



Nonconforming Rights Application

Louisville Metro Planning & Design Services

Case No: 23-NONCONFORM-0024 Intake Staff: DW
Date: 8-9-23 Fee: NO FEE

STAFF USE ONLY ABOVE THIS LINE

Site Information

Property Address / Parcel ID: 1910 Lower Hunters Trace, Louisville, KY 40216 / ID:102500180000

Current Zoning District: R4 Current Form District: N

→ Search the address in LOJIC: <https://www.lojic.org/lojic-online>. Click the to view the Land Development Report

Description of Nonconforming Use: Please be as detailed as possible when describing the use and areas in which the use takes place

I run a Grading/landscaping company with 3 to 5 employees. My employee's literally all walk to 1910 Lower Hunters Trc. every morning at 8:00 a.m. WE load our trucks for the day, leave the property for the duration of 8 to 10 hours, come back to the property, unload the trucks, the employees leave to go home. We don't sell any retail out of the property, it is basically where we park the trucks. Everything is parked under enclosures.

Provide evidence proving each of the following:

The use lawfully existed on the property prior to adoption, or amendment, of the zoning regulation that makes the use nonconforming:

WE did a lot of research on this matter, we went back to the 1931 Ordinances and found that Farming and Truck Gardening is an acceptable use. We also found that we are in accordance to KRS 100.253, it states "any use that has been in continuous existence for a period of ten years , and hasn't had any complaints , shall be deemed a nonconforming use. We've been in business for more than 34 years with no complaints.

The use existed continuously on the property since the time it became nonconforming, without an interruption of more than twelve (12) consecutive months:

1910 Lower Hunters Trace has been used as some sort of business since day one of its first occupants, roughly since 1940. Please see supporting documentation.

The use has not been expanded, or relocated, on the property since the adoption of the zoning regulation that makes it nonconforming:

For me personally, the use has not been expanded, or relocated in over 34 years.

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Contact Information

Print and use a second copy of this page if additional contacts are needed.

Owner:

Name: Chris Kelty

Company: Kelty Property Management LLC

Address: 1910 Lower Hunters Trace

City: Louisville State: KY Zip: 40216

Primary Phone: 502.639.0705

Alternate Phone: 502.507.7788

Email: kelty124@hotmail.com

Applicant / Contact:

Name: Chris Kelty

Company: Kelty Property Management LLC

Address: 1910 Lower Hunters Trace

City: Louisville State: KY Zip: 40216

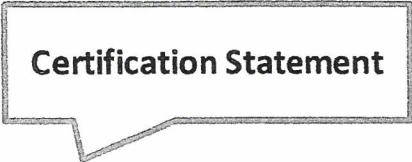
Primary Phone: 502.639.0705

Alternate Phone: 502.507.7788

Email: kelty124@hotmail.com

Owner Signature (required):

Chris Kelty



A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, *Ellen Kelty*, in my capacity as *Notary Public*, hereby
representative/authorized agent/other

certify *Kelty Prop Mgmt. LLC / Chris Kelty* (are) the owner(s) of the property which
name of LLC/corporation/partnership/association/etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ **Date:** _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a materially false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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Checklist

Please submit the completed application along with the following documents



Applications will not be accepted without the following items:

- Mailing Labels:** You are required to notify the OWNERS and RESIDENTS of neighboring properties of this application. If the owner does not occupy the property, you must also send notice addressed to the "current resident" at the property address. You must create mailing labels of 1st tier adjoining property RESIDENTS and OWNERS, and to your Case Manager (ask customer service for a "HOW-TO: USER GUIDE" for instructions). Applicant is responsible for mailing.
- Copy of Mailing Labels:** Make a copy of the mailing label sheet(s) mentioned above.

To meet the listed requirements, the applicant must provide documentation to substantiate the claim of nonconforming rights. Documentation includes, but is not limited to:

- **Zoning maps** from the time of commencement of the use to the present
- A copy of the **zoning regulations** in effect at the time the use began (selected regulations from 1931 onward are available at <https://louisvilleky.gov/government/planning-design/land-development-code>);
- A copy of official documents for each year of the use's operation including, but not limited to, the following:
 - The **Certificate of Compliance** from the Revenue Commission for each year of the use's operation showing the business name, or otherwise demonstrating on its face the existence of the use-continuous ownership of the property is not sufficient to demonstrate the existence of nonconforming rights*
 - Copies of **utility bills** showing billing information for the use
 - Copies of **tax bills** showing billing information for the use
- Copies of **directory listings** for each year of the use's operation (including telephone directories, Caron's/Polk's Directories, business association directories, Criss-Cross Directories, etc.)**
- **Property Valuation Administration (PVA) records**
- **Three notarized affidavits** from individuals attesting to their personal knowledge of the continuous, uninterrupted use of the property for the particular use in question. Affidavits, by themselves, will not suffice as the only evidence of existence for a nonconforming use; in other words, the applicant should submit other evidence along with notarized affidavits. Affidavits must contain specific information as to the affiant's knowledge of the use, and the basis for that knowledge.
- **Other documents** that substantiate the existence of a specific use, or structure on the property, such as newspaper articles or photographs
- Documentation should be provided back to the following year:
 - **1971** for property located within the original boundaries of the City of Louisville prior to merger.
 - **1943** for the remainder of Jefferson County prior to merger.

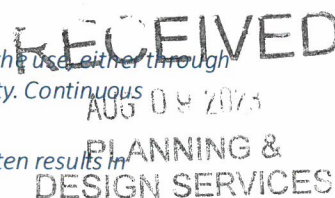
Planning & Design Services shall determine one of the following three conclusions:

1. **The nonconforming use rights have been established for the property.** If this is the conclusion, the property owner, or prospective property owner, is advised that any changes made to the use, or structure, shall result in a loss of nonconforming status. Any interested party can appeal the Planning & Design Services' determination to the Board of Zoning Adjustment pursuant to Kentucky Revised Statutes, Section 100.257.
2. **The nonconforming use rights have not been established for the property.** If this is the conclusion, the property owner, or prospective property owner, can appeal to the Board of Zoning Adjustment pursuant to KRS 100.257.
3. **No conclusion has been reached because of insufficient, or conflicting, evidence.** If this is the conclusion, the property owner, or prospective property owner, can provide additional documentation, or appeal the determination to the Board of Zoning Adjustment pursuant to KRS 100.257.

If staff concludes that nonconforming rights exist, the property owner, or prospective property owner, Planning & Design Services shall issue a statement outlining the nonconforming rights. This statement must be recorded in the chain of title in the Office of the Clerk of Jefferson County, Kentucky to put others on notice of the establishment of nonconforming use.

* *In no case will official documents be accepted as proof where those documents do not specifically reference the use, either through the inclusion of a business name or type, or some other reference that identifies the actual use of the property. Continuous ownership of property does not imply continuous nonconforming use of the property.*

** *It is acknowledged that these directories are often compiled through voluntary participation, and that this often results in incomplete or incorrect information.*





Louisville Metro Government
Office of Planning & Design Services - Zoning Enforcement
444 S. 5th St, Louisville, KY 40202
(502)574-6230

07/06/2023
05:00 PM

Kelty Property Management LLC
c/o Christopher E. Kelty
1910 Lower Hunters Trace
Louisville, KY 40216-1526

NOTICE OF VIOLATION – LAND DEVELOPMENT CODE / ZONING

Case Number: ENF-ZON-23-000925-1
Subject Property: 1910 Lower Hunters Trace
Inspection Date: 07/06/2023
Time of Inspection: 09:15 AM

Following receipt of a complaint, your property was inspected by a Louisville Metro Zoning Enforcement Officer. As observed during the inspection and/or discovered through subsequent investigation, a violation(s) exists that requires your immediate attention.

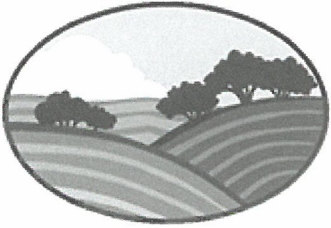
You must immediately stop using this property in violation of the Land Development Code. You may contact the Office of Planning & Design Services to determine what steps must be taken to remedy the violation(s) noted below. Failure to comply with this Notice may result in a Citation or referral to District Court. In addition, any person or entity that violates any provision of the Land Development Code can be fined not less than \$10 nor more than \$500 for each violation. Each day of violation constitutes a separate offense.

Your property will be re-inspected at a later date to determine compliance.

Steven Bodner
Zoning Enforcement Officer
(502) 773-2067
Steven.Bodner@louisvilleky.gov

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CELEBRATING OUR 33TH ANNIVERSARY IN 2020



Bardenwerper,
Talbott & Roberts, PLLC

(<http://www.bardlaw.net/>)

Contact Us (<http://www.bardlaw.net/contact-us/>)

502-426-6688 (TEL:+15024266688) 502-426-6688 (TEL:+15024266688)

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HOME ([HTTP://WWW.BARDLAW.NET](http://www.bardlaw.net/)) / ARTICLES ([HTTP://WWW.BARDLAW.NET/ARTICLES/](http://www.bardlaw.net/articles/)) / **THE LAW OF NONCONFORMING USES**

BISSELL ROBERTS

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II. THE LAW OF NONCONFORMING USES

A. IDENTIFYING AND HANDLING NONCONFORMING USES

Kentucky attorneys involved with real estate and zoning matters need to be familiar with Kentucky's rules applying to nonconforming uses. Nonconforming uses, nonconforming structures and nonconforming lots are usually valuable assets worthy of protection. As a rule, public policy favors gradual elimination of nonconforming uses, nonconforming structures and nonconforming lots.

Although the rules applying to these uses have no application in counties and communities without zoning laws, it is important to understand these general principles since you may need to advise clients owning property located in a jurisdiction which is in the process of adopting its first Comprehensive Plan and Zoning Regulations.

1. THE MEANING OF "GRANDFATHERED" USES AND PERMIT APPLICATIONS

The basic rules pertaining to nonconforming uses were prescribed by the Kentucky General Assembly for cities, counties and other government entities that enact zoning regulations. **The General Assembly mandates that the zoning regulations include provisions "for nonconforming use and land and structures".** KRS 100.203(1). Our discussion today begins with a review of the Kentucky Revised Statutes, but is also

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structures" from Jefferson , Oldham and Henry Counties, Kentucky.

KRS 100.111(13) and (21) defines "nonconforming use or structure" and "structure" as follows:

(13) "Nonconforming use or structure" means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

• • • • •

(21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground, including buildings and signs.

The Kentucky statutes do not contain a statutory definition for a "nonconforming lot". It is probably safe to assume that you can substitute the word "lot" into Chapter 100's definition of "nonconforming use or structure" and apply the same general rules.

The basic Kentucky rules for a nonconforming use are set out in KRS 100.253 which provides –

(1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

(2) The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming –use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.

(3) Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be

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(4) The provisions of subsection (3) of this section shall not apply to counties containing a city of the first class, a city of the second class, or urban-county government.

Shortly after State Government constructed Capitol Avenue from the Kentucky River to the steps of the State Capitol, the City of Frankfort set out to enact zoning ordinances in 1939. Ada Darlington purchased a one-story residence on the corner of Second and Capitol Avenue in Frankfort for the purpose of converting it into a florist shop. In October of 1939 she submitted detailed plans for an expanded structure on the property seeking a building permit to remodel her property for use as a retail florist shop. The Frankfort City Council denied her legitimate request for a permit and enacted an emergency ordinance prohibiting all commercial businesses on Capitol Avenue. Later it passed a zoning ordinance prohibiting a "retail business" on Capitol Avenue. The Franklin Circuit Court sustained the action of the City. Ada Darlington appealed. In Darlington v. Board of Councilmen of City of Frankfort, 282 Ky. 778, 140 S.W.2d 392 (1940), Kentucky's highest court found that the property owner purchased the property to construct a florist shop and was proceeding forward with the conversion supported by a "restraining order" when both the emergency ordinance and general zoning ordinance in Frankfort were passed. At p. 396, the Court held:

"If she had not thus acquired a vested right to proceed, it is difficult to conceive how such a right could be acquired. Surely it could not be seriously contended that if appellant had completed the alteration of her premises and opened her florist shop, she could have been compelled to demolish her building or discontinue her business. If so, constitutional safeguards of property rights are meaningless. Obviously, it is not the amount of money expended which determinations the vesting of the right, since one property owner might be required to expend more in the preliminary steps of altering his property for the conduct of a particular business than his neighbor would be compelled to expend in completing the alteration of his property for a different type of business."

The Darlington opinion held that the property owner had acquired rights protected by the state and federal constitutions which were "vested" and "when, prior to the enactment of such restrictions, the owner has in good faith substantially entered upon the performance of the series of acts necessary to the accomplishment of the end intended." It follows that not only are nonconforming rights of property owners protected by Kentucky statute, they are also protected by the state and federal constitutions and the courts.

There are three basic ways a nonconforming use can be created. They are:

- Ø A prior established use becomes a "nonconforming use" when a community zoning ordinance is enacted, if the use does not conform with the requirements of the new zoning district.
- Ø A "nonconforming use" may be created when zoning regulations or zone changes are enacted which result in an existing "conforming use" becoming a "nonconforming use" because of non-compliance with a new regulation. This frequently happens when "area wide" rezonings occur and the Planning

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Ø **The ten (10) year rule.** Except in counties containing a city of the first class, a city of the second class or an urban-county government an "illegal use" for a period of ten (10) consecutive years that has not been the subject to an adverse action by an administrative official shall be deemed a "nonconforming use". KRS 100.253(3). I am unaware of any reported case in which a court has been asked to decide if the ten (10) year rule should apply to all counties and that KRS 100.253(4) is unconstitutional as "special legislation". I anticipate such a case will eventually make its way to the appellate courts, unless KRS 100.253(4) is removed from Kentucky's legislation.

As a general rule "contemplation of use" is insufficient to create a nonconforming use status. In 1970 the Scott County Planning Commission placed a freeze on all development which was not an "agricultural use". At the time a property owner had expended \$68,000 of an estimated \$85,000 cost to purchase and improve eight acres upon which there was a motel. The property owner had prepared plans, negotiated with contractors, lenders, engineers and utility companies and obtained a health department permit for conversion of the motel into apartments and a trailer park. Citing Darlington v. Board of Councilmen, Kentucky's highest court held that Kentucky recognized one exception to the general rule that a "nonconforming use" must have been actually demonstrated prior to enactment of the zoning ordinance prohibiting it. A nonconforming use would be established "where substantial construction has been made on the property or substantial expenses incurred relating directly to the construction prior to the ordinance. Perkins v. Joint City-County Planning Commission, Ky., 480 S.W.2d 166, 168 (1972).

Where a property owner has established a "nonconforming use" the provisions of KRS 100.253(1) recognizing the validity of nonconforming use take precedence over any conflicting local ordinance. City of Paducah v. Johnson, Ky., 522 S.W.2d 447 (1975).

In Dempsey v. Newport Board of Adjustments, Ky. App., 941 S.W.2d 483, 485 (1997), the Kentucky Court of Appeals noted that while a nonconforming use may be deemed "undesirable" by some citizens **"it nevertheless constitutes a legitimate, vested property right and clearly enjoys broad constitutional protection . . . Vested property rights are not easily lost or voided."** A legal nonconforming use can continue its existence indefinitely if its character remains the same. Grannis v. Schroder, Ky. App., 978 S.W.2d 328, 331 (1998).

2. EXPANSION OR ENLARGEMENT – MEETING TIGHTER RESTRICTIONS

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A local board of zoning adjustments shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its original operation. KRS 100.253(2). In general, the zoning regulations of Jefferson County, Oldham County and Henry County prohibit any expansion of nonconforming use. However, § 205(1) of the Oldham County Zoning Regulations create an exception to this general rule for "residential uses on lots of more than one acre . . .". As a rule, Kentucky courts have prohibited any efforts to expand a nonconforming use. In Ashland Lumber Company v. Williams, Ky., 411 S.W.2d 909 (1967) a nonconforming use by a lumber company was located in a residential zone in Ashland, Kentucky. The owner of the lumber company approached the City Manager and City Attorney for their opinions that construction of an additional building at the lumber company would be a permissible expansion of a lawful nonconforming use. The company obtained a building permit and had substantially completed a new

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100.253 Existing nonconforming use, continuance -- Change -- Effect of nonconforming use of ten years' duration -- Application.

- (1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
- (2) The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
- (3) Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.
- (4) The provisions of subsection (3) of this section shall not apply to counties containing a city of the first class, a consolidated local government, an urban-county government, or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 196, effective January 1, 2015. -- Amended 2002 Ky. Acts ch. 346, sec. 149, effective July 15, 2002. -- Amended 1986 Ky. Acts ch. 141, sec. 28, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 412, sec. 3, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 327, sec. 3, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 172, sec. 56.

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1.3.1 Use

- A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.
- B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.
- C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.
- D. Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.
- E. Notwithstanding any provision in Chapter 1, Part 3 to the contrary, a residential structure located in an industrial district may be expanded if (1) the expansion does not increase the number of dwelling units on the subject property and (2) the expansion would be permitted if the existing structure were located in an R-5 Residential district.
- F. **ABANDONMENT.** The abandonment of a nonconforming use terminates the nonconforming use status. The burden of proof in a hearing before the appropriate Board of Zoning Adjustment on whether a nonconforming use has been abandoned shall be on the party asserting that the nonconforming use has been abandoned. However, a showing that the subject property has not been regularly used for the purposes for which the nonconforming use status is claimed for a period of one year shall create a presumption of such abandonment, and thereupon the burden of proof shall shift to the party asserting that the nonconforming use has not been abandoned. The Board may accept any substantial evidence sufficient to show that the nonconforming use has been discontinued for a period of one year or more. To rebut the presumption, the property owner must show by clear and convincing evidence that:
 - 1. the property owner has undertaken to reinstate the discontinued nonconforming use on the property by such acts as would be

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Kentucky Secretary of State

Michael G. Adams

Your Annual report has been filed successfully.

Click here to view the filing created for this annual report.

You can print this page to use as your verification that the annual report has been filed, and as a receipt for your payment.

Company ID: 0259151.09.99999
Annual Report Date: 3/15/2023
Principal Office: **1910 LOWER HUNTERS TRACE
LOUISVILLE, KY 40216**
Registered Agent: **CHRISTOPHER KELTY
1910 LOWER HUNTERS TRACE
LOUISVILLE, KY 40216**
SOS Accounting ID: 0.0
Filing Fee: \$15.00
Title: - President
Signature: CHRISTOPHER E KELTY

Current Officers

Office	Name and Address
President	Christopher E Kelty, 1910 Lower Hunters Trace Louisville, KY 40216
Secretary	MEGHAN E KELTY, 1904 Lampter Ave Louisville, Ky 40216

Directors

Name and Address
Christopher E Kelty, 1910 Lower Hunters Trace Louisville, KY 40216

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Click here to view your company profile

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Commonwealth of Kentucky
Michael G. Adams, Secretary of State

Michael G. Adams
Secretary of State
P. O. Box 1150
Frankfort, KY 40602-1150
(502) 564-3490
<http://www.sos.ky.gov>

Annual Report
Online Filing
For the Year 2023

ARP

Company: LANDMARK LAWN, INC.
Company ID: 0259151
State of origin: Kentucky
Formation date: 5/31/1989 12:00:00 AM
Date filed: 3/15/2023 8:55:17 AM
Fee: \$15.00

Principal Office

1910 LOWER HUNTERS TRACE
LOUISVILLE, KY 40216

Registered Agent Name/Address

CHRISTOPHER KELTY
1910 LOWER HUNTERS TRACE
LOUISVILLE, KY 40216

Current Officers

President	Christopher E Kelty	1910 Lower Hunters Trace Louisville, KY 40216
Secretary	MEGHAN E KELTY	1904 Lampter Ave Louisville, Ky 40216

Directors

Director	Christopher E Kelty	1910 Lower Hunters Trace Louisville, KY 40216
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Signatures

Signature	CHRISTOPHER E KELTY
Title	President

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23-NONCON FORM - 0024

Form 51A101(b)
(4-2015)

**Commonwealth of Kentucky
Department of Revenue
Sales and Use Tax Permit**

Account Number:	000109345
Issue Date	11/15/2015
Address	LANDMARK LAWN , INC. 1910 LOWER HUNTERS TRCE, LOUISVILLE, KY 402161526

THIS SELLER'S PERMIT IS ISSUED PURSUANT TO KRS 139.250

POST IN A CONSPICUOUS PLACE

**THIS PERMIT IS ISSUED PURSUANT
TO AUTHORITY OF CHAPTER 139 OF
THE KENTUCKY REVISED STATUTES
AND IS VALID UNTIL CANCELLED OR REVOKED.**

THIS PERMIT IS NOT TRANSFERABLE

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Commonwealth of Kentucky
Alison Lundergan Grimes, Secretary of State

LAOO
1012260.06
Alison Lundergan Grimes
Secretary of State
Received and Filed
2/23/2018 10:54:00 AM
Fee receipt: \$40.00

Alison Lundergan Grimes
Secretary of State
P. O. Box 718
Frankfort, KY 40602-0718
(502) 564-3490
<http://www.sos.ky.gov>

Articles of Organization
Limited Liability Company

KLC

For the purposes of forming a limited liability company in Kentucky pursuant to KRS Chapter 275, the undersigned organizer hereby submits the following Articles of Organization to the Office of the Secretary of State for filing:

Article I: The name of the company is

Kelty Property Management LLC

Article II: The street address of the company's initial registered office in Kentucky is

1910 Lower Hunters Trce, Louisville, KY 40216

and the name of the initial registered agent at that address is **Christopher E Kelty**

Article III: The mailing address of the company's initial principal office is

1910 Lower Hunters Trce, Louisville, KY 40216

Article IV: The limited liability company is to be managed by **Members**

Executed by the Organizer on Friday, February 23, 2018

Name of Organizer: **Christopher E Kelty**

Signature of individual signing on behalf of Organizer:
Christopher E Kelty

I, **Christopher E Kelty**, consent to serve as the Registered Agent on behalf of the limited liability company.

Signature of Registered Agent or individual signing on behalf of the company serving as Registered Agent:

Christopher E Kelty

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OFFICE

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General Information Report

July 25, 2023 1:44 PM

General Geographic Information

City: LOUISVILLE
 Zip Code: 40216
 Parcel ID: Not Applicable
 2010 Census Tract: 012502
 2010 Census Block: 3000
 2020 Census Tract: 012502
 2020 Census Block: 5000
 Neighborhood: Not Applicable
 Neighborhood Place: [GREATER CANE RUN AREA](#)
 Metro Park: Not Applicable
 LOJIC Street Atlas: MAN16-D

Solid Waste Services

The address you entered is outside the Urban Service District where Louisville Metro is responsible for waste collection, recycling and yard waste services. If you live in another city within Jefferson County, your city administrator can provide you with the appropriate waste hauler information. To learn more, call MetroCall at 311 or 574-5000.

Special Districts

Enterprise Zone: Not Applicable
 Overlay District: Not Applicable
 Historical District: Not Applicable
 Preservation District: Not Applicable
 Urban Renewal District: Not Applicable
 CPW Maintenance District: WEST
 Zoning - Form District: R4 - N

Emergency Services

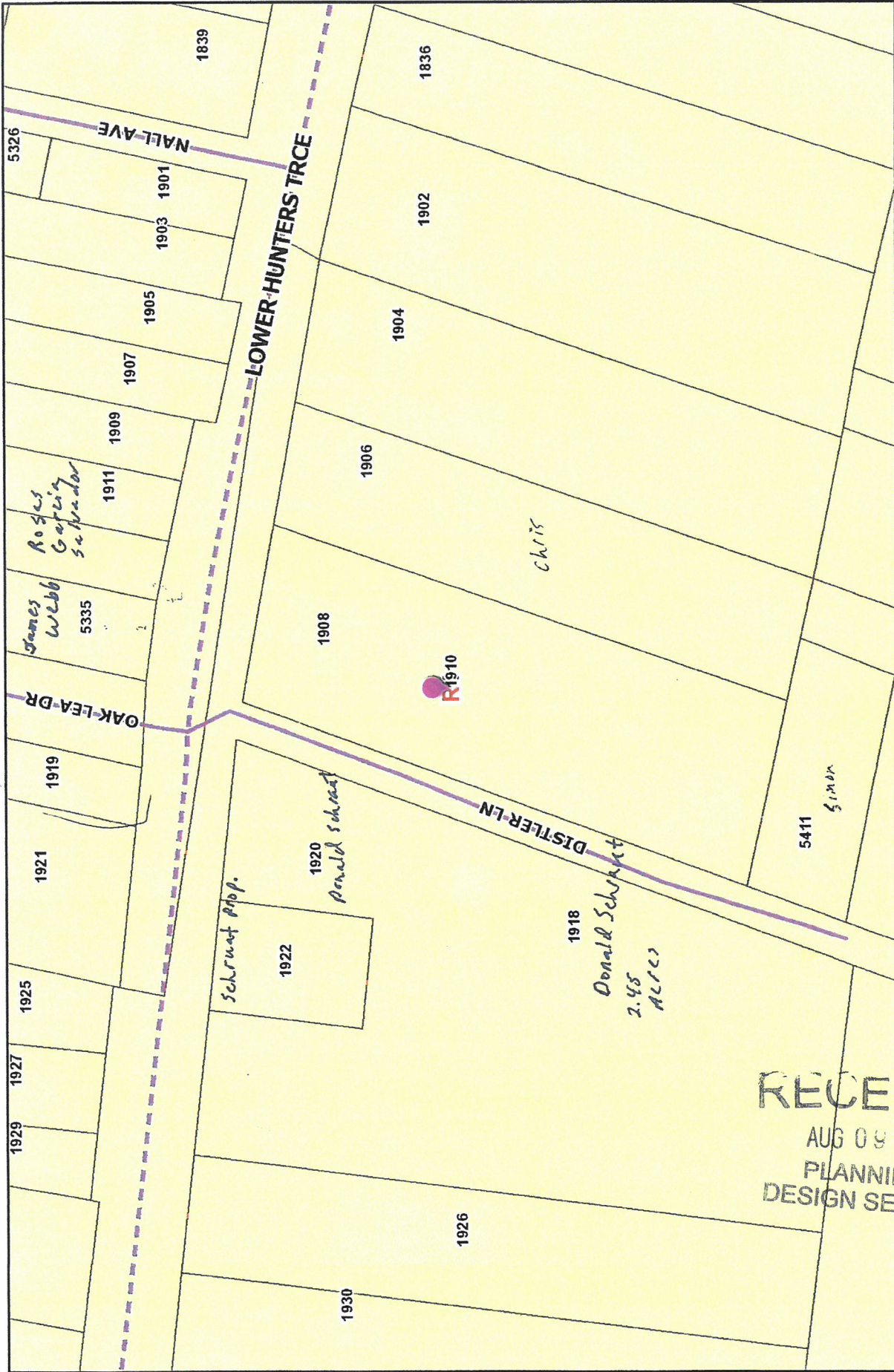
Fire: [PLEASURE RIDGE PARK](#)
 Police: [Louisville Metro Police Department, Third Division](#)

Political Areas

Council Member District: [12 - RICK BLACKWELL](#)
 US Congressional District: [3 - MORGAN MCGARVEY](#)
 KY Senatorial District: [37 - DAVID YATES](#)
 KY Legislative District: [28 - JARAD A BAUMAN](#)
 School Board District: [4 - JOE MARSHALL](#)
 Voting Precinct: A146 [Where do I vote?](#)

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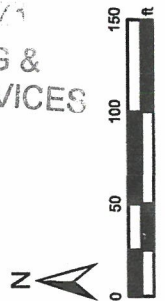


LOJIC © 2023
 This map is not a legal document and should only be used for general reference and identification.

Zoning

Friday, July 28, 2023 | 2:43:32 PM

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Mailed 1/4/23 for Account # 3000-0884-9774



a PPL company

BILLING SUMMARY

Previous Balance	374.72
Payment(s) Received	<u>-374.72</u>
Balance as of 1/3/23	\$0.00
Current Electric Charges	338.98
Current Gas Charges	<u>224.05</u>
Total Current Charges as of 1/3/23	\$563.03
Total Amount Due	\$563.03

AMOUNT DUE
\$563.03

DUE DATE
1/27/23

App, online or phone payments made before 7 pm ET will be posted same day

Account Name: **CHRISTOPHE KELTY**

Service Address: 1910 Lower Hunters Trce
LOUISVILLE KY

Payment Options (fees may apply)
Mobile app - LG&E KU ODP mobile app
Online - lge-ku.com
Phone - (502) 589-1444, press 1-2-3

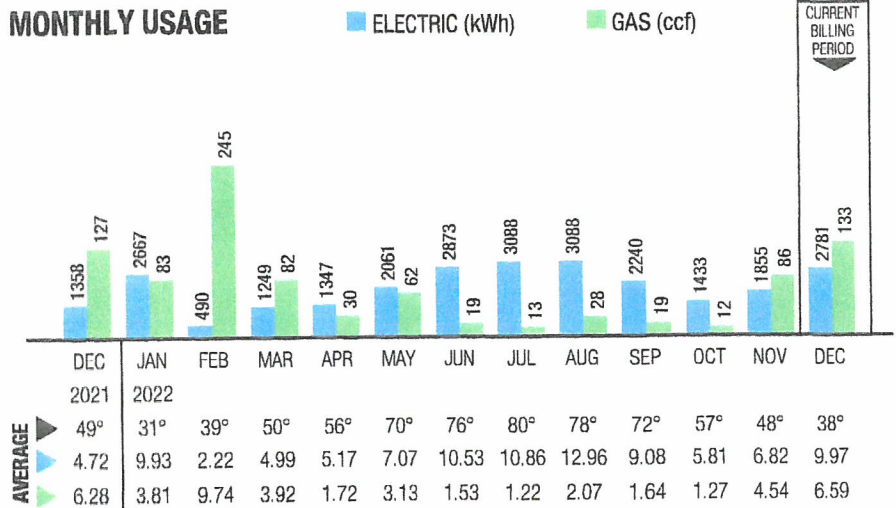
Customer Service: For fastest service, use our mobile app, website or automated phone system (502) 589-1444 24 hours a day.
Phone reps available M-F, 7am - 7pm ET.

Next read will occur 1/30/23 - 2/1/23 (Meter Read Portion 20)

BILLING PERIOD AT-A-GLANCE

	THIS YEAR	LAST YEAR
Average Temperature	38°	49°
Number of Days Billed	34	33
Avg. Electric Charges per Day	\$9.97	\$4.72
Avg. Gas Charges per Day	\$6.59	\$6.28
Avg. Electric Usage per Day (kWh)	81.79	41.15
Avg. Gas Usage per Day (ccf)	3.91	3.85

MONTHLY USAGE



Please return only this portion with your payment. Make checks payable to LG&E and write your account number on your check.

Amount Due 1/27/23	\$563.03
After Due Date, Pay this Amount:	\$579.92
Winterhelp Donation:	
Total Amount Enclosed:	

Account # **3000-0884-9774**
Service Address: 1910 Lower Hunters Trce

AV 01 007756 25036H 23 A**5DGT

CHRISTOPHE KELTY
1910 LOWER HUNTERS TRCE
LOUISVILLE, KY 40216-1526

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a PPL company

PO Box 25211
Lehigh Valley, PA 18002-5211

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0103000088497740000000057992000000563030000000000014

In 1973? Lester Fields Bought
1910 Lower Hunters Trc. Started
A Auto shop which he RAN TILL The
Time I Bought The HOUSE IN 1988.

Lester Fields

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KENTUCKY USA DRIVER'S LICENSE

NOT FOR REAL ID PURPOSES 04/13/25

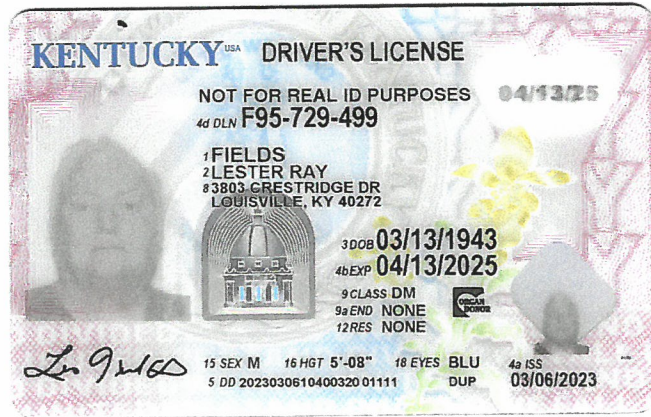
4d DLN **F95-729-499**

1 FIELDS
2 LESTER RAY
8 3803 CRESTRIDGE DR
LOUISVILLE, KY 40272

3 DOB **03/13/1943**
4b EXP **04/13/2025**

9 CLASS DM
9a END NONE
12 RES NONE

15 SEX M 16 HGT 5'-08" 18 EYES BLU 4a ISS 03/06/2023
5 DD 2023030610400320 01111 DUP

A Kentucky Driver's License for Lester Ray Fields. The license includes a photo of a man on the left, the state seal of Kentucky in the center, and a REAL ID star on the right. The text on the license provides personal and identification details such as name, address, date of birth, sex, height, eye color, and issue date. It also includes a license number and a classification code.

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DISCHARGE OF NOTICE

Notice of Judgment Lien on Real

THE Estate NOTICE RECORDED AGAINST :

Lester Ray Fields D/B/A Les Fields Body Shop & Garage
(PLEASE PRINT)

DATED June 29 1989 MENTIONED IN THE INSTRUMENT RECORDED IN File BOOK 201 PAGE 393 IN THE OFFICE OF THE JEFFERSON COUNTY CLERK ON 29th DAY OF June 1989 IS HEREBY DISCHARGED THIS 7th DAY OF August 1990.

08901000543 First National Bank of Louisville
NOTICE FILED FOR (PLEASE PRINT)

UNDER PENALTIES OF LAW :

THE UNDERSIGNED ACKNOWLEDGES THAT HE/SHE IS FULLY AUTHORIZED TO EXECUTE THIS INSTRUMENT.

This instrument prepared by:

Morgan & Pottinger P.S.C.
601 W. Main St
Louisville KY 40202

Morgan & Pottinger, P.S.C.
By: Marilyn Ann Talle
DISCHARGED BY

P.O.
Marilyn Ann Talle 10-30-86
TYPE IF BY AGENT
311-82-7367

I D. _____
_____ 10-30-86
_____ 10-30-86
_____ 10-30-86

RETURN TO: 601 W. Main St
Louisville KY
40202

ATTEST:
M. + P. File
No. : 71606

REBECCA JACKSON, COUNTY CLERK

BY Shelly Moore DEPUTY CLERK
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Approved by the Kentucky County Clerks Association 1982
Reviewed by the Kentucky Bar Association 1982

REV. 3/86

Chris Kelty, 1910 Lower Hunters Trce. Louisville, KY 40216

Subject: Nonconforming Rights Application / Case # ENF-ZON-23-00925-1

Supporting Documentation Enclosed

Dear Mr. Mike Wilcher,

I hope this letter finds you well. I am writing to apply for the Nonconforming Use permit, and also to respond to the violation, case number listed above. The code violation was issued against my property located at 1910 Lower Hunters Trce. Louisville, KY 40216. The violation pertains to the alleged nonconforming use, which I firmly believe is in accordance with the provisions of KRS 100.203(1) and 100.253, which is written in "The Law of Nonconforming Uses" please see attached documentation, it clearly states that "any use that has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. I have also enclosed a copy of the 1931 Zoning Ordinance, which in (section 3, Use Regulations "A" One-Family District) #7. States "Farming and Truck Gardening is an acceptable use. I have worked Grading/Landscaping out of 1910 Lower Hunters Trace, Louisville Ky for the past 34 years. (with 0 complaints) until this one dated July 6th,2023. I have enclosed a sworn statement from the previous owner (Lester Fields) he states that he ran his Automotive Repair shop out of 1910 Lower Hunters Trce. from 1973 to 1988. We are searching for information on the property prior to 1973, this has proven to be an almost impossible task, as both the occupants have died, but we did find JoAnn Collins (Affidavit to come) she is the niece of Charles & Bertha Junot. She states they were the original owners, they had a huge garden full of vegetables that they sold and delivered to customers.

I have included supporting documentation, pictures, and three notarized affidavits to demonstrate the continuous use of the property and its positive impact on the neighborhood.

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I kindly request a review of my application and to present these documents and affidavits in person. I am open to any further documentation or information required to strengthen my case and resolve this matter amicably.

Thank you for your attention to this appeal. I look forward to your prompt response and a favorable resolution.

Sincerely,

A handwritten signature in black ink that reads "Chris Kelty". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

Chris Kelty

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JoAnn Collins

3107 Wayside Dr.
Louisville, KY 40216
502.592.9280

August 8th, 2023

Chrisroper E Kelty

CEO Kelty Property Mng. LLC
1910 Lower Hunters Trace
Louisville, KY 40216

Case number# ENF-ZON-23-000925-1

To Whom It May Concern,

I, Jo Ann Collins solemnly declare and affirm the following facts based on my personal knowledge and family history regarding the property located at 1910 Lower Hunters Trace:

Charles Junot and Bertha Junot, my aunt and uncle, were the legal and rightful owners of the property at 1910 Lower Hunters Trace. They acquired the property through lawful means and held ownership until their respective passings.

My aunt, Bertha Junot, passed away in the late 1960s.

My uncle, Charles Junot, subsequently held sole ownership of the property after Bertha's passing. He continued to maintain possession and ownership of the property until his own demise.

Charles Junot, my uncle, passed away in the late 1970's. During my visits to their home, I remember that my Aunt and Uncle leased the "back lot" to a farmer that grew vegetables. We would help load his trucks with the vegetables for his customers for delivery. Mrs Bertha Junot had a dog breeding business (Chiwawa's), she also raised and sold rabbits and chickens.

Following the deaths of Charles Junot and Bertha Junot, the property at 1910 Lower Hunters Trace underwent a change of ownership. It was sold to Lester Fields after my Uncle passed.

I recently visited the property for a yard sale. I was so surprised to learn that a business had been actively running out of the

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property all these years?? I drive past there all the time, the property is always neat and quiet.

I declare under penalty of perjury that the statements mentioned above are true and correct to the best of my knowledge and belief.

Sincerely Jo Ann Collins

Jo Ann Collins

Sworn to and subscribed before me on this 8th day of August, 2023

Ellen Kelty

Notary Public

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Subject: Appeal of Code Violation
Case Number: ENF-ZON-23-000925-1

Christopher Kelty, 1910 Lower Hunters Trace, Louisville, KY 40216

Affidavit of Continuous and Uninterrupted Use of Property for Grading/Landscaping

I, Dave Clark of 5334 Oak Lea Dr, Louisville, KY 40216, (502.415.1481) do hereby solemnly affirm and state as follows:

I am of legal age and fully competent to provide this affidavit. I have personal knowledge of the property located at 1910 Lower Hunters Trace, Louisville, KY 40216, herein referred to as "the property."

I moved to the neighborhood 26 years ago. I can attest that "the property" has been continuously and uninterruptedly used for the specific purpose of Grading/landscaping the entire time I've lived here.

During my occupancy in the neighborhood, the activities related to landscaping/grading have been consistently conducted on the property without any changes in its nature or scope.

"The property" has significantly contributed to the improvement and enhancement of the neighborhood. Chris and his crew have always been very respectful of all the neighbors, always helpful! His property is very well maintained, neat and groomed to perfection. I very much enjoy having him as my neighbor!

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I make this affidavit voluntarily to support the continuation of the non-conforming use of "the property" for Landscaping/Grading purposes and to the best of my knowledge, all the information provided in the affidavit is true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8 day of August, 2023, at Louisville/Jefferson Co. KY.

Dave Clark

William D Clark

Signature of Affiant Full Name of Affiant

Sworn to and subscribed before me on this 8th day of August 2023.

Ellen Kelly

Notary Public

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Subject: Appeal of Code Violation
Case Number: ENF-ZON-23-000925-1

Christopher Kelty, 1910 Lower Hunters Trace, Louisville, KY 40216

Affidavit of Continuous and Uninterrupted Use of Property for Grading/Landscaping

I, Bonnie Elkins of 1836 Lower Hunters Trace, Louisville, KY 40216, (502.681.7861) do hereby solemnly affirm and state as follows:

I am of legal age and fully competent to provide this affidavit. I have personal knowledge of the property located at 1910 Lower Hunters Trace, Louisville, KY 40216, herein referred to as "the property."

I attest that "the property" has been continuously and uninterruptedly used for the specific purpose of Grading/landscaping for a period of 34 years, commencing from 1989.

During my occupancy in the neighborhood, the activities related to landscaping/grading have been consistently conducted on the property without any changes in its nature or scope.

"The property" has significantly contributed to the improvement and enhancement of the neighborhood. I couldn't hand pick a better neighbor than Chris Kelty!

I make this affidavit voluntarily to support the continuation of the non-conforming use of "the property" for Landscaping/Grading purposes and to the best of my knowledge, all the information provided in the affidavit is true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

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Executed on this 4th day of Aug., 2023, at Louisville/Jefferson Co. KY.

Bonnie Elkins

Bonnie Elkins

Signature of Affiant Full Name of Affiant

Sworn to and subscribed before me on this 4th day of Aug. 2023.

Ellen Kelty

Notary Public

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Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/5160
Label size 1" x 2 5/8" compatible with Avery® 5160/5160

Rosa, Garcia Salvador
1911 Lower Hunter's Trace
Louisville, KY 40216

Rosa, Garcia Salvador
1911 Lower Hunter's Trace
Louisville, KY 40216

James C Webb
5335 Oak Lee Dr
Louisville, KY 40216

James C Webb
5335 Oak Lee Dr
Louisville, KY 40216

Donald W Schraut
1918 Distler Lane
Louisville, KY 40216

Donald W Schraut
1918 Distler Lane
Louisville, KY 40216

Donald W Schraut
c/o Current Resident
1920 Lower Hunter's Trace
Louisville, KY 40216

Donald W Schraut
c/o Current Resident
1920 Lower Hunter's Trace
Louisville, KY 40216

Schraut Properties LLC
c/o Current Resident
1922 Lower Hunter's Trace
Louisville, KY 40216

Schraut Properties LLC
c/o Current Resident
1922 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Simon Kelty
5411 Distler Lane
Louisville, KY 40216

Kelty Property Management LLC
c/o Simon Kelty
5411 Distler Lane
Louisville, KY 40216

Kelty Property Management LLC
c/o Christopher Kelty
1910 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Christopher Kelty
1910 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Current Resident
1906 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Current Resident
1906 Lower Hunter's Trace
Louisville, KY 40216



Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/5160
Label size 1" x 2 5/8" compatible with Avery® 5160/5160

Rosa, Garcia Salvador
1911 Lower Hunter's Trace
Louisville, KY 40216

Rosa, Garcia Salvador
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James C Webb
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Louisville, KY 40216

Donald W Schraut
1918 Distler Lane
Louisville, KY 40216

Donald W Schraut
c/o Current Resident
1920 Lower Hunter's Trace
Louisville, KY 40216

Donald W Schraut
c/o Current Resident
1920 Lower Hunter's Trace
Louisville, KY 40216

Schraut Properties LLC
c/o Current Resident
1922 Lower Hunter's Trace
Louisville, KY 40216

Schraut Properties LLC
c/o Current Resident
1922 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Simon Kelty
5411 Distler Lane
Louisville, KY 40216

Kelty Property Management LLC
c/o Simon Kelty
5411 Distler Lane
Louisville, KY 40216

Kelty Property Management LLC
c/o Christopher Kelty
1910 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Christopher Kelty
1910 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Current Resident
1906 Lower Hunter's Trace
Louisville, KY 40216

Kelty Property Management LLC
c/o Current Resident
1906 Lower Hunter's Trace
Louisville, KY 40216