

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:

830 WEST JEFFERSON STREET
Berea, Kentucky;
Owner: Alexis Lopez

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ORDER

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This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 830 West Jefferson Street was in violation of an accumulation of rubbish or garbage on the property, and property maintenance which complaint was made by the Code Enforcement Office of the City of Berea, Codes Enforcement Officer Bryan Maniscalco, originally on October 18, 2023 by mailing a notice to the owner. A notice of violation was provided by letter from the Code Enforcement Office dated October 23, 2023 and mailed to the owner and posted directly to the structure. Pursuant to Section 70.005(b) of the Berea City Code, the Board held a hearing to determine whether the property is compliant with IPMC 302.4: Weeds; City Ordinance 30.001: Garbage collection: Municipal System Established; Use required; 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. Board Members present were 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, Bryan Maniscalco, of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of their inspections of the property at 830 West Jefferson Street, summarized as follows:

In May, 2023, the property owner, Alexis Lopez, obtained a building permit for a roof addition for the rear of the home. Officer Maniscalco visited the property on October 18, 2023, and found that most of the interior of the home had been gutted and the material had been removed and dumped in the front and rear yards. On October 23, 2023, Officer Maniscalco issued a violation letter to the property owner, Alexis Lopez, with a due date of November 3, 2023 for correction of the items and to alert the owner the building permit was technically expired at that point, citing the following:

IPMC 302.4: Weeds

City Ordinance 30.001: Garbage collection: Municipal System Established; Use required;

City Ordinance 70.200(A)(B): Minimum Housing Standards

A second violation letter was issued on November 17, 2023, after it was determined no work had been done toward cleanup. Officer Maniscalco had observed some contractors at the home who had communicated the issues to Mr. Lopez. Mr. Lopez then made contact with Officer Maniscalco who informed Mr. Lopez that he had been given until November 27, 2023 to clean up the property. It was about this time the letters began being returned to the Codes Office as undeliverable due to the address on file at the PVA not being updated with Lopez's current address.

On December 1, 2023, Officer Maniscalco observed a dump trailer had been moved to the property for the removal of some of the debris. The second notice letters

began being returned as well. In response, Maniscalco posted the violation letter to the front of the property and left door hangers on January 2, 2024. Lopez responded by January 9, 2024, stating he had moved and had not received the letters, but had removed several loads of debris. He was notified he had been placed on the docket for the Codes Enforcement Board Hearing scheduled for January 23, 2024; however, Officer Maniscalco informed Mr. Lopez if the violations were corrected by that date, he would notify the Board. Mr. Lopez requested an extension, if possible.

On January 22, 2024, the day prior to the hearing, it was observed that Mr. Lopez had not been able to complete all of the clean-up. However, he had made several attempts and was making progress. Officer Maniscalco chose not to assess a fine because of the progress being made. The city was seeking a short extension, 30 days at most, to allow Lopez to complete the clean-up and if not completed in 30 days, the city requested to be allowed to abate or hire a contractor to do so and file a lien for the cost of the abatement.

After being duly sworn, Alexis Lopez, the owner of the property, testified the trash had been there for a while. He had removed the shingles and gutted the home but had since somewhat neglected working on it due to the weather. He had not received the violation letters because he had moved but had cleaned some of the yard upon hearing about the structure being posted. After the structure was posted, the snowstorm occurred, and he was unable to have contractors working at the home, and, therefore, could not meet the city's deadline of January 22, 2024.

Board Chair Baskin inquired of Mr. Lopez if he would agree to do the work if granted additional time. Lopez responded he would be agreeable if he could have an

additional 30 days, providing weather permitted him to do so.

Board Member Schultz inquired if he was remodeling for resale, to rent or to live in. Mr. Lopez stated he was not sure how the home would be used at this time.

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

1. The property at 830 West Jefferson Street is currently in violation of the City's Ordinance and Property Maintenance Requirements in that the interior of the home has been gutted and the material removed and dumped in the front and rear yards;
2. The owner of 830 West Jefferson Street is actively working to correct the violations, but has been hindered due to inclement weather;
3. The owner was 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 the property owner is granted an extension until March 31, 2024 to correct the violations.

Date: 2/16/2024

BEREA CODE ENFORCEMENT BOARD

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.

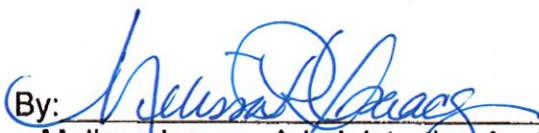
PERSONS NOTIFIED BY MAIL:

Alexis Lopez
111 Walnut Hill Drive
Richmond, KY 40475

PERSON NOTIFIED BY HAND-DELIVERY:

Amanda Haney
Codes & Planning Administrator

Date: 2/16/2024

By: 
Melissa Isaacs, Administrative Assistant
Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel