

**From:** [Ferguson, Laura](#)  
**To:** [Davis, Brian](#); [Williams, Julia](#)  
**Cc:** [Luckett, Jay](#); [Haberman, Joseph](#)  
**Subject:** FW: ENF-ZON-25-001693 5323 New Cut Road  
**Date:** Wednesday, April 1, 2026 3:06:33 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[5323 New Cut Road Timeline.pptx](#)

Could we include this in the materials for the binding element appeal for 5323 New Cut Road? It is going to be continued to 4/23, but I'd like it to be in the materials that the Commissioners have to review. Thanks!

Laura

**From:** Maureen Welch [REDACTED]  
**Sent:** Wednesday, April 1, 2026 2:51 PM  
**To:** Ferguson, Laura <Laura.Ferguson@louisvilleky.gov>  
**Cc:** Luckett, Jay <Jay.Luckett@louisvilleky.gov>  
**Subject:** ENF-ZON-25-001693 5323 New Cut Road

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Laura,

Several properties either on New Cut Road or the surrounding area have been rezoned within the last 5 years "to help get the owner in compliance" with the Land Development Code. Neighbors didn't agree with the rezoning and / or were concerned about the impact on the neighborhood. (See my e-mail below to Jay Luckett regarding this property. I also spoke before the Planning Commission as did several other Iroquois Neighborhood Association members.) Binding elements were added as part of the rezoning, and I guess to make neighbors feel better about changing / increasing the zoning to get the owner into compliance. Neighbors were told that the binding elements would be enforced; if the property owner didn't comply with the binding elements, they would be fined. I ask that you enforce and collect the \$1,000 fine.

As background, this property was rezoned from R-5 to R-4 in 2006 as part of the Kenwood Hill neighborhood downzoning. (See attached timeline.) In 2023 the owner converted the property to a 4-plex. As a result of an enforcement action, they applied for rezoning from R-4 to R-6. There was debate amongst the commissioners. Joel Dock suggested during the meeting rezoning to R-5A. The property was rezoned with binding elements from R-4 to I believe R-5A; this was 17 years after the neighbors had successfully downzoned the property due to soil issues, which was not an easy feat. Regardless, the downzoning was reversed, and neighbors were assured by the Office of Planning that any failure to comply with the binding elements would result in a binding element enforcement fine. We were told the binding elements stayed with the property, not the owner. Metro Council, in fact, increased the binding element enforcement fines so that they would be meaningful and ensure compliance by property owners.

Below is a screenshot of the current binding element violations.

**Inspector Comments:**

**Inspected on 02/25/2026 and found this property in violation of the approved Development Plan and Binding Elements for Case #23-ZONE-0041.**

**This property is in violation of Binding Elements # 1 and #3.b.**

**Binding Element #1:** The development layout does not match the layout shown on the approved plan.

**The parking lot has not been constructed as shown along with the northern entrance drive improvements; the southern entrance has not been removed; and the curb, verge, and sidewalk has not been re-established in the right of way. All new and existing sidewalks have not been improved to meet the ADA current standards.**

**Binding Element #3.b:** The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

**A landscape plan showing the screening/ buffering/street tree plantings has not been submitted. Plus, the required plantings have not been provided.**

**Contact the Office of Planning (502)574-6230 for assistance with the application process for the landscape plan review. This plan will need to include all screening/buffering plantings along with the street tree plantings along New Cut Road.**

**1<sup>st</sup> Citation for BE\_001 issued.**

**Responsible Party: Property Owner**

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OFFICE OF PLANNING

Mr. Worth with Dreamworth Homes LLC is appealing the binding element fine. In his appeal letter, he states "he is submitting a revised development plan". I don't understand the need for Mr. Worth to submit a revised development plan. He needs to comply with the current development plan. I also do not believe ignorance of binding elements associated with a property are reason to waive binding elements or the enforcement of such binding elements. Mr. Worth should have performed proper due diligence prior to purchasing the property. The binding elements attach to the property, not the property owner.

Again, I ask you to enforce the fine and compliance with all binding elements.

Best regards,

Maureen Welch  
[REDACTED]  
Louisville, KY 40214  
[REDACTED]

----- Forwarded Message -----

**From:** Lockett, Jay <[jay.lockett@louisvilleky.gov](mailto:jay.lockett@louisvilleky.gov)>  
**To:** Maureen Welch [REDACTED]  
**Sent:** Tuesday, February 28, 2023 at 03:10:22 PM EST  
**Subject:** RE: Case 23-ZONEPA-0008 (5323 New Cut Road)

Maureen,

Thank you for taking the time to express your opinions regarding this proposal. I will add your letter to the record and forward it to the applicant. Please feel free to contact me with further questions or comments.

Regards,

Jay Lockett, AICP  
Planner II  
Planning & Design Services  
Department of Develop Louisville  
*LOUISVILLE FORWARD*  
444 South Fifth Street, Suite 300  
Louisville, KY 40202  
502-574-5159

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<https://louisvilleky.gov/government/planning-design>



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**From:** Maureen Welch [REDACTED]  
**Sent:** Tuesday, February 28, 2023 11:58 AM  
**To:** Lockett, Jay <[Jay.Lockett@louisvilleky.gov](mailto:Jay.Lockett@louisvilleky.gov)>  
**Subject:** Case 23-ZONEPA-0008 (5323 New Cut Road)

Jay,

I hope you're doing well. I attended the February 8th neighborhood meeting regarding 5323 New Cut Road (Case 23-ZONEPA-0008). As you are aware, this site is located in the Kenwood Hill area which is in the Neighborhood Form District. The applicant is requesting a zoning change from R-4 single-family residential to R-6 multi-family residential to allow a 4-plex apartment, and for a conditional use permit to allow a short-term rental on the property. The neighborhood meeting was well attended, and there was thoughtful dialogue. I'm very familiar with the property as I've lived my entire life in the area.

My understanding is the existing 4,564 square foot dwelling is located on a double lot zoned R-4. The duplex will be / has been changed to accommodate a 4-plex and needs the zoning changed. Essentially one of the existing units in the duplex will be / has been converted into 3 apartments located on the first floor, the second floor, and in the basement. The basement apartment is what the applicant wants to use as the short-term rental. The applicant does not plan to increase the number of parking spaces which will remain at 4 spaces. The applicant also intends to cut down the large tree in the front of the property which will destabilize the ground in the front yard.

I have several concerns regarding the proposed zoning as noted below.

**The site was downzoned to R-4 in 2006 due to soil instability. I don't understand why a zoning change increasing intensity from R-4 to R-6 would even be considered by Planning and Design.**

- The site was rezoned from R-5 to R-4 in the Kenwood Hill area wide rezoning under docket 9-13-2006.
- The rezoning was necessary to protect environmentally sensitive land from excessive development without adequate review. The terrain in the area that was down zoned suffers due to drainage issues and unstable soils that are prone to mass wasting and erosion according to the rezoning documents which are on file. Iroquois Park which is just across the road suffers from the same unstable soil issues. It's easy to see the land slide issues in the park. Those same concerns exist on the other side of New Cut Road where this property is located.
- The proposed change is too intense for a double lot with unstable ground that originally was intended for two single family homes on a two lane road that is now four lanes.

**Short-term rental**

- The proposed short-term rental is too close to another short-term rental based on the staff report.
- Parking is not adequate to support a short-term rental unit.

**Inadequate parking and pavement issues**

- The current driveway and parking spaces are concrete. The concrete has large cracks and has shifted in places which is indicative of settling issues and unstable soil.
- It's my understanding from discussion at the neighborhood meeting that the existing four parking spaces are not adequate for the current number of duplex residents and their guests which often results in people parking in the yard. This will worsen if the zoning is changed from a duplex to a four-plex with a conditional use permit for a short-term rental. The ground is not stable enough for parking in the yard or the addition of more parking.
- Most adults own a car or their friends and family do. It's unrealistic to think there will only be one car per unit regardless of what the latest zoning plan says is adequate. If the property is rezoned, there's not adequate available parking on site and the road is a four lane thoroughfare where people speed at 45 mph or more. You can't park

on the side of the road, and it's illegal to park on a sidewalk. In fact the current parking is not adequate for a duplex.

- Short-term rental properties usually use a cleaning service. This results in more vehicles on the property in addition to vehicles for current residents and their guests. Again, there's not enough room for the cars that come with the proposed zoning change.

**New Cut Road / Taylor Boulevard Corridor Study**

- The study noted that "properties in the study area that are currently occupied by single-family dwellings are zoned accordingly (R-4 or R5)." See page 27 of the study.
- The New Cut Road / Taylor Boulevard Corridor Study does not support a zoning change to R-6 at this section of the corridor which would bring more intensity to the site. R-6 zoning would allow for the following uses which are not desired at this section and side of the corridor:
  - Assisted living facilities
  - Community centers
  - Religious buildings

As a result of the concerns noted above, I do not support a zoning change from R-4 to R-6. I appreciate your consideration of my concerns.

Best regards,

Maureen Welch



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