

Historic District Commission

February 27, 2020

Minutes

Chairman William Blackwelder called the meeting of the Historic District Commission to order at 6:03 p.m. on Thursday, January 23, 2020 at City Hall in the Council Chamber.

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

Absent: Commissioner Dick Ruhlman

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

ITEM 1a. Roll Call / Sound Check

Chairman Blackwelder opened the meeting and declared a quorum.

ITEM 1b. Adoption of the Agenda

Commissioner Simon made the motion to adopt the February 27, 2020 Agenda. Commissioner Tucker seconded the motion and the motion passed (6-0).

ITEM 1c. Approval of Minutes

Chairman Blackwelder made the motion to approve the January 23, 2020 minutes. Commissioner Eddlemon seconded the motion and the motion passed (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. Speakers were sworn in by Ms. Howard.

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

Chairman Blackwelder introduced Attorney Charles Graham. Attorney Graham explained what was being considered by the Commission for file #9435, what types of information or evidence would be relevant and what types of evidence would be irrelevant, and beyond the power of the Commission to base its decision on. He stated the Commission must base their decision on the district guidelines, the exterior appearance of the structure and its relationship to the primary structure, any landscaping or screening and the view of the structure from the street. The Commission has no authority to act to deny the use, chickens, that will occur in the structure. The City Ordinance adopted by Gastonia City Council allows the use. Attorney Graham provided examples of what the Commission cannot base their decision on. He explained the process of public expression at a Gastonia City Council meeting and welcomed the public to attend, sign up and speak on any matter of their concern, including the backyard chicken ordinance. He explained to the Commissioners, based on what is heard this evening, the commission has the option to direct staff to relay to City Council the recommendation to reconsider the backyard chicken ordinance and amend it to prohibit chickens in the Historic Districts.

Commissioner Simon recused himself from the file # 9435 because he is the applicant. Chairman Blackwelder recognized Commissioner Simon as recused from his item.

ITEM 2. Continued Public Hearing – Certificate of Appropriateness (File # 9414)

- Withdrawn

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. Ms. Wallis stated this was a continued item and has been withdrawn by the applicant so that no further action is required.

ITEM 3. Public Hearing – Certificate of Appropriateness (File # 9435)

- Clark Simon
- 311 W Tenth Avenue
- To install a chicken coop in rear yard and a 3' picket fence enclosing garden in side yard.

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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 displayed a front view photo of the house and the zoning map. Ms. Wallis provided the property description and findings. She read key elements of the design for the chicken coop and displayed a photo of the coop design, sketch of the location of the coop, screening to be planted in front of the coop, along the side street and along the rear street and the rear yard fence, and photo of the 5-quart Emerald Green Arborvitae screen shrub that will be planted. She read key elements of the design for the garden fence and displayed an example of a white picket fence. Ms. Wallis finished her presentation with excerpts from the Design Guidelines as presented in the agenda.

Chairman Blackwelder inquired about the picket fence location and Ms. Wallis displayed the sketch and pointed to the location.

Commissioner Starr asked about the location of the chicken coop in relation to the house and if it was shielded from the house and Ms. Wallis explained the estimated location.

Commissioner Eddlemon inquired about the small row of plantings off of the new driveway. Ms. Wallis stated these were planters with grass next to the driveway parking pad.

Commissioner Tucker inquired about the height of the new arborvitae and she referred this question to the applicant.

Mr. Jason Thompson commented that the plantings are voluntary and the Unified Development Ordinance (UDO) buffer requirements do not apply to this case. He added that their decision could include a condition for the plantings to be a certain size.

Clarification occurred on the planting quantities along Edgewood Circle and the back yard.

Chairman Blackwelder asked how many chicken coops were in the Historic District and Ms. Wallis replied that she knew of one request that was presented to the Commission other than this application.

Chairman Blackwelder recognized Mr. Clark Simon, 311 W. Tenth Avenue of Gastonia, NC. Mr. Simon, applicant, stated the arborvitaes were approximately six quarts and explained the height. He continued that the arborvitaes are the emerald green variety and grow to a maximum height of fifteen feet. The arborvitaes on Edgewood Circle, as well as, other shadings have been approved for install through a separate COA for landscape improvements. Plantings for more privacy along the creek, right of the black aluminum fence and south to the angle of the dog fence, is undetermined. Mr. Simon explained the height of the retaining wall, the planter boxes and grass to be placed in front of the coop as approximately six to seven feet in height of non-visible and semipermeable screening.

Commissioner Tucker asked Mr. Simon what his expectation was on how long it would take for the arborvitae to grow six to ten feet in height for screen purposes. Mr. Simon replied that he thinks after the first year the arborvitae would grow potentially one foot a year. He also deferred this question to Robert Stroud, City Arborist. Mr. Simon also explained the slope of his property and how it will help hide the chicken coop along with the screening of the plants.

Commissioner Starr asked how many chickens he was planning to have and Mr. Simon replied that he will have two, but the ordinance does allow him to have more. Commissioner Starr asked if the chickens were all hens and Mr. Simon stated the city ordinance does not allow roosters so he will have hens.

Mr. Simon shared that the previous homeowner had a chicken coop in the same area of his proposed location. Brief discussion ensued.

No further questions were asked.

Chairman Blackwelder recognized Mr. Klopp, 301 W. Tenth Avenue of Gastonia, NC. Mr. Klopp is opposed to the request and commented that stormwater runoff separates his property from the applicant. He explained his reasons for moving to a nationally designated historic district and

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commented that he would like property values to increase in his neighborhood. Mr. Klopp stated he did not see a chicken coop being a part of the historic district. He was concerned about the ability of seeing a chicken coop from his yard. Mr. Klopp commented that Mr. Simon and his partner were good neighbors. He requested wording in the Design Guidelines to prohibit chickens in the historic districts. No questions were asked by the Commissioners.

Chairman Blackwelder recognized Ms. Sandy DeMarco, 312 W. Tenth Avenue of Gastonia, NC. Ms. DeMarco is opposed to the request. She thanked the applicant for the improvements made to the property. She commented that she was unsure of whether the applicant's property should have chickens and a chicken coop. Ms. DeMarco commented that the enclave is not surrounded by some of the things found in other places in the City. She was concerned about property value and wildlife being attracted by the chickens. She asked if the coop and COA was only for the current homeowner or if it is part of the property with future homeowners. Mr. Thompson stated a COA approved by the Historic District Commission are zoning approvals and run with the property. Mr. Thompson explained the coop as an accessory structure under the UDO and the Commission is being asked to approve the appearance of the accessory structure, not whether someone can have a chicken coop as an accessory structure. He explained the setback requirements for an accessory structure under the UDO. No further questions were asked by the Commissioners.

Chairman Blackwelder recognized Ms. Susan Eubanks, 300 W. Eleventh Avenue of Gastonia, NC. Ms. Eubanks is opposed to the request. She thanked the applicant for the improvements made to the property, as well as, provided positive remarks to the applicant as a neighbor. She was concerned about the lack of vegetation near her property and the time it would take for the vegetation to mature for screening. Ms. Eubanks commented that her property is elevated in comparison to the applicants. She read from the Historic District Overview webpage page that the historic district overlay district is to maintain property values and encourage compatible reinvestment in the historic neighborhoods in Gastonia. She stated she was very concerned about property value as she plans to sell her house in a few years. Ms. Eubanks requested the Commission to recommend to the Gastonia City Council additional wording in the ordinance prohibiting chickens in the historic districts. Ms. Eubanks reiterated the encouragement of reinvestment and protection of home values in the Historic District. Ms. Eubanks asked how waste would be discarded and if there were any restrictions in a Floodplain or stormwater runoff. Mr. Thompson was unaware of any restrictions and used dogs as an example. Attorney Graham shared odor and cleanliness requirements of the ordinance which would be enforced by Code Enforcement. No questions were asked by the Commissioners.

Chairman Blackwelder recognized Ms. Mary Sumner, 304 W. Tenth Avenue of Gastonia, NC. Ms. Sumner is opposed to the request. She thanked the applicant for his improvements made to his property, as well as, provided positive remarks to the applicant as a neighbor. She briefly explained the efforts made on her property. Ms. Sumner stated that a chicken coop was not an enhancement, was a detraction to the neighborhood, and not a good idea. She requested not allowing a chicken coop in the neighborhood. She was concerned about home value. No questions were asked by the Commissioners.

Chairman Blackwelder recognized Ms. Christa McManus, 1008 Edgewood Circle of Gastonia, NC. Ms. McManus is opposed to the request. Her stated comments and concerns were already addressed by earlier speakers and staff. She thanked the applicant for his improvements made to his property, as well as, provided positive remarks to the applicant as a neighbor. She was concerned about odors and wildlife being attracted. She commented that the applicant's property is the gateway to the neighborhood and the vacant lot is very visible. She inquired about having shrubbery installed before the coop. She was concerned about visibility from different angles of the property and the visibility of a coop before plantings mature. Ms. McManus also requested the Commission to recommend to the Gastonia City Council to reconsider the ordinance to limit or prohibit chickens in the historic districts. She was also concerned about property values. No questions were asked by the Commissioners.

Mr. Simon addressed the concern for smell and explained the deep bed method. He explained tree plants will be installed around March 7th and the coop will be built between March 7th to the end of March. Code Enforcement will inspect and give final approval. Once approved, the hens can be purchased. Enhancements are being made to increase tree scrape, aesthetics, privacy shading, beautification, and providing a welcoming natural scape. No questions were asked by the Commissioners.

Ms. Phyllis Dilling was sworn in.

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Chairman Blackwelder recognized Ms. Phyllis Dilling, 1006 Hillside Drive of Gastonia, NC. Ms. Dilling is opposed to the request. She thanked the applicant for his improvements made to his property. Ms. Dilling was concerned about property values and the possibility of other types of livestock in the future. No questions were asked by the Commissioners.

Chairman Blackwelder closed the public hearing. He shared that he has listened to all speakers and was conflicted. As a result, he made a decision to recuse himself from voting.

Commissioner Hauer restated what the Commission must base their decision on, as well as, stated that the Commission has no authority to act on having chickens. She values and appreciates everyone coming this evening and sharing their concerns.

Commissioner Starr briefly shared a personal situation and he wanted to recuse himself from voting.

Attorney Graham addressed appropriate reasons for recusals and the obligation of the Commission to vote.

Commissioner Starr stated the design of the coop structure was being finished the same as the house, and he did not see anything from a design and appearance standpoint to object from being appropriate. He shared that chickens were a whole other matter and the Commission did not have jurisdiction on this matter.

Commissioner Eddlemon thanked the neighbors for congratulating the applicant on the work done on their property and explained the reason of trusting the applicant's judgement about their property. Regarding impacting home values, she stated the structure does not have to stay with property and disagreed with the structure impacting home value. She used an art studio on another property as an example, which made their property unique, and it was approved by the Commission. She considered this request being of the same situation. Commissioner Eddlemon continued that the coop abides by the guidelines and Code Enforcement. She felt that the applicant exceeds efforts to shield the structure from view and improve the corner lot; therefore, she was fine with the request.

Commissioner Tucker summarized the building site excerpt provided in the staff report to quote, "avoid new accessory buildings which are not compatible with the character of the original structure", and then he shared that he felt a chicken coop was not compatible. Talking to the public, Commissioner Tucker thanked those who spoke and commented that in his opinion their thoughts could not be entirely disregarded. His main concern was that the accessory building was not compatible with the character of the original structure. Commissioner Tucker and Commissioner Eddlemon discussed structure to structure compatibility.

After brief discussion it was determined that a vote to close the public hearing had not occurred, so the public hearing was recognized as open.

Commissioner Eddlemon asked Mr. Simon if there were any current plans approved by the COA for the far side by the deck. Mr. Simon explained that arborvitae or variety of evergreens will be planted on the southeast area of the fence. Shrubbery will also be planted soon along the creek where the City removed trees and overgrowth. Some plants have been installed and more privacy evergreens will be added.

Commissioner Starr asked why they want chickens and Mr. Simon replied that he has always wanted chickens and briefly shared his personal history of growing up on a farm and training quail and pheasant for deer hunting dogs. His other reason was that the City allows him to have chickens. He continued that they are responsible, can care for the chickens, and they have the space and privacy. He referenced a letter of support from an abutting neighbor was provided to staff. He finished by stating he did not feel that neighbors will be able to hear the chickens with the surrounding outside factors.

No further questions were asked.

Commissioner Tucker made a motion to close the public hearing and Commissioner Eddlemon seconded the motion. The motion was approved 5-0.

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Commissioner Eddlemon made a motion to approve the request as presented and Commissioner Hauer seconded the motion. Commissioner Tucker announced he opposed the motion. Commissioner Starr stated he felt that they do not have a choice based on the guidelines, so he approves. Chairman Blackwelder stated he recused himself from voting. Clarification was made about Chairman Blackwelder being able to recuse himself and his vote would be considered for the motion. As a result, Chairman Blackwelder voted to oppose the motion. The motion was approved 3-2 (Tucker and Blackwelder). Clarification was made by Mr. Thompson that the vote resulted in the COA being approved.

Commissioner Hauer clarified that she was not voting to approve someone having chickens but her vote was based on the guidelines of the design of the coop. Commissioner Starr agreed with Commissioner Hauer and that it was also the reason for his vote. He stated based on the guidelines and what has been proposed, the request meets the criteria. Commissioner Eddlemon agreed.

Chairman Blackwelder made a motion of recommendation for staff to ask City Council to amend the city ordinance so that chickens are not allowed in the Historic District and Commissioner Starr seconded the motion. Mr. Thompson explained that staff would draft an amendment that would be processed through appropriate channels up to the City Council, who has the authority to vote. Property specific notifications for text amendments would not be sent and encouraged the public to contact Planning staff for updates. The motion was approved 5-0.

ITEM 3. Other Business

Subcommittee Meeting Tonight, if Needed:

No subcommittee meeting is needed.

ITEM 4. Adjournment

There being no other business, Chairman Blackwelder adjourned the meeting at 7:14 p.m.

Respectfully submitted:

Crystal Howard, Secretary

William Blackwelder, Chairman