

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BEFORE THE CODE ENFORCEMENT OFFICER FOR
THE CITY OF HENDERSONVILLE
CASE NO: 913 7th AVE W HENDERSONVILLE NC

In Re Violations, Sections 12-31;12-33-36 of the Code of Ordinances of the City of Hendersonville and General Statute 160D 1119-1124	ORDER
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THIS MATTER, coming before the undersigned Community Development Director (hereinafter "CDD") for the City of Hendersonville on January 8, 2025 and February 13, 2025 for an administrative hearing pursuant to that Complaint issued by the CDD alleging that the structures located at 201 Sugarloaf Road are in violation of Chapter 12, Article III of the Code of Ordinances for the City of Hendersonville – the Nonresidential Property Maintenance and Repair Code.

1. The following persons were present and identified themselves at the administrative hearing:
 - a. Jasmine Budhwani, Member of Hendersonville Hospitality, LLC
 - b. Andreu Phillip, Attorney for Hendersonville Hospitality, LLC
 - c. Asine Budhwani, Member of Hendersonville Hospitality, LLC .
 - d. Johnathan Angeles, tenant at the Subject Property;
 - e. Lew Holloway, Community Development Director for the City of Hendersonville;
 - f. Kathy Bragg, Code Enforcement Officer for the City of Hendersonville;
 - g. Nate Young, Fire Marshal for the City of Hendersonville;
 - h. John Gillespie, Assistant Fire Marshal for the City of Hendersonville;
 - i. Daniel Heyman, Staff Attorney for the City of Hendersonville.
2. The record for the administrative hearing consists of the following:
 - a. Complaint and Notice of Hearing dated December 13, 2024, issued by the CDD;
 - b. Henderson County property card for 201 Sugarloaf Road, PIN: 9579-56-1085;
 - c. Warranty deed into Hendersonville Hospitality, LLC DB 3708 page 653, Henderson County registry;
 - d. Code Enforcement File of Kathy Bragg;
 - e. Photographs of the site taken by Kathy Bragg;
 - f. Comprehensive Inspection Reports prepared by Kathy Bragg dated: January 17, 2025, January 24, 2025, and February 12, 2025;
 - g. City of Hendersonville Fire Department Inspection Reports;
 - h. Contractors' estimates provided by Hendersonville Hospitality, LLC for:
 - i. All About Plumbing Inc. - heating system repair;
 - ii. Pye-Barker Fire and Safety - fire alarm and sprinkler system repair;
 - iii. America's Swimming Pool Co. - hot tub repair;

- iv. Orkin, LLC – guest room and building permitter pest control;
- i. Testimony of Kathy Martin Bragg, Nate Young, John Gillespie, Jasmine Budhwani.

FINDINGS OF FACT AND PROCEDURAL HISTORY

Based on the evidence reviewed at the administrative hearing, the undersigned CDD finds as a fact the following:

- 3. Hendersonville Hospitality, LLC, is the owner of the of that real property located at 913 7th Ave W, Hendersonville NC 28791, PIN 9568-49-2508, being more particularly described in that deed recorded in Deed Book 3708 at page 653, Henderson County registry, hereinafter the “Subject Property.”
- 4. The Subject Property is developed as a hotel/resort property and includes two commercial structures. The structure with property address 201 Sugarloaf Rd has 62,977 square feet, such structure hereinafter referred to as the “Subject Structure”. There is a second structure located on the parcel that is currently vacant and includes 16,129 square feet.
- 5. Kathy Bragg, as Code Enforcement Officer for the City of Hendersonville, and John Gillespie, Assistant Fire Marshal for the City of Hendersonville, performed inspections of the Subject Property, including the Subject Structure, on or about December 4, 2024, January 17, 2025, January 24, 2025, and February 12, 2025. Bragg and Gillespie documented the conditions of the Subject Structure and observed the following conditions, all of which are still present as of the date of this Order:
 - a. Dilapidation, decay, unsanitary conditions or disrepair throughout the property inside and outside the structure.
 - b. Visible trash, soiled linens, soiled carpet, resulting in a foul smell emanating into the common hallway in one or more guest rooms, including room 1249,
 - c. Evidence of bed bugs in one or more guest rooms,
 - d. Broken windows on guest rooms exposing passersby in the common hallways to broken glass,
 - e. Visible organic growth in the second-floor common hallways which appears to be mold or mildew,
 - f. Emergency exit doors being blocked by furniture and debris, doors secured with metal bar, doors barricaded with wood, in particular in the ballroom and the kitchen,
 - g. Lack of adequate heat throughout the commons area of the Subject Structure and in required FDC room
 - h. Exposed wiring throughout the Subject Structure, in particular in the kitchen, FDC room, and second floor maintenance room,
 - i. Evidence of improper wire splicing throughout the Subject Structure, including appliance cords spliced onto lamps and secured with electrical tape,
 - j. Numerous violations of the city fire prevention code which constitute a condition which is unsafe and especially dangerous to life;
 - i. Improper use of extension cords, and extension cords run through walls as permanent wiring,
 - ii. Burned outlets,
 - iii. Inoperable sprinkler system,
 - iv. Sprinkler heads obstructed with drop ceilings,
 - v. No heat in sprinklered areas of the Subject Property, including the ballroom and kitchen, posing a freeze risk to the sprinkler heads and system,
 - vi. FDC physically blocked with a locked gate,
 - vii. Improperly wired power to FDC,
 - viii. Inoperable exit signage,
 - ix. Improperly wired exit signage leading to burned out wiring,
 - x. Inoperable emergency lighting,

- xi. Open junction boxes,
 - xii. Inoperable fire alarm system,
 - xiii. Inoperable smoke detectors in rooms,
 - xiv. Inoperable fire alarm manual pull stations,
 - xv. Missing fire extinguishers and mounts,
 - k. Garbage and solid waste located around the property not contained in approved waste receptacles
6. The City has enacted a Nonresidential Property Maintenance and Repair Code codified in Chapter 12, Article III of the Code of Ordinance, City of Henderson, North Carolina, said Code of Ordinances hereinafter being referred to as the "Code."
 7. Pursuant to Section 12-39 of the "Code," "Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of the "Code."
 8. Pursuant to Section 12-40 of the Code, "All nonresidential buildings and structures, including their premises, shall be maintained in a state of good repair that prevents further decay from wind, rain and external weather... All nonresidential buildings and structures and their premises shall be free of nuisances and shall be free of any hazards to the safety of occupants, customers or other persons utilizing the buildings and structures included in the premises or to pedestrians and/or vehicles passing thereby. The nonresidential building and structure and the premises shall be kept in a condition that is not dangerous and injurious to the public health, safety and welfare."
 9. Hendersonville Hospitality, LLC has represented to Bragg and Gillespie, and on the record of the Administrative Hearing, that repairs were being completed to correct the violations detailed hereinabove, however, as of the date of this Order, very few corrective actions have been taken.
 10. Some of the corrective actions attempted by Hendersonville Hospitality, LLC were performed by unlicensed individuals and do not comply with applicable codes, in particular, wiring repairs were conducted by unlicensed guests of the hotel and remain exposed or are visibly burnt due to deficient work.
 11. The Subject Structure has a tax value of \$2,582,800.
 12. The estimates submitted by Hendersonville Hospitality, LLC total \$ 43,115.88.
 13. There are no active building permits issued regarding the Subject Structure.

CONCLUSIONS

Based on the foregoing Findings of Fact, the undersigned CDD makes the following conclusions:

1. The Subject Property contains exclusively nonresidential uses and therefore is required to comply with the requirements of the Nonresidential Property Maintenance and Repair Code.
2. Pursuant to Sec. 12-39 of the City Code, as the owner of the Subject Property, it is the duty of Hendersonville Hospitality, LLC to comply with the regulations set forth in the Nonresidential Property Maintenance Code.
3. Pursuant to Sec. 12-40 of the City Code, the conditions of the Subject Property detailed hereinabove constitute violations of the City Code and must be corrected. In particular, the conditions present are in violation of the following:

Sec. 12-40(5) Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health, safety and welfare of the occupants or other people in the city (soiled rooms, organic growth in the

common hallways, broken glass, accumulation of trash in common areas outside of appropriate receptacles);

Sec. 12-40(5)(6) Inadequate facilities for egress to such an extent that there does not exist at a minimum, sufficient operable doors that the building can be entered safely and exited in the same manner in case of fire or panic (blocked and/or bolted doors in common areas, and in particular in the main entry area, kitchen, and ballroom);

Sec. 12-40(5)(8) Lack of adequate ventilation, light, heating or sanitary facilities to such an extent as to endanger the health, safety or general welfare of the occupants or other residents of the city (inoperable emergency lighting, presence of organic growth in the common areas);

Sec. 12-40(5)(10) Any violation of the city fire prevention code which constitutes a condition which is unsafe and especially dangerous to life (numerous fire prevention code violations detailed above and in the inspection reports prepared by Gillespie);

Sec. 12-40(5)(11) Buildings and environs shall be kept clear of accumulations of garbage, trash, or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way (accumulation of trash in the common areas, guest rooms with soiled carpets and linens resulting in foul smells emanating into the common hallway);

Sec. 12-40(5)(13) The building and environs surfaces shall be kept clear of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use (broken glass in guest rooms);

Sec. 12-40(5)(24) All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner (improperly spliced wires, burned out electric receptacles, exposed wiring);

4. The Subject Structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards set forth in section 12-40 of the City Code.
5. The repairs, alterations or improvements necessary to bring the Subject Structure into compliance with the provisions of Nonresidential Property Maintenance Code can be made at a cost of 50 percent or less than the present value of the Subject Structure.

ORDER

6. Hendersonville Hospitality, LLC is hereby ordered to complete all repairs, alterations, or improvements necessary to bring the Subject Structure into compliance with the provisions of the Nonresidential Property Maintenance Code, or to otherwise vacate and close the Subject Structure for any use.
7. The remedial action required to effect compliance with the Nonresidential Property Maintenance Code is as follows:
 - a. Remove trash and disinfect common areas and guest rooms;
 - b. Treat bed bugs with appropriate pest control treatment;
 - c. Replace broken glass in guest rooms;

- d. Perform appropriate treatment for areas with visible organic growth and ensure adequate ventilation to prevent future accumulation;
 - e. Keep all emergency exit doors accessible, remove all barricades, bolts, and other mechanisms used to permanently block the doors;
 - f. Repair heat to the common areas and all guest rooms;
 - g. Have an appropriately licensed contractor repair and/or replace all improper wiring, including exposed wiring;
 - h. Immediately cease the use of surge protectors and extension cords as permanent wiring;
 - i. Have an appropriately licensed contractor repair and/or replace all burned outlets,
 - j. Have an appropriately licensed contractor repair or replace the sprinkler system, including,
 - i. Repair and/or replace all inoperable sprinkler heads,
 - ii. Remove obstructions from sprinkler heads,
 - k. Keep FDC accessible at all times, remove any locks or physical barriers unless specifically approved by the City of Hendersonville Fire Department;
 - l. Have an appropriately licensed contractor repair or replace wiring to FDC,
 - m. Repair or replace inoperable exit signage,
 - n. Have an appropriately licensed contractor repair or replace improper wiring on exit signage,
 - o. Have an appropriately licensed contractor repair or replace inoperable emergency lighting,
 - p. Have an appropriately licensed contractor repair or replace inoperable fire alarm system,
 - q. Repair open junction boxes,
 - r. Repair or replace inoperable smoke detectors in guest rooms,
 - s. Have an appropriately licensed contractor repair or replace inoperable fire alarm manual pull stations,
 - t. Replace missing fire extinguishers and provide appropriate mounts.
8. The remedial action described above must be completed on or before March 28, 2025.
 9. Following the completion of all remedial action described above, Hendersonville Hospitality is ordered to contact the City of Hendersonville Code Enforcement Officer to schedule a reinspection of the Subject Structure for compliance with this Order.
 10. If remedial actions are not completed within the specified time, in addition to any other remedy available, the City may cause the Subject Structure to be repaired, and to have the amounts incurred by the City in connection with such repair filed as a lien against the Subject Property, or may post a notice of condemnation on the Subject Structure prohibiting any occupancy or use whatsoever.
 11. Hendersonville Hospitality, LLC, or any other individual taking remedial action at the Subject Property, must secure any necessary permits authorizing any proposed remedial action.

This the 28th day of February, 2025

BY: Lew Holloway

Lew Holloway

Lew Holloway
Lew Holloway (Feb 28, 2025 09:17 EST)

Community Development Director/Zoning Administrator
100 N. King Street, Hendersonville, NC 28712
Community Development Dept. – Planning Division
Phone: 828-697-3010

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of this Order by regular and certified mail addressed to:

Hendersonville Hospitality LLC
201 Sugarloaf Rd
Hendersonville NC 28792

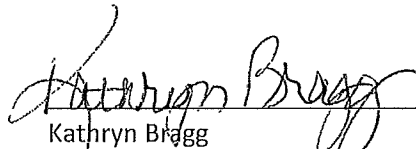
Hendersonville Hospitality LLC
Attn: Jasmine Budhwani, Member
4133 Admiral Way
Atlanta GA 30341

La Vecindad, LLP
Elizabeth Angeles Alarcon
304 E. King St
E Flat Rock, NC 28725

This is to certify that the undersigned has this date served a copy of this Order by regular mail addressed to:

Andreu Phillip
Attorney for Hendersonville Hospitality, LLC
475 S Church St
Hendersonville, NC 28792

This the 28th day of February, 2025


Kathryn Bragg
Code/Zoning Enforcement Officer

Order_Cascades1 2.27.2025

Final Audit Report

2025-02-28

Created:	2025-02-28
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