

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

Date of Hearing: 02/26/2020

Hearing Officer: GERALD ROSS

Case number: 370870

Address: 3236 CORNWALL DR.

Owner: DAVID & WENDI GRIFFITH

Present /Not Present

Person Representing Property Owner: _____

Legal Standing: _____

Issuance Date of Civil Penalty: 01/10/2020

Case Officer: GERRY HAMILTON

☐ Housing with \$ _____ Civil Penalty Amount

☒ Nuisance with \$ 250.00 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: Concrete & Earth
Debris

_____ 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: _____

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

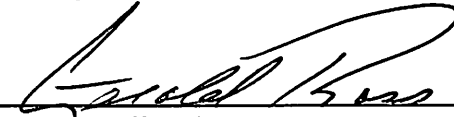
2) Appellant is granted until April 27, 2020 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 250⁰⁰. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: Check to see if permits needed - complete work by April 27, 2020

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

2/26/2020
Date

**DIVISION OF CODE ENFORCEMENT****Issuance of Citation****GRIFFITH DAVID AND WENDI
3236 CORNWALL DR
LEXINGTON, KY 40503****Date & Time of Issuance:** January 10, 2020, at 10:19 AM
Compliance Due Date: January 24, 2020
Case Number: 370870**RE: 3236 CORNWALL DR, Lexington, KY 40503**

Issuance of Citation: Due to continued non-compliance, a citation in the amount of **\$250** has been assessed pursuant to chapter 12 of the code of Ordinances. **Please review the second page of this document to obtain details regarding the payment or appeal of this citation.**

An inspection was made of the above-referenced property on January 10, 2020 at 10:19 AM, and, pursuant to Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances the below indicated nuisance violation was located that must to be corrected/abated before the listed "Compliance Due Date".

	Violation	Code	References
1	Rubbish, Garbage, Debris, Ashes, Trash or Waste	Nuisance 001 Trash/Debris	

Inspection Comments:

There's still scrap materials on the property left from your project that need to be cleaned up. We have had good enough weather and plenty of time to do so.

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

Gerry Hamilton
Nuisance Control Officer**Phone**
(859) 576-3845**E-Mail Address**
ghamilto@lexingtonky.gov



How to Pay a Citation

All payments related to citations, civil penalties 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. The Division of Code Enforcement cannot accept payment for any citations, liens or abatement costs.

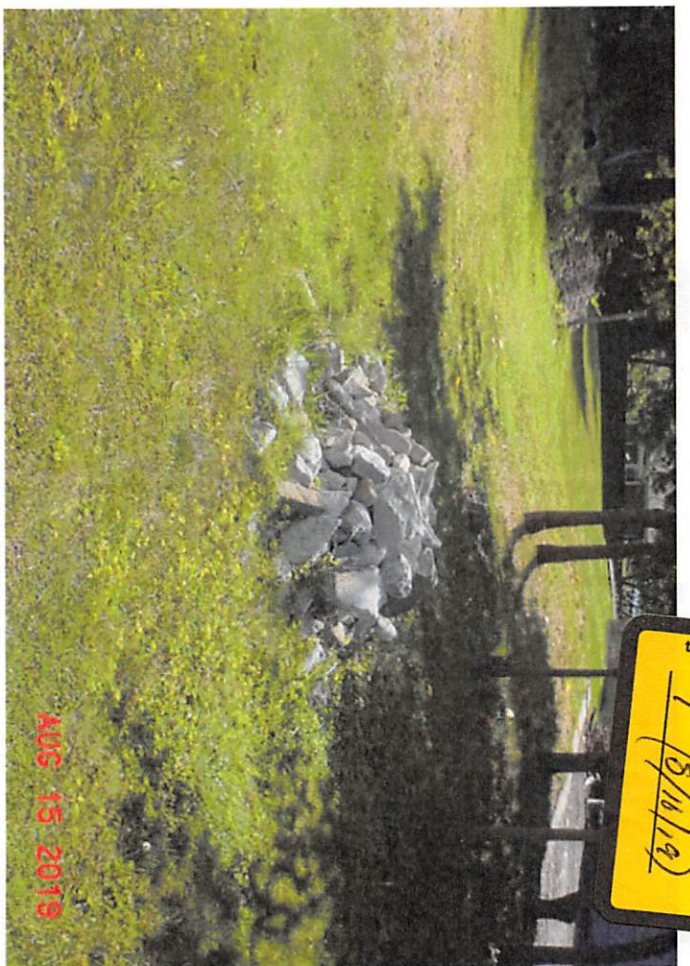
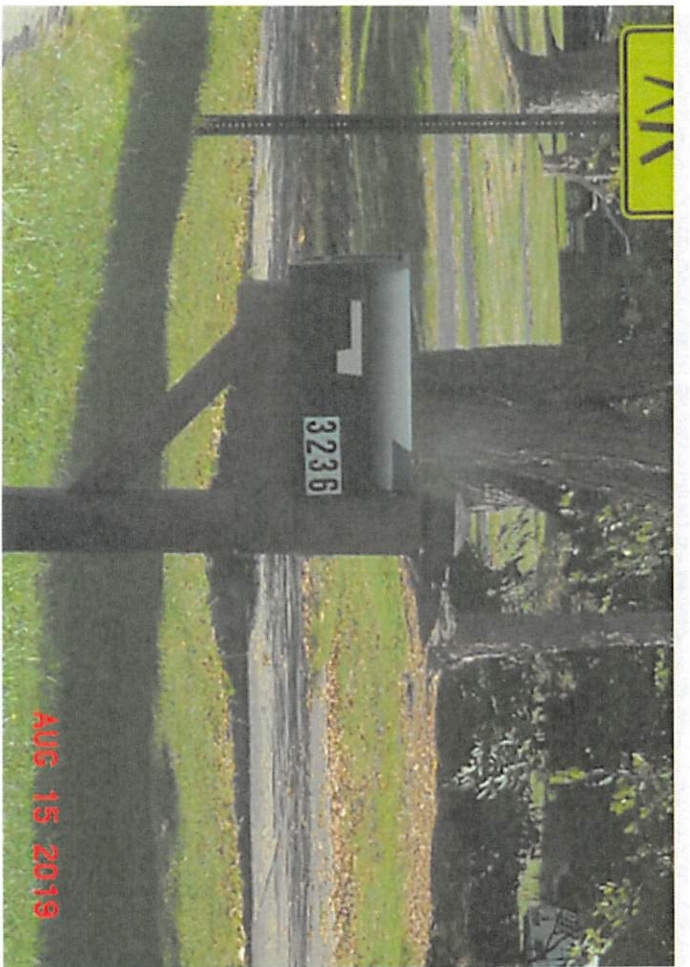
Continued non-compliance after the above indicated "Compliance Due Date" may result in additional citations being issued until compliance is gained. If the property owner does not bring the property into compliance the violations may be abated/corrected by governmental operations and all abatement costs and related administrative fees will be invoiced to the property owner.

How to Appeal a Citation

A notice of Nuisance Violation is not appealable.

If a citation has been issued, the property owner may file a written appeal of this citation. The property owner must do so within 7 days of the listed "Issuance Date". Appeals 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 will be accepted. 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 a citation, which is not on appeal, and/or invoice abatement costs are not paid within 14 days following its issuance, a Notice of Lien Claimed may be recorded in the Office of the Fayette County Clerk against the property.

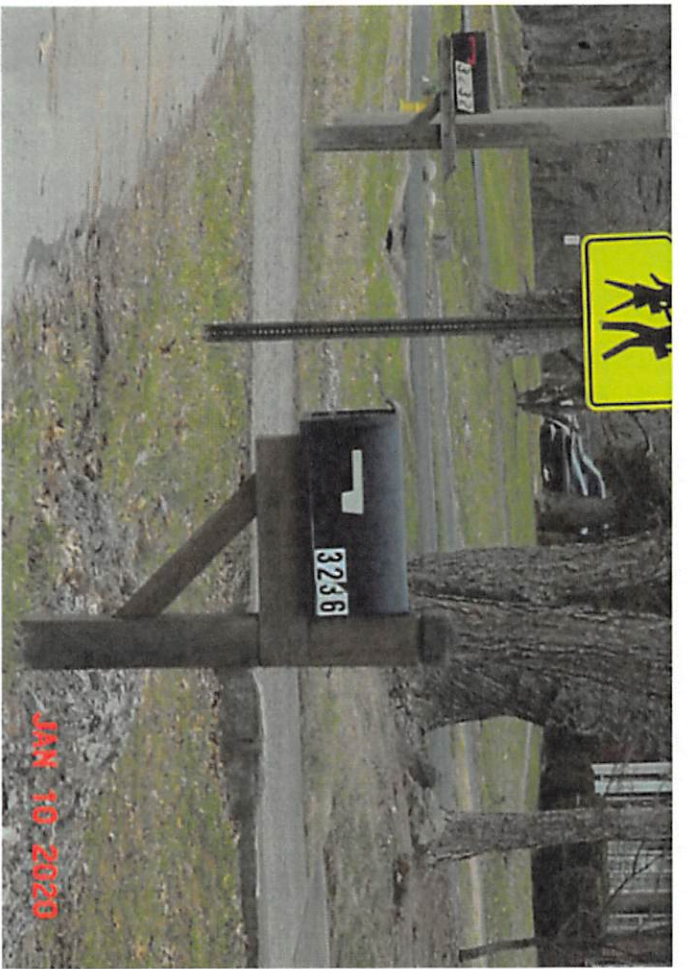




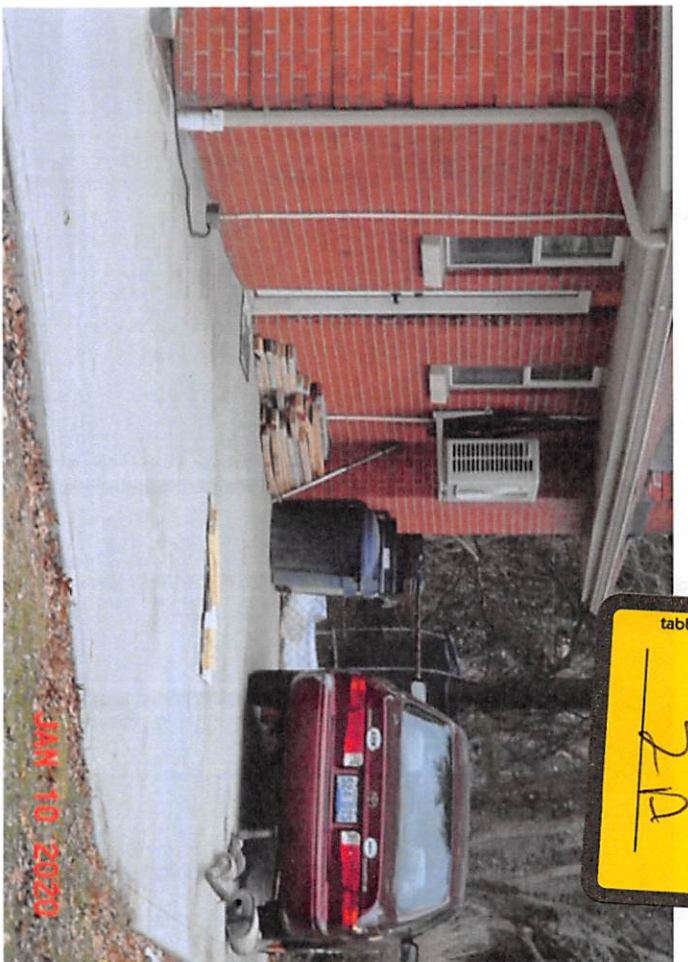
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JAN 10 2020



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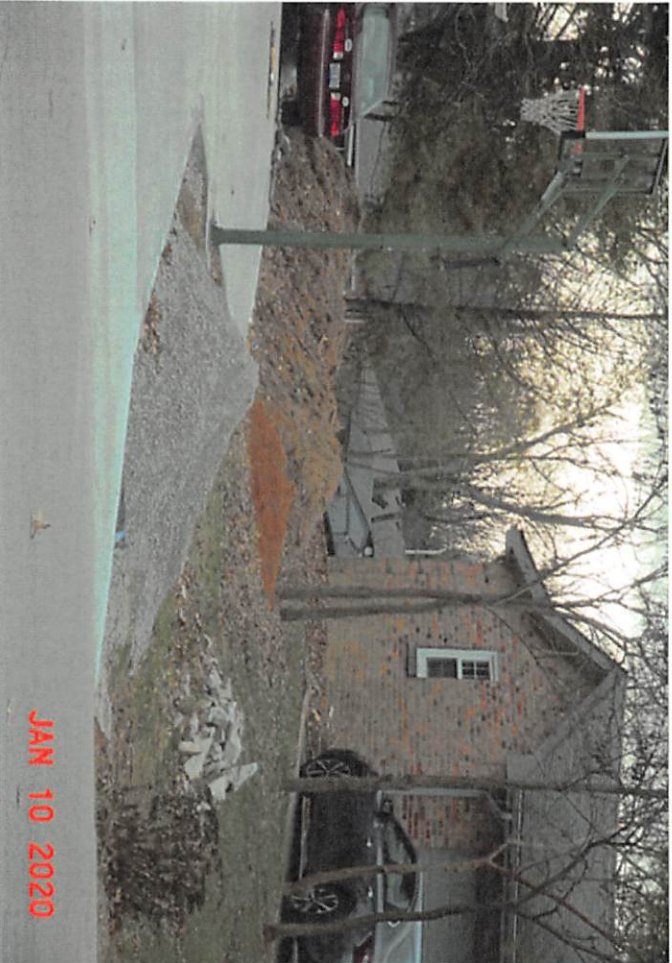


JAN 10 2020



JAN 10 2020

3236 COPENHAGEN RDR.



3236 CORNWALL RD.

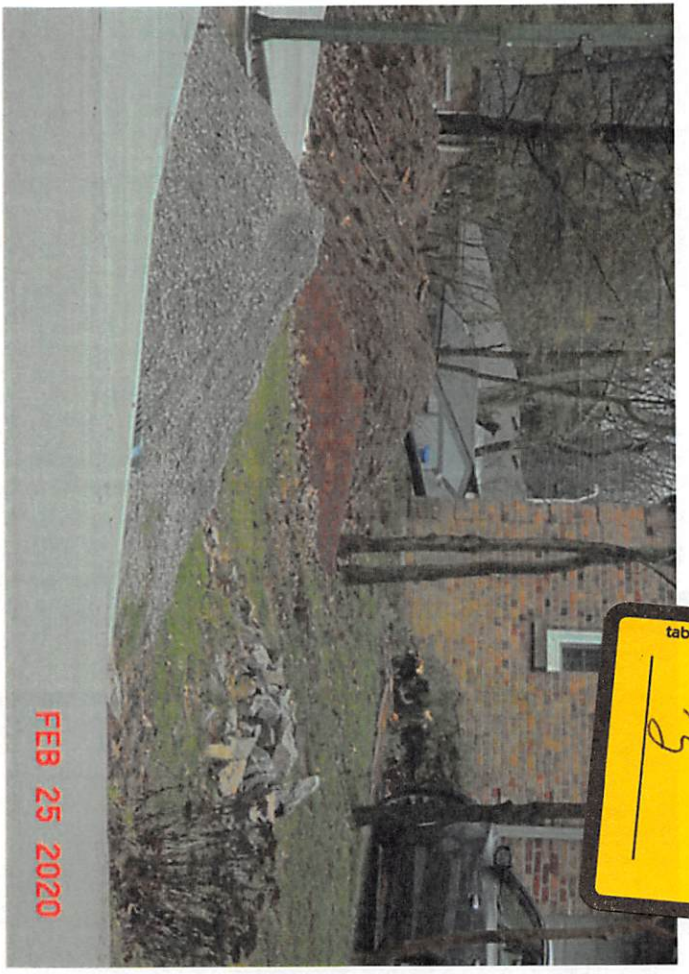
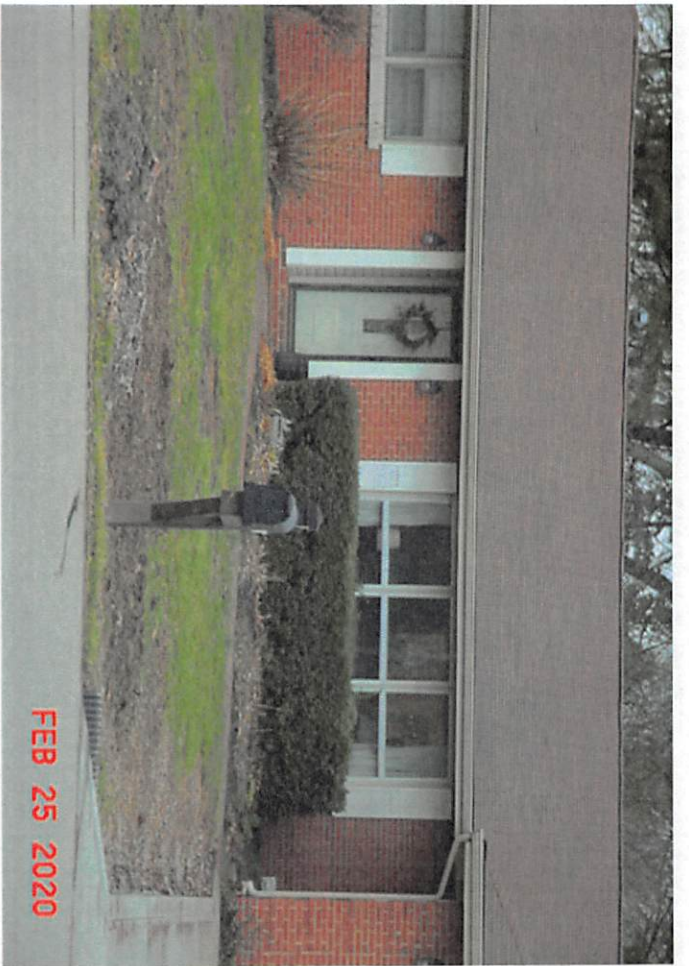
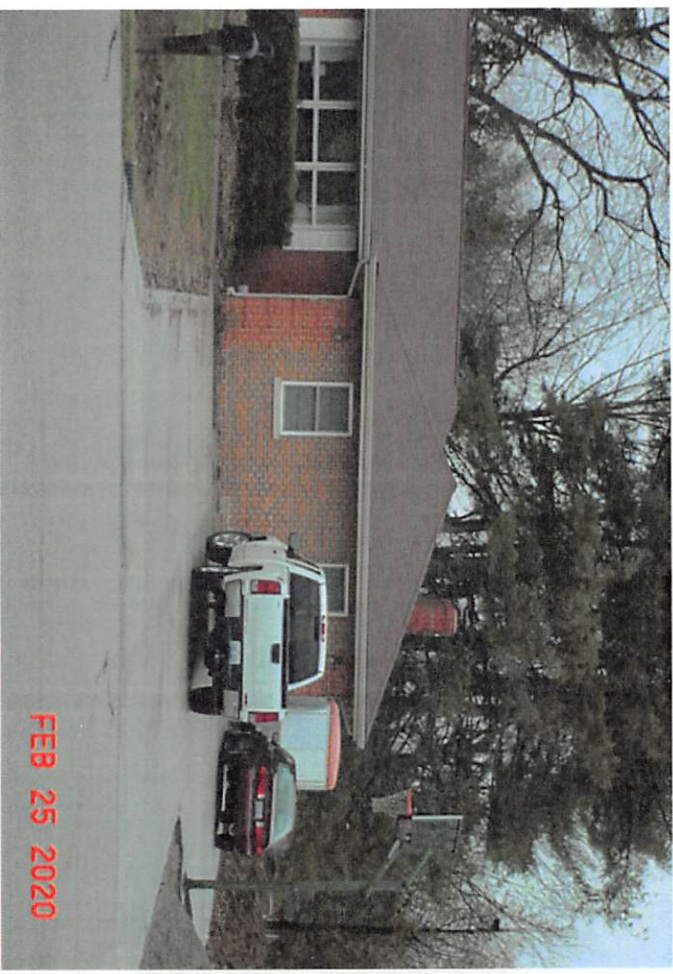


EXHIBIT
3
tabbles®



3836 CORNWALL DR.

2888 Cambridge Ave



**Appeal for 3236 Cornwall Dr.
Case Number: 370870**

Plan for construction completion at 3236 Cornwall Dr., Lexington, KY 40503:

- 1) Completion of the driveway project will be completed once grading conditions allow for a skid steer loader to move on the property without causing rutting. This typically occurs around the end of March.
- 2) Limestone headwalls will be laid in place around the new culvert to retain the backfill and topsoil to be placed. The remaining stone will be removed if not all used in the new stone walls.
- 3) The dirt piles that line the new driveway consist of topsoil that will be spread in the front yard to fill beside the new culvert and concrete drive that is already in place.
- 4) The gravel pile that is beside the driveway will be used to create a gravel base under a new landscape block retaining wall that will be installed along the new driveway and between it and the neighboring house. If there is left over gravel at that time it will be removed from the property.
- 5) Landscaping will then be installed and grass seed will be sown after the grading is complete.
- 6) All of these yard improvements and completion of the new driveway will take approximately 6 workdays. These days will not be done consecutively because of my obligations with my job and family. However, they should be completed, weather permitting, by the end of May.

Our desire is to improve the property with the new driveway, retaining walls, and landscaping. It is not our intention nor our attitude to be a nuisance to the Stonewall Community or to Lexington. We ask that you waive the fine that has been assessed to Case Number: 370870 and allow ample time for the construction to be completed by the end of May.

Sincerely,

Dave Griffith
Homeowner