

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

Date of Hearing: 02/05/2020

Hearing Officer: MATT BOYD

Case number: 418561

Address: 305 SANDWOOD PL.

Owner: EDNA M. ROWE

Present / Not Present

Person Representing Property Owner: Edna Rowe

Legal Standing: Owner

Issuance Date of Civil Penalty: 12/30/2019

Case Officer: DEBRA PHELPS

Housing with \$ 200.00 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: 4 violations

Lexington Fayette Urban County Government
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Date of Hearing: 02/05/2020

Hearing Officer: MATT BOYD

Case number: 418561

Address: 305 SANDWOOD PL.

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 5/30/2020 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 200. 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: to complete repairs

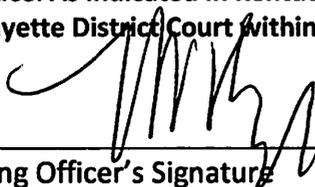
Civil Penalty assessed in part with remaining balance held in abeyance

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



Date

2/5/2020



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

ROWE EDNA M
305 SANDWOOD PL
LEXINGTON, KY 40509

Date & Time of Issuance: December 30, 2019, at 3:21 PM
Compliance Due Date: January 29, 2020
Case Number: 418561

RE: 305 SANDWOOD PL, Lexington, KY 40509

On **October 29, 2019 at 11:23 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 **December 30, 2019 at 3:21 PM**, 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 **6** 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 \$200.** 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:

No work has been done.





A handwritten signature in blue ink that reads "Debra Phelps".

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov



Hearing Date: Feb. 05, 2020

Address: 305 Sandwood PL

Owner: Edna M Rowe

Oct. 29, 2019 I received the case and did an exterior inspection that day. I issued a 60 Day Repair Notice for Housing with 6 violations

Dec. 30, 2019 Re-inspect- no work has been done

Posted Citation	Re-inspections	1
	Violations	6
	Citation	\$200.00

I received a call from the owner saying she had never received any Notice. We discussed the issues and appeal process and I sent her an email with a copy of the original Notice attached.

Jan. 02, 2020 Appeal was received.

Feb. 03, 2020 I received a voicemail from the owner stating that the gutters were done. She said the painting has not been addressed due to the weather: snow, rain, and cold.

Feb. 05, 2019 Conclusion: The gutter work has been completed. The door trim work, and the painting/caulking of the door, soffits and windows has not been completed leaving 4 violations. Weather has been a factor in getting these violations completed



**DIVISION OF CODE ENFORCEMENT****Notice of Violation (Housing)****60 Day Repair Notice**

**ROWE EDNA M
305 SANDWOOD PL
LEXINGTON, KY 40509**

Date & Time of Issuance: October 29, 2019,
at 11:23 AM
Compliance Due Date: December 28, 2019
Case Number: 418561

RE: 305 SANDWOOD PL, Lexington, KY 40509

On **October 29, 2019 at 11:23 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 DOOR CASINGS, FRAMES, DOOR SILLS AND THRESHOLDS WHERE MISSING, BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED.	Drs101 - Door Trim Rpr	PM 304.13, 304.15
2	PAINT, CAULK, AND GLAZE ALL EXTERIOR DOORS AND DOOR TRIM AS NEEDED.	Drs104 - Door Caulk	PM 304.1, 304.2
3 ✓	CLEAN DEBRIS FROM GUTTERING SYSTEM TO RESTORE PROPER DRAINAGE.	Gut101 - Gutter Clean	PM 304.1, 304.7
4 ✓	RE-ANCHOR ALL LOOSE GUTTERING AND DOWNSPOUTS AS NEEDED.	Gut103 - Gutter Loose	PM 304.1, 304.7
5	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)
6	PAINT, CAULK, AND GLAZE ALL EXTERIOR WINDOWS AND WINDOW TRIM AS NEEDED.	Win106 - Wndw Ext Caulk	PM 304.2, 304.13, 304.13.1

You being the owner are hereby given notice to:





Correct Cited Routine Violations within Sixty (60) Days

Inspection Comments:

You shall clean out gutters so that they can perform correctly. Gutter shall be properly attached. Windows and door trim shall be repaired and painted/caulked. Front soffit shall be painted.

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.

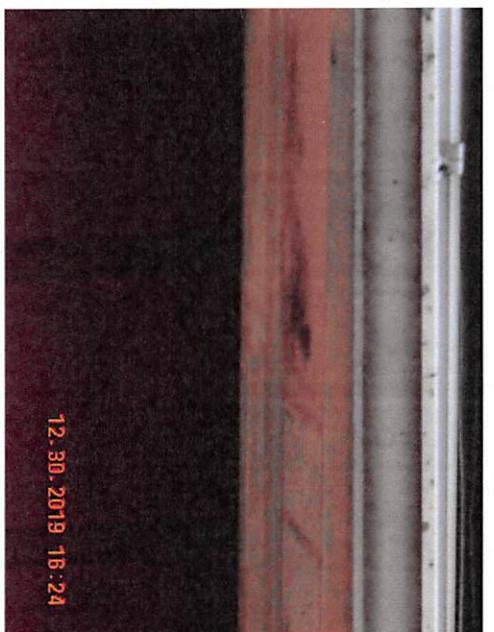
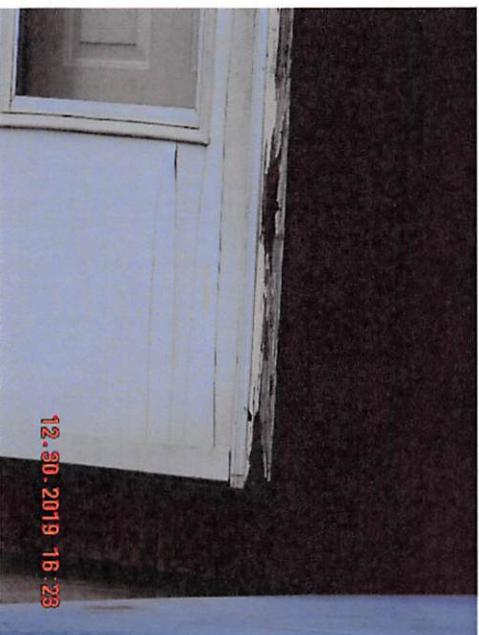
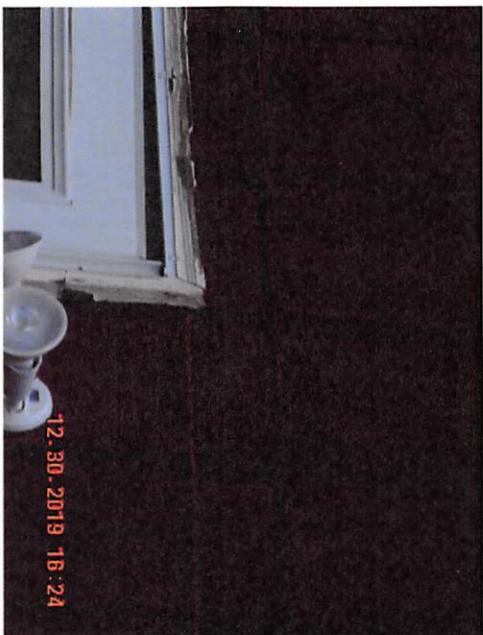
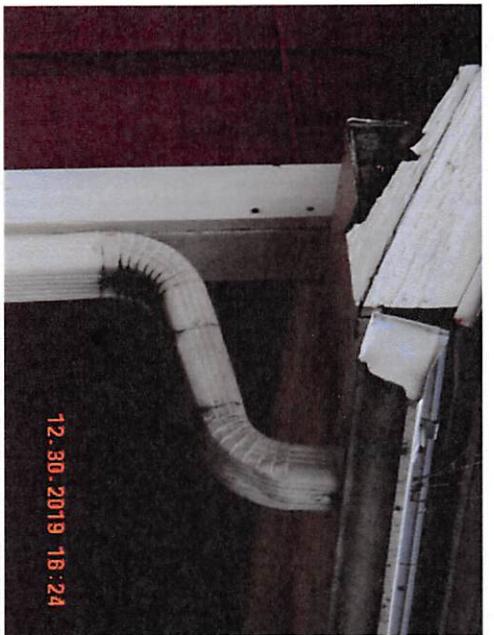
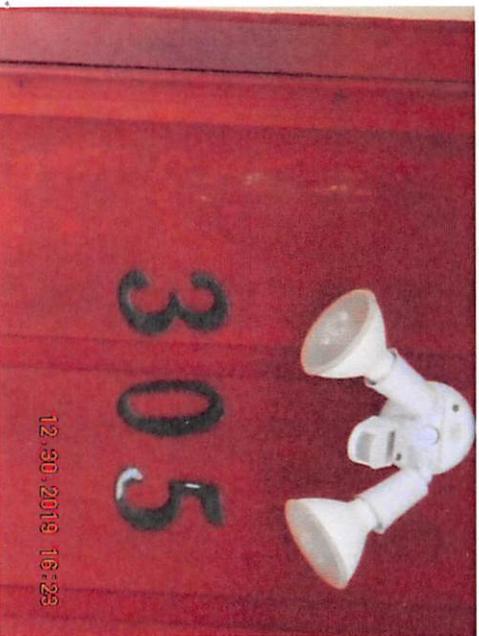
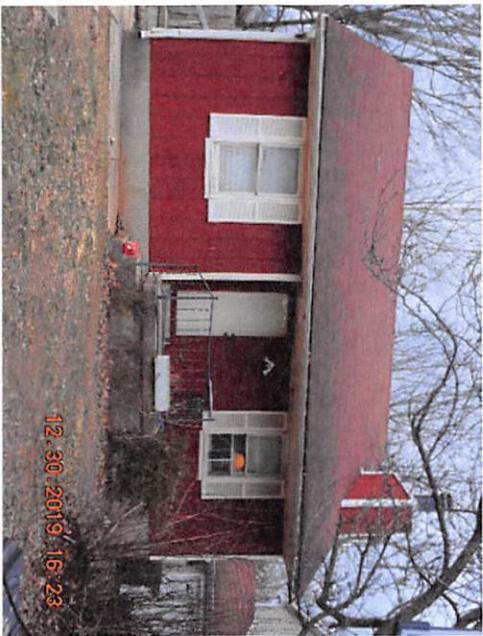
After reading these documents, please feel free to contact me if you have any questions regarding this notice, to schedule a meeting, and/or if you need additional assistance. If you do not receive a response from me within 36 hours of calling/emailing, please call our office and ask to speak to my supervisor.

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov

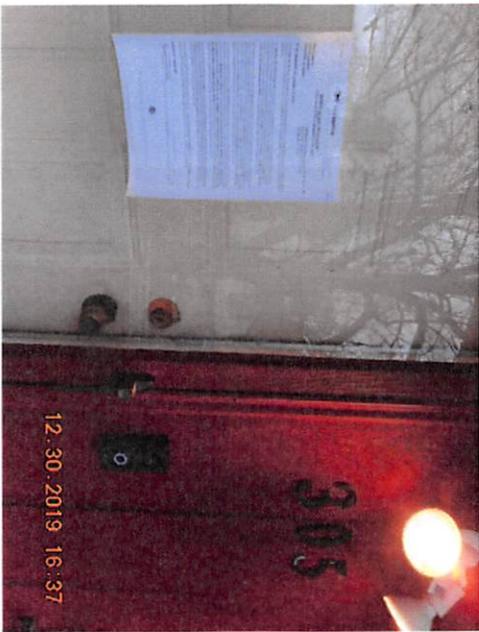
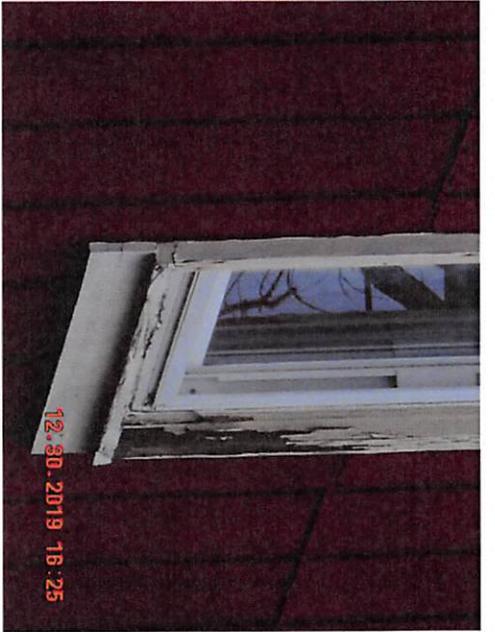
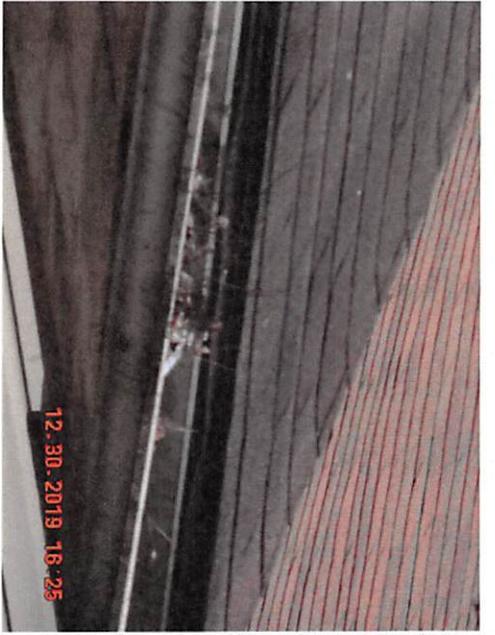




305 S.W. WOOD FL

D PHEAR

CITATION 12/30/19



LEXINGTON
DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

DATE & TIME OF ISSUANCE: December 25, 2019 at 3:37 PM
COMPLAINEE: Don Eber, January 25, 2020
CASE NUMBER: 183551

RE: 305 SANDWOOD PL, Lexington, KY 40506

On October 23, 2019 at 11:23 AM, the above referenced property was listed under a Notice of Violation (NVO) for required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On December 30, 2019 at 1:21 PM, 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 notify you that due to the continued non-compliance and the presence of a violation (in the property during the above described "Notice 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 \$200. Our records indicate you have received 1 citation(s) in this case.

The property owner may file a written appeal of this action that must do within 7 days of the above listed "Date of Issuance". Amount, which should indicate with the citation should be deposited, may be filed via U.S. Mail or by delivering the fee and to: Division of Code Enforcement, CO Secretary/Administrative Hearing Board, 122 East Vine Street, Suite 500, Lexington, KY 40507 or by filing the appeal request to 459-415-2724. No appeals, failure to appear this citation within the indicated time shall result in the determination of the [12.30.2019] 16:36 appeal, the violation were present on the property, and the issuance of the [12.30.2019] 16:36 appeal, if this citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien Cancellation may be filed.



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**ROWE EDNA M
305 SANDWOOD PL
LEXINGTON, KY 40509**

Date & Time of Issuance: December 30, 2019, at 3:21 PM
Compliance Due Date: January 29, 2020
Case Number: 418561

RE: 305 SANDWOOD PL, Lexington, KY 40509

On **October 29, 2019 at 11:23 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.

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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:

No work has been done.



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

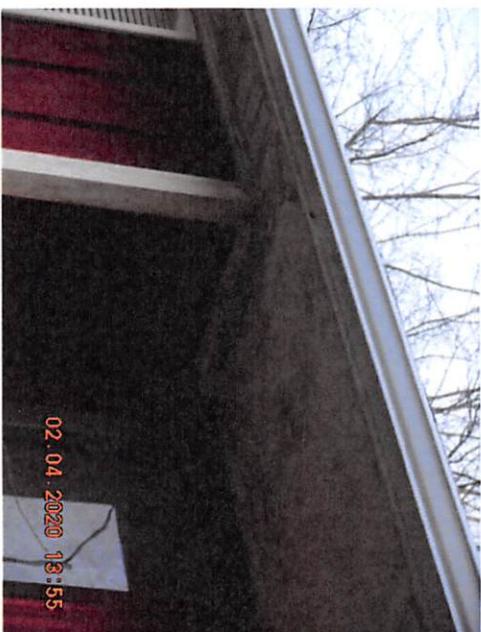
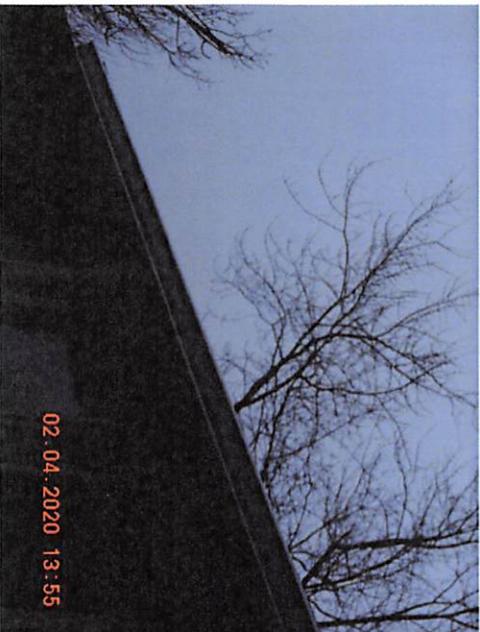
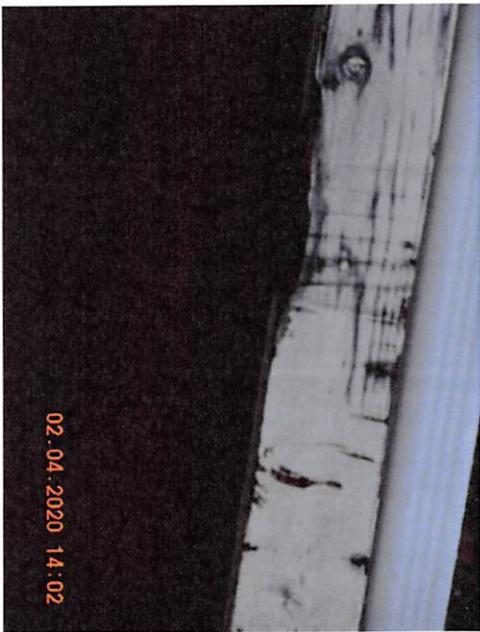
A handwritten signature in cursive script, appearing to read "Debra Phelps".

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov





305 SANDWOOD PL

D PHELPS

02/04/20

