

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

Date of Hearing: 08/27/2019

Hearing Officer: JON HAMPTON

Case number: 292217

Address: 3520 INDIAN SUMMER TRAIL

Owner: MITCHELL D. & TRUDI TOLLE

Present / Not Present

Person Representing Property Owner: Mitchell Tolle

Legal Standing: _____

Issuance Date of Civil Penalty: 06/17/2019

Case Officer: DEBRA PHELPS

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ 500.00 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: Per testimony

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Repaired no objection

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

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Sidewalk Violation)

TOLLE MITCHELL D JR AND TRUDI
3520 INDIAN SUMMER TRL
LEXINGTON, KY 40509

Date & Time of Issuance: June 17, 2019, at 1:51 PM
Compliance Due Date: July 17, 2019
Case Number: 292217

RE: 3520 INDIAN SUMMER TRL, Lexington, KY 40509

On **February 4, 2019 at 2:15 PM**, the above referenced property was placed under a Notice of Violation regarding required replacement and/or repair to an adjacent sidewalk pursuant to Chapter 17-147 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **June 17, 2019 at 1:51 PM**, I conducted a re-inspection of the property and found that the sidewalk was still not in compliance. The purpose of this document is to formally notify you that due to the continued non-compliance during the above indicated "Date of Issuance"; you are being issued a citation. As established in Chapter 17 of the Code of Ordinances you have been issued a citation in the amount of **\$500**. This amount is based on Chapter 17-152 of the Lexington-Fayette Urban County Government Code of Ordinances which states the owner, "may be assessed a civil penalty of ten dollars (\$10.00) per square foot of unrepaired sidewalk panel, up to a maximum civil penalty of five hundred dollars (\$500.00). (118 Square Footage in Violation.)

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 the: 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. As outlined in Chapter 17 of the Code of Ordinances, if the cited replacement/repair is not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties 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:

98 SF not approved. 20 SF was removed. The patching is already cracked and loose.



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

A handwritten signature in blue ink that reads "Debra Phelps".

Debra Phelps

Code Enforcement Officer

Phone

(859) 797-6230

E-Mail Address

dphelps@lexingtonky.gov

