

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: October 6, 2025

SUBJECT: Chronic nuisance property – 230 Elson Avenue

PRESENTER: Charles Russell Burrell, County Attorney
Matt Champion, Code Services Director

ATTACHMENT(S): Chronic Nuisance Declaration
Cost Estimate

SUMMARY OF REQUEST:

This item 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 August 4, 2025, that the property located at 230 Elson Ave 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 have 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 \$1,250.
- The tax value of the property is \$49,200.

BOARD ACTION REQUESTED:

Staff requests authorization 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 authorize 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

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September 10, 2025

Sonya Cantrell
230 Elson Ave.
Hendersonville, NC 28739

VIA CERTIFIED MAIL

RE: Property at 230 Elson Ave.

Dear Ms. Cantrell:

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 230 Elson Avenue, Hendersonville, and were cited by Henderson County Code Enforcement on February 12, 2025, March 18, 2025, and June 3, 2025. You have not appealed 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 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,

William Lapsley, Chairman
Henderson County Board of Commissioners



