

Finding of Fact and Order

April 15, 2019

Case #: CNCE2019-00427
Property Address: 139 Union St N
PIN #: 5620-79-5216

Elizabeth Imlay Flowerree
139 Union St N
Concord, NC 28025

To all parties of interest in the property located at 139 Union St. N, Concord, North Carolina with Property Identification Number 5620-79-5216:

Following a hearing by the Code Enforcement Officer, the following **FINDINGS OF FACT** are made:

1. The above parties have been duly served with a copy of the Complaint and Notice of Hearing in this matter;
2. The Hearing was held on April 12th, 2019 at 41 Cabarrus Avenue West, Concord, North Carolina.
3. The property referenced above is in violation of one or more of the Minimum Housing Standards. (See Exhibit "A" attached)

Following the hearing, the following **CONCLUSIONS OF LAW** are made:

1. The property referenced above (**check one**):
 - Dilapidated (Demolition is Appropriate)**—The dwelling is unfit for human habitation and **cannot** be repaired, altered or improved to comply with all of the minimum standards established by Article 14 of the Concord City Code at a cost not in excess of 50 percent of its value.
 - Deteriorated**—The dwelling is required to comply with minimum standards and **can** be repaired, altered or improved to comply with all of the minimum standards established Article 14 of the Concord City Code at a cost not in excess of 50 percent of its value.

Therefore, it is hereby ORDERED: that on or before May 15th, 2019**:

Police

1. REPAIR, ALTER, or IMPROVE this property to meet all Minimum Housing Standards as provided in the City of Concord Code of Ordinances by remedying all of the defects set forth in Exhibit "A."
- OR**
2. DEMOLISH the dwelling and remove all debris from this property.

**** If all repairs or improvements to the property cannot be completed by the above date, a thirty (30) day extension may be granted by the Chief of Police. In order to be considered for an extension of time, the owner must have made a good-faith effort to comply with the order and all dangerous conditions must have been repaired. It is the responsibility of the owner or interested parties to contact the officer within the specific time period for an inspection, and to provide a written statement of good cause for an extension. The Police Chief shall have sole authority to grant extensions.**

Failure to comply with this Order may result in civil penalties, in an order vacating the property and prohibiting the owner from collecting rental income from the property and/or in other enforcement actions.

APPEALS: This order may be appealed to the Zoning Board of Adjustment within 10 days from the date of service of this Order by writing to the Zoning Board of Appeals, care of the Concord Police Chief located at 41 Cabarrus Avenue West, Concord, North Carolina 28025.

CIVIL PENALTIES: If your property has not been brought into compliance with the Concord Housing Code by the final date given (including extensions), civil penalties will begin to accrue at the rate of \$200 for the first day following the final date for compliance and \$200 per day thereafter until your property is in compliance. Requests for extensions must be submitted in writing to the Chief of Police and must state good cause to be considered within ten (10) days of the Compliance date stated in this Order.

This property was inspected by:
Derrick A Caudell, CZO
Code Enforcement Officer

Proof of Service of this Finding of Fact and Order:

Personally delivering a copy of Finding of Fact and Order

(Delivered by: _____)

Mailed by registered or certified mail.

Police



Minimum Housing Standards
Notice of Hearing

Send FUF
5-15-19

March 15, 2019

Elizabeth Imlay Flowerree
139 Union St N
Concord, NC 28025

RE: CNCE2019-00427
Address: 139 Union St. N
Parcel PIN # 5620-79-5216

- I. This Complaint and Notice of Hearing are issued and served pursuant to the Code of Ordinances of the City of Concord and the North Carolina General Statutes.
- II. It appears to the undersigned, who is the public officer under the Code of Ordinances, from his preliminary investigation of the premises, that the property identified above is in violation of one or more of the Minimum Housing Standards in Chapter 14, Article II of the Code of Ordinances of the City of Concord.
- III. The undersigned complaining of the aforesaid property and all persons owning or having any interest therein, charges that said property fails to meet the Minimum Housing Standards prescribed in the Code of Ordinances of the City of Concord as more specifically set forth in the attached Notice of Violation.
- IV. You are hereby notified that a hearing will be held before the undersigned in the Police Department, Code Enforcement Section at 41 Cabarrus Avenue West, Concord, NC at **9 o'clock AM** on the **12th of April, 2019**. The parties owning or having interest in the aforesaid property may show cause why an order should not be entered finding said property to be unfit for human habitation and directing that it be made to comply with the provisions of the Minimum Housing Standards of the City of Concord.
- V. You are further notified that all parties in interest have a right to file an answer to this complaint in the office of the undersigned at any time prior to, or at the time set for, the hearing of this matter and also, to appear, in person, or otherwise, and give testimony or present evidence at the time, and place above fixed. The rules of evidence shall not be controlling in hearings before the public officer.

Sincerely,

Derrick A. Caudell, CZO
Code Enforcement Officer
Building Level I Inspector

EXHIBIT 'A

March 15, 2019

CNCE2019-00427

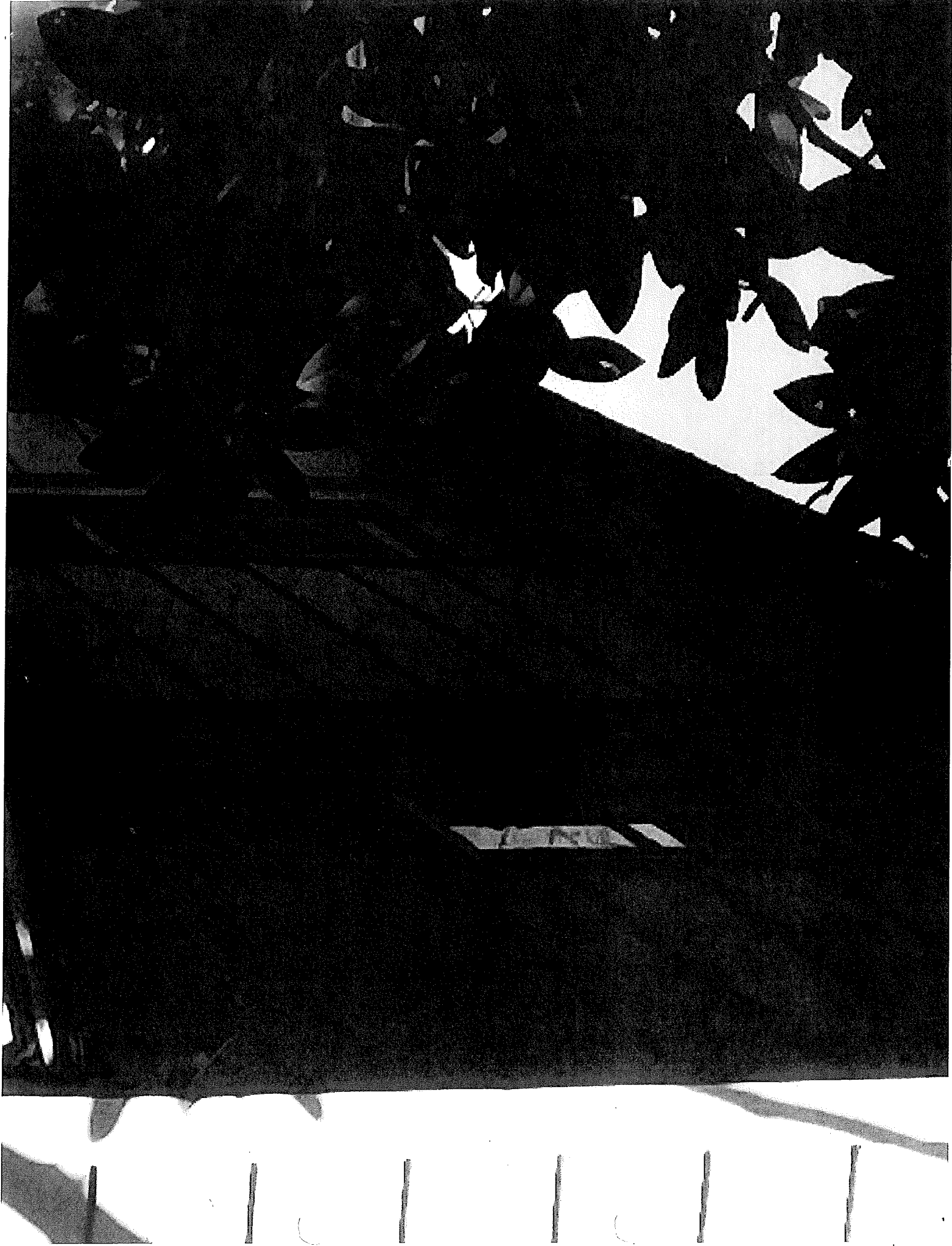
139 Union St

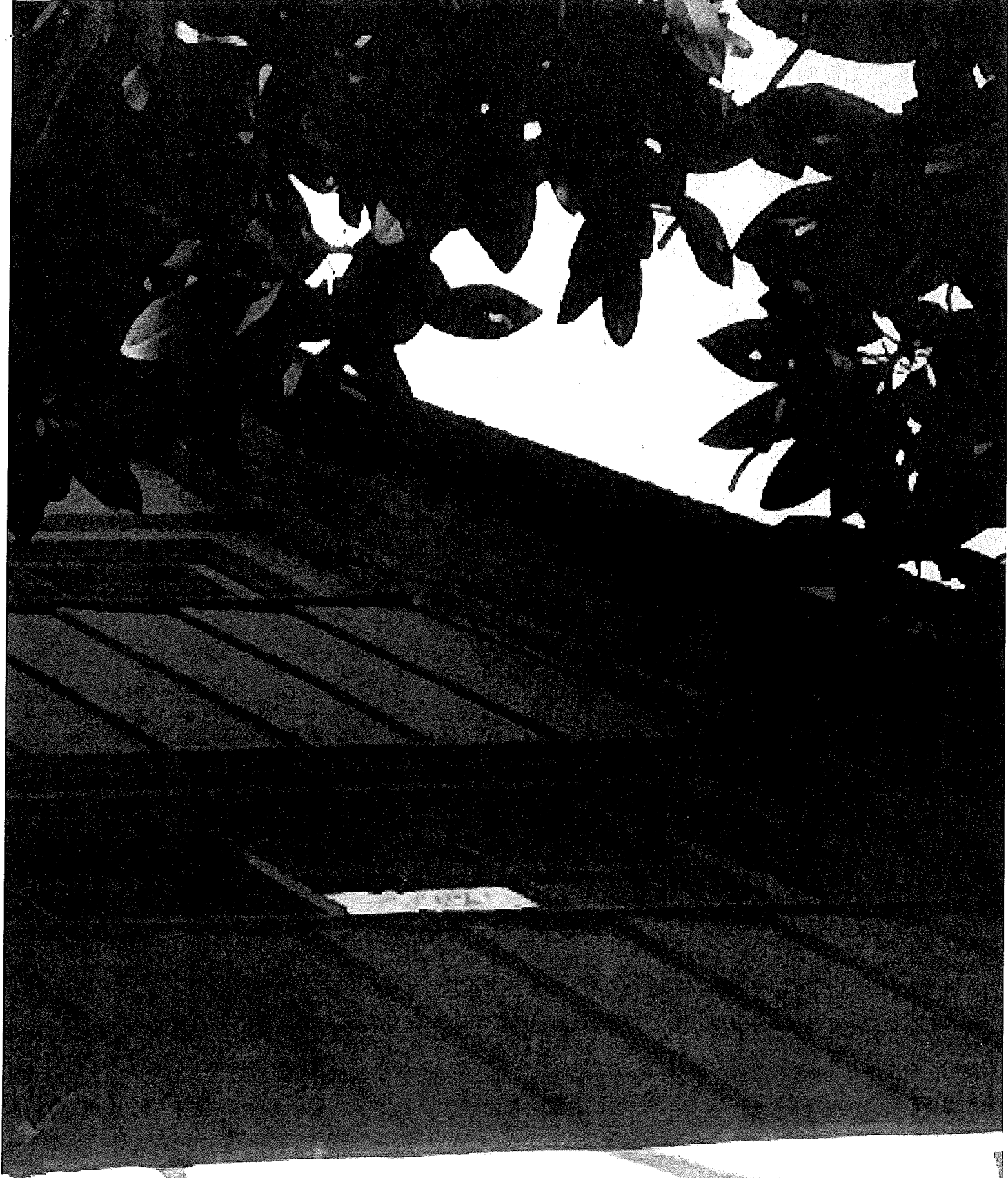
(PIN# 5620-79-5216)

- 1- Remove the detached dilapidated structure in the rear yard or bring it up to code
- 2- Fix the dry rotted and exposed soffit on the rear and side of the structure.
- 3- Fix the hole next to the chimney
- 4- Fix the dry rotted roof on the front porch

All repairs must be inspected by a Cabarrus County Building Inspector as required.

NOTE: These code violations are to be corrected in a competent, workmanlike manner. Poor workmanship will not be approved. Extensions are only approved by the Chief of Police, and only possible if a written request explaining the need for more time is received before the compliance period expires. Civil penalties are effective if all repairs are not approved by the Housing Enforcement Officer on or before the compliance period expires.





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