



HEARING REQUEST

Property Address:

I hereby contest the *Binding Element Violation Citation* and request a hearing before the Planning Commission. I dispute the citation based on the following:

A Contract has been signed with Miles Fencing to ensure that the fence is built to code. We are top priority to make the necessary updates. The new trees will be planted next week week of 12/20. Contract for fence included

Name: Anne Almond
Address: 14801 Bush Farm Rd
City, State & Zip: Louisville KY 40245
Signature: *Ann Almond*
Date: 12/17/21

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- For further information regarding [Insert] 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 further penalties and/or court action.

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A zoning enforcement officer will re-inspect the property on or after 14 days from the date of this Citation to determine if you have complied with this Citation. Should you have any questions, please email or call me at the number below.

Fines must be made payable to Louisville Metro Finance and hand delivered, or sent by mail, to the Office of Management & Budget, 611 West Jefferson Street, Louisville, Kentucky 40202.

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 Citation as an interested party.

Zoning Enforcement Case: ENF-ZON-21-000424-6 Visit #6

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:

- Wood Wall/Privacy Fence per binding element # 8 of the approved plan 17DEVPLAN1140 is not in compliance and missing landscaping associated with the unapproved landscape plan - 20-Landscape-0115.

**Planning Commission Minutes
September 7, 2017**

Public Hearing

Case No. 17DEVPLAN1140

Request:	RDDDP, amendment to binding element, and landscape plan
Project Name:	Primrose School
Location:	14801 Bush Farm Road
Owner:	Papa Oreo DS, LLC
Applicant:	Primrose School Franchising Co.
Representative:	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel Dock, Planner II

8. An 8-foot tall wood wall shall be built along the top of the berm along the side of the property adjoining Hamilton Springs Drive and McKinley Ridge Drive and

extending all the way to Bush Farm Road. The wall and landscape plans shall be submitted to Development Review Committee or Land Development & Transportation Committee for review and approval.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the revised detailed district development plan for 12,300 square foot daycare center, **SUBJECT** to the following binding elements:

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

Page 1 of 4

12/02/2021
05:00 PM

Owner:

Almond House Limited Liability Company
14801 Bush Farm Road
Louisville, KY 40245-5890

Registered Agent:

Anne Almond
11901 Creel Lodge Drive
Anchorage, KY 40223

Subject Property: 14801 Bush Farm Road
Zoning Enforcement Case: ENF-ZON-21-000424-6 Visit #6
Inspection Date: 12/02/2021
Inspection Time: 11:47 AM
Civil Fine: \$1000.00

**ZONING ENFORCEMENT
CITATION – BINDING ELEMENT**

As observed during an inspection and/or discovered through subsequent investigation, a violation(s) exists that requires attention.

In accordance with Section 11.10.3 of the Land Development Code, Section 153.99 of Louisville Metro Code of Ordinances, and Sections 100.401 and 100.409 of Kentucky Revised Statutes (KRS), you are hereby subject to a civil fine of \$1000.00. You must immediately stop using this property in violation of the Binding Elements that have been approved as part of the land use development plan associated with the subject property. 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 Citation will result in additional citations and fines. Each day of violation constitutes a separate offense.

If you disagree with this Citation, you may file an appeal to the Planning Commission. Appeals must be filed within 14 days of the date of this Citation by submittal to the Office of Planning & Design Services. Please contact the Office of Planning & Design Services for more information concerning this process.

KRS Section 100.409

When a citation is issued, the person to whom the citation is issued shall respond to the citation within fourteen (14) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the planning commission to contest the citation. If the person fails to respond to the citation within fourteen (14) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the planning commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

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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:

- Wood Wall/Privacy Fence per binding element # 8 of the approved plan 17DEVPLAN1140 is not in compliance and missing landscaping associated with the unapproved landscape plan - 20-Landscape-0115.

**Planning Commission Minutes
September 7, 2017**

Public Hearing

Case No. 17DEVPLAN1140

Request: RDDDP, amendment to binding element, and landscape plan
Project Name: Primrose School
Location: 14801 Bush Farm Road
Owner: Papa Oreo DS, LLC
Applicant: Primrose School Franchising Co.
Representative: Land Design & Development, Inc.
Jurisdiction: Louisville Metro
Council District: 19 - Julie Denton
Case Manager: Joel Dock, Planner II

8. An 8-foot tall wood wall shall be built along the top of the berm along the side of the property adjoining Hamilton Springs Drive and McKinley Ridge Drive and extending all the way to Bush Farm Road. The wall and landscape plans shall be submitted to Development Review Committee or Land Development & Transportation Committee for review and approval.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the revised detailed district development plan for 12,300 square foot daycare center, **SUBJECT** to the following binding elements:

- For further information regarding The Binding Elements concerning 17DEVPLAN1140, your current 20-LANDSCAPE-0115 case, and or Plan Certain Development 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.

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

07/28/2021
 05:00 PM

Owner:
 Almond House Limited Liability Company
 14801 Bush Farm Road
 Louisville, KY 40245-5890

Registered Agent:
 Anne Almond
 11901 Creel Lodge Drive
 Anchorage, KY 40223

Subject Property: 14801 Bush Farm Road
Zoning Enforcement Case: ENF-ZON-21-000424-2 Visit #2
Inspection Date: 07/28/2021
Inspection Time: 09:12 AM

**ZONING ENFORCEMENT
 NOTICE OF VIOLATION – BINDING ELEMENT**

Following a complaint, your property was inspected on 07/28/2021. 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

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



Miles Fence Company
16922 Shelbyville Rd
Louisville, KY 40245
(502) 354-9162
<http://milesfence.com>

PROPOSAL SUBMITTED TO Schulte Design & Construction, LLC			PHONE (502) 724-7803	DATE 12/16/2021
ADDRESS 2000 High Wickham Place			JOB NAME 2112-2914486-02	
CITY Louisville	STATE Kentucky	ZIP 40245	JOB LOCATION Bush Farm Road	

We are agreeing to the price on this contract but will be issuing a new contract with more verbiage. It will state that the fence will need to meet all requirements of what is currently on file with the office of Planning + Design Services and clear the Notice of Violation - Binding Element attached to this proposal.



Notes:

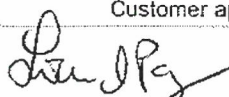
Remove horizontal boards and replace with 8' tall shadowbox. Fix any non level posts and add 4 2x4 runners and treated pickets.

768' at \$19.50/foot

We propose hereby to finish material and labor complete in accordance with above specification for the sum of: **\$14976** Payment to be made as follows: 50% down with the remainder due upon completion.

Payment due prior to ordering materials. **\$7488**

BALANCE DUE UPON COMPLETION OF WORK

Customer approval Signature :
 12/17/2021

Miles Fence Signature: **DEC 23 2021**

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Jay Stinson

Signature Date

12/16/2021

Conditions

Conditions

Payment Options: Cash or check price is quoted. 3% convenience fee for credit cards. 50% deposit required on all fences. Balance due on completion of fence. Any balance over 15 days of invoice date will incur a late fee of 2% per month. If applicable law requires a lesser charge, the maximum allowable charge under such law will apply. Customer will also be responsible to pay any reasonable attorneys fees and other costs incurred in collection. SOD CLAUSE: Many times landscapers try to lay sod prior to the fence installation for ease of work. When this happens, the new sod has to be watered regularly and is very delicate. When the ground is wet and muddy, we are unable to get our machines on the property to build the fence. The machine weight roughly 1500lbs. If this occurs, homeowner will be charged an additional \$20 per hole for hand digging. It is in the normal work progress for us to have to hand dig a couple holes. Please have the landscapers coordinate with us for best fence installation at the lowest cost to the homeowner. Rock/Root Clause: If rock/roots are encountered enough to inhibit normal work progress, customer will bare additional costs at a rate of \$50 per hole jackhammered plus equipment fees and removal fees if applicable. If roots are encountered the homeowner bares all liability for affected trees. Homeowner accepts all liability of sewer lines, septic lines, and irrigation lines. Miles Fence Company is not licensed to repair and is not liable for unknown lines.

Tear-Out and Rubbish removal: An additional charge will apply for tear-out of any existing fence, and or to haul off any rubbish or scrap material. Covenants: All work will be completed in a workmanlike manner according to the industry standards. Performance is contingent upon accidents, inclement weather, or delay beyond our control. Additional alterations, or deviations from the agreed upon specifications may result in additional charges. Miles Fence Co. LLC provides general liability insurance. Disclaimer: Miles Fence company is not responsible for locating or identifying property lines, or underground utilities. Miles Fence Co. is not responsible for any claims arising from encroachments or damages to utilities. Customer is responsible for all required permits. All wood products meet or exceed the industry standard; however, due to the natural tendencies of wood to warp shrink or split, Miles fence co. implies no warranties on materials other than those offered by the manufacturer. Proposal pricing expires in 30 days in the absence of an accepted contract. Fence construction will be scheduled when there is a signed contract, required deposits are collected, and materials have been delivered to Miles Fence co. By signing below, the above prices, specifications, conditions and layout are satisfactory and are hereby accepted. Customer is responsible for marking proposed fence location. You are authorizing completion of this contract as specified. All changes shall be made in writing. Payments will be made as outlined above.

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