

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

Date of Hearing: 03/28/2017

Hearing Officer: CRAFTON CORNETT

Case number: 12640548-5

Address: 548 MARYLAND AVE

Owner: EUGENE STRUNK

Present /Not Present

Person Representing Property Owner: No one was present at hearing
Legal Standing: _____

Issuance Date of Civil Penalty: 11/02/2016

Case Officer: JONATHAN ADAMS

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

Housing with \$ 1500.00 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: 20 violations still remaining

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ 1500⁰⁰. 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

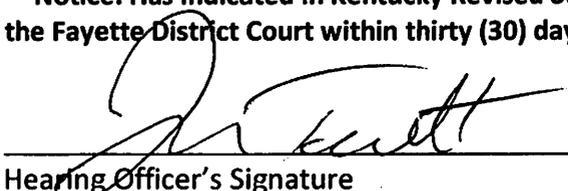
2) Appellant is granted _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the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

3-28-17
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

EUGENE STRUNK
550 MARYLAND AVE
LEXINGTON, KY 40508

CASE#: 12640548-5

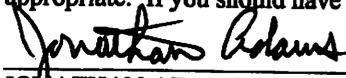
On 02/12/2016, the property located at 548 MARYLAND AVE was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/13/2016, I 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 4 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 \$1,500.00, 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:



JONATHAN ADAMS
CODE ENFORCEMENT OFFICER
(859) 576-3841

Date 11-02-16



CODE ENFORCEMENT SUPERVISOR

Date 11.2.16

Cc: Department of Law

document1

Hearing Outline

Property: 548 Maryland Avenue

Owner: Eugene Strunk

02/08/16 An interior & exterior inspection was made of this property

02/12/16 The initial Repair Notice was issued with 57 violations

11/02/16 After 4 re-inspections, a civil penalty of \$1,500.00 was issued for the 24 uncorrected violations

11/18/16 The Civil Penalty of \$1,500.00 was appealed.

01/18/17 Pictures were taken for the hearing, but I was unable to gain access to the interior to take any pictures.

City



01/19/17 Date of the appeal hearing. The conclusion of this hearing by Hearing Officer John Tackett was that the Civil Penalty would be passed unit March of 2017 to allow the property owner to evict the tenants and make the necessary repairs.

03/07/17 The property owner was mailed a letter stating that the date of the next hearing would be 03/29/17

03/28/17 I went to the property and took pictures for the hearing tomorrow. *Of the 24 violations 4 are resolved and 20 are still left un-resolved*

03/29/17 Date of the Hearing



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DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

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DIVISION OF CODE ENFORCEMENT

02/12/2016

CONDEMNATION NOTICE

EUGENE STRUNK
550 MARYLAND AVE
LEXINGTON, KY 40508

RE: INSPECTION OF 548 MARYLAND AVE ON 02/08/2016

CASE#: 12640548-5

TAKE NOTICE THAT AN INSPECTION WAS MADE OF THE ABOVE-REFERENCED PROPERTY ON THE DATE SHOWN ABOVE PURSUANT TO CHAPTER 12 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, REFERRED TO AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF LEXINGTON-FAYETTE URBAN COUNTY.

VIOLATIONS WERE FOUND WHICH NEED TO BE CORRECTED IN ORDER TO MAINTAIN ACCEPTED STANDARDS OF HEALTH AND SAFETY.

FINDINGS:

THE STRUCTURE IS ONE IN WHICH ALL OR PART THEREOF HAS BEEN FOUND TO BE DANGEROUS TO THE LIFE, HEALTH OR SAFETY OF ITS OCCUPANTS BECAUSE IT IS SO STRUCTURALLY UNSAFE OR OF SUCH FAULTY CONSTRUCTION THAT IT IS LIKELY TO PARTIALLY OR COMPLETELY COLLAPSE.

THERE IS UNSAFE EQUIPMENT IN SUCH DISREPAIR OR CONDITION THAT IT IS FOUND TO BE A HAZARD TO LIFE, HEALTH AND SAFETY WHICH CONTRIBUTES TO THE FINDING THAT THE STRUCTURE IS UNSAFE.

THE STRUCTURE IS UNFIT FOR HUMAN OCCUPANCY OR USE IN THAT IT HAS BEEN FOUND TO BE UNSAFE, UNLAWFUL OR BECAUSE OF THE DEGREE IN WHICH IT LACKS MAINTENANCE OR IS IN DISREPAIR, IS UNSANITARY, VERMIN OR RODENT INFESTED, CONTAINS FILTH AND CONTAMINATION OR LACKS VENTILATION, ILLUMINATION, SANITARY OR HEATING FACILITIES OR OTHER ESSENTIAL EQUIPMENT REQUIRED BY THE CODE, OR BECAUSE ITS LOCATION IS A HAZARD TO ITS OCCUPANTS OR THE PUBLIC.

✓ THE STRUCTURE HAS BEEN FOUND TO BE IN WHOLE OR IN PART TO BE UNLAWFUL BECAUSE: There is no permanent heat for the house, and there is not running water to all sinks and plumbing fixtures.

You being the owner are hereby given notice to:

VACATE UNIT WITHIN SEVEN (7) DAYS. REPAIR IN THIRTY (30) DAYS.



FAYETTE COUNTY, KENTUCKY
 Property Valuation Administrator
 David O'Neill, PVA

Previous Parcel	Next Parcel	Main Search	Address Search	Subscription Home	Fayette Home
Owner and Parcel Information					
Owner Name	STRUNK EUGENE	January 1, 2017 Owner	STRUNK EUGENE		
Mailing Address	550 MARYLAND AVE LEXINGTON, KY 40508	Parcel Number	10205703		
		Tax District	District 1		
Location Address	548 MARYLAND AVE LEXINGTON, KY 40508	2016 Tax Rate	1.2179		
Legal Description	E-22 PRESTON LOT PT 28	Acres	0.087		
Property Class	R-Residential	Parcel Map	Show Parcel Map		
PVA Neighborhood	134-PRICE	ND-1 Zone			
Land Use Code	510-R - SINGLE FAMILY DWELLING, PLATTED LOT	Overlay			
USA/RSA Map	01	PDR			
Map Block	070	Map Scale	100		
Lot	PT 28	Block			
Subdivision	PRESTON	LFUCG Zoning	R-1E-SINGLE FAMILY RESIDENTIAL		
Deeded Acres	0.087	Deeded Sqft	3,788		
Cabinet/Slide	E-22	Frontage / Out Of	23 /		

Assessment Information		Historical Assessments		2016 Assessment Notice	
Year	Fair Cash Value	Agricultural Value Land	Agricultural Value Total	Exempt	Taxable Value
2016	\$ 35,000	\$ 0	\$ 0	\$ 0	\$ 35,000

Improvement Information								
Card	Stories	Exterior Wall	Style	Year Built	Res Sq Ft	Basement	Total Bsmt Sqft	Finished Bsmt Sqft
1	1	FRAME	Single Family	1900	783	NONE		
Garage Sqft	Garage Type	Total Rooms	Bedrooms	Full Bath/Half Bath	Attic	Additional Fixtures	Heating System	Heat
		0	0	1/0	NONE	3	HOT AIR	CENTRAL
Total Fixtures	Masonry Fireplaces	Heating Fuel Type	Pre Fab Fireplace	Split Level/Foyer	Miscellaneous Feature	Miscellaneous Feature 2		
6	1	GAS						

Building Sketch Enlarge Sketch	Building Photo Preview Enlarge/Show

Notice Order - Owner

Case: 12640548-5

InspectionDate: 02/08/2016

THE FOLLOWING CODE DEFICIENCIES MUST BE CORRECTED WITHIN THE TIME(S) SHOWN:

Order: C0

VACATE UNIT WITHIN SEVEN (7) DAYS. REPAIR IN THIRTY (30) DAYS.

Code: 1101 References: 102.5

ALL REPAIRS, CORRECTIONS, MAINTENANCE WORK, ALTERATIONS, OR INSTALLATIONS REQUIRED TO CORRECT CODE VIOLATIONS SHALL BE DONE IN AN ACCEPTABLE, WORKMANLIKE MANNER.

Code: 2401 References: 303.14

REPAIR OR REPLACE EXTERIOR DOOR CASINGS AND FRAMES WHERE BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED.

Code: 2402 References: 303.14 & 303.16

REPAIR OR REPLACE EXTERIOR DOORS WHERE BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED.

Code: 2403 References: 303.14

REPAIR OR REPLACE EXTERIOR DOOR CASINGS AND FRAMES WHERE WARPED OR DAMAGED BY STRUCTURAL MOVEMENT.

Code: 3103 References: 304.2 & 304.3

REPAIR OR REPLACE ALL FLOORING AND FRAMING WHERE DAMAGED AND NO LONGER LEVEL DUE TO STRUCTURAL MOVEMENT OR SETTLING.

Code: 3104 References: 304.1 & 304.3

REPAIR OR REPLACE THE FINISH FLOORING WHERE BROKEN, DAMAGED, BUCKLED, WARPED, UNSANITARY, UNEVEN, OR OTHERWISE DETERIORATED.

Code: 3202 References: 304.3

REPAIR OR REPLACE ALL WALL PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, OR OTHERWISE DETERIORATED.

Code: 3203 References: 304.3

REPAIR ALL WALL PLASTER OR DRYWALL SURROUNDING PLUMBING AND/OR ELECTRICAL FIXTURE INSTALLATIONS SO THAT ALL AREAS ARE TIGHTLY SEALED AND FREE OF HOLES, BREAKS, OR GAPS.

Code: 3205 References: 304.3

REPAIR OR REPLACE ALL WALL PLASTER OR DRYWALL DAMAGED BY WATER LEAKAGE, MOLD, OR MILDEW.

Code: 3206 References: 304.3

IN CORRECTING ANY WATER LEAKAGE, MOLD, OR MILDEW PROBLEMS, COVER THE STAINED AREA WITH A STAIN SEALING PRODUCT BEFORE PAINTING TO PREVENT BLEED-THROUGH.

Code: 3210 References: 304.3

REPAIR OR REPLACE ALL DECORATIVE WALL TRIM, MOLDINGS WHERE LOOSE, ROTTED, BROKEN, MISSING, PEELING, OR OTHERWISE DETERIORATED.

Code: 3211 References: 304.3

PREPARE AND PAINT ALL WALL PLASTER OR DRYWALL WHERE PEELING, UNSANITARY, UNPAINTED, MILDEWED, OR OTHERWISE IN NEED OF FINISH COATING.

Code: 3302 References: 304.3

REPAIR OR REPLACE ALL CEILING PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, OR OTHERWISE DETERIORATED.

Code: 3303 References: 304.3

REPAIR ALL CEILING PLASTER OR DRYWALL SURROUNDING PLUMBING AND/OR ELECTRICAL FIXTURE INSTALLATIONS SO THAT ALL AREAS ARE TIGHTLY SEALED AND FREE OF HOLES, BREAKS, OR GAPS.

Order: C0

VACATE UNIT WITHIN SEVEN (7) DAYS. REPAIR IN THIRTY (30) DAYS.

Code: 3306 **References:** 304.3

PREPARE AND PAINT ALL CEILING PLASTER OR DRYWALL WHERE PEELING, UNSANITARY, UNPAINTED, MILDEWED, OR OTHERWISE IN NEED OF FINISH COATING.

Code: 3801 **References:** 304.1 & 304.3

REPAIR OR REPLACE ANY INTERIOR DOORS, DOOR FRAMES, OR TRIM WHERE BROKEN, WARPED BY STRUCTURAL MOVEMENT, ROTTED, OR OTHERWISE DAMAGED.

Code: 5502 **References:** 505.4 & 603.2

THE WATER HEATER IS DAMAGED, LEAKING, IMPROPERLY INSTALLED, OR NONFUNCTIONAL AND MUST BE REPAIRED OR REPLACED.

✓ **Code:** 6211 **References:** 603.1 & 607.1

REPAIR THE FURNACE/HEATING EQUIPMENT WHERE DUCTWORK OR REGISTERS ARE LOOSE, DISCONNECTED, OR IMPROPERLY FITTED, OBSTRUCTED OR INCAPABLE OF PROVIDING THE REQUIRED FUNCTION.

✓ **Code:** 7202 **References:** 604.3 & 605.1

REPAIR OR REPLACE THE ELECTRIC SERVICE PANEL BOX AND CONNECTIONS WHERE DAMAGED BY MOISTURE, RUST, OR CORROSION.

Code: 7203 **References:** 604.3 & 605.1

EXPOSED INTERIOR ELECTRICAL WIRING MUST BE ENCLOSED IN APPROVED CONDUIT AND SECURELY ATTACHED. PROVIDE OR SECURE CONDUIT AS NEEDED.

Code: 7301 **References:** 605.1

ALL ELECTRIC FIXTURES MUST BE PROPERLY INSTALLED AND FIRMLY ATTACHED TO THE MOUNTING SURFACE. REPAIR ALL FIXTURES AS NEEDED.

Code: 7307 **References:** 604.3

REPLACE ALL LOOSE, BROKEN, OR MISSING FACE PLATE COVERS AT OUTLETS AND SWITCHES.

✓ **Code:** 7310 **References:** ORD. 339-99 SEC. 605.2 & NEC 210-8A6

ALL ELECTRICAL OUTLETS LOCATED WITHIN SIX (6) FEET OF THE KITCHEN SINK MUST BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER.

✓ **Code:** 7311 **References:** ORD. 339-99 SEC. 605.2 & NEC 210-8A1

ALL ELECTRICAL OUTLETS LOCATED WITHIN A BATHROOM MUST BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER.



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11/02/2016

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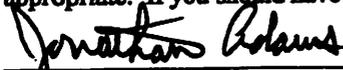
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Date 11-02-16

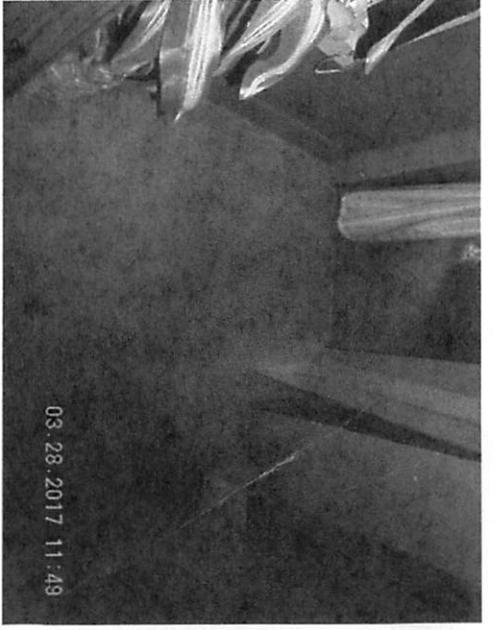
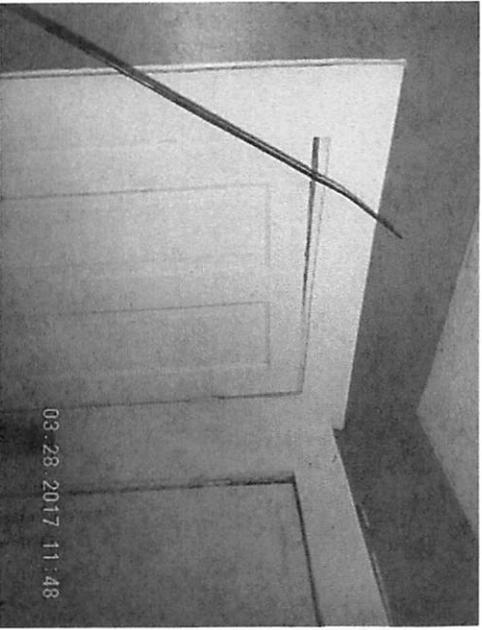
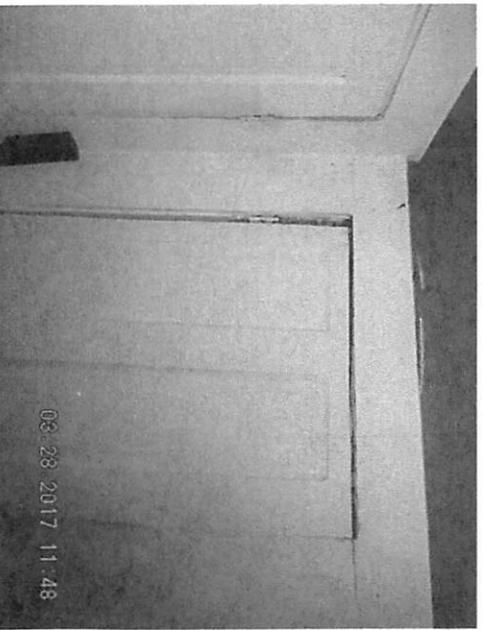
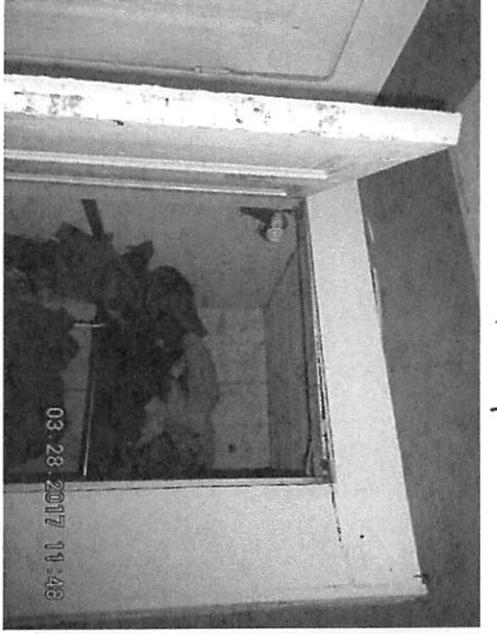
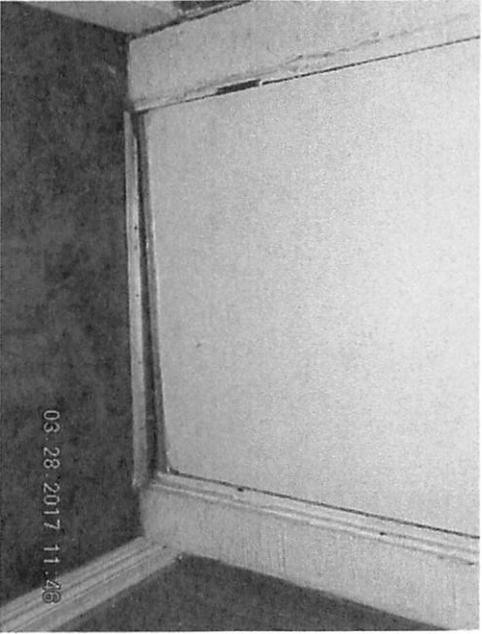
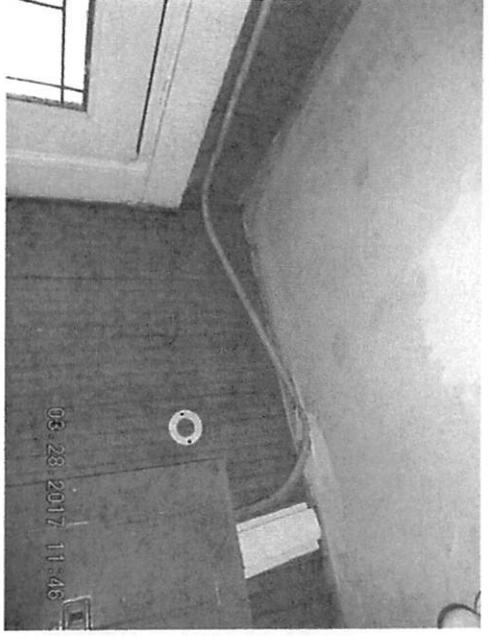


CODE ENFORCEMENT SUPERVISOR

Date 11.2.16

Cc: Department of Law

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548 Maryland

