

Historic District Commission

January 28, 2021

Meeting Minutes

On behalf of the chair and vice-chair being absent, Commissioner Hauer volunteered to be acting chair for tonight's meeting. Commissioner Henson made a motion to have Commissioner Hauer serve as chairwoman for this meeting and Commissioner Tucker seconded the motion. The motion was unanimously passed (4-0).

Chairwoman Hauer called the meeting of the Historic District Commission to order at 6:02 p.m. on Thursday, January 28, 2021 via Zoom.

Present: Commissioners Jerry Tucker, James Henson, Carol Hauer, and Camille Fox

Absent: Commissioner Dick Rulhman, Ed Starr, and Andi Eddlemon

Staff present: Charles Graham, Assistant City Attorney; Jason Thompson, Planning Director; Kim Wallis, Planner; and Chrystal Howard, Secretary

ITEM 1a. Roll Call / Sound Check

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

ITEM 1b. Approval of Minutes

Commissioner Henson made the motion to approve the December 10, 2020 meeting minutes. Commissioner Fox seconded the motion and the motion was passed (4-0).

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

Chairwoman Hauer 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. Continued Public Hearing – Certificate of Appropriateness (File # PLCA202000307)

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

Chairwoman Hauer opened the public hearing recognizing Ms. Kim Wallis, Planner for the purpose of staff presentation. Ms. Wallis stated that this application was continued from the December 10th Historic District Commission (HDC) meeting. At the last meeting, the commission requested the applicant be present at this meeting and submit information related to the commission's requests. Ms. Wallis read the key elements of the fence design on agenda page 2-1. Ms. Wallis displayed photos of the 30 ft. setback, example of a transition from 4' to 6' fence, copper post caps, sample of a dark mahogany stain color, example of landscaping, and the proposed finished side of fence.

Commissioner Henson requested confirmation that the unfinished side of the fence having to be finished was to comply with the UDO code regulation and Ms. Wallis replied that he was correct.

Commissioner Tucker requested confirmation that the original approval of the Certificate of Appropriateness (COA) of the side yard fencing was similar to what is in the front yard. Mr. Ben Pruitt at 710 S. York Street of Gastonia, NC was recognized. Mr. Pruitt replied that the original COA had the rail fence, to be black aluminum fence, connecting the back yard to the front yard. Back yard is an approved 6 ft. privacy fence on both elevations, parking lot and side that faces the building. Mr. Pruitt stated that in error he had the privacy fence installed the full length, because of the alley traffic between his house and the commercial building. Commissioner Tucker asked about the original COA and the approved location of the aluminum fence. Mr. Pruitt replied that the original COA was for a 4 ft. aluminum fence in the front side yard. He clarified that a 6 ft. dog-eared wood privacy fence was installed in the front side yard.

Commissioner Tucker commented that he preferred the original COA for a 4 ft. aluminum fence in the front and side yard be followed, because the privacy fence is very visible from the high traffic street. His concern was that a privacy fence in the front side yard was not common and the design guidelines discouraged it. He complimented Mr. Pruitt on the front fence and asked if he would

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consider continuing the fence in the front side yard. Mr. Pruitt stated that past his safety concerns, he would. Mr. Pruitt reiterated his proposed request for the reason of security and comfort for him and his family. Commissioner Tucker asked Mr. Pruitt if his proposal is to leave the fence as is, but make the fence 4 ft. in the front side yard and then stain. Mr. Pruitt replied that he will meet the zoning ordinance requirements as staff mentioned, the fence will be cut back to 4 ft. so the transition from the column and black fence is not abrupt, the fence will be stained, and landscaping will be added to provide an additional buffer. Commissioner Tucker asked staff if this request was approved, would it set a precedent to allow privacy fencing in the front side yard. Mr. Thompson explained the option of amending the design guidelines, the practice for a board to follow its guidelines, and the authorization of the board on a case-by-case basis, taking into consideration the evidence, to make a decision that may not be consistent with the guidelines. Brief discussion ensued on the privacy of a 4 ft. fence, elevation on each side of the fence, and the ability to obscure the alley and building. Mr. Pruitt reiterated the two zoning issues; the unfinished side of the fence facing the common property line boundary and the right-of-way from the side walk back has to have an unobstructed view. Chairwoman Hauer commented on aesthetic standpoint and that the same fence across the front being in front of the chain link fence will not hide the unattractive chain link fence. Hiding and dropping the height of the fence would provide a better appearance. Commissioner Tucker agreed with her point. Chairwoman Hauer commented on this being an unusual situation having a business beside a residence, a visual and physical disturbance, a lack of privacy, and a reasonable exception to the guidelines. Commissioner Fox shared that an aluminum fence next to a chain link would not promote anything positive aesthetically. She added that reducing the height of the fence and staining it to blend more with its surroundings would be better. Therefore, she was in favor of the proposed request. Mr. Pruitt commented that the intent is to make the fence disappear with its surrounding, and the need is for more than an aesthetic purpose. After hearing Chairwoman Hauer and Commissioner Fox, Commissioner Tucker agreed with their viewpoint. Brief discussion ensued on the thought of contacting the business to ask them to remove their chain link fence.

Commissioner Henson made a motion to approve the request as amended for a 4 ft. fence in the front transitioning to a 6 ft. fence, along with approving the dark stain and copper caps. Commissioner Fox seconded the motion. The motion was approved (4-0).

ITEM 4. Public Hearing – Certificate of Appropriateness (File # PLCA202100016)

- John Fox – Fox Dentistry
- 600 S. York Street
- To install a 30' security light in rear property parking lot

Chairwoman Hauer 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 front and side view photos of the property. She summarized the findings and key elements of the design. Ms. Wallis displayed a photo illustrating the placement of the light fixture in the parking lot, the style utility pole, and cobra head light fixtures to be installed if approved. Ms. Wallis stated discussions with staff at the City of Gastonia Electric Department indicated that they will be working with Fox Dentistry on ways to make sure that their neighbor at 607 S. York Street does not get intrusive light into her house by; offering a shade on the backside of the light, potentially moving the pole to the far side of the garbage cans, bringing the light further from the neighbor's property line as a trial only depending on how much light into the parking lot this provides, and moving the cobra head into the direction that light is needed and away from areas not wanted. Discussions with staff at the City of Gastonia Electric Department also indicated that they have recently replaced the street light fixtures near the Fox Dentistry office on York Street and Fifth Avenue with LED lights, which should improve light in that area in general at night. Lastly, Ms. Wallis summarized excerpts from the Design Guidelines.

Mr. Noel Fox, 601 S. York Street of Gastonia, NC was recognized. Mr. Fox stated this was started due to a colleague's orthodontic office having been vandalized. He shared that the decision to provide lighting was because of potential vandalism, safety concerns of leaving the building into a dark parking lot, and also soliciting. He commented that he has trimmed overgrown bushes. Chairwoman Hauer asked if his property was vandalized or if this was a preventive measure of precaution. Mr. Fox replied that soliciting occurs.

Chairwoman Hauer noted statements received in opposition and recognized Ms. Wallis to come forward to present. Ms. Wallis stated Ms. Christine Rutherford, 607 S. York Street of Gastonia, NC provided a statement in opposition. Ms. Wallis read the following, "Adequate lighting exists

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for this property – installed LED is a nuisance and lighting up the interior of my home. Two supporting street lights within 40 feet. Smallest plot of all the corresponding properties at 800 square feet. Super disappointed as a great neighbor and client of Dr. Fox – Neighbors are against this – see signed petition. No longer residential – changing the classification of our property to commercial?” Ms. Wallis displayed photos provided by Ms. Rutherford of the currently lighting. Ms. Wallis continued reading, “Twenty-three signatures that are not in favor of this action. Adequate lighting from street light on Fifth and York within. Professional building like the other professional zone on York Chester. What purpose for this commercial light? Security or marketing as opposed to crime concerns? Two loitering in six years, we maintain a watch over concern for Dr. Fox Sr. Dr. Fox already stands out compared to other professional building on York. Appropriateness for the historic district aesthetics as homes are finally being upgraded. Will my 8 ft. fence to block out the light be approved?”

An email submitted by Vincent and Samantha Wong, 602 S. Chester Street of Gastonia, NC in opposition of the request, was read by Ms. Wallis stating the following, “Regarding the installation of a 30 ft. security light in the rear of the property located at 601 S. York St., we request the accommodation of limiting or providing measures to ensure the light does not directly encroach on our property. Currently, we have an LED street light on the north side of our property that provides great lighting in our area. On the current property of 601 S. York St. a LED light was installed on the rear (west side) of the building and illuminates the entire parking area and shines directly in our backyard. We understand the need for lighting but would like to limit light pollution to the rear of our house because this is where our bedroom and outdoor living space is located. Our concern is if not strategically placed or installed properly our property will have an abundance of light that directly impacts our property.”

An email submitted by J. Devin O’Connor, 521 S. York Street of Gastonia, NC in opposition of the request was read by Ms. Wallis stating the following, “I am writing in regards to the proposed 30 ft. security light in the rear of Fox Dentistry. Although security is always a high priority for any business, I am opposed to this proposition. With the street light next to the business, all of their external lights and an active community/neighbors surrounding the business; I feel that this light is completely unnecessary. I have attached some photos of the parking lot at night and there seems to be more than enough lighting to provide adequate security for the building. Due to the excessiveness, I am also concerned that this light would be a nuisance and invasive to us surrounding neighbors that would have to deal with it each night. My daughter's room faces their parking lot and the proposed light location. Lastly, this large security light would further degrade the historicity of the York Chester neighborhood by creating a more commercialized aesthetic. Although we do have many law offices, realtors, and a dentist in our historic neighborhood; I feel that it is in the interest of the city to prioritize the continuation and revitalization of the residential side of our community. The quaint residential feel of a historical neighborhood is what drives value and ultimately attracts more people to live downtown. I do not think a 30 ft. security light, that reminds one of a Walmart parking lot, is appropriate in the heart of the York Chester neighborhood. Thank you for your consideration and allowing community input.” Ms. Wallis displayed four photos submitted with the email.

Chairwoman Hauer recognized Mr. Fox for rebuttal. Mr. Fox replied that he was unaware that people were upset about his request as no one talked to him directly about it. Chairwoman Hauer shared that one of the reasons for the subcommittee making a recommendation to move the application to the full commission meeting was to allow nearby property owners a chance to hear the proposal and express their thoughts and/or concerns.

Commissioner Tucker asked Mr. Fox if he considered additional under eave flood lights. Mr. Fox replied that he already did this and was happy with the lights now. He continued that due to safety concerns, he had the lights changed from regular lights to LED lights about a month ago. He noted that their office closes at 6 p.m. and in the wintertime it is dark outside. Chairwoman Hauer asked Mr. Fox if after making the recent lighting changes, did he still need the new light. Mr. Fox replied that after putting new lights on the building he was good with not adding the new light. He continued that the application was already submitted and this gave him an opportunity to learn about the process of a meeting.

Using ARP church as an example, Commissioner Henson commented that there is a precedent on businesses having a street light. Based on the applicant being sufficient with the existing lighting, Commissioner Henson made the motion to denying the request. Commissioner Fox seconded the motion. The motion to deny was approved (4-0).

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ITEM 5. Other Business

Subcommittee Meeting Tonight, if Needed:

Ms. Wallis stated a subcommittee meeting was needed. Commissioner Tucker and Commissioner Henson stated they will participate.

ITEM 6. Adjournment

There being no other business, Chairwoman Hauer adjourned the meeting at 7:02 p.m.

Respectfully submitted:

Chrystal Howard, Secretary

Andi Eddlemon, Chairwoman