

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

Date of Hearing: 07/17/2019

Hearing Officer: MATT BOYD

Case number: 234234

Address: 3801 BOSTON RD.

Owner: REALTY UNLIMITED BLUE GRASS LLC

Present / Not Present

Person Representing Property Owner: \_\_\_\_\_

Legal Standing: \_\_\_\_\_

Issuance Date of Civil Penalty: 05/17/2019

Case Officer: GERRY HAMILTON

Housing with \$ \_\_\_\_\_ Civil Penalty Amount

Nuisance with \$ 500.00 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: \_\_\_\_\_

\_\_\_\_\_ A violation(s) of the Ordinance was committed. To Wit: Tall Weeds

↓ Grass, Trash & Debris,

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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 \$ 500. 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 Statue 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

7/17/19  
Date

**DIVISION OF CODE ENFORCEMENT****Issuance of Citation**REALTY UNLIMITED BLUE GRASS LLC  
PO BOX 910470  
LEXINGTON, KY 40591Date & Time of Issuance: May 17, 2019, at 2:20 PM  
Compliance Due Date: May 31, 2019  
Case Number: 234234

RE: 3801 BOSTON RD, Lexington, KY 40514

**Issuance of Citation:** Due to continued non-compliance, a citation in the amount of **\$500** 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 May 17, 2019 at 2:20 PM, 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	
2	High Weeds/Grass (not to exceed 10" in height)	Nuisance 002 – Tall Grass/Weeds	

**Inspection Comments:**

Property still in violation

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.

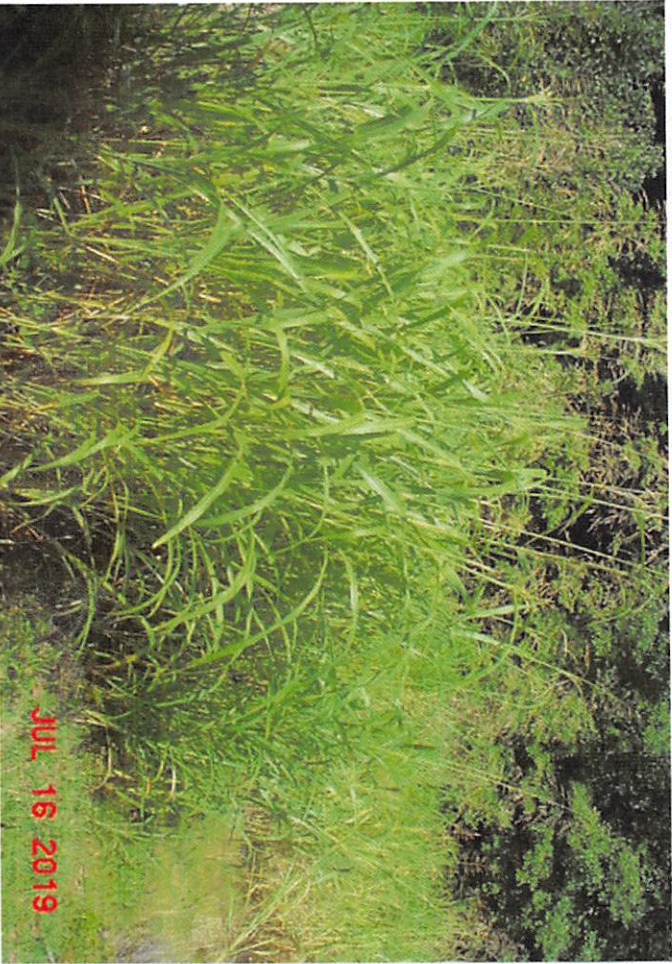




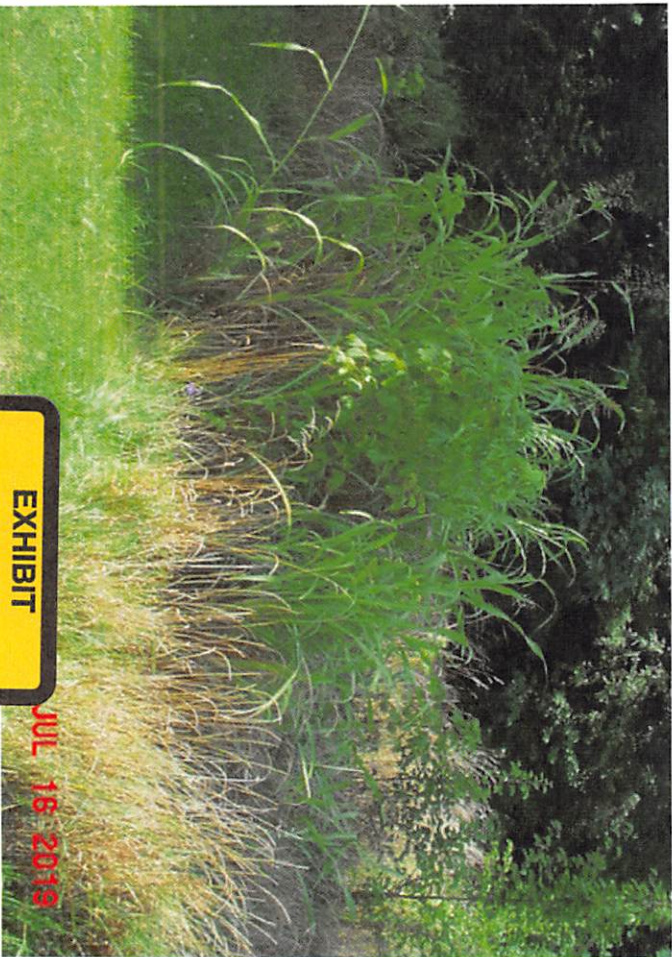
JUL 16 2019



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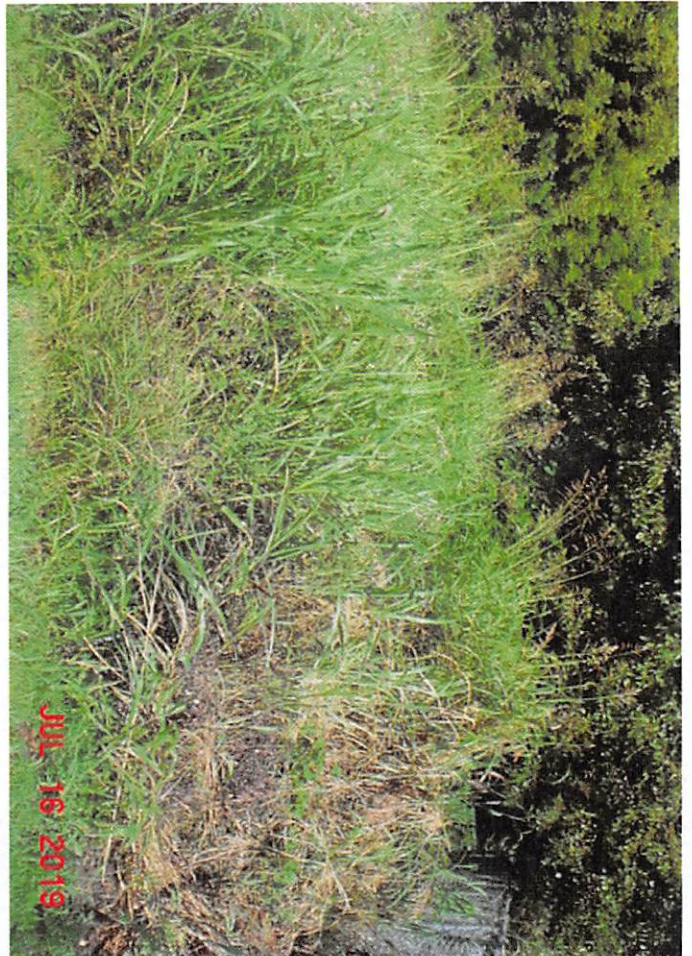
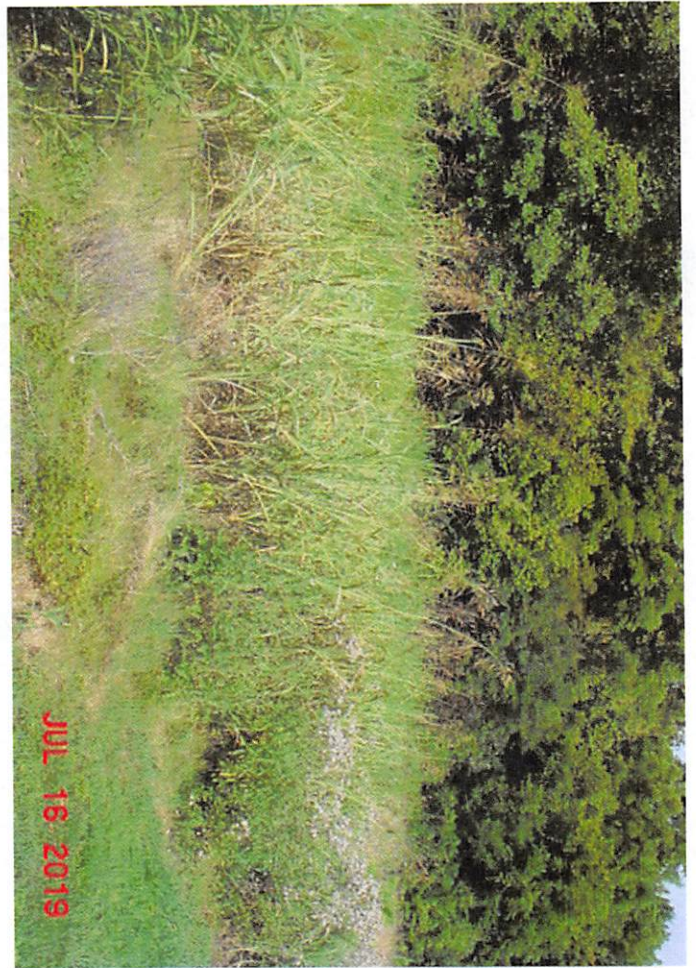
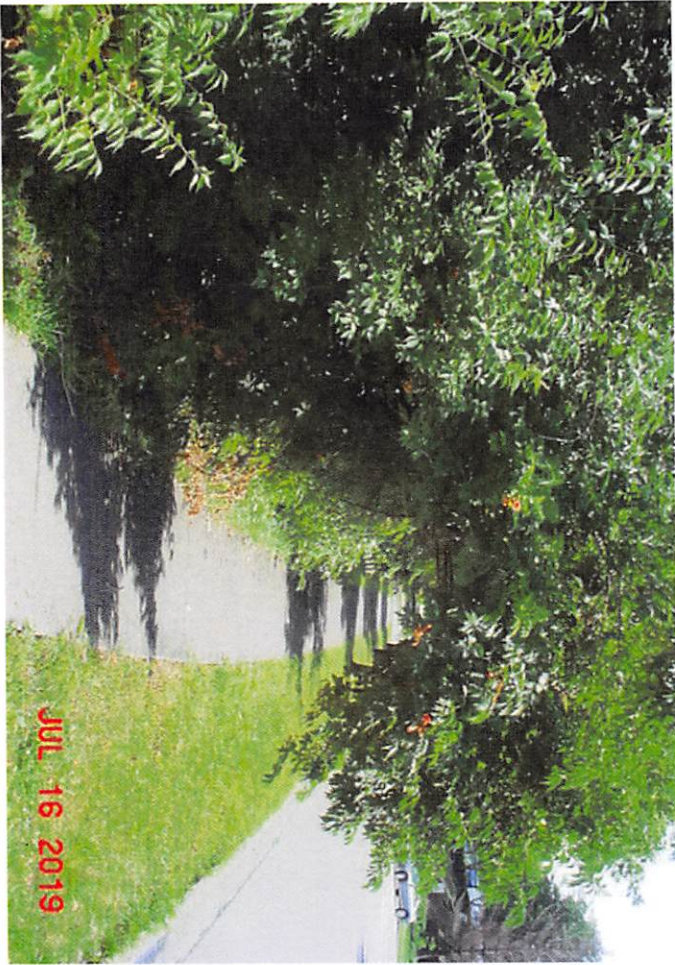


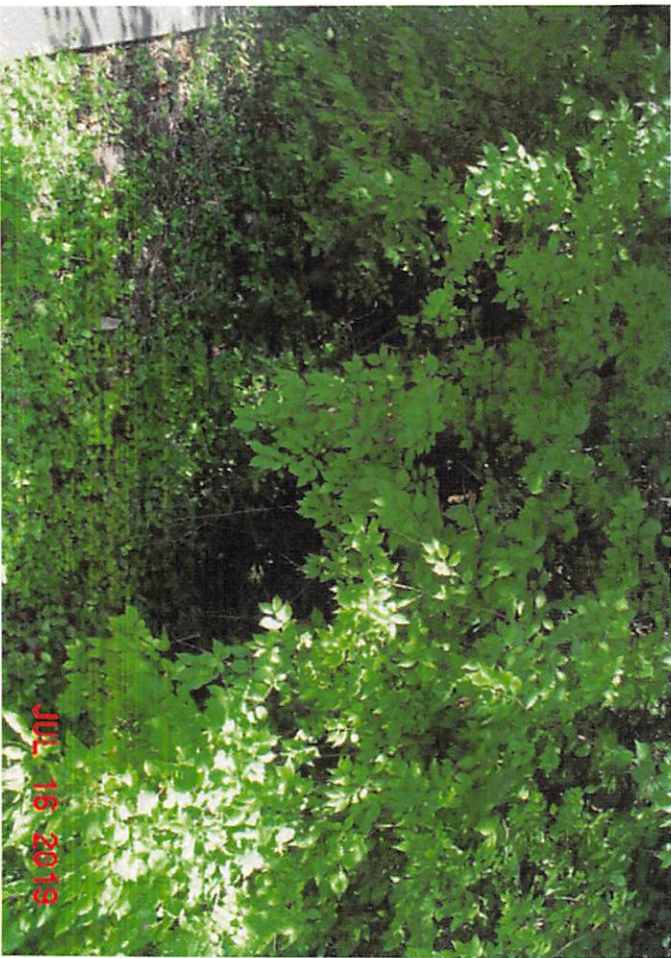
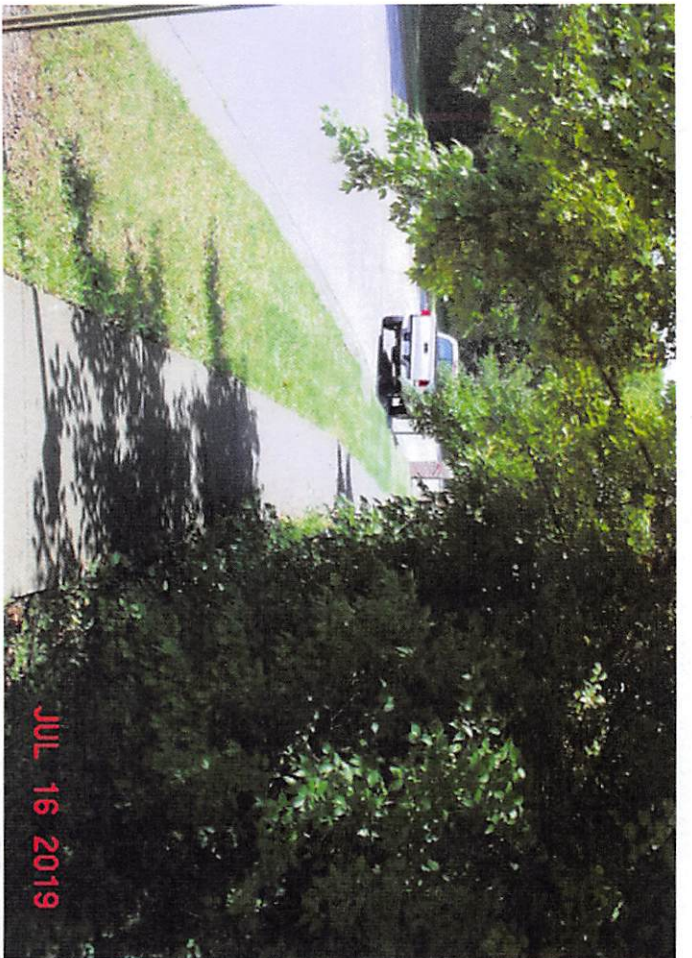
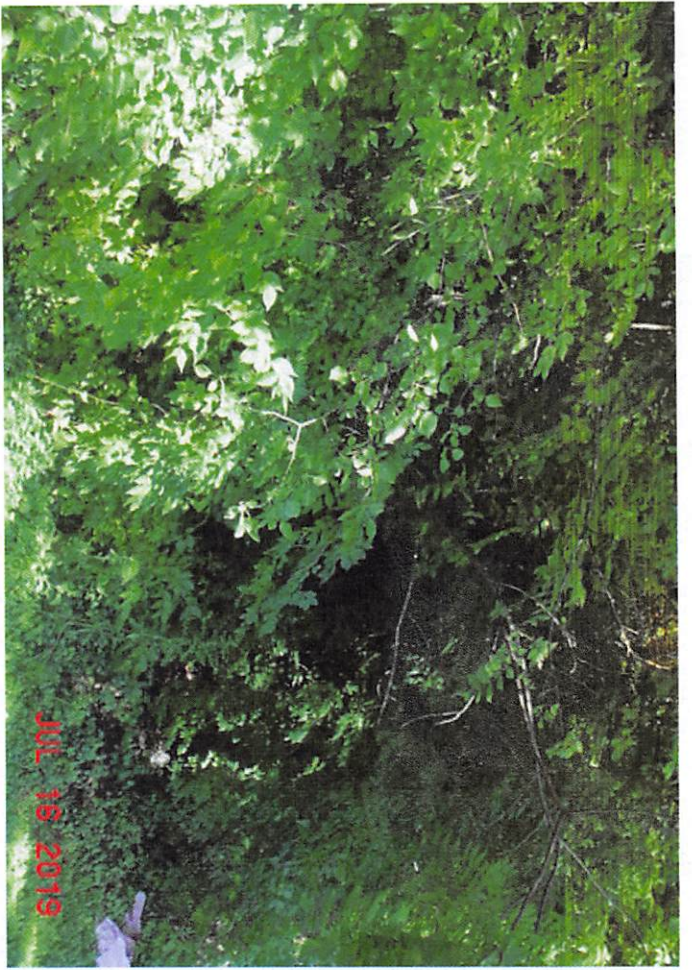
JUL 16 2019

3801 WOSTON RD

tabbles®  
EXHIBIT  
CE #1

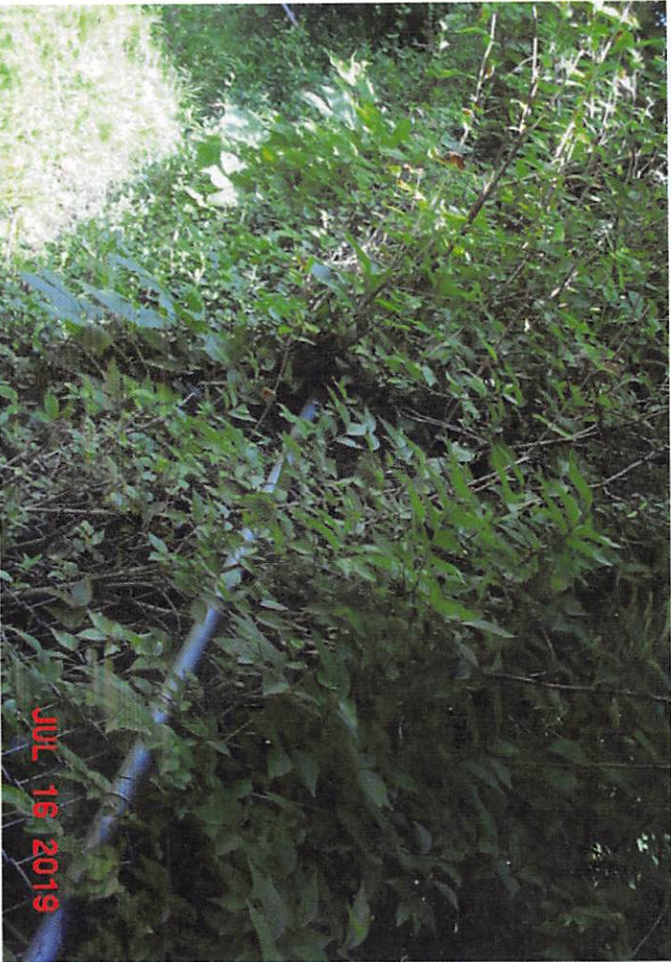
3881 WOSTON RD





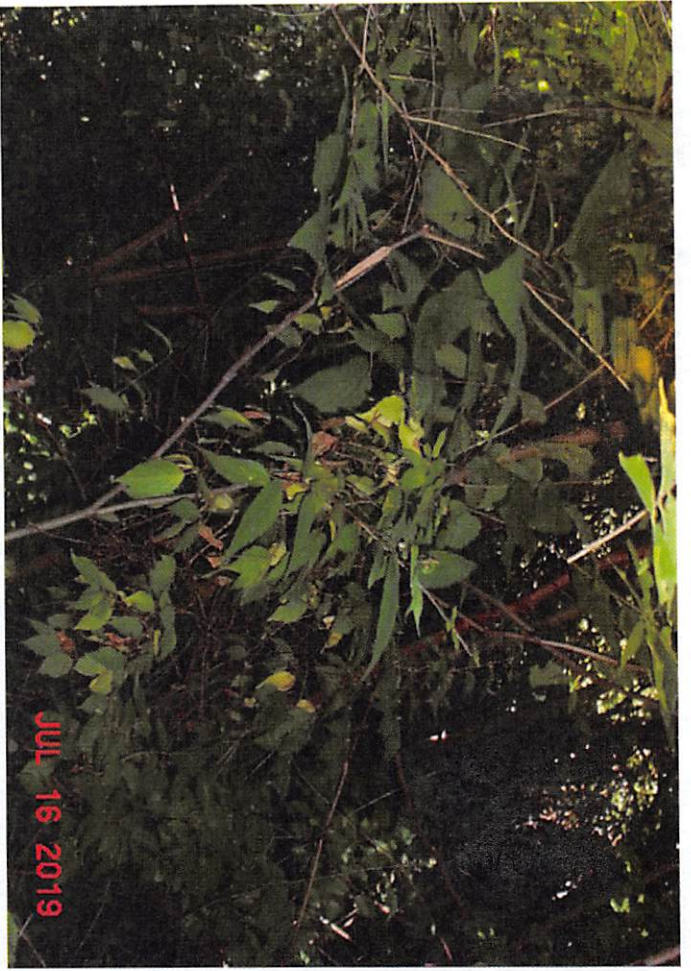
3801 BOSTON RD

3801 BOSTON RD





3801 BOSTON RD



## Gerry Hamilton

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**From:** Lee Steele  
**Sent:** Monday, June 10, 2019 12:18 PM  
**To:** Alex Olszowy; Matt Miniard  
**Cc:** Gerry Hamilton; Demetria Kimball; Susan L Plueger; Koyuki King  
**Subject:** Re: test

Got it. Lee

Oliver Lee Steele  
Code Enforcement Supervisor  
859-983-0459

On Mon, Jun 10, 2019 at 11:59 AM -0400, "Alex Olszowy" <[alexo@lexingtonky.gov](mailto:alexo@lexingtonky.gov)> wrote:

Mr. Miniard,

In discussions with the Division of Environmental Services, a greenspace buffer next to developed property and rights of way is between 8-10 feet around the perimeter of the property, it does not require the removal of trees, mowing is a typical way to maintain the buffer, when it is accessible for equipment. In the buffer there shall be no noxious weeds, invasive species, shrubs, or grasses over 10 inches tall. Other areas due to steep slopes and have to be maintained with weed eaters and other hand operated equipment. The Division of Code Enforcement has decided that on a large parcel of land, is not practical to assume it can be maintained like a developed lot. So it will use the Environmental Services guidelines for greenspaces as the minimum standard of care on tracts of land deemed to qualify by a determination between Code Enforcement and Environmental Services. The parcel known as 3801 Boston Road will be treated as a greenspace, and the maintaining of a buffer will be deemed to be in compliance with Section 12 of the Code of Ordinances, for the purpose of not creating a public nuisance.

As to the matter of your request to reschedule your appeal hearing, we have confirmed you have a conflict with the Perry District Court on June 27, 2019, you will be notified of a new hearing date in the near future.

**Alex C. Olszowy III**

*Director*  
Code Enforcement

859.258.3271 office  
859.797.9174 cell  
[lexingtonky.gov](http://lexingtonky.gov)



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**From:** Matt Miniard <[mminiard@windstream.net](mailto:mminiard@windstream.net)>  
**Sent:** Monday, June 10, 2019 10:39 AM  
**To:** Alex Olszowy <[alexo@lexingtonky.gov](mailto:alexo@lexingtonky.gov)>  
**Subject:** RE: test

[EXTERNAL] Use caution before clicking links and/or opening attachments.

Alex

So let's be clear on mowing 3801 Boston road, 8" feet right all the way around the exterior property line correct

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**From:** Alex Olszowy [mailto:alexo@lexingtonky.gov]

**Sent:** Monday, June 10, 2019 10:21 AM

**To:** mminiard@windstream.net

**Subject:** test

**Alex C. Olszowy III**

*Director*

Code Enforcement

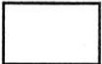
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