

**CITY OF GASTONIA**  
**ZONING BOARD OF ADJUSTMENT**

December 6, 2018

Minutes

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The regular meeting of the Zoning Board of Adjustment was held on Thursday, December 6, 2018, at 9:02 a.m. in the City Council Chambers at City Hall.

Board Members present: Chairman Lee Taylor Jr., William Marino, James Nebo, Sidney Craig and Melanie Blankenship

Board Members absent: None

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

Chairman Taylor called the Board of Adjustment meeting to order.

**Item I: Approval of September 27, 2018 Minutes**

Board Member Marino made a motion to approve the minutes of September 27, 2018 and Board Member Craig seconded the motion. The motion was approved unanimously (4-0).

Because of the quasi-judicial format of these hearings it is required by North Carolina law to swear in persons that speak before the commission and offer evidence. Ms. Howard administered the oath to speakers.

Board Member Blankenship arrived and was recognized.

**Item II: Public Hearing #9120 – Frederick R. Argenio – 927 Donohoe Rd.**

The applicant has submitted an appeal for an order to demolish the structure at 927 Donohoe Rd.

Chairman Taylor opened the public hearing and recognized Mr. Joe Gates, CZO, Zoning Administrator for staff presentation.

Mr. Gates thanked the Board for being present. Mr. Gates stated that the applicant submitted an appeal for code enforcement and is appealing an order to demolish. Mr. Gates introduced Mr. Justin Gaff, Housing Code Enforcement Administrator/Chief Code Enforcement Officer for staff presentation.

Mr. Gaff began by explaining the minimum housing ordinance. Complaints are typically received by tenants, neighbors, fire department, police, EMS, and others. This item was received from a neighbor at the beginning of May who called in multiple complaints. A case was started May 10<sup>th</sup> and an access letter was sent to the owner. The owner, Frederick Argenio, came to the office in June and scheduled an inspection for June 19<sup>th</sup>. This inspection was cancelled and requested discussing options before proceeding with an inspection. Mr. Gaff was informed in late June that the owner had found a potential buyer for the property. Due to the inability of reaching the owner to conduct an inspection, an administrative search warrant occurred. The inspection found multiple roof leaks, water damage, rotten floor framing, inadequate exposed electrical, missing plumbing fixtures, inoperable windows, need for permanent heat source, significantly damaged inadequate piers and foundation, and deteriorated siding. A public hearing was held on September 19<sup>th</sup> with the owner. At that time, a thirty day order to demolish was issued. The home tax value was listed at \$8,693 and the cost to repair will be in excess of fifty percent of the tax assessed value. The two housing case categories are repair and demolition. The repair category is repairs costs are less than fifty percent of tax assessed value and repair order would be issued instead of a demolition order. A demolition order means that the owner needs to bring the property up to current code and it does not mean the owner has to demolish the property. Specific time frames and benchmarks must be met to get additional time to do the repairs. No questions were asked by the Board.

Chairman Taylor recognized Frederick Argenio, 3216 Maywood Drive of Charlotte, NC. Mr. Argenio stated he understood the condition of the property and that it was Mr. Gaff's job to conduct the evaluation. Mr. Argenio stated he requested the appeal for more time to consider his options. He deconstructed the property to get an assessment and determined significant damage to parts of the building. Mr. Argenio agreed that the repair costs would exceed the fifty percent of the tax assessed value, but disagreed with the cost of the foundation work. He now needs a professional estimate. Mr. Argenio explained his lack of knowledge of this process.

Brief discussion ensued on a previous Board of Adjustment public hearing case with the applicant.

Chairman Taylor commented that this building needs substantial repair based on the staff report and pictures provided. He stated foundation work can be expensive to repair and his concern was the significant repair compared to the value of the property today. Chairman Taylor asked Mr. Argenio if he met with a contractor since May knowing there was an issue. Chairman Taylor commented that the reports show that Mr. Argenio has been communication with the city since May. Mr. Argenio replied that he had not, because he wanted to do the deconstruction work himself. He knew that the contractors would not be able to provide him with a good estimate until they could see what they had to work with. Chairman Taylor commented that it has been at least five months, Mr. Argenio has deconstructed during this time frame and he has not talked to a contractor, and no one is present to talk on his behalf. Chairman Taylor stated it would have been nice to have a contractor present to tell the Board what needs or has been done. Chairman Taylor asked Mr. Argenio if he was at the point to bring in a contractor. Mr. Argenio replied that he was and his first step is bringing in a foundation contractor. His options are based on the foundation contractor. Chairman Taylor asked Mr. Argenio how long he thinks he needs to bring in a contractor and get a written quote or have him provide a testimony. Mr. Argenio replied that three weeks should provide enough time for him to get a foundation contractor to determine whether or not the project should be abandoned.

Board Member Nebo asked what the intended use is for the property and Mr. Argenio replied that he wants a viable property to have the option of selling. Other property he owns may be worth more if he has a viable structure on the current property. Mr. Argenio reiterated his intent. Chairman Nebo commented that in order to sell it, he needs to bring the property up to code and Mr. Argenio agreed with this statement.

Chairman Taylor asked the applicant for an overall time on how long he thought it would take to remodel and get it ready to sell, as well as, to get it sold. Mr. Argenio guessed around ninety days and the foundation work would probably be the most time intensive of the project. He needs to get the foundation contractor to inform him on what they can do to determine his options.

Chairman Taylor stated the intent of the board was to try and work with the applicant, but it has to be in lieu and safety of the neighbors, cognizant of others, and their rights also. Chairman Taylor suggested allowing the applicant a short window to determine how to proceed, and at the next meeting the applicant would need to have the contractor with him, as well as, documentation from the contractor. Mr. Argenio stated he was willing to meet this condition.

Chairman Taylor asked the Board their thoughts on how long was appropriate if they were willing to give the applicant more time.

Mr. Gaff explained a couple options. The Board can continue the hearing or the Board can grant the applicant additional time essentially delaying the demolition order in abeyance until the time expires. Once the time expires the demolition order begins and the applicant would need to meet benchmarks based on the statutes.

Attorney Graham explained the applicant's appeal request. Options explained was to reverse the order (overturn the order), grant additional time to comply with the order (modify the order), or continue (delaying). Mr. Gaff explained the statute. Brief discussion ensued when the statute begins, if additional time is to be granted by the Board. Attorney explained in more detail the options available. Mr. Gates reminded the Board that they can also uphold the current order.

Board Member Blankenship made the motion to uphold the order to demolish as presented and Board Member Craig seconded the motion.

Board Member Blankenship began by stating this was not the first time the applicant has presented a case to the Board of Adjustment similar to this one. She commented that the applicant had sufficient time between May to today to talk to a contractor. She was unsure of how much progress would take place if the board gave the applicant additional time. She stated she was not as lenient or as understanding of the applicant lack of knowledge of the process. She commented that Mr. Argenio had plenty of time to really invest in the community by doing something with these houses other than their determining their condition. Board Member Blankenship was concerned that this was a pattern of the applicant. Mr. Argenio replied the previous case was presented due to fire damage. He needed time to evaluate what to do as he underestimated how much it would cost. Mr. Gaff ordered the demolish order and he hired a contractor and had the property brought up to code. Board Member Blankenship commented that she was not for allowing more time on this request.

Board Member Marino agreed with Board Member Blankenship. Board Member Nebo stated he drove by the property and that the pictures do not lie. He shared his thought that the house should be demolished. Board Member Nebo also agreed with Board Member Blankenship. No other discussion or comments ensued.

There being no further discussion, Chairman Taylor moved forward with a vote. The vote was unanimously approved (5-0).

**Item III: Other Business or Announcements**

The next Board of Adjustment meeting is scheduled on Thursday, January 24, 2019. As of this morning, staff has not received any application to be heard. After the submittal deadline scheduled December 26<sup>th</sup>, staff will provide an update to the board.

Chairman Taylor wished everyone a Merry Christmas and thanked everyone for being present this morning.

There being no further discussion or announcements, Chairman Taylor entertained a motion to adjourn the meeting. Board Member Marino made the motion to adjourn and Board Member Craig seconded the motion. Chairman Taylor adjourned the meeting at 9:38 a.m.

Respectfully Submitted:

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Chrystal Howard, Secretary

Zoning Board of Adjustment  
City of Gastonia, NC

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Chairman Lee Taylor Jr.

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City of Gastonia, NC