

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: 365623

Address: 3301 FT. HARRODS CT.

Owner: JAMES JR., TRACI & JAMES P. ATKINS

Present / Not Present

Person Representing Property Owner: James, Sr. and James, Jr.

Legal Standing: owns

Issuance Date of Civil Penalty: 01/21/20

Case Officer: THAD SCOTT

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: _____

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Reduced to \$1.00

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 3/5/21 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 1.00. 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: If survey reveals wall is not on their property, penalty is dismissed.

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.**

J. Hampton
Hearing Officer's Signature

3/5/20
Date

**DIVISION OF CODE ENFORCEMENT**
Issuance of Citation (Housing Violation)**ATKINS JAMES P & CLEMMIE & ATKINS JAMES P JR &
TRACI V & ATKINS SAMUEL R
3410 SNAFFLE RD
LEXINGTON, KY 40513-1017****Date & Time of Issuance: January 21, 2020, at 4:00 PM
Compliance Due Date: February 20, 2020
Case Number: 365623****RE: 3301 FT HARRODS CT, Lexington, KY 40513**

On **July 12, 2019 at 3:42 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 **January 21, 2020 at 4:00 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 **2 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:

Repair to brick wall is incomplete. A design professional was required to prescribe a repair or recommend replacement to failing wall. No further documentation or contract proposal has been submitted to Code Enforcement describing a solution or time schedule for repair. A citation is issued





for noncompliance of the Notice of Violation. You may appeal this citation within 7 days of issue.
Please contact me if you have any questions.



Thad Scott

Code Enforcement Supervisor

Phone

(859) 576-3852

E-Mail Address

tscott@lexingtonky.gov



Frontier Construction, LLC

Selwyn R. Ribeiro Jr.
2118 Palomar Trace Dr.
Lexington, KY 40513
Phone: (859) 351-8869 or (859) 327-9397
Email: frontierremodel@gmail.com
Date : 02/04/2020



To whom it may concern,

I was contacted by Mr. Jim Atkins about a fence/wall at the back of the property at 3305 Fort Harrods Ct. Lexington, KY. Mr. Atkins asked to meet with him to look at the fence and give him my opinion and a price to replace either in wood or back in brick.

The brick wall is a continuous wall that is separated with columns every 10 or so feet. It looks like it follows the edge of the property lines, throughout the subdivision. The brick wall seems to be collapsing behind the property stated above, the wall sits on a retaining 3 ft wall that holds a raised grad from Mr Atkins property. Observation of said property it looks like the wall may be sinking which may be lack of sufficient footing.

After careful consideration I elected not to do the project or spend any time looking into the reason why wall is failing. From my observation it appears that any removal of the wall behind Mr Atkins residence will probably result in a domino effect, I believe that any more disturbance or removal of the damage area will cause the neighboring walls to come down or at least affect its stability which would result in collapsed adjoining walls.

Thank you
Selwyn R Ribeiro
Frontier Construction LLC

3/3/2020

Harrods Hill townhomes

From: "Mark Stanley" <mstan312@aol.com>
Subject: Harrods Hill townhomes
Date: Mon, March 2, 2020 8:18 pm
To: atkinsrealestate@qx.net



Jim,

To the best of my memory, it was over 20 years ago, Stanley Land Company bought the property where the townhomes were built from Joe Montgomery's company. I don't remember the name of his company, but as you know he was involved in the development of Harrods Hills. Stanley Land Company was required to build a brick wall along the back property line. I always assumed he made the deal with the neighborhood to separate the homes that border the property and the multi family zoning of his property. I believe before he sold the property to Stanley Land Company his company intended to build apartments similar to what is across Fort Harrods Drive. I have no idea how the agreement to build the wall came about, but it was to be a 5' high brick wall. I might be off on the required height, but I do remember there was a specific height the neighbors expected.

Mark

Sent from my iPad

