

REQUEST FOR BOARD ACTION
HENDERSON COUNTY BOARD OF
COMMISSIONERS

MEETING DATE: September 16, 2026

SUBJECT: Chronic Nuisance Property

PRESENTER: Charles Russell Burrell, County Attorney

ATTACHMENT(S): Yes

1. Notices of violation (March 30, 2026, May 5, 2026, and August 12, 2026)
2. Letters sent to property owner (1 per violation)
3. Photos of the property
4. GIS aerial view of 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 9569862880, with owner shown as “Wallace Allen King”. 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.

BOARD ACTION REQUESTED:

Staff is requesting to give notice to property owner under N.C.G.S. §153A-140.2.

Suggested Motion:

I move that the Board give the owner(s) of the property the notice provided for under N.C.G.S. §153A-140.2.



Henderson County, North Carolina Code Enforcement Services

March 30, 2026

KING, WALLACE ALLEN
108 APPALACHIAN AVE
HENDERSONVILLE NC 28792

RE: NOV #3050

NOTICE OF VIOLATION DECLARATION OF PUBLIC NUISANCE

You have already been served with a Notice of Violation and Declaration of Public Nuisance, Henderson County Ordinance, Section 52 for **108 Appalachian Ave** (PIN 9569862880). This notice was issued February 10, 2025, and gave you 30 days to abate the nuisance expiring on March 10, 2025. You have been given ample time to comply with the order. Failure to abate the nuisance will result in civil penalties. Each day that the violation exists past the allotted time constitutes a separate violation of fifty dollars per day. **Fines have accrued to \$39,500.**

Abate the following violations by 4/30/26.

Section 52 Prohibitions. The creation or maintenance of a public nuisance is prohibited. The following are hereby expressly declared to be public nuisances:

§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 E. Significant outdoor storage of solid waste.

Abatement the following: Remove all solid waste.

Please, call as soon as possible to discuss this matter further.

Thank you,

Toby Linville

Toby Linville
Code Enforcement Officer
100 N King St.
Hendersonville, North Carolina 28792
tlinville@hendersoncountync.gov
www.hendersoncountync.gov
828-694-6627

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

Name of Violator / Property Owner: _____
Street Address: _____
PIN Number: _____

On or about the _____ day of _____, 20____, 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**): _____
- ☐ 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 _____ days, ending on ____/____/____, 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: _____ **as soon as possible at** _____.

Owner Signature

Phone Number

Zoning Enforcement Officer

Date

ID#



Henderson County, North Carolina Code Enforcement Services

May 5, 2026

KING, WALLACE ALLEN
108 APPALACHIAN AVE
HENDERSONVILLE NC 28792

RE: NOV #3050

NOTICE OF VIOLATION DECLARATION OF PUBLIC NUISANCE

You have already been served with a Notice of Violation and Declaration of Public Nuisance, Henderson County Ordinance, Section 52 for **108 Appalachian Ave** (PIN 9569862880). This notice was issued February 10, 2025, and gave you 30 days to abate the nuisance expiring on March 10, 2025. You received additional notices of violation on November 14, 2025, and March 30, 2026. You have been given ample time to comply with the order. Failure to abate the nuisance will result in civil penalties. Each day that the violation exists past the allotted time constitutes a separate violation of fifty dollars per day. **Fines have accrued to \$39,500.**

Notification of Violation Expired: 4/30/26 Abate the following violations by 5/19/26.

Section 52 Prohibitions. The creation or maintenance of a public nuisance is prohibited. The following are hereby expressly declared to be public nuisances:

§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 E. Significant outdoor storage of solid waste.

Abatement the following: Remove all solid waste.

Please, call as soon as possible to discuss this matter further.

Thank you,

Toby Linville

Toby Linville
Code Enforcement Officer
100 N King St.
Hendersonville, North Carolina 28792
tlinville@hendersoncountync.gov
www.hendersoncountync.gov
828-694-6627

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

Name of Violator / Property Owner: Wallace Allen King

Street Address: 108 Appalachian Ave

PIN Number: 9569862880

On or about the 5 day of May, 2026, 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):
☒	Solid Waste Violation (Section 95): <u>Enclosed Containers/Remove gargage weekly</u>

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 15 days, ending on 5 / 19 / 26, 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: Toby Linville as soon as possible at 828-694-6627.

Owner Signature

TSL
Zoning Enforcement Officer

Phone Number

3/30/26
Date

3050
ID#



Henderson County, North Carolina Code Enforcement Services

August 12, 2026

KING, WALLACE ALLEN
108 APPALACHIAN AVE
HENDERSONVILLE NC 28792

RE: NOV #3050

NOTICE OF VIOLATION DECLARATION OF PUBLIC NUISANCE

You have already been served with a Notice of Violation and Declaration of Public Nuisance, Henderson County Ordinance, Section 52 for **108 Appalachian Ave** (PIN 9569862880). This notice was issued February 10, 2025, and gave you 30 days to abate the nuisance expiring on March 10, 2025. You received additional notices of violation on November 14, 2025, and March 30, 2026 and May 5, 2026. You have been given ample time to comply with the order. Failure to abate the nuisance will result in civil penalties. Each day that the violation exists past the allotted time constitutes a separate violation of fifty dollars per day. **Fines have accrued to \$48,500.**

Notification of Violation Expired: 4/30/26 Abate the following violations by 8/31/26.

Section 52 Prohibitions. The creation or maintenance of a public nuisance is prohibited. The following are hereby expressly declared to be public nuisances:

§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 E. Significant outdoor storage of solid waste.

Abatement the following: Remove all solid waste remove untagged Nissan Frontier owned by Ivette Andrea Barrios.

Please, call as soon as possible to discuss this matter further.

Thank you,

Toby Linville

Toby Linville
Code Enforcement Officer
100 N King St.
Hendersonville, North Carolina 28792
tlinville@hendersoncountync.gov
www.hendersoncountync.gov
828-694-6627

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

Name of Violator / Property Owner: Wallace Allen King

Street Address: 108 Appalachian Ave

PIN Number: 9569862880

On or about the 12 day of August, 2026, 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):
☒	Solid Waste Violation (Section 95): <u>Enclosed Containers/Remove gargage weekly</u>

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 15 days, ending on 8/31/26, 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.

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Please contact Officer: Toby Linville as soon as possible at 828-694-6627.

Owner Signature

TSL
Zoning Enforcement Officer

Phone Number

3/30/26
Date

3050
ID#







View from West



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View from North

