

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: January 18, 2005

SUBJECT: Quasi-judicial hearing for assigned address appeal

ATTACHMENTS: Felman Letter
Property Addressing Letter
Area Picture

SUMMARY OF REQUEST: Mr. Clement Peter Feldman of 33 Spring Blossom Ln, Horse Shoe, filed an appeal of the property address assigned to his residence by the Henderson County Property Addressing office. Original date for hearing was set at the November 16, 2005 commissioners meeting.

COUNTY MANAGER'S RECOMMENDATION/ACTION REQUIRED:
Deny appeal. Spring Blossom Drive was originally Mr. Feldman's driveway. He sold two lots, dedicated Spring Blossom Lane as a legal right-of-way and created a private street. The creation of this street changes his address from Forge Crest Drive to Spring Blossom Lane.

CLEMENT J FELDMANN
135 Forge Crest Drive
Mills River, North Carolina 28742
(828) 890-4444

September 6, 2005

Mr. Curtis L. Griffin
Property Addressing Coordinator
Henderson County Development and Enforcement Services
Addressing Office (828) 697-4916
101 East Allen Street
Hendersonville, NC 28792

Via Registered US Mail

Dear Mr. Griffin:

Thank you for your letter of August 12, 2005 regarding my request to maintain or restore my property address as originally issued to me in 1998/1999 by the "Henderson County Office of the Property Address Coordinator" 200 North Grove St., Suite 102, Hendersonville, NC 28792; SUSAN SNEED, Property Address Coordinator, Office (704) 697-4916..

I have a copy of the ROAD NAME PETITION FORM issued to me as the PETITION LEADER. The following property owners signed the petition prior to my submitting it to the Property Addressing Office. DONALD FULLAM, DARRYL FULLAM, C. J. FELDMANN, LYNNETTE F. RAINES, and ERIC PENLAND. Property address numbers on Forge Crest Drive were subsequently assigned to these property owners As I understood it these numbers were determined by the distance of the property owners driveway from the intersection of Hunters Ridge and Forge Crest Drive and which side of the street their property was located on.

Shortly after this process was completed I ordered and paid for a street sign to be located at the intersection of Hunters Ridge and Darryl Fullam took charge of erecting the sign. Throughout this time I was vitally interested in getting an address that was listed with the new 911 office and assuring that my home could be immediately located by any emergency vehicle responding to a 911 call.

My wife had received a heart transplant approximately five years prior to our move to North Carolina and I knew her life would be in great danger if we could not get immediate medical care if it became necessary. To that end I pursued the assignment of a readily identifiable 911 address and also purchased and installed a "starlites 911 Emergency Locator Beacon" which when activated can readily be seen by any vehicle approaching my property on Forge Crest Drive. In addition to these actions I had our Mills River Fire Department make an inspection to aid them should the ever need to respond to a call. There have been numerous occasions over the past six years when both medical and police vehicles have had to respond to 911 calls to my home and they have never failed to locate my property at once.


Following the "Copy To:" listing at the bottom of your letter I attempted to discuss the matters with the Town of Mills River and Mr. Toby Linville, Development and Enforcement Services Director but was advised by Dean McGinnis, Mills River Town Manager that they had no record of receiving a copy of your letter nor did they have a Toby Linville on their staff. Mr. McGinnis was also unable to shed any light on the fact that my address was changed by some addressing authority to 135 N. Forge Crest Drive. North and South Forge Crest Drive are both located more than half a mile above me on the mountain.

Mr. Griffin, in addition to the information noted above, I have studied Chapter 142, Property Addressing in the CODE OF HENDERSON COUNTY, v20 Updated 06-30-2005 in great detail. I firmly believe that there is more than ample reason to maintain my property address of 135 Forge Crest Drive, as originally issued to me. My belief is based on the clearly stated intent of the Law, the actual wording of this Chapter of the CODE, the Facts and the multitude of Precedents in the assignment of addresses in Henderson County.

I would hope that this matter could be satisfactorily settled through the recognition of the information presented in this letter or through a meeting with you. I await your advice in this regard. Should both of these avenues fail to preserve my rights to retain my address as originally issued by Henderson County I wish to avail myself of the right of appeal to the Henderson County Board of Commissioners as stated in Chapter 142-17. Appeals and by submission of a copy of this letter to the Clerk of the Board of Commissioners I wish to preserve my rights to such an appeal.

I look forward to hearing from you.

Cordially,


Clement J. Feldmann
Aka Peter Feldmann

Enc. 1

August 12, 2005

Mr. Clement Feldman
33 Spring Blossom Ln
Horse Shoe, NC 28742

Dear Mr. Feldman,

Our office has reviewed your request to look into the addressing of your home. After looking at what documents we could obtain and visiting the site (refer to attached photos), we are unable to change your address back to Forge Crest Dr. We have looked for any copy of a road petition for that street and could not find a copy. From the information we can find it was named back on or about 1998 when this 911 project was first started. A sign was ordered in 1999 from what I can tell also. At this time we are keeping your address at 33 Spring Blossom Ln. If you have any questions, feel free to call.

Sincerely,

Curtis L. Griffin

Copy To:

Town of Mills River
Toby Linville, Development and Enforcement Services Director



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