

Appeal to zoning Violation



May 1st

Subject: 1021 7th Avenue Vacant lot

To whom it may concern:

I am writing this letter to you today to ask for some mercy and understanding. I have read over the Violation Notice that was sent to me and after talking to zoning we understand where we need to improve and fix. We took several steps already on fixing the issue. We have hired a Site Plan Engineer Mike Anderson to help us draw up the Site plan to submit to the city. We are also working with Brendan to make sure we are in compliance, on schedule to survey the property, and working with the gas company to make sure things work out.

Our plan for this property is very simple: to be able to have parking for our equipment. Most of the equipment that is parked has a legal active plate on it. A few of the trailers we are waiting for paperwork from the state and will have active plates in the next month.

I am asking for mercy from the City of Hendersonville and to understand that we are trying to fix what was asked from us but we need 90 more days to do so.

We have looked for a place to move all of the equipment to but we have failed to find one so far but we are actively looking and working with an active realtor to find us a place. In the next 90 days we are hoping to have our paperwork to submit to the city and be in compliance or to find another property that will allow us to park our equipment. I know it's a lot to ask for but please be considerent, we have paused all operations on the property and are putting every effort to make things right with the City. Our Goal is to make things right but would love to have extra time to do so. We are family owned and all my 9 sons work out of this small shop to someday be a positive member to this community.

Thank you
Yevgeniy Gorovoy

Russ dropped it off 551-1698



Notice of Zoning Violation

CITY OF HENDERSONVILLE, NORTH CAROLINA

April 6, 2023

CAR SERVICE, LLC
C/O YEVGENIY GOROVY
17 KAY THOMAS DR
HENDERSONVILLE NC 28792-9258

1021 7TH AVE E
HENDERSONVILLE NC 28792

YOU ARE HEREBY NOTIFIED that at or on property owned or occupied by you located at:

VACANT PROPERTY 7TH AVE E – HENDERSONVILLE NC

PIN: 9579-02-0112

Zoning District: C-3 - Highway Business Zoning District Classification

There exists a Zoning Violation of the Ordinances of the City of Hendersonville.

Upon investigation, your property is in violation of:

Use of land as salvage yard and outdoor storage is not permitted.

Sec 6-1-1 - Use.

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this ordinance for the district in which it is located.

Sec 5-8-1. Permitted uses.

The following uses are permitted by right in the C-3 Highway Business Zoning District Classification, provided that they meet all requirements of this section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4, below

Accessory uses and structures

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Animal hospitals and clinics as long as they contain no outdoor kennels

Automobile car washes

Automobile sales and service establishments

Automotive paint and body work

Banks and other financial institutions

Bed and breakfast facilities

Business services

Congregate care facilities, subject to supplementary standards contained in section 16-4, below

Construction trades facilities so long as the storage of equipment and materials is screened from view from any public rights-of-way

Convenience stores with or without gasoline sales

Cultural arts buildings

Dance and fitness facilities

Dry cleaning and laundry establishment containing less than 6,000 square feet of floor area

Farm equipment sales and service
 Food pantries, subject to the supplementary standards contained in section, 16-4 below)
 Food processing establishments containing less than 10,000 square feet of gross floor area
 Funeral homes
 Golf driving ranges and par three golf courses
 Greenhouses and commercial nurseries
 Home occupations
 Hotels and motels
 Laundries, coin-operated
 Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below
 Mobile food vendors, subject to supplementary standards contained in section 16-4, below
 Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes
 Music and art studios
 Newspaper offices and printing establishments
 Nursing homes subject to supplementary standards contained in section 16-4, below
 Offices, business, professional and public
 Parking lots and parking garages
 Parks
 Personal services
 Planned residential developments (minor), subject to the requirements of article VII, below
 Private clubs
 Progressive care facilities subject to supplementary standards contained in section 16-4, below
 Public and semi-public buildings
 Recreational facilities, indoors
 Recreational facilities, outdoors, commercial
 Religious institutions
 Repair services, miscellaneous
 Residential care facilities
 Residential dwellings, single-family
 Residential dwellings, two-family
 Rest homes subject to supplementary standards contained in section 16-4, below
 Restaurants
 Restaurants, drive-in
 Retail stores
 Schools, post-secondary, business, technical and vocational
 Schools, primary and secondary
 Service stations
 Signs, subject to the provisions of article XIII
 Small scale manufacturing, subject to the supplementary standards contained in section 16-4, below
 Telecommunications antennas, subject to supplementary standards contained in section 16-4, below
 Telecommunications towers, subject to supplementary standards contained in section 16-4, below
 Theaters, indoor
 Wholesale businesses

You are hereby directed to remedy the violations by the end of day on: **May 9, 2023** – to remedy this violation all tractors and trailers must be removed from the property. Failure to do so will result in:

Sec. 9-7. Violations.

- a) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall subject the offender to a civil penalty in the amount of \$500.00. Violators shall be issued a written notice which must be paid within ten days.
- b) Each day's continuing violation shall be a separate and distinct offense.

- c) A civil penalty may not be appealed to the board of adjustment if the offender was sent a notice of violation in accordance with section 9-7 and did not take an appeal to the board of adjustment within the prescribed time.
- d) Notwithstanding subsection a) above, provisions of this ordinance may be enforced through equitable remedies issued by a court of competent jurisdiction, including but not limited to all remedies provided by G.S. ch. 160D.
- e) In addition to or in lieu of remedies authorized in subsections a) and d) above, violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or conditional zoning districts or special use permits, may be prosecuted as a misdemeanor, punishable as provided in G.S. 14-4.
- f) Any combination of enforcement mechanisms provided by this section may be used by the city with respect to a violation of this ordinance.

You are also trespassing on City of Hendersonville property – no permission has been granted for egress onto the parcel behind the automotive shop, several trailers are located on City of Hendersonville property. See photo below – parcel outlined in red is City of Hendersonville property.



▼ 1 Results

Report	Tax ID	Real Property	Scope Report	Find Adjacent Parcels	Permits	LOUR
Listed To:						
Physical Address:						
EID:						
IN:						
Int:						
eed:						
ate Recorded:						
unicipality:						
ailing Address:						

HENDERSONVILLE CITY OF
 0 NO ADDRESS ASSIGNED
 1014837
 9579014430
 Not Available
 1326/34
 2011/10/13
 UNINCORPORATED
 145 5TH AVE

PLEASE CONTACT THE CODE ENFORCEMENT OFFICER AT **828-974-6302** OR EMAIL kbragg@hvlnc.gov WITHIN FIVE (5) DAYS OF RECEIPT OF THIS LETTER TO DISCUSS REMEDY AND ACKNOWLEDGEMENT.

KATHY BRAGG - CZO
 Code Enforcement Officer
 100 N. King Street Hendersonville NC 28792
kbragg@hvlnc.gov or **828-974-6302 (cell)**
 Community Development Dept. – Planning Division Phone: 828-233-3214



