

# ENQUIRER JOURNAL

## Builder decries ‘illegal’ dictate

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**MARVIN**

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An attorney on Thursday accused a Marvin councilwoman of breaking the law in an effort to derail a development.

Charlotte attorney Neil Robinson said village Councilwoman Terri Patton “illegally” pushed former interim Planning Director Bill Duston to enforce a state-mandated, 200-foot buffer around a Marvin stream believed to shelter the endangered Carolina heelsplitter mussel.

The move blocked builder Robert Epps from turning roughly half of his Elysian Fields subdivision into green space and trails, a vital component of Marvin’s parks and greenway plans, according to village advisors.

“In an undisturbed buffer, we can’t have trails,” said Ray Williams, chairman of the Marvin Parks, Greenways and Recreation (PGR) advisory board. “That’s why this is so important.”

The PGR board and Epps are appealing Duston’s decision with the Marvin Board of Adjustment, using village money in the process to hire Robinson.

The Board of Adjustment was not set to make a decision on the appeal Thursday.

Robinson said Duston planned to exempt Epps from the N.C. Division of Water Quality (DWQ) requirement before Patton became involved.

Duston was supposed to make the decision alone, robbing Epps of due process in his case, according to Robinson.

“What we’re asking is the corrupted part, the cancer part, be cut out and let the unfettered original decision by Mr. Duston stand,” Robinson said.

Epps is seeking common law vested rights, a legal exception to new zoning ordinances if a builder has committed time and money to a project.

But a village attorney argued the “nuts and bolts” of Duston’s decision shouldn’t accept whether Epps is granted common law or not.

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