



Planning & Inspections Department

P. O. Box 70* Eden, North Carolina 27288-3523 * (336) 623-2110 * Fax (336) 623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Brad Corcoran, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: **Appeal on Nuisance Violation for 107 N. Fieldcrest Road – Michael Thomas Edwards**
Date: March 9, 2012

Based upon a citizen complaint and staff inspection, a nuisance was sent to the property owner of 107 N. Fieldcrest Road owned by Michael Thomas Edwards and Lesia E. Edwards. Mr. Edwards appealed the determination that there was a nuisance on his property.

Staff recommends that this appeal be denied.



NOTICE OF CODE VIOLATION
Eden City Code - Chapter 6, Article II. Nuisances
Notice of Findings & Order of Abatement

Date: 2/27/2012

To: Michael Thomas Edwards
P.O. Box 4743
Eden, NC 27289-4743

Property Location: 107 N. Fieldcrest Road, Eden, NC 27288

PIN: 709011673346

NOTICE OF FINDINGS: Please take notice that the property located above is in such condition as to constitute a public nuisance as defined by Section 6-37 of the Eden City Code. It is the finding of the Director that:

- **There are conditions that block, hinder, or obstruct the natural flow of branches, streams, creeks, surface waters, ditches, or drains. Broken drain pipe must be repaired.**

If the Planning Department has to abate the above condition and any of the following conditions are found to exist, they will also be abated:

- The open storage of any ice box, refrigerator, stove, water heater, freezer, other similar large appliances, glass, scrap building materials, building rubbish, debris or similar items.
- The collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind in an open space.
- The accumulation of rubbish, trash, junk or combustible items, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of mosquitoes, harmful insects, rats, mice, snakes or vermin of any kind.
- There are conditions that injure or cause discomfort to the community at large, endanger life, generate disease, have a detrimental effect on the public health, safety and welfare.
- The accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind.
- The accumulation of dead trees, fallen sections of tree trunks, tree limbs or tree stumps not removed within thirty (30) days after it has acquired a situs on the property. This shall not apply to accumulations of less than 2 cubic yards or to natural accumulations on never developed parcels of land when such parcels are larger than two (2) acres and such natural accumulation is not within fifty (50) feet of adjoining developed property.
- The uncontrolled growth of noxious weeds, noxious weeds and grass or noxious weeds and other vegetation to a height in excess of 12 inches on the entire parcel of any developed property except any portion of the property that has been proven to be in use for any current, permitted agricultural operation.

NOTICE OF VIOLATION: The above condition constitutes a public nuisance in violation of Chapter 6, Article II of the Eden City Code.

ORDER OF ABATEMENT: You are hereby ordered to abate or remove the condition constituting the public nuisance within fifteen (15) days from the date of this notice and order. *This is the only notice and order you will receive.* If this has not been taken care of within the fifteen (15) day period, then the Planning & Inspections Director shall cause said condition to be removed or otherwise remedied by having employees of the City or a private contractor to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Director. Each day upon which the violation continues shall constitute a separate and distinct offense. *In addition to other remedies, the City may impose a civil penalty of \$100.00 for each day the violation continues.* Within the fifteen (15) day period, you may submit a written request to the City and pay the City to remove such condition.

APPEAL: Within the fifteen (15) day period, you may appeal this Notice of Findings and Order of Abatement to the Eden City Council by giving written notice of appeal to the City Clerk and such appeal shall stay the abatement of nuisances until a final determination by the City Council is made. If no appeal is taken, the City may proceed to abate the nuisance. Appeals may be filed on application forms available in the Planning & Inspections Department and in the City Clerk's Office.

Further information concerning this notice and order may be obtained from the Planning and Inspections Department at (336) 623-2110. The City of Eden appreciates your cooperation in this matter.

Planning & Inspections Department
308 East Stadium Drive
Eden, NC 27288

Cert. #7009-1680-0000-2108-6929



PLANNING & INSPECTIONS DEPARTMENT

APPLICATION FOR AN APPEAL NUISANCE

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed. Please return the completed application to the Planning & Inspections Department. The application will be forwarded to the City Clerk for the City Council's consideration at the next available regular meeting.

(1) APPLICANT INFORMATION:

NAME: Michael Thomas Edwards TELEPHONE: 552-6120
MAILING ADDRESS: 431 Lake St
CITY, STATE & ZIP CODE: Edon NC 27288
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S): owner

(2) PROPERTY OWNER INFORMATION:

NAME: same as above TELEPHONE:
MAILING ADDRESS:
CITY, STATE & ZIP CODE:

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 709011673346
STREET LOCATION: 107 N. Fieldcrest Rd
DEED BOOK/PAGE NUMBER:
YEAR CURRENT OWNER ACQUIRED TITLE TO PROPERTY:
PROPERTY SIZE (in acres or square feet if less than 1 acre):
PUBLIC WATER AVAILABLE: Yes No PUBLIC SEWER AVAILABLE: Yes No

(4) STATEMENT BY APPELLANT:

In the space provided below, or on a separate sheet, state what reasons you have for believing that the finding of the Planning & Inspections Director is incorrect and that the property does not violate the Eden City Code.

All the water run off is off the city streets!

(5) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and I hereby request the City Council to hear and decide this appeal.

[Signature]
Applicant's Signature

3-2-12
Date of Signature

(6) PROPERTY OWNER CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby request the City Council to hear and decide this appeal.

[Signature]
Owner's Signature

3-2-12
Date of Signature

Owner's Signature

Date of Signature

(7) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which are described in this application for an appeal and that the Corporation hereby requests the Board of Adjustment hear and decide this appeal.

IN TESTIMONY WHEREOF, the said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

By:

President

Secretary

DEPARTMENTAL USE ONLY

RECEIVED BY Png & Inspections: *[Signature]*

DATE: 3-2-12

RECEIVED BY CITY CLERK: _____

DATE: _____