

CODE ENFORCEMENT BOARD
CITY OF HENDERSON, KENTUCKY

Case # 2017-7507

CITY OF HENDERSON, KENTUCKY
Petitioner
v
SPAINHOWARD FAMILY TRUST OF 2007
Respondent

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

This cause was presented at a public hearing before the Board on January 22, 2018, after due notice to the Respondent, and the Board having heard testimony under oath, received evidence, considered stipulations, and heard arguments, now issues its Findings of Fact, Conclusions of Law and Order, as follows:

FINDINGS OF FACT

The Respondent, Spainhoward Family Trust of 2007, whose mailing address is c/o Terry Spainhoward, 9548 Ridgewood Road, Spottsville, KY 42458 is the owner or person in charge of property located at 1505 Clay Street, Henderson, KY.

The Respondent received a citation issued by Ray Nix, Code Enforcement Officer, dated 11/15/2017 which charged the Respondent with a violation of Section 108.1.1 of the International Property Maintenance Code as adopted by the Code of Ordinances of the City of Henderson, Kentucky, described as follows:

108.1.1 UNSAFE STRUCTURES: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

The property was condemned by Notice of Condemnation issued by the City of Henderson on February 13, 2015. There was no Appeal of the Notice to the Board of Housing Appeals, and the February 13, 2015 Notice was therefore Final Action. The condition of the property has worsened since February 13, 2015. The Code Enforcement Officer has determined that rehab of the property is not feasible and that razing the house on the property is required. The property is unsafe or unfit for human occupancy and is condemned by the City of Henderson.

The Board finds, based on all of the testimony and evidence presented at the hearing, that the condition described in the citation did, in fact, exist at the time the citation was issued, that the condition did constitute a violation of Section 108.1.1 of the International Property Maintenance Code as adopted by the Code of Ordinances of the City of Henderson, Kentucky, and that the condition was caused by, or was the responsibility of, the Respondent as owner, or person in charge, of the property on which the violation occurred.

CONCLUSIONS OF LAW

The Board concludes, based on the foregoing Findings of Fact, That Respondent, Spainhoward Family Trust of 2007, has committed a violation of Section 108.1.1 of the International Property Maintenance Code as adopted by the Code of Ordinances of the City of Henderson, Kentucky, as charged in the citation, and the property at 1505 Clay Street is unsafe or unfit for human occupancy and is therefore condemned.

ORDER

Respondent, Spainhoward Family Trust of 2007, is ordered to correct the violation(s) and to raze and remove the house from the property on or before May 15, 2018. Any penalties accruing to the date of this order are waived by this Board. In the event that the violation(s) is not corrected and the house razed and removed on or before the date specified, then there shall be imposed against the Respondent a civil fine of \$200.00. The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is brought into compliance with this order.

DONE AND ORDERED THIS 22ND day of January, 2018.

CODE ENFORCEMENT BOARD OF HENDERSON, KENTUCKY

By: _____

Alan C. Taylor
Chairman, Code Enforcement Board

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of law and Order has been furnished to Respondent, Spainhoward Family Trust of 2007 c/o Terry Spainhoward, on this the 25th day of January, 2018.

Sara Lowell
Secretary, Code Enforcement Board