

**LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT FINAL ORDER 6405 CHISM ROAD**

WHEREAS, On February 10, 2021, Louisville Metro Code Enforcement Officer Steven Bodner issued a Binding Element Violation Citation (“Citation”) to DNJ, LLC, the property owner (the “Owner”), for violation of Binding Element No. 1 under Docket Number 17149 (“applicable binding element”), on the property located at 6405 Chism Road and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. The development will be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s for review and approval; any changes/additions/alterations not so referred shall not be valid.

However, the Subject Property is not in accordance with the approved detailed district development plan because the Subject Property was approved for an auto repair shop, but currently the tenants are hauling in wrecked vehicles and the Subject Property is becoming a junk yard, while the landscape buffer between the Subject Property and the residential property on the east side was never installed.

WHEREAS, the Owner failed to contest the Citation and did not request an appeal before the Louisville Metro Planning Commission (the “Commission”); and

WHEREAS, the Commission finds, based on the evidence submitted into the record under Docket Number Binding Element Final Order 6405 Chism Road, that the Owner committed violations for Binding Element 1 on the Subject Property because the Owner failed to comply with the applicable binding element on the Subject Property as put forth herein above.

It is hereby **ORDERED** by the Commission that the Citation issued on February 10, 2021, to the Owner is **UPHELD**, and that the Owner shall bring the Subject Property into full compliance with the most recently approved development plan for the Subject Property within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

It is hereby further **ORDERED** by the Commission, after considering the Owner’s lack of achieving compliance with the applicable binding elements on the Subject Property, the Commission hereby fines the Owner \$1,000.00 and that the Owner shall pay said fine by certified check made payable to the Louisville Metro Finance, within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

[SIGNATURES ON THE FOLLOWING PAGE]

MICHAEL J. O'CONNELL
Jefferson County Attorney

By: _____
Laura M. Ferguson

DATE: _____
Final Order 6405 Chism Road (2/10/21)

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Chairperson

DATE: _____