

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

Date of Hearing: 05/18/2023

Hearing Officer: BETHANY BAXTER

Case number: 787497

Address: 3498 WINTHROP DR.

Owner: JULIE MARIE WADE

Present / Not Present

Person Representing Property Owner: _____

Legal Standing: _____

Issuance Date of Notice: 03/28/2023

Case Officer: JERRY LUCAS

Housing with \$ 125.00 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: _____

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 Nov. 18, 2023 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 125⁰⁰. 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: Violations cured before Nov 18, 2023, or penalty must be paid

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.**

Bethany Baxter 5/18/23
Hearing Officer's Signature Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**WADE JULIE MARIE
3498 WINTHROP DR
LEXINGTON, KY 40503**

**Date & Time of Issuance: March 28, 2023, at 2:06 PM
Compliance Due Date: April 27, 2023
Case Number: 787497**

RE: 3498 WINTHROP DR, Lexington, KY 40503

On **January 9, 2023 at 2:06 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 **March 28, 2023 at 2:06 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 **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 \$125. This amount includes a \$25.00 Administrative fee.** 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:

Civil penalty issued for failure to comply to the previous notice:
Ext111: Redirect the drainage discharge that is pumping water through the rear fence onto the park property.





Feel free to contact me if you have any questions. JLucas

Jerry B. Lucas

Jerry Lucas
Code Enforcement Officer

Phone
(859) 576-3841

E-Mail Address
jlucas@lexingtonky.gov

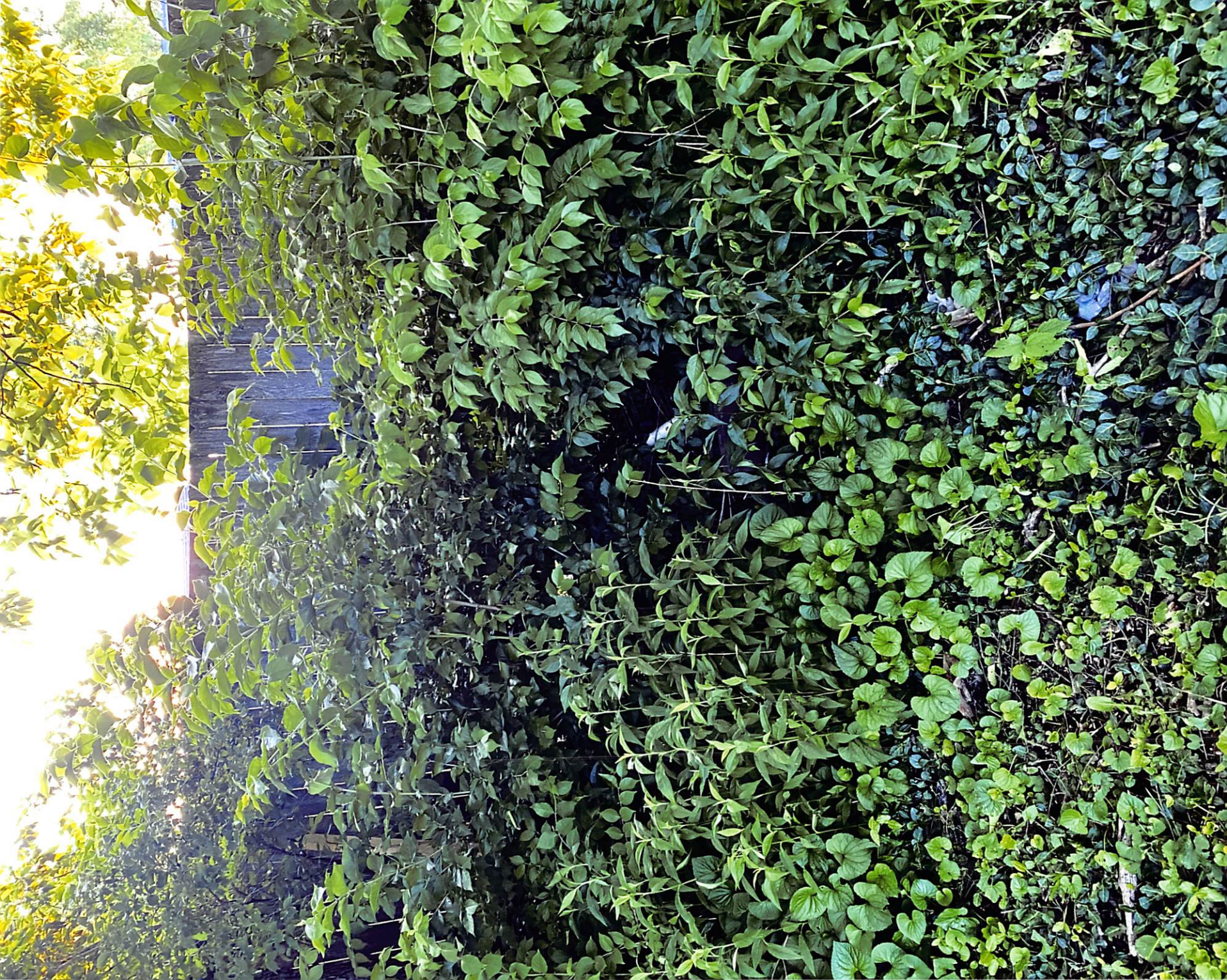




EXHIBIT

tables

Case # 787497





PROPERTY ADDRESS: 3498 Winthrop Drive, Lexington, Kentucky 40503

SELLER'S DISCLOSURE OF PROPERTY CONDITION

This form applies to residential real estate sales and purchases. This form is not required for:

- 1. Residential purchases of new construction homes if a written warranty is provided;
2. Sales of real estate at auction; or
3. A court supervised foreclosure.

The information in this form is based upon the undersigned's observation and knowledge about the property during the period beginning on the date of his or her purchase of the property on 8-26-2005, and ending on 2-2-2019.

(Date of purchase)

(Date of this form)

PROPERTY ADDRESS: 3498 Winthrop Drive, Lexington, Kentucky 40503

PURPOSE OF DISCLOSURE FORM: Completion of this form shall satisfy the requirements of KRS 324.360 that mandates the seller's disclosure of information about the property he or she is about to sell. This disclosure is based solely on the seller's observation and knowledge of the property's condition and the improvements thereon.

INSTRUCTIONS TO THE SELLER: (1) Complete all numbered items. (2) Report all known conditions affecting the property. (3) Attach additional pages, if necessary, with your signature and the date and time of signing. (4) Complete this form yourself or sign the authorization at the end of this form to authorize the real estate agent to complete this form on your behalf in accordance with KRS 324.360(9).

SELLER'S DISCLOSURE: As seller, I/we disclose the following information regarding the property. This information is true and accurate to the best of my/our knowledge as of the date signed. Seller authorizes the real estate agent to provide a copy of this statement to any person or entity in connection with actual or anticipated sale of the property or as otherwise provided by law. The following information is not the representation of the real estate agent.

Please answer all questions. If the answer is yes, please explain. If additional space is needed, use the reverse side or make attachments.

Table with 5 columns: Question, N/A, YES, NO, UNKNOWN. Section 1: HOUSE SYSTEMS. Rows include plumbing, electrical system, appliances, floors and walls, doors and windows, ceiling and attic fans, security system, sump pump, chimneys, fireplaces, inserts, pool, hot tub, sauna, sprinkler system, heating, cooling/air conditioning, water heater.

Table with 5 columns: Question, N/A, YES, NO, UNKNOWN. Section 2: FOUNDATION/STRUCTURE/BASEMENT. Rows include defects or problems to foundation or slab, defects or problems to structure or exterior veneer, basement leaks, last time basement leaked, repairs to basement, basement leaks repaired.

Initials (Seller) JM Date/Time 08/02/19 2:45 PM EDT

Initials (Buyer) _____ Date/Time _____

Form M10



Case 187497

3498 Winthrop Drive, Lexington, Kentucky 40503

Seller's Disclosure of Property Condition

(Additional Space)

1) House Systems.

- a) Plumbing. At various times in our time in the house, we have had clogged sinks and clogged toilets. I would classify those as normal issues that arise in the course of living. There was also a waterline that leaked in the basement in, I believe, early 2008. We turned the claim into our homeowners' insurance and the water and damage was remediated by a professional company (Paul Davis).
- b) Electrical System. N/A
- c) Appliances. We have replaced the dishwasher, the refrigerator and the stove.
- d) Floors and Walls. From time to time, we have nicked holes in the walls of the house. We have generally repaired them as they came up. I consider these, like above, to be "normal wear and tear" when you live in a house for 14 years.
- e) Doors and Windows. N/A
- f) Ceiling and attic fans. N/A
- g) Security system. N/a
- h) Sump pump. We replaced the sump pump in March 2018. The previous sump pump failed and created a water back up. It was mainly contained to the utility room and was remediated with vacuum and dehumidifiers. The sump pump empties onto the back of the property, and can flow onto the park during the spring/wetter periods. The previous owner provided us with a letter from the city, which we subsequently provided to the city when asked, that addressed the placement of the sump pump line that empties onto the park.
- i) Chimneys, fireplaces, inserts. N/A
- j) Pool, hot tub, sauna. N/A
- k) Sprinkler system. N/A
- l) Heating. System was in place when we purchased the house, which means it is at least 14 years old. Has been maintained by twice yearly calls from Fayette Heating and Air, with last service July 2019. During this maintenance we have replaced various parts (capacitors, etc.) when the technician indicated that they were demonstrating wear.
- m) Cooling/air conditioner. System was in place when we purchased the house. Again, this means it is at least 14 years old. Has been maintained by twice yearly calls from Fayette Heating and Air, with last service July 2019. During this maintenance we have replaced various parts (capacitors, etc.) when the technician indicated that they were demonstrating wear.
- n) Water heater. Water heater was in place when we purchased the house. At least 14 years old.

2) Foundation/Structure/Basement.

- a) N/A.
- b) N/A.
- c) The basement has a sump pump, and as such, is designed "to leak". As noted above, the sump pump was recently replaced when the original unit failed. Otherwise, when storms

 08/02/19 2:45 PM EDT dotloop verified	 08/02/19 2:45 PM EDT dotloop verified	Date/Time
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Initial

Date/Time

(Case # 787497)