

COMMONWEALTH OF KENTUCKY
CITY OF BERA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
CLAUDE AKERS) ORDER OF DEMOLITION
)
(Property located at 201 E. Haiti Road,)
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 201 E. Haiti Road 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 August 8, 2020, and subsequent notice date September 25, 2020, both of which alleged that the structure at 201 E. Haiti Road is 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. No representative of the property appeared for the hearing.

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 201 E. Haiti Road, summarized as follows:

The premises is located at 201 E. Haiti Road and violations have been ongoing since the initial notice in August, 2019. The structure is unoccupied and has been for some time, is uninhabitable, and has no electric or plumbing. Pictures were displayed of the property to show the conditions. On May 20, 2021, a Codes Officer visited the property to post notice of the Codes Board hearing on the structure and found someone onsite installing vinyl siding; however, no permits had been pulled for building, electrical, mechanical or other work and no inspections had been requested to be performed. Thereafter, the property owner contacted the Codes Office regarding the posted notice. The property owner advised the Codes Office that he has no intention of restoring the property to a habitable state and was installing the siding simply to improve the outside cosmetic appearance due to complaints of other property owners in the area. Police have been called to the property on three (3) separate occasions to remove squatters from the residence. Each time, the City has reboarded the structure following the removal of the illegal occupants.

The grounds of the property are laden with trash.

Claude Akers, the property owner, did not appear. 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 201 E. Haiti Road, Claude Akers, was properly notified of the violations and of these proceedings.

2. The structures and untended grounds located at 201 E. Haiti Road are unfit for human occupancy and is dangerous in violation of Sections 70.005(b) and 50.001 of the Berea Code.

3. The structures 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 201 E. Haiti Road 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 201 E. Haiti Road 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 201 E. Haiti Road 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 201 E. Haiti Road 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, 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.


Claude Akers
141 Liberty Avenue
Berea, KY 40403

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Date: 7/2/2021

By: 
Administrative Assistant, Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel