



Louisville Metro Government
Develop Louisville
Office of Planning & Design Services
444 S. 5th Street, Louisville, KY 40202

Page 1 of 2

09/09/2021
05:00 PM

Owner:

BMR LLC
1750 Delta Waters Road STE 102-159
Medford, OR 97504-9181

Interested Party:

Dollar General
9267 Smyrna Parkway
Louisville, KY 40229

Subject Property: 9267 Smyrna Parkway
Zoning Enforcement Case: ENF-ZON-21-000915-1 Visit #1
Inspection Date: 09/09/2021
Inspection Time: 10:36 AM

ZONING ENFORCEMENT
NOTICE OF VIOLATION – BINDING ELEMENT

Following a complaint, your property was inspected on 09/09/2021. As observed during the inspection and/or discovered through subsequent investigation, a Binding Element violation(s) exists that requires your immediate attention.

You must immediately stop using this property in violation of the Binding Elements that have been approved as part of a land use development plan associated with the subject property. A binding element is a binding requirement, provision, restriction, or condition imposed by the Planning Commission or its designee, or a promise or agreement made by an applicant in writing, in connection with the approval of a land use development plan or subdivision plan. Please contact the Office of Planning & Design Services to determine what steps must be taken to remedy the violation(s). Failure to comply with this Notice may result in a Citation and fine. Any person or entity that violates any provision related to Binding Elements shall be fined not less than \$500 nor more than \$4,000 for each violation. Each day of violation during which the Binding Element violation exists 10 days after this letter shall constitute a separate offense.

This Notice serves as the warning notice required under Section 153.23 of the Louisville Metro Code of Ordinances and Section 100.409 of Kentucky Revised Statutes (KRS). You have 10 days in which to remedy the violation (Saturdays, Sundays and holidays excluded). If you fail or refuse to remedy the violation within the specified time, a Citation may be issued.

A zoning enforcement officer will re-inspect the property to determine if you have complied with this Notice. Should you have any questions, please email or call me at the number below.

James Mullarkey
Inspector / Zoning Enforcement Officer
(502) 773-2069
James.Mullarkey@louisvilleky.gov

If you are not the owner of this property, you have been sent a copy of this Notice as an interested party.

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BE_001 Noncompliance with a Binding Element or Condition of Approval:

- The terms of an approved development plan and Binding elements or conditions of Approval are not being met on the subject property. All construction must be conducted in accordance with the approved plan and Binding elements or conditions of approval.

Inspector Comments:

- Outdoor storage is not permitted. The site is subject to the Binding Elements and Site Plan approved by the planning commission under 16ZONE1005. Creating a new outdoor storage area violates the terms agreed to. A digital copy of the Approved Plan and Binding Elements associated with this site can be provided if needed.
- For further information regarding This Notice of Violation please contact the Louisville Metro Office of Planning & Design Services by dialing (502) 574-6230, or by visiting us during business hours at 444 South 5th Street, Louisville, KY 40202 Suite 300.

Responsible:

- Owner

Subject violation needs to be in compliance to avoid penalties and/or court action.