

STATE OF NORTH CAROLINA

IN THE MATTER OF THE PROPERTY
LOCATED AT 3014 BIRCHFIELD LN.

TO: OWNERS/PROPERTIES OF INTEREST
CODY BURCHFIELD
CHRISTY BURCHFIELD
3014 BIRCHFIELD LN.
GASTONIA, NC 28056

MINIMUM HOUSING CODE
FINDING OF FACT AND ORDER

The undersigned Hearing Office of the County of Gaston, North Carolina, pursuant to North Carolina General Statutes and the Gaston County Code of Ordinances, conducted a hearing at 128 West Main Ave., Gastonia, North Carolina on September 11, 2025 at 9:00 am. At or before the hearing, no answer was filed by the owners or parties of interest.

The undersigned Hearing Officer, having reviewed the evidence and the entire record and considering any arguments or summaries of the owners, parties of interests, their agents or attorneys, does hereby find that the dwelling located at the above address is in violation of the Gaston County Minimum Housing Code, Chapter 4, Article VI of the County Code, and the standards set forth therein, is unfit for human habitation, and is dilapidated. In support of said determination, the Hearing Officer makes the following:

FINDINGS OF FACT

1. The County of Gaston, North Carolina, has jurisdiction over the owners, parties of interest, and subject matter of this proceeding.
2. The above-named owners and parties of interest were duly served with a written Complaint and Notice of Hearing which alleged that the dwelling located at the above address is unfit for human habitation and in violation of the County Minimum Housing Code and fixed a time and place for a hearing upon such complaint as provided by law.
3. The following owners, parties of interest, their agents or attorneys were present for the hearing: No one attended on behalf of the property owners or other parties of interest.
4. Chris Harkey, Code Enforcement Officer, was present and testified. The testimony of the Code Enforcement Officer was heard and photographs showing the condition of the dwelling and the Minimum Housing case file for the property were admitted into evidence.
5. The Minimum Housing case began on March 11, 2025. The case was initiated by Code Enforcement staff after receiving multiple calls and emails stating that the owners were living in the house without basic utilities. One property owner confirmed that they did not have heat, so a staff informed the owner that it was a violation of the minimum housing ordinance and that a case would be created.
6. At the time the Minimum Housing case was opened, the dwelling was occupied and used by the property owners and other individuals.
7. The dwelling is a single-family home on the subject parcel ID 309450.
8. The dwelling lacks functional electrical service.
9. The dwelling lacks functional water service.
10. The dwelling lacks functional cooking and heating facilities.
11. The dwelling lacks functional sanitary facilities.
12. The roof is structurally impaired.
13. The windows are either missing or damaged.
14. The floors are structurally unsound.
15. The doors are either missing or damaged.
16. The interior walls have been removed and are no longer structurally sound. Only the framing remains in some areas of the house.
17. The condition of the dwelling fails to comply with the standards set forth in the Minimum Housing Code of Gaston County in the following respects:

☒Sec. 4-125. Minimum standards for structural condition.

The following standards shall constitute the minimum standards for structural conditions of a dwelling or dwelling unit:

- ☒(a) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- ☒(b) Floors or roofs shall have adequate supporting members and strength to be in a condition which is structurally sound and safe for the purpose used.
- ☒(c) Foundations, foundation walls, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used.
- ☒(d) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse. Any stairs or steps having four (4) or more risers shall have a hand rail. Any decks, porches, landings or balconies thirty (30) inches or more above grade shall have a guard rail.
- ☒(e) Adequate facilities for egress in case of fire or panic shall be provided.
- ☒(f) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable occupants to maintain reasonable privacy between various spaces.
- ☒(g) The roof, flashing, exterior walls, floors, doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- ☒(h) There shall be no chimneys or parts thereof which are defective, deteriorated, in danger of falling, or in such condition or location as to constitute a fire hazard.
- ☒(i) There shall be no use of the ground for floors, or wood floors on the ground.

☒Sec. 4-126. Minimum standards for basic plumbing, heating and electrical equipment and facilities.

Standards for basic plumbing, heating and electrical equipment and facilities shall be as follows:

☒(a) *Plumbing System.*

- ☒ (1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system. All said connections shall be constructed in an approved manner in accordance with existing regulations.
- ☒(2) Each dwelling unit shall contain the following: not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. Water heaters shall be capable of heating water to one hundred and twenty (120) degrees Fahrenheit. All water shall be supplied through an approved pipe distribution system, connected to a potable water supply.
- ☒(3) All existing plumbing fixtures, water lines and sewer lines shall meet the standards of the NC State Building Codes, at the time it was installed, and shall be maintained in a state of good repair and in good working order, adequately protected from freezing.
- ☒(4) All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

☒(b) *Heating system.*

☒ (1) *Central heating systems.* Every central heating system shall have and maintain sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.

☒ (2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating habitable rooms, bathrooms and water closet compartments so as to furnish a minimum temperature of sixty eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary minimum winter conditions. In addition, each dwelling unit shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

☒ (c) *Electrical systems.*

☒ (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switch at each outside entrance, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the housing inspector to be repaired shall conform to the minimum standards set forth in this article. In bathrooms, water closet rooms, laundry rooms, furnace rooms and kitchens shall have GFCI protected outlets, installed to manufacturer's specifications.

☒ (2) Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.

☒ (3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

☒ **Sec. 4-127. Minimum standards for ventilation.**

☒ (a) *Habitable rooms.* Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the housing inspector. The window or skylight shall face directly to the outdoors unless otherwise approved by the housing inspector.

☒ (b) *Bathroom and water closet rooms.* Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

☐ **Sec. 4-128. Minimum standards for space, use and location.**

Room size. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the NC State Building Code.

☐ (a) *Cellar.* No cellar shall be used for living purposes.

☐ (b) *Basements.* No basements shall be used for living purposes unless:

- (1) The floor and walls are substantially watertight;
- (2) Every habitable room shall have at least one (1) window facing directly to the outdoors which can be easily opened. If other ventilation, approved by the housing inspector, is provided, then

window(s) do not have to open. All areas used for sleeping purposes shall meet egress requirements of the NC State Building Codes, at time of construction.

- ☐ (c) The window area of every habitable room shall be entirely above the grade except where the window or windows face a stairwell, window well or access way.

☒ Sec. 4-129. Minimum standards for safe and sanitary maintenance.

- ☒ (a) *Exterior foundation, walls, and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof, kept in sound and good repair, and capable of supporting the load which normal use would cause to be placed thereon.
- ☒ (b) *Interior floors, walls, and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair, and safe to use and capable of supporting load which normal use would cause to be placed thereon.
- ☒ (c) *Windows and doors.* Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which can be opened from both sides of the door and kept in sound repair.
- ☒ (d) *Stairs, porches, and appurtenances.* Every outside and inside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and kept in sound condition and good repair.
- ☒ (e) *Bathroom floors and walls.* Every bathroom floor surface, water closet compartment floor surface, and every tub and shower wall surface shall be constructed and maintained so to be substantially impervious to water and will permit such surface to be easily kept in a clean and sanitary condition.
- ☒ (f) *Supplied facilities.* Every supplied facility or piece of equipment of utility shall be constructed or installed so it will function safely and effectively and shall be maintained in satisfactory working condition.
- ☒ (g) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage away from the dwelling unit and to prevent the accumulation of stagnant water.
- ☒ (h) *Egress.* Every dwelling unit shall be provided with adequate and unobstructed means of egress as required by the NC State Building Code.

☒Sec. 4-130. Minimum standards for control of insects, rodents, and infestations.

☒(a) *Screens.* In every dwelling unit, every door opening and window or other device open to the outdoor space, used or intended for ventilation, shall be equipped with screens. Every dwelling unit which does not have an air conditioning system shall have screens on every window opening intended to be used for ventilation.

☒(b) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other approved device as will effectively prevent their entrance.

☐(c) *Infestation.*

☐(1) Owners who occupy single dwelling units shall be responsible for extermination of any insects, rodents or other pests within the premises.

☐(2) All rental properties will be reasonably free of insect infestations at the time of tenancy change. The lessee shall have a period of five (5) days after occupancy to request an inspection for infestation. After five (5) days, the lessee shall be responsible to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the lessee.

☐(3) In cases of multiple dwelling units where infestation exists in two (2) or more of said units or in the shared or public parts of any dwelling units, extermination shall be the responsibility of the owner.

☒(d) *Garbage and rubbish storage and disposal.*

☒(1) Property owners or tenant of single dwelling units shall be responsible for providing an approved container for outdoor storage of rubbish, and to provide an approved garbage disposal facility, as required by county solid waste regulations.

☒(2) It is the property owner's responsibility to provide for the removal and disposal of rubbish and garbage in an approved manner, except for those dwellings being leased, and then the primary responsibility shall be placed on the occupant. Whenever the removal of rubbish and garbage is not carried out by the lessee, then the responsibility shall be that of the owner.

☒(3) In cases of multiple dwelling the responsibility of rubbish and garbage removal will be that of the owner.

1. The tax value of said property is approximately \$72,280.00.
2. The approximate cost of bringing the dwelling into compliance with the Minimum Housing Code is \$47,560.00

CONCLUSIONS OF LAW

3. Said dwelling is unfit for human habitation in accordance with the standards set forth in the Minimum Housing Code of the County of Gaston, North Carolina.
4. Based on the approximate tax value and cost to bring the dwelling into compliance, the cost to repair this dwelling sufficiently to bring it up to the standards set forth in the Minimum Housing Code is 65.8% of the value of the dwelling. The dwelling is dilapidated as defined by the Minimum Housing Code.

IT IS THEREFORE ORDERED:

1. That the owners of the dwelling are required to bring said dwelling into compliance with the Minimum Housing Code of the County of Gaston, North Carolina, by repairing and improving the dwelling to render it fit for human habitation or by demolishing and removing the dwelling and all other structures from the property not later than September 21, 2025.

2. If the owners of the dwelling fail to bring said dwelling and structures into compliance with the Minimum Housing Code as ordered by the date designated above, the owners shall be subject to a civil penalty pursuant to Section 4-142 and the County Fee Schedule for each day that the violation continues. The Housing Inspector shall file a report with the Gaston County Board of Commissioners, which may, after hearing, cause the repair or demolition and removal of said dwelling and structures to be done, and the costs for same shall be a lien upon the property in accordance with Section 4-137(e).
3. The owners shall vacate and close the dwelling and other structures and secure the windows and doors of the dwelling and other structures until the dwelling complies with the Minimum Housing Code.
4. If the owners of the dwelling fail to comply with the order to vacate, close, and secure the dwelling and other structures within 10 days of this Order, then the Housing Inspector may cause the dwelling and other structures to be vacated, closed, and secured, and the costs of the same shall be a lien upon the property in accordance with Section 4-145.
5. Because the dwelling is found to be unfit for human habitation, it shall be unlawful to receive rents, offer to rent, or occupy the dwelling unless the dwelling is found by the Housing Inspector to be in compliance with the Minimum Housing Code.
6. Any appeals of these Findings of Fact and Order to the Housing Appeals Board must be taken within 10 days from the rendering of the decision or service of the order, by filing with the Housing Inspector and the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based.

This the 11th day of September 2025.

Jamie Kanburoglu
Housing Administrator