

**Historic District Commission**  
**December 13, 2018**  
**Minutes**

Chairman William Blackwelder called the meeting of the Historic District Commission to order at 6:04 p.m. on Thursday, December 13, 2018 at City Hall in the Council Chambers.

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

Absent: Commissioner Carol Hauer

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

**ITEM 1a. Roll Call / Sound Check**

Chairman Blackwelder opened the meeting and declared a quorum.

**ITEM 1b. Adoption of the Agenda**

Commissioner Tucker made the motion to adopt the December 13, 2018 Agenda. Commissioner Simon seconded the motion and the motion passed unanimously (6-0).

**ITEM 1c. Approval of Minutes**

Commissioner Starr made the motion to approve the October 25, 2018 minutes. Chairman Blackwelder seconded the motion and the motion passed unanimously (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 to be sworn in or affirmed. Speakers were sworn in by Ms. Chrystal Howard.

**ITEM 2. Public Hearing – Certificate of Appropriateness (File # 9125 continued)**

- Martin Taylor.
- 431 S York Street
- Install new utility building in rear yard

Chairman Blackwelder opened the public hearing recognizing Ms. Kim Wallis, Planner for the purpose of staff presentation.

Ms. Wallis stated this application was continued from the October meeting, but has been withdrawn.

**ITEM 3. Public Hearing – Certificate of Appropriateness (File # 9137)**

- Mike Recore – HBD Investments, LLC
- 617 Garrison Blvd
- Remove pecan tree at right side of house

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. The property is located in the York Chester Historic District, zoned residential, and is considered a Contributing Building to the district. Ms. Wallis displayed the property location map, front view photo of the house and pecan tree. In the application the applicant had requested two additional trees to be removed. One removal was approved at staff level and one was not approved at the staff level, because the applicant indicated that he would prune in lieu of removing this tree. The tree base is greater than 8 inches in diameter, and according to the City of Gastonia Unified Development Ordinance (section 7-46H), removal of trees greater than eight (8) inches in diameter at the base is considered major work, thereby requiring full commission review unless they are determined to be dead or diseased. The property owner is concerned that the tree is very close to the house and foundation and branches overhang above the house. Upon inspection by the municipal arborist, the tree is not dead or diseased. Ms. Wallis finished her presentation with excerpts from the Design Guidelines as presented in the agenda. Ms. Wallis acknowledged Robert Shroud, City Arborist as available to answer questions by the Commission.

Brief discussion ensued on the distance from the tree to the house.

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Commissioner Simon inquired if 613 and 617 West Garrison Boulevard was owned by the applicant and if the tree is on 617 property. Ms. Wallis replied the applicant owns both properties and this request is for the tree on 617 West Garrison Boulevard. The two additional trees on the application relate to 613 West Garrison Boulevard. Commissioner Ruhlman asked about any foundation damage and Ms. Wallis replied that it was noted in the application. Commissioner Eddlemon asked if they were mainly worried about the roof and Ms. Wallis replied the applicant was concerned about the tree falling on the house and that the applicant also mentioned the foundation.

Chairman Blackwelder recognized Mr. Michael Recore, 605 Rainbow End Lane of Bessemer City, NC. Photos were displayed. Mr. Recore commented he used a trash can to provide scale for the photo. He stated the tree branches are intertwined with the power lines and a tree branch is close to the roof and overhang. He commented that if he prunes the tree away from the house, not much of the tree will remain.

Chairman Blackwelder asked if tree roots were causing structural problems and Mr. Recore replied it did not appear to have caused any problem. He stated the close proximity to the house worried him. Chairman Blackwelder asked if his intent was to rent and Mr. Recore answered, "Yes".

Discussion ensued on the tree location from the home and it was determined approximately 4 ft. was reasonable.

Commissioner Tucker asked if the arborist assessed the tree and age. Mr. Recore answered that the arborist looked at the tree. Chairman Blackwelder recognized Robert Shroud, Municipal Arborist for the City of Gastonia. Mr. Shroud estimated the tree to be around 30 to 70 years old.

Brief discussion ensued on considering additional planting in the front yard with the challenges of a short front yard plus overhead utility lines. Under story tree was recommended.

Mr. Shroud stated tree roots do not necessarily cause foundation damage because there is not enough strength coming off the biological resources that the tree has. He continued that trees will take advantage of weakened soil around house foundations. For this situation, Mr. Shroud's assessment was that this tree was not a significant risk to the foundation and the tree was healthy.

Commissioner Starr asked about the proximity of the tree to the driveway and if the driveway was concrete. Mr. Recore answered that the driveway was concrete and the proximity of the tree was approximately an equal distance as the tree to the house.

Chairman Blackwelder made the motion to close the public hearing and Commissioner Eddlemon seconded the motion. The motion was unanimously approved (6-0).

Commissioner Ruhlman made the motion to approve the request to remove the pecan tree as presented. No one seconded the motion; therefore, the motion failed.

Commissioner Starr made the motion to approve the request to remove the pecan tree as presented with the condition to add another smaller tree to the yard at an appropriate location to soften the façade of the house and not grow to interfere into the utility lines. Commissioner Ruhlman seconded the motion. The motion was unanimously approved (5-1 Eddlemon).

**ITEM 4. Public Hearing – Certificate of Appropriateness (File # 9150)**

- Zachary Boshamer
- 510 S York Street
- Construct a new detached 3-car carport and storage shed in rear yard

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. The property is located in the York Chester Historic District, zoned residential, and is considered a Contributing Building to the district. According to the York Chester Register inventory, the house is a two-story Colonial Revival house. Ms. Wallis displayed the property location map, front view photo of the house, front elevation of the 3-car carport and storage shed, side elevation, site plan, and rear view photo of the yard. Ms. Wallis continued by reading key elements of the carport and shed as presented in the agenda. She displayed a photo of the potential design, a picture of the roof materials, and a picture of a rollup door and 6/6 grid pattern window.

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Ms. Wallis finished her presentation with excerpts from the Design Guidelines as presented in the agenda.

Commissioner Tucker inquired about the height of the structure and Ms. Wallis replied that the applicant may not know and referred the question to the contractor. Commissioner Tucker asked if staff received any comments from adjoining properties owners and Ms. Wallis replied she had not received any comments.

Commissioner Eddlemon commented that she could not get a good estimate of the overhangs considering the sides were flat. Ms. Wallis deferred this inquiry to the applicant. Commissioner Tucker commented that he drove by the property and the way the house situated on the property it would be difficult to see this structure from the street. He was concerned about the height especially for the owner on the back side.

Chairman Blackwelder recognized Mr. Josh Boshamer, 510 South York Street of Gastonia, NC. Commissioner Tucker asked what the roof height will be and Mr. Boshamer replied to his knowledge it would be under 25 ft. maybe 20 ft. and also deferred to question to the contractor. He stated the intent is not to make a fortress. Mr. Boshamer continued that the carport and shed should not be visible with the overgrown area and city maintained alleyway between the two properties.

Commissioner Eddlemon appreciated the applicant's details making sure everything fits with the neighborhood and the home. Mr. Thompson commented from a zoning perspective there are height restrictions for structures in all zoning districts and this structure is within the height restrictions.

Commissioner Tucker asked if the garage will be sided to the left driving from the gate straight to it or if it will align with the house so it wouldn't be visible. Mr. Boshamer explained the location and that the proposed area may be visible because it will be behind the gate; however, it would barely be seen and someone would have to be looking for it. He continued that they do not want to go any further to the left because they do not want to lose one of the oak trees. The driveway will be a future phase and will flow directly to the carport.

Chairman Blackwelder made the motion to close the public hearing and Commissioner Ruhlman seconded the motion.

Chairman Blackwelder made the motion to approve the request as presented and Commissioner Eddlemon seconded the motion. The motion was unanimously approved (6-0).

**ITEM 5. Public Hearing – Certificate of Appropriateness (File # 9151)**

- Jonta Middleton
- 409 S Clay St
- Remove large evergreen tree in front yard

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. The property is located in the York Chester Historic District, zoned residential, and is considered a Contributing Building to the district. According to the York Chester Register inventory, the house is a one-store Minimal Traditional house. Ms. Wallis displayed the property location map and front view photo of the house. Ms. Wallis continued by reading the Findings as presented in the agenda. Ms. Wallis finished her presentation with excerpts from the Design Guidelines as presented in the agenda.

Chairman Blackwelder asked if the tree impedes any vision for traffic and Ms. Wallis referred this question to the Mr. Shroud. Mr. Shroud replied he drove by the property and the Leland Cypress does not appear to pose a vision problem from the road, sidewalk, or driveway. The tree is healthy and can be pruned. He commented the owners were not home for him to complete an assessment of the tree. These trees are prone to disease and will need to be pruned responsibility. Mr. Shroud felt a reasonable compromise with the homeowner could be made as far as curb appeal and with keeping the tree.

Brief discussion ensued on trimming the tree for more curb appeal and visibility.

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Commissioner Tucker commented the picture displayed was misleading because the tree is overgrown. He agreed that if the tree was trimmed it would not appear so overgrown. Brief discussion on the older landscaping viewed from older google map views. In 2008, four evergreens were located in the front yard and it was unknown of what happened to the three trees no longer on the property.

Commissioner Simon asked when Mr. Middleton purchased the property and Ms. Wallis replied he purchased the home within the past few months.

Commissioner Eddlemon reiterated the current tree is healthy, growing and can be pruned.

Brief discussion occurred on pruning costs.

Commissioner Tucker asked when the Commission allows an owner to remove a tree, is there a requirement or desire to have the stump removed as well. Ms. Wallis replied that this can be added as a condition.

Chairman Blackwelder made a motion to close the public hearing and Commissioner Eddlemon seconded the motion. The motion was unanimously approved (6-0).

Commissioner Tucker liked the idea of the homeowner keeping the tree and pruning it instead of taking it down.

Commissioner Tucker made the motion to deny the request and Chairman Blackwelder seconded the motion. The motion was unanimously approved (6-0).

Staff will follow-up with the applicant and provide suggestions.

**ITEM 6.      Public Hearing – Certificate of Appropriateness (File # 9152)**

- Martin Taylor
- 431 S York Street
- Install a new 12 ft. x 16 ft. utility building in rear yard

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. The property is located in the York Chester Historic District, zoned office, and is considered a Contributing Building to the district. Ms. Wallis displayed the property location map, front view photo of the house, proposed location of the utility building, pictures of the proposed location, and the proposed design and door. Ms. Wallis continued by reading the key elements and finished her presentation with excerpts from the Design Guidelines as presented in the agenda.

Google was used to view the front door of the house.

Commissioner Simon asked if there were any rules about portable buildings being stored on a property for a certain period of time. Mr. Thompson interpreted the applicant's term was to affix it to a base and will allow them to separate the building from the base. Mr. Thompson replied that nothing is portable from a zoning perspective. A permit is not issued at any level for something considered portable other than itinerate merchant. If something is time limited by the ordinance that would be the only item considered "portable or temporary". However from a zoning perspective, it is either permissible with certain standards to be met or it is not permissible. Brief discussion ensued on building and storing a building on trailer. Mr. Thompson stated the authority of the Commission can conceivably take the position from a design and compatibility perspective with the structure of the building that a certain way of placing on the property is or is not appropriate. Attorney Graham was in agreement with Mr. Thompson. Prebuilt buildings with a solid frame can be loaded on a truck and delivered and placed on site. In terms of the building permits, the size triggers the permit requirement. The building code has different levels for permits, such as plumbing or electric triggering the requirement of a foundation. If a building is small enough, it may not require a building permit. Because this is in the Historic District, the Commission can control the aesthetics. Mr. Thompson commented on tiny homes, meeting minimum state building codes and the ordinance addressing tiny homes. He continued having something on a trailer in the Historic District would be regulated as a recreational vehicle.

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Commissioner Eddlemon stated it was unknown when the home owner would vacate the property, so this building could be there for 30 years.

Mr. Thompson replied that as a recreational vehicle there are specific rules about placement in yards. Recreational vehicles need to be behind the rear wall of the house; however, some allowances exist with rules.

Brief discussion ensued on the withdrawn application. Commissioner Ruhlman commented that this building will look like the house matching in color, roof and shingles. Attorney Graham clarified what was withdrawn and the building being proposed is what the Commission needs to consider. An accessory, trailer, enclosed trailer to an automobile not governed by zoning can be parked in the backyard at the end of the driveway unless there are private restrictions prohibited.

Brief discussion ensued on the concern of applicants not completing or addressing previous approved Certificate of Appropriateness (COA) and the follow-up to verify applicant complied. Noncompliance with approved applications the City will then need to take an enforcement action based on what was approved. Attorney Graham reminded the Commission on what they are to vote upon. Mr. Thompson commented on staff size and the department largely complaint driven in terms enforcement of rules and regulations. Staff asked the Commissioners to call or email to help make sure applicants are following through. Expiration of a COA was determined as six months.

Chairman Blackwelder mentioned the applicant will replace the barn style door with a door that will be compliant with the house. The parking lot is paved so landscaping would be minimal. Commissioner Starr commented that the applicant could improve the appearance with planters.

Commissioner Eddlemon requested clarification on open storage area and Ms. Wallis replied that he did not include that in this application.

Ms. Wallis displayed the Design Guidelines. Commissioner Tucker commented that this would not be compliant as it would be visible from street and not compatible with the character of the original structure. Commissioner Eddlemon commented based on paint color and shingles alone, it would be compliant as far as trying to match to the home. Commissioner Ruhlman commented that he is making an effort to make it work. Attorney Graham clarified that the building proposed will be portable, but the applicant states that if he does not get this approved he'll have something portable. Commissioner Simon commented it fit from the information provided. Commissioner Eddlemon agreed except it would be visible from the street even with planting. Commissioner Simon commented that it would not be that visible and that it is on a corner lot. Commissioner Ruhlman agreed with Commissioner Simon. Mr. Thompson encouraged the Commissioners to contact him if they had any questions or to discuss factual information in the future.

Chairman Blackwelder made the motion to approve the request as presented with the condition to include planters, and that the Commissioners and staff follow-up with the request before the COA expiration. Commissioner Ruhlman seconded the motion and the motion was approved 4-2 (Eddlemon, Tucker).

The Commission asked staff to follow-up with the applicant at 431 S York Street and the expired COA from last year regarding painting the fence.

Discussion ensued on the challenges the Commission deal with because decisions are based on guidelines.

Attorney Graham explained the nature of quasi-judicial regulation decisions, deliberations, and ex parte communications. Mr. Thompson mentioned workshops and online modules available at different times through the University of North Carolina's School of Government. Another option to consider was having staff schedule a future meeting to talk about design guidelines.

**ITEM 7.     Other Business**

**Subcommittee Meeting Tonight, if Needed:**

Ms. Wallis stated that a subcommittee meeting was needed.

Discussion ensued on requesting funding for meals or snacks for regular meetings or special situations, such as December meeting, longer agenda meetings, or workshops. Chairman Blackwelder asked the group to respond to staff by December 31<sup>st</sup>.

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Commissioners thanked staff for the meal this evening.

**ITEM 5.     Adjournment**

There being no other business, Chairman Blackwelder adjourned the meeting at 7:32 p.m.

Respectfully submitted:

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Chrystal Howard, Secretary

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William Blackwelder, Chairman