

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 09/12/2024

Hearing Officer: BETHANY BAXTER

Case number: 1177279

Address: 425 DARBY CREEK RD.

Owner: COMMELLA COTTAGES LLC

Present /Not Present

Person Representing Property Owner: Dyann Palmer, Rep.

Legal Standing: PDA in file

Issuance Date of Notice: 07/18/2024

Case Officer: DEBRA PHELPS

Housing with \$ 225.00 Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: _____

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted until 9/20/24 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 225⁰⁰. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: confirm all

Violations cured before date, coordinating access with city.

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation by _____, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: As indicated in Kentucky Revised Statute 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**



Hearing Officer's Signature

9/12/24

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**COMMELLA COTTAGES LLC
512 SUNDROP PATH
LEXINGTON, KY 40509-2952**

**Date & Time of Issuance: July 18, 2024, at 2:00 PM
Compliance Due Date: July 23, 2024
Case Number: 1177279**

RE: 425 DARBY CREEK RD, Lexington, KY 40509

On **June 12, 2024 at 3:00 PM**, the above referenced property was placed under a Notice of Violation regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **July 18, 2024 at 2:00 PM**, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections have been completed. The purpose of this document is to formally notify you that due to the continued non-compliance and the presence of **8 violation(s)** on the property during the above indicated "Date of Issuance", you are being issued a citation. **As established in Chapter 12-1 of the Code of Ordinances you have been issued a citation in the amount of \$225. This amount includes a \$25.00 Administrative fee.** Our records indicate you have received **0 citation(s)** in this case.

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Date of Issuance". Appeals, which should indicate why the citation should be dismissed, may be filed via U.S. Mail or by delivering the request to: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper.

If this citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. **All payments related to citations or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 218 East Main Street, Lexington, Kentucky 40507.** Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs.

Please note that as outlined in Chapter 12-1 of the Code of Ordinances, if the cited repairs are not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties ranging between \$100.00 and \$2,500.00 may be assessed. Please take immediate steps to correct these violations to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this citation. If you do not receive a response from me within 36 Hours of calling/emailing, please call our office and ask to speak to my supervisor.

Inspection Comments:

The first and second floor smoke detectors are beeping and need new batteries or repaired/replaced. The outlet past the countertop to the right of the kitchen sink within 6 feet, shall be a GFCI outlet. If these two items are completed by the due date, I will give an extension for the following issues.





There are multiple leaks causing damaged ceiling/wall areas on 1st floor, from above. Repair leaks and replace damaged drywall and paint. Tenant says they notice a leak in dining room when tub is used. Also 1/2 bath has ceiling leak (possible condensate line plugged). Old side downspout was replaced, but front door needs a gutter or angle directly above the front door to redirect the water from pouring over the front door entrance. Front door shall be weathertight and door sweep added. Exterior pod light shall be attached properly. Broken stair handrail shall be replaced.

A handwritten signature in cursive script, appearing to read 'Debra Phelps'.

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov



7/30/24

James Mitchell - Commella Cottages LLC, 512 Sundrop Path, Lexington, KY 40509

Dylan Palmer - Bluegrass Rental Management LLC, 115 Walton Ave, Lexington, KY 40508
Bluegrassmanagementlex@gmail.com, 714-403-9465

Dear Dylan Palmer,

RE: Power of Attorney

I, James Mitchell, Owner of Commella Cottages LLC, hereby appoint Dylan Palmer, owner of Bluegrass Rental Management LLC, as my true and lawful attorney-in-fact to act in my name, place, and stead in the following matters:

- 1. **Property Management:** To manage any real property that I own or may acquire, and to conduct any business related to such property as it relates to the management of the property including but not limited to dealing with code enforcement issues.

This Power of Attorney shall become effective immediately and shall remain in effect until August 30, 2024. I hereby ratify and confirm all that my attorney-in-fact shall lawfully do or cause to be done by virtue of this Power of Attorney.

In witness whereof, I have hereunto set my hand this 31st day of July, 2024.

Sincerely,

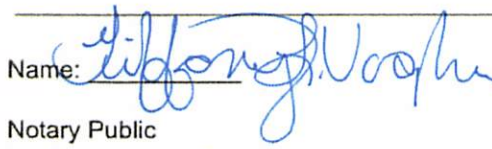


James Mitchell

Notary Public:

State of Kentucky, County of Fayette

On this 31 day of July, 2024, before me, the undersigned notary public, personally appeared James Mitchell, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that they executed it.

Name: 

Notary Public

My Commission Expires:

