

Administrative Use Only

Date Received 2/20/2013 Fee \$75.00 B.O.A. Case Number _____

Hearing Date 2/27/2013
 Approved Denied

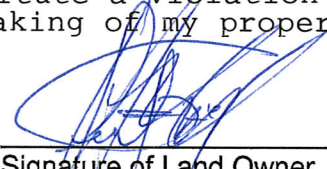
Date of Appeal: _____
Hearing Date _____
 Approved Denied

Letter Sent: _____


APPLICATION FOR APPEAL CITY OF LEXINGTON

1. Applicant's Name Adalberto Mejia
2. Applicant's Address 903 North Madison, Lexington NE 68850
3. Phone Number (308) 324-2670 (home), (308) 746-6690 (cell)
4. Legal Description: Lot _____; Block _____; Subdivision _____
5. Property is located in at Willow Ridge Court, Lot 21, aka #21 Birch Lane
6. Reason for appeal of judgment I am appealing the Lexington Building Inspector's order of February 1, 2013 because I disagree with his conclusion that my mobile home located at the above address is not repairable. Furthermore, I have not been given a fair and reasonable opportunity to make repairs to my mobile home in order to bring it into substantial compliance with applicable codes. The order that my personal property, specifically the mobile home located at the address above, be demolished would constitute a violation of my due process rights and an unlawful taking of my property by the City of Lexington.
Dated February 15, 2013.

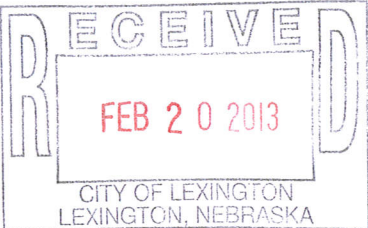
Signature of Code Official



Signature of Land Owner
Adalberto Mejia



Claude E. Berreckman, Jr.
Attorney for Owner
801 Meridian Avenue, PO Box 214
Cozad NE 69130
(308) 784-2040
(308) 784-2043 (fax)
claudejr@cozadtel.net



Case: V002632-121212

01/14/2013

ADALBERTO MEJIA,
903 N Harrison
Lexington, NE 68850

Re: 21 Birch Lane Lexington, NE 68850

ADALBERTO MEJIA,,

I hereby condemn the structure because it is an unsafe structure pursuant to Section 108.1.1 of the 2009 International Property Maintenance Code in that it is dangerous to the life, health, property, or safety of the public or the occupants of the structure. Therefore, I am serving you with this notice of condemnation.

As property owner you are hereby being directed to bring the above mentioned structure up to the minimum standards set forth by the code or demolish the structure no later than the close of business on 02/15/2013. You must obtain a building or demolition permit.

The property will be inspected on 02/18/2013. If it has been determined that the violations have not been corrected, the City of Lexington will cause action to remedy the situation. Any action taken by the City of Lexington may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

You have a right to appeal this notice and order by filing a written application for appeal with the Board of Adjustments. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you and shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please feel free to contact me to discuss this matter further.



Mark Yung
Code Official

Case: V002632-121212

02/01/2013

ADALBERTO MEJIA,
903 N Harrison
Lexington, NE 68850

Re: 21 Birch Lane Lexington, NE 68850

ADALBERTO MEJIA,

An inspection of your property at 21 Birch Lane, on 01/30/2013 shows that the structure is so old, dilapidated, or has become so out of repair that it is unreasonable to repair the structure. Pursuant to the 2009 IPMC 110.1 it is hereby ordered that the structure must be demolished and removed by close of business, 03/04/2013.

You have a right to appeal this notice and order by filing a written application for appeal with the Board of Adjustments. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please feel free to contact me to discuss this matter further.



Mark Yung
Building Inspector

City of Lexington
Property Maintenance Report

COPY

02/04/2013

Owner Name: ADALBERTO MEJIA,

Property Location: 21 Birch Lane

Legal Description: 00009429 1970 MONARCH MH ID#6512999502 LOCATION W

Violations

304.1 GENERAL- The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 PROTECTIVE TREATMENT- All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

304.6 EXTERIOR WALLS- All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.13 WINDOW, SKYLIGHT AND DOOR FRAMES- Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes

305.1 GENERAL- The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every OCCUPANT shall keep that part of the structure he controls in a clean and sanitary condition.

305.3 INTERIOR SURFACES- All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. . Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered.

305.6 INTERIOR DOORS- Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks.

505.3 SUPPLY- The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly and safely.

505.4 WATER HEATING FACILITIES- Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility.

506.2 MAINTENANCE- Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

602.3 HEAT SUPPLY- Every owner and operator of any building who rents, leases or lets one or more dwelling unit, to furnish heat to the occupants from October 1 to May 1 to maintain a temperature of not less than 68 degrees F (20 degrees C)

604.3 ELECTRICAL SYSTEM HAZARDS- Where it is found that the electrical system in a structure constitutes a hazard to the occupants the code official shall require the defects to be corrected to eliminate the hazard.

605.1 INSTALLATION- All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

704.2 SMOKE ALARMS- Single or multiple station smoke alarms shall be installed in other groups in accordance with the International Fire Code

BERRECKMAN & DAVIS, P.C.
ATTORNEYS AT LAW

801 MERIDIAN AVENUE
P.O. BOX 214
COZAD, NE 69130
(308) 784-2040
FAX (308) 784-2043
EMAIL: claudejr@cozadtel.net
briandavis@cozadtel.net

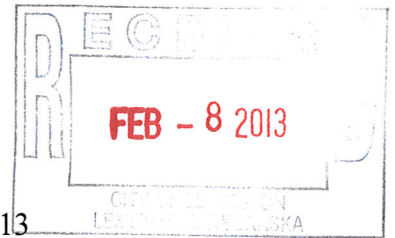
CLAUDE E. BERRECKMAN (Of Counsel)
CLAUDE E. BERRECKMAN, JR.
BRIAN J. DAVIS

February 6, 2013

Board of Adjustments
City of Lexington
PO Box 70
Lexington, NE 68850-0070

NOTICE OF APPEAL

Property Owner: Adalberto Mejia
Property Address: 21 Birch Lane, Lexington
Appeal from: Order of Building Inspector dated 02/01/2013



Board of Adjustments:

This letter shall constitute a written application for appeal to the Board of Adjustments of the City of Lexington from the Order set out in the letter of February 1, 2013 from Mark Yung to Adalberto Mejia regarding 21 Birch Lane in Lexington. This appeal is based, in part, on the property owner's position that the true intent of the applicable code or rules being relied upon by the building inspector have been incorrectly interpreted; the provisions of the code do not fully apply; and the requirements of the code are being adequately satisfied by the property owner through repairs and improvements being made to the subject property. Adalberto Mejia intends to make repairs to the property at 21 Birch Lane in order to bring said property into compliance with any and all applicable and reasonably applied code provisions and regulations.

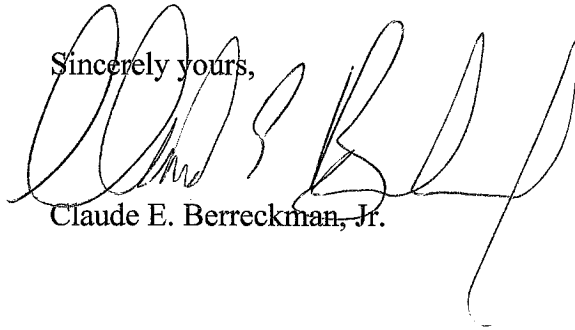
If this appeal will be heard by the Board of Adjustments, I assume that said hearing will be a public hearing. Please provide notice of any hearing on this appeal to the undersigned as Mr. Mejia's attorney. I am also requesting a copy of the authority cited and Mr. Yung's letter of February 1, 2013 as the 2009 IPMC 110.1 and any other code provisions, rules or regulations relied upon by the City of Lexington in reaching its position and ordering the demolition and removal of my client's property.

We acknowledge that the above referenced letter included a property maintenance report dated 02/04/2013. Mr. Mejia will utilize that report in making appropriate repairs and improvements. He had previously requested a list of deficiencies with respect to the property and had received nothing in response to his request. If the city is in possession of a more detailed list of deficiencies, as opposed to excerpts from code provisions as contained in the Property Maintenance Report, please provide that list to me as soon as possible.

Board of Adjustments
City of Lexington
February 6, 2013
Page Two

The City of Lexington should also be aware of the fact that it does not have permission from Adalberto Mejia to be on or in his property referenced above and any entry into or onto said property will be considered a trespass.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'C. Berreckman, Jr.', written in a cursive style.

Claude E. Berreckman, Jr.

CEBjr/ma

c: Adalberto Mejia

Note	Created	Modified
02/20/2013 I e-mailed Claude Berreckman Jr. We received his application and fee. I also sent him a link to the agenda site. Mark	2/20/2013 by Mark Yung	2/20/2013 by Mark Yung
02/20/2013 I posted the Board of Adjustment meeting information at 4 locations. Pam had printed them. Mark	2/20/2013 by Mark Yung	2/20/2013 by Mark Yung
02-14-2013 The date for the Board of Adjustment is set for 2-27-2013 at 8:00 AM. Mark	2/14/2013 by Mark Yung	2/14/2013 by Mark Yung
02/12/2013 We received a letter from Claude Berreckman Jr. on Friday. His letter asked for an appeal with the Board of Adjustment. I called him today and told him we needed an application for appeal filled out and a fee of \$75.00 before we could set a date to hear the appeal. I e-mailed him the information. Mark	2/12/2013 by Mark Yung	2/12/2013 by Mark Yung
02/04/2013 I tried to contact Aldeberto on both phone numbers he provided to see where he wanted the list of violations sent or if his wife would pick it up. He had called earlier and said he wanted a list of what needed to be fixed. I told him he could not fix it, it has a demolition order on it, and he has to go to the Board of Adjustment first. I told him I gave the application for the Board of Adjustment to his wife and daughter Friday. He said he would talk to his lawyer and have him call me. Mark	2/4/2013 by Mark Yung	2/4/2013 by Mark Yung
02/01/2013 Adalberto's wife and daughter stopped in the office to receive a letter I had told Adalberto I would have ready by 4:30. It contained a demolition order. They ask why. I told them some of the issues for a safe structure to be habitable. The wife said the plumbing was new. I had them come into the inner office area to see the pictures I had taken on the 30th. I told them it could be appealed within 20 days. They wanted an appeal application. I gave them one and told them it needed to be in our office within 20 days. Mark	2/1/2013 by Mark Yung	2/1/2013 by Mark Yung
01/30/2013 I made a complete inspection now that I can get in every area. Mark	2/1/2013 by Mark Yung	2/1/2013 by Mark Yung
0128-2013 I talked to Adalberto. He cannot be here until late Friday. I asked him if he could give Kevin permission to unlock the mobile home so I could complete my inspection. He said his wife could be there to unlock the door at 4:00 on Wednesday. Mark	1/30/2013 by	1/30/2013 by

	Mark Yung	Mark Yung
01/28/2013 I talked to Sara. She is completely out. She said Adalberto came over when she was moving her belongings out. He went through the mobile home and could not understand why it was condemned. He was mad at her for telling us about her situation. Mark	1/28/2013 by Mark Yung	1/28/2013 by Mark Yung
01/14/2013 I sent a condemnation letter to Adalberto by mail and posted one at the mobile home and delivered one to Kevin Kennedy's office at Willow Ridge Mobile Home Park's office. Mark	1/14/2013 by Mark Yung	1/14/2013 by Mark Yung
01/14/2013 Adalberto Mejia stopped in the office. He all of a sudden has found out about the inspection I made Friday. We (Bill, Al and I) had a lengthy discussion about the mobile home issues and the condemnation order I was going the placard today. Adalberto says he wants to repair everything even if it takes \$10,000. The tenant is to be out today or no later than this week. We told Adalberto to call us as soon as she was out. We would make a complete inspection at that time and he would know what violations he had. This leaves the mobile home in a condemned situation with the possibility of repair. We will review the violations after the complete inspection and determine the course of action at that time. Mark	1/14/2013 by Mark Yung	1/14/2013 by Mark Yung
01/11/2013 Sara Bray's number is 325-6485. Mark	1/11/2013 by Mark Yung	1/11/2013 by Mark Yung
01/11/2013 I called Sara and told her I was going to condemn the mobile home on Monday and no one could live in it after Tuesday. Mark	1/11/2013 by Mark Yung	1/11/2013 by Mark Yung
01/11/2013 I called the Assessor's Office to get a current value of the mobile home. Joyce Reil said the assessed value is \$1,500.00. It is my determination the repairs to bring this property into compliance would outweigh the value many times. Mark	1/11/2013 by Mark Yung	1/11/2013 by Mark Yung
01/11/2013 I inspected the Mobile Home. Sara Bray lives here with her (approx. 4-5 year old son). There is no hot water and you cannot get to the hot water heater because the dryer is in front of the access. Sara says the outlet for the refrigerator does not work so she has an extension cord into the bedroom for it. There are several outlets not covered. A closet door in the north bedroom has the bed against it because there are exposed wires in that area according to Sara. The bathroom has a hole in the ceiling directly to the roof. There are many other issues with this mobile home. I will list those on the condemnation order and have filed the pictures. Mark	1/11/2013 by Mark Yung	1/11/2013 by Mark Yung

01/10/2013 Sara called and asked when I was going to inspect her mobile home. She said nothing has been done by the owner. I told her I could inspect it Friday at 9:30. Mark

1/11/2013 by Mark Yung
1/11/2013 by Mark Yung

12/12/2012
Sara Bary stopped in the office to ask who to talk to about her place being unsafe. She says there are wires exposed, holes in the ceiling and walls, and has to use the oven to heat the mobile home. She has told the owner but he has done nothing in 4 months.
I sent an inspection letter. Mark

12/12/2012 by Mark Yung
12/12/2012 by Mark Yung