

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

Date of Hearing: 03/05/2020

Hearing Officer: JON HAMPTON

Case number: 424433

Address: 2853 SNOW RD. #6

Owner: JOSEPH STANLEY BACK

Present /Not Present

Person Representing Property Owner: James Back

Legal Standing: SON with authorized statement

Issuance Date of Civil Penalty: 01/16/20

Case Officer: TOM BROOKS

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: per testimony

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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

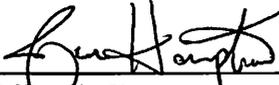
2) Appellant is granted until 4/24/20 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 200. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

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 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

3/5/20

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**BACK JOSEPH STANLEY
172 WOODLARK RD
VERSAILLES, KY 40383**

**Date & Time of Issuance: January 16, 2020, at 9:52 AM
Compliance Due Date: February 15, 2020
Case Number: 424433**

RE: 2853 SNOW RD, 6, aka 2853 SNOW RD, Lexington, KY 40517

On **November 8, 2019 at 7:10 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 **January 16, 2020 at 9:52 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 **10 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:





Tom Brooks

Tom Brooks

Code Enforcement Officer

Phone

(859) 576-3835

E-Mail Address

tbrooks@lexingtonky.gov





Joseph Back <joseph@woodlarkcapital.com>

Claim Confirmation

1 message

no-reply@e-ins.net <no-reply@e-ins.net>
To: joseph@woodlarkcapital.com

Sat, Nov 2, 2019 at 4:30 PM



Your claim has been successfully submitted. The claim number is 705684-191886. Your adjuster will contact you within 1-2 business days.

(866) 274-5677





CERTIFICATE OF COMPLETION AND SATISFACTION

Rainbow International-Lexington
2008 North Park Central Ave. Ste D,40356,(859)885-1502

Insured/Customer: Back, Joseph

Loss Address: 2853 SNOW RD APT 5

Insurance Company (if applicable): N/A

Policy No: N/A

Claim# 705684-191886-010001

Our File No: N/A

This will certify that the repairs made by Rainbow International at the above mentioned property have been completed to our entire satisfaction. These services were necessitated by a Fire (Fire, Water, Etc.) damage loss suffered on 02-06-2020(mm/dd/yy).

CUSTOMER(S)

RAINBOW INTERNATIONAL

Signature (Circle one: Owner / Agent)

Back, Joseph

Print Name & Title

Date: 02/08/2020 05:03 PM

Signature

N/A

Print Name & Title

Date: 03/03/2020 01:26 PM

Comments: N/A



Summary

Parcel Number 17195634
 Location Address 2853 SNOW RD
 LEXINGTON KY 40517
 Tax District District 01
 Tax Rate 1.2777
 Acres 0.23
 Legal Description B-419 EAST HILLS LOT 19
 Property Class M - MULTI-FAMILY
 PVA Neighborhood 755 - TATES CREEK
 Land Use Code (401) M - APARTMENTS 3-19 RENTAL UNITS
 USA/RSA Map 50
 Map Block 018
 Lot 19
 Subdivision EAST HILLS UNIT 3
 Cabinet/Slide B-419
 ND-1 Zone
 Overlay
 PDR
 Map Scale 200
 Block F
 LFUCG Zoning R-3 - PLANNED NBHD RESIDENTIAL
 Deeded SqFt 10,019
 Frontage / Out of 72.8 /



Owner

BACK JOSEPH STANLEY
 172 WOODLARK RD
 VERSAILLES KY 40383
 January 1, 2020 Owner
 BACK JOSEPH STANLEY

Commercial Improvement Information

Card	1	Year Built	1978
Building No	1	Above Grade Sqft	4,464
Structure Code/Desc	211-APARTMENTS	Total Basement Sqft	
Units	4		

Accessory Information

Card 1	Description	Year Built	Size	Area	Grade
1	PAVING ASPHALT PARKING	1978		1,500	C-AVERAGE

Sales

Sale Date	Sale Price	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Recording
11/26/2018	\$210,000	3630	709	ARMS LENGTH TRANSACTION	BACK JOSEPH STANLEY	BACK JOSEPH STANLEY	3630 709
9/28/1990	\$113,750	1561	638	ARMS LENGTH TRANSACTION	COBB MELVYN S	WISEMAN LYNWOOD	1561 638
5/11/1988	\$0	0000	000	ARMS LENGTH TRANSACTION	WISEMAN LYNWOOD		0000 000

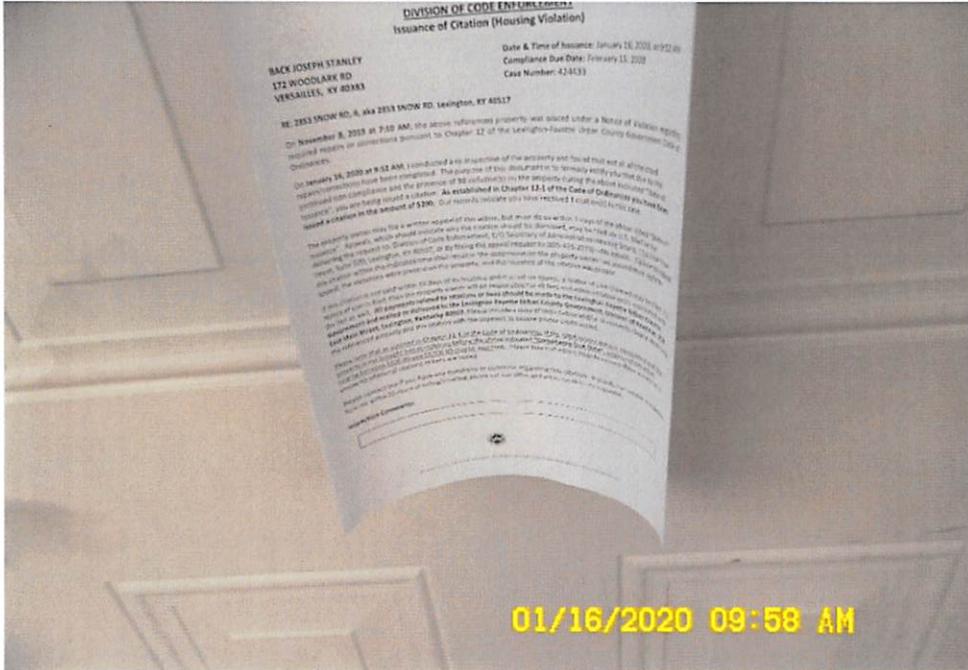
Valuation

	2019	2018	2017	2016
Fair Cash Value	\$210,000	\$210,600	\$210,600	\$164,000
Agricultural Value Land	\$0	\$0	\$0	\$0
Agricultural Value Total	\$0	\$0	\$0	\$0
Exempt	\$0	\$0	\$0	\$0
Taxable Value	\$210,000	\$210,600	\$210,600	\$164,000

Sketches



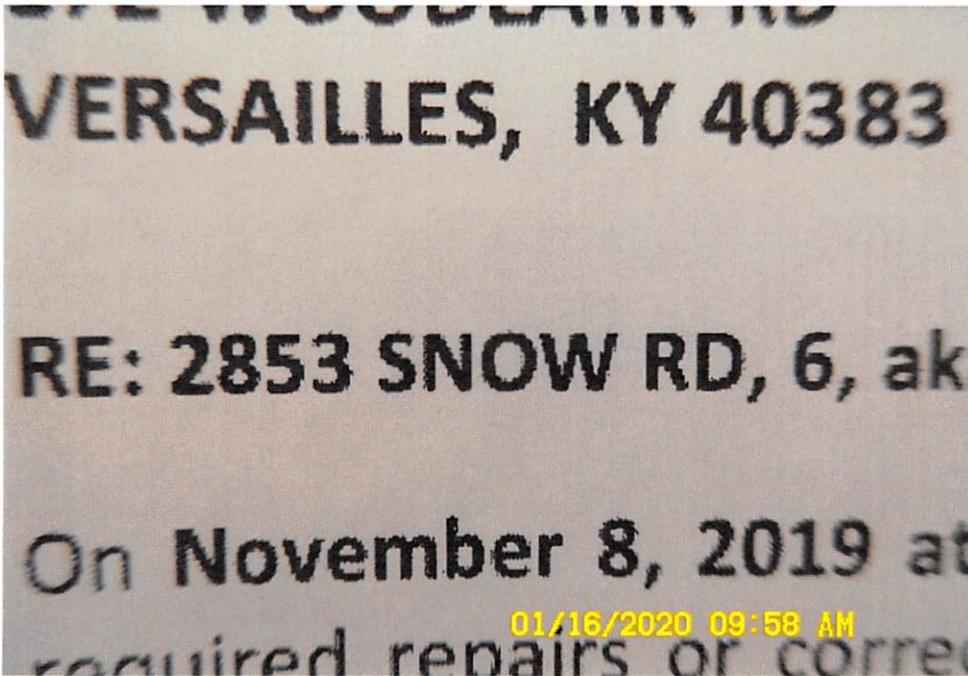
1/16/20



01/16/2020 09:58 AM



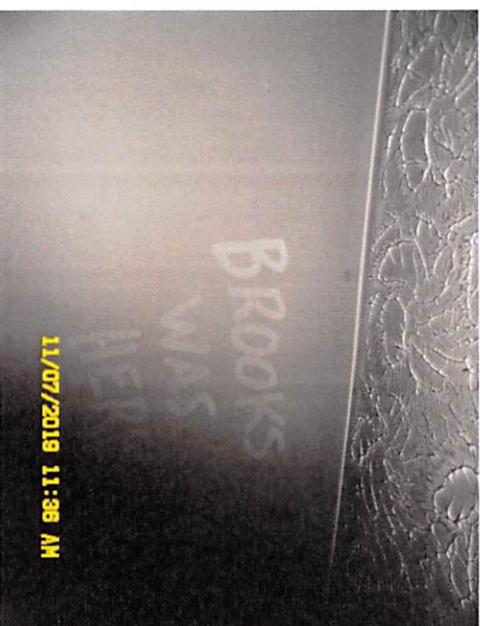
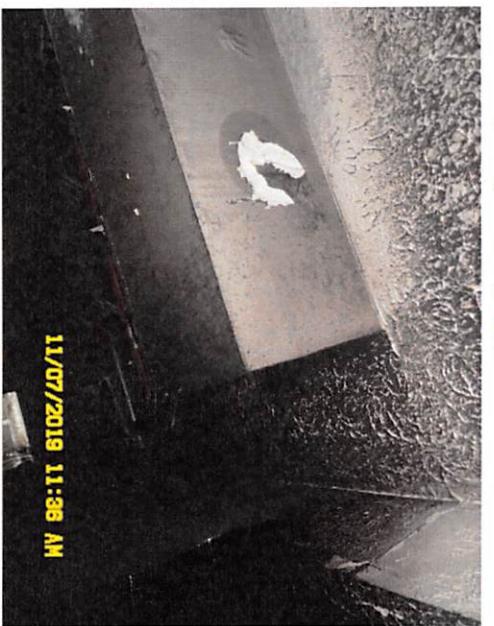
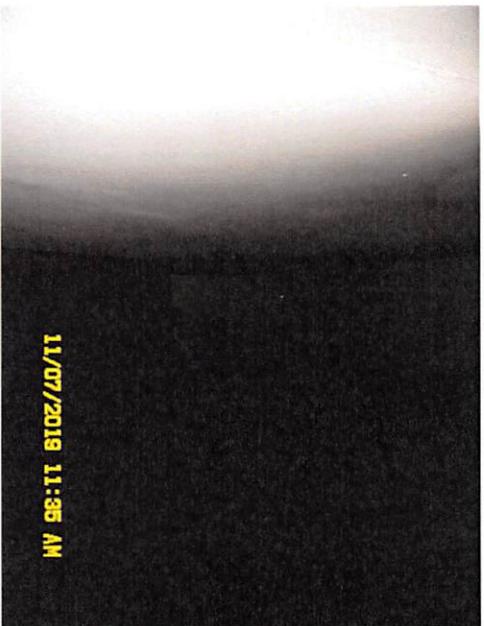
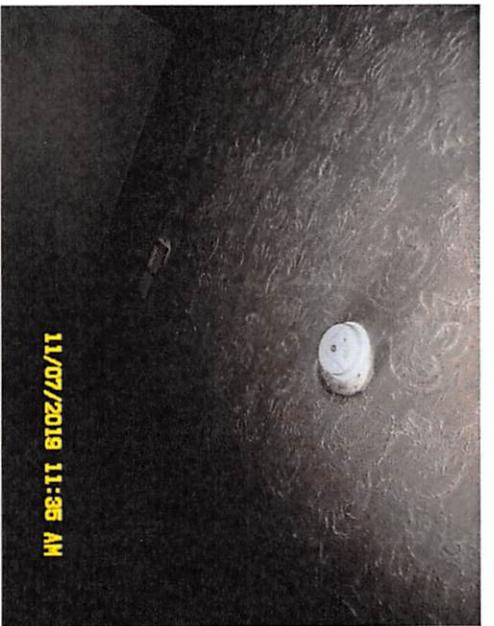
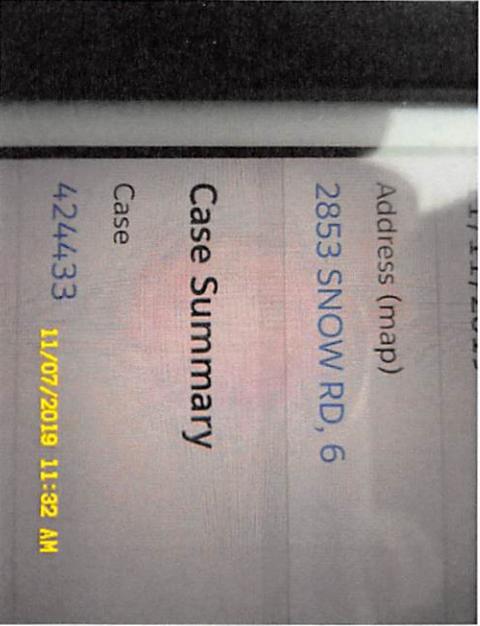
01/16/2020 10:00 AM



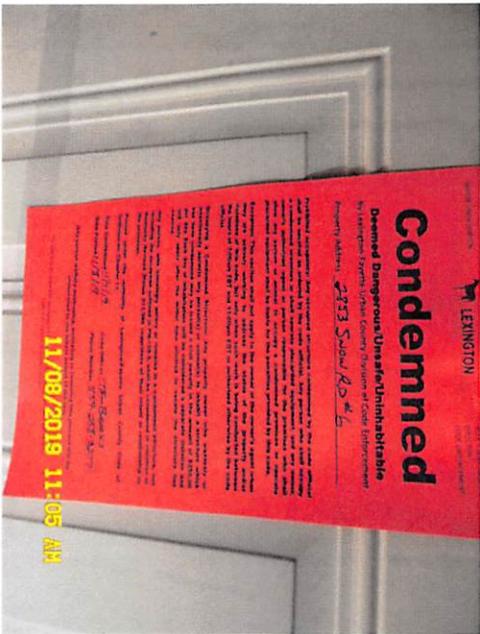
01/16/2020 09:58 AM



01/16/2020 09:59 AM



11/7/20



Condemned
Deemed Dangerous/Unsafe/Uninhabitable
City of Lexington Urban County Division of Code Enforcement
Address 2853 Snow Rd # 6
Agency: Any occupied structure condemned by the city shall be vacated as ordered by the code official. Any person who shall occupy or shall operate premises or shall operate a business on the premises shall be held liable and responsible for the premises.
11/08/2019 11:05 AM

JAN 24 '20 PM 3:12

Appeal of Case #424433

My name is Joseph Back, I am the owner of 2853 Snow Rd, Lexington, KY 40517. I am writing to you today to appeal the citation on my property related to case #424433. My reason for dismissal of citation is because in the letter I received it says that I was made aware of a "Notice of Violation" on November 8, 2019 but I have not received any paperwork from the division of code enforcement until receiving this "Issuance of Citation" on January 19th, 2020. In the issuance it talks about 10 violations, but I do not know what these violations even are so fixing them is not possible. I am guessing these violations occurred as a result of the grease fire that happened in Unit 6 of the building in early November. Since the fire I filed an insurance claim and the insurance company has hired Rainbow Restoration to complete the fire remediation. Rainbow has taken longer than anticipated to complete the remediation and I am struggling to get them to work fast because I am not the one paying them, the insurance company is. I will continue to try to get them to complete the repairs as fast as possible. Please let me know what I need to do to avoid any sort of fine.

Thanks in advance,



Joseph Back



DIVISION OF CODE ENFORCEMENT
Notice of Condemnation and Violation

BACK JOSEPH STANLEY
172 WOODLARK RD
VERSAILLES, KY 40383

Date & Time of Issuance: November 8, 2019, at 7:10 AM
Compliance Due Date: January 7, 2020
Case Number: 424433

RE: 2853 SNOW RD, 6, aka 2853 SNOW RD, Lexington, KY 40517

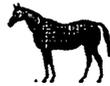
On **November 8, 2019 at 7:10 AM**, I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances. The inspection revealed violations which must be corrected in order to maintain acceptable standards of health and safety. This non-appealable notice serves as formal notification of the inspection, the condemnation, and the cited violations.

Once the violations which led to this condemnation are corrected, re-inspected and approved by this division, the condemnation may be lifted. The structure unit has been found to be in whole or in part to be unlawful because:

FINDINGS:

	Violation	Code	References
1	THE FIRE DAMAGED PORTIONS(S) OF THE STRUCTURE MUST UNDERGO A FIRE LOSS INSPECTION BY THE DIVISION OF BUILDING INSPECTION IN ORDER TO DETERMINE WHICH BUILDING ELEMENTS MAY OR MAY NOT BE REUSED PRIOR TO BEGINNING REPAIRS.	Ad103 - Fire Loss Inspc	PM [A] 105.4, 108.1.5(6), 304.1.1
2	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
3	REPAIR OR REPLACE DOORS WHERE BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. REPLACEMENT DOORS SHALL BE SUITED FOR THE APPLICATION AND SHALL BE OF MATERIAL DESIGNED FOR THE INSTALLATION.	Drs102 - Door Repair	PM 304.13, 304.15
4	ELECTRIC UTILITY SERVICE IS OFF. REPAIR OR RESTORE SERVICE.	Esv101 - No Electric	PM 601.2, 604.1
5	ALL KITCHEN CABINETS MUST BE KEPT IN GOOD WORKING, CLEAN AND SANITARY CONDITION. REPAIR, CLEAN OR REPLACE KITCHEN CABINETS AS NEEDED TO RESTORE PROPER FUNCTION.	Kit101 - Kit Cabinets	PM 305.1, 305.3, 404.7
6	REPAIR OR REPLACE DAMAGED, MALFUNCTIONING OR NON-OPERATING KITCHEN APPLIANCES AND RELATED	Kit104 - Kit Appliances	PM 305.1, 404.7





	COMPONENTS.		
7	REPLACE DAMAGED, DETERIORATING OR UNSANITARY KITCHEN SINK.	Kit106 - Kit Sink Replac	PM 501.2, 502.1, 504.1
8	REPLACE DAMAGED OR LEAKING KITCHEN SINK SUPPLY LINES.	Kit108 - Kit Fauc Replac	PM 501.2, 502.1, 504.1
9	REPAIR OR REPLACE ALL PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, HAS HOLES, CRACKED OR OTHERWISE DETERIORATED.	Wal101 - Drywall Repair	PM 305.1, 305.3
10	PREPARE AND PAINT ALL PLASTER OR DRYWALL OR TRIM, WHERE PEELING, UNSANITARY, UNPAINTED, HAS SURFACE MILDEW, OR OTHERWISE IN NEED OF FINISH COATING.	Wal104 - Drywall Paint	PM 305.1, 305.3

You being the owner are hereby given notice that the structure/unit has been condemned and you must:

Repair this Unit within Sixty (60) Days

Inspection Comments:





Notice of Condemnation and Violation
Guidelines and Assistance Information

If you are unsure as to what violations have placed your structure/unit into a condemned status, you should contact the indicated Case Officer or the Division of Code Enforcement immediately for clarification purposes.

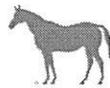
The condemnation status will remain in place until those specific violations which caused the structure/unit to be condemned are corrected, re-inspected and approved by the Division of Code Enforcement. Once the condemnation has been lifted the structure/unit may be occupied again.

While under condemnation, no person and no animal is permitted to occupy the structure/unit. Only those persons who are actively repairing the violations may be present and their work must occur between the hours of 7:00am EDT and 10:00pm EDT. The presence of person or any animal in the structure/unit outside the indicated criteria, without approval from the Division of Code Enforcement Officer, will be deemed as a failure to comply with this notice and may result in the issuance of civil penalties in the amount of \$250.00 per day of violation and/or criminal prosecution of the involved parties for violating Kentucky Revised Statute 511.080 (Criminal Trespass in the Third Degree) regardless of their intent or relationship to the property.

1. Failure to correct cited 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 structure/unit. 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 daily.
2. All vacant structures/units must be kept properly secured against unauthorized entry at all times. Failure to maintain the structure secured against unauthorized entry may result in this office taking actions to secure the structure/unit and all cost related to this action being invoiced to the owner. Securing a structure/unit by boarding is a temporary measure that provides the owner time to make needed repairs. Repairs shall be completed and boards removed before the indicated **compliance due date** or civil penalties may be assessed.
3. You may be granted an extension of time upon the SUBMITTAL and APPROVAL of a compliance schedule. The schedule outlines what work needs to be done and a reasonable time frame related to the completion for each stage of the repairs. The schedule must be submitted for review and approved before the 60 days expires. All repairs made to the structure/unit must be done in a professional manner consistent with industry standards and with materials designed and approved for such repairs. Failure to follow these guidelines may result in the repairs not being approved and still being considered in violation of ordinance. (Your Code Enforcement Officer can provide you a blank compliance schedule upon request.)
4. If this property is located in a locally designated historic district you are required to contact the Office of Historic Preservation at (859) 258-3265 before beginning exterior repairs.

Continued Next Page...





- 5. **For any fire damaged structures/units;** prior to beginning repairs, all fire damaged portions of any structure must undergo a fire loss inspection by the Division of Building Inspection (859-258-3770); in order to determine which building elements may or may not be reused.
- 6. If the cited violations are/were located in the interior/inside of the structure, then it will be the owner's responsibility to contact the case officer before the indicated time frame has expired and make arrangements to meet on-site to review any repairs that have been made. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of avoidable civil penalties.
- 7. As required by the Kentucky Uniform State Building Code; repairs, corrections, maintenance work, alterations, or installations that require the cutting away or installation of any structural element must be conducted under a permit from the Division of Building Inspection, 2nd floor, 101 East Vine Street, Suite 200 (859-258-3770). All plumbing installations must be performed under the appropriate permit from the Kentucky Department of Housing, Buildings & Construction (502-573-0365), and must be inspected and approved by the same. All electrical installations must be performed under the appropriate permit from the Division of Building Inspection and must be inspected and approved by Commonwealth Inspection Bureau (859) 263-7800.
- 8. You may qualify for financial assistance. If you feel you need assistance in complying with this notice, please contact your Code Enforcement Officer or visit the LFUCG website for information on assistance programs. You may also contact the Division of Grants and Special Programs at (859) 258-3070 to see if you qualify for the Community Wide Housing Rehabilitation Program.
- 9. It shall be unlawful to dispose of said structure/unit to another person or entity until all violations have been abated/corrected, inspected and approved by this office. In lieu of making repairs, a signed and notarized statement from the new or prospective owner acknowledging the violations and accepting responsibility, without condition, for making the required repairs will be acceptable. (Your Code Enforcement Officer can provide you a Transfer of Ownership form upon request.)

Please contact me if you have any questions or concerns regarding this condemnation. 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.

Tom Brooks
Code Enforcement Officer

Phone
(859) 576-3835

E-Mail Address
tbrooks@lexingtonky.gov

