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Recorded 09/29/2025 at 01:24:17 PM
Fee Amt \$0.00 Page 1 of 5
Gaston County, NC Register Of Deeds
Jonathan L. Fletcher, Registrar
BK **5588** PG **1437-1441**

TITLE **ORDINANCE AUTHORIZING THE HOUSING INSPECTOR TO ABATE ALL PUBLIC NUISANCES AND VACATE AND DEMOLISH THE DWELLING AND ALL STRUCTURES LOCATED AT 3014 BIRCHFIELD LN, GASTONIA, (PARCEL ID 309450) AS UNFIT FOR HUMAN HABITATION PURSUANT TO SECTION 4-137 OF THE GASTON COUNTY CODE OF ORDINANCES**

WHEREAS, the County's Minimum Housing Code, enacted pursuant to Section 160D-1203 of the North Carolina General Statutes, authorizes the vacating, closing, and the repair or demolition of dwellings found unfit for human habitation, and,

WHEREAS, the Housing Inspector has served upon Christy and Cody Burchfield ("the Owners") a complaint, notices of violation, and notice of hearing regarding ongoing public nuisance and minimum housing code violations for the property located at 3014 Birchfield Lane, Gastonia, North Carolina; and,

WHEREAS, the Housing Inspector conducted a hearing on September 11, 2025 regarding the minimum housing code violations and found, based on the evidence presented, that the property was in violation of the County's Minimum Housing Code, and,

WHEREAS, the Owners have been given a reasonable opportunity and time to address the concerns found during the inspections and have failed to bring the property into compliance, and,

WHEREAS, the County Board of Commissioners finds that the property described herein, located at 3014 Birchfield Ln in Gastonia, is unfit for human habitation under the minimum housing code, and is a danger to the public safety, and that all of the provisions of the minimum housing code have been complied with as a condition of the adoption of this ordinance, and,

WHEREAS, all structures on the subject property should be vacated and secured to meet the requirements of the minimum housing code as directed by the Housing Inspector and should be properly noticed with a sign that states the property is unfit and unsafe for human habitation

NOW, THEREFORE, BE IT ORDAINED by the Gaston County Board of Commissioners that after consideration of the evidence provided by the Planning and Zoning staff and public comment:

- 1) The subject lot is more particularly described as being Gaston County Parcel ID 309450, locally known as 3014 Birchfield Ln, Gastonia, NC

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows

NO.	DATE	M1	M2	JBailey	CBrown	CCloninger	AFraley	BHovis	TKeigher	SShehan	Vote
2025-294	09/23/2025	BH	SS	A	A	A	A	A	A	A	U

DISTRIBUTION.

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Ordinance Authorizing the Housing Inspector to Abate All Public Nuisances and Vacate and Demolish the Dwelling and All Structures Located at 3014 Birchfield Ln., Gastonia, (Parcel ID 309450) as Unfit for Human Habitation Pursuant to Section 4-137 of the Gaston County Code of Ordinances
Page 2

- 2) The Housing Inspector is hereby authorized and directed to place on the dwelling a sign containing the following language: "This building is unfit for human habitation, the use or occupation of this building for human habitation is prohibited and unlawful."
- 3) It shall be unlawful for any person to remove or cause said sign to be removed from the structure to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of a building so posted. Doing either shall constitute a Class 1 misdemeanor.
- 4) Owners and/or parties of interest in the subject property are hereby ordered to vacate and close the subject dwelling found to be unfit within 48 hours from the adoption of this ordinance.
- 5) If the owners and/or parties in interest fail to vacate the dwelling, the Housing Inspector is hereby authorized to commence summary ejectment proceedings pursuant to 160D-1203(8).
- 6) If the owner and/or parties in interest fail or refuse to repair or demolish said dwelling within ten days of the adoption of this ordinance, the Housing Inspector is hereby authorized to proceed to demolish the subject property.
- 7) The Housing Inspector is further authorized to take other and further action and exercise such powers with respect to said dwelling as may be necessary or convenient to carry out and effectuate the provisions of the minimum housing code.
- 8) The Clerk is hereby directed to record a certified copy of this ordinance in the office of the Gaston County Register of Deeds and see that it is properly indexed in the name of the property owners.
- 9) The County Attorney is authorized to proceed with in rem foreclosure proceedings to collect taxes and liens owed for the property.
- 10) This ordinance shall become effective upon its adoption.


Chad Brown, Chairman
Gaston County Board of Commissioners

ATTEST


Donna S. Buff, Clerk to the Board



GASTON COUNTY MINIMUM HOUSING CASE | COD-H-25-03-11-00458

STAFF REPORT

APPLICATION SUMMARY

Request:

Adoption of an ordinance to demolish the structures located at 3014 Birchfield Ln

Applicant(s)

Gaston County Planning and Zoning Department

Property Owner(s)

Cody and Christy Burchfield

Parcel Identification (PID)

309450

Property Location:

3014 Birchfield Ln Gastonia

Total Property Acreage

.55 acres

Case ID

COD-H-25-03-11-00458

CASE BACKGROUND

Prepared By Jamie Mendoza Kanburoglu, Director of Planning and Zoning

This case was created by staff in response to several complaints about the property owners living without essential utilities.

On March 11, 2025, staff completed a follow-up inspection for case COD-PN-25-01-08-01220

This is an ongoing public nuisance case that staff have been working on with the property owners. At this follow-up inspection, staff spoke with one of the property owners, and it was noted that the property owner and others were living in the house without heat. Staff shared that not having access to a heat source was a violation of the minimum housing code, and because complaints from a neighbor had been made, a minimum housing case was going to be created. The owner said he understood and that he would let his sister (also a property owner) know that a case was going to be created and that they needed to contact the Planning and Zoning office as soon as they received the letter requesting an inspection

Notices were mailed on March 26, 2025. Staff made several attempts to contact the property owners but were unsuccessful. Due to the nature of the site and the property's history, staff did not feel comfortable pursuing the case without additional support from the legal and police departments. Planning and Zoning staff also coordinated with the tax department and DSS to see what could be done to assist the property owners.

Without explicit permission from property owners, code enforcement officials cannot conduct inspections beyond the right-of-way. Staff continued to receive complaints from neighbors and attempted to make contact with the property owners.

Staff were able to complete a joint inspection on July 18, 2025, with DSS. The property owners were onsite and granted permission for the inspection, and staff walked through all the minimum housing violations present. Planning and Zoning staff returned on Monday, July 21st, to provide a printed-out copy of the findings to the property owners and to let them know that many of the violations needed to be addressed within 48 hours.

Staff returned on July 21st to see if any work had been completed. It was noted that no changes were made to the house.

Staff attempted to move forward with abatement of the property under the open public nuisance case in August of this year. However, the property owners and other on-site denied access to our staff and our contractors.

Several weeks later, a neighbor sent notice that the property owners had vacated the property. Staff confirmed with DSS that one of the property owners was no longer living at the property. Since we have been unsuccessful in getting in contact with the other property owner, and neighbors claiming that they have not been living at the house for some time, staff deemed the property to be vacant and boarded up the structure under the open public nuisance case. The structures were boarded up on September 2, 2025 and a contractor was on site on September 11, 2025 to start cleaning up the trash, junk, and debris on the lot.

Staff re-noticed the property for the minimum housing case and provided a new compliance date of September 5, 2025. Along with re-noticing, a request for an administrative hearing to be held on September 11, 2025. These notices were sent to the property owners via regular and certified mail. The certified mailings were marked as undeliverable; however, the regular mail-outs are assumed to be delivered. A new abatement sign was also placed on the property.

The administrative hearing was scheduled for September 11, 2025, at 9:00 am.

No one attended on behalf of the property owners or other parties of interest. Staff held the hearing and issued the order attached. The order states that the property owners have until September 21, 2025 to bring the property into compliance by repairing and improving or demolishing and removing the dwelling and all other structures from the property.

Staff is requesting that the Board of Commissioners adopt an ordinance to demolish the structures on site based on the following:

- The main house was boarded up under an open public nuisance case due to the structure being unsound and unsafe.
- The site has been deemed vacant as the property owners are no longer living in the home.
- The property owners are not in a financial position to make the required repairs or to demolish the structure on their own. They are also not responsive to requests for meetings and hearings.
- The dwelling lacks functional electrical and water services.
- The dwelling lacks functional cooking and heating facilities.
- The neighbors are having trespassing issues with the site.
- The site has multiple violations against the County's Minimum Housing Code as seen in the inspection checklist and the final order provided after the administrative hearing.
- The property has been deemed to be dilapidated as the estimated minimum cost to repair the property and bring it into compliance with the minimum housing code exceeds 50% of the tax value of the property. An estimated cost sheet has been included as an attachment.
- Since May of 2024, the Planning and Zoning department has processed six code cases on the property.
- The County has already spent \$3,543.95 under a separate public nuisance case from 2024 to have the property cleaned up. An invoice for \$755.00 was also received for costs associated with boarding up the property.
- Staff estimates the department has spent a minimum of \$12,000 on processing cases for the property. This estimate includes staff time, signs, mail outs, postage, and abatement costs.
- The most recent public nuisance case is in the process of being abated. This includes boarding up the structures and cleaning up the junk/debris on the property.
- There are 27 code enforcement inspections logged for this site.
- Multiple staff members and departments have been called out to address concerns on this site.
- Taxes are delinquent for the property.
- The police department responded to 94 calls to the site between January 1, 2022, and February 4, 2025.

If an ordinance instructing staff to proceed with demolition is approved, any costs incurred would be placed as a lien on the property so that all costs can be collected. The tax department will move forward with foreclosure processes once the site has been cleared.

Attachments. Ordinance, Presentation, Notice of Violation, Inspection Report and Photos, Finding of Fact and Order, Outstanding Taxes, Police Report

Subject Property: 3014 Birchfield Lane Gastonia**Estimated Minimum Costs to Repair / Replace Items Required to Meet Minimum Housing Standards**

Estimates are based on average cost to repair or replace the items below. Estimate is also based on a 770 sqft. home and is not inclusive of all the work that needs to be completed. The cost estimates provided herein are general approximations based on publicly available data and online sources, including search engine results and AI-generated information. These figures do not constitute a formal quote, bid, or contract. The only purpose of the figures to below is to show that the cost to repair the subject property is greater than 50% of the current tax value of the property

Item No.	Description of Work	Quantity	Est. Cost to Repair	Total Cost	Notes
1	Plumbing to be repaired and replaced throughout entire house	1	\$ 6,000.00	\$ 6,000.00	Estimated cost for full-house repiping costs are between \$4,000 and \$15,000
2	Repair and replace electrical system in the house	1	\$ 8,000.00	\$ 8,000.00	Estimated cost to upgrade electric systems in an older house range from \$8,000 to \$12,000
3	Repair or replace cooking appliances	1	\$ 1,500.00	\$ 1,500.00	average cost of a new stove
4	Repair or replace heating equipment	1	\$ 12,000.00	\$ 12,000.00	average cost of a new furnace and duct work ranges from \$12,000 to \$15,000
5	Install Smoke detectors	3	\$ 20.00	\$ 60.00	
6	Install screens	8	\$ 50.00	\$ 400.00	estimate is \$30-100 per screen
7	Installation of new windows	8	\$ 450.00	\$ 3,600.00	estimated cost per new window in NC is \$400-500
8	Foundation inspection	1	\$ 1,500.00	\$ 1,500.00	average estimate
9	Foundation repair	1	\$ 9,000.00	\$ 9,000.00	estimated between \$6,900-\$11,500
10	Septic System Inspection and Repair	1	\$ 5,500.00	\$ 5,500.00	estimated between \$3,900 and \$15,000
Total Min. Estimated Cost to Repair				\$ 47,560.00	
Total Tax Value of the Property				\$ 72,280.00	
50% Tax Value				\$ 36,140.00	
Difference of Cost to Repair and 50% Tax Value				\$ (11,420.00)	



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File # 25-478

Commissioner Shehan - Building & Development Services - COD-H-25-03-11-00458 - To Adopt an Ordinance Authorizing the Housing Inspector to Abate All Public Nuisances and Vacate and Demolish Dwelling and All Structures Located at 3014 Birchfield Ln., Gastonia, (Parcel ID 309450) as Unfit for Human Habitation Pursuant to 4-137 of the Gaston County Code of Ordinances

STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

BUDGET IMPACT

Taxes for the subject property have not been paid since 2016. In the past two years, code enforcement has processed six code cases and spent over \$3,000.00 to clean up the property. The County's Police Department and code enforcement departments have made numerous site visits to follow up on complaints received about the site. Any fees incurred to abate the property and demolish the structures on site will be paid using already budgeted funds for code enforcement abatement. The total cost to abate will then be added as a lien to the property to be collected by the tax department.

BACKGROUND

The County's Minimum Housing Code, Section 4-137, enacted pursuant to Section 160D-1203, allows the Board of Commissioners to order the housing inspector to proceed with steps to secure sites that have been found to be unfit for human habitation.

POLICY IMPACT

N/A

ATTACHMENTS

- Ordinance
- Staff Report
- Cost Estimate
- Notice of Violation
- Inspection of Report with Photos
- Outstanding Taxes
- Findings of Fact & Order
- Service Calls from GCPD
- Presentation Slides

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