

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

Date of Hearing: 05/17/2023

Hearing Officer: JOE BUCKLES

Case number: 967036

Address: 411 ROOSEVELT BLVD.

Owner: FOX DEN PROPERTIES LLC

Present/Not Present

Person Representing Property Owner: Adnan Shalagh, newbor

Legal Standing: owner

Issuance Date of Notice: 04/05/2023

Case Officer: MICHAEL HAUSERMAN

Housing with \$ 250.00 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: _____

No power meter, but resolved prompt

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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 _____ within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. 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 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

5/17/2023

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation for Occupying a Condemned Property

**FOX DEN PROPERTY LLC
1029 KIAWAH DR
LEXINGTON, KY 40515**

Date & Time of Issuance: April 5, 2023, at 11:52 AM
Compliance Due Date: April 5, 2023
Case Number: 967036

RE: 411 ROOSEVELT BLVD, Lexington, KY 40508

On **March 1, 2023 at 10:43 AM**, the above referenced property was placed under a Notice of Condemnation and Order to Vacate Immediately regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances. The property must be vacated as ordered by end of the date of this notice to avoid any further penalty.

PM-108.5 Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances *Prohibited Occupancy*: Any occupied structure condemned by the code official shall be vacated as ordered by the code official. Any person who shall occupy a condemned premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall allow any person or animal occupy a condemned premises or operate placarded equipment shall be liable for the penalties provided by this code.

Exception: This section shall not apply to the owner or the owner's agent when they are actively working to address the status of the property and/or violations of this code, but only when such work is being conducted between the hours of 7:00 a.m. EDT and 10:00 p.m. EDT or authorized otherwise by the code official.

PM-108.5.1 Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances *Occupying a Condemned Structure*: Any property owner who wantonly or intentionally permits any person(s) or animal(s) to inhabit a structure which has been condemned may be issued a civil penalty in the amount of \$250.00 per day. Each day of inhabitation will be considered a separate violation and will only apply after the initial time allotted to vacate the structure has expired.

PM-108.5.2 Any person, who knowingly enters or remains in a condemned structure, not including the exception outlined in PM-108.5, shall be considered in violation of Kentucky Revised Statute 511.080 regardless of their intent or relationship to the premises.

On **April 5, 2023 at 11:52 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 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 \$250.00. This amount includes a \$25.00 Administrative fee.**

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:

Michael Hauserman
Code Enforcement Officer

Phone
(859) 285-1793

E-Mail Address
mhauserman@lexingtonky.gov

