

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

Date of Hearing: 07/19/2022

Hearing Officer: JIM WOMACK

Case number: 766370

Address: 271 W. SHORT ST.

Owner: KO HOLDINGS LLC

Present/Not Present

Person Representing Property Owner: owner/attly : Thomas Paul Szyguelski
Legal Standing owner/attorney

Issuance Date of Notice: 06/08/2022

Case Officer: THAD SCOTT

Housing with \$ 225.00 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: _____

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Conclusions of Law

The civil penalty is: Upheld Dismissed Other

Notes: This case is passed generally to the district assigned for me in October 2022 for purposes of further investigation.

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.**

Jim B. Womack 7/19/22
Hearing Officer's Signature Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**KO HOLDINGS LLC
149 N LIMESTONE
LEXINGTON, KY 40507**

**Date & Time of Issuance: June 8, 2022, at 2:35 PM
Compliance Due Date: July 8, 2022
Case Number: 766370**

RE: 271 W SHORT ST, Lexington, KY 40507

On **April 11, 2022 at 2:31 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 **June 8, 2022 at 2:35 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 **1 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 \$225. 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:

This citation has been issued for non-compliance. An engineer's analysis has not been submitted to our office as ordered by the Administrative Appeal Hearing Officer in the final order dated 05-04-2022. Please provide report within 30 days. This citation may be appealed.





Thad Scott

Thad Scott
Code Enforcement Supervisor

Phone
(859) 576-3852

E-Mail Address
tscott@lexingtonky.gov



POAGE ENGINEERS & ASSOCIATES, INC.

880 SPARTA COURT, SUITE 200
LEXINGTON, KENTUCKY 40504
PHONE 859 255-9034
FAX 859 252-3130

July 18, 2022

Mr. Jay King
KO Holdings LLC
271 W. Short Street
Lexington, KY 40508

RE: Structural Evaluation and Repair Recommendations – Basement
271 West Short Street – Security Trust Building
Lexington, Kentucky 40508

Jay,

As discussed, Poage Engineers and Associates, Inc. has been engaged to perform a structural evaluation and repair plan recommendations for the basement areas under the sidewalks on the building referenced above. We have completed our field review and are working on repair plans but I wanted to bring an issue to your attention. The vast majority of the damage is to the structure that is supporting the sidewalk area and NOT supporting the building itself. The building structure is independent of the sidewalk support structure and in sound condition.

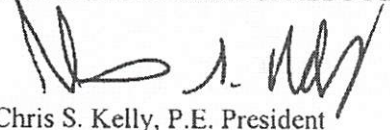
The issue we are finding is the temporary wood support structure that was placed under the sidewalk area (and was stated as a code issue since it is combustible) is supporting the newer concrete sidewalk structure. It is my understanding that this work was done by the city during the tenure of the previous owner/property manager.

In order to do the repair work the sidewalk slabs are going to have to be removed and a new structural slab and concrete support beams will need to be placed. This is work that will need to be done from above, thus temporally closing this sidewalk. When I brought this up your question was if KO Holdings LLC even owns this portion of the property. I recommend this be determined to find out to what extend the city might have to be involved.

We are continuing to work on the repair plans, however I wanted to bring this to you and your partners' attention. I recommend a survey be done to determine the exact extents of your property. Thank you for the opportunity to work on this project and look forward to assisting to see that this project proceeds in the best manor.

Sincerely,

POAGE ENGINEERS & ASSOCIATES, INC.


Chris S. Kelly, P.E. President

