

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

Date of Hearing: 05/29/2019

Hearing Officer: MATT BOYD

Case number: 256098

Address: 1427 NICHOLASVILLE RD.

Owner: ROBERT E. WALLER II

Present / Not Present

Person Representing Property Owner: _____

Robert Waller II

Legal Standing: Owner

Issuance Date of Civil Penalty: 04/17/2019

Case Officer: JIM FAWCETT

Housing with \$ 100.00 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: Painting of rails

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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 \$ _____. 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 _____ 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 confirmation 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 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.**

Hearing Officer's Signature

5/29/19
Date

N/A Supplementary Page
Completed

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Supplementary Notes (If Needed)

Hearing Officer’s Signature Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**WALLER ROBERT E II
1168 TABORLAKE DR
LEXINGTON, KY 40502**

Date & Time of Issuance: April 17, 2019, at 8:38 AM
Compliance Due Date: May 17, 2019
Case Number: 256098

RE: 1427 NICHOLASVILLE RD, Lexington, KY 40503

On **November 5, 2018 at 8:47 AM**, 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 **April 17, 2019 at 8:38 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 **1 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 \$100.** Our records indicate you have received **1 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.

Inspection Comments:

Trim remains unpainted.



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

A handwritten signature in black ink that reads "J. Fawcett".

James Fawcett
Code Enforcement Officer

Phone
(859) 576-3850

E-Mail Address
jfawcett@lexingtonky.gov



DIVISION OF CODE ENFORCEMENT

**Notice of Violation (Housing)
60 Day Repair Notice**

**WALLER ROBERT E II
1168 TABORLAKE DR
LEXINGTON, KY 40502**

Date & Time of Issuance: November 5, 2018,
at 8:47 AM
Compliance Due Date: January 4, 2019
Case Number: 256098

RE: 1427 NICHOLASVILLE RD, Lexington, KY 40503

On **November 5, 2018 at 8:47 AM** I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances and the International Property Maintenance Code. At which time I documented violation(s) that are required to be corrected/repared to maintain accepted levels of health, safety and/or minimum maintenance standards. A list of the violations found during the above indicated inspection are located on the attached/enclosed inspection report.

This non-appealable notice and the attached/enclosed documents serve as formal notification of the inspection and the presence of the aforementioned violations. This notice also serves as an order to correct/abate the violations and also provides you with information/guidelines to assist you in correcting these violations.

FINDINGS

It has been found that a violation(s) exists on the premises or part thereof which requires immediate action to protect the public's health and safety. The findings of the above stated inspection are listed below.

	Violation	Code	References
1	REPAIR OR REPLACE ANY GUARDRAILS, HANDRAILS, BALUSTRADES, OR GUARDS/SPINDLES WHERE ROTTED, LOOSE, BROKEN, MISSING OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTI	Dck106 - Rails Repair	PM 304.1, 304.1.1(12), 304.10, 304.12, 307.1; KRC 311.7.8.3; KBC 1012.3
2	REPAIR OR REPLACE ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE ROTTED, DAMAGED, MISSING, LOOSE NOT PROPERLY ANCHORED.	Gut109 - Ext Trim Repair	PM 304.1, 304.1.1(10)
3	PAINT OR CLEAN ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE PEELING OR UNSIGHTLY.	Gut110 - Ext Trim Paint	PM 304.1, 304.8
4	REPAIR OR REPLACE ROOF SHEATHING WHERE ROTTED, BROKEN, DAMAGED, SAGGING, MISSING OR OTHERWISE DETERIORATING. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Rof102 - Sheathing Damag	PM 304.1, 304.1.1, 304.4, 306.1.1



5	REPLACE ROOF COVERING WHERE LEAKING, ROTTED, WORN, DAMAGED, MISSING OR OTHERWISE DETERIORATED WITH NEW COVERING MATCHING EXISTING MATERIAL AS CLOSELY AS IS REASONABLE. NO MORE THAN 2 LAYERS OF ANY TYPE OF ROOF COVERING IS ALLOWED.	Rof103 - Covering Damage	PM 304.1, 3.4.1.1(8), 304.7; KRC 907.3; KBC 1510.3
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You being the owner are hereby given notice to:

Correct Cited Routine Violations within Sixty (60) Days

Inspection Comments:

Failure to correct these violations, in a professional manner consistent with industry standards, within 60 days of the above indicated "Date of Issuance", may result in the placement of civil penalties and/or liens on the property. Per ordinance, penalties can range from \$100.00 to \$2,500.00 and are cumulative. Depending on the severity of the violations, civil penalties may be issued every 30 days or every day if needed.

Therefore, I strongly encourage you to take immediate action to correct these violations to prevent the issuance of civil penalties. If you believe that you have come into compliance within the 60 days provided, then please contact me and I will re-inspect the property to ensure compliance standards have been met. If the cited violations are/were located in the interior/inside of the structure, then it will be your responsibility to contact me before the 60 day time frame has expired and make arrangements for us to meet on-site to review the repairs. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of an avoidable civil penalty.

After reading these documents, please feel free to contact me if you have any questions regarding this notice, to schedule a meeting, and/or if you need additional assistance. 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.



James Fawcett Code Enforcement Officer	Phone (859) 576-3850	E-Mail Address jfawcett@lexingtonky.gov
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