

CSTATE OF NORTH CAROLINA BEFORE THE CODE ENFORCEMENT OFFICER FOR COUNTY OF HENDERSON THE
CITY OF HENDERSONVILLE

CASE NO: CE-2024-46: 201 SUGARLOAF RD

In Re Violations, Sections 12-40, 12-40(5), 12-40(6), 12-40(8), 12-40(10), 12-40(11), 12-40(13), 12-40(24), 12-40(25) of the Code of Ordinances of the City of Hendersonville. 201 Sugarloaf Rd, Hendersonville, NC 28792 – Dilapidated structure	COMPLAINT
---	------------------

NOW COMES LEW HOLLOWAY, Code Enforcement Officer for the City of Hendersonville, hereinafter “Holloway,” and alleges and says:

1. HENDERSONVILLE HOSPITALITY LLC, (hereinafter “HOTEL,”) a North Carolina business corporation is the owner of that real property located at 201 Sugarloaf Rd (PIN # 9579561085), Hendersonville NC 28792, known as the Cascades Hotel and being more particularly described in that deed recorded in Deed Book 3708 at page 653-655, Henderson County Registry, said property hereinafter the “Subject Property.”
2. The Subject Property is described in that deed recorded in Deed Book 3708 at page 653-655, Henderson County registry as follows:

“BEGINNING AT A SPIKE WHICH STANDS IN THE CENTERLINE OF SUGARLOAF ROAD, WHERE THE SAME INTERSECTS THE WESTERN LINE OF THE PROPERTY OF E. R OSTEEN AS RECORDED IN DEED BOOK 225, AT PAGE 58, HENDERSON COUNTY REGISTRY, AND RUNS THENCE WITH SAID WESTERN LINE OF SAID E.R. OSTEEN PROPERTY, SOUTH 06°53’34” WEST 829.55 FEET TO AN IRON PIPE IN THE NORTHWEATERN MARGIN OF THE RIGHT OF WAY OF INTERSTATE HIGHWAY 26; AND RUNS THENCE WITH SAID MARGIN OF THE RIGHT OF WAY OF INTERSTATE HIGHWAY 26, AND WITH A LIMITED ACCESS FENCE, THE FOLLOWING EIGHT COURSES AND DISTANCES TO WIT:

NORTH 33°05’03” WEST 426.47 FEET TO A CONCRETE MONUMENT; NORTH 56°55’23” EAST 30.84 FEET TO CONCRETE MONUMENT; NORTH 32°12’57” WEST 143.91 FEET; NORTH 60°28’08” EAST 24.84 FEET, IN A NORTHWESTERLY DIRECTION, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,287.39 FEET, AN ARC DISTANCE OF 227.55 FEET; IN A NORTHWESTERLY DIRECTION, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 809.93 FEET, AN ARC DISTANCE OF 265.52 FEET; SOUTH 88°24’00” WEST 45.17 FEET; AND NORTH 02°59’34” EAST 119.62 FEET TO A POINT IN THE CENTERLINE OF SURGARLOAF ROAD; THENCE WITH SAID CENTER LINE, SOUTH 63°47’00” EAST 607.69 FEET TO THE BEGINNING.

CONTAINING 6.71 ACRES, MORE OR LESS, ACCORDING TO A SURVEY ENTITLED “PROPERTY OF R.L. JORDAN” BY W.G. HUTCHINSON; RLS, DATED AUGUST 31, 1973, AND MOST RECENTLY REVISED AUGUST 24, 2005 BY RICHARD M. BIGGS, R.L.S.”

3. The Subject Property is developed as a hotel/resort property and includes two (2) commercial structures situated on the property. According to Henderson County building records, building #2, known as 201 Sugarloaf Rd has 62,977 square feet, such structure hereinafter referred to as the “Subject Structure”. There is a 2nd building located on the parcel that is currently vacant and includes 16,129 square feet.
4. As of the date of this Complaint, the tenants of record include:
 - a. La Vecindad, LLP – Elizabeth Angles Alarcon 304 E. King Street, E Flat Rock, NC 28726 - restaurant & kitchen – lease dated November 15, 2024


5. On 12/04/2024 Kathy Bragg (hereinafter "Bragg"), as Code Enforcement Officer for the City of Hendersonville, performed an inspection of the property. Bragg documented via photography the condition of the Subject Structure and observed the following conditions.
 - a. Dilapidation, decay, unsanitary conditions or disrepair throughout the property inside and outside the structure. Continued infestation with bed bugs, hot tubs that have been inoperable for 10 months, inoperable doors to rooms
 - b. Emergency exit doors being blocked by furniture and debris, doors secured with metal bar, doors barricaded with wood
 - c. Lack of adequate heat throughout the commons area of the structure
 - d. Numerous violations of the city fire prevention code which constitute a condition which is unsafe and especially dangerous to life;
 - e. Garbage and solid waste located around the property not contained in approved waste receptacles
 - f. Cracked and/or missing glass to rooms
 - g. Improper use of extension cords
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. The subject property contains exclusively nonresidential uses, and is therefore required to comply with the requirements of the Nonresidential Property Maintenance and Repair Code.
9. 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."
10. Pursuant to Section 12-40 of the Code, the existence of any of the following conditions is deemed to be a violation and must be corrected:
 - a. (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;
 - b. (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;
 - c. (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;
 - d. (10) Any violation of the city fire prevention code which constitutes a condition which is unsafe and especially dangerous to life;
 - e. (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;
 - f. (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;
 - g. (24) All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner;

- h. (25) All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints or broken or loose mullions;
11. Because of its current condition as described herein, the Subject Structure, is in violation of the minimum standards established by the Code.
12. Hendersonville Hospitality, LLC, as the sole owner and operator of the Subject Property, and in particular the portion of the Subject Property on which the Subject Structure is located, is responsible for the violations as described above, and is responsible for correcting the violations and causing the Subject Structure to come into compliance with the standards of Chapter 12 of the City of Hendersonville Code of Ordinances.
13. Per the authority established in Chapter 12 Article III Section 12-39 the Code Enforcement Officer for the City of Hendersonville hereby issues the following complaint, "The Structure, as a result of the violations of Chapter 12 Article III Section 12-40 observed and detailed herein, constitutes a hazard to the health, safety and welfare of the general public.
14. **NOTICE OF HEARING: Pursuant to Section 12-42 of the Hendersonville City Code of Ordinances on January 8, 2025 at 1:00 pm at 160 6th Avenue East, Hendersonville, NC 28792 on the 2nd Floor of City Hall in the Meeting Room, Holloway will conduct an administrative hearing to determine whether the Subject Property, including the Subject Structure, is in a state of disrepair and dilapidation, and is dangerous to the health, safety and welfare of the occupants and other people in the city, and constitutes a safety hazard, in violation of Chapter 12, Sections 12-39, 12-40, 12-40(5), 12-40(6), 12-40(8), 12-40(10), 12-40(11), 12-40(13), 12-40(24) and 12-40(25) of the Code of Ordinances, City of Hendersonville, North Carolina.**

As the owner of the Subject Property, or as a party in interest, you have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement officer. Although your attendance is not required, if you choose to not appear the hearing will commence without your testimony and you will not have the ability to submit evidence or testimony on the matter at a later date or time.

Following the hearing, Holloway will either dismiss the complaint if he determines that there is no violation, or if he determines that violations of the Code exist, Holloway will issue an order determining the Code violations present. The order will contain an outline of remedial action to be taken to effect compliance with this article, and will specify a reasonable time for compliance.

This the 13th day of December

BY: 

Lew Holloway

Chief Code Enforcement Officer/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 **December 13, 2024**, served a copy of this Notice of Condemnation by regular and certified mail addressed to:

Hendersonville Hospitality LLC
201 Sugarloaf Rd
Hendersonville NC 28792

Jasmine Budhwani – Company Official
4133 Admiral Way
Atlanta GA 30341

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

BY: 

Kathy Bragg

Code & Zoning Enforcement Officer

100 N. King Street, Hendersonville, NC 28712

Community Development Dept. – Planning Division

Phone: 828-974-6302

7022 2410 0003 3577 4865

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Service	
<input type="checkbox"/> Return Receipt	
<input type="checkbox"/> Return Receipt by First-Class Mail [®]	
<input type="checkbox"/> Certified Mail [®] Restricted [®]	
<input type="checkbox"/> Adult Signature [®]	
<input type="checkbox"/> Adult Signature [®] Restricted [®]	
Postage	
\$	
Total Postage	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4 [®]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 2410 0003 3577 4858

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Service	
<input type="checkbox"/> Return Receipt	
<input type="checkbox"/> Return Receipt by First-Class Mail [®]	
<input type="checkbox"/> Certified Mail [®] Restricted [®]	
<input type="checkbox"/> Adult Signature [®]	
<input type="checkbox"/> Adult Signature [®] Restricted [®]	
Postage	
\$	
Total Postage	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4 [®]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 2410 0003 3577 4841

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Service	
<input type="checkbox"/> Return Receipt	
<input type="checkbox"/> Return Receipt by First-Class Mail [®]	
<input type="checkbox"/> Certified Mail [®] Restricted [®]	
<input type="checkbox"/> Adult Signature [®]	
<input type="checkbox"/> Adult Signature [®] Restricted [®]	
Postage	
\$	
Total Postage	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4 [®]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions