

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:	)	
	)	
212 RICHMOND ROAD NORTH	)	
Berea, Kentucky;	)	ORDER
Owners: Lester Powell, David Powell	)	
and Carla Powell Reed	)	

* * * * *

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 212 Richmond Road North was in violation in that the structure was in disrepair and in unsafe condition; rubbish in the car wash bays and rubbish stored inside; multiple holes in the roof; missing shingles; partial collapse of the building in areas; structurally unsafe stairs/deck leading to the upstairs on the exterior of the building; grass and weeds around the property; a tree stemming from the center of the building, which complaint was made by the Code Enforcement Office of the City of Berea, Codes Officer Bryan Maniscalco, originally on August 29, 2023. A notice of violation was provided by letter from the Code Enforcement Office dated August 29, 2023, and mailed to the owners giving them until September 15, 2023, to correct the violations. Pursuant to Section 70.005(b) of the Berea City Code, the Board held a hearing to determine whether the property is compliant with: Property Maintenance Code 302.4: Weeds; Property Maintenance Code 308.1: Accumulation of Rubbish or Garbage; and City Ordinance 70.200(A)(B): Minimum Housing Standards.

A hearing was held on this matter before the Code Enforcement Board on January 23, 2024, at the hour of 6:00 p.m. Andrew Baskin, chair, 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.

After being duly sworn, Amanda Haney, of the City of Berea Code Enforcement Office, offered aerial maps and photographs of the property and testimony on the history of the property. She reminded the Board that the property had been brought before them in early 2020 due to complaints of inoperable vehicles on the property as well as property maintenance and safety issues. Mr. Powell had moved the inoperable vehicles to an adjacent property and fenced them off. He had been asked to construct screening of the wash bays to hide the rubbish and unsightly appearance, which had been installed and was mostly still intact on one side. Haney was also asking the Board to consider another requirement for screening of any areas used for storage as part of their decision on the current case. Haney provided aerial photos taken on the date of the hearing, just prior to the meeting, to show the current state of the property.

After being duly sworn, Codes Officer Bryan Maniscalco testified that a complaint was received that the property was in violation in that the structure was in disrepair and unsafe in condition; rubbish in the car wash bays and rubbish stored inside; multiple holes in the roof; missing shingles; partial collapse of the building in areas; structurally unsafe stairs/deck leading to the upstairs on the exterior of the building; grass and weeds around the property; and a tree was stemming from the center of the building. Officer Maniscalco noted that all was clearly visible from Richmond Road and the surrounding areas. On

August 29, 2023, Officer Maniscalco issued a violation letter with a due date of September 15, 2023 to comply with the correction of the issues. Violations stated were pursuant to the following:

Property Maintenance Code 302.4: Weeds;
Property Maintenance Code 308.1: Accumulation of Rubbish or Garbage; and
City Ordinance 70.200(A)(B): Minimum Housing Standards.

A reinspection was conducted September 15, 2023, and Officer Maniscalco found that no action had been taken by the owners. David Powell, one of the property owners, spoke with Officer Maniscalco, and an extension was granted until October 13, 2023. On October 13, 2023, the property was reinspected, and Officer Maniscalco witnessed only that the weeds had been sprayed but not removed and there had been no other clean-up nor any repairs made to the property. On January 2, 2024, a Uniform Citation was issued assessing a fine in the amount of \$100.00 per day, which had accumulated to \$2,200.00 as of the date of this hearing. Officer Maniscalco stated the Codes Department was seeking permission from the Board to hire a contractor to demolish at least the roof portions that had already or were in the process of falling; to remove the staircase at the rear of the structure for safety; and be allowed to file a lien on the property for the cost of the demolition and cleanup, as well as the assessed fine, if not paid.

Chairman Baskin asked if the city was seeking screening from the contractor also. Haney stated she believed if the city were to do the work, they could also provide screening. Board member James Anderson inquired whether the vehicles removed before were still visible. Haney provided photographs to show the vehicles were parked in a fenced area. The building seemed to be currently unoccupied. Haney stated the owner had been notified that major repairs/renovation would be required before the

Codes office would allow any kind of occupancy.

After being duly sworn, the owner David Powell testified the initial complaint mentioned having the stairs completely replaced and that it would take thousands of dollars and time. He felt a 30-day deadline was unreasonable and that even 60 days would be unreasonable. He requested to be given at least until spring. Powell stated he would take down the stairs, there being no need for replacement because the property was for sale and because no one was living in the apartment.

Powell stated half of the people interested in purchasing the property wanted to tear the building down, and the other half wanted to see the building improved. He stated he would take the laundromat signs down and cover the roof with tar paper to prevent any further damage. Powell would like the future owners to do any maintenance or improvements to the building. He stated he had removed the vegetation from the building itself. He has put up no trespassing signs, mafia blocks in front of the stairs and at the roads to prevent traffic behind the building.

Powell stated he was extremely busy and hadn't had time to do any repairs, and he needed to wait until winter was over to begin. He felt he might be able to start the work in March. Powell agreed some things needed done but he needed time to do them. The property was for private use only at this time, there was no public access. He stated the building was locked and what is inside (rubbish/garbage) was irrelevant because it was not open for public access. Powell agreed to lock up the wash bay and was trying to secure a POD to move the laundromat equipment into it so as to hide it from public view. He was agreeable to put a chain across the stairs with a padlock and place a no trespassing sign in lieu of tearing down the stairs.

Powell told the Board he felt making major improvements to the property might delay the sale, and he would be forced to add the repair costs to the price of the property. The increased price may prevent a sale.

Chairman Baskin addressed Mr. Powell, noting the Board has a reputation for working with property owners as much as possible. Baskin noticed the city was not asking the owners to drastically improve the property, but were asking for screening and for the safety issues to be addressed. Powell stated he had no income coming in from the building, so he needed the lowest amount of repair cost possible.

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

1. The property at 212 Richmond Road North is currently in violation of the City's Ordinance and Property Maintenance Requirements in that there is a tree stemming from the center of the building; an accumulation of rubbish in the carwash bays and rubbish stored inside; multiple holes in the roof and missing shingles; partial collapse of the building in areas; and structurally unsafe stairs and decking leading to the upstairs on the exterior of the building.

2. The owners of 212 Richmond Road North are assessed a fine in the amount of \$2,200.00 as of January 23, 2024.

3. The owners are granted an extension to April 30, 2024, to correct the violations.

4. The owners were given notice of the hearing and appeared before the Board and gave testimony.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board ORDERS that the owners shall have until April 30, 2024 to correct all violations. In the event the violations have not been corrected by April 30, 2024, either city employees or contractors hired by the city are authorized to demolish and remove the stairs/deck and the decayed roof of the wash bays; to put up screens and clear the trash and rubbish from the property, and that a lien shall be placed on the property for the fine imposed herein, if not sooner paid, and for all costs incurred for the repairs, cleanup fees, and screening provided.

BEREA CODE ENFORCEMENT BOARD

Date: 2/16/2024

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:

Lester Powell
David Powell
Carla Powell Reed
100 Oliver Street
Berea, KY 40403

PERSON NOTIFIED BY HAND-DELIVERY:

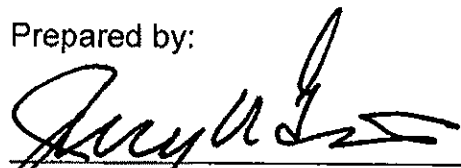
Amanda Haney
Codes & Planning Administrator

Date: 2/16/2023

By: Melissa Isaacs

Melissa Isaacs, Administrative Assistant
Codes & Planning

Prepared by:

A handwritten signature in black ink, appearing to read "Jerry W. Gilbert", written over a horizontal line.

Jerry W. Gilbert
Corporation Counsel