

**Staff Report and Comments  
Atherton Mill House  
2005 Cleveland Ave, Charlotte  
Application for COA HLC313**

**Exhibits presented to and considered by the Commission:**

**Exhibit A** – Project description

Demolition

**Exhibit B** – Map

**Exhibit C** - Previous COA for Demolition, Charlotte HDC

**Exhibit D** - Images

**Based upon the information presented in the application, staff offers the following suggested findings of fact:**

- A.** The proposed demolition is incongruous to the STANDARDS.
- B.** The HLC cannot deny a COA for demolition, but it can delay the effective date of the COA for 365 days.
- C.** The application for the demolition of the Atherton Mill House was filed May 3, 2023.
- D.** The HLC must act on a COA application within 180 days of its filing. [NCGS 160D-9-47 (d)] and if the HLC fails to issue a COA before October 30, 2023 for the demolition for the Atherton Mill House, the owners will be able to proceed without a COA.
- E.** The last regular meeting of the HLC before the 180 day period is over is October 9, 2023, and however unlikely the HLC may not have a quorum at their October 9th regular meeting.

**Staff recommends that the Commission vote to issue the COA no later than September 11, 2023.**

**During that delay Staff can work with the applicant and other parties to develop a feasible plan to prevent the demolition of the house.**



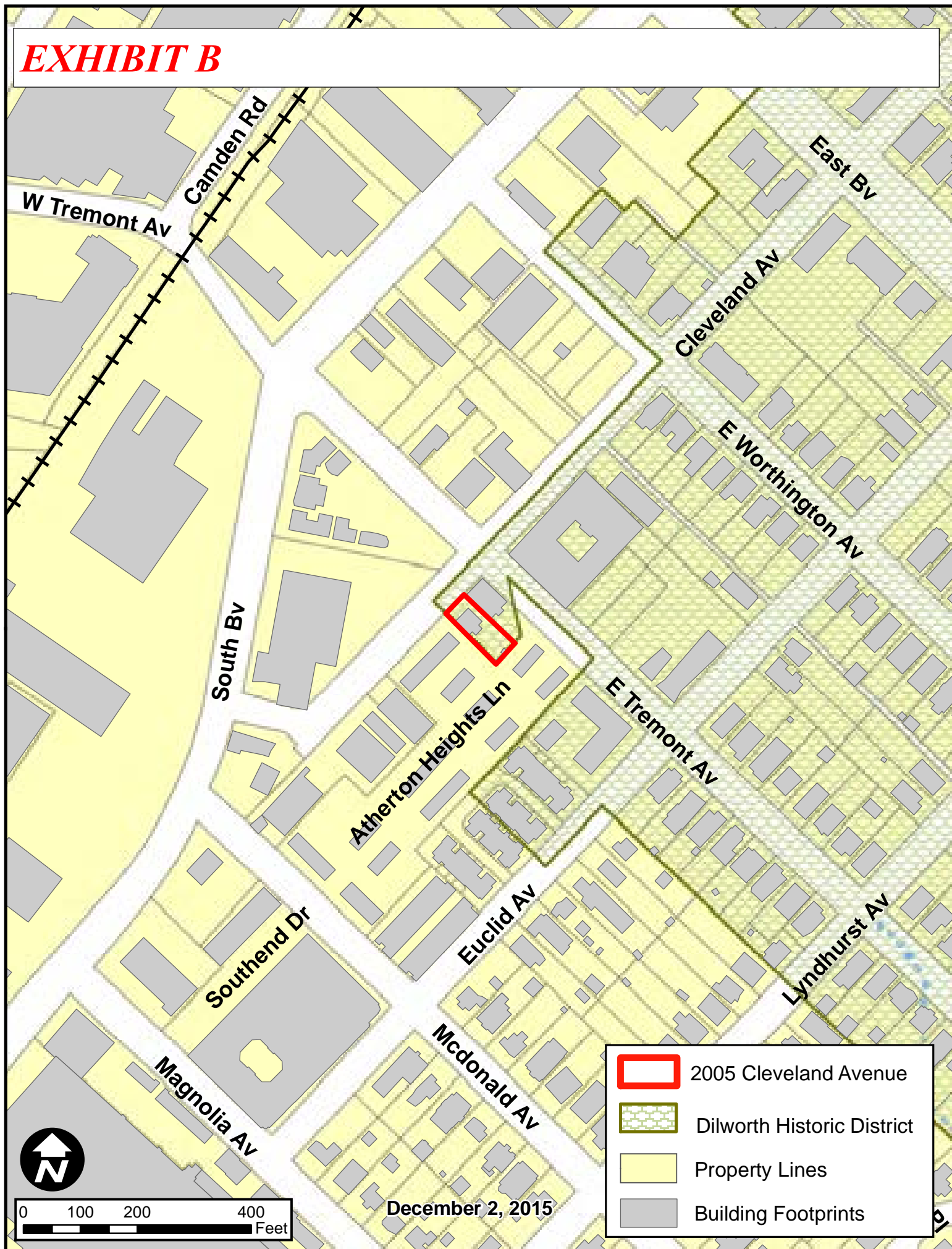
## THE STANDARDS

**Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. Alterations, new additions, and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



# EXHIBIT B





**LOCAL HISTORIC DISTRICT:** Dilworth

**PROPERTY ADDRESS:** 2005 Cleveland Avenue

**SUMMARY OF REQUEST:** Demolition

**APPLICANT/OWNER:** Douglas Ehmann (Linda Bohn, Owner)

## EXHIBIT C

### **Details of Proposed Request**

#### *Existing Conditions*

The existing structure is a one story Colonial style house constructed in 1900 and further described as a "Triple A mill house" in the Dilworth National Register of Historic Places. The front porch of the house was removed several years ago. Current zoning regulations will not permit the reconstruction of the porch and would need to be rezoned. Adjacent properties are developed multi-family, mixed use and commercial. The house was designated as a historic landmark in 1982.

#### *Background*

The property was not identified as an existing structure within the Dilworth Local Historic District boundary nor was it included on public maps online. HDC staff verified its location within the District through the original zoning application and map. The online and hard copy maps were corrected. The zoning office was notified of the error. The property was identified as a landmark in the zoning department.

The Historic Landmarks Commission reviewed an application for demolition of the structure in January 2015. The Landmarks Commission placed a 180-Day Stay of Demolition on February 9, 2015, the effective date was August 9, 2015. The COA from the Historic Landmarks Commission is valid until February 9, 2016.

#### *Proposal*

The applicant is requesting approval for immediate demolition of the subject property.

### **Policy & Design Guidelines – Demolition, page 35**

North Carolina Law (NCGS 160A-400.14.) states that the demolition of buildings and structures within Local Historic Districts requires the prior issuance of a Certificate of Appropriateness. The policies listed below are designed to follow state law in a manner that minimizes the inconvenience to property owners when demolition is warranted, while affording as much protection as possible to structures that make valuable contributions to the character of Local Historic Districts.

1. No building or structure located within a Local Historic District can be demolished without a Certificate of Appropriateness.
2. The Historic District Commission will evaluate demolition applications to determine if the structure in question contributes to the character of the Local Historic District.



3. If the HDC finds that the structure does not contribute to the character of the district or is unsalvageable, immediate approval of the demolition request may be granted.
4. Should the Historic District Commission find that the structure does contribute to the character of the historic district; the HDC can delay the issuance of a Certificate of Appropriateness authorizing demolition for a period not to exceed 365 days, in order to work with the owner to seek alternatives to demolition.
5. When an application for demolition receives a 365-day delay, any consideration of applications for proposed new construction on the same site will be deferred for 90 days.
6. When an application for demolition receives a 365-day delay, the Historic District Commission Staff will seek an alternative to demolition and will contact, within one month of the delay vote, the property owner who has applied for demolition, Historic Charlotte, Inc., and Preservation North Carolina to inform them of the threatened status of the building.
7. A permanent injunction against demolition can be invoked only in cases where a building or structure is certified by the State Historic Preservation Officer as being of statewide significance.
8. Applications for the demolition of dilapidated accessory structures may be eligible for administrative approval. All other demolition applications will be reviewed by the full Commission.
9. The maximum delay period for the issuance of a Certificate of Appropriateness authorizing demolition shall be reduced by the HDC where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from the property by virtue of the delay.

#### **Staff Analysis**

1. The Commission will make a determination as to whether or not this house is determined to be contributing to the Dilworth Historic District. With affirmative determination, the Commission can apply up to 365-Day Stay of Demolition. Or if the Commission determines that this property is no longer contributing, then demolition may take place without a delay.



## **2005 Cleveland Avenue**

(Show Maps)

- Intent of owners to obtain all necessary applications for COA for demolition. Owners received inaccurate info on maps.
- City/county/staff only required app from Charlotte Historical Landmarks Commission.
- COA issued 2-9-2015  
Effective date 8-9-2015  
Valid through 2-9-2015  
6 Month Delay
- Historical Landmarks Commission obtains contract to purchase property.
- Historical Landmarks Commission lets contract expire and elects not to purchase property (many problems).
- Owners seek buyer.
- Owners contract with myself.
- I obtain all information from Landmarks Commission after speaking with Stuart Grey, and their attorney Pat Wystrum.
- I seek services of Roger Ruggles and Tony Ward, Structural Engineer and Architect to explore preservation, rehab and renovation.
- After consultation and much thought, it was determined that the structure had too many compromised components to save. The number one issue being the 20' setback in front inhibiting building porch and stairs to front door.
- Contacted Shad Spencer (Zoning) and variance unattainable.
- Told now that a mistake had been made in mapping and a COA would now also be required by HDC Historic District Commission.



I stand before you to ask for a COA for demolition that is consistent with what was required back in February by the Historic Landmarks Commission and grant a COA to be approved for demolition given the facts presented.

I have reached out to the current owners of the old Atherton Mill site and they too were uninterested.

I have also reached out to:  
Jill Walker, Dilworth Comm. Assn.  
John Phares, Preserve Historic Dilworth

We have exhausted all avenues and will seek to come before this commission to build a structure that will enhance the fabric of the community while maintaining all policy and design guidelines established by the district.





**CERTIFICATE OF APPROPRIATENESS  
FOR DEMOLITION**

**CERTIFICATE NUMBER:** 15-01

**DATE ISSUED:** 02/09/15

**EFFECTIVE DATE:** 08/09/15

**ISSUED TO:** Linda Bohn  
**NAME OF LANDMARK:** Atherton Mill House  
**ADDRESS OF LANDMARK:** 2005 Cleveland Avenue  
Charlotte, NC  
**TAX PARCEL NUMBER:** 12106711  
**ADDRESS OF APPLICANT:** PO Box 182  
Ector, TX 75439  
**APPLICANT'S TELEPHONE NUMBER:** (904) 436-1852

The Charlotte-Mecklenburg Historic Landmarks Commission has reviewed the following proposed activity and has found it to be in compliance with § 160A-400.14 of the General Statutes of North Carolina and has found it to be appropriate:

Demolition of the Atherton Mill House, 2005 Cleveland Avenue, Charlotte, NC

**PLEASE NOTE:** In compliance with § 160A-400.14 of the General Statutes of North Carolina the Charlotte-Mecklenburg Historic Landmarks Commission voted on 02/09/15 to delay the effective date of this certificate for one-hundred and eighty days. The effective date of this certificate is 08/09/15.

**PLEASE NOTE:** THE HOUSE CAN NOT BE DEMOLISHED UNTIL 08/09/15.

**PLEASE NOTE:** NO DEMOLITION OR BUILDING PERMIT RELATED TO THE DEMOLITION OF THE BUILDING CAN BE ISSUED TO BECOME EFFECTIVE UNTIL 08/09/15

This Certificate of Appropriateness to demolish effective 8/09/15 is valid from that date through 2/09/16. Failure to procure a building or demolition permit within this time frame will be considered as a failure to comply with this Certificate, and the Certificate will become invalid. This Certificate can be renewed by the Historic Landmarks Commission upon written request for the applicant with a valid reason for failure to comply with the deadline. This Certificate in no way removes the responsibility of the owner of a structure in a local historic district to obtain a Certificate of Appropriateness from the Charlotte Historic District Commission.

By: , Preservation Planner, Charlotte-Mecklenburg Landmarks Commission.





# RUGGLES ENGINEERING PC

Structural Engineers

November 24, 2015

Mr. Douglas P Ehmann  
4200 Performance Road  
Charlotte, NC 28214

Re: Residence - 2005 Cleveland Avenue

Dear Douglas,

Ruggles Engineering PC has completed a structural evaluation of the residence at the above referenced address. On November 18, 2015 a visit was made to the site to observe the condition of the existing structure.

## **Building Description:**

The building is a one story wood framed structure, which was likely constructed in the early 1900s before adoption of residential building codes by the state of North Carolina. The building appears to originally have been constructed as a duplex and later converted to a single family residence. The rear portion of the building, which consists of a back porch and a bathroom, was added at a later date. The home was originally constructed on masonry piers with the crawlspace open below the home. A single wythe brick wall was later constructed between the piers to enclose the crawlspace.

## **Observations and Recommendations:**

1. The original foundations for the piers supporting the home were constructed from brick masonry laid on the subgrade, which vary in height between two and one half feet up to eight feet. The foundations have settled differentially in multiple locations resulting in rotation of the piers (see photo SAM 3749). Several of the piers have been repaired, utilizing materials and methods that do not meet the current code. Due to its age, the mortar in the piers is in poor condition (see photo SAM 3752).
2. The single wythe brick walls that infilled between the piers are supported on a masonry foundation constructed from four inch by eight inch bricks, turned perpendicular to the wall and stood on edge. The brick foundation has been laid on top of the ground and is not down below the frost line. Consequently, the wall will move with the freeze thaw cycle. The infill walls that are up to seven feet in height are not tied to the piers or to the floor structure for lateral support. In numerous locations, the walls are leaning due to settlement of the foundations. In several locations, a 4x4 wood member has been bolted through the infill wall and connected to the back of the piers to keep the wall from leaning out (see photo SAM 3748). The foundations and foundation walls do not meet the current code requirements.
3. The rotation and leaning of the masonry piers and infill walls has caused the floor to separate from the exterior wall in the rear bedroom on the left side of the house (see photo SAM 3771).



-2-

4. The floors are constructed with 2x8 joists spaced at sixteen inches on center. The joists span approximately fifteen feet and are overstressed for the floor loadings required by the current code.
5. The floor in the bathroom has settled approximately 2 1/2" across the length of the room (see photo SAM 3774).
6. The passage from the front rooms to the rear of the house is through a two foot wide door that is approximately six feet in height. There is also a dropped down soffit with six foot of headroom clearance (see photo SAM 3756). The low headroom clearances do not meet current building code requirements for egress.
7. The house does not have a ducted heating and cooling system. There is no cooling and the only heat is provided by a gas floor furnace located in the kitchen (see photo SAM 3760).
8. There is a fireplace in all four of the main rooms of the house and they have all been closed off (see photo SAM 3768). The chimneys and flues in the fireplaces are in poor condition and are unsafe to use because of the poor condition of the mortar. The chimney above the roof has been parged with mortar to keep the bricks from falling out (see photo SAM 3780). It should be noted the chimney on the right side of the house is being used for the gas furnace.
9. The roof framing was observed to have water damage that has occurred over the years.
10. There is a concrete block retaining wall on the right side of the house that is constructed with dry stacked units. The wall has lateral movement and has failed (see photo SAM 3777).
11. The home originally had a front porch and stairs, which have been removed. There is currently no access to the front door (see photo SAM 3787). The front wall of the residence is built on the twenty foot setback line. In order to reconstruct the front porch and the stairs, a variance would be required.

**Conclusion:**

The residence is in poor condition and would need extensive repairs to bring it up to a habitable condition. The cost of the repairs would likely exceed the cost of new construction and in our opinion are not economically feasible.

Ruggles Engineering PC appreciates the opportunity to assist you with your project. If you have any questions, please feel free to call me.

Sincerely,

  
Randy M. Ruggles, P.E.

11/24/15





SAM 3749



SAM 3752



SAM 3748





**SAM 3771**



**SAM 3774**



**SAM 3756**





SAM 3760



SAM 3768



SAM 3780





**SAM 3777**



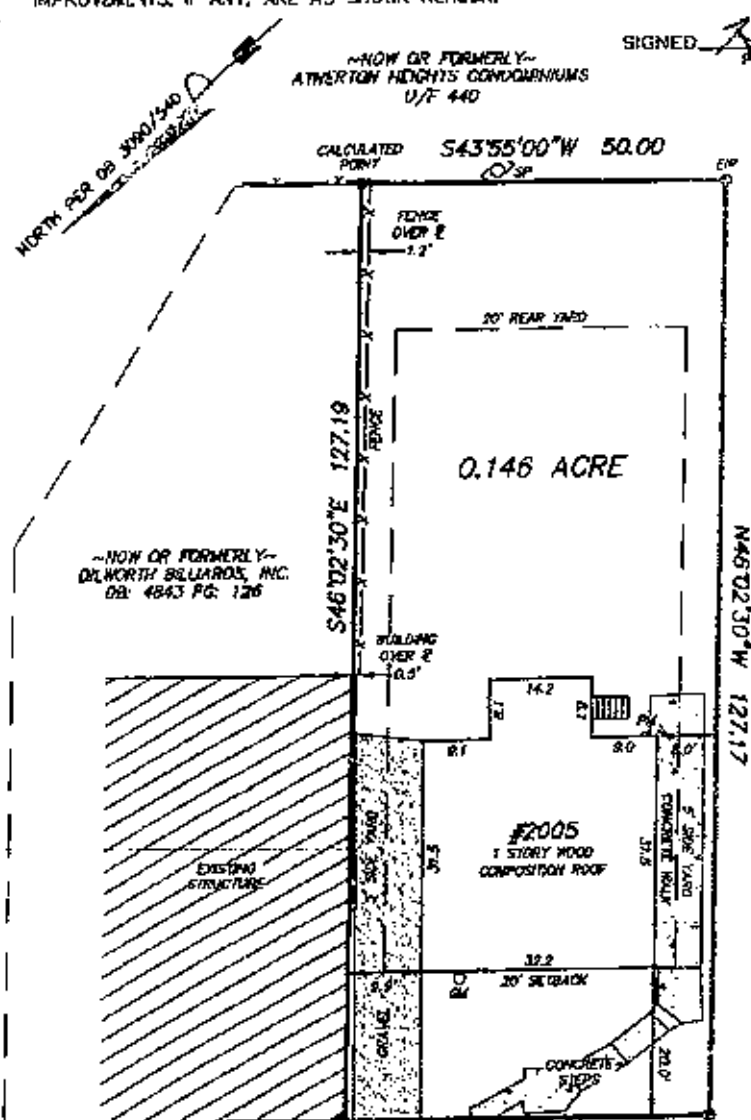
**SAM 3787**



THIS IS TO CERTIFY THAT ON THE 28th DAY OF JULY, 2014, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON.

SIGNED H. E. WHITE, JR.  
PROFESSIONAL LAND SURVEYOR

~NOW OR FORMERLY~  
ATHERTON HEIGHTS CONDOMINIUMS  
U/F 440



**LEGEND:**

- EP = EXISTING IRON PIN
- SIP = SET IRON PIN
- PM = POWER METER
- GM = GAS METER
- WM = WATER METER
- R/W = RIGHT OF WAY
- PP = POWER POLE
- SP = SERVICE POLE
- BC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- OE = OVERHEAD ELECTRICITY



SCALE 1"=20'

SURVEYED FOR  
MAP RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ DEED RECORDED BOOK 3080 PAGE 340  
DRAWN BY \_\_\_\_\_ BY FIELD WORK GW/EW FIELD BOOK # \_\_\_\_\_

**CLEVELAND AVENUE**  
**60' PUBLIC R/W**  
(PER TAX RECORDS)

**PHYSICAL SURVEY**  
OF

**#2005 CLEVELAND AVENUE**  
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA  
**CHARLOTTE-MECKLENBURG**  
**HISTORIC LANDMARKS COMMISSION**

**NOTES**

1. PID 12106711
2. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, SETBACKS, BUFFERS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN 10%.
- THIS PROPERTY IS LOCATED WITHIN A AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710454300K, WITH A DATE OF IDENTIFICATION OF 2/19/2014.
4. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
5. PROPERTY ZONED: B-2. SETBACKS SHOWN ARE PER CURRENT ZONING CLASSIFICATION AND ARE SUBJECT TO INTERPRETATION BY THE PROPER ZONING ADMINISTRATION.

CAROLINA SURVEYORS, INC.  
P.O. BOX 267  
FARMVILLE, N.C. 28134  
(704) 898-7801  
FAX (704) 898-7814  
CERTIFICATE OF AUTHORIZATION  
MEC-1247 30 MAR 2005

2016/2017 Standard Fee 2005  
2015/2016 Standard Fee 2005



## DEMOLITION

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*Any project that the Historic District Commission determines would require significant and substantial exterior demolition may, at the discretion of the Commission, be subject to the HDC policy on Demolition.*



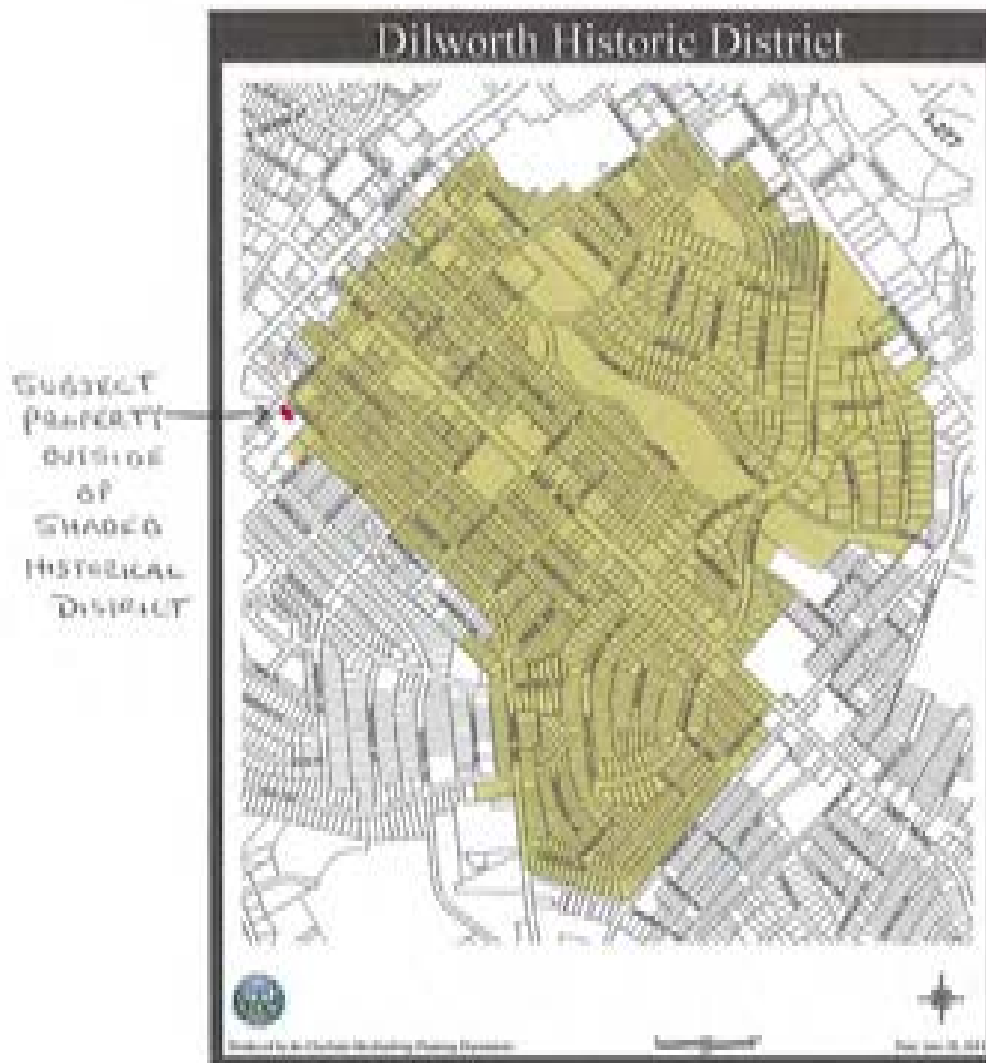
# Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 11/6/2015 10:38:00 AM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.





### **Dilworth Local Historic District** (Designated 1983, 1992)

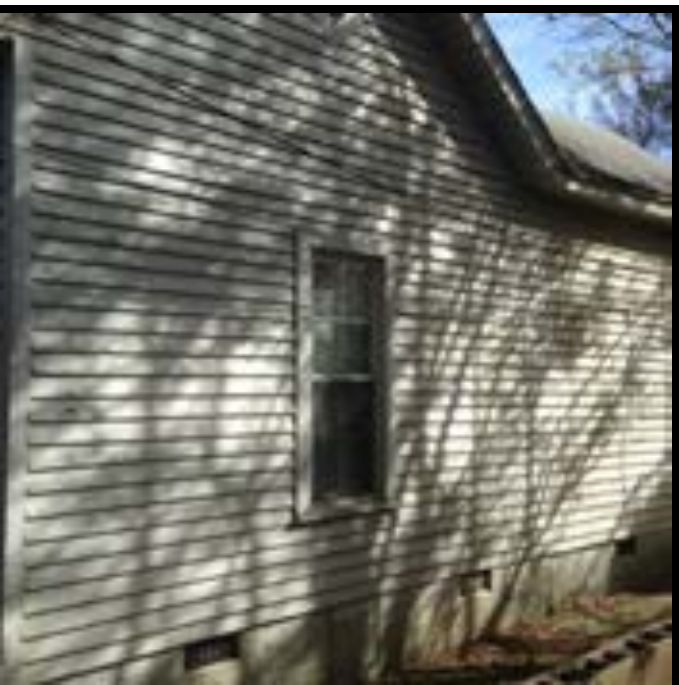
*Since its inception in the 1890's, Dilworth has been one of Charlotte's most distinctive neighborhoods. Developed as the City's first suburb, Dilworth was connected to downtown by Charlotte's first electric streetcar. The success of the initial development of Dilworth led its creator, Edward Dilworth Latta, to expand the neighborhood in the 1910's, under a plan by the Olmsted Brothers, then the nation's preeminent landscape architects.*

*Although their plan was never fully implemented, the Olmsted's curved roads and dramatic landscaping set the tone for much of Charlotte's future character. In 1987, Dilworth was listed on the National Register of Historic Places.*





## Existing Elevations







Existing  
Elevations





Interior of 2005  
Cleveland Avenue





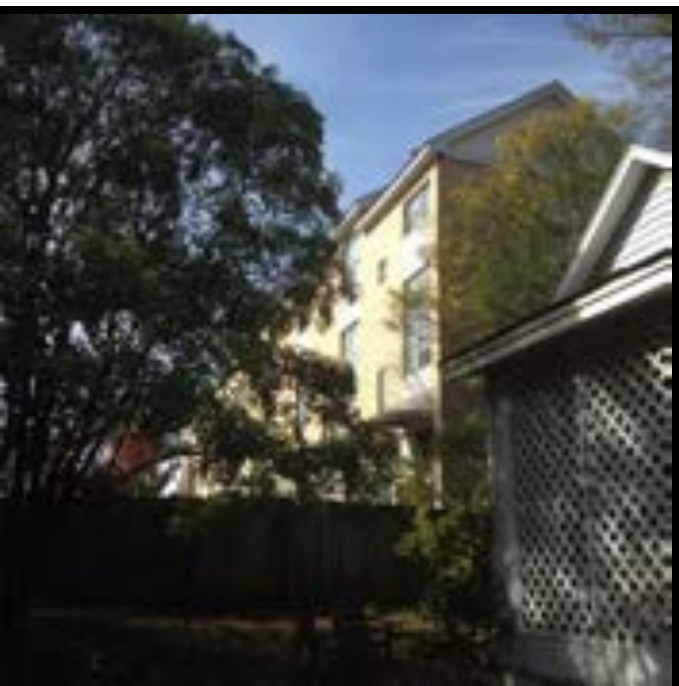




Building across the street with the rear of building fronting Cleveland Avenue



Building to the right of 2005 Cleveland Av



Building to the left of 2005 Cleveland Av





EXHIBIT D





























































2005

































