

COMMONWEALTH OF KENTUCKY
CITY OF BERE
CODE ENFORCEMENT BOARD

IN RE:)
)
111 HOLLY STREET) ORDER
Berea, Kentucky)
Kentucky Property Ventures, LLC, Owner)

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This matter came on for hearing before the Code Enforcement Board, upon the issuance of a complaint charging that property at 111 Holly Street was in violation of the following:

- Property Maintenance Code 302.1 Exterior Property Areas Sanitation**
- Property Maintenance Code 302.3 Sidewalks and Driveways**
- Property Maintenance Code 302.4 Weeds**
- Property Maintenance Code 302.7 Accessory Structures**
- Property Maintenance Code 304.1 Exterior Structure General**
- Property Maintenance Code 304.1.1 Unsafe Conditions**
- Property Maintenance Code 308.1 Accumulation of Rubbish or Garbage**
- City Ordinance 50.001 Nuisances**
- City Ordinance 70.301 Structural Hazards: (D) (E) (F)**
- City Ordinance 70.302: Faulty Weather Protection: (D)**

After receiving numerous complaints from neighbors and upon inspection by Officer Jeff Harness, the complaint was originally made by the Code Enforcement Office of the City of Berea, by Codes Officer Harness on January 30, 2023 by mailing a notice to the owner of the property and posting directly to the structure.

Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with Property Maintenance Code 302.1, 302.3, 302.4, 302.7, 304.1, 304.1.1, 308.1; and City Ordinances 50.001, 70.301(D)(E)(F), and 70.302(D).

A hearing was held on this matter before the Code Enforcement Board on June 20, 2023, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, Ken Vasey, James Anderson and Rebecca Isaacs. Also present was Amanda Haney, Codes & Planning Administrator; Melissa

Isaacs, Codes & Planning Administrative Assistant; Jeff Harness, Codes Officer; Bryan Maniscalco, Codes Officer; and Jerry W. Gilbert, Corporation Counsel.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and provided aerial maps and pictures of the subject property and Codes Officer Harness summarized complaints received by the Codes Department. There had been several complaints of rubbish/garbage and grass/overgrowth. Inspections had shown high grass at times and most recently, rubbish/garbage present around the structure, the left porch roof has debris on top and needs repaired, the retaining wall on the left side of the property is falling and has lost its integrity, the porch roof on the right side is rotting/falling down with debris falling onto the porch, etc. Violations sited were pursuant to the following: Property Maintenance Code 302.1 Exterior Property Areas Sanitation; Property Maintenance Code 302.3 Sidewalks and Driveways; Property Maintenance Code 302.4 Weeds; Property Maintenance Code 302.7 Accessory Structures; Property Maintenance Code 304.1 Exterior Structure General; Property Maintenance Code 304.1.1 Unsafe Conditions; Property Maintenance Code 308.1 Accumulation of Rubbish or Garbage; City Ordinance 50.001 Nuisances; City Ordinance 70.301 Structural Hazards: (D) (E) (F); and City Ordinance 70.302: Faulty Weather Protection: (D).

On January 30, 2023, Harness issued a violation letter for the accumulation of rubbish/garbage on the property located at 111 Holly Street for the aforementioned violations with a deadline of correction on or before March 2, 2023. On March 3, the owner visited the Codes Department and requested an extension for repairs until March 30. The extension was granted, however, as of the date of the hearing, no progress seemed to have been made on the property.

The Codes Department was requesting an order from the board to board up the windows and doors, remove the porch overhangs from both the left and right sides of the structure, pick up and dispose of all rubbish/garbage/foreign matter and a lien placed on the property for the cost incurred. It is the opinion of the Codes Department the structure is still in a state where repairs are possible, therefore, demolition is not being requested at this time.

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

1. The property at 111 Holly Street is currently in violation of the following City's Ordinance and Property Maintenance Requirements Property Maintenance Code 302.1 Exterior Property Areas Sanitation; Property Maintenance Code 302.3 Sidewalks and Driveways; Property Maintenance Code 302.4 Weeds; Property Maintenance Code 302.7 Accessory Structures; Property Maintenance Code 304.1 Exterior Structure General; Property Maintenance Code 304.1.1 Unsafe Conditions; Property Maintenance Code 308.1 Accumulation of Rubbish or Garbage; City Ordinance 50.001 Nuisances; City Ordinance 70.301 Structural Hazards: (D) (E) (F); and City Ordinance 70.302: Faulty Weather Protection: (D).


2. The property should have all windows and doors boarded up; all porch overhangs removed; all rubbish, garbage, foreign material from the lot; demolish and remove the retaining wall; enforce mowing and add to City's mowing list if necessary; revert property use to R-1 Single Family per Land Management & Development Ordinance.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board Orders as follows:

1. City employees shall board up all windows and doors of the structure; remove both porch overhangs; remove all rubbish/garbage/foreign material from the lot; demolish and remove retaining wall; enforce mowing and add to the City's mowing list if necessary.

2. The zoning classification of the property shall revert to R-1 Single Family per Land Management and Development Ordinance; and
2. The City shall place a lien on the property for any expenses incurred.

City of Berea
Codes Enforcement Board



Andrew Baskin, Chairman
7/12/2023

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing Order was delivered by U.S. mail or by hand delivery to the following on this 14th day of July, 2023.

Certified mail to:
Kentucky Property Ventures, LLC
109B Macarthur Court
Nicholasville, KY 40356

Hand-delivery to:
Amanda Haney
Code Enforcement Office
City of Berea
Berea, KY 40403


Melissa Isaacs
Administrative Assistant, Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel