



**NOTICE OF VIOLATION AND CORRECTION ORDER**

June 24, 2024

Prusik, Anthony Prusik, Myriah  
PO Box 1852  
Apex NC 27502-2852

Certified Mail # 7009 1680 0002 3514 1681  
& First-Class Mail

RE: Site Violations: 1000 Winding Creek Rd.  
Apex NC 27502-8727  
Wake County P.I.N. # 0731207591

To the above,

The Town of Apex received a complaint regarding a commercial business and storage yard being operated at the above location. Investigation by the undersigned confirmed the property is being used as a landscape contractor storage yard in violation of the current Rural Residential (RR) zoning of the property. You were sent a Warning Letter by the Town on April 3, 2024 and since then you have had several phone calls and in-person conversations with the undersigned during which the Town ordinance was explained and the options for bringing the property into compliance with Town ordinances were clearly explained. Since you have failed to address these issues;

**You are *hereby notified*** that you are in violation of **Article 4 Use Regulations** of the Town of Apex Unified Development Ordinance and in particular the following subsections;

**Sec. 4.1.2 Outside Storage and Sales**

- A) The purpose and intent of this section is to allow outside storage, display, and sales/rentals in the RA, MORR, O&I, B1, B2, PC, TF, LI, MEC-CZ, TND-CZ, PUD-CZ, and SD-CZ districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. However, this section does not apply to "Vehicle sales and rental, light".

You are violating this section in that the current zoning of the property described above located at 1000 Winding Creek Rd. is Rural Residential (RR) and outdoor storage and sales is not permitted in the RR zoning district.



#### **Section 4.1.2 Outside Storage and Sales**

- B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.

You are violating this section in that you do not have an approved site-specific development plan for the property described above located at 1000 Winding Creek Rd.

#### **Section 4.2.2 Use Table**

You are violating this section in that Contractor's Office and Storage Yard is not shown as a permitted use in the Rural Residential (RR) zoning district which is the current zoning of the property described above located at 1000 Winding Creek Rd.

In order to comply with the Ordinance, ***you must and are hereby ordered to:***

- 1) Remove all gravel, stone, soil, sand, mulch, block, pipe, pavers, paving stone and all other material currently stored on the property.
- 2) Remove all dumpsters, containers, trailers, storage bins and fuel tanks from the property.
- 3) Remove all commercial vehicles, trucks, trailers and any other equipment related to the business from the property.
- 4) Do not allow debris, rubbish, trash or supplies related to the commercial business to be dumped on, stored on or brought to the property.

**Failure to comply with any or all of the above requirements within 10 days of the posting of this notice on the property will result in an initial civil penalty of \$50.00 and the accrual of additional civil penalties of \$50.00 for each day in which the violation remains.**

A person receiving a Notice of Violation and Correction Order shall pay all civil penalties to the Town of Apex. If such person fails to pay the penalties within 30 days after the date for compliance provided in the Notice of Violation, then the civil penalties, including all further accruing penalties for a continuing violation, shall be collectible by the Town through a civil action in the nature of a debt. Each day the violation continues shall constitute a separate violation for the purpose of assessing civil penalties. The Town may choose to designate a collection agency to assist with the collection of any unpaid penalties. Violations are also subject to other forms of relief such as permit revocation, injunction, abatement orders, and disapproval of subsequent permits and development approvals.



Any person who is served a Notice of Violation and Correction Order may appeal that determination to the Board of Adjustment within 30 days of the date receipt of the Notice of Violation and Correction Order. The appeal is to be made in writing and submitted with the six hundred fifty-dollar (\$650.00) application fee; the process may be initiated by submitting the attached appeal application. Please contact Senior Planner June Cowles at 919-249-3339 or [june.cowles@apexnc.org](mailto:june.cowles@apexnc.org) with any questions regarding the appeal process.

Thank you for your attention and cooperation in this matter. Should you have any questions, or wish to discuss compliance requirements please contact me at (919) 249-3333.

Sincerely,

Trevor Johnson CZO  
Senior Zoning Compliance Officer  
Town of Apex Planning Department

Cc: Randy Vosburg, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, Assistant Town Manager  
Dianne Khin, AICP, Planning Director  
Laurie Hohe, Town Attorney  
Brian Meyer, Deputy Town Attorney  
June Cowles, AICP, Senior Planner  
Joe Curtin, CZO, Zoning Compliance Supervisor