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ATTACHMENT 6

TOWN OF CHAPEL HILL

May 14, 2003

Certified Letter Receipt No:
7001 3150 0006 0946 6391
(first-class mail and posted)

Grace Torres & Wayne Poerio
119 Christine Court
Chapel Hill, NC 27516

**Subject: Final Written Notice of Zoning and State Statute Violations: Penalties
119 Christine Court: File No. 7.170..13**

Dear Ms. Torres and Mr. Poerio,

This follows your Final Written Notice of Zoning and General Statute Violations dated April 15, 2003, certified letter receipt no: 7001 2510 0005 0267 6271 (attached).

Our discussion on May 9, 2003 confirmed that the zoning violation at 119 Christine Court continues. The second floor of the house has been altered from the approved, unfinished condition. The change of use of this property is a violation of the conditions of approval of the Parkside II Preliminary Plat, the Final Plat and the Zoning Compliance Permit, and Section 4.9 of the Town of Chapel Hill Land Use Management Ordinance.

The deadline of **May 12, 2003** has passed and you are now subject to penalties as permitted by Section 4.13.4 of the Land Use Management Ordinance:

4.13.4 Penalties and Remedies

- (a) Any violation of any provision of any Article of the Chapel Hill Land Use Management Ordinance shall constitute a misdemeanor and shall subject the violator to a penalty of five hundred dollars (\$500.00) or imprisonment for not more than 30 days.
- (b) Any act constituting a violation of this Chapter shall also subject the offender to a civil penalty of one hundred dollars (\$100.00). If the offender fails to pay the penalty within ten (10) days of receiving final written notice of a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender received a final written notice of violation and did not appeal to the Board of Adjustment within the time limit prescribed in Section 4.10 of this Chapter.
- (c) Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.
- (d) In addition to the penalties and remedies above, the Town Manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Chapter.

306 N. Columbia Street, Chapel Hill, NC 27516

manager@townofchapelhill.org

FAX (919) 969-2063

(919) 968-2743

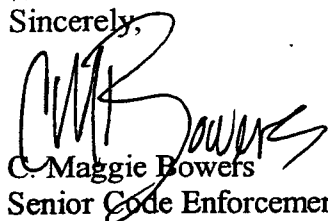
GTE Exchange (919) 682-8636

Pursuant to this provision of the Land Use Management Ordinance, you are hereby assessed a civil penalty of one hundred dollars (\$100.00) a day per violation beginning upon May 12, 2003. Each day that the violation continues shall constitute a separate violation. Assessment of this penalty shall continue on a daily basis for as long as the violation continues. If the penalty is not paid and the violation corrected, legal action will be initiated to collect the penalties and achieve compliance.

Note that the determination of Zoning Violation may be appealed to the Board of Adjustment in accordance with Section 4.10 of the Land Use Management Ordinance. An application must be filed within 30 days of the delivery of this written notice. If you have questions about appeal process, please contact the Planning Department at 968-2728.

In regards to the State Statute Violation of building construction without a Building Permit further enforcement procedures will follow. Feel free to call me at 919/ 968-2718 for a final site visit when the property is in compliance.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Maggie Bowers', written over a printed name and title.

C. Maggie Bowers
Senior Code Enforcement Officer

cc: Lance Norris, Director of Inspections
Roger Waldon, Director of Planning
Terry Milner, Attorney at Law, P.O. Box 599, Chapel Hill, NC, 27514

Attachments