

COMMONWEALTH OF KENTUCKY
CITY OF BERE
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
355 BROOKGREEN DRIVE) ORDER
Berea, Kentucky)
Chad & Angela Hieronimus, Owner)

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This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that a 15’x30 accessory structure at 355 Brookgreen Drive is unpermitted and in the flood plain, and in violation of City Ordinance 81.001 - LAND MANAGEMENT & DEVELOPMENT ORDINANCE 408(B) – ACCESSORY USES & STRUCTURES; and City Ordinance 75.030 - FLOOD HAZARD REDUCTION / STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER ‘A’.

Following an inspection of the subject property, complaint was originally made by Code Enforcement Office of the City of Berea by Berea Codes Officer Jeff Harness, on April 4, 2023, by mailing a notice to the owner of the property.

Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with City Ordinance 81.001 and City Ordinance 75.030.

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, City of Berea Codes Officer Harness summarized the issue with the 15'x30' accessory structure at 355 Brookgreen Drive, which had been constructed in a floodplain.

In late 2021, Angela Hieronimus visited the Codes Office to get a building permit for a building she and her husband had already purchased that was due to be installed, speaking with the Administrative Assistant, who informed her of the process for obtaining a permit and informed her the planned site was in a floodplain and would require special approval. She was sent to speak with Tom Moreland, Floodplain Manager, in office, to discuss what the requirements were for constructing an accessory structure in a floodplain. She did not return to the Codes Office for permit forms after speaking with Mr. Moreland.

In January 2022, it was discovered a pre-fabricated metal building had been constructed on the property, without the required permit, engineered stamped plans or floodplain approval and was being used for storage. On January 19, Harness mailed a letter to the owners stating the permitting requirements and forwarded a copy of an accessory structure permit due by January 31, however, it was an incorrect form. Mrs. Hieronimus returned the form on January 31. On February 2, 2022, Harness emailed the correct permit application and detailed floodplain requirements to the property owner.

On March 8, 2022, both Haney and Harness spoke to Mrs. Hieronimus, again detailing what was needed to proceed with the permit. Harness began an application form in-office, but requested further information required such as engineered stamped plans, building dimensions, floodplain approval from Tom Moreland and cost of construction.

On April 4, 2022, an official violation letter was mailed to the property owner. Violations cited were pursuant to the following: City Ordinance 81.001 - LAND MANAGEMENT & DEVELOPMENT ORDINANCE 408(B) – ACCESSORY USES & STRUCTURES
City Ordinance 75.030 - FLOOD HAZARD REDUCTION / STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER ‘A’.

On April 25, 2022, the property owner contacted Codes and requested a 2 week extension, which Haney granted. Harness also granted additional extensions, each time because the owner stated they were still attempting to get the engineering stamp. However, as of the date of the hearing, the documents had still not been received. It was never a completed submittal and eventually deemed as incomplete/withdrawn by the applicant, and the determination was made to bring the issue before the board.

Harness was requesting board action for either complete removal of the structure or for the property owner to submit the required permit, site plan, engineered stamped plans, surveyor’s certificate for floodplain and receive and pass all inspections according to city ordinance and the building codes adopted, within 60 days.

The property owner, Angela Heironimus testified that the building was for storage of ATV’s and equipment only. She stated she had received the emails requiring the stamped engineered plans but didn’t realize there was anything left to do because she hadn’t heard anything else. She acknowledged they had proceeded with the construction of the building without submitting those documents.

Haney read to Mrs. Heironimus the options that had been mailed to her previously regarding the requirements for accessory structures constructed in a flood plain. They were based on City Ordinance 75.030. Mrs. Heironimus testified there was no electric or HVAC in the

building. Haney stated in that case, the surveyor's certificate shouldn't be needed but the permit application, stamped engineered plans & inspections for flood venting would still be required.

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

1. The 15' x 30' accessory structure at 355 Brookgreen Drive is currently in violation of the City Ordinance 81.001 and City Ordinance 75.030
2. The property owner should be granted additional time to provide the necessary documents.

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

1. The property owner is granted ninety (90) days to provide a completed permit application, stamped engineered plans, receive approval and pass all inspections required for accessory structures built in a floodplain.
2. If the conditions are not completed in ninety (90) days, City employees are ordered to demolish the structure and place a lien on the property for all expenses incurred.

BEREA CODE ENFORCEMENT BOARD

By: 
Andrew Baskin, Chairman
7/18/2023

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:

Chad & Angela Heironimus
355 Brookgreen Drive
Berea, KY 40403

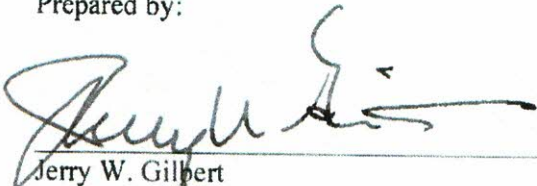
Hand-delivery to:

Amanda Haney
Code Enforcement Office
City of Berea
Berea, KY 40403



Melissa Isaacs
Administrative Assistant, Codes & Planning

Prepared by:



Jerry W. Gilbert
Corporation Counsel