

**From:** [Medlin, Steve](#)  
**To:** [John Hunter](#)  
**Cc:** [Miller, Lisa](#); [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us); [Council Members](#); [Young, Sara](#); [Luck, Keith](#); [Bonfield, Thomas](#); [Chadwell, Keith](#); [Smith, Grace](#); [Robertson, Landus](#); [Young, Patrick](#)  
**Subject:** Re: 714 Shepherd Street  
**Date:** Monday, June 24, 2013 5:55:47 AM

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Good morning Mr. Hunter,

The zoning violation notice has been rescinded effective June 21st as we discussed on Friday afternoon. A formal notice of this action was mailed to you on Friday afternoon and you should receive it shortly.

The business card you found was placed there by a representative of the enforcement staff immediately following the receipt of the initial complaint in the office and has been there since that time. Mr. Robertson was asked to stop by the site at that time, as Ms. Swipe was out of the office for an extended period, to do an initial investigation. He placed his card so that he could establish contact so that we could ascertain the specifics of what was happening on site. As you have not been to the site for an extended period you did not find the card until your most recent trip.

As for the answers to your questions, as we discussed on Friday afternoon, I will be preparing a written response to address your concerns. As some of them require me to research the history of what has transpired on another location it will take me some time to complete.

I apologize that this latest turn has further inflamed the issue but I assure you that the zoning violation issue has been settled and that I will be responding to your questions with a written response in the near term.

As always I would be happy to discuss your concerns and can be reached at the number below.

Sincerely,

Steven L. Medlin, AICP  
Planning Director  
Durham City-County Planning Department  
101 City Hall Plaza  
Durham, NC 27701  
(919) 560-4137 ext. 28223  
[steve.medlin@durhamnc.gov](mailto:steve.medlin@durhamnc.gov)

Sent via iPad remote device

On Jun 23, 2013, at 1:15 PM, "John Hunter" <[jhunter53@nc.rr.com](mailto:jhunter53@nc.rr.com)> wrote:

Mr. Medlin,

I came home with a pounding headache after arriving and leaving 714 Shepherd Street after finding a card (attachments front and rear of card) on the porch

stating to call your department ASAP. This is the **second enforcement officer** that has visited the property. The first being Ms. Karen Swope that issued a stop all work order. I have not been over to 714 Shepherd Street after receiving that stop all work order. **Why are there two enforcement officers investigating my property?** This does not make any sense.

From day one until now I have been stopped from doing work for **eight months** by your department only to find that there were no violations.

In my conversation with you on 6/21/13, I thought this was a somewhat resolved issue.

This is affecting my health, wasting my time, wasting my money, and wasting productivity on the property. I have spent many hours on this last stop order going through many recorded tapes and documentation and book marking key points, reading UDOs and draft/adopted DHPC plans, sending emails, and making phone calls.

If Ms. Lisa Miller had taken the time **to listen** to me about cosmetic and structural work this would have been resolved.

I am not going to call this second enforcement officer. Enough is enough.

Is this the result of my talking about Ms. Lisa Miller's inappropriate conversation with me or my implying discrimination in the implementation of the UDO (3.18.1b) and the DHPC plan? What is it? I would like to know.

<image002.jpg>

The same question that I have asked you through my recent emails and I have asked you during the above phone conversation has yet to be answered. You indicated to me on the phone that you did not know. I think someone should know.

An administrative approval issued after the work has been completed with an invalid building permit (UDO 3.18.1b) **does not make the invalid permit valid**. I don't see in the Historic UDOs or the DHPC plan where it does. If the UDOs and DHPC plan apply to me, should it not apply to others?

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**From:** John Hunter [<mailto:jhunter53@nc.rr.com>]

**Sent:** Tuesday, June 18, 2013 2:39 PM

**To:** 'Medlin, Steve'; 'Miller, Lisa'; '[karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)'

**Cc:** 'Council Members'; 'Young, Sara'; 'Luck, Keith'; 'Bonfield, Thomas'; 'Chadwell, Keith'; 'John Hunter'

**Subject:** RE: 714 Shepherd Street

Mr. Medlin,

You are absolutely correct about not locating a permit, because a building permit was not required. These were considered to be cosmetic changes to the property and not structural changes. Stephen Cruise and myself, while sitting in his office, contacted the chief building inspector on his phone on this subject. The chief said that these were not structural changes and a permit was not required. This subject is also addressed in the twelve tapes/cds of all of these meetings. The city has all of these tapes/cds. These tapes/cds contain all of the history on this subject including addressing the building permit. Terry Capeland in the city manager's office can tell you how to obtain these. Stephen has a folder that was at least 10" in height with this information. Please provide me the COA's that you have to give some reference dates to use in my presentation to the council.

Therefore a permit was not required. The work was initiated, and the work at no time has been discontinued for six months.

John

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**From:** Medlin, Steve [<mailto:Steve.Medlin@durhamnc.gov>]  
**Sent:** Tuesday, June 18, 2013 1:02 PM  
**To:** John Hunter; Miller, Lisa; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)  
**Cc:** Council Members; Young, Sara; Luck, Keith; Bonfield, Thomas; Chadwell, Keith  
**Subject:** RE: 714 Shepherd Street

Good afternoon Mr. Hunter,

My name is Steve Medlin and I am the director of the Durham City-County Planning Department. I am taking the opportunity to respond for the department to your inquiry of June 17<sup>th</sup>. You raised some very serious concerns and I want to make sure that these are given due consideration and attention. In the interim you requested some information which I will attempt to provide in this email.

The ordinance excerpt you requested is attached – this is section 5.6.6.8 Time Limits under the Certificates of Appropriateness section of the old Zoning Ordinance that was in effect until 2006. The time limit states “A certificate of appropriateness shall expire if a building permit has not been obtained within 1 year.” In speaking with the folks in Inspections there are no building permits on record for any work done on this structure in their system. Therefore the original COAs obtained for the property in the beginning of 2002 expired in the beginning of 2003.

If you provide a scope of work list for the property we can let you know the required level of approval and process to follow. Unfortunately the files that were kept at the time you sought approval are extremely basic and do not provide a full case history on this project. We were able to find two COA approvals, agendas for four meetings with this property listed, and minutes from one of those meetings.

If you have additional information on the background of this case that you can share with us to fill in the gaps it would be much appreciated. Additionally please feel free to contact me directly at the numbers listed below if you would prefer to talk in person.

Best regards,

**Steven L. Medlin, AICP**

*City-County Planning Director*

Durham City-County Planning Department

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Durham, NC 27701

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[www.durhamnc.gov/departments/planning/](http://www.durhamnc.gov/departments/planning/)

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**From:** John Hunter [<mailto:jhunter53@nc.rr.com>]

**Sent:** Monday, June 17, 2013 12:52 PM

**To:** Miller, Lisa; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)

**Cc:** Council Members; Young, Sara; Luck, Keith; Medlin, Steve; Bonfield, Thomas; Chadwell, Keith; 'John Hunter'

**Subject:** RE: 714 Shepherd Street

Ms. Miller, I have signed up to appear before the city council in July 2013 to discuss two concerns, I am waiting for the confirmation. One of the concerns is the stop work order for 714 Shepherd St. and the other is the inappropriate conversation you had with me on 4/26/2013. I was a passenger in a vehicle heading out of town therefore I was not the only one in the vehicle to hear the ranting conversation when I was trying to ask about 716 Shepherd. It was impossible for me to get a word in. I stated one time "Lady please give me a chance to talk for God knows". It didn't work so we just sat and listened until you paused to see if I was still there. I think this stemmed from me leaving

you several messages after the lady in the building inspection department told me to call you about the lack of a COA for work done at 716 Shepherd Street (if a COA is not obtained before a building permit is issued, the issued building permit is invalid). The reason for several messages was because there were no returned calls from for the first two messages after two to three weeks each. On my third message to you, I did receive a return call from you after a week.

I believe this conversation can be retrieved. On 4/26/13 I received an email from you. I did find this conversation inappropriate and was surprised you did not mention anything about this conversation in your email.

I went through this procedure from year 2001 to year 2002, even the DHPC was surprised at times when Stephen Cruse (Senior Planner) had stopped me from putting up vinyl siding that they had already granted me permission to put up, because he did not want me to use vinyl corner posts for the siding. This is all documented. And I will never forget how my wife was crying uncontrollably because it was raining inside the house and into/on the walls, ceiling, the hardwood floors, in the painted kitchen cabinets, in the painted window casings because Stephen Cruse stopped me from extending the metal roofing (replacement metal) over the eaves. You see, my wife did all of that work. The chairman of the DHPC got with Pickard Roofing Company and visited the location and the conclusion was for me to continue for there was no other way to do the roof that was already metal. Over the many months before that decision was made it rained into the above and also the eaves and overhang separating the plies in the plywood on the roof, damaging the sheetrock, blistering the paint, staining the hardwood floors and later resulted in dry rotting of the many boards in the eave/overhang. I went over to Shepherd Street shortly after I was informed to stop the work and tried to cover the exposed area with plastic in the rain, the adjacent resident called Stephen Cruse to inform him that I was working on the property which resulted in him calling and informing me that if I continued he would send the sheriff over. You have the file, read it. Time and money that should have resulted in working on the structure resulted in correcting newly created problems that did not exist before the stop order.

Now it is starting all over again. All of the items you mentioned in your 6/14/13 email have already been approved. Please check your records including audio tapes/cd's or with the DHPC. Everything you asked for you already have.

I have requested from you several times to please provide me ASAP the documentation with respect to that time when this approval was given specifying a time limitation, you said it existed; I have yet to receive it. From your 6/14/13 email you stated "[our current ordinance](#), **as well as the ordinance at the time** [your](#)

approval was granted, includes a 365 day period of validity for a certificate of appropriateness approval”, can I get a copy of the one for that time?

**I am asking for someone on the council to ask you to provide this to me ASAP.**

Also please provide me with the following information in preparation for my appearance before the council:

- 1) A copy of the COA approval in 2001 per your 6/14/13 10:27 email
- 2) Copies of All the following COA’s after 2001 for this property
- 3) A copy of the documentation **at that time** specifying a time limitation
- 4) The date and time for the 716 Shepherd Street hearing (building a deck followed later  
by adding a roof and enclosing the area – No COA on record per your email)

John

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**From:** Miller, Lisa [<mailto:Lisa.Miller@durhamnc.gov>]  
**Sent:** Friday, June 14, 2013 12:09 PM  
**To:** John Hunter; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)  
**Cc:** Council Members; Young, Sara; Luck, Keith; Medlin, Steve; Bonfield, Thomas; Chadwell, Keith  
**Subject:** RE: 714 Shepherd Street

Mr. Hunter,

While the approval from 2002 does not state an expiration, our current ordinance, as well as the ordinance at the time your approval was granted, includes a 365 day period of validity for a certificate of appropriateness approval. Any work replacing siding, windows, etc. needs to be reviewed individually – there is no rolling approval for general work like you speak of. If you provide me with the details of the work you are doing (for example: replacing vinyl siding with new vinyl siding to match, installing replacement windows, etc.) I will let you know the necessary process to come into compliance with this requirement.

Best,  
Lisa

**Lisa Miller**  
*Senior Planner / Urban Designer*  
*Planning Department, City of Durham*  
101 City Hall Plaza, Ground Floor  
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**From:** John Hunter [<mailto:jhunter53@nc.rr.com>]  
**Sent:** Friday, June 14, 2013 11:30 AM  
**To:** 'John Hunter'; Miller, Lisa; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)  
**Cc:** Council Members  
**Subject:** RE: 714 Shepherd Street

See attached

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**From:** John Hunter [<mailto:jhunter53@nc.rr.com>]  
**Sent:** Friday, June 14, 2013 11:10 AM  
**To:** 'Miller, Lisa'  
**Cc:** '[Council@DurhamNC.Gov](mailto:Council@DurhamNC.Gov)'; 'John Hunter'  
**Subject:** RE: 714 Shepherd Street

To; Lisa Miller

This work is not new it is a continuation of the work that I have been constantly working on re-nailing, re-placing boards, putting in windows, tinning the roof. How can completing the remaining half of siding on a house be new work? There is nothing in any documentation from the city on paper including the rules or on any CD (data media) stating there was a deadline. Please provide me ASAP the documentation with respect to that time when this approval was given specifying a time limitation.

John

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**From:** Miller, Lisa [<mailto:Lisa.Miller@durhamnc.gov>]  
**Sent:** Friday, June 14, 2013 10:27 AM  
**To:** John Hunter; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)  
**Cc:** Council Members; Young, Sara; Luck, Keith; Medlin, Steve; Bonfield, Thomas; Chadwell, Keith  
**Subject:** RE: 714 Shepherd Street

Good morning Mr. Hunter,

The certificate of appropriateness (COA) approval that you received in 2001 was valid for a period of 365 days as per our Unified Development Ordinance paragraph 3.18.13 and is therefore no longer valid. In addition, it appears from the case history I was able

to obtain that your COA was actually a retroactive request for work that was already underway. Regardless, the work now is new work and requires a new approval. Please provide the full scope of work for the project you are currently undertaking and I will let you know what level of review is required and what the process is for seeking approval.

Best,  
Lisa

**Lisa Miller**

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**From:** John Hunter [<mailto:jhunter53@nc.rr.com>]  
**Sent:** Thursday, June 13, 2013 6:32 PM  
**To:** Miller, Lisa; [karen.swope@durhamnc.us](mailto:karen.swope@durhamnc.us)  
**Cc:** Council Members; 'John Hunter'  
**Subject:** 714 Shepherd Street

I received a letter today dated 6/11/13 from your office today stating that I am in violation for putting siding on the subject address. I am not in violation, for I was given approval by the Historic Committee and the planning department. Please check your records. This continuing and repetitive process of sending me a notice to stop work is not appropriate. It has and is costing me thousands of dollars. Every time someone in the area complains you send me a letter. ;This could easily be resolved if you check the records. This matter was brought up before the city council before and it will be brought to their attention this time.

John Hunter

<Historic Shepherd Street-2.pdf>