

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: December 5, 2016

SUBJECT: Markley Dr. Nuisance Case-Chronic Violator

PRESENTER: Toby Linville

ATTACHMENTS: Yes

1. Case History
2. Photographs
3. Maps
4. Notice Letter

SUMMARY OF REQUEST:

The Code Enforcement Services Department has received numerous complaints from residents along Markley Dr. (off Highland Lake Rd.) concerning Nuisance properties owned by Ernest McCall. Neighbors have been complaining about this property since 2003, before the enactment of the Nuisance Ordinance. The first notice of violation from the Nuisance Ordinance was issued in 2006. There has been some progress throughout the years but also more violations added to the property. The property owner was convicted of violating the nuisance ordinance regarding this property in 2015. There was a structure fire at 202 Markley Dr. on Saturday November 12.

§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

BOARD ACTION REQUESTED:

The Board is requested to approve giving of notice under GS 153A-140.2. Further action under this statute would require action by the Board at a later meeting.

SUGGESTED MOTION:

I move to approve the issuance by the County of a chronic violator notice under GS 153A-140.2, to be delivered to the property owner on or after January 1, 2017.

VIOLATION CHRONOLOGY

6/24/03 Complaint of junkyard
9/8/06 First Notice of Violation of Public Health Nuisance Ordinance
2/13/08 First warrant for arrest for criminal violation of a local ordinance
3/18/08 First Appearance
1/20/09 Subpoena to criminal court
5/19/09 Continuance
7/28/09 Compliance Plan
10/27/09 Dismissed after considerable progress
3/7/13 Second Notice of Violation
4/18/13 15-day letter after no progress
5/21/13 Second Arrest after placement of additional storage container and camper on property
6/27/13 First Appearance-several continuances-little improvement-health issues
10/5/15 Prayer for Judgment Continued
11/5/15 Guilty Class 3 Misdemeanor \$300 fine
3/16/16 Neighbor complaint no change-McCall moved from property
6/27/16 Right-of-way blocked, EMS unable to access patient. Left business card on property for contact
7/1/16 McCall left message-no number
7/6/16 Posted Business Card on property for contact-warned to open up E Markley Dr and remove violations or civil action to follow.
7/18/16 McCall left message-no number
7/25/16 McCall left message with call back number-told him violations still stand asked where he was living, McCall would not say.
9/8/16 Message from McCall
10/1/16 Gave my cell number to McCall for further contact. Two conversations in October about his medical ailments and his plans for progress
11/12/16 Home at 202 Markley Dr burned. Neighbors' vehicles and homes were damaged by fire.
Recent Site Visits: No Improvement/No Contact: 5/5/16, 6/27/16, 7/6/16, 8/8/16, 9/14/16, 9/30/16, 11/7/16, 11/14/16



NO
TRESPASSING

WET-PA
COUNTY
VAC

2015/10/04
08:12



2015/10/04
08:12



2015/10/04
08:12



2015/10/04
08:11



NEVER HIND
THE DOG
BEWARE
OF OWNERS!
CLOSED CIRCUIT
TELEVISION
AND
AUDIO MONITORING
ON PREMISES

2015/10/04
08:11



2016/09/30
10:49



2016/09/30
10:49



2016/09/30
10:48



102
POSTER
NO TRESPASSING
KEEP OFF
NEVER MIND
THE DOG
BEWARE
OF OWNER!

VECTOR
SECURITY

2016/09/30
10:48



2016/09/30
10:48



2016/11/14
17:19



2016/11/14
17:19



2016/11/14
17:19



2016/11/14
17:18



2016/11/14
17:18



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	9906916	Pin:	9577633920
Listed to:	MCCALL, NETTIE BELL	Neighborhood:	EAST FLAT ROCK ZONED
Mailing Address:	202 MARKLEY DR	Township:	Hendersonville
Mailing City, State, Zip:	FLAT ROCK, NC 28731	Municipality:	
Physical Address:	73 MARKLEY DR	Tax District:	01 Blue Ridge Fire
Deed:	532/571	Plat:	Not Available
Date Recorded:	07-02-1975	Elementary School District:	HILLANDALE
Revenue Stamps:	0	Middle School District:	FLAT ROCK MIDDLE
County Zoning:	R1	High School District:	EAST HIGH
Property Description:	Lot # 231 HIGHLAND LAKE CLUB L#231	Soil:	Hayesville loam, 2 to 7 percent slopes
Map Sheet:	9577.15	Voting Precinct:	Armory
Assessed Acreage:	0.26000000	Commissioner District	1
Building Value:	\$400.00	Agricultural District	None Found
Land Value:	\$17,100.00	North Carolina House District	113
Value To Be Billed:	\$17,500.00	U.S. House District	11
North Carolina Senate District	48		



Henderson County
 Geographic Information Systems (GIS)
 200 North Grove Street
 Hendersonville, NC 28792
 P: (828) 698-5124
 F: (828) 698-5122

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Parcel Information

REID:	9906915	Pin:	9577633975
Listed to:	MCCALL, NETTIE BELL	Neighborhood:	EAST FLAT ROCK ZONED
Mailing Address:	202 MARKLEY DR	Township:	Hendersonville
Mailing City, State, Zip:	FLAT ROCK, NC 28731	Municipality:	
Physical Address:	87 MARKLEY DR	Tax District:	01 Blue Ridge Fire
Deed:	217/124	Plat:	Not Available
Date Recorded:	09-28-1936	Elementary School District:	HILLANDALE
Revenue Stamps:	0	Middle School District:	FLAT ROCK MIDDLE
County Zoning:	R1	High School District:	EAST HIGH
Property Description:	Lot # 230 HIGHLAND LAKE CLUB L#230	Soil:	Hayesville loam, 2 to 7 percent slopes
Map Sheet:	9577.15	Voting Precinct:	Armory
Assessed Acreage:	0.26000000	Commissioner District	1
Building Value:	\$900.00	Agricultural District	None Found
Land Value:	\$19,000.00	North Carolina House District	113
Value To Be Billed:	\$19,900.00	U.S. House District	11
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Parcel Information

REID:	9906917	Pin:	9577634949
Listed to:	MCCALL, NETTIE BELL	Neighborhood:	EAST FLAT ROCK ZONED
Mailing Address:	202 MARKLEY DR	Township:	Hendersonville
Mailing City, State, Zip:	FLAT ROCK, NC 28731	Municipality:	
Physical Address:	91 MARKLEY DR	Tax District:	01 Blue Ridge Fire
Deed:	220/237	Plat:	Not Available
Date Recorded:	08-18-1937	Elementary School District:	HILLANDALE
Revenue Stamps:	0	Middle School District:	FLAT ROCK MIDDLE
County Zoning:	R1	High School District:	EAST HIGH
Property Description:	Lot # 232 HIGHLAND LAKE CLUB L#232	Soil:	Hayesville loam, 2 to 7 percent slopes
Map Sheet:	9577.15	Voting Precinct:	Armory
Assessed Acreage:	0.25000000	Commissioner District	1
Building Value:	\$0.00	Agricultural District	None Found
Land Value:	\$15,900.00	North Carolina House District	113
Value To Be Billed:	\$15,900.00	U.S. House District	11
North Carolina Senate District	48		



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Parcel Information

REID:	108863	Pin:	9577645037
Listed to:	MCCALL, FLORENCE	Neighborhood:	EAST FLAT ROCK ZONED
Mailing Address:	202 MARKLEY DR	Township:	Hendersonville
Mailing City, State, Zip:	FLAT ROCK, NC 28731	Municipality:	FLAT ROCK
Physical Address:	202 MARKLEY DR	Tax District:	01 Blue Ridge Fire
Deed:	371/81	Plat:	Not Available
Date Recorded:	10-21-1958	Elementary School District:	HILLANDALE
Revenue Stamps:	0	Middle School District:	FLAT ROCK MIDDLE
County Zoning:	Cities,R1	High School District:	EAST HIGH
Property Description:	Lot # 233 HIGHLAND LAKE 1 LOT #233	Soil:	Hayesville loam, 2 to 7 percent slopes
Map Sheet:	9577.15	Voting Precinct:	Armory
Assessed Acreage:	0.26000000	Commissioner District	1
Building Value:	\$17,500.00	Agricultural District	None Found
Land Value:	\$19,000.00	North Carolina House District	113
Value To Be Billed:	\$36,500.00	U.S. House District	11
North Carolina Senate District	48		



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Henderson County, North Carolina Code Enforcement Services

November 22, 2016

Ernest McCall
202 Markley Dr.
Flat Rock NC 28731

RE: Markley Drive Violations

Dear Mr. McCall;

My office has received several complaints concerning nuisance violations at 73 Markley Dr., 87 Markley Dr., 91 Markley Dr. and 202 Markley Dr. with parcel identification numbers 9577633920, 9577633975, 9577634949 and 9577645037. The property is in violation of the Henderson County Public Health Nuisance Prevention Ordinance. In order to remedy the above violations please remove the following violations:

§ 52-3. Prohibitions.

E. Significant outdoor storage of solid waste including but not limited to: decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing materials, scrap metal, pallets, fuel storage containers, tools, tires and wheels, furnaces, home appliances, furniture, plumbing fixtures, construction materials, amusement park devices, metal, pipes, rubber, glass bottles, machinery, wood, brick, cement block, all-terrain vehicles, toys, bicycles, junk or any other substances in which flies, mosquitoes, other disease-carrying insects, rodents or other vermin can harbor.

F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.

G. Any junked motor vehicles without a current vehicle restoration permit and/or any abandoned manufactured home as defined below.

§ 52-4. Outdoor Storage.

A. Outdoor storage shall not be allowed between any building and the right-of-way on the side of the property which is the front of the property for zoning purposes. Such storage shall not exceed 1/3 of the rear yard area, shall not be closer than 10 feet to the side lot lines or an alley and shall be at least 15 feet from any street. Use of land for outdoor storage of items not related to the property's use in relation to any zoning permit granted for the property shall not be permitted.

Failure to remedy these violations in the next 60 days will warrant action by Henderson County to remove the violations and that cost levied against the property.

§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Thank you,

Toby Linville

Toby Linville
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