

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

Date of Hearing: 09/17/2019

Hearing Officer: GERALD ROSS

Case number: 241038

Address: 558 ELM TREE LN.

Owner: JOSHUA HOLDINGS LLC

Present / Not Present

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

Christian Tarp

Legal Standing: Owner/CEO

Issuance Date of Civil Penalty: 08/08/2019

Case Officer: JERRY LUCAS

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: 45 original ; 2 repaired

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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<sup>00</sup>. 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**

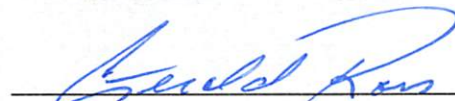
2) Appellant is granted until \_\_\_\_\_ within which to remedy the violations to avoid the assessment of a civil penalty of \$ \_\_\_\_\_. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as 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

9/17/2019  
Date



**DIVISION OF CODE ENFORCEMENT**  
**Issuance of Citation (Housing Violation)**

**JOSHUA HOLDINGS LLC  
PO BOX 861  
LEXINGTON, KY 40588**

**Date & Time of Issuance:** August 8, 2019, at 10:30 AM  
**Compliance Due Date:** September 7, 2019  
**Case Number:** 241038

**RE: 558 ELM TREE LN, Lexington, KY 40508**

On **October 23, 2018 at 3:00 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 **August 8, 2019 at 10:30 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 **45** 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:**





*Jerry B. Lucas*

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**Jerry Lucas**  
Code Enforcement Officer

**Phone**  
(859) 576-3841

**E-Mail Address**  
jlucas@lexingtonky.gov





Lexington Fayette  
Urban County  
Government

# BUILDING PERMIT



Permit Number: BLD-RREM-19-00299  
Issue Date: 08/22/2019  
Permit Type: Residential Remodel  
Project Location: 558 ELM TREE LN, LEXINGTON, KY

Issued To: HOMEOWNER  
PO BOX 861, LEXINGTON, KY 40588

Property Owner: Joshua Holdings Llc  
PO BOX 861, LEXINGTON, KY 40588

Description of Work:

## Special Instructions and/or Conditions:

1. Approved for an interior remodel only. No changes to exterior or floor plan approved.

Failure of this office to note all violations during the review of plans and specifications does not relieve the builder and/or installation contractor of the responsibility for complying with all applicable codes and regulations.

Contractor/Owner is responsible for calling for footing, framing, specialty, and final inspections.

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***This building permit shall be kept on the site of the work until the completion of the project***

***An Approved Set of Plans is On File at the Division of Building Inspection  
101 E. Vine St., Second Floor, Lexington, KY 40507  
And Must be Maintained at the Job Site Throughout the Construction Project***



William Torp

**Loan Approval**

1 message

**Kimberly Noble** <knoble@bankofthebluegrass.com>

Fri, May 31, 2019 at 9:40 AM

To: Christian Torp &lt;joshuaholdingsllc@gmail.com&gt;, William Torp &lt;1fairchild24@gmail.com&gt;

Good Morning,

I presented the loan request to renovate 552 Elm Tree in our Loan Committee yesterday afternoon. The loan was approved for \$201,600 with the following stipulations:

- Bank Approval of Contractor, MJS & Sons LLC will be required. Please request the contractor to provide 2017 & 2018 Complete Tax Returns and a Year End Profit & Loss Statement (hopefully the contractor's accountant can just email these items over to make it easy on them)
- 2<sup>nd</sup> mortgage to be placed on 552 Elm Tree Lane and 558 Elm Tree Lane

Please let me know of any questions. Once we receive the contractor's financials and they are approved, we will get this finished for you.

Thanks!!

**Kim Noble**

VP/Relationship Manager

Direct Line: 859-233-8935 Fax: 859-260-2095


**BANK OF THE BLUEGRASS**  
A TRUST CO.

**Lexington Fayette  
Urban County Government  
CONTRACTOR REGISTRATION**



Be It Known That  
JOSHUA HOLDINGS, LLC  
is hereby granted  
Registration # 18317  
as a  
General Residential Contractor  
in Lexington-Fayette County  
Expiration Date: 12/31/2019

HERE IS YOUR WALLET CARD. YOU MAY CUT OUT AND SIGN THE BACK TO CARRY WITH YOU.

LEXINGTON-FAYETTE URBAN COUNTY REGISTERED CONTRACTOR	
	JOSHUA HOLDINGS, LLC is registered as a General Residential Contractor
<i>Registration #</i> 18317	<i>Expiration Date</i> 12/31/2019

# Joshua Holdings, LLC



P.O. Box 861 Lexington, KY 40588 t: 859.552.1503 JoshuaHoldingsLLC@gmail.com

As grounds for appeal Joshua Holdings, LLC makes the following defenses:

Firstly, the property in question is correctly in the jurisdiction of the Lexington-Fayette Urban County Division of Building Inspection, Development and Permits Department.

Secondly, the instant property was purchased by Joshua Holdings, LLC in a worse, more unsafe and far more unsightly condition than the property is now in.

Moreover, some of the violations of which the Lexington Division of Code Enforcement complains, are, in fact, steps that were taken at the request of the Lexington Division of Code Enforcement. Officials from the Lexington Division of Code Enforcement specifically informed the owner of the property to "board up" the property to prevent unauthorized access. None the less we are cited for DRS 105- Door Openable, Win 102 Wndw Openable; see also FC 103- F/C Board-up.

Said property was purchased with verbal guarantees from Mr. Richard McQuady, Director of the Lexington-Fayette Urban County Affordable Housing Trust Fund that rehabilitation of this property would be funded by the Lexington-Fayette County Affordable Housing Trust Fund. At an in person meeting January 25, 2017 Mr. McQuady told us that if the project cost totaled less than \$250,000 he would fund the whole thing. Furthermore, the property sat without utilities and inhabited by a squatter (grandson of the deceased owner) from April 16, 2016 until October 2018 and the sole proprietor of Joshua Holdings, LLC, Hon. Christian L. Torp paid the 2017 and 2018 Property Taxes for at a total cost of \$6,351.34 to prevent the property from going to public auction. Furthermore, Mr. McQuady was adamant that we not force the squatter from the home onto the street, and we complied; thereby reducing our opportunity to receive affordable housing trust dollars.

Owners of the property in question have undertaken significant liability and burden in hopes of alleviating Lexington's affordable housing crisis. In a recent article in The Lane Report: <https://www.lanereport.com/112091/2019/04/housing-construction-seeking-an-affordable-future/>

"For instance, a housing affordability study commissioned by the Lexington-Fayette Urban County Government in 2015 showed 6,600 households couldn't find housing within their means in Fayette County. With the effects of ongoing gentrification, the report predicts an additional 400 existing affordable housing units will be rehabbed, and priced out of



reach for low-income residents every year.” Housing Construction I  
Seeking an Affordable Future, The Lane Report, April 2, 2019

In closing, despite assurances to the contrary our project was not brought up for funding at the last meeting of the Board of Directors of the Affordable Housing Trust Fund on the sole initiative of Mr. Rick McQuady, despite repeated assurances to the contrary. We have been approved for more than \$200,000 in financing by Bank of the Bluegrass and are currently submitting proposals for a new roof and removal of the chimneys and other repairs/improvements are currently in process under an active building permit.

Respectfully yours,

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Christian L. Torp  
Joshua Holdings, LLC