From: Jon Creighton
To: Matt Stone
Cc: Josh O"Conner
Subject: Fwd: Building/permit concerns for property adjacent to 294 Martin Branch Rd
Date: Friday, October 31, 2014 9:48:03 PM

Can you look at this one? Josh will look about the wall but can you ask the septic guys look also?

Sent from my iPhone

Begin forwarded message:

> **From:** "Ellen M. Frost" <Ellen.Frost@buncombecounty.org>
> **Date:** October 31, 2014 at 9:16:22 PM GMT-3
> **To:** Jon Creighton <Jon.Creighton@buncombecounty.org>, Joshua OConner <Joshua.OConner@buncombecounty.org>
> **Subject: Fwd: Building/permit concerns for property adjacent to 294 Martin Branch Rd**
>
> Sent from my iPad
> Ellen Frost
> Buncombe County Commission
> ellen.frost@buncombecounty.org
>
> Begin forwarded message:
>
> > **From:** "Law, Christina L" <christina.law@ncagr.gov>
> > **Date:** October 31, 2014 at 4:23:14 PM EDT
> > **To:** "ellen.frost@buncombecounty.org" <ellen.frost@buncombecounty.org>
> > **Subject: Building/permit concerns for property adjacent to 294 Martin Branch Rd**
> >
> > Mrs. Frost,
> >
> > Per our conversation this afternoon, I am sending this email to you to express concerns regarding new construction for a double wide trailer being installed on a lot adjacent to my property. My property address is 294 Martin Branch Rd, Leicester, NC 28748. I am not sure what the issued address for the adjacent property will be, but it is directly in front of my property on Martin Branch Rd. The building permit number for the new dwelling is 2014-02038.

One concern is that they have possibly encroached onto my property during the site excavating process, and I have a surveyor coming out to officially determine whether my property has been damaged at the first of next week. There has been a nearly vertical bank cut at the property line in question, which to my understanding in Buncombe County, requires either a 2:1 slope or an engineered retaining wall installed to prevent erosion issues. At best, this bank is a 1:1 slope, but more likely 0.5:1 slope. The double wide trailer has been installed with only 9 feet from the back door of the new dwelling to the top of the bank, so it is not likely feasible for them to be able to install the retaining wall or to come back in and repair the slope (where they are planning to install an 8'x15' deck as well). There is no ditch at this time to divert water runoff from the hill and bank, nor the dwelling itself. There is a huge concern for erosion as there is a large sloping hill down to where the bank has been cut, and no question that there will be erosion issues that will ultimately undermine my property (which is a livestock pasture containing horses), due to the way the bank has been cut. There has been no silt fence or any other apparent attempts to prevent erosion during this process as well.

Another concern is that the property in question has been previously been turned down on inspection for well and septic, though somehow it has passed inspection now. As I understand in Buncombe County, a septic system cannot be installed on greater than a 2-4% slope, which would only leave the driveway area for installation on the steep property, which I also understand to be against code. The septic has not been installed as of yet. They had initially installed a well that was at least 10' from my property line, but then unbeknownst to me, had to move the well and now it is at best 2'-3' from my line. There is no question that they did cut into my property line where they had cut out for the well as the surveyor mark is there in the corner, and they cut the dirt away 10-12" onto my property (though as best as I can tell, the well appears to be on their property).

I will also try to get some pictures to send you, but I wanted to at least get this email to you to begin the process of investigation.

Thank you so very much for your assistance in this matter!

Sincerely,

Christina Law, DVM
NCDA&CS, Veterinary Division
(919)218-2529

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the North Carolina Public Records Law and may be disclosed to third parties.