

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
0060-0000-0046 – 15.13 acres, +/-;)
0060-046D-0110 – Lot 110, Blk 1;)
0060-046D-0109 – Lot 109, Blk 1;)
0060-046D-0107 – Lot 17, Blk 1;)
0060-046D-0106 – Lot 106, Blk 1;)
0060-046D-0105 – Lot 105, Blk 1;)
0060-046D-0104 – Lot 104, Blk 1;)
0060-046D-0103 – Lot 103, Blk 1;)
0060-046D-0074 – Lot 74, Blk 1;)
0060-046D-0075 – Lot 75, Blk 1;)
0060-046D-0077 – Lot 77, Blk 1;)
0060-046D-0078 – Lot 78, Blk 1;)
0060-046D-0080 – Lot 80, Blk 1;)
0060-046D-0081- Lot 81, Blk 1;)
0060-046D-0082 – Lot 82, Blk 1;)
0060-046D-0083 – Lot 83, Blk 1;)
0060-046D-0008 – Lot 8, Blk 1;)
0060-046D-0009 – Lot 9, Blk 1;)
0060-046D-0010 – Lot 10, Blk 1)
170 East Side Avenue and various)
Vacant lots in the Central Park)
Subdivision)
Berea, Kentucky;)
Owner: Roger M. Olver and Douglas Y.)
Oliver heirs)

ORDER

* * * * *

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property set forth above located in Central Park Subdivision was in violation of property maintenance with an overgrowth of weeds and grass, which complaint was made by the Code Enforcement Office of the City of Berea, Codes Administrator Amanda Haney, originally on July 3, 2024. Pursuant to

Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with IPMC 302.4, Weeds & Grass.

A hearing was held on this matter before the Code Enforcement Board on August 27, 2024, at the hour of 6:00 p.m. Board Members present were Andrew Baskin, Ken Vasey, James Anderson, Rebecca Isaacs, and Tom Schultz. Also present were Amanda Haney of the Code Enforcement Office; Jeff Harness, Codes Officer; Bryan Maniscalco, Codes Officer; 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. Also present was Carla Jennings Bates one of the property owners.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony. Haney offered testimony and a written record and aerial images of her inspections of the various lots within Central Park Subdivision. The images showed the properties had not been mowed in some time. The properties are vacant lots within Central Park Subdivision owned by the developers. The Code Enforcement Office has received multiple complaints about the lack of mowing on the vacant lots. A notice of violation was mailed on July 3, 2024, giving 30 days to complete the mowing. On August 2, 2024, an inspection by the Codes Officer showed the property had not been mowed. A citation was issued to the owner's address of record on August 2, 2024, with a fine of \$100.00 per day until the violations had been corrected. The violations cited were as follows: IPMC 302.4, Weeds & Grass.

Haney explained the City requires the individual lots to be maintained regularly, conforming to the City's requirement for grass; however, due to the size of the 14 acre tract, it would have been required to be mowed at least two times per year. The larger

tract had only been mowed once the previous year and had not been mowed in the current year. As of the date of the hearing, the smaller parcels had been mowed. The large 14 acre tract at 170 East Side Avenue was still unmowed. The original owners, Roger M. Oliver and Douglas Y. Oliver, are now deceased. Board Member Vasey questioned if the correct persons had been notified due to the deaths of the original owners. Haney stated the statute requires notification to the address and owner of record. Notice was mailed to 301 Chestnut Street, Berea, Kentucky, which is the current address on file with the Madison County Property Valuation Administrator. As of the date the hearing, the fine had accumulated to \$2,300.00.

After being duly sworn, Carla Jennings Bates, an owner of the property, testified that she was appearing to represent the heirs. She advised that Roger Oliver was her uncle and that his daughter, Brandy Brown, who is the Executor of his estate, is also now deceased. Ms. Bates acknowledged receiving notice in August and had contacted a mowing company to do the work. She stated a lot of the oversight of the lots was now falling to her and she had had difficulty getting someone to bushhog the large parcel. She hoped to have the mowing completed by the weekend following the hearing. She was appreciative that the fines were not being assessed on all 19 lots and hoped the Board would grant her enough extension and time to complete the mowing. She said they would have to incur whatever fines were required until they were able to get the property mowed.

Haney asked Ms. Bates to get the mowing on a regular schedule for maintenance, especially due to the number of houses already in the area that are required to maintain their yards. Ms. Bates was further requested to update the Codes Department, as well

as the Madison County Property Valuation Administrator, with the current contact information.

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

1. The property at 170 East Side Avenue and lots 8, 9, 10, 17, 74,75, 77, 78, 80, 81, 82, 83, 103, 104, 105, 106, 107, 109 and 110 of Block 1 of Central Park Subdivision, are currently in violation of the City's Maintenance Code IPMC 302.4, in that the properties are not being maintained and weeds and grass are overgrown-;

2. The owners of the property set out in paragraph 1 above are assessed a total fine in the amount of \$2,300.00 as of August 27, 2024, and given thirty (30) days from the date of the signed orders to complete the mowing. If not completed within thirty (30) days, the fine will accrue at \$100.00 per day until the property is brought into compliance.

3. The owners were given notice of the hearing and appeared and gave testimony.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board ORDERS the properties be mowed by either city employees or contractors hired by the city, and that a lien shall be placed on the property for the fine imposed herein and for costs incurred in the clearing of same.

BEREA CODE ENFORCEMENT BOARD

Date: 10/3/2024

By: Andrew Baskin
Andrew Baskin, Chair

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

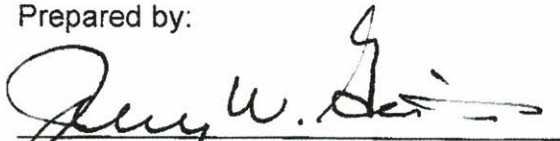
PERSONS NOTIFIED BY MAIL:
Roger M. Oliver & Douglas Y. Oliver Heirs
c/o Carla Jennings Bates

PERSON NOTIFIED BY HAND-DELIVERY:
Amanda Haney
Codes & Planning Administrator

Date: 10/4/2024

By: 
Melissa Isaacs, Administrative Assistant
Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel

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| City, State, ZIP+4® | Berea, Ky 40403 |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



CITY OF BEREA
212 CHESTNUT STREET
BEREA, KENTUCKY 40403

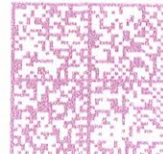


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