

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

Date of Hearing: 07/16/2019

Hearing Officer: GERALD ROSS

Case number: 329879

Address: 500 HOLLOW CREEK RD.

Owner: CABALLO CROSSING I LLC

Present/Not Present POA

Person Representing Property Owner: _____

Armando Chavez
Sylvia Garten (prop. mgr)

Legal Standing: P.O.A.

Issuance Date of Civil Penalty: 05/30/2019

Case Officer: JODY WHITAKER

Housing with \$ 700.00 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: 53 Violations
and NO Fire Loss INSPECTION REPORT

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Case number: 329879

Address: 500 HOLLOW CREEK RD.

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Non Compliance with instructions for fire inspection - No repairs in effect as of today

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ 700⁰⁰. 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

Date

**DIVISION OF CODE ENFORCEMENT**
Issuance of Citation (Housing Violation)**CABALLO CROSSING I LLC
1473 S 4TH ST
LOUISVILLE, KY 40208****Date & Time of Issuance:** May 30, 2019, at 9:35 AM
Compliance Due Date: June 29, 2019
Case Number: 329879**RE: 500 HOLLOW CREEK RD, 43, aka 500 HOLLOW CREEK RD, Lexington, KY 40511**

On **April 25, 2019 at 12:34 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 **May 30, 2019 at 9:35 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 **53** 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 \$700.** 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:

No contact from owner and no fire loss inspection permit from building inspection as requested on Original Notice





A handwritten signature in blue ink that reads "Jody Whitaker".

Jody Whitaker
Code Enforcement Officer

Phone
(859) 576-3849

E-Mail Address
jwhitaker@lexingtonky.gov



DENTON FLOYD
REAL ESTATE GROUP

July 10, 2019

To Whom It May Concern,

I, Thomas Floyd hereby give Armando Chavez the power of attorney to represent me for the following cases on July 16,2019.

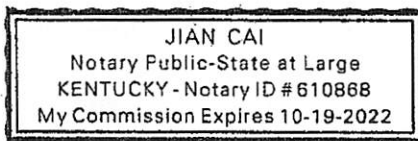
Case #329879

Should you have any questions, please feel free to contact me at 502-339-0611

Sincerely,



Thomas Floyd



DENTON FLOYD
REAL ESTATE GROUP

July 10, 2019

To Whom It May Concern,

I, Thomas Floyd hereby give Armando Chavez the power of attorney to represent me for the following cases on July 16,2019.

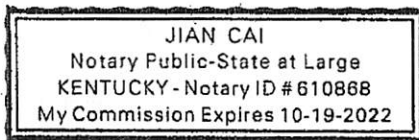
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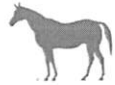
Should you have any questions, please feel free to contact me at 502-339-0611

Sincerely,



Thomas Floyd





DIVISION OF CODE ENFORCEMENT
Notice of Condemnation and Violation

CABALLO CROSSING I LLC
1473 S 4TH ST
LOUISVILLE, KY 40208

Date & Time of Issuance: April 25, 2019, at 12:34 PM
Compliance Due Date: May 25, 2019
Case Number: 329879

RE: 500 HOLLOW CREEK RD, 43, aka 500 HOLLOW CREEK RD, Lexington, KY 40511

On April 25, 2019 at 12:34 PM, I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances. The inspection revealed violations which must be corrected in order to maintain acceptable standards of health and safety. This non-appealable notice serves as formal notification of the inspection, the condemnation, and the cited violations.

Once the violations which led to this condemnation are corrected, re-inspected and approved by this division, the condemnation may be lifted. The structure unit has been found to be in whole or in part to be unlawful because:

FINDINGS:

	Violation	Code	References
1	The structure/unit is unfit for human occupancy or use in that it has been found to be unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains filth and contamination o	Structure/Unit Unsafe for Human Occupancy	
2	THE FIRE DAMAGED PORTIONS(S) OF THE STRUCTURE MUST UNDERGO A FIRE LOSS INSPECTION BY THE DIVISION OF BUILDING INSPECTION IN ORDER TO DETERMINE WHICH BUILDING ELEMENTS MAY OR MAY NOT BE REUSED PRIOR TO BEGINNING REPAIRS.	Ad103 - Fire Loss Inspc	PM [A] 105.4, 108.1.5(6), 304.1.1
3	PROVIDE HANDRAILS FOR ALL WALKING SURFACES AND STAIRS THAT ARE MORE THAN 30 INCHES IN HEIGHT. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1-1/2 INCH. HANDRAILS DIAMETER SHALL MEET THE REQUIREMENTS OF KENTUCKY BUILDING CODES.	Dck105 - Rails Provide	PM 304.1, 304.1.1(12), 304.10, 304.12, 307.1; KRC 311.7.8.3; KBC 1012.3
4	REPAIR/REPLACE ANY GUARDRAILS, HANDRAILS/BALUSTRADES/GUARDS/SPINDLES WHERE ROTTED, LOOSE, BROKEN, MISSING OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Dck106 - Rails Repair	PM 304.1, 304.1.1(12), 304.10, 304.12, 307.1; KRC 311.7.8.3; KBC 1012.3





5	REPAIR OR REPLACE ANY COLUMNS ON THE PORCH/DECK/BALCONY WHERE ROTTED, BROKEN, LOOSE, MISSING OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Dck107 - Columns Repair	PM 304.1, 304.1.1(12), 304.10, 306.1.1
6	REPAIR OR REPLACE ANY CEILINGS ON THE PORCH/DECK/BALCONY WHERE ROTTED, WATER DAMAGED, LOOSE, MISSING OR OTHERWISE DETERIORATED.	Dck108 - Prch Clg Repair	PM 304.1 ,304.2, 304.10
7	PREPARE AND PAINT ALL PREVIOUSLY PAINTED RAILINGS, BALUSTRADES, SPINDLES/GUARDS, WHERE PEELING OR UNSIGHTLY OR WHEN NEEDED TO PROTECT MATERIAL.	Dck111 - Paint Rails	PM 304.1, 304.2
8	PREPARE AND PAINT ALL PREVIOUSLY PAINTED COLUMNS, WHERE PEELING OR UNSIGHTLY OR WHEN NEEDED TO PROTECT MATERIAL.	Dck112 - Paint Clms	PM 304.1, 304.2
9	PREPARE AND PAINT ALL PREVIOUSLY PAINTED CEILINGS WHERE PEELING OR UNSIGHTLY OR WHEN NEEDED TO PROTECT MATERIAL.	Dck113 - Paint Clgs	PM 304.1, 304.2
10	REPAIR OR REPLACE DOOR CASINGS, FRAMES, DOOR SILLS AND THRESHOLDS WHERE MISSING, BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED.	Drs101 - Door Trim Rpr	PM 304.13, 304.15
11	REPAIR OR REPLACE DOORS WHERE BROKEN, ROTTED, CRACKED, OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. REPLACEMENT DOORS SHALL BE SUITED FOR THE APPLICATION AND SHALL BE OF MATERIAL DESIGNED FOR THE INSTALLATION.	Drs102 - Door Repair	PM 304.13, 304.15
12	REPLACE ALL BROKEN DOOR GLASS.	Drs103 - Door Glass	PM 304.13.1
13	PAINT, CAULK, AND GLAZE ALL EXTERIOR DOORS AND DOOR TRIM AS NEEDED.	Drs104 - Door Caulk	PM 304.1, 304.2
14	MAINTAIN ALL EXTERIOR DOORS IN AN OPENABLE, WEATHERTIGHT CONDITION, CAPABLE OF BEING LOCKED AND SECURED.	Drs105 - Door Openable	PM 304.13, 304.18
15	REPAIR OR REPLACE DOOR KNOBS, LOCKS, AND OTHER HARDWARE WHERE BROKEN, DAMAGED, OR MISSING. MEANS OF EGRESS DOORS SHALL BE READILY OPENABLE FROM THE SIDE FROM WHICH EGRESS IS TO BE MADE WITHOUT THE NEED FOR KEYS, SPECIAL KNOWLEDGE OR EFFORT.	Drs106 - Door Hardware	PM 304.15, 304.18, 305.6
16	REPAIR OR REPLACE ANY INTERIOR DOORS, DOOR FRAMES, OR TRIM WHERE BROKEN, WARPED BY STRUCTURAL MOVEMENT, ROTTED, OR OTHERWISE DAMAGED.	Drs108 - Door Int Trim R	PM 305.1, 305.6
17	REPAIR OR REPLACE ANY INTERIOR DOOR HARDWARE WHERE BROKEN, LOOSE, MISSING, INOPERATIVE, OR OTHERWISE INCAPABLE OF PERFORMING THE INTENDED FUNCTIONS.	Drs109 - Door Int Hrdwr	PM 305.1, 305.6





18	PREPARE AND PAINT ANY INTERIOR DOORS, DOOR FRAMES, OR TRIM WHERE PEELING, UNSANITARY, OR OTHERWISE IN NEED OF FINISH COATING.	Drs110 - Door Int Paint	PM 305.1, 305.3
19	REPAIR OR REPLACE ANY ELECTRICAL EQUIPMENT WHERE IMPROPERLY FUNCTIONING, INSTALLED, OR MAINTAINED.	Egn101 - Elec Equip Fix	PM 601.2, 604.3, 605.1
20	REPLACE ANY ELECTRICAL WIRING WHERE WORN, CORRODED, FRAYED, DAMAGED, OR OTHERWISE DETERIORATED.	Egn103 - Wiring Repair	PM 601.2, 604.3, 605.1
21	REPAIR OR REPLACE ALL LOOSE, BROKEN, OR MISSING LIGHT FIXTURE COVERS.	Egn111 - Fix Covers	PM 601.2, 604.3, 605.1
22	PREPARE AND REPAINT PREVIOUSLY PAINTED MASONRY WALLS WHERE PEELING OR UNSIGHTLY.	Env104 - Masonry Paint	PM 304.2
23	REPLACE ALL WALL-FRAMING TIMBERS DAMAGED BY ROT, WATER, INSECTS, OR FIRE, INCLUDING SILLS, BANDS, STUDS, AND PLATES. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Env105 - Wall Frm Dam	PM 304.1, 306.1, 306.1.1(6)
24	REPAIR OR REPLACE ALL WALL-FRAMING TIMBERS AND RELATED COMPONENTS THAT ARE LEANING, STRUCTURALLY DAMAGED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Env106 - Wall Frm Struct	PM 304.1, 306.1, 306.1.1(6)
25	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.	Env107 - Siding Damage	PM 304.2, 304.6
26	ALL SERVICE WIRING INCLUDING BUT NOT LIMITED TO ELECTRICAL, CABLE AND PHONE MUST BE PROPERLY INSTALLED AND ATTACHED TO STRUCTURE.	Esv104 - Wiring Install	PM 601.2, 605.1
27	REPAIR/REMOVE ALL FENCES/WALLS IN AN UNSOUND CONDITION. REPAINT WHERE PEELING OR UNSIGHTLY. STRUCTURAL REPAIRS TO RETENTION WALLS MORE THAN 48 INCHES IN HEIGHT MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Ext108 - Fence Repair	PM 302.7; KBC 105.2 (4); KRC 105.2 (3)
28	REPAIR/REPLACE FLOOR JOISTS, GIRDERS, SILL PLATES OR OTHER FRAMING WHERE ROTTED, BROKEN, DAMAGED OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Flr101 - Flr Framing	PM 305.1.1, 305.2, 306.1.1(6)
29	REPAIR OR REPLACE ANY SUBFLOORING WHERE ROTTED, BROKEN, DAMAGED, SAGGING, MISSING, OR OTHERWISE DETERIORATED.	Flr102 - Subfloor	PM 305.1, 305.4
30	REPAIR OR REPLACE THE FINISH FLOORING WHERE BROKEN, DAMAGED, BUCKLED, WARPED, UNSANITARY, UNEVEN, OR OTHERWISE DETERIORATED.	Flr103 - Finish Floor	PM 305.1, 305.4, 603.1.1(6)





31	REMOVE ALL CONTAMINATED OR SEVERELY DETERIORATED FLOOR COVERING AND PADDING, REPLACE WITH NEW FINISH FLOORING. WHERE CONTAMINATION IS CAUSED BY SEWAGE ALL AREAS MUST BE TREATED IN KEEPING WITH HEALTH DEPARTMENT GUIDELINES.	Flr104 - Floor Covering	PM 305.1, 305.4, 603.1.1(6)
32	EVERY TOILET ROOM FLOOR SHALL BE MAINTAINED TO BE A SMOOTH, HARD, NONABSORBENT SURFACE TO PERMIT SUCH FLOOR TO BE EASILY KEPT IN A CLEAN AND SANITARY CONDITION.	Flr106 - Bath Floor	PM 305.1, 503.4
33	PROVIDE A SMOKE DETECTOR IN THE VICINITY OUTSIDE OF EACH ROOM USED FOR SLEEPING PURPOSES, AND EACH STORY WHICH WHEN ACTIVATED, WILL PROVIDE AN ALARM SUITABLE TO WARN ALL OCCUPANTS WITHIN THE UNIT OR ROOM.	Fs105 - S/D Sleeping	PM 704.2
34	REPAIR OR REPLACE ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE ROTTED, DAMAGED, MISSING, LOOSE NOT PROPERLY ANCHORED.	Gut109 - Ext Trim Repair	PM 304.1, 304.1.1(10)
35	PAINT OR CLEAN ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE PEELING OR UNSIGHTLY.	Gut110 - Ext Trim Paint	PM 304.1, 304.8
36	REPAIR/REPLACE THE FURNACE/HEATING EQUIPMENT WHERE DAMAGED, INOPERATIVE, MALFUNCTIONING, OR OTHERWISE IN NEED OF MAINTENANCE. SPACE HEATERS MAY NOT BE USED AS THE PRIMARY HEAT SOURCE AND MUST IN ACCORDANCE WITH THE MANUFACTURES INSTRUCTIONS.	Hvc101 - HVAC Damage	PM 601.2, 602.2, 603.1
37	PLUMBING INSTALLATIONS MUST BE CONDUCTED BY A LICENSED PLUMBER UNDER A PLUMBING PERMIT FROM THE DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION. A RECEIPT/INVOICE FROM A CERTIFIED AND LICENSED PLUMBER SHALL BE SUBMITTED TO THIS OFFICE.	Pro103 - Plumber Req	PM 102.3; KBC 101.4.4; KRC 102.8
38	THE HVAC SYSTEM MUST BE REPLACED OR REPAIRED BY A LICENSED HVAC CONTRACTOR AND INSPECTED AND APPROVED BY THE DIVISION OF BUILDING INSPECTION.	Pro104 - HVAC Cont. Req	PM 102.3; KBC 101.4.3; KRC 101.6
39	THE ELECTRICAL SYSTEM IS UNSAFE/FAULTY AND/OR UNDERSIZED. HAVE THE SYSTEM INSPECTED, REPAIRED AND/OR UPGRADED BY A CERTIFIED, LICENSED ELECTRICIAN UNDER AN APPROPRIATE PERMIT.	Pro105 - Electrician Req.	PM 102.3; KBC 101.4.1; KRC 102.9
40	REPAIR OR REPLACE ROOF RAFTERS WHERE ROTTED, BROKEN, DAMAGED, BOWED, MISSING OR OTHERWISE DETERIORATED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Rof101 - Rafters Damage	PM 304.1, 304.1.1, 304.4, 306.1.1
41	REPAIR OR REPLACE ROOF SHEATHING WHERE ROTTED, BROKEN, DAMAGED, SAGGING, MISSING OR OTHERWISE	Rof102 - Sheathing	PM 304.1, 304.1.1, 304.4,





	DETERIORATING. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Damag	306.1.1
42	REPLACE ROOF COVERING WHERE LEAKING, ROTTED, WORN, DAMAGED, MISSING OR OTHERWISE DETERIORATED WITH NEW COVERING MATCHING EXISTING MATERIAL AS CLOSELY AS IS REASONABLE. NO MORE THAN 2 LAYERS OF ANY TYPE OF ROOF COVERING IS ALLOWED.	Rof103 - Covering Damage	PM 304.1, 3.4.1.1(8), 304.7; KRC 907.3; KBC 1510.3
43	REPAIR OR REPLACE ROOF FLASHING WHERE WORN, DAMAGED, MISSING OR OTHERWISE DETERIORATED AND PERFORMING ITS INTENDED FUNCTION.	Rof104 - Flashing Damage	PM 304.1, 3.4.1.1(8), 304.7
44	REPAIR OR REPLACE ALL PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, HAS HOLES, CRACKED OR OTHERWISE DETERIORATED.	Wal101 - Drywall Repair	PM 305.1, 305.3
45	PREPARE AND PAINT ALL PLASTER OR DRYWALL OR TRIM, WHERE PEELING, UNSANITARY, UNPAINTED, HAS SURFACE MILDEW, OR OTHERWISE IN NEED OF FINISH COATING.	Wal104 - Drywall Paint	PM 305.1, 305.3
46	REPAIR OR REPLACE ALL DECORATIVE TRIM, MOLDINGS WHERE LOOSE, (SPACE) ROTTED, BROKEN, MISSING, PEELING, OR OTHERWISE DETERIORATED.	Wal107 - Moldings	PM 305.1, 305.3
47	REPLACE ALL BROKEN WINDOW GLASS.	Win101 - Wndw Glass	PM 304.13, 304.13.1
48	MAINTAIN ALL WINDOWS IN AN OPENABLE WEATHERTIGHT CONDITION, CAPABLE OF BEING LOCKED AND SECURED. REPAIR OR REPLACE DAMAGED, MISSING OR OTHERWISE INOPERABLE WINDOW LOCKS AND ASSOCIATED WINDOW HARDWARE.	Win102 - Wndw Openable	Pm 304.13, 304.13.2, 304.18
49	REPAIR OR REPLACE WINDOW CASINGS, MOLDINGS, JAMS, FRAMES, SILL AND TRIM WHERE BROKEN, ROTTEN, CRACKED, OR OTHERWISE DETERIORATED.	Win105 - Wndw Trim	PM 304.13, 305.3
50	PAINT, CAULK, AND GLAZE ALL EXTERIOR WINDOWS AND WINDOW TRIM AS NEEDED.	Win106 - Wndw Ext Caulk	PM 304.2, 304.13, 304.13.1
51	REPAIR/REPLACE LADDERS, STAIRS, TREADS, RISERS, AND RELATED COMPONENTS WHERE BROKEN, MISSING, LOOSE, OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Sta101 - Repair Stairs	PM 304.1, 304.1.1, 304.4, 306.1.1, 304.4, 304.10, 304.12, 306.1.1
52	REPAIR/REPLACE GUARDRAILS/GUARDS/BALUSTERS & HANDRAILS AND RELATED COMPONENTS, WHERE BROKEN, LOOSE, MISSING OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Sta102 - Stair Rails Rpr	PM 304.1, 304.1.1, 304.4, 306.1.1, 304.4, 304.10, 304.12, 306.1.1
53	PREPARE AND PAINT STAIRS, HANDRAILS AND GUARDS WHERE PEELING, FLAKING, RUSTED, OXIDIZED, CHIPPING OR WHEN NEEDED TO PROTECT FROM THE ELEMENTS.	Sta104 - Paint Rails	PM 304.1, 304.2, 305.1, 305.3, 305.4





You being the owner are hereby given notice that the structure/unit has been condemned and you must:

Repair this Structure within Thirty (30) Days

Inspection Comments:

This notice is for units 43 through 60. Must obtain fire loss inspection permit from the Division of Building Inspection within first 30 days. Extension of time will be granted after fire loss inspection has been obtained.





Notice of Condemnation and Violation
Guidelines and Assistance Information

If you are unsure as to what violations have placed your structure/unit into a condemned status, you should contact the indicated Case Officer or the Division of Code Enforcement immediately for clarification purposes.

The condemnation status will remain in place until those specific violations which caused the structure/unit to be condemned are corrected, re-inspected and approved by the Division of Code Enforcement. Once the condemnation has been lifted the structure/unit may be occupied again.

While under condemnation, no person and no animal is permitted to occupy the structure/unit. Only those persons who are actively repairing the violations may be present and their work must occur between the hours of 7:00am EDT and 10:00pm EDT. The presence of person or any animal in the structure/unit outside the indicated criteria, without approval from the Division of Code Enforcement Officer, will be deemed as a failure to comply with this notice and may result in the issuance of civil penalties in the amount of \$250.00 per day of violation and/or criminal prosecution of the involved parties for violating Kentucky Revised Statute 511.080 (Criminal Trespass in the Third Degree) regardless of their intent or relationship to the property.

1. Failure to correct cited violations, in a professional manner consistent with industry standards, within 60 days of the above indicated "Date of Issuance", may result in the placement of civil penalties and/or liens on the structure/unit. Per ordinance, penalties can range from \$100.00 to \$2,500.00 and are cumulative. Depending on the severity of the violations, civil penalties may be issued daily.
2. All vacant structures/units must be kept properly secured against unauthorized entry at all times. Failure to maintain the structure secured against unauthorized entry may result in this office taking actions to secure the structure/unit and all cost related to this action being invoiced to the owner. Securing a structure/unit by boarding is a temporary measure that provides the owner time to make needed repairs. Repairs shall be completed and boards removed before the indicated **compliance due date** or civil penalties may be assessed.
3. You may be granted an extension of time upon the SUBMITTAL and APPROVAL of a compliance schedule. The schedule outlines what work needs to be done and a reasonable time frame related to the completion for each stage of the repairs. The schedule must be submitted for review and approved before the 60 days expires. All repairs made to the structure/unit must be done in a professional manner consistent with industry standards and with materials designed and approved for such repairs. Failure to follow these guidelines may result in the repairs not being approved and still being considered in violation of ordinance. (Your Code Enforcement Officer can provide you a blank compliance schedule upon request.)
4. If this property is located in a locally designated historic district you are required to contact the Office of Historic Preservation at (859) 258-3265 before beginning exterior repairs.

Continued Next Page...





- 5. **For any fire damaged structures/units;** prior to beginning repairs, all fire damaged portions of any structure must undergo a fire loss inspection by the Division of Building Inspection (859-258-3770), in order to determine which building elements may or may not be reused.

- 6. If the cited violations are/were located in the interior/inside of the structure, then it will be the owner's responsibility to contact the case officer before the indicated time frame has expired and make arrangements to meet on-site to review any repairs that have been made. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of avoidable civil penalties.

- 7. As required by the Kentucky Uniform State Building Code; repairs, corrections, maintenance work, alterations, or installations that require the cutting away or installation of any structural element must be conducted under a permit from the Division of Building Inspection, 2nd floor, 101 East Vine Street, Suite 200 (859-258-3770). All plumbing installations must be performed under the appropriate permit from the Kentucky Department of Housing, Buildings & Construction (502-573-0365), and must be inspected and approved by the same. All electrical installations must be performed under the appropriate permit from the Division of Building Inspection and must be inspected and approved by Commonwealth Inspection Bureau (859) 263-7800.

- 8. You may qualify for financial assistance. If you feel you need assistance in complying with this notice, please contact your Code Enforcement Officer or visit the LFUCG website for information on assistance programs. You may also contact the Division of Grants and Special Programs at (859) 258-3070 to see if you qualify for the Community Wide Housing Rehabilitation Program.

- 9. It shall be unlawful to dispose of said structure/unit to another person or entity until all violations have been abated/corrected, inspected and approved by this office. In lieu of making repairs, a signed and notarized statement from the new or prospective owner acknowledging the violations and accepting responsibility, without condition, for making the required repairs will be acceptable. (Your Code Enforcement Officer can provide you a Transfer of Ownership form upon request.)

Please contact me if you have any questions or concerns regarding this condemnation. 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.

Jody Whitaker Code Enforcement Officer	Phone (859) 576-3849	E-Mail Address jwhitaker@lexingtonky.gov
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When a Permit is required

Kentucky Building Code 105.2.2 Repairs; Kentucky Residential Code 105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, ... Such repairs shall not include the cutting away or any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, ...

Any portion(s) of the structure(s) cited, as detailed in the Notice of Violation, that are structurally unsafe due to substandard construction, or have been rebuilt, altered or changed and/or are in such a state of deterioration or disrepair and/or are being or have been constructed without the required permit(s) they shall be repaired/replaced to ensure compliance with the applicable building code.

As required by the statewide mandatory Kentucky Building Code (815 KAR 7:120), When repairs shall include the cutting away or any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress they must be conducted under a permit from the Division of Building Inspection.

NO WORK SHALL BEGAIN BEFORE ANY REQUIRED PERMIT IS OBTAINED.

Repairs conducted under a permit from the Division of Building Inspection must be inspected and approved by the Division of Building Inspection. A permit does not constitute an extension; request for extensions must be submitted in writing to the Division of Code Enforcement and must be approved.

Application for Building Permit can be made at:

The Division of Building Inspection
101 East Vine Street, Suite 200
Lexington, KY 40507
(859) 258-3770

Or on line at: <http://www.lexingtonky.gov/index.aspx?page=3465>

You must schedule a Plan Review meeting with the Division of Building Inspection and inform your Code Enforcement Officer. The Building Permit will not be issued without the Code Enforcement Officer being present.





Rebuild/New Construction

- 1) Completed permit application form
- 2) Detailed plans on no smaller than a 8 ½ X 11 paper minimum –must include:
 - a. Plat (Plat can be obtained from Fayette County Clerk’s Office 162 Main Street)
 - b. Site Plan showing dimensions of lot and setbacks from property lines of all existing and planned construction.
 - c. Foundation Plan
 - d. Framing plan and wall section detailing design and showing all framing member and fastener sizes
 - e. Front side and Rear elevations

Repair:

- 1) Framing plan and wall section detailing design and showing all framing members, fasteners and fastener sizes.





Citizen Portal Q Search + New Schedule City Departments

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Home Building Inspection Engineering Planning Waste Management

Search Applications Schedule an Inspection

Record BLD-CREM-18-00445: Commercial Remodel Permit Record Status: Issued File Date: 12/16/2019

Record Info Payments Custom Component

Record Details

Applicant:

Organization Denton Floyd Management 522 Hollow Creek Rd Lexington, KY, 40511 Work Phone:8592992676 Mobile Phone:8599407909 achavez@dentonfloyd.com

Licensed Professional:

BRANDON DENTON DF DEVELOPMENT LLC 1473 S 4TH ST LOUISVILLE, KY, 40208 Mobile Phone:5023390611 General Contractor 17858

Project Description:

Caballo Crossing Apartment Remodel PENALTY FEE NEEDS TO BE ADDED remodel of 5 apartment bldgs

Owner:

CABALLO CROSSING I LLC 1473 S 4TH ST LOUISVILLE KY 40208

More Details

LEXINGTONKY.GOV

- Government Jobs and Contracts Licensing and Permits Recreation

SERVICES

- LexCall 311 LexServ Traffic updates Trash & Recycling

GET IN TOUCH

200 East Main Street Lexington, Kentucky 40507 (859) 425-2255

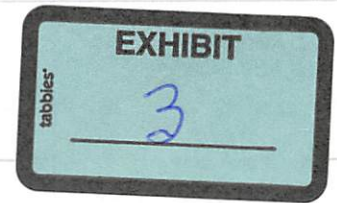
[Public Safety](#)

[Contact](#)

[Utilities and Streets](#)

[Provide feedback](#)

[Terms of use](#)

Caballo Crossing I, LLC**General Information**

Organization Number 1001499
Name Caballo Crossing I, LLC
Profit or Non-Profit P - Profit
Company Type KLC - Kentucky Limited Liability Company
Status A - Active
Standing G - Good
State KY
Country USA
File Date 11/3/2017 1:47:20 PM
Organization Date 11/3/2017
Last Annual Report 6/11/2019
Principal Office 1024 SOUTH 3RD STREET
 LOUISVILLE, KY 40203
Managed By Managers
Registered Agent DANIEL M WALTER
 734 W MAIN STREET
 SUITE 200
 LOUISVILLE, KY 40202

Current Officers

Member [Daniel M Walter](#)

Individuals / Entities listed at time of formation

Organizer [Thomas J Floyd](#)
Registered Agent [Daniel M Walter](#)

Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Registered Agent name/address change	6/18/2019 2:14:03 PM	1 page	PDF
Principal Office Address Change	6/11/2019 4:22:44 PM	1 page	PDF
Annual Report	6/11/2019	1 page	PDF
Annual Report	6/20/2018	1 page	PDF
Articles of Organization	11/3/2017 1:47:21 PM	1 page	PDF

Assumed Names**Activity History**

Filing	File Date	Effective Date	Org. Referenced
Registered agent address change	6/18/2019	6/18/2019	

	2:14:03 PM	2:14:03 PM
Annual report	6/11/2019	6/11/2019
	4:23:50 PM	4:23:50 PM
Principal office change	6/11/2019	6/11/2019
	4:22:44 PM	4:22:44 PM
Annual report	6/20/2018	6/20/2018
	4:07:48 PM	4:07:48 PM
Add	11/3/2017	11/3/2017
	1:47:20 PM	1:47:20 PM

Microfilmed Images

DF Development, LLC**General Information**

Organization Number 0766339
Name DF Development, LLC
Profit or Non-Profit P - Profit
Company Type KLC - Kentucky Limited Liability Company
Status A - Active
Standing G - Good
State KY
File Date 7/6/2010 8:08:09 AM
Organization Date 7/6/2010 8:08:09 AM
Last Annual Report 6/11/2019
Principal Office 1024 SOUTH 3RD STREET
 LOUISVILLE, KY 40203
Managed By Managers
Registered Agent DANIEL M. WALTER
 401 W. MAIN STREET
 SUITE 1200
 LOUISVILLE, KY 40202

Current Officers

Member [Thomas J Floyd](#)
Member [Adam Brandon Denton](#)

Individuals / Entities listed at time of formation

Organizer [THOMAS J FLOYD](#)

Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Principal Office Address Change	6/11/2019 5:29:19 PM	1 page	PDF	
Annual Report	6/11/2019	1 page	PDF	
Annual Report	6/20/2018	1 page	PDF	
Annual Report	6/19/2017	1 page	PDF	
Amendment	3/15/2017	1 page	tiff	PDF
Registered Agent name/address change	6/23/2016 1:24:46 PM	1 page	PDF	
Annual Report	6/23/2016	1 page	PDF	
Annual Report Amendment	8/12/2015	1 page	PDF	
Annual Report	7/21/2015	1 page	PDF	
Annual Report	5/21/2014	1 page	PDF	
Annual Report	8/13/2013	1 page	PDF	
Annual Report	6/27/2012	1 page	PDF	

Annual Report	7/12/2011	1 page	PDF
Principal Office Address Change	10/27/2010 11:29:51 PM	1 page	PDF
Articles of Organization	7/6/2010 8:08:10 AM	1 page	PDF

Assumed Names

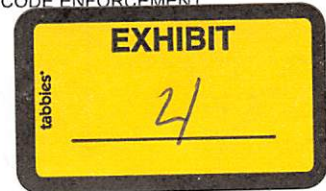
Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	6/11/2019 5:30:58 PM	6/11/2019 5:30:58 PM	
Principal office change	6/11/2019 5:29:19 PM	6/11/2019 5:29:19 PM	
Annual report	6/20/2018 3:21:47 PM	6/20/2018 3:21:47 PM	
Annual report	6/19/2017 4:27:07 PM	6/19/2017 4:27:07 PM	
Amendment - Changed management (LLC)	3/15/2017 11:11:18 AM	3/15/2017	
Annual report	6/23/2016 1:25:37 PM	6/23/2016 1:25:37 PM	
Registered agent address change	6/23/2016 1:24:46 PM	6/23/2016 1:24:46 PM	
Amendment to annual report	8/12/2015 10:48:52 AM	8/12/2015 10:48:52 AM	
Annual report	7/21/2015 2:30:33 PM	7/21/2015 2:30:33 PM	
Annual report	5/21/2014 4:38:57 PM	5/21/2014 4:38:57 PM	
Annual report	8/13/2013 5:10:21 PM	8/13/2013 5:10:21 PM	
Annual report	6/27/2012 4:29:41 PM	6/27/2012 4:29:41 PM	
Annual report	7/12/2011 7:26:06 PM	7/12/2011 7:26:06 PM	
Principal office change	10/27/2010 11:29:51 PM	10/27/2010 11:29:51 PM	
Add	7/6/2010 8:08:09 AM	7/6/2010 8:08:09 AM	

Microfilmed Images



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)



CABALLO CROSSING I LLC
1473 S 4TH ST
LOUISVILLE, KY 40208

Date & Time of Issuance: May 30, 2019, at 9:35 AM
Compliance Due Date: June 29, 2019
Case Number: 329879

RE: 500 HOLLOW CREEK RD, 43, aka 500 HOLLOW CREEK RD, Lexington, KY 40511

On **April 25, 2019 at 12:34 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 **May 30, 2019 at 9:35 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 **53** 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 \$700.** 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:

No contact from owner and no fire loss inspection permit from building inspection as requested on Original Notice





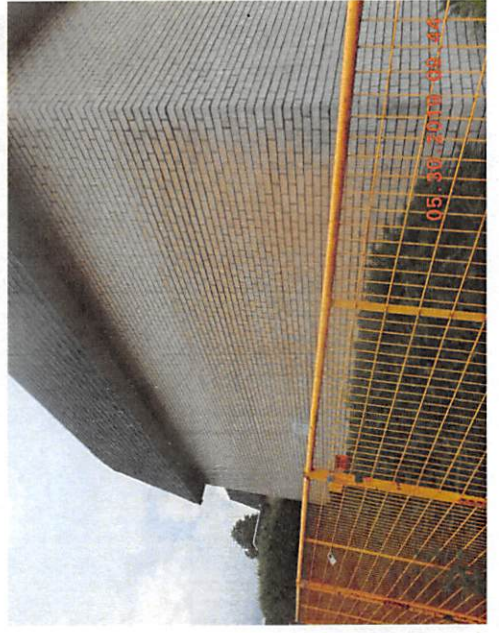
A handwritten signature in black ink that reads "Jody Whitaker".

Jody Whitaker
Code Enforcement Officer

Phone
(859) 576-3849

E-Mail Address
jwhitaker@lexingtonky.gov





DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

CABALLO CROSSING LLC
 1473 S 4TH ST
 LOUISVILLE, KY 40208

RE: 500 HOLLOW CREEK RD, 43, aka 500 HOLLOW CREEK RD, Lexington, KY 40511

On April 25, 2019 at 12:34 PM, the above referenced property was placed under a Not Issuance". Appeals, which would indicate why the citation should be dismissed, may be delivered to the Department of Code Enforcement, C/O Secretary of Administrative Services, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (606) 258-2234. This citation was issued as a result of a housing inspection conducted on the property on May 30, 2019 at 9:35 AM. I conducted a re-inspection of the property and found that repairs/corrections have been completed. The purpose of this document is to formally continued non-compliance and the presence of 53 violation(s) on the property during this citation. If you are being issued a citation, you are being issued a citation for the violation(s) you are being issued a citation for. As established in Chapter 12-1 of the Code of Ordinances, you are being issued a citation for the violation(s) you are being issued a citation for. Our records indicate you have received 1 citation. Issued a citation in the amount of \$700. Our records indicate you have received 1 citation. The property owner may file a written appeal of this action, but must do so within 7 days of the issuance of the citation. Appeals, which would indicate why the citation should be dismissed, may be delivered to the Department of Code Enforcement, C/O Secretary of Administrative Services, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (606) 258-2234. This citation was issued as a result of a housing inspection conducted on the property on May 30, 2019 at 9:35 AM. I conducted a re-inspection of the property and found that repairs/corrections have been completed. The purpose of this document is to formally continued non-compliance and the presence of 53 violation(s) on the property during this citation. If you are being issued a citation, you are being issued a citation for the violation(s) you are being issued a citation for. As established in Chapter 12-1 of the Code of Ordinances, you are being issued a citation for the violation(s) you are being issued a citation for. Our records indicate you have received 1 citation. Issued a citation in the amount of \$700. Our records indicate you have received 1 citation.

05.30.2019 09:43

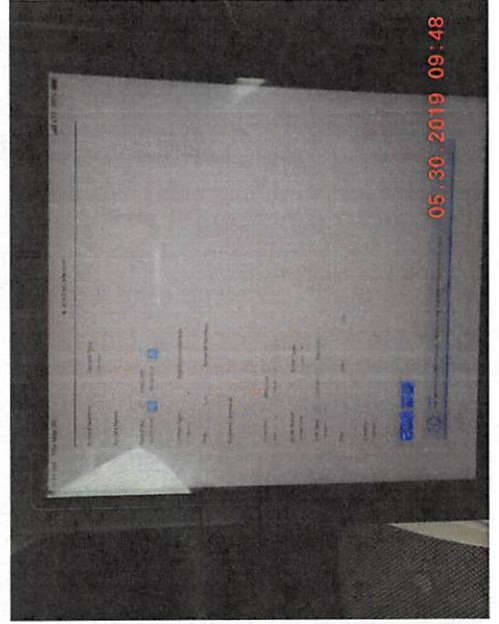


EXHIBIT
5
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