



DATE: November 9, 2022

SUBJECT:

Certificate of Appropriateness Request: H-23-22

Applicants: Tristan and Kristen Adamczuk

<u>Location of Subject Property:</u> 97 Union St N

<u>PIN #:</u> 5620-78-7915 (alleyway)

Staff Report Prepared by: Brad Lagano, Economic Development Manager

BACKGROUND

• The subject property at 97 Union St N is designated as a "Pivotal" structure in the North Union Street Historic District (ca. 1912) (Exhibit A).

- "Handsome, sophisticated, two-and-a-half-story frame Colonial Revival residence, erected for Joseph Franklin Cannon (1876-1939), one of James William Cannon's six sons, the president of Wiscasset Mills in Albemarle, and the developer of one of Concord's finest movie places. House has symmetrically composed façade, with single-paned windows with fixed transoms on the first floor and 9/1 sash windows on the second story. The façade's most distinctive feature is the large, centrally placed Palladian dormer. Full façade porch has fluted Ionic columns, balustrade, and projecting pediment over entrance. Porte-cochere and second-story sunroom project from south side of house" (Exhibit A).
- Applicants' requested modification: "ex post facto" (after-the-fact) approval to pave with concrete an approximately 8.0'-7.0" wide by 58.0' long portion of an alleyway (Exhibits B, D).

DISCUSSION

- An approximately 10.0' private alleyway runs from Franklin Ave NW southeast approximately 198.67' and provides access to four separate parcels PINs 5620-78-6954, 5620-79-7010, 5620-78-8882, and 5620-78-8967 (Exhibit D).
- On or about March 4, 2022, Tristan and Kristen Adamczuk proceeded to pave with concrete an approximately 8.0'-7.0" wide by 58.0' long portion of the alleyway leading to their parcel PIN 5620-78-8882.
- On March 15, 2022, Code Enforcement sent a violation letter to Tristan and Kristen Adamczuk concerning the newly paved portion of the alleyway providing two options to correct the violation (1) remove the newly poured concrete or (2) apply for a Certificate of Appropriateness to receive Historic Preservation Commission approval (Exhibit E).
- On March 24, 2022, Tristan and Kristen Adamczuk submitted an "ex post facto" Certificate of Appropriateness application requesting after-the-fact approval to pave with concrete an approximately 8.0'-7.0" wide by 58.0' long portion of the alleyway (Exhibit F).
- On or about May 4, 2022, the City Legal Department reviewed the Certificate of Appropriateness
 application and determined that although Tristan and Kristen Adamczuk had the deeded right to
 use the alleyway, they were not the owners of the property they were seeking Certificate of
 Appropriateness approval in order to modify so therefore could not properly bring the matter before
 the Historic Preservation Commission.
- On September 14, 2022, Non-Warranty Deed 27626 was recorded with the Cabarrus County Register of Deeds, Book 16203, Pages 196-200, showing Barium Springs Home for Children, having a 75% undivided interest in the alleyway, and Children's Hope Alliance, having a 25%

- undivided interest in the alleyway, conveyed 100% of their interests in the alleyway to Tristan and Kristen Adamczuk (Exhibit G).
- On September 19, 2022, being the new owners of the property they were seeking Certificate of Appropriateness approval in order to modify, Tristan and Kristen Adamczuk submitted an "ex post facto" Certificate of Appropriateness application requesting after-the-fact approval to pave with concrete an approximately 8.0'-7.0" wide by 58.0' long portion of an alleyway (Exhibit B).

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory

Exhibit B: Certificate of Appropriateness Application

Exhibit C: Subject Property Map

Exhibit D: Alleyway Legal Description and Site Plan/Survey

Exhibit E: Code Enforcement Violation Letter Dated March 15, 2022

Exhibit F: "Ex Post Facto" Certificate of Appropriateness Application Dated March 24, 2022

Exhibit G: Non-Warranty Deed Recorded September 14, 2022

Exhibit H: Previous Alleyway Photos

Exhibit I: Paved Alleyway Photos

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Approval Requirement Needs Table: Type of Work Requiring Commission Hearing and Approval

• All new patios, walks, and driveways.

Chapter 5 - Section 10: Driveways, Walkways, and Parking

• Gravel and pavement are acceptable materials for driveways, as are some alternative materials such as cobblestone, brick, and pervious pavers.

RECOMMENDATION:

- 1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
- 2. If approved, applicant(s) should be informed of the following:
 - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
 - Completed project will be photographed to update the historic properties survey.

United States Department of the Interior National Park Service

National Register of Historic Places Inventory—Nomination Form

For NPS use only
received
date entered

Continuation sheet	Item number	Page
Inventory List - North Union Street	#7	32
Historic District, Concord		

36. E.W.G. Fisher House 91 North Union Street ca. 1890

Two-story, frame house with asymmetrical form and both Queen Anne and Colonial Revival details. South bay of house has gable front roof and projects from side gable main block. Main block pierced by two gable-roofed dormers with tall, narrow 2/2 sash windows and decorative shingles. Wrap-around porch supported by Tuscan columns replaced earlier, more elaborate Queen Anne style porch treatment. South side of porch enclosed for sunroom during early 20th. century.

37. Joseph Franklin Cannon House 97 North Union Street 1912 (OI)

Handsome, sophisticated, two-and-a-half-story frame Colonial Revival residence, erected for Joseph Franklin Cannon (1876-1939), one of James William Cannon's six sons, the president of-Wiscasset Mills in Albemarle, and the developer of one of Concord's finest movie palaces. House has symmetrically composed facade, with single-paned windows with fixed transoms on the first floor and 9/l sash windows on the second story. The facade's most distinctive feature is the large, centrally placed Palladian dormer. Full facade porch has fluted Ionic columns, balustrade, and projecting pediment over entrance. Porte-cochere and second-story sunroom project from south side of house.

38. N. Felix York House 103 North Union Street ca. 1909

Rambling, asymmetrical, two-story frame residence combining Queen Anne and Colonial Revival elements. Two-story bays with cut-away corners project from the front and both sides of the house. The projecting facade bay is topped with a broad, flared gable, decorated with overlapping hexagonal shingles. Engaged under the gable is a one-bay balcony. The balcony, the board wrap-around porch, and the porte-cochere extension of the porch all have Tuscan columns.



Certificate of Appropriateness

AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.

APPLICANT INFORMATI	ON		
Name: Kristen and Trist	an Adamczuk		
Address: 97 Union Stree	t North		
			704-907-8528
OWNER INFORMATION			
	•		
City: <u>Concord</u> Stat	e: <u>NC</u> Zip Code: <u>28025</u>	Telephone:	<u>70</u> 4-9 <u>07-8528</u>
10' Alley way Street Address: 97 Union	from Franklin Ave NW Street North	P	nd Cabarrus County Land Records 56207879150000 P.I.N. # 56207888820000 Land Use: SFR
Application Received by	Staff Us Only:		, 20
• •			, 20
Fee: \$20.00 Received by	The application fee is:		
	* * * * * * * * * * * * * * * * * * * *		4

Planning & Neighborhood Development
35 Cabarrus Ave W • P. O. Box 308 • Concord, NC 28025
Phone (704) 920-5152 • Fax (704) 920-6962 • www.concordnc.gov



Certificate of Appropriateness

General Requirements

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

ĺ.	Project or Type of Work to be Done:	poured concrete in deeded	alley way and rear garage
£	levation modification		

2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.): 8' 7" x 58' poured concrete within the 10' x 204 deeded alley way

removal of dormers from rear garage elevation

We are submitting this application again per the Historic Preservation Commission's Legal instructions provided to us via email May 4, 2022, to "determine ownership and submit a valid application".

List of materials: scored concrete

Required scaled site plan (Plat Book 93 Page 61) and photos attached a part of this application

Required Attachments/Submittals

- Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted if 16 folded copies are submitted for distribution.
- A photograph of the front of the house.
- Photographs of site, project, or existing structures from a "before" perspective
- Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective.
- Samples of windows, doors, brick, siding, etc. must be submitted withapplication.
- Detailed list of materials that will be used to complete the project.

***Applications may be submitted electronically. ***

Certification

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

-03/24/2022 <u>09/19/2022</u>

Date

Signature of Owner/Agent

Planning & Neighborhood Development

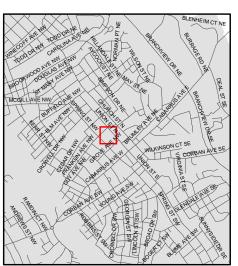
35 Cabarrus Ave W . P. O. Box 308 . Concord, NC 28025 Phone (704) 920-5152 • Fax (704) 920-6962 • www.concordne.gov



H-23-22

97 Union St N

PINs: 5620-78-8882 (Main Parcel) 5620-78-7915 (Private Alley)





Source: City of Concord Planning Department

Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.

H-23-22 EXHIBIT C

PART OF THE PROPERTY OF:

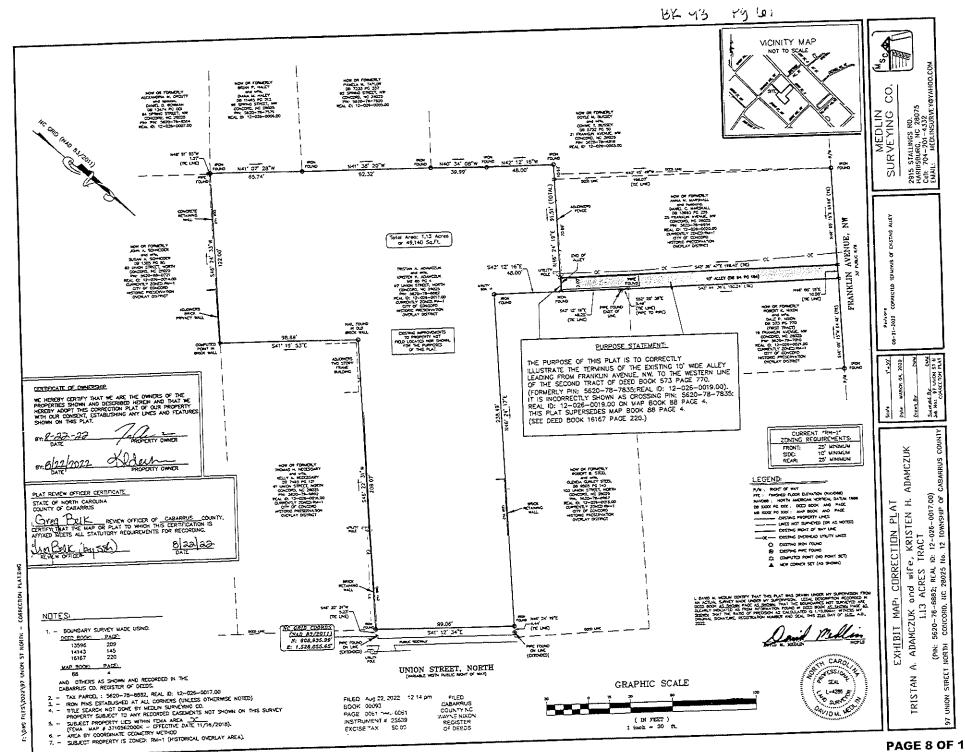
J.P. ALLISON ESTATE (Deed Book 36, Page 122)

Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, on the East side of Franklin Avenue, NW (previously known as Mill Street) and being known as 10' wide alley, a portion of Deed Book 36, Page 122 as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

A 10' Wide Private Alley

Beginning at a NEW MAGNETIC NAIL SET near the back of the existing Public sidewalk on the east side of Franklin Avenue, NW, said NEW MAGNETIC NAIL SET being further described as being a common corner of said 10' Wide Alley and the southwest corner of the property of Robert K. Nixon and wife, Dale P. Nixon (now or formerly) Deed Book 573 Page 770 (PIN: 5620-79-7010; Real ID: 12-026-0021.00) and also being the Point of Beginning (POB) of the 10' Wide Alley area, being described herein below; thence leaving the POB and running along the common line of the aforesaid alley and Deed Book 573 Page 770

- South 42°44'38" East 150.42 feet (L4) to an existing PIPE FOUND on the northern line of said alley at the common corner of the aforesaid Deed Book 573 Page 770 and the property of Robert B. Steel and wife, Glenda G. Steel (now or formerly) Deed Book 9505 Page 143 (PIN: 5620-78-8967; Real ID: 12-026-018.00); thence running along the common line of said alley and Deed Book 9505 Page 143
- 2) South 42°12'16" East 48.25 feet (L5) to an exist IRON FOUND on said common line at a common corner with the property of Tristan A. Adamczuk and wife, Kristen H. Adamczuk (now or formerly) Map Book 88 Page 4 (PIN: 5620-78-8882; Real ID: 12-026-0007.00), said IRON FOUND being further described as being the southeastern corner of the aforesaid alley; thence leaving the aforesaid common corner and running along the common line of Map Book 88 Page 4 (PIN: 5620-78-8882; Real ID: 12-026-0007.00) and the alley
- 3) South 46°24'19" West 10.00 feet (L1) to a NEW MAGNETIC NAIL SET at the southeastern corner of said alley, said NEW MAGNETIC NAIL being further described as being the northeast common corner to the aforesaid Map Book 88 Page 4 and the property of Anna M. Marshall and husband, Daniel C. Marshall (now or formerly) Deed Book 13693 Page 226 (PIN: 5620-78-6954; Real ID: 12-026-0020.00) thence running along the common line of said alley and Book 13693 Page 226
- 4) North 42°36'47" West 198.62 feet (L2) to a NEW MAGNETIC NAIL SET near back of the aforesaid existing Public sidewalk on the east side of Franklin Avenue, NW; thence running a line near the back of said sidewalk
- North 46°07'24" East 10.00 feet (L3) to the Point of Beginning and containing 2,020 square feet or 0.046 acres of land, more or less.





Case No. CNCE2022-00234 Date: March 15, 2022

Tristan & Kristen Adamczuk 97 Union St N Concord, NC 28025

Dear Property Owner:

Please be advised that the parcel/alley way located behind 103 Union St N., that you recently paved with concrete, is in violation of The City of Concord Historic District Handbook Pg 4, Specifically, Approval Requirement Needs: Type of Work-Miscellaneous-Any type of alteration of exterior features of a building, site, or environment which is not specifically listed. **You have two (2) options to correct this violation:**

- 1. Remove the newly poured concrete located in the alley way.
- 2. Apply for a Certificate of Appropriateness as required by the Historic Preservation Handbook.

If you have any questions, you can contact Planning at 704-920-5131.

If the above stated violation is not corrected within seven (7) days of the receipt of this notification, a civil penalty of \$100 for the first day following the expiration of the time period, and \$100 each day there after in accordance with Section 1.5.5.(A). Per Section 1.5.5.(B) a same violation recurring on the same property by the same violator within a 36-month period of the first violation shall be considered a repeat offense. A violation with an immediate civil penalty of \$300.00 may be issued. No warning periods shall be granted at such stage. For each day the violation remains, the violation will be subject to a \$300.00 penalty.

Your timely cooperation in this effort to render Concord a more beautiful and safe city will be appreciated. If you have any questions, please feel free to call me at (704) 920-6030 or via email at caudelld@concordnc.gov.

Sincerely, Demil a Carbil

Derrick Caudell, CZO Building Level I Inspector

Senior Code Enforcement Officer

File: cc



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Address: 97 Union Street North			
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OWNER INFORMATION Name: Kristen and Tristan Adamczuk			
Address: 97 Union Street North			
City: <u>Concord</u> State: <u>NC</u> Zip Code: <u>28025</u> <u>Telephone</u> : <u>704-907-8528</u>			
Street Address: 97 Union Street North P.I.N. # 56207888820000 Area (acres or square feet): 1.13 Current Zoning: RM-1 Land Use: SFR			
Staff Use Only:			
Application Received by:Date:, 20			
Fee: \$20.00 Received by:			
The application fee is nonrefundable.			



Certificate of Appropriateness

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1			
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removal of dormers from rear garage elevation			
Requi Attachments/ 1. Scaled site plan, if additions or accessory structures are copies will be accepted if 16 folded copies are submitted. 2. A photograph of the front of the house. 3. Photographs of site, project, or existing structures from 4. Drawings, sketches, renderings, elevations, or photograform an "after" perspective. 5. Samples of windows, doors, brick, siding, etc. must be a complete distribution of the house. 6. Detailed list of materials that will be used to complete the complete distributions may be submitted electronically.***	Submittals proposed, on letter, legal or ledger paper. Larger sized d for distribution. a "before" perspective phs necessary to present an illustration of the project submitted with application.		
Certification (1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.			
03/24/2022 Date	Signature of Owner/Agent		

FILED CABARRUS COUNTY NO WAYNE NIXON REGISTER OF DEEDS Sep 14, 2022 FILED **AT** 02:17 pm 16203 BOOK 0196 START PAGE 0200 **END PAGE** 27626 INSTRUMENT # \$30,00 **EXCISE TAX**

MNS

SCANNED AND RETURNED

NON-WARRANTY DEED

Excise Tax: \$30,00	
Tax Parcel ID No.PIN assigned by Cabarrus County Verified by	County
on the day of, 20 By:	
Mail/Box to: Grantee	
This instrument was prepared by: Nadine A, Neel, PA Brief description for the Index: 10 Alley way from Franklin Ave Ni	Title Company: Morehead Title Company V
THIS DEED, made this the day of September, 2022, by an	d between
GRANTOR: Barium Springs Home for Children, a North Caro	lina Non-Profit corporation (a 75% undivided
interest) and Children's Hope Alliance, a North Carolina Non-	rofit corporation (a 25% undivided interest)
whose mailing address is P.O. Box 1, Barlum Sprir	gs, NC 28010
(herein referred to as Grantor) and	
GRANTEE: Tristan Adamczuk and wife, Kristen Adamczuk	
whose mailing address is 97 Union Street North, C	oncord, NC 28025
(berein referred to as Grantee) and	

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, quitclaims and conveys unto Grantee in fee simple the following described property located in Number Twelve (12) Township, County of Cabarrus, State of North Carolina, more particularly described as follows:

See attached Exhibit A

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 36, Page 122.

All or a portion of the property herein conveyed ___ includes or _X_ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple. Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

Revised December 17, 2009

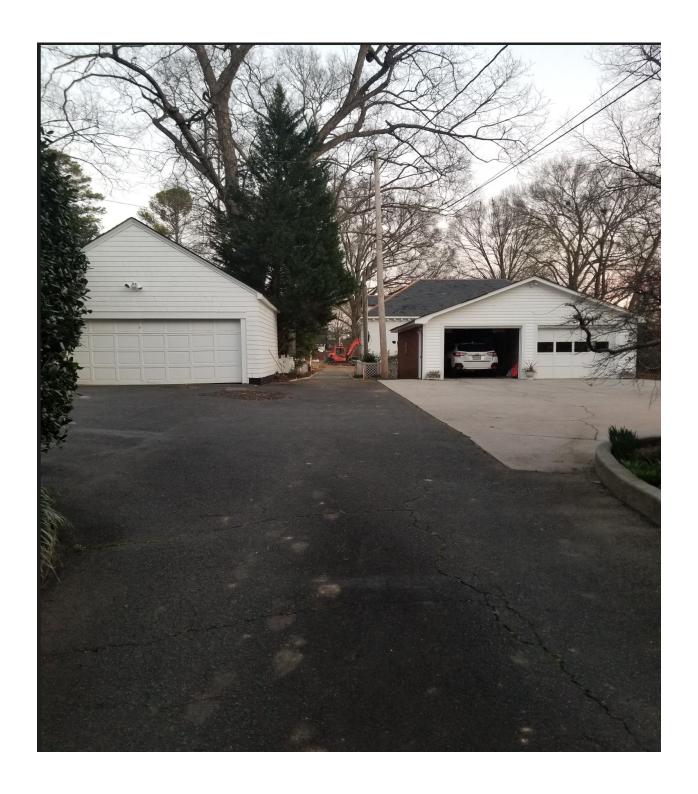
16203 0197

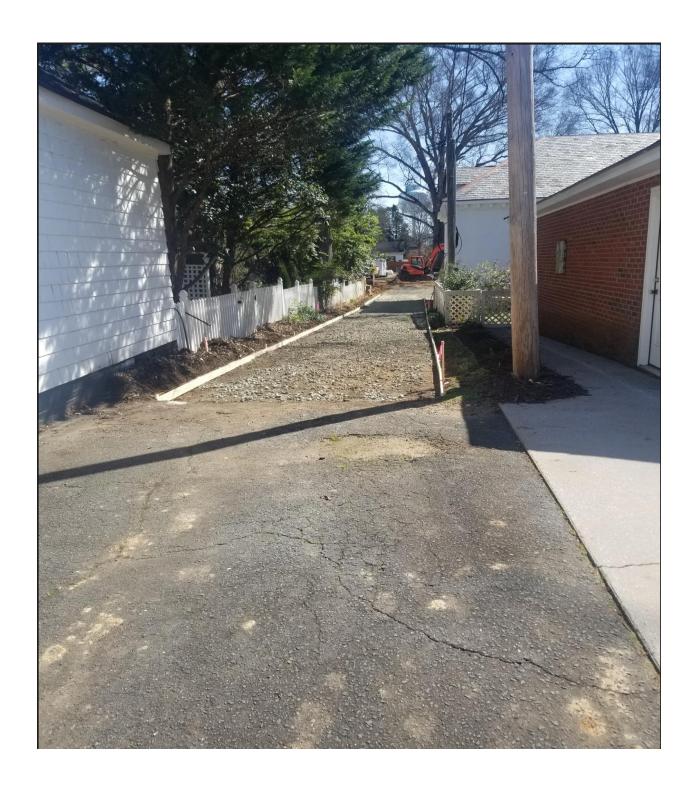
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written. Children's Hope Alliance, a North Carolina Non-Profit Barium Springs Home for Children, a North Carolina corporation Non-Profit corporation (SEAL) (SEAL) Celete Dominguez, President Celeste Dominguez, President (Official/Notarial Seal) State of North Carolina County of Iredel Angela Nichols, a Notary Public of the County of Iredell, State of North Carolina, do hereby certify that Celeste Dominguez, President of Barlum Springs Home for Children, a North Carolina Non-Profit corporation, either being personally known to me or proven by satisfactory evidence (said evidence being driver's license), personally appeared before me this day and that by authority duly given and as the act of said entity, she has signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and official seal this 13 Notary Public My Commission Expires (Official/Notarial Seal) State of North Carolina County of Iredell 1, Anaela Nichols, a Notary Public of the County of Iredel State of North Carolina, do hereby certify that Celeste Dominguez, President of Children's Hope Alliance, a North Carolina Non-Profit corporation, either being personally known to me or proven by satisfactory evidence (said evidence being driver's license), personally appeared before me this day and that by authority duly given and as the act of said entity, she has signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and official seal this 13 day of September, 2022.

My Commission Expires:

PREVIOUS ALLEYWAY PHOTOS FROM FRANKLIN AVE NW







ALLEYWAY PHOTOS AFTER PAVING WITH CONCRETE



