

Historic District Commission
September 23, 2021
Meeting Minutes

Chairwoman Andi Eddlemon called the meeting of the Historic District Commission to order at 6:00 p.m. on Thursday, September 23, 2021 at City Hall in the Council Chamber.

Present: Commissioners Jerry Tucker, Ed Starr, Andi Eddlemon, Carol Hauer, Camille Fox, Josh Hauser, and James Henson (*arrived at 6:03 p.m.*)

Absent: None

Staff present: Charles Graham, Jason Thompson, Kim Wallis, and Chrystal Howard

ITEM 1a. Roll Call / Sound Check

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

ITEM 1b. Approval of July 22, 2021 Meeting Minutes

Commissioner Starr made the motion to approve the July 22, 2021 meeting minutes. Commissioner Hauser seconded the motion and the motion passed (6-0).

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. Ms. Howard administered the oath.

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

ITEM 2. Public Hearing – Certificate of Appropriateness (File # 202100345)

- Phillip Carias
- 207 W. Fourth Avenue
- To install free-standing deck

Chairwoman Eddlemon opened the public hearing and recognized Kim Wallis, Planner for the purpose of staff presentation. Ms. Wallis stated the applicant's name, property location, and the Certificate of Appropriateness (COA) request to install a free standing deck in the rear yard. She displayed the zoning map and described the property. She read the findings provided in the staff report. Ms. Wallis read from Section 7.6.2.C. of the Unified Development Ordinance (UDO), "The property owner will be in violation of the code of ordinances if any exterior portion of a building, or site is altered within an HD district without an approved certificate of appropriateness. Any subsequent application for a certificate of appropriateness for this work will go to the full Historic District Commission for approval." Ms. Wallis read the key elements of the design. A sketch was displayed showing the approximate location of the deck. Photos of the deck, and different angles of the front and side view of the home from the street were displayed. Ms. Wallis read the Excerpts from the Design Guidelines provided in the staff report.

Chairwoman Eddlemon recognized Phillip Carias, 207 W. Fourth Avenue of Gastonia, NC. Commissioner Starr requested confirmation that the deck will be stained a grayish blue color that will match the body of the house and not the white trim on the house. Mr. Carias replied that he was correct. Commissioner Starr asked if everything of the deck will be the one color and Mr. Carias replied that he was correct and nothing will be white.

Commissioner Henson asked if the deck was permitted. Mr. Carias stated he did not as he was unaware that a detached deck would require a permit. After talking to the City, Mr. Carias explained that a permit will be issued once a COA is approved by the Historic District Commission.

Brief discussion ensued on paint and stain that can match the color of the house.

Commissioner Henson made a motion to approve the request and Commissioner Starr seconded the motion. The motion was unanimously approved (7-0).

ITEM 3. Public Hearing – Certificate of Appropriateness (File # 202100346)

- David Valentin
- 501 S. South Street
- To install new shutters, wrap and stain porch posts, stain deck

Chairwoman Eddlemon opened the public hearing and recognized Kim Wallis, Planner for the purpose of staff presentation. Ms. Wallis stated the applicant's name, property location, and the Certificate of Appropriateness (COA) request to install new shutters, wrap and stain porch posts, and stain deck.

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She displayed the zoning map and described the property. She read the findings provided in the staff report noting the building is considered non-contributing to the York-Chester Historic District. Ms. Wallis read from Section 7.6.2.C. of the Unified Development Ordinance (UDO), "The property owner will be in violation of the code of ordinances if any exterior portion of a building, or site is altered within an HD district without an approved certificate of appropriateness. Any subsequent application for a certificate of appropriateness for this work will go to the full Historic District Commission for approval." The roof repair request in the application was approved at staff level. Ms. Wallis read the key elements of the design. Photos of various sides of house were displayed to show shutters, porch posts, and the deck. Ms. Wallis read the Excerpts from the Design Guidelines provided in the staff report.

Commissioner Tucker asked if the deck was existing, repaired and re-stained. Ms. Wallis replied that it was. Chairwoman Eddlemon commented that lattice is on one side of the deck above the hand rail, possibly for privacy screening, and it is not shown in the photo. Commissioner Henson commented that the location of the steps was moved from the corner of the house to straight out from the door. Chairwoman Eddlemon did not have a problem with the column wraps or deck, but stated the shutters did not go with the house or follow the design of the district. She commented that everything else was an improvement. Commissioner Hauser was fine with it and noted the house was non-contributing, built in 2000, and was an improvement. Commissioner Henson was concerned of permitting the farmhouse picket shutters. Commissioner Hauser commented that it has to be appropriate to the house type, so for any historical houses it would not be appropriate. Commissioner Henson commented that the standards specifically state this type of shutter is not allowed. Ms. Wallis noted that changes have been made but are not in effect right now. Commissioner Fox wondered how to determine what is appropriate to a new home. Multiple conversations occurred simultaneously about the shutters.

Attorney Graham explained the reason for the strong language from guidelines to standards under 160D with emphasis to decision making boards that these are quasi-judicial hearings while having some discretion within limits. He explained the standards as the limits. If the standards specifically state that something is not permitted, then it is not allowed unless the board can through the factual information presented at a hearing articulate for the record something unique to a particular property that makes the application of the standard inappropriate. He reminded the Commission that everything they do is subject to appeal to the Board of Adjustment. Therefore, their decision has to be backed up by evidence or a rational explanation for the exercise of their discretion, as well as, they need to be consistent. He noted this was a prohibition and noted factual differences, such as the house was built in 2000, it is non-contributing, and it is vinyl siding. Attorney Graham noted the Commission needs to put in the record/motion their explanation to justify basis of discretion. Brief discussion ensued amongst the Commissioners about the commission understanding the rules, but not necessarily the historic district owners.

Commissioner Tucker inquired about the effective date of the standard revisions and Attorney Graham replied that Chapter 160D is in effect now and it states these are standards. The guidelines are statutorily standards. Clarification was made on the revision on shutters have not been adopted; therefore, there is no absolute prohibition yet.

Commissioner Henson asked what the design guidelines state about non-contributing structures. Ms. Wallis replied that the structures are in the historic district neighborhood. The guidelines are the property fitting within the architecture of the property, but also the aesthetics of the neighborhood. Commissioner Henson asked if the shutters comply with current guidelines and Ms. Wallis replied that they did not.

Chairwoman Eddlemon commented on the commission's decision to allow this type of shutter on a non-contributing home and the possible effect in the future. Commissioner Hauser commented that it was not against the current guidelines and the new guidelines have not been adopted.

Attorney Graham commented that the Commission and staff will have to explain their decision to property owners, who may not understand the technical distinctions. Attorney Graham's guiding principal was, "Can we defend what we are doing based on the facts today." He stated laws do change. Attorney Graham continued that when the facts change going forward, "Can we continue to defend what we are doing based on the facts and the law now." Ms. Wallis read the excerpt from the design guideline, "Mimic the size and shape of original decorative or original functional shutters with new shutters."

Discussion ensued on the original shutters being black vinyl louvered. Commissioner Starr commented that the farmhouse picket shutters were inappropriate, but is the current trend. Commissioner Starr asked if the owner had the house built and Ms. Wallis replied that he did not as he bought the house this year.

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Chairwoman Eddlemon complimented the owner on the improvements being made, but noted the shutters do not fit in the historic neighborhood. Commissioner Tucker commented that this being a new house is an issue, but the shutters may be less of a problem and not stand out if they were painted black. Brief discussion ensued on asking applicants why they did work before getting permits, as well as, information that is supposed to be provided by realtors on a house in a historic district.

Commissioner Henson made a motion to deny the request based on additional lattice not represented in the pictures, the shutters not mimicking the previous shutters, and the color of the stain of the column not complimenting the main color of the house.

Attorney Graham explained actions taken on an application for a certificate of appropriateness shall be either approve, approve with conditions, deny, or continue.

Commissioner Henson changed his motion to continuing the hearing to the next meeting to resolve the following issues; shutters be a color that is more appropriate, additional photos needed to include the lattice on the deck, and the column color compliment the main color of the house as white. The Commission recommended white columns and black shutters. Commissioner Hauer seconded the motion. The motion was unanimously approved (7-0).

ITEM 3. Other Business

Subcommittee Meeting Tonight, if Needed: A subcommittee meeting was needed.

ITEM 4. Adjournment

There being no other business, Chairwoman Eddlemon adjourned the meeting at 6:46 p.m.

Respectfully submitted:

Chrystal Howard, Secretary

Andi Eddlemon, Chairwoman