

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

Date of Hearing: 02/28/2024

Hearing Officer: JOE BUCKLES

Case number: 850295

Address: 1995 ALICE DR.

Owner: INOSENCIO MARTINEZ

Present / Not Present

Person Representing Property Owner: Inosencio Martinez

Legal Standing: Owner

Issuance Date of Notice: 02/01/2024

Case Officer: ERIC TODD

☒ Housing with \$ 425.00 Civil Penalty Amount

☐ Nuisance with \$ _____ Civil Penalty Amount

☐ Sidewalk with \$ _____ Civil Penalty Amount

☐ Emergency Abatement ☐ Nuisance ☒ Housing

☐ Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

X 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: _____

X A violation(s) of the Ordinance was committed. To Wit: _____

Has not completed compliance schedule timely

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes:

held in abeyance

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 4/30/2024 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 425.00. 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: Must complete all work

in compliance schedule and get re-inspection.
Compliance schedule attached Exhibit A.

Civil Penalty assessed in part with remaining balance held in abeyance

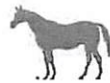
3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation by _____, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the 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

Date



Compliance Schedule

To be filled out by party submitting Compliance Schedule

Date of Request: 10-26-2023 Case #: 850295Property under notice: 1995 Alice DriveProperty owner: McGee, James BAddress listed with PVA: 137 N Limestone City: LexingtonState: KY Zip: 40507

Circumstances warranting additional time for repairs:

To be filled out by Code Enforcement Officer

Date case opened 06-02-2022 Vacant YesPrevious Schedule: No Held in Abeyance: YesPermit Required to abate violations: Yes : Condemned NoDate owner informed of denial or approval / / Date Submitted to supervisor: 11 / 17 / 2023 Approved: ☒ Denied: ☐ Reason Denied:

Dear property owner:

Additional time may be granted for the abatement of cited violations with the submittal and **APPROVAL** of this Compliance Schedule. Each violation must be listed on the following page(s) with **repairs to be completed each month** with a date to be completed by.

An Extension may be granted to allow time to obtain permits, engineers analysis, and other necessary documents/reports but will require a date certain for submittal of same. If property is to be sold a definite time must be given and a Transfer of Ownership form submitted with new owner accepting responsibility to abate violations. Other extenuating circumstances warranting an extension may be discussed with your Code Enforcement Officer.

This agreement will be considered void if the premises are not maintained free from nuisance conditions such as; weeds, trash and debris, inoperable vehicles, appliances and inside furniture etc., secure against entry/vagrancy and hazardous conditions.

Inosencio Martinez

Party submitting request

X [Signature]

Signature of Party submitting request

Title/Relationship to property Owner

859 - 492 - 2299
859 - 402 - 4701

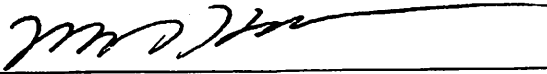
email martinez.angel181@yahoo.com

I Michael Hausmen
 Signature of Code Enforcement Officer

Date: 11 / 21 / 23 certify to the best of my knowledge there are currently no conditions existing on this property that would warrant denial of this request for additional time.

For further questions contact Angel Martinez
Martinez, angel181@yahoo.com
(859) 402-4701





Signature of Supervisor

11 / 21 / 23

Date

Code	Details of the work to be completed	Date to be complied by
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Comply by November 30, 2023

1. Past repairs or renovations have been left incomplete, deteriorating and/or are unacceptable. Obtain any required permits and make any necessary revisions, to correct the violations. 2021Ad101 - Past Repairs PM 102.3 AMD, 102.5

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. 2021 301.3 Vacant structures and land. 301.3

Comply by January 31, 2023

2. All exterior doors, door assemblies, operator systems, and hardware shall be maintained in good condition. Doors and frames installed in exterior openings shall be designed for and intended to be used for that purpose. Locks at all entrances to dwelling u 2021 304.15 Doors. 304.15

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. 2021 304.13 Window, skylight and door frames. 304.13

Glazing materials shall be maintained free from cracks and holes. 2021 304.13.1 Glazing. 304.13.1

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. 2021 304.13.2 Openable wi 304.13.2

3. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. 2021 304.10 Stairways, decks, porches and balconies. 304.1

Comply by March 31, 2024

4. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. 2021 304.1 General. 304.1

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected 2021 304.2 Protective treatment. 304.2

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. 2021 304.6 Exterior walls. 304.6

Repair or replace all loose, damaged, rotted, or missing siding materials, to match existing siding. All material used must be designed for the installation and protected from the elements as needed. 2021Env103 - Siding Damage PM 304.1.1



Code	Details of the work to be completed	Date to be complied by
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PM 304.1, 304.1.1(10)	Repair or replace all; veneer, cornices, belt courses, corbels, trim, wall facings, soffit, fascia and similar features that are rotted, damaged, missing, loose not properly anchored. 2021 Gut102 - Ext Trim Repair	
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Comply by April 30, 2024

5. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. 2021 302.3 Sidewalks and driveways. 302.3



**DIVISION OF CODE ENFORCEMENT**
Issuance of Citation (Housing Violation)**MARTINEZ INOSENICIO
528 ASBURY LN
LEXINGTON, KY 40511****Date & Time of Issuance:** February 1, 2024, at 1:31 PM
Compliance Due Date: March 2, 2024
Case Number: 850295**RE: 1995 ALICE DR, Lexington, KY 40511**

On **September 8, 2023 at 9:16 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 **February 1, 2024 at 1:31 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 **13 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 \$425. This amount includes a \$25.00 Administrative fee.** Our records indicate you have received 2 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:

Items to be completed by January 31st per compliance schedule are not done.



A handwritten signature in black ink, appearing to read 'Eric Todd', positioned above a horizontal line.

Eric Todd
Code Enforcement Officer

Phone
(859) 285-1473

E-Mail Address
etodd@lexingtonky.gov

