the-fact request.

Mr. Graham reiterated Ms. Gates' earlier comments, emphasizing that COA requests should ideally come before the board before any permits are issued by zoning or engineering. He mentioned that the board has discussed these after-the-fact requests frequently as of late, and noted that if applicants do not return with something acceptable to the HDC, the request should be denied. In such cases, applicants would need to start over and present a new proposal to the HDC before being eligible for a zoning permit.

Vice Chair Hauer asked the board if there were any further questions for Mr. Tubbs. With no further questions, Vice Chair Hauer recognized Ever Torres of 1223 Jones Street, Gastonia, NC 28052.

Mr. Torres stated that he poured gravel there because a nearby house has a gravel driveway, and he thought it wouldn't be an issue. He mentioned that he has appeared before the board previously and tries to follow the process as instructed. However, if there is a problem, he is willing to remove the gravel and leave the area as it is. Mr. Torres also said that, if possible, he could go to the engineering department and apply for a permit to install a concrete driveway, which he prefers, though he is unsure if it's feasible. He explained that he initially opted for gravel because of his neighbor.

Vice Chair Hauer asked the board if there were any questions for Mr. Torres.

Commissioner Murphy asked Mr. Torres if the gravel driveway was being used as the primary parking area or if there was already a designated driveway on the property.

Mr. Torres responded that it was just grass before. Commissioner Murphy then asked how Mr. Torres accessed his home before the gravel driveway existed.

Mr. Torres explained that his property is a corner lot with an existing driveway off Home Trail leading to the rear of the property. He wanted to add an additional circular gravel driveway off Jones Street for access to the front entrance of the home.

Commissioner Trepel asked Mr. Torres why he didn't park all the cars in the driveway off Home Trail. Commissioner Murphy suggested possibly extending the existing driveway.

Mr. Torres responded that they have multiple homes on the property, and while there are only two spots for the main house, there is an additional apartment that requires extra parking.

Historic District Commission

September 26, 2024

Meeting Minutes

Commissioner Peeler asked Mr. Torres, referring to the pictures taken by Commissioner Trepel, why he is not using the gravel driveway and why cars are being parked next to it instead.

Mr. Torres explained that after receiving the Notice of Violation, he was instructed to remove the gravel and submit a COA application. He stated that he did so and decided not to use the gravel driveway until the board approved.

Commissioner Trepel asked if Mr. Torres had already removed the gravel. Mr. Torres responded, "No." Commissioner Trepel then asked if weeds had grown over the gravel. Mr. Torres confirmed this, stating that he left the gravel as it was and refrained from using it for parking until he received the board's approval.

Vice Chair Hauer asked the board if there were any more questions for Mr. Torres. Hearing none, Vice Chair Hauer asked for the wishes of the board.

Commissioner Propert moved to deny the application due to the use of gravel, with a recommendation that Mr. Torres go through the permitting process for a concrete or cement driveway, as he had previously mentioned. Commissioner Trepel seconded the motion, adding that the driveway needs to be paved in some form.

Mr. Torres asked the board if, after going to Zoning for approval of a concrete driveway, it would be considered approved by the HDC if Zoning was in agreement. Commissioner Peeler responded, "No."

Mr. Tubbs informed Mr. Torres that a new design would need to be submitted to the board for approval. Once the HDC grants the Certificate of Appropriateness (COA), he could then proceed to Engineering to obtain the driveway permit.

Hearing no further discussion, the motion was unanimously approved.

ITEM 3. Public Hearing – Certificate of Appropriateness (File # PLCA202400359) Cont.

- Martin Webb Jr.
- 707 S. York Street
- Requesting after-the-fact approval for the installation of new windows.

Vice Chair Hauer opened the public hearing and recognized Jordan Tubbs, Senior Planner, to present the staff's report. The Certificate of Appropriateness (COA) application was presented. Vice Chair Hauer noted that Mr. Webb was not present and asked Mr. Tubbs if he had any additional comments.

Commissioner Trepel mentioned that the item had been continued at the previous hearing due to the applicant's absence.

Hearing no further comments, Vice Chair Hauer asked the board if anyone was prepared to make a motion. Commissioner Peeler moved to deny the application, stating that the windows did not meet the design standards having no grid pattern, and were entirely different from the original ones. Commissioner Propert seconded the motion.

Hearing no further discussion, the motion was unanimously approved.

ITEM 4. Public Hearing – Certificate of Appropriateness (File # PLCA202400425) Cont.

- Brian & Ann Lowe
- 209 W. Sixth Avenue
- Requesting approval for the repair and renovation of the porch.

Vice Chair Hauer opened the public hearing and noted that the applicant was not present, and therefore, the item would need to be continued to the next meeting. Commissioner Peeler moved to continue the application to the October 24th meeting. Commissioner Murphy seconded the motion. With no further discussion, the motion was unanimously passed.

ITEM 5. Public Hearing – Certificate of Appropriateness (File # PLCA202400451)

Historic District Commission

September 26, 2024

Meeting Minutes

- Frances Smith
- 412 S. Chester Street
- Requesting approval to demolish the detached garage damaged by
- a fallen tree.

Vice Chair Hauer opened the public hearing and recognized Jordan Tubbs, Senior Planner, for the purpose of the staff's presentation. The Certificate of Appropriateness (COA) application was presented. Mr. Tubbs stated that the house and garage were built in 1924 and are considered contributing to the local York-Chester Historic District. Mr. Tubbs stated that the house and garage were built in 1924 and are considered contributing structures within the local York-Chester Historic District. He mentioned that the property is currently being used as a residence and is zoned O-1 CD (Office Conditional District). He also noted that the property is surrounded by residential zoning to the south and west, with office zoning to the north and east. Mr. Tubbs reiterated that the garage was damaged by a fallen tree, and the applicant states in their application that the garage is in disrepair and needs to be removed for safety and replacement.

Commissioner Trepel stated that he is a bit surprised they even have to consider approving this application, as the garage is essentially already demolished. He asked the board how they could ever deny it.

Vice Chair Hauer responded that in other cases, the board has considered whether the structure could be repaired. Discussion ensued regarding whether the repair was even possible due to the extensive damage.

Commissioner Trepel asked Mr. Graham if applications like this one could be handled as a staff decision.

Mr. Graham responded that it might require an ordinance amendment, but to Commissioner Trepel's point, the key question is whether the structure can be repaired. If it is a very old structure built at the same time as the house, the commission would need to decide if they want it restored or rebuilt in the same way. He noted that the board could include conditions in the COA approval, such as requiring the garage to be rebuilt in the same style, location, and with similar materials.

Commissioner Murphy asked the Planning Staff if they knew whether the applicant plans to rebuild the garage. Mr. Tubbs confirmed that the applicant does plan to rebuild.

Vice Chair Hauer asked if the applicant would need to submit a new application to rebuild the garage.

Mr. Graham responded that, yes, the applicant would need to submit a separate application, but the board could impose conditions at this point.

Vice Chair Hauer stated that she would be inclined to approve the application and then address any plans when the applicant brings them forward, but she was unsure if she could make a motion. Mr. Graham responded that she probably should not.

Commissioner Trepel moved to approve the application as submitted. Commissioners Propert and Murphy seconded the motion. With no further discussion, the motion was unanimously passed.

ITEM 6. Approval of Design Standards

Mr. Nash stated that now that the City has lost Robert Stroud, they need to figure out how to handle tree inspections. He mentioned that the only solution the Planning Staff could come up with at this time is to have the applicant request an inspection from a privately hired certified arborist and require replanting when a tree is removed. He stated that if an applicant is requesting to remove a healthy tree and the board approves it, there would be an automatic replanting requirement. He also noted that if the applicant is removing a dead tree, staff can recommend replanting with the condition of working with the arborist on location, species, and other factors. Mr. Nash emphasized that they don't have an arborist, and he has six tree removal applications, so something needs to be done.

Commissioner Peeler asked Mr. Nash if there were any other certified arborists on the City Staff. Mr. Nash responded that yes, Tripp White, the Parks & Recreation Director.

Historic District Commission

September 26, 2024

Meeting Minutes

Commissioner Peeler then asked Mr. Nash how he would determine the qualifications of the certified arborist in terms of revising the standards. Mr. Nash replied that the arborist would need to be ISA (International Society of Arboriculture) certified.

Discussion ensued regarding how applicants would be informed during the application process to request a tree inspection from a certified arborist. Commissioner Trepel asked Mr. Nash where the conditions for replanting were mentioned in the text amendment. Mr. Nash presented the amendment to the Design Standards.

Vice Chair Hauer stated that she wishes the board could require replanting even if the tree is diseased, as the neighborhood is starting to look bare.

Commissioner Probert asked the Planning Staff if the job had been posted. Mr. Nash responded that it had not. Commissioner Probert then asked Mr. Nash if the job was going to be posted.

Mr. McPhatter responded that the staff will have to figure that out moving forward. He noted that, as Mr. Nash previously stated, there is only one other City Arborist, who is the Director of Parks and Recreation, so he is a little busy. Mr. McPhatter emphasized that the staff definitely wants to fill the position, but he will need to speak with the Manager over Parks and Recreation on how to proceed. He reiterated the importance of filling the position as soon as possible.

Vice-Chair Hauer and Commissioner Peeler express concerns about the cost and feasibility of requiring an arborist for every tree removal application.

The board discussed potential temporary solutions, including allowing Code Enforcement to assess dangerous trees and requiring replants for healthy tree removals.

Commissioner Probert moved to approve the Design Standards as revised, with the condition that if the tree is detrimental to health, safety, or welfare, the Planning Staff shall have the authority to approve the tree removal application without a Certified Arborist report.

Discussion ensued over Commissioner Probert's motion.

Commissioner Murphy seconded the motion. With there being no further discussion, the motion was unanimously approved.

ITEM 7. Other Business

Ms. Gates provided some information on the current comprehensive plan and the upcoming public workshops.

Mr. Nash stated there is a need for a subcommittee meeting. Discussion ensued over who could stay for the meeting.

ITEM 8. Adjournment

With there being no further discussion, Chair Hauer adjourned the September 26th, 2024 meeting of the HDC at 7:20 p.m.

Respectfully submitted:

Andi Eddlemon, Chair
Historic District Commission

Jalen Nash – CZO, Planner
Planning Department