Lexington Fayette Urban County Government

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 04/18/2017 Hearing Officer: CRAFTON CORNETT

Case number: 21340287 Address: 287 ZANDALE DR

Owner: LUCY MARSTELLER FLOYD Present / Not Present

Person Representing Property Owner: _____

_____ Legal Standing: _____

Issuance Date of Civil Penalty: 10/28/2016 Case Officer: JIM FAWCETT

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

☑ Housing with $ 300.00 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: housing

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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 $ 300.00. 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 4-18-17 Date _____ Supplementary Page Completed

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Supplementary Notes (If Needed)

Hearing Officer's Signature Date

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

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

10/28/2016

NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

LUCY MARSTELLER FLOYD
PO BOX 22515
LEXINGTON, KY 40522

CASE#: 21340287

On 04/29/2016, the property located at 287 ZANDALE DR 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 10/18/2016, 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 3 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 $300.00, 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 **12/02/2016**, 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:

Date 10.28.16

JAMES A FAWCETT
CODE ENFORCEMENT OFFICER
(859) 576-3850

Date 10.28.16

CODE ENFORCEMENT SUPERVISOR

Cc: Department of Law

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