

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: March 19, 2025

SUBJECT: Chronic nuisance property

PRESENTER: Charles Russell Burrell; Matt Champion

ATTACHMENT(S): Chronic Nuisance Declaration from BOC; Cost Estimate

SUMMARY OF REQUEST:

This matter is back before the Board on the matter of a chronic nuisance property, as that term is used in N.C. Gen. Stat. §153A-104.2.

- The Board is reminded of its previous finding, on October 23, 2024, that the property located at 106 Oakwood Dr was on that date a chronic nuisance property, in that it had three times within the last year been cited as a nuisance property under the County's nuisance ordinance, found in Chapter 52 of the Henderson County Code.
- Since the Board's previous finding, the owner of the property was notified by certified mail and by posting on the property of the Board's finding.
- After the notification of the owner, County staff again visited the property, and found no improvement, such that the property still constitutes a nuisance under Chapter 52 of the County Code.
- Staff has obtained estimates on the cost of removing the items which make up the nuisance on the property. The lowest estimate obtained is for a cost of \$5,000.
- The tax value of the property is \$52,200 total for land as no taxable structures are present.

BOARD ACTION REQUESTED:

At this point, staff seeks Board permission to contract to remove the nuisance from the site, and to impose a lien on the property (to be collected as back taxes) for the cost of remediating the nuisance.

SUGGESTED MOTION. If the Board is so inclined the following motion is suggested:

I move that the Board direct staff to contract for the remediation of the nuisance on this property, obtain a lien on the property and repayment for the cost of the remediation pursuant to N.C. Gen. Stat. §153A-104.2.

Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

Rebecca K. McCall
Chairman
J. Michael Edney
Vice-Chairman



William Lapsley
Daniel J. Andreotta
David Hill

October 23, 2024

Cathy Sheehan
2114 NC 108 HWY LOT 11
Rutherfordton, NC 28139

SENT BY CERTIFIED MAIL AND BY HAND DELIVERY (PROPERTY POSTING)

RE: 106 Oakwood Road, Hendersonville

Dear Ms. Sheehan:

The Board of Commissioners of Henderson County has reviewed your numerous violations of the County's Nuisance Ordinance (the ordinance is found in Chapter 52 of the Henderson County Code). These violations occurred on the property owned by you located at 106 Oakwood Road in Hendersonville, and were cited by Henderson County Code Enforcement on March 24, 2024, May 30, 2024 and June 28, 2024. You did not appeal any of these citations.

Under the North Carolina General Statutes,

§ 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.*

This serves as your notice pursuant to N.C. Gen. Stat. §153A-140.2, that, if your property listed above is found to be in violation of the County's Nuisance Ordinance at any point during the year from September 18, 2024, through September 17, 2025, the County will, without further notice, take action to remedy the violation, and the expense of the cost of remedying the violation will be a lien on your property and be collected as unpaid taxes. The County will inspect the property

at various times during this year, given the chronic nature of the nuisance violations, and if no significant improvement is found, take action to remedy the nuisance.

You should be aware that if the action of remedying the nuisance is required of the County, all of the expense of the same will be charged to you. The County can and will, just as with unpaid taxes, sell the property to the highest bidder to recoup its expenditures.

You are advised not to make this action necessary. However, if you do not take prompt and effective action to remedy this situation, the County will do so, at your expense and to your loss.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca McCall". The signature is written in dark ink and is positioned above the printed name.

Rebecca McCall, Chairman
Henderson County Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AFFIDAVIT OF SERVICE

Penny Sams, being first duly sworn, deposes and says:

1. That I mailed a copy of the attached letter from Rebecca McCall, Chair of the Henderson County Board of Commissioners, by certified mail with the United States Postal Service, addressed to:

Cathy Sheehan
2114 NC 108 HWY LOT 11
Rutherfordton, NC 28139

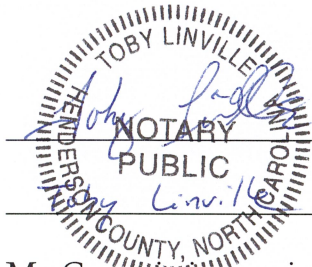
This is the address to which property tax bills are sent for the parcel described in the letter.

2. In addition, I posted a copy of the letter on the property, 106 Oakwood Road, Hendersonville, NC, by prominently attaching a copy of the same to a tree growing on the property (copy of photograph demonstrating the same is also attached).

This the 28 day of October, 2024.

Penny Sams
AFFIANT

Sworn to and subscribed before me, this the 29 day of October, 2024.



_____, Notary Public Signature

_____, Name of Notary Public

My Commission expires: 6/29/26

GQC Demolition & Debris, L.L.C.
Specialty Demolition & Structures to 3 Stories
Mobile Homes On-Site & Large Tree and Debris Removal
Nate Breeding, General Manager
(828) 777 5433
Serving WNC Since 2004

Toby Linville for
Henderson County MH Removal Program
Hendersonville NC
Ph: 828-694-5000
Email: tlinville@hendersoncountync.gov

Site: 106 Oakwood Rd, Hendersonville NC

13 Feb 2025

Scope of Work for Demolition & Removal:

Demolish and Remove 2 Camper units, some additions/sheds
and pick up site trash. Quote includes disposal costs (3 loads est.)

Items not Included

Tree debris, Hazmats like Oxygen Tanks, Paints, Fuels and Tires
Garbage on site next door on the other side of the fence/property line.

Permits:

Henderson County Permits Included

Site Preparation:

All electric, water and gas utilities must be disconnected before removal begins.
Gas lines must be disconnected at the street and away from the demolition site.

Quote for Demolition & Disposal of Campers: _____ \$5000.00

**We are Fully Insured.
Thanks for the Opportunity!**

GQC Demolition & Debris LLC
P.O. Box 1866
Weaverville NC 28787



108

WOOD



