

**Nonresidential Building Code  
110 S. Main Street**

**Description and Purpose**

Pursuant to the Town of Huntersville Nonresidential Building Code §152.04(B), the Board of Commissioners may adopt an ordinance to proceed to effectuate the purpose of the Administrative Order dated September 20, 2016, and pending such action to close and vacate, to placard the unit as provided in Part 5, Article 19 of Chapter 160A of the North Carolina General Statutes.

**Administrative Process**

An inspection of the property located at 110 S. Main Street for Nonresidential Building Code standards was made by Mecklenburg County Code Enforcement Officer, Daren Bishop, on or about May 7, 2015, under an Administrative Search Warrant. Upon inspection of the structure there was reasonable cause found for a formal Complaint. The owner was contacted by the Inspector concerning the repairs of the building unit, and at a minimum to secure the unit. The owner failed to make any repairs. A Complaint and Notice of Hearing was served on the property owner, Emily Kornegay, on or about September 1, 2016 (Attachment 1). As a result of the title examination performed by the Town (a legal function that is required prior to the any hearing held), including examinations of neighboring units, an error was found in the chain of title which affected ownership of this unit and the adjoining unit to the north. The owner and other parties were notified, which resulted in corrective Deeds being filed with the Register of Deeds to clear the title and ownership for this unit and the adjoining unit. In the exercise of reasonable due diligence, the Complaint and Notice of Hearing was posted on the property, and served to all parties of interest, which included the adjoining owner to the north.

On September 19, 2016, a hearing was held and the property owner made an appearance. The Code Administrator found that the subject property violated the Town of Huntersville Nonresidential Building Code under numerous sections including, but not limited to electrical facilities, exterior walls, roofs, windows, plumbing and heating, and more particularly Sections 1502.14 (B)(C)(D)(F), 152.15, 152.15(B)(C)(E) and 152.16(A) of the Code. The subject structure was found not properly maintained so that the safety and health of the general public is jeopardized for failure to meet the minimum standards established, and was the owner was Ordered to repair the building to bring it into compliance with the minimum standards by no later than December 19, 2016. However, the Town considered an alternate solution whereby the property is to be repaired to a point described as a cold dark shell within the same timeframe. A cold dark shell is defined as a building shell that is structurally sound throughout, weathertight, secure, and not suitable for occupancy. The Administrative Order was entered on September 20, 2016 (Attachment 2), and a Notice of Lis Pendens filed on September 28, 2016.

To this date, the property owner, Emily Kornegay, has failed to respond to the Code Administrator, and failed to comply with the Order.

## Real Estate and Conditions

The subject property is located at 110 S. Main Street, Huntersville North Carolina. The real property is owned by Emily Kornegay by Deed dated December 16, 1985, and recorded in Deed Book 5144, at page 214, and further described as follows:

“BEINNING at a point in the center line of the A.T. & O. Railroad track (now Southern Railway), said beginning point being located at the intersection of the center line of said track with a line bearing north 83 degrees East measured from the mid point of the easterly terminus of the party wall separating the pool hall situated on the herein described property from the laundrymat (formerly a storehouse building) which formerly belonged to J. R. McCurdy; and running thence from said beginning point with the center line of railroad track, South 8 degrees 31 minutes East 25 feet to a point; thence South 83 degrees West (entering the party wall on the barber shop (south) side at a distance of 72.9 feet), 158 feet to a point on the east side of Mullen Street; thence with said margin of said street, North 8 degrees 31 minutes West 25 feet to a point; thence North 83 degrees East 158 feet to the point or place of BEGINNING, all according to a plat of survey by T. L. Brotherton, Registered Surveyor, dated February 22, 1969, and entitled “The property of Charles Herbert Cochran, Jr. & Sr.”

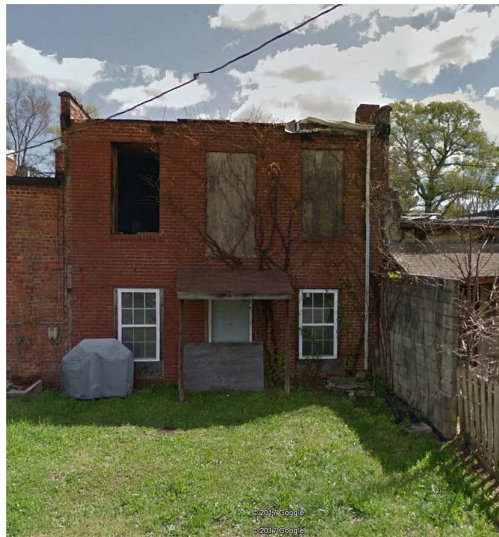
There are nuisance violations issued for the property in 2011 and 2012, both of which required abatement and caused primary liens to be filed against the unit. Real estate taxes are due and owing from 2011 to current in the amount of \$7,591.02. The conditions of the unit have progressively worsened over the years by its neglect. It is a nonresidential unit that, from any cause, may endanger the life, limb, health, property or safety or welfare of the general public.

The current condition of the structure is shown in the photographs below.

Front View from S. Main Street:



Rear View from Maxwell Avenue:



<b>Staff Recommendation</b>
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Pursuant to the Town of Huntersville Nonresidential Building Code §152.04(B)(1), “If the owner fails to comply with an Order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Board of Commissioners may adopt an Ordinance ordering the Inspector, or assigned agent, to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Inspector found to be jeopardizing the health or safety of its occupants or members of the general public.” Furthermore, “Following adoption of an Ordinance, the Inspector, or assigned agent, may cause the building or structure to be repaired, altered, or improved, or to be vacated and closed. The Inspector may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: *"This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful."*

Staff recommends adoption of an Ordinance (Attachment 3) to repair the unit located at 110 S. Main Street in accordance with the Nonresidential Building Code, and pursuant to the order entered September 20, 2016, and at a minimum to bring the unit to a closed and secured position.

The Code Administrator has not issued a request for proposals to close and secure. The amount of cost of repairs, alterations, or improvements, or vacating and closing by the Inspector shall be a lien against the real property, which lien shall be filed, have the same priority, and be collected as a lien for special assessment provided in G. S. Chapter 160A, Article 10.

<b>Attachments</b>
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Proposed Ordinance