

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 19, 2025

SUBJECT: Chronic nuisance property – Walnut Cove

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Notices of violation (April 12, 2024, January 9, 2025, and February 11, 2025)
Photos of the property

SUMMARY OF REQUEST:

Your Code Enforcement and Zoning Services Department has cited a particular parcel of property three times within the past year for violation of your nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on your geographical information system as PIN 9556-02-7786, with owner shown as “Tammy Lee Franklin Koch and April Carolyn Franklin Summey”. A copy of each of the notices of violation is attached.

Under N.C.G.S. §153A-140.2,

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 matter would, in the worst case, come back before the Board before a contractor was hired to clear up the property under the authority noted above.

County staff will be present and prepared if requested to give further information on this matter.

PROPOSED BOARD ACTION:

Give notice to property owners under N.C.G.S. §153A-140.2. If the Board is so inclined, the following motion is suggested:

I move that the Board give the owner(s) of the property, which is the subject of this agenda item the notice provided for under N.C.G.S. §153A-140.2.

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: Tammy Koch App. 1 Franklin
Street Address: 1767 WATSON COVE RD
PIN Number: 9556027786

On or about the 11th day of Feb, 2025, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
- §52-3 I. Breeding grounds which support mosquito larvae and mosquitoes.
- §52-3 J. Use of a Recreational Vehicle as a primary residence without permitted electric, water and sewage connections.
- §52-3 K. Recreational vehicles used to store solid waste.
- §52-4 A. Improper outdoor storage location violation for zoning purposes. -Mobile homes
- Other Zoning Violation (Section 42): _____
- Solid Waste Violation (Section 95): _____

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

You have 30 days, ending on 3/11/25, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-140.2 and this ordinance.

Right to appeal: As the owner or occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792.

Please contact Officer: Penny Sims as soon as possible at 694-6517.

Owner Signature _____ Phone Number _____
Penny Sims 211-25 659
Zoning Enforcement Officer Date ID#

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: TAMMY KOCH, APRIL SUMMERS
Street Address: 1761 WALNUT COVE RD
PIN Number: 9556027786

On or about the 9 day of Jan, 2025, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
- §52-3 I. Breeding grounds which support mosquito larvae and mosquitoes.
- §52-3 J. Use of a Recreational Vehicle as a primary residence without permitted electric, water and sewage connections.
- §52-3 K. Recreational vehicles used to store solid waste.
- §52-4 A. Improper outdoor storage location violation for zoning purposes. - TRAILERS
- Other Zoning Violation (Section 42): _____
- Solid Waste Violation (Section 95): _____

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

You have 30 days, ending on 2/9/25, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-140.2 and this ordinance.

Right to appeal: As the owner or occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792.

Please contact Officer: Penny Sams as soon as possible at 694-6517

Owner Signature _____ Phone Number _____
Penny Sams _____ 1925 659
Zoning Enforcement Officer Date ID#

AMAZON

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: TAMMY KOCH, APRIL FRANKLIN, CAROLYN
Street Address: 1767 WALNUT CREEK RD
PIN Number: 9556027786

On or about the 12th day of April, 2024, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
- §52-3 I. Breeding grounds which support mosquito larvae and mosquitoes.
- §52-3 J. Use of a Recreational Vehicle as a primary residence without permitted electric, water and sewage connections.
- §52-3 K. Recreational vehicles used to store solid waste.
- §52-4 A. Improper outdoor storage location violation for zoning purposes.
- Other Zoning Violation (Section 42): no permits
- Solid Waste Violation (Section 95):

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

You have 30 days, ending on 5/12/24, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-140.2 and this ordinance.

Right to appeal: As the owner or occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792.

Please contact Officer: Penny Sams as soon as possible at 644-6517.

Owner Signature _____ Phone Number _____
Penny Sams 4-12-24 659
Zoning Enforcement Officer Date ID#













