



Board of Adjustment

Meeting Agenda

January 21, 2014

immediately following the Planning Board meeting at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the December 17, 2013 meeting
2. Side Yard Variance for Quality Oil Awning (VR132). Request of Andy Sayles for a variance from the side yard setback for a vending awning on property located at 1101 S Main St (GPIN 8883262967).
3. Appeal of Notice of Violation for Junk Vehicles at 123 Florence St (AP141). Appeal by Johnny Ray Pulliam from a Notice of Violation issued on December 6, 2013 for junk vehicles on property located at 123 Florence St (GPIN 8883172862).

A complete agenda packet is available at www.cityofgraham.com

CITY OF GRAHAM
BOARD OF ADJUSTMENT
December 17, 2013

There was a meeting called of the Board of Adjustment on Tuesday, December 17, 2013 at 7:00 pm following the Planning Zoning Board meeting in the Graham Municipal Building. Board members present were as follows: Bill Teer, Dean Ward, Michael Benesch and Ricky Hall, as well as Andy Rumley sitting as an alternate for Bonnie Blalock, who was not present. Staff members present were Melissa Guilbeau, City Planner, Kaitland Finkle, Planning Intern, Darcy Sperry, Zoning Enforcement Officer and Martha Johnson, Zoning/Inspections Technician.

Chairman Ricky Hall called the meeting to order and explained the function of the Board.

Invocation was given by Ricky Hall.

2. Variance for Side Yard at 909 Washington St (VR131). Request of Washington Properties II, LLC for a variance from the side yard setback for property located at 909 Washington St (GPIN 8884084619). This is a continuation from our November meeting. Dean Ward advised the Board that he had spoken to the City attorney concerning some procedural matters but nothing pertaining to the actual hearing.

Melissa Guilbeau stated that she had emailed Mr. Unsworth about the plat that was requested at the meeting in November. She found a plat from 1987 showing the N. Main Street right-of-way. She also found a deed from 2005 but couldn't find where the plat was recorded. Ms. Guilbeau spoke to the surveyor that drew the plat. He had the file on a cd but was unable to open it. Ms. Guilbeau stated that both buildings are nonconforming for the front yard setback which is 50 feet. The southern building on the lot is also nonconforming for the side yard setback adjacent to residential which is 50 feet. She said that the parking requirement is hard to determine since it is based on the use that would occupy the building.

Mr. Unsworth, from Richard Jones Real Estate, stated that the tenant is moving out and the owner would like the ability to sell the building next to the residential property. Mr. Unsworth stated it was the large building on the bottom part of the property next to the residential houses that the owner hopes to sell.

Andy Rumley asked if there was some type of agreement between property owners concerning the entrance and egress off of Washington Street with the property lines. Mr. Unsworth stated it was hard to tell without a survey but he felt like the lines would be over far enough where there would be two entrances to the subject property off of Washington Street plus the easement coming off of Main Street. Dean Ward said the issue is the entrance and exit next to Mr. Wright's property line where it ties in. Dean Ward asked if a fence or cable is put up would that prevent trucks from getting to the loading docks or impose a problem for Mr. Wright's property. Dean Ward also said that Mr. Wright did mention a drainage issue that had been caused by trucks. Mr. Unsworth said they had a conversation with Mr. Wright after the last meeting. Mr. Unsworth said there didn't seem to be an issue and there would be a joint effort to keep the

rock up and help each other with the gravel and driveway upkeep. Melissa Guilbeau mentioned as a reminder that if the variance is approved it still has to go through the subdivision review process which means it has to go to the Planning Board and also City Council.

Dean Ward made a motion to close the hearing, second by Michael Benesch.

Dean Ward stated he was concerned that he doesn't think this variance meets all four criteria needed to grant a variance and that there could be a potential problem for the next owner. Michael Benesch and Andy Rumley both stated they had issues with the shared driveway, not the 13 feet between the buildings. Ricky Hall agreed saying there is no true driveway from Washington Street. Mr. Hall said it would also hamper emergency services if they had to get to this property.

Dean Ward made a motion to deny the variance as it does not meet qualifications for a variance, second by Ricky Hall. The vote was 4 to 1 with Bill Teer dissenting. The following five Findings of Fact and four Conclusions of Law were adopted with the motion:

FINDINGS OF FACT

1. The property that is the subject of this variance request, 909 Washington St, is zoned Light Industrial (I-1).
2. The property contains two industrial buildings that, according to the tax records, were constructed in 1889. The two buildings are separated by a space of approximately 13 feet, according to the applicant and aerial photographs.
3. The minimum side yard width in the I-1 zoning district is 50 feet adjacent to a lot zoned residential or any residence on a lot otherwise zoned, or 20 feet elsewhere, as outlined in Section 10.245 of the *City of Graham Development Ordinance*.
4. An application for a variance was filed with the City Planner on October 10, 2013. According to the application, the property owner desires to subdivide the property, with the new property line running between the two buildings.
5. If the property is subdivided, neither existing building will meet the minimum side yard width of 20 feet required by the *Development Ordinance*.

CONCLUSIONS OF LAW

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. *Under the strict application of the ordinance, the property would not be able to be subdivided because the existing buildings would not meet the minimum side yard setback of 20 feet, since the buildings are only 13 feet apart. However, reasonable use is already being made of the property and can reasonably continue as one parcel, causing no unnecessary hardship, and subdividing the parcels would cause unnecessary hardship on future owners of the properties due to access issues.*
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships

resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. *The buildings were built in 1889 according to the tax records. The City of Graham first adopted zoning regulations in the 1950s. The spacing between the buildings is peculiar to the property and is not common to the neighborhood or the general public.*

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. *The applicant/property owner did not construct these buildings with only 13 feet between them. The applicant/property owner is seeking to subdivide the parcel so that each building will be on a separate parcel.*
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. *The requested variance will not change the existing condition of 13 feet of spacing between the two buildings, but will allow the applicant/property owner to request that the parcel be subdivided.*

1. Ricky Hall made a motion to approve minutes, second by Michael Benesch. All voted aye.

There being no further business, the meeting was adjourned.

Respectfully Submitted,
Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Side Yard Variance for Quality Oil Vending Awning (VR132)

Type of Request: Variance

Meeting Dates

Board of Adjustment on January 21, 2014

Contact Information

Andy Sayles; 1540 Silas Creek Pkwy,
Winston-Salem, NC 27102
336-721-9507; asayles@qocnc.com

Summary

This is a request for a variance from the required side yard width abutting a street, which is 20 feet in the B-2 zoning district, for an existing vending canopy. The stated purpose of this request is as follows: "Applicant believes the variance does not impose a hazard nor impede traffic flow at proposed location. Lot is not large enough to locate vending awning at another location on site. Vending awning is set back from the current sidewalks that property was required to install."



Location
1101 S Main St
GPIN: 8883262967

Current Zoning
General Business (B-2)

Current Use
Gasoline Facility

Surrounding Zoning
B-2

Surrounding Land Uses
General Businesses and vacant

Attached is a **draft of a Resolution for the Board to consider** when making its decision. This draft Resolution should be modified as the Board sees fit and is only provided by staff as a template.



Application for a VARIANCE

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Applicants are encouraged to consult with the City Planner before submitting this application.

Property on which a Variance is sought

Street Address: 1101 S Main St.

Tax Map#: 8883262967 GPIN: 144168

Current Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
- R-MF R-G C-R C-MXR
- B-1 B-2 B-3 C-B C-MXC
- O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

- Historic S Main St/Hwy 87 E Harden St/Hwy 54

Current Use: Gasoline Facility

Property Owner: Quality Oil Company

Mailing Address: 1540 Silas Creek Parkway

City, State, Zip: Winston Salem, NC 27102-2736

Applicant

Property Owner Other _____

Name: Andy Sayles

Mailing Address: 1540 Silas Creek Parkway

City, State, Zip: Winston Salem, NC 27102-2736

Phone # (336) 721-9507

Email: asayles@qocnc.com

I, the applicant, hereby petition the Board of Adjustment for a variance from the strict letter of the *Development Ordinance*, as described in this application.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Andy Sayles 12/6/2013
Signature of Applicant Date

Purpose of Variance Request

Describe the purpose of this variance request. *What are you trying to do that the Development Ordinance is prohibiting?* If necessary, attach a plot plan or other illustration.

Side street Setback Variance. Applicant believes the variance does not impose a hazard nor impede traffic flow at proposed location. Lot is not large enough to locate vending awning at another location on site. Vending awning is setback from the current sidewalks that property was required to install.

Nature of Variance Request

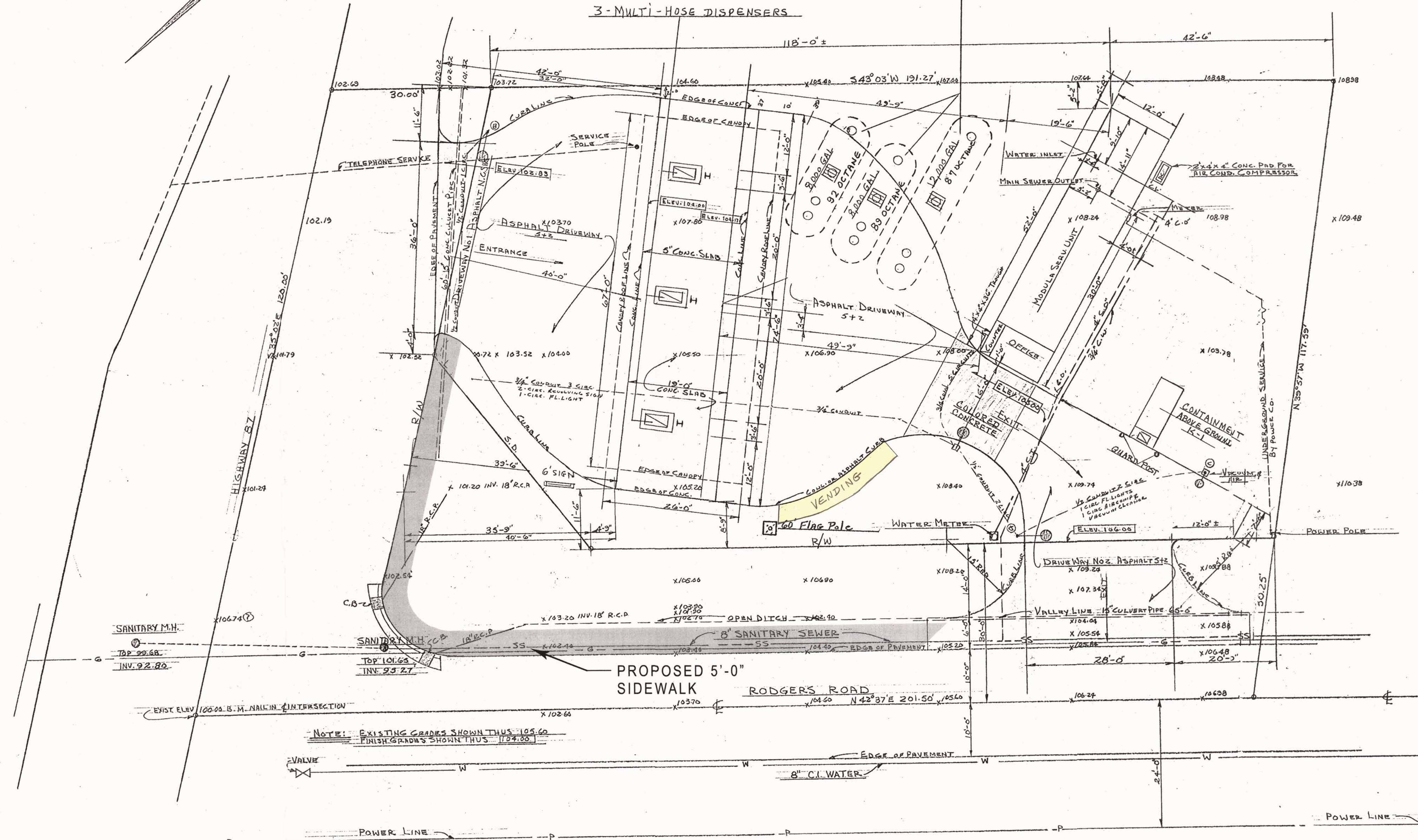
List the specific provision(s) of the *Development Ordinance* from which you are seeking a variance (for example, side yard setback).

side setback on side street.

RECEIVED
DEC 12 2013
CITY OF GRAHAM
INSP. / P.Z.

Office Use Only. DEVID# VR132

INSTALL NEW FIBERGLASS TANKS & PRODUCT LINES W/ T/S. 350 TANK & LINE MONITORING.



NOTE: EXISTING GRADES SHOWN THUS 105.00
 FINISH GRADES SHOWN THUS 1104.00

OUTSIDE FLOODLIGHT SCHEDULE WHITEWAY MFG. CO.

TYPE	POLE & FITTINGS	QUANT	FIXTURE	QUANT	WATTS
B	2 MBBS4	1	ST 1000-43BX	1	1085
B	18TSP-2	1			
C	2 MDS4	3	ST 400-43BX	3	1365
C	18TSP-2	3			

NOTE: CANOPY LIGHTS No. 80-296-8" H.O. MODERN FIXTURES 32' REQ.
 MOUNTING CLIPS TO BE FURNISHED BY CANOPY MFG.
 ALL FLOOD LIGHT POLES & FIXTURES FURN. BY OWNER
 AND INSTALLED BY CONTRACTOR.

REVISED - 3-17-97

LOCATION No.	BRANCH No.	SHEET No.
GAS HOUSE SELF SERVICE STATION FOR		
GAS HOUSE COMPANY LTD.		
WINSTON-SALEM, NORTH CAROLINA		
PLOT PLAN SCALE: 1" = 10'-0"		
LOCATION: HWY 87 & ROGERS RD. GRAHAM TOWNSHIP		
ALBEMARLE COUNTY, GRAHAM, N.C. DATE: 11-20-		

BY YH129 HJD 3/18/70
 RELOCATE SEWER & WATER LINES
 RELOCATE TANKS Feb 3-72



Board of Adjustment Resolution of Findings of Fact, Conclusions of Law and Decision

The Board of Adjustment for the City of Graham, North Carolina, having held a public hearing on **January 21, 2014** to consider case number **VR132**, submitted by **Andy Sayles** of 1540 Silas Creek Pkwy, Winston-Salem, for a **variance from the side yard setback for a vending awning at 1101 S Main St**, and having heard all the evidence and arguments presented at the hearings, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS OF LAW:

FINDINGS OF FACT

NOTE: These Findings of Fact were prepared by staff and should be modified by the Board as it sees fit.

1. The property that is the subject of this variance request, 1101 S Main St, is zoned General Business (B-2) and is located in the S Main St/Hwy 87 Overlay District.
2. The property contains a convenience store and gasoline pumps. It also contains a canopy structure located over a vending area, which was erected without site plan or building permit approvals.
3. The minimum side yard width abutting a street in the B-2 zoning district is 20 feet, as shown in Section 10.245 of the *City of Graham Development Ordinance*.
4. The canopy structure is located approximately five feet from the property line next to Rogers Rd, according to a site plan drawing submitted with the variance application. This is less than the 20 feet required by the *Development Ordinance*.
5. An application for a variance was filed with the City Planner on December 12, 2013. According to the application, the "applicant believes the variance does not impose a hazard nor impede traffic flow at proposed location. Lot is not large enough to locate vending awning at another location on site. Vending awning is setback from the current sidewalks that property was required to install."

[insert additional Findings of Fact, if any are made]

CONCLUSIONS OF LAW

The Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

NOTE: These Conclusions of Law were prepared by staff and should be modified by the Board as it sees fit.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Under the strict application of the ordinance, the canopy structure would not be permitted because it would not meet the minimum side yard width abutting a street, which is 20 feet, since it is located approximately five feet from the property line.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The lot is roughly rectangular and measures approximately 125 feet wide by 170 feet deep. It includes roughly 0.47 acres, is fairly level and is located on the corner of two streets.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The canopy structure was erected without site plan or building permit approvals.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The requested variance will permit a structure within the required side yard abutting a street.

DECISION

In exercising its powers, the Board of Adjustment may grant or deny a variance and may impose any appropriate conditions on the variance, provided that the conditions are reasonably related to the variance. The concurring vote of four-fifths of the Board shall be necessary to grant a variance.

For the above reasons, the Board of Adjustment [grants/denies] the variance that is the subject of this application.

[insert additional description of the Decision or any appropriate conditions, if necessary]

Staff recommends that, if granted, the following condition be imposed:

- This variance shall apply only to the canopy structure as it stands today, and shall not apply to any future development on the property or to the property as a whole.

The resolution reflects the decision of the Board of Adjustment, made the 21st day of January, 2014.

Attest:

Ricky Hall, Chair

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Appeal of Notice of Violation for Junk Vehicles at 123 Florence St (AP141)

Type of Request: Appeal

Meeting Dates

Board of Adjustment on January 21, 2014

Contact Information

Johnny Ray Pulliam
123 Florence St, Graham, NC 27253
336-512-6272; jpull79169@aol.com

Summary

This is an appeal from a Notice of Violation issued by the Zoning Enforcement Officer on December 6, 2013 for junk vehicles on property located at 123 Florence St.

Staff offers **AP141 Timeline** as Exhibit A. This is a summary of events as experienced and told by Darcy Sperry, Zoning Enforcement Officer. It includes references to several attachments, which includes all the papers constituting the record upon which the action appealed from was taken. Staff has also included a copy of the ordinance that is the subject of the in violation as Exhibit I.

Location
123 Florence St
GPIN: 8883172862

Current Zoning
Residential (medium density)
(R-12)

This agenda packet includes a **draft Resolution for the Board to consider** when making its decision. This draft Resolution should be modified as the Board sees fit and is only provided by staff as a template.



Appeal of Decision

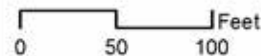
Notice of Violation for Junk Vehicles issued on 12/6/2013

Property located at 123 Florence St
Tax Map# 144025
GPIN# 8883172862

Appealed by Johnny Ray Pulliam



Board of Adjustment
January 21, 2014



Prepared by the City of Graham Planning Dept. on 1/2/2014

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scales, time, origin, definition and accuracy, which may produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be considered for the verification of the information contained within this map.

Jan 01 14 02:40p

p. 1

Att: Darcy Sperry

RECEIVED

JAN 02 2014

INSPECTIONS DEPT.

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com



Notice of APPEAL

Any person who has standing under G.S. 160A-393(d) may appeal any order, requirement, decision or determination made by an administrative official in the enforcement of any City ordinance that regulates land use or development. This Notice of Appeal must be filed with the City Clerk no later than 30 days from the date the decision was received.

Decision that I am appealing

Date I received the decision: 12-6-13

Name and Title of official who made the decision:
Darcy Sperry
Name, Title

Type of decision being appealed:

- Certificate of Appropriateness Civil Citation
- Landscaping, alt methods Notice of Violation
- Sign Permit Site Plan, administrative amendment
- Stormwater Permit Zoning Permit
- Other Removal of 2 vehicles

Brief description of the order, requirement, decision or determination that is being appealed:

I must remove 2 vehicles from my property.

Reason for Appeal

Describe the reason you are appealing this decision.

I am restoring these vehicles and it takes both to make this happen. I have cleaned up the property and it won't be any more complaints. There isn't any reasons those vehicles should be towed away.

Appellant

Property Owner Other _____

Name: Johany Ray Pulliam

Mailing Address: 123 Florence St.

City, State, Zip: Graham, N.C. 27253

Phone #: 336-572-6292

Email: jpull179169@aol.com

I, the appellant, hereby appeal to the Board of Adjustment from the order, requirement, decision or determination as described in this application.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Property involved with Decision

Street Address: 123 Florence St.

Tax Map#: 144025 GPIN: 8883172862

Current Use: single family dwelling

Property Owner: Johany Ray Pulliam

Mailing Address: 123 Florence St.

City, State, Zip: Graham, N.C. - 27253

Office Use Only. DEVID# AP141

Johany Ray Pulliam
Signature of Appellant

12-31-2013
Date

Exhibit A: AP141 Timeline
123 Florence St Graham NC 27253
Junk Vehicle Ordinance Appeal

11/5/13 – Darcy Sperry received a complaint via the telephone regarding possible junk vehicles in the driveway and rear yard of the property located at 123 Florence St in Graham NC. (See exhibit B)

11/5/13 – Ms. Sperry did a roadside inspection of the property. She noted that there was one vehicle in the driveway that did not appear to have a license tag displayed. That vehicle was covered with a cloth material vehicle cover. In addition, Ms. Sperry noted that there were two vehicles in the corner of the rear yard. Ms. Sperry was unable to see if license tags were displayed on the two vehicles in the rear yard, so she decided to send a Notice to Contact letter to the 123 Florence St property owner.

11/5/13 – Ms. Sperry sent a notice to contact letter. She gave the property owner 7 days, or until Nov 12, 2013 to contact her to arrange inspection. (See exhibit C)

11/6/13 – Ms. Sperry received an email from Mr. Johnny Pulliam and sent a response. (See exhibits D1 and D2)

11/15/13 – Ms. Sperry re-inspected the property and found that the vehicles in question – one in driveway and two in rear yard – were still on the property. Mr. Pulliam failed to call Ms. Sperry to arrange a meeting therefore a Notice of Violation letter to be issued.

11/18/13 – Ms. Sperry sent a Notice of Violation letter to Mr. Pulliam notifying him that according to City of Graham Ordinances, the vehicles would have to display valid tags or be removed from the property by November 28, 2013. The letter was sent in the mail and also via email. (See exhibits D3 and E)

11/19/13 – Mr. Pulliam called Ms. Sperry and left a message on her voicemail to call him. Ms. Sperry returned his call and left a message on his voicemail. Mr. Pulliam called Ms. Sperry back and they spoke about the situation and what options may be available to Mr. Pulliam. During that telephone conversation, Mr. Pulliam stated to Ms. Sperry that he has wanted to get rid of one of the vehicles in the rear yard, but was not sure what to do with the others. Mr. Pulliam asked Ms. Sperry if he could build a fence around the vehicles and she advised him that building a fence would not bring the property into compliance. Ms. Sperry explained to Mr. Pulliam that she would allow Mr. Pulliam to keep one unlicensed vehicle (his choice) on the property as long as it remained covered with a cloth material vehicle cover. Mr. Pulliam told Ms. Sperry that he would make every attempt to bring his property into compliance. Ms. Sperry advised Mr. Pulliam that she would try and arrange a meeting with him on or around December 2, 2013.

12/2/13 – Ms. Sperry re-inspected the property and found that all three vehicles were still on the property. The three vehicles were: the covered vehicle in the driveway and the two uncovered vehicles in the rear yard. Ms. Sperry took note that the two vehicles in the rear yard were now behind a wooden

privacy fence. Ms. Sperry drove behind the Food Lion Shopping Plaza to get a better view of the two vehicles behind the fence. Neither vehicle displayed a license tag. Ms. Sperry took pictures of the two vehicles. (See exhibit F)

12/5/13 – Ms. Sperry sent a certified Notice of Pre-Towing letter to Mr. Pulliam. In that letter, Mr. Pulliam was notified that he had ten days or until December 15, 2013 to place a valid tag on each vehicle or remove the vehicle(s) from the property. (See exhibit G)

12/6/13 – Mr. Pulliam sent Ms. Sperry an email in regards to the Notice of Pre-Towing letter and Ms. Sperry replied. (See exhibits D4, D5 and D6)

12/9/13 – Ms. Sperry and Mr. Pulliam exchanged emails regarding options for how he might keep the vehicles. (See exhibits D7, D8 and D9)

12/12/13 – Ms. Sperry and Mr. Pulliam exchanged emails regarding options for how he might keep the vehicles. (See exhibits D10 and D11)

12/24/13 – Mr. Pulliam sent Ms. Sperry an email regarding options for how he might keep the vehicles. (See exhibit D12)

12/30/13 – Ms. Sperry and Mr. Pulliam exchanged emails regarding a final decision and desire to appeal. (See exhibits D13 and D14)

12/31/13 – Ms. Sperry replied to Mr. Pulliam's email providing information on how to appeal. (See exhibit D15)

1/1/14 – Mr. Pulliam sent Ms. Sperry an email about the appeal. (See exhibit D16)

1/3/14 – Ms. Sperry sent Mr. Pulliam an email acknowledging receipt of the appeal form. (See exhibit D17)

1/9/14 – Ms. Sperry placed appeal sign in front yard of property and took additional pictures of the vehicles in violation. (See exhibit H)

1/13/14 – Ms. Ray from 121 Florence St came into my office to discuss the letter she received regarding the appeal.

Complaint

REQUEST FOR INSPECTION GRAHAM, N.C.

APPROVED

REJECTED

PERMIT NO. _____ DATE: 11/5/13

INSPECTOR: _____ TIME: _____

COMPLETE TIME: _____ DATE: _____

OWNER: WILLIAM JOHNNY RAY

ADDRESS: 123 FLORENCE

CONTRACTOR: _____

REQUESTED BY: () OWNER () CONTR. () AGENT

REQUIRED INSPECTIONS

BUILDING

- () FOOTINGS
- () FOUNDATION
- () FRAMING
- () FINAL
- () OTHER () INSUL

HEATING

- () ROUGH
- () VENTING
- () GAS PIPE
- () FINAL
- () OTHER

7 Day letter sent 11/5/13

ELECTRICAL

- () SAW SERVICE
- () ROUGH
- () FINAL
- () OTHER

PLUMBING

- () WATER () SEWER
- () ROUGH
- () FINAL
- () OTHER

REMARKS JUNK VEHICLE IN DRIVEWAY

AND REAR YARD COMPLAINT.

11/5/13 - car in driveway w/o tag -

at least (2) vehicles in rear corner of

yard.



Alamance County Government
TAX ADMINISTRATION RECORD SEARCH

Select Search:
[Real Property Record Search](#)
[Tax Bill Search](#)
[County Homepage](#)
[Alamance Homepage](#)

[Account](#) | [Buildings](#) | [Land](#) | [Sketch](#) | [Deeds](#) | [Sales](#) | [Tax Bill](#) | [Map](#)

Account Details for PULLIAM JOHNNY RAY CHERYL

[New Search](#)

Property Owner as of January 1st PULLIAM JOHNNY RAY CHERYL	Owner's Mailing Address 123 FLORENCE ST GRAHAM, NC 27253	Property Location Address 123 FLORENCE ST			
Administrative Data Parcel ID No. 144025 GPIN 8883172862 OLD Tax ID 6-8-63B Owner ID 26263 Tax District 11 - GRAHAM Land Use Code 010 Land Use Desc SINGLE FAMILY Exemption Code Neighborhood 06066	Administrative Data Legal Desc HBL 123 FLORENCE ST Deed Year 1990 Deed Bk/Pg 403 / 934 Plat Bk/Pg / Sales Information (most recent transaction with a value) Grantor UNKNOWN Sold Date 1990-01-01 Sold Amount 0 \$	Valuation Information Market Value 157,649 Value \$ Market Value - Land and all permanent improvements, if any, effective valuation date January 1, 2009, date of County's most recent General Reappraisal Assessed Value 157,649 Value \$ If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.			
Sales History - 1 Previous Sales Found for Parcel number 144025					
Parcel ID No	Date Sold	Name	Stamps	Book / Page	Sale Price
1	01/01/1990	PULLIAM JOHNNY RAY	.00	403 / 934	\$0.00

[Back to Results](#)

[Print This Property Record Card](#)

[New Search](#)

Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Alamance County, NC and Data Providers assume no legal responsibility for the use of the information contained herein.

Please direct any questions or comments about the data displayed here to tax.help@alamance-nc.com

This application was developed for Alamance County by NexGen Digital Document Solutions
www.ustaxdata.com



COPY

City of Graham
P.O Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

NOVEMBER 5, 2013

PULLIAM JOHNNY RAY & CHERYL
123 FLORENCE ST
GRAHAM NC 27253

NOTICE TO CONTACT

This notice to contact is concerning possible junk nuisance and ordinance violations at 123 Florence St in Graham NC. Alamance County Tax Parcel ID #144025 records show you as the owner(s) of this property.

The following ordinance violations may be present;

- **Article VI – Junked Vehicle**

The City of Graham has received a complaint regarding possible junk vehicles on the property located at the above address. The City of Graham requires all vehicles that are left on personal property to be properly tagged and insured. As the property owner(s) you are responsible for any potential violations at the property. You will be given the opportunity of seven (7) days or until November 12, 2013 to contact me to arrange a date and time to meet me at the property to discuss this complaint. After this date elevated enforcement actions will be taken and junk nuisance and ordinances will be enforced.

Please contact me with any questions at (336)570-6705 or by email at dsperry@cityofgraham.com.

Sincerely,



Darcy Sperry, CZO
Zoning Enforcement Officer
City of Graham

AP141 Exhibit D – emails between Darcy Sperry (Zoning Enforcement Officer) and Johnny Pulliam (owner of property)

November 6, 2013

D1

From: JPull79169@aol.com [mailto:JPull79169@aol.com]

Sent: Wednesday, November 06, 2013 1:43 PM

To: Darcy Sperry

Subject: Vehicles

What do you want me to do with Vehicles I have, I don't want to get rid of any of them. These aren't hurting anybody and they have been there along time. Which neighbor complained? Thanks Johnny

D2

D Sperry replied @ 2:32PM

Mr. Pulliam –

I do not know who it was that complained – they did not leave a name. At this point, the best thing you can do is schedule a meeting with me so that I can see what you have going on and what options may be available to you. Please feel free to call me at 336-570-6705 to arrange a meeting. Thank you for your cooperation!

***Darcy Sperry, CZO
Zoning Enforcement Officer***

***City of Graham
PO Drawer 357
201 South Main Street
Graham NC 27253
Tel: (336) 570-6705
Fax: (336)570-6703
Email: dsperry@cityofgraham.com***

November 18, 2013

D3

From: Darcy Sperry <dsperry@cityofgraham.com>
To: JPull79169 <JPull79169@aol.com>
Sent: Mon, Nov 18, 2013 4:15 pm
Subject: RE: Vehicles

Mr. Pulliam –

Good Afternoon. Please see the attached letter that will be going out in today's mail. I was hoping that we could have arranged a meeting at your property before any further action had to be taken, but that did not happen. At this point, I am forced to take further action. If you would like to speak to me about this Notice of Violation, please feel free to call me at (336) 570-6705. Thank you for your time.

Darcy Sperry, CZO
Zoning Enforcement Officer

December 6, 2013

D4

From: Johnny Pulliam [mailto:jpull79169@aol.com]
Sent: Friday, December 06, 2013 12:57 PM
To: Darcy Sperry
Subject: Re: Vehicles

I did receive your Letter on the Notice of Pre-Towing, not real happy about it. How can you say these are nuisance vehicles to the community, when you can't even see them? The code says Safety, Health or Nuisance, I have trouble seeing where any of these apply. Health in My Fenced Yard where you can't even see the Vehicles, Safety in My Fenced Yard where you can't even see the Vehicles and Nuisance in My Fenced Yard where you can't even see the Vehicles. Please explain, Johnny

D5

D Sperry replied @ 1:12PM

Mr. Pulliam,

As I explained to you on the phone recently, our ordinance states that any vehicle without a valid tag **IS** in violation of our junk vehicle ordinance. I told you on the phone that I would be willing to work with you on leaving 1 vehicle on the property as long as it is covered – which I can only assume you chose the vehicle in the driveway to be the one allowed? I also mentioned to you that putting up a privacy fence

to shield or hide the vehicles was not going to make your property come into compliance. You had indicated to me when we spoke on the phone that you were going to get rid of at least one of the trucks, however, both are still in the same spot. As I had previously mentioned, I am willing to work with you, but seeing as you didn't remove at least one of the vehicles you had said you would, I am forced to proceed and enforce our City Ordinances. If you would like to speak to me about your property and this situation in particular, please call me. Thank you.

Darcy Sperry, CZO
Zoning Enforcement Officer

D6

From: JPull79169@aol.com [mailto:JPull79169@aol.com]
Sent: Friday, December 06, 2013 11:27 PM
To: Darcy Sperry
Subject: Re: Vehicles

Can I build a garage for these vehicles?

You know this would make some sense if you could see the Vehicles and they were a eye sore but they are not. Johnny

December 9, 2013

D7

From: Darcy Sperry <dsperry@cityofgraham.com>
To: JPull79169 <JPull79169@aol.com>
Sent: Mon, Dec 9, 2013 9:59 am
Subject: RE: Vehicles

Mr. Pulliam,

You are always welcome to build a garage/storage building. You will need to pull a building permit to do so and you will be required to meet the setback requirements as well. If you secure the necessary permit(s) related to such a building before the deadline given in the letter I sent you, I will work with you on the two vehicles in the rear yard.

Darcy Sperry, CZO
Zoning Enforcement Officer

D8

From: Johnny Pulliam [mailto:jpull79169@aol.com]
Sent: Monday, December 09, 2013 2:35 PM
To: Darcy Sperry
Subject: Re: Vehicles

I want to keep all my vehicles, building a garage is to expensive. What if I cover my vehicles with a tarp, where they can't be seen. Johnny

D9

From: Darcy Sperry <dsperry@cityofgraham.com>
To: Johnny Pulliam <jpull79169@aol.com>
Sent: Mon, Dec 9, 2013 2:45 pm
Subject: RE: Vehicles

Mr. Pulliam,

Keeping your vehicles on your property without tags is unacceptable. I agreed to allow you ONE vehicle with a cover and that's all I am going to allow. Our Ordinance doesn't even allow for that, but those who came before me have made an exception for others in similar situations, so I am willing to allow you to do the same. As I mentioned to you on the phone a few weeks ago, your best bet may be to find someone in the county that will allow you to park them on their property or put the two from the rear yard in your own garage until you decide what to do with them?

Darcy Sperry, CZO
Zoning Enforcement Officer

December 12, 2013

D10

From: Johnny Pulliam [mailto:jpull79169@aol.com]
Sent: Thursday, December 12, 2013 10:00 AM
To: Darcy Sperry
Subject: Re: Vehicles

I decided I want to build a Garage for my cars, I need more time. I need this extended until July if possible. Johnny

D11

In a message dated 12/12/2013 11:00:45 A.M. Eastern Standard Time, dsperry@cityofgraham.com writes:

Mr. Pulliam –

You are more than welcome to build a garage if you so choose, however, I will not put this off until July 2014. As I mentioned to you earlier this week, if you secure the necessary permits required for building a garage, I will allow you to keep the vehicles in the rear corner of the property where they are. Our Ordinance allows for 10 days before action is taken on junk vehicles – I have allowed you over 30 days as of today. I have tried to give you the most cost-effective suggestions to bring your property into compliance (parking the vehicles in your garage or licensing the vehicles). I am willing to extend your deadline to December 31, 2013 – if you still have not secured a building permit, placed valid tags on the vehicles or removed the vehicles from the property, I will proceed with towing the vehicles on January 2, 2013. Please be aware that this is the last extension you will be given. Please contact me with any questions you may have.

Darcy Sperry, CZO
Zoning Enforcement Officer

December 24, 2013

D12

From: JPull79169@aol.com [mailto:JPull79169@aol.com]

Sent: Tuesday, December 24, 2013 10:31 AM

To: Darcy Sperry

Subject: Re: Vehicles

I am not ready to build a carport for these cars yet. I see where the city is going to do some work to make the water problem better. I would like to see what they are going to do before I decide where to put a new garage. Johnny

December 30, 2013

D13

In a message dated 12/30/2013 9:06:29 A.M. Eastern Standard Time, dsperry@cityofgraham.com writes:

Mr. Pulliam,

Please be advised that I will be proceeding with my efforts to bring your property into compliance on January 2, 2014. I have previously given you extensions and also suggestions for bringing your property into compliance. There will be no further extensions given – as my email to you on December 12, 2013 indicated. If the vehicles are still in violation on 1/2/14, I will take the necessary steps needed to bring the property into compliance.

Darcy Sperry, CZO
Zoning Enforcement Officer

D14

From: JPull79169@aol.com [mailto:JPull79169@aol.com]

Sent: Monday, December 30, 2013 11:49 PM

To: Darcy Sperry

Subject: Re: Vehicles

I want to Appeal your decision on the vehicles because I have made necessary steps to makes these vehicles look better. I will do something with these Vehicles if you give me enough time. I want to build a Garage but right now I don't have the time are money to do that. If you can give me until mid summer I might can get this done. My request is reasonable . Please let me know who I need to Appeal your decision to. Johnny

December 31, 2013

D15

D Sperry replied @ 8:08AM

Mr. Pulliam,

You can find the appeal form/application using this link to the City of Graham website -
<http://www.cityofgraham.com/government/boards-and-commissions/board-of-adjustment/>

You can send the appeal to me and I will forward it onto the appropriate parties. I will need to have the completed form/application in hand prior to January 2, 2014 in order to stop enforcement proceedings. You will be notified as to the date and time that this case will be heard in front of the Board of Adjustment. If you get the completed form/application in on time, your case should be heard at the January 21, 2014 meeting. Please contact me with any questions you may have.

January 1, 2014

D16

From: Johnny Pulliam [mailto:jpull79169@aol.com]

Sent: Wednesday, January 01, 2014 12:04 PM

To: Darcy Sperry

Subject: Re: Vehicles

I couldn't get the website form to work, so I faxed you the Appeal. Johnny

January 3, 2014

D17

D Sperry replied @ 9:32AM

Mr. Pulliam,

I received the appeal form you sent and your case has been added to the January 21, 2014 Board of Adjustment meeting. You will be receiving a letter in the next 10 days confirming the date and also notifying you of the time of the meeting. Please contact me with any questions you may have.

Darcy Sperry, CZO

Zoning Enforcement Officer

COPY

City of Graham
P.O Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

NOVEMBER 18, 2013

PULLIAM JOHNNY RAY & CHERYL
123 FLORENCE ST
GRAHAM NC 27253

NOTICE OF VIOLATION

This notice of violation is concerning junk nuisance and ordinance violations at 123 Florence St in Graham NC. Alamance County Tax Parcel ID #144025 records show you as the owner(s) of this property.

The following ordinance violations are present;

- **Article VI – Junked Vehicle**

You were previously notified by letter (see attached) that the City of Graham had received a complaint regarding possible junk vehicles on the property located at 123 Florence St in Graham NC. While I did receive an email from you on November 6, 2013 indicating that you wanted to keep the vehicles in question, you failed to contact me as per my response to your email dated November 6, 2013. The City of Graham prohibits residents from leaving vehicles without valid tags on their property. As the property owner(s) you are responsible for any violations at the property. You will be given ten (10) days or until November 28, 2013 to have a valid tag placed on all vehicles on your property. After this date elevated enforcement actions will be taken.

Please contact me with any questions at (336)570-6705 or by email at dsperry@cityofgraham.com.

Sincerely,



Darcy Sperry, CZO
Zoning Enforcement Officer
City of Graham

Exhibit F
Pictures taken on December 2, 2013 for case AP141



Picture F-1. A view of the vehicles that are the subject of the violation and appeal.



Picture F-2. A view of the vehicles that are the subject of the violation and appeal.

City of Graham

P.O Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

COPY

DECEMBER 5, 2013

PULLIAM JOHNNY RAY & CHERYL
123 FLORENCE ST
GRAHAM NC 27253

NOTICE OF PRE-TOWING

This notice of pre towing is concerning nuisance and ordinance violations at 123 Florence St in Graham NC. Alamance County Parcel ID #144025 records show you as the owner(s) of this property.

The following ordinance violations are present;

- **Article VI. – Junked Vehicle**

As you were made aware of in a letter dated November 18, 2013 (see attached), the City of Graham received a complaint regarding the unlicensed vehicles on the property located at 123 Florence St in Graham NC. I advised you in that letter that if the vehicles were not removed by November 28, 2013, further action would be taken. Upon an inspection done on December 2, 2013, there are two vehicles still sitting in the rear corner of the property without valid tags. The vehicles in violation are both older model Dodge pickup trucks and are sitting behind the wooden privacy fence.

In accordance with *Article VI, Section 20-192:*

- (a) It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the city chief code enforcement officer or other municipal official may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined in section 20-190 and order the vehicle removed.

You will be given an additional ten (10) days or until December 15, 2013 in which to place a valid tag on each vehicle or remove the vehicles in question from the property, hereby correcting this violation. The two Dodge pickup trucks will be towed by the City of Graham on December 16, 2013 if they have not been brought into compliance or moved before December 15, 2013.

Please contact me with any questions at (336)570-6705 or by email at dsperry@cityofgraham.com

Sincerely,



Darcy Sperry, CZO
Zoning Enforcement Officer
City of Graham

Exhibit H
Pictures taken on January 9, 2014 for case AP141



Picture H-1. A view of the vehicles that are the subject of the violation and appeal.



Picture H-2. A view of the vehicles that are the subject of the violation and appeal.



Picture H-3. A view of fence posts that run along property line.



Picture H-4. A view of the vehicles that are the subject of the violation and appeal.



Picture H-5. A view of a vehicle hood leaning against vehicle subject of appeal and violation.



Picture H-6. A view of the vehicles that are the subject of the violation and appeal.



Picture H-7. A view of the vehicles that are the subject of the violation and appeal.



Picture H-8. A view of the vehicles that are the subject of the violation and appeal – picture shows tires embedded in ground.



Picture H-9. A view of the vehicles that are the subject of the violation and appeal.



Picture H-10. A view of the door that doesn't shut and missing dashboard of vehicle subject to appeal and violation.



Picture H-11. A view of a seat that is believed to be from a vehicle subject to appeal and violation.



Picture H-12. A view of a red wagon that is filled with engine parts believed to be from vehicle(s) subject to appeal and violation.



Picture H-13. A view of missing engine/vehicle components for vehicle subject to appeal and violation.



Picture H-14. Picture of appeal sign placed in front yard of 123 Florence St Graham NC 27253



Picture H-15. A view of the vehicle in driveway that is covered with vehicle cover.

Exhibit I

Graham, North Carolina, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 20 - TRAFFIC AND VEHICLES >> ARTICLE VI. ABANDONED MOTOR VEHICLES AND VEHICLES DECLARED TO BE PUBLIC NUISANCES >>

ARTICLE VI. ABANDONED MOTOR VEHICLES AND VEHICLES DECLARED TO BE PUBLIC NUISANCES ⁽³⁾

Sec. 20-189. Administration.

Sec. 20-190. Definitions.

Sec. 20-191. Abandoned vehicle unlawful; removal authorized.

Sec. 20-192. Nuisance vehicle unlawful; removal authorized.

Sec. 20-193. Removal of nuisance or abandoned vehicle; pre-towing notice requirements.

Sec. 20-194. Exceptions to prior notice requirements.

Sec. 20-195. Removal of vehicle; post-towing notice requirements.

Sec. 20-196. Right to probable cause hearing before sale or final disposition of vehicle.

Sec. 20-197. Sale and disposition of unclaimed vehicle.

Sec. 20-198. Disposition of proceeds of sale.

Sec. 20-199. Unlawful removal of impounded vehicle.

Sec. 20-200. Conditions for removal of vehicle from private property.

Sec. 20-201. Immunity.

Sec. 20-202. Exceptions.

Sec. 20-189. Administration.

The police department and inspections department of the city shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the city and on property owned by the city. The inspections department shall be responsible for administering the removal and disposition of abandoned, junked and "nuisance" vehicles located on private property. The city shall contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned, junked and nuisance vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the city police department in enforcing any other laws or otherwise carrying out their duties.

(Code 1983, § 7-126; Ord. of 9-6-1988)

Sec. 20-190. Definitions.

For purposes of this article, certain words and terms are defined as follows:

Abandoned vehicle means a vehicle that:

- (1) Has been left on a street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on property owned or operated by the city for longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days.

Authorizing official means the supervisory employee of the police department or the inspections department, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Junked vehicle means a vehicle that is partially dismantled, or wrecked, or cannot be self-propelled or moved in the manner in which it originally was intended to move, or appears to be worth less than \$100.00, or does not display a current license plate.

Nuisance vehicle means a junked vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city;
- (8) So situated that it presents a substantial risk of injury to minors or other persons because of broken glass, jagged edges, protrusions or otherwise; or
- (9) So offensive to the sight as to damage the community, neighborhood or area appearance upon a finding that such aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness and emotional stability of area residents.

Vehicle means a machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

(Code 1983, § 7-127; Ord. of 9-6-1988)

Sec. 20-191. Abandoned vehicle unlawful; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term "abandoned" is defined in section 20-190
- (b) Upon investigation, proper officials of the city may determine that a vehicle is an abandoned vehicle as defined in section 20-190 and order the vehicle removed.

(Code 1983, § 7-128; Ord. of 9-6-1988)

Sec. 20-192. Nuisance vehicle unlawful; removal authorized.

- (a) It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the city chief code enforcement officer or other municipal official may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined in section 20-190 and order the vehicle removed.

(Code 1983, § 7-129; Ord. of 9-6-1988)

Sec. 20-193. Removal of nuisance or abandoned vehicle; pre-towing notice requirements.

- (a) A vehicle to be towed or otherwise removed because it has been declared to be an abandoned or nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing address of the owner of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed, and the date mailed. If such name and address cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- (b) If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is an abandoned or nuisance vehicle, such appeal shall be made to the city in writing, heard at the next regularly scheduled meeting of the city council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Code 1983, § 7-130; Ord. of 9-6-1988)

Sec. 20-194. Exceptions to prior notice requirements.

The requirement that notice be affixed to an abandoned or nuisance vehicle at least seven days prior to removal may be omitted, as determined by the authorizing official, in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

- (1) For vehicles left on the public streets and highways, such circumstances include, and the city council hereby determines, that immediate removal of such vehicles is warranted when they are:
 - a. Obstructing traffic;
 - b. Parked at designated or undesignated places in violation of this Code;
 - c. Parked in a no stopping or standing zone; or
 - d. Parked in loading zones.
- (2) With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving the minimum seven days' prior notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate daily records, a special need for immediate action to protect and maintain the public health, safety and welfare. By way of illustration, but not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Code 1983, § 7-131; Ord. of 9-6-1988)

Sec. 20-195. Removal of vehicle; post-towing notice requirements.

- (a) Any vehicle which has been determined to be an abandoned or nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform such services for the city.

Whenever such vehicle is removed, the authorized city official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) A description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) Notice shall, if feasible, be made in person or by telephone; however, a written notice shall always be mailed to the owner's last known address, unless waived in writing.
- (c) If the vehicle is registered in the state, notice shall be mailed within 24 hours of removal. If the vehicle is not registered in this state, notice shall be mailed in the same manner to the owner within 72 hours from the removal of the vehicle.
- (d) Whenever an abandoned or nuisance vehicle is removed and such vehicle has no valid registration or registration plate, the authorizing city official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsections (a)(1) through (5) of this section.

(Code 1983, § 7-132; Ord. of 9-6-1988)

Sec. 20-196. Right to probable cause hearing before sale or final disposition of vehicle.

After removal of a vehicle declared to be abandoned or nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the county magistrate. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11.

(Code 1983, § 7-133; Ord. of 9-6-1988)

Sec. 20-197. Sale and disposition of unclaimed vehicle.

- (a) With the written consent of the owner, the authorized city official may dispose of any junked vehicle without holding it for any prescribed period of time.
- (b) Any unclaimed abandoned, nuisance or junked vehicle as defined by this article shall be held for a period of at least 15 days. The owner of any such vehicle may claim his vehicle during the 15-day retention period by exhibiting proof of ownership to the authorized city official and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If after the vehicle is held 15 days it remains unclaimed, said vehicle may be destroyed or sold as authorized by the city in compliance with Article I, Chapter 44A of the North Carolina General Statutes.
- (c) Within 15 days after final disposition of an abandoned or junked vehicle, written notice thereof shall be given to the department of motor vehicles that the vehicle has been determined to be a junked vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

(Code 1983, § 7-134; Ord. of 9-6-1988)

Sec. 20-198. Disposition of proceeds of sale.

The proceeds of the sale of an abandoned or junked vehicle declared to be a nuisance, after all costs of removal, storage, investigation, and sale, and satisfaction of any lien of record on the vehicle have

been deducted therefrom, shall be held by the city finance officer for 30 days and paid to the owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the city general fund and the owner's rights herein shall be forever extinguished.

(Code 1983, § 7-135; Ord. of 9-6-1988)

Sec. 20-199. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this Code unless and until all towing and impoundment fees, or bond in lieu of such fees, have been paid.

(Code 1983, § 7-136; Ord. of 9-6-1988)

Sec. 20-200. Conditions for removal of vehicle from private property.

As a general policy, the city will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the city from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is declared a nuisance vehicle. The city may require any person requesting the removal of an abandoned or nuisance vehicle from private property to indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.

(Code 1983, § 7-138; Ord. of 9-6-1988)

Sec. 20-201. Immunity.

Neither the city nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this article.

(Code 1983, § 7-139; Ord. of 9-6-1988)

Sec. 20-202. Exceptions.

Nothing in this article shall apply to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(Code 1983, § 7-140; Ord. of 9-6-1988)

FOOTNOTE(S):

— (3) —

State Law reference— *Abandoned and derelict motor vehicles, G.S. 20-137.6 et seq.; municipal regulation of junked and abandoned motor vehicles, G.S. 160A-303; issuance of certificate of title for vehicle purchased from city, G.S. 160A-303(d).*
[\(Back\)](#)



Board of Adjustment Resolution of Findings of Fact, Conclusions of Law and Decision

The Board of Adjustment for the City of Graham, North Carolina, having held a public hearing on **January 21, 2014** to consider case number **AP141**, submitted by **Johnny Ray Pulliam** of 123 Florence St, for an appeal of a **Notice of Violation for junk vehicles**, and having heard all the evidence and arguments presented at the hearings, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS OF LAW:

FINDINGS OF FACT

NOTE: These Findings of Fact were prepared by staff and should be modified by the Board as it sees fit.

1. The property that is the subject of this appeal, 123 Florence St, contains a single family detached dwelling.
2. The City's Zoning Enforcement Officer received an anonymous complaint about junk vehicles on the property and made the determination that the appellant was in violation of Article VI of the City's Code of Ordinances.
3. The City's Zoning Enforcement Officer sent a Notice of Violation to the appellant on November 18, 2013 and a Notice of Pre-Towing on December 5, 2013.
4. The appellant submitted an appeal on January 2, 2014.
5. On January 9, 2014, a letter notifying the appellant and adjacent property owners of the hearing was deposited in the US Mail and a sign was posted on the property.
6. On January 13, 2014, the City Planner transmitted to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

[insert additional Findings of Fact, if any are made]

CONCLUSIONS OF LAW

NOTE: These Conclusions of Law were prepared by staff and should be modified by the Board as it sees fit.

1. The vehicles in question meet the definition of "nuisance vehicle" contained in Article VI of the City's Code of Ordinances.

[insert additional Conclusions of Law, if any are made]

DECISION

In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make any order, requirement, decision or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the zoning enforcement officer from whom the appeal is taken.

For the above reasons, the Board of Adjustment [reverses/affirms/modifies], in [whole/part], the Notice of Violation that is the subject of this appeal.

[insert additional description of the Decision, if necessary]

The resolution reflects the decision of the Board of Adjustment, made the 21st day of January, 2014.

Attest:

Ricky Hall, Chair

Martha Johnson, Secretary

DRAFT