

# 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 21<sup>st</sup>, 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 21<sup>st</sup> 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**