

COMMONWEALTH OF KENTUCKY
CITY OF BERE
CODE ENFORCEMENT BOARD

IN RE THE MAITER OF:)
)
GENEVA POWELL) ORDER OF DEMOLITION
)
(Property located at 109 Orchard Street,)
Berea, Kentucky))

* * * * *

This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that the structure at 109 Orchard Street is unfit and unsafe and the grounds constituting a public nuisance, which complaint was made by the Code Enforcement Office of the City of Berea. Code Officer Amanda Haney, originally on October 23, 2019, and subsequent notice date November 4, 2019, both of which alleged that the structure at 109 Orchard Street was in violation of the Property Maintenance Code, pursuant to Section 70.005(b) and the grounds in violation of Section 50.001 of the Berea City Code, this Board held a hearing to determine whether the dwelling is unfit for human habitation and/or dangerous and grounds constituted a nuisance.

A hearing was held on this matter before the Code Enforcement Board on June 8, 2021. at the hour of 4:00p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, vice chair, Tom Schultz and James Anderson. Also present was Amanda Haney of the Code Enforcement Office, and Melissa Isaacs, Codes & Planning Administrative Assistant, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of the inspections of the dwelling and grounds at 109 Orchard Street, summarized as follows:

The unoccupied structure is located at 109 Orchard Street. The owners of the property are deceased. Haney stated that she had been in contact with at least two members of the deceased owners' family who had expressed interest in the property but that have not purchased the property nor made any efforts to maintain the property. Pictures were displayed of the property to show the conditions; the house has fallen into disrepair; there remains a large amount of brush, trash and rubbish on the property, there are no utilities in service and the property has been abandoned for some time.

The grounds of the property are laden with trash and there is evidence of third parties dumping trash on the property.

No neighboring owners appeared, however, Jack Williams, an adjacent property owner submitted a written statement by email that they have had a problem with 109 Orchard Street for several years.

None of the family of the deceased property owners nor any representative of the estate appeared at the public hearing.

Ms. Haney testified the structure is unfit for human occupancy and is dangerous. Further, that the structure cannot be repaired or made to comply with the appropriate housing and building regulations at a cost of less than 50% of the value of the building.

Based on the evidence, the Codes Enforcement Board makes the following Findings of Fact:

1. The owner of the property at 109 Orchard Street, Geneva Powell, was properly notified of the violations and of these proceedings.

2. The structures and untended grounds located at 109 Orchard Street are unfit for human occupancy and is dangerous in violation of Sections 70.005(b) and 50.001 of the Berea Code.

3. The structure at issue cannot be repaired or made to comply with the appropriate housing and building regulations at a cost of less than 50% of the value of the buildings.

Based upon the foregoing findings, the Code Enforcement Board concludes as follows:

1. The owner of the premises of the structure located at 109 Orchard Street is in violation of the aforesaid provisions of the Property Management Code and the garbage and refuse constitute a nuisance.

Based upon the foregoing Findings and Conclusions, it is hereby ORDERED pursuant to Section 70.005 of the Berea City Code, KRS 65.8821, 65.8825, and 65.8828, that the structure at issue located at 109 Orchard Street be demolished and removed no later than August 1, 2021, which is more than thirty (30) days from the date of the hearing. The Code Enforcement Office of the City of Berea shall cause to be posted on the main entrance a notice that the dwelling is unfit for human habitation and occupation of the building is unlawful. It is further ORDERED that in the event the owner of the structure at issue located at 109 Orchard Street does not remove and demolish same and remove the trash and rubbish from the property within the time period ordered herein, the building official shall cause the structure to be removed and demolished and trash removed and the total cost of said removal and demolition shall constitute a lien against the real property at 109 Orchard Street to be placed on the City's tax books against the property and to be collected and foreclosed upon in the same manner as taxes and tax liens are collected and foreclosed.

BEREA CODE ENFORCEMENT BOARD

Date: 7/2/2021

By: Andrew Baskin
Andrew Baskin, Chairman

CERTIFICATE OF SERVICE

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or hand-delivery, on the date set out below.

Geneva Powell
109 Orchard Street
Berea, KY 40403

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Date: 7/2/2021

By: Heather Saacs
Administrative Assistant, Codes & Planning

Prepared by:

Jerry W. Gilbert
Jerry W. Gilbert
Corporation Counsel