

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

Date of Hearing: 03/13/2019

Hearing Officer: GERALD ROSS

Case number: 234009

Address: 444 W. THIRD ST.

Owner: FRED R. KISSLING JR ESTATE C/O JAYNE KISSLING TANNENBAUM ~~Present~~ / Not Present

Person Representing Property Owner: Melissa Palmer; Robert Stilz

Legal Standing: Attorneys for estate

Issuance Date of Civil Penalty: 12/31/2018

Case Officer: JODY WHITAKER

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: _____

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Held in abeyance to June 19, 2019

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 until June 19, 2019 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 750⁰⁰. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: Property currently civil litigation; Historical Soc. permits currently frozen - Check w/ T. W. Haker on status prior to any other notice

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 by _____, 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: As 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.**

Gerald Ross
Hearing Officer's Signature

3/13/19
Date

Supplementary Page Completed

MAYOR JIM GRAY



LEXINGTON

DIRECT
CODE EN



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**KISSLING FRED R JR ESTATE; C/O JAYNE KISSLING
TANNENBAUM
349 W PARKWOOD RD
DECATUR, GA 30030**

Date & Time of Issuance: December 31, 2018, at 10:01 AM
Compliance Due Date: January 30, 2019
Case Number: 234009

RE: 444 W THIRD ST, Lexington, KY 40508

On **November 30, 2018 at 12:48 PM**, the above referenced property was placed under a Notice of Violation regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **December 31, 2018 at 10:01 AM**, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections have been completed. The purpose of this document is to formally notify you that due to the continued non-compliance and the presence of **14** violation(s) on the property during the above indicated "Date of Issuance", you are being issued a citation. **As established in Chapter 12-1 of the Code of Ordinances you have been issued a citation in the amount of \$750.** Our records indicate you have received **4** citation(s) in this case.

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Date of Issuance". Appeals, which should indicate why the citation should be dismissed, may be filed via U.S. Mail or by delivering the request to: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper.

If this citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. **All payments related to citations or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 218 East Main Street, Lexington, Kentucky 40507.** Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs.

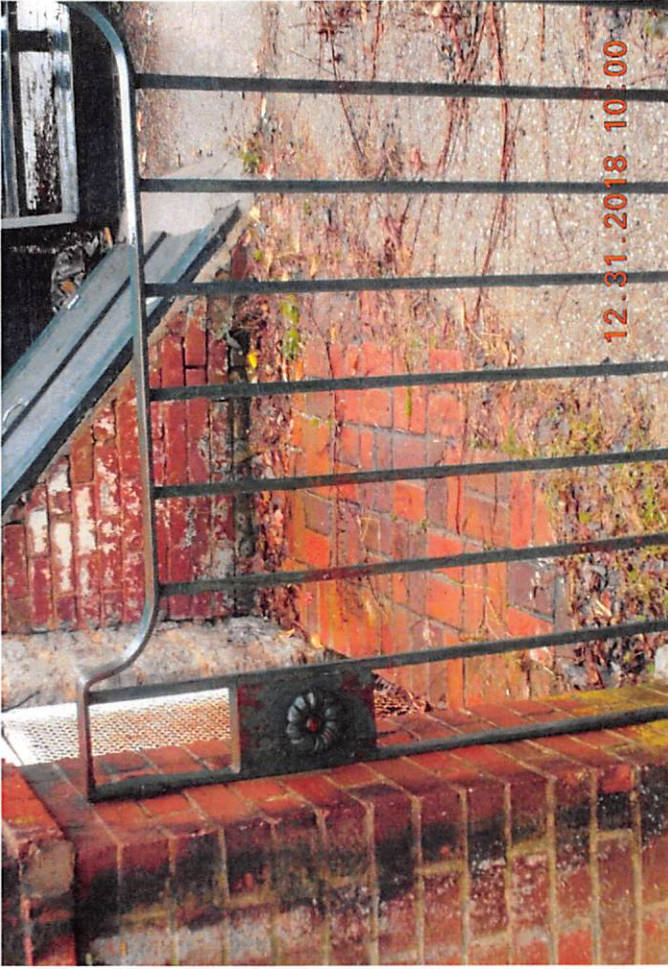
Please note that as outlined in Chapter 12-1 of the Code of Ordinances, if the cited repairs are not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties ranging between \$100.00 and \$2,500.00 may be assessed. Please take immediate steps to correct these violations to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this citation. If you do not receive a response from me within 36 Hours of calling/emailing, please call our office and ask to speak to my supervisor.

Jody Whitaker
Code Enforcement Officer

Phone
(859) 576-3849

E-Mail Address
jwhitaker@lexingtonky.gov



LEXINGTON
MAYOR JIM GRAY

DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

KISSLING FRED R JR ESTATE; C/O JAYNE KISSLING
TANNENBAUM
349 W PARKWOOD RD
DECATUR, GA 30030

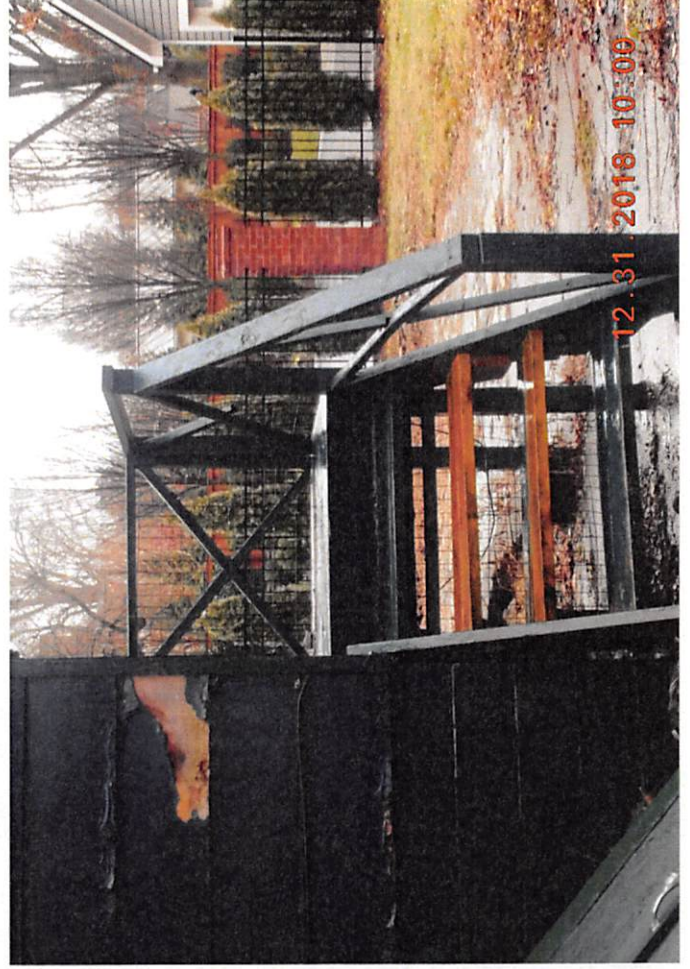
RE: 444 W THIRD ST, Lexington, KY 40508

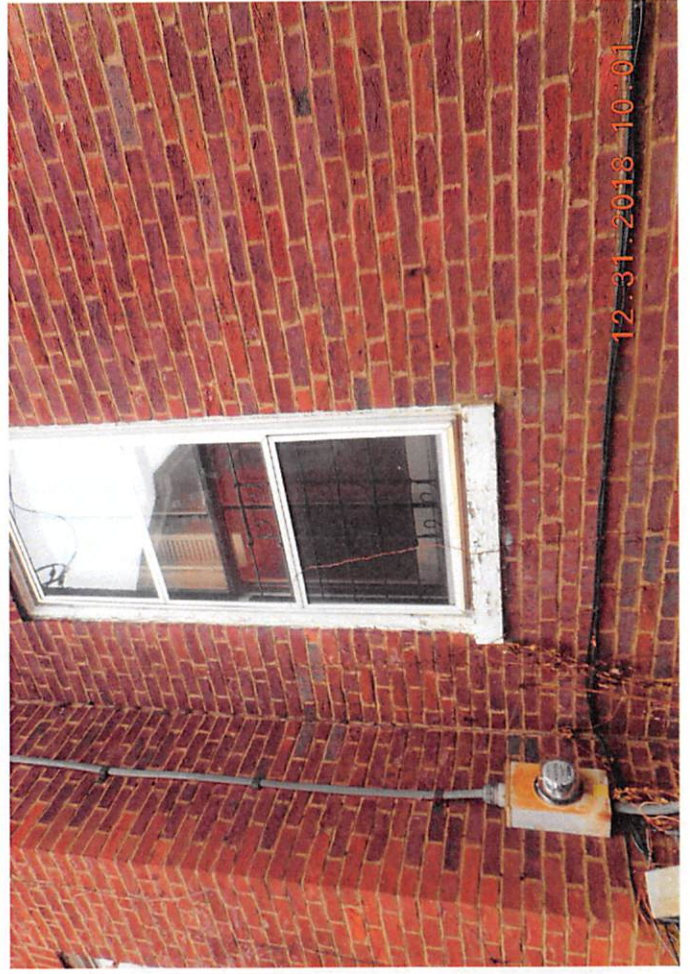
Date & Time of Issuance: 12/31/2018 10:00 AM
Compliance Due Date: 01/07/2019
Case Number: 2340

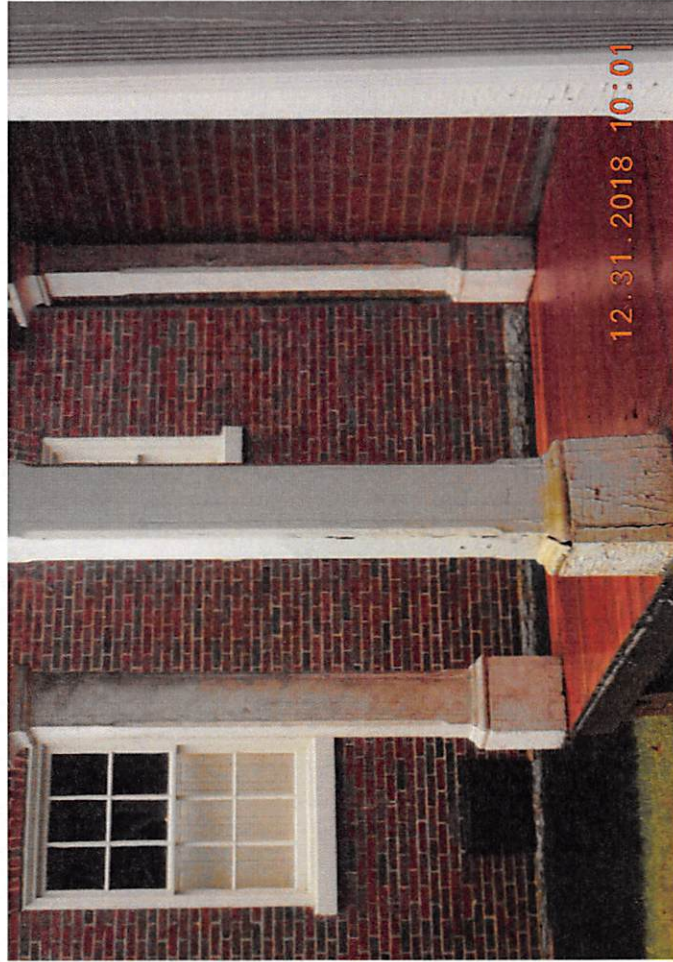
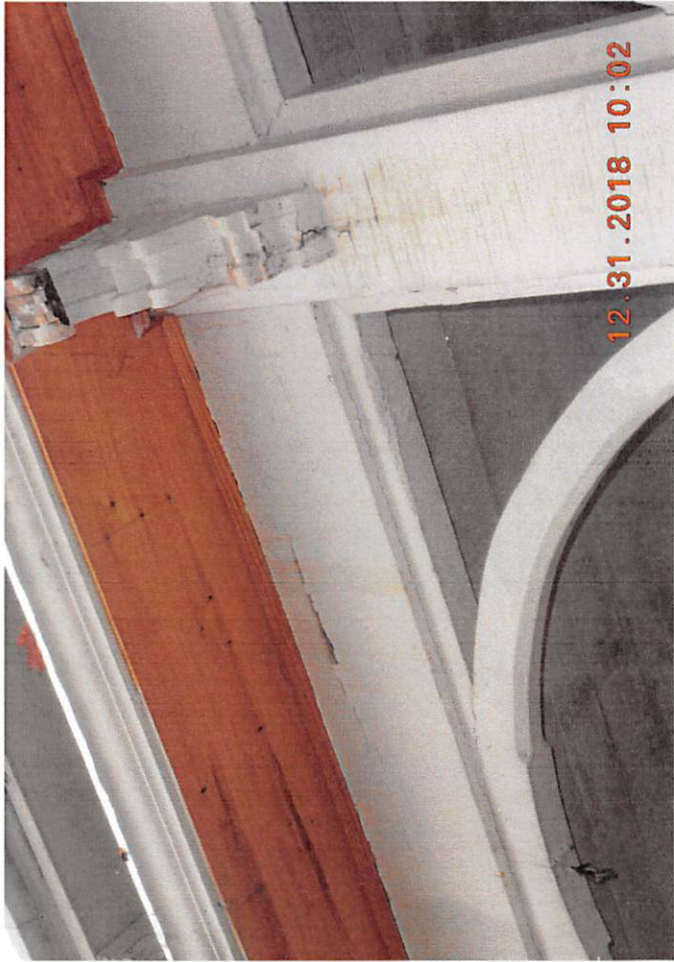
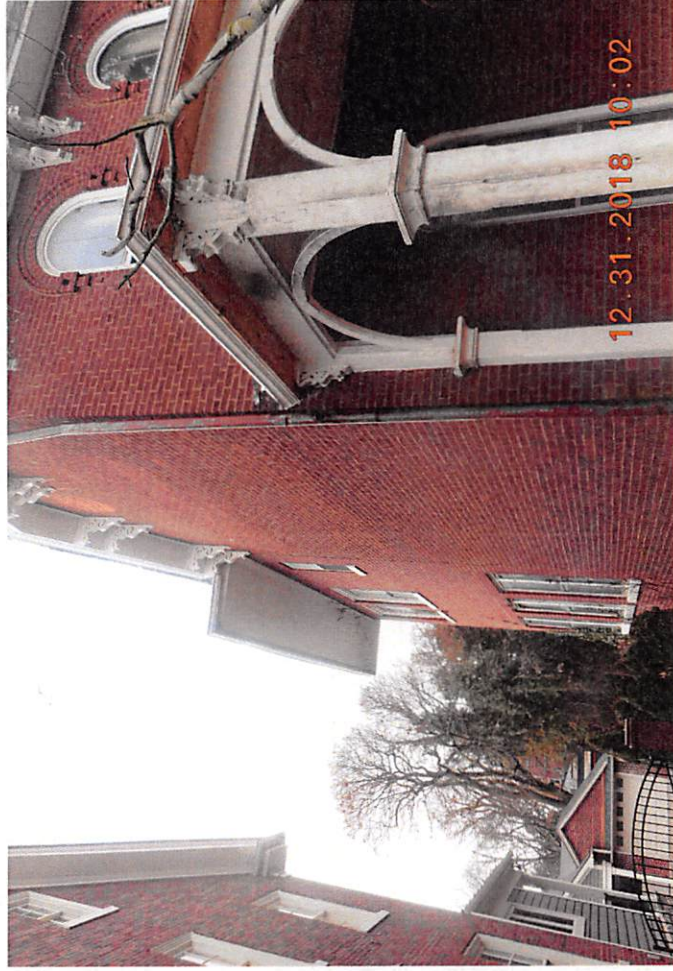
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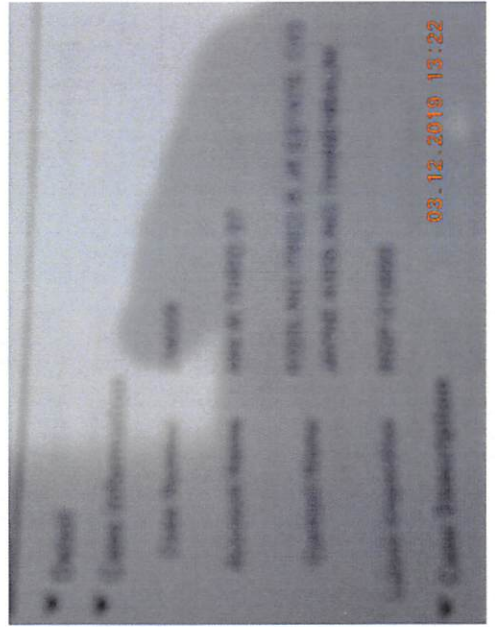
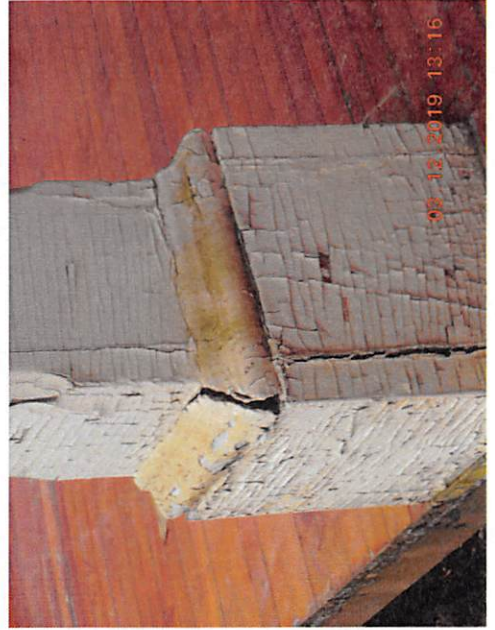
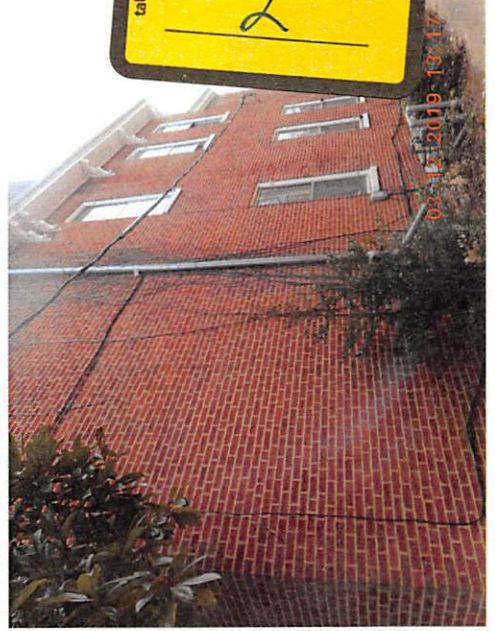
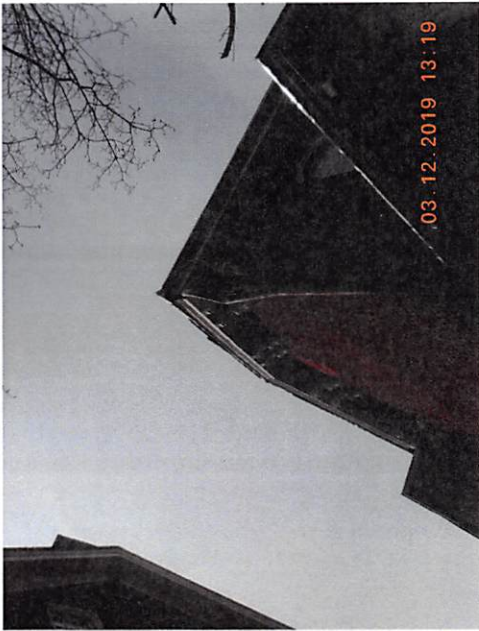
On December 31, 2018 at 10:01 AM, I conducted a re-inspection of the property a repairs/corrections have been completed. The purpose of this document is to form continued non-compliance and the presence of 13 violations. As established in Chapter 12-1 of the Ordinance, you are being issued a citation. As established in Chapter 12-1 of the Ordinance, you are being issued a citation in the amount of \$750. Our records indicate you have received.

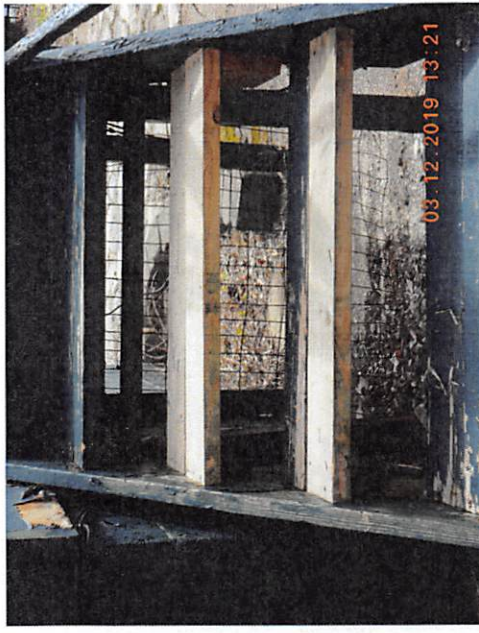
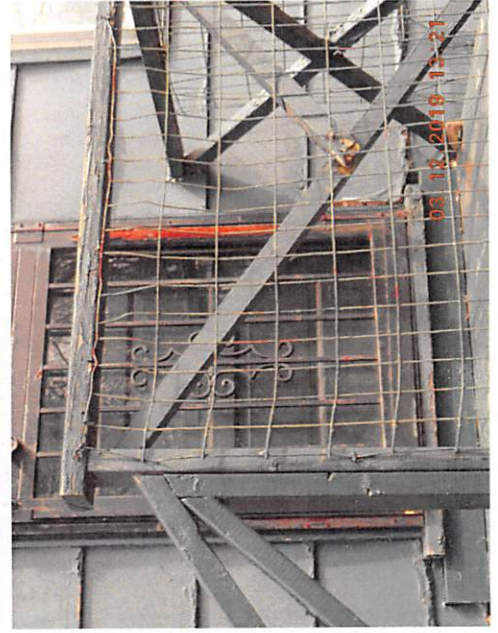
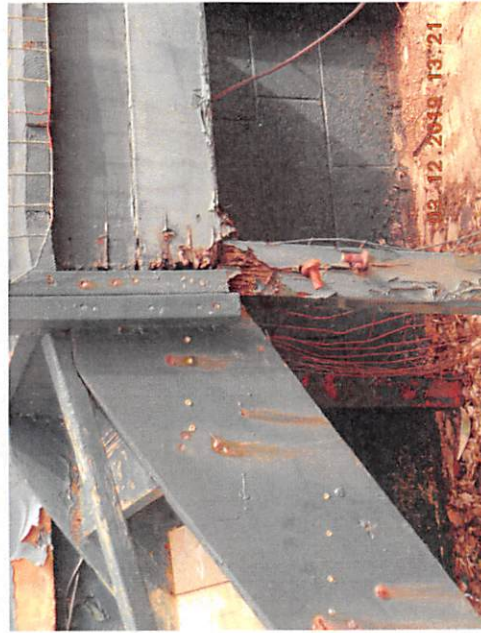
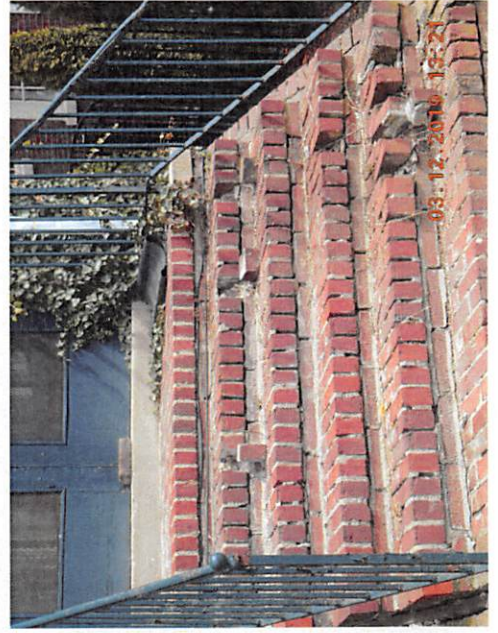
12/31/2018 10:00

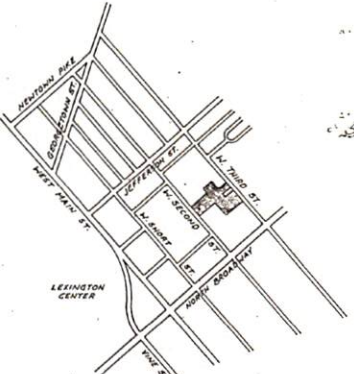




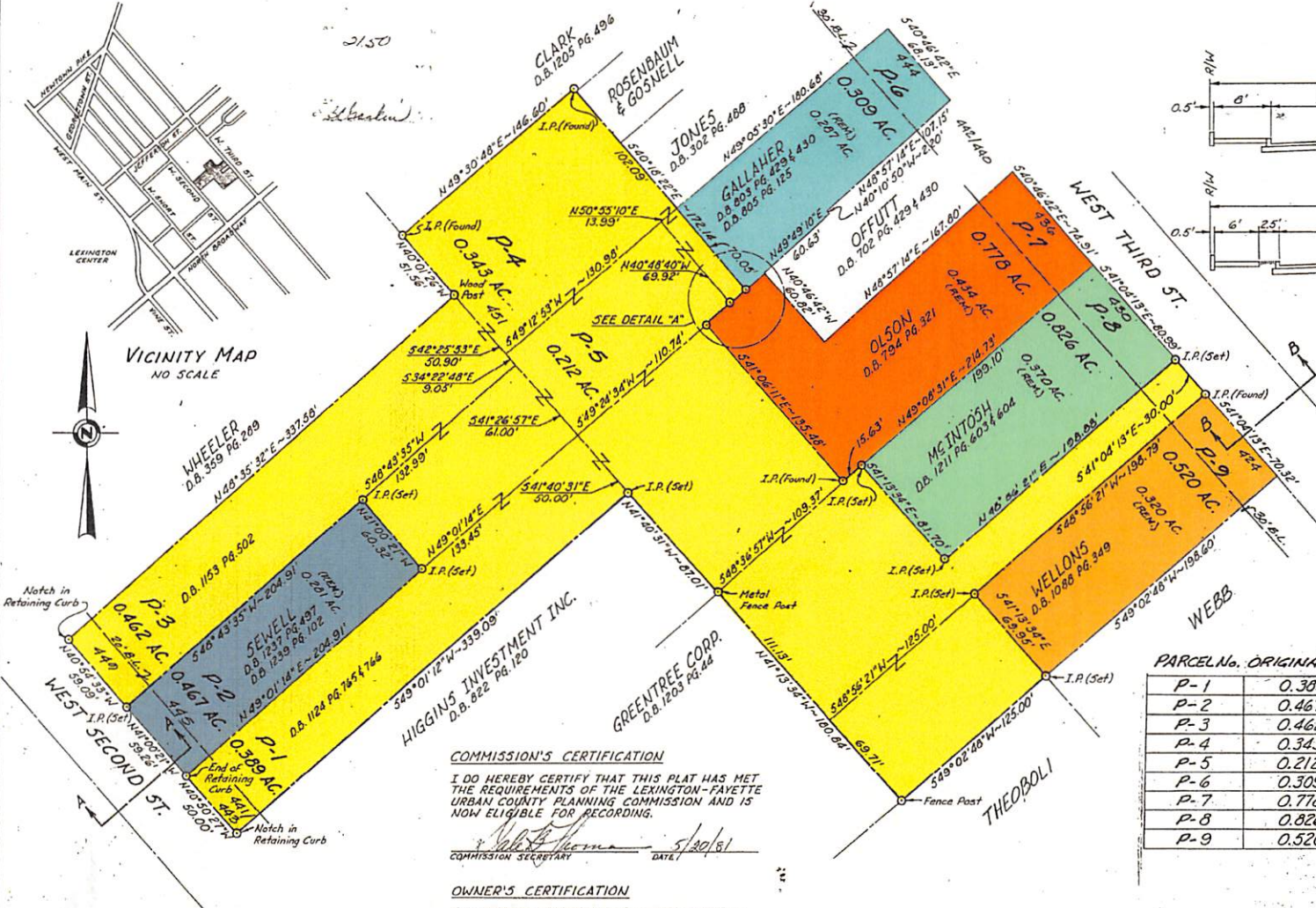
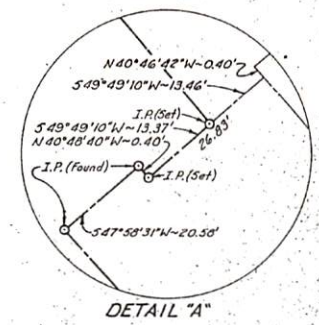
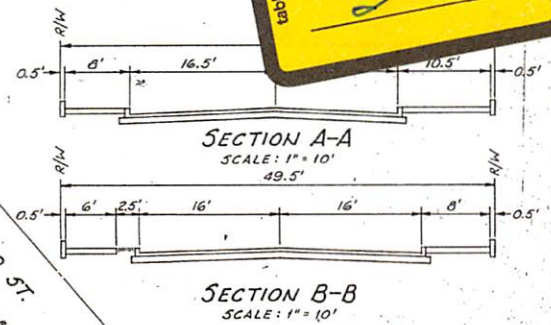








VICINITY MAP
NO SCALE

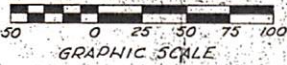


PARCEL No.	ORIGINAL AREA	REMAINING AREA
P-1	0.389 AC.	0 AC.
P-2	0.467 "	0.281 "
P-3	0.462 "	0 "
P-4	0.343 "	0 "
P-5	0.212 "	0 "
P-6	0.309 "	0.287 "
P-7	0.778 "	0.434 "
P-8	0.826 "	0.370 "
P-9	0.520 "	0.320 "

COMMISSION'S CERTIFICATION
I DO HEREBY CERTIFY THAT THIS PLAT HAS MET THE REQUIREMENTS OF THE LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION AND IS NOW ELIGIBLE FOR RECORDING.
COMMISSION SECRETARY: *Walter Thomas* DATE: 5/20/81

OWNER'S CERTIFICATION
I DO HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY PLATTED HEREON AND DO HEREBY ADOPT THIS AS OUR RECORD PLAT FOR THE PROPERTY.
OWNER: *Mr. E. Jones* DATE: 25 March 1981 436 W. THIRD ST.
OWNER: *Norman Gallaher* DATE: 25 March 1981 444 West Third
OWNER: *Bill Jones* DATE: 26 March 1981 449 West Second
OWNER: *Clayton Offutt* DATE: 26 March 1981 441, 443 W. 2nd
OWNER: *Grace Karam* DATE: 26 March 1981 445, 443 W. 2nd
OWNER: *John S. Sewell* DATE: 26 March 1981 445 W. 2nd
OWNER: *Oliver Mcintosh* DATE: 2/30/81 430 W. THIRD
OWNER: *Little Carl Wellons* DATE: 2/30/81 430 W. THIRD

ENGINEER'S CERTIFICATION
I DO HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.
Albert W. Schrader DATE: 4 May 81
ALBERT W. SCHRADER KY REG #6046



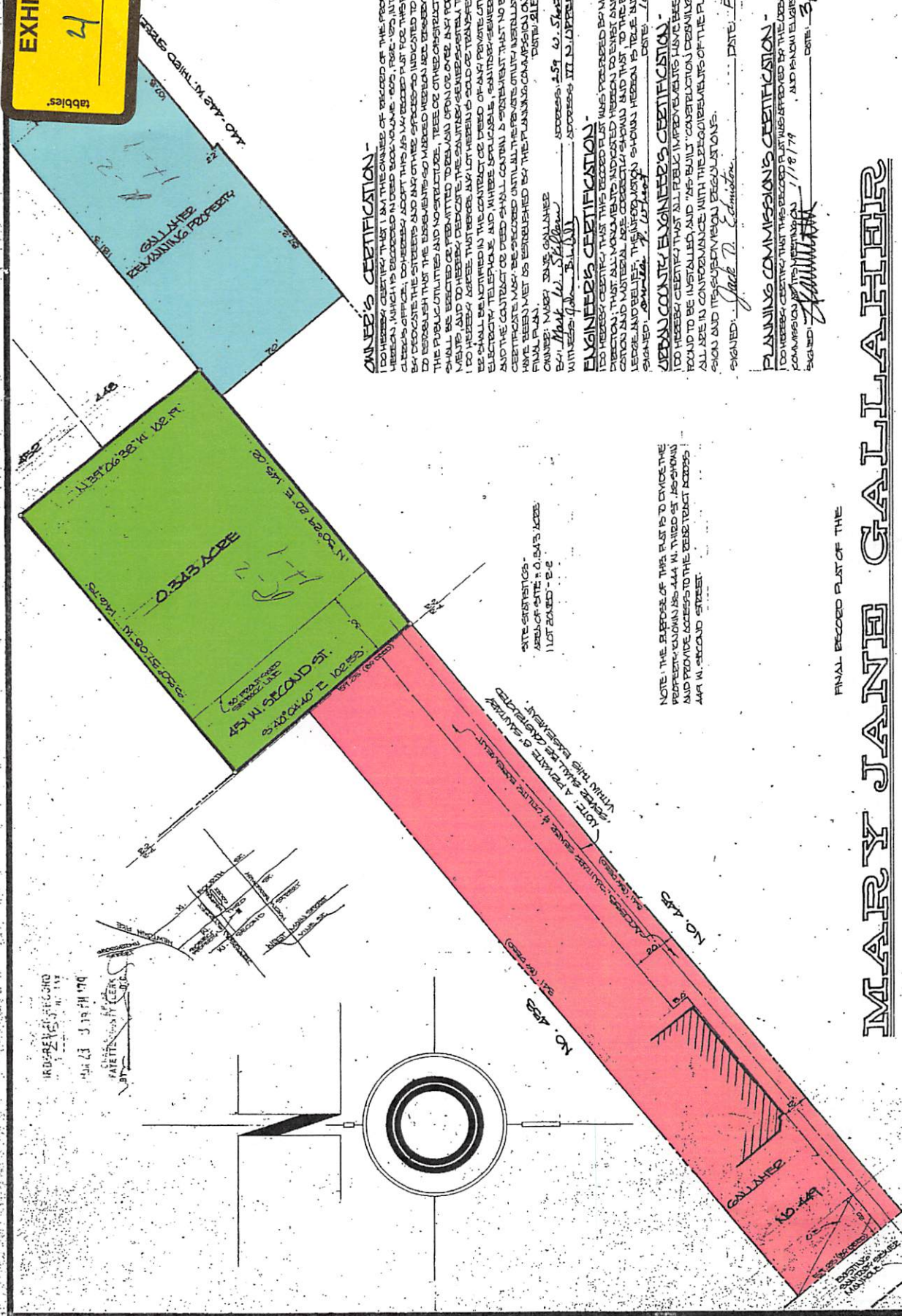
The purpose of this Plat is to consolidate Parcels 1, 3, 4 & 5 and portions of Parcels 2, 6, 7, 8 & 9 into Lot 1.

SITE STATISTICS:
Area of Lot 1 = 2.615 ac.

CONSOLIDATION PLAT FOR MORRISON PLACE
LEXINGTON, FAYETTE CO., KENTUCKY
SCALE: 1" = 50' DATE:
PREPARED BY:
C.J. FULLER CONSULTING ENGINEERS, INC.
3138 CUSTER DRIVE, LEXINGTON, KY. 40502

EXHIBIT
4

tables



OWNER'S CERTIFICATION-

I DO HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY PLATTED HEREON, WHICH IS RECORDED IN DEED BOOK VOLUME 606, PAGE 120 IN THE PLANNING COUNTY CLERK'S OFFICE, DO HEREBY ADMIT THAT MY RECORD PLAT FOR THIS PROPERTY IS TO BE DELETED FROM THE RECORDS AND THAT I HEREBY REQUEST YOU TO DELETION OF THE RECORDS THE RECORDED INSTRUMENTS AND RECORDS TO BE DELETED OF THE PUBLIC RECORDS AND NOT RECORDED ANY OTHER INSTRUMENTS OR ANY KIND OR KINDS AS TO HEREBY REQUEST THE RECORDED INSTRUMENTS TO BE DELETED. THE PURCHASER, ELECTRIC TELEPHONE, AND WIRELESS TELEPHONE, EQUIPMENT, NOT INSTALLED AND THE CONTRACT OR DEED SHALL CONTAIN A PROVISION THAT NO SUCH INSTALLATION OR EQUIPMENT SHALL BE MADE OR INSTALLED UNLESS THE INSTALLATION REQUESTED HAS BEEN MET AS ESTABLISHED BY THE PLANNING COMMISSION ON THE APPROVED FINAL PLAN.

ENGINEER'S CERTIFICATION-

I DO HEREBY CERTIFY THAT THIS RECORDED PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION THAT ALL WONDERS INDICATED HEREON TO BESET AND THEREABOUT TO BE SET SHALL BE SET CORRECTLY. I HEREBY ADMIT THAT I AM THE REGISTERED PROFESSIONAL ENGINEER AND THAT THE SIGNATURE SHOWN HEREON IS MY SIGNATURE AND NOT OF ANY OTHER PERSON.

PLANNING COMMISSION'S CERTIFICATION-

I DO HEREBY CERTIFY THAT THIS RECORDED PLAT WAS APPROVED BY THE PLANNING COMMISSION OF THIS COUNTY AND THAT THE SAME COMPLIES WITH THE ZONING AND PLANNING REGULATIONS.

NOTE: THE PURPOSE OF THIS PLAT IS TO DIVIDE THE PROPERTY SHOWN AS 444 W. THIRD ST. AND PROVIDE ACCESS TO THE REAR TRACT ROADS 444 W. SECOND STREET.

SITE STATISTICS -
AREA OF SITE = 0.248 ACRES
LOT ZONED - P-2

FINAL RECORD PLAT OF THE

MARY JANIE GALLAHUE

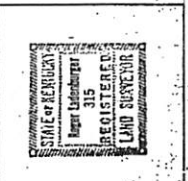
PROPERTIES IN

LEXINGTON, FAYETTE COUNTY, KENTUCKY

SCALE: 1" = 50' OCTOBER, 1978

WHEAT & LADENBURGER

177 N. UPPER ST. LEXINGTON, KY.



WEST SECOND STREET
25' NO. TRAILOR
30' WIDE
25' NO. TRAILOR
30' WIDE

IRDEREN RECORD
FAYETTE COUNTY, KY
NO. 191
MAY 21 3 10 PM 1978

