

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017 Hearing Officer: JANE GRAHAM

Case number: 11660746 Address: 746 N LIMESTONE

Owner: MARTY CLIFFORD Present /Not Present

Person Representing Property Owner: _____
Legal Standing: _____

Issuance Date of Civil Penalty: 11/02/2016 Case Officer: BILL WOODWARD

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ 400.00 Civil Penalty Amount *but waived by code enforcement by reason of compliance*

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: *see above - repeated violations remedied*

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017

Hearing Officer: JANE GRAHAM

Case number: 11660746

Address: 746 N LIMESTONE

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Resolved see ~~do~~ above

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Jane E. Graham
Hearing Officer's Signature

2/7/17
Date

Supplementary Page Completed



Lexington-Fayette Urban County Government
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

11/02/2016

NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

MARTY CLIFFORD
667 ELM TREE LN
LEXINGTON, KY 40508

CASE#: 11660746

On 09/01/2015, the property located at 746 N LIMESTONE was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/07/2016, I conducted a re-inspection of the property and found that the cited repairs or corrections had not been completed. Our records indicate that we have conducted 3 re-inspections and there were 9 uncorrected violations. You have been provided a reasonable amount of time to complete the cited repairs.

The purpose of this letter is to further notify you of your continued failure to correct the violations and to assess against you a civil penalty in the amount of \$400.00, pursuant to Section 12-1 (b) (PM-106.4.1) of the Code. You must pay this civil penalty or appeal this assessment in writing within twenty (20) days of the date of this notice. If you fail to do so, a civil penalty lien will be placed against the property in the amount of the civil penalty pursuant to KRS 82.720 and Chapter 12 of the Code. In order to remove the lien, the penalty plus all appropriate cost and interest must be paid.

Please pay the full amount of the civil penalty, or file an appeal in writing, to the Division of Code Enforcement, 101 E. Vine Street, Suite 500, Lexington, KY 40507. No appeals accepted via email. Please note that an appeal, in writing, must state the reason that the penalty should not be assessed. Please return a copy of this invoice with your payment to insure proper credit to your account. All checks should be made payable to the Lexington-Fayette Urban County Government and mailed to the following address:

Lexington-Fayette Urban County Government
Division of Revenue, 2nd floor
200 East Main St
Lexington, KY 40507

Please note that as long as you fail to correct or repair the violations, additional civil penalties may be assessed pursuant to Chapter 12 of the Code. All repairs/corrections must be completed in a 'workmanlike' manner. In the event all repairs are not completed by 12/06/2016, an additional re-inspection of the property will take place, and additional civil penalties may be assessed against you, as appropriate. If you should have any questions, please contact:


WILLIAM WOODWARD
CODE ENFORCEMENT OFFICER
(859) 351-4497

Date 11-02-16


CODE ENFORCEMENT SUPERVISOR

Date 11-2-16

Cc: Department of Law

document3

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017 Hearing Officer: JANE GRAHAM

Case number: 18953310S Address: 3310 TISDALE DR

Owner: K P GAIL Present /Not Present

Person Representing Property Owner: Gerald Ward
Legal Standing: _____

Issuance Date of Civil Penalty: 11/05/2016 Case Officer: GERRY HAMILTON

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ 0 Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: 2 panels of sidewalk require repair or replacement (see photos)

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017

Hearing Officer: JANE GRAHAM

Case number: 18953310S

Address: 3310 TISDALE DR

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Hearing Officer's Signature

Date

Supplementary Page
Completed



Lexington-Fayette Urban County Government
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

08/02/2016

SIDEWALK REPAIR NOTICE

K P GAIL
3310 TISDALE DR
LEXINGTON, KY 40503

RE: INSPECTION OF 3310 TISDALE DR ON 07/27/2016

CASE#: 18953310S

Pursuant to Chapter 17 of the Code of Ordinances, each property owner is responsible for repairing sidewalks adjacent to his/her property.

Any defective panels found are marked:

X = replace O = repair

CRITERIA FOR EVALUATION:

Replacement

- Vertical displacement greater than one (1) inch.
- Sidewalk is raised and has a slope greater than one (1) inch in twelve (12) inches.
- Panels have cracked or broken material so that pieces of the sidewalk are missing or loose.
- A safety issue exists which is not defined by the previous criteria but which the inspector considers significant.

Repair

- Cracks with 1/8 inch or greater horizontal displacement.
- Vertical displacement less than or equal to one (1) inch.
- Pop outs of holes.
- Panels have cracked or broken material, but where no pieces of the sidewalk are missing or loose.

You being the owner are hereby given notice to:

Repair Sidewalks within Sixty (60) days.

Code: 2911 References: ORD. 17-147

MAINTAIN THE PUBLIC SIDEWALKS FREE OF ALL HOLES, BREAKS OR CRACKS.

Code: 2914 References: 302.3

MAINTAIN ALL SIDEWALKS AND PARKING AREAS FREE OF MUD, STANDING WATER, DEBRIS, OR OTHER HAZARDS.

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017 Hearing Officer: JANE GRAHAM

Case number: 06470563-10 Address: 563 ELM TREE LN #6

Owner: JOE EDWARD JOHNSON C/O JOE JOHNSON INS Present /Not Present

Person Representing Property Owner: _____

Legal Standing: _____

Issuance Date of Civil Penalty: 11/02/2016 Case Officer: BILL WOODWARD

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ 750.00 Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: flooring, painting
+ window installation + other various interior
violating

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017 Hearing Officer: JANE GRAHAM

Case number: 06470563-10 Address: 563 ELM TREE LN #6

Conclusions of Law

The civil penalty is: Upheld Dismissed Other

Notes: work done, timely for his a w/ full cooperation

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Jane E. G.
Hearing Officer's Signature

02/07/17
Date

Supplementary Page Completed



Lexington-Fayette Urban County Government
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

11/02/2016

NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

JOE EDWARD JOHNSON C/O JOE JOHNSON INS
138 JEFFERSON ST
LEXINGTON, KY 40508

CASE#: 06470563-10

On 04/29/2016, the property located at 563 ELM TREE LN #6 was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/04/2016, I conducted a re-inspection of the property and found that the cited repairs or corrections had not been completed. Our records indicate that we have conducted 2 re-inspections and there were 21 uncorrected violations. You have been provided a reasonable amount of time to complete the cited repairs.

The purpose of this letter is to further notify you of your continued failure to correct the violations and to assess against you a civil penalty in the amount of \$750.00, pursuant to Section 12-1 (b) (PM-106.4.1) of the Code. You must pay this civil penalty or appeal this assessment in writing within twenty (20) days of the date of this notice. If you fail to do so, a civil penalty lien will be placed against the property in the amount of the civil penalty pursuant to KRS 82.720 and Chapter 12 of the Code. In order to remove the lien, the penalty plus all appropriate cost and interest must be paid.

Please pay the full amount of the civil penalty, or file an appeal in writing, to the Division of Code Enforcement, 101 E. Vine Street, Suite 500, Lexington, KY 40507. No appeals accepted via email. Please note that an appeal, in writing, must state the reason that the penalty should not be assessed. Please return a copy of this invoice with your payment to insure proper credit to your account. All checks should be made payable to the Lexington-Fayette Urban County Government and mailed to the following address:

Lexington-Fayette Urban County Government
Division of Revenue, 2nd floor
200 East Main St
Lexington, KY 40507

Please note that as long as you fail to correct or repair the violations, additional civil penalties may be assessed pursuant to Chapter 12 of the Code. All repairs/corrections must be completed in a 'workmanlike' manner. In the event all repairs are not completed by 12/06/2016, an additional re-inspection of the property will take place, and additional civil penalties may be assessed against you, as appropriate. If you should have any questions, please contact:


WILLIAM WOODWARD
CODE ENFORCEMENT OFFICER
(859) 351-4497

Date 11-02-16



Date 11-2-16

CODE ENFORCEMENT SUPERVISOR

Cc: Department of Law

document1

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017 Hearing Officer: JANE GRAHAM

Case number: 06470563EXT-2 Address: 563 ELM TREE LN *408 + 6*

Owner: JOE EDWARD JOHNSON C/O JOE JOHNSON INS Present /Not Present

Person Representing Property Owner: _____

Legal Standing: _____

Issuance Date of Civil Penalty: 11/02/2016 Case Officer: BILL WOODWARD

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ 1000.00 Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: egress window

Specifications incorrect

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/07/2017

Hearing Officer: JANE GRAHAM

Case number: 06470563EXT-2

Address: 563 ELM TREE LN

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: owner complied w/ all reasonable orders

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Jane Graham
Hearing Officer's Signature

2/7/17
Date

Supplementary Page Completed



Lexington-Fayette Urban County Government
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

11/02/2016

NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

JOE EDWARD JOHNSON C/O JOE JOHNSON INS
138 JEFFERSON ST
LEXINGTON, KY 40508-1760

CASE#: 06470563EXT-2

On 12/23/2015, the property located at 563 ELM TREE LN was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/04/2016, I conducted a re-inspection of the property and found that the cited repairs or corrections had not been completed. Our records indicate that we have conducted 3 re-inspections and there were 24 uncorrected violations. You have been provided a reasonable amount of time to complete the cited repairs.

The purpose of this letter is to further notify you of your continued failure to correct the violations and to assess against you a civil penalty in the amount of \$1,000.00, pursuant to Section 12-1 (b) (PM-106.4.1) of the Code. You must pay this civil penalty or appeal this assessment in writing within twenty (20) days of the date of this notice. If you fail to do so, a civil penalty lien will be placed against the property in the amount of the civil penalty pursuant to KRS 82.720 and Chapter 12 of the Code. In order to remove the lien, the penalty plus all appropriate cost and interest must be paid.

Please pay the full amount of the civil penalty, or file an appeal in writing, to the Division of Code Enforcement, 101 E. Vine Street, Suite 500, Lexington, KY 40507. No appeals accepted via email. Please note that an appeal, in writing, must state the reason that the penalty should not be assessed. Please return a copy of this invoice with your payment to insure proper credit to your account. All checks should be made payable to the Lexington-Fayette Urban County Government and mailed to the following address:

Lexington-Fayette Urban County Government
Division of Revenue, 2nd floor
200 East Main St
Lexington, KY 40507

Please note that as long as you fail to correct or repair the violations, additional civil penalties may be assessed pursuant to Chapter 12 of the Code. All repairs/corrections must be completed in a 'workmanlike' manner. In the event all repairs are not completed by 12/06/2016, an additional re-inspection of the property will take place, and additional civil penalties may be assessed against you, as appropriate. If you should have any questions, please contact:


WILLIAM WOODWARD
CODE ENFORCEMENT OFFICER
(859) 351-4497

Date 11-02-16


CODE ENFORCEMENT SUPERVISOR

Date 11-2-16

Cc: Department of Law

document1