

ENF-ZON-25-001693

5323 NEW CUT ROAD

To whom it may concern,

My name is Joe Worth and this letter is to appeal the binding elements citation that was issued on 2/25/26. I received this citation in the mail on March 9th, 2026. The first time I learned that my property at 5323 New Cut Rd had a development plan attached to the property was in January 2026. I purchased this property off market, direct to seller in March 2024. None of this information was disclosed to me before or after I purchased the property. When I first learned about the development plan that was attached to the property, I immediately contacted Planning and Zoning to get more information. I had a phone conversation with Rachel Casey about all that was required and she immediately sent an email to Mike Wilcher and Cindy Calvelo to inform them that Planning was working with me on this matter. Cindy stated in email that she would mark the case up in the system, but that never ended up happening. The Council District office then called in another complaint and the fine was issued. I should have never received the fine as the case should have been noted that I am actively working with Planning to get everything approved. I am committed to submitting a revised development plan since I never had the chance to implement the plan that expired in Sept 2025, due to not knowing I was even supposed to do anything to the landscaping and parking lot. For these reasons, I kindly ask that the fine be waived so that I can continue working with Planning and find the resources to implement a new plan.



# JEFFERSON COUNTY PVA

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## 5323 NEW CUT RD

**Mailing Address** PO BOX 4124, LOUISVILLE, KY 40204-0124

**Owner** 5323 NEW CUT RD LAND TRUST

**Parcel ID** 062H00440000

**Land Value** \$25,000

**Improvements Value** \$262,000



KH

When Recorded Return To:  
Borders & Borders, PLC  
920 Dupont Road  
Louisville, KY 40207  
2024-14387

D  
3

**DEED**

THIS DEED, made and entered into this 5th day of March, 2024, by and between Andre Management L.L.C., a Kentucky Limited Liability Company, First Party, with a mailing address of 16609 Moss creek Street, Tustin, CA 92782; AND 5323 New Cut Rd Land Trust, Dreamworth Homes, LLC, a Kentucky Limited Liability Company, Trustee, with full power of sale, Second Party, **whose mailing address and in-care-of address, for tax purposes, PO 4124, Louisville, KY 40204**;

WITNESSETH:

# CERTIFICATION STATEMENT

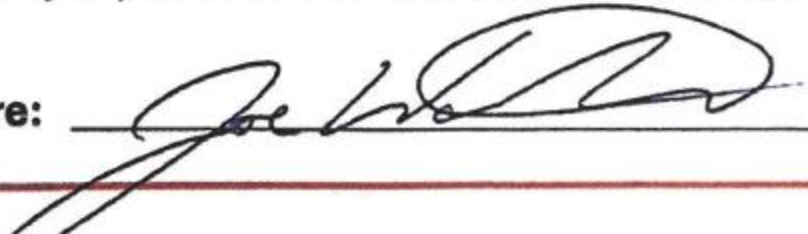
*A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.*

I, Joe Worth, in my capacity of Owner,  
hereby certify that Joe Worth is (are) the owner(s) of the property which is the  
subject of this application and that I am authorized to sign this application on behalf of the owner(s).

I further 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.

Signature:



Date:

3/9/26

RECEIVED

MAR 10 2026

OFFICE OF PLANNING

11 Record results matching your search results

Click any of the results below to view more details.

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| <input type="checkbox"/> | Date | Record Number | Record Type | Address | Status | Short Notes |
|--------------------------|------|---------------|-------------|---------|--------|-------------|
|--------------------------|------|---------------|-------------|---------|--------|-------------|

|                          |            |                                      |                                 |                                      |        |  |
|--------------------------|------------|--------------------------------------|---------------------------------|--------------------------------------|--------|--|
| <input type="checkbox"/> | 04/22/2024 | <a href="#">ENF-PMNT-24-005070-1</a> | Property Maintenance Site Visit | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed |  |
|--------------------------|------------|--------------------------------------|---------------------------------|--------------------------------------|--------|--|

**11 Record results matching your search results**

Click any of the results below to view more details.

Showing 1-10 of 11 | [Download results](#)

| <input type="checkbox"/> | Date       | Record Number                        | Record Type                     | Address                              | Status           | Sho |
|--------------------------|------------|--------------------------------------|---------------------------------|--------------------------------------|------------------|-----|
| <input type="checkbox"/> | 03/31/2026 | <a href="#">ENF-ZON-25-001693-7</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Scheduled        |     |
| <input type="checkbox"/> | 03/10/2026 | <a href="#">ENF-ZON-25-001693-6</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |
| <input type="checkbox"/> | 02/25/2026 | <a href="#">ENF-ZON-25-001693-5</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |
| <input type="checkbox"/> | 01/07/2026 | <a href="#">ENF-ZON-25-001693-4</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Hearing          |     |
| <input type="checkbox"/> | 12/22/2025 | <a href="#">ENF-ZON-25-001693-3</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |
| <input type="checkbox"/> | 12/19/2025 | <a href="#">ENF-ZON-25-001693-2</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Violation Notice |     |
| <input type="checkbox"/> | 10/21/2025 | <a href="#">ENF-ZON-25-001693-1</a>  | Zoning Enforcement Site Visit   | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |
| <input type="checkbox"/> | 10/21/2025 | <a href="#">ENF-ZON-25-001693</a>    | Zoning Enforcement Case         | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Open             |     |
| <input type="checkbox"/> | 04/25/2024 | <a href="#">ENF-PMNT-24-005070-2</a> | Property Maintenance Site Visit | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |
| <input type="checkbox"/> | 04/22/2024 | <a href="#">ENF-PMNT-24-005070</a>   | Property Maintenance Case       | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed           |     |



04/22/2024

ENF-PMNT-24-005070

Property Maintenance Case

5323 NEW CUT RD, LOUISVILLE KY 40214

Closed

**Description:**

Grass needs cut. It's 2 feet tall. Owner was in violation R-4 zoning. One of the reasons neighbors opposed rezoning to R-6 was that owner does not maintain the property. Grass is always an issue, among other things. Owner said they would keep the grass cut and was give R-5 zoning. Owner obviously is not doing that.

**Owner:**

5323 NEW CUT RD LAND TRUST \*  
PO BOX 4124  
LOUISVILLE KY 40204-0124

| <input type="checkbox"/> | Date       | Record Number                        | Record Type                     | Address                              | Status |
|--------------------------|------------|--------------------------------------|---------------------------------|--------------------------------------|--------|
| <input type="checkbox"/> | 04/22/2024 | <a href="#">ENF-PMNT-24-005070-1</a> | Property Maintenance Site Visit | 5323 NEW CUT RD, LOUISVILLE KY 40214 | Closed |

**02A - CLEANING**

New Violation

02A - CLEANING [156.052-D/156.055-A/156.052-K] {156.052-D}.....All premises shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Any land of more than three acres that abut another parcel which contains a dwelling or commercial building thereon shall be weed free at least 50 feet from the property line or 200 feet from an occupied structure, or {156.055-A} All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, or {156.52-l} No person shall willfully or wantonly damage, mutilate or deface any exterior surface by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface.

05/09/2024

Property must be kept free of tall grasses weeds and maintained at all times.

10/21/2025

ENF-ZON-25-001693

Zoning Enforcement Case

5323 NEW CUT RD, LOUISVILLE KY 40214

Open

## Record Details

### Description:

Email Received 10/7/25: Subject: 5323 New Cut Road 23-zone-0041 This property was rezoned to R5A in January 2023, but no action has yet been taking to implement the plan presented and approved. I thought the applicant only had one year to implement the landscape plan. Please look into this situation. Thank you.

### Owner:

5323 NEW CUT RD LAND TRUST \*  
PO BOX 4124  
LOUISVILLE KY 40204-0124

-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.

New Violation

-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.

Inspected and found this property in violation. Development Plan never submitted. Notice of Violation for BE\_001

-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.

**New Violation**

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Inspected and found this property in violation. Development Plan never submitted. Notice of Violation for BE\_001

01/07/2026

**ENF-ZON-25-001693-4**

Zoning Enforcement Site Visit

5323 NEW CUT RD, LOUISVILLE KY 40214

Hearing

-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.

No Compliance

-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.

Inspected 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.

02/25/2026

**ENF-ZON-25-001693-5**

Zoning Enforcement Site Visit

5323 NEW CUT RD, LOUISVILLE KY 40214

Closed

-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.

#### No Compliance

-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.

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03/10/2026

**ENF-ZON-25-001693-6**

Zoning Enforcement Site Visit

5323 NEW CUT RD, LOUISVILLE KY 40214

Closed

-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.

No Compliance

-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.

Inspected 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.

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 5323 NEW CUT ROAD CONTAINING APPROXIMATELY 0.48 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0041).**

**SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 23ZONE0041; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 23ZONE0041 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

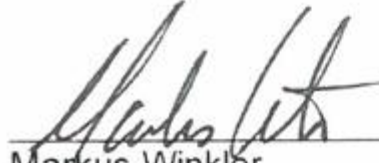
**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the property located at 5323 New Cut Road containing approximately 0.48 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 23ZONE0041, is hereby changed from R-4 Single Family Residential to R-5A Multi-Family Residential; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 23ZONE0041.

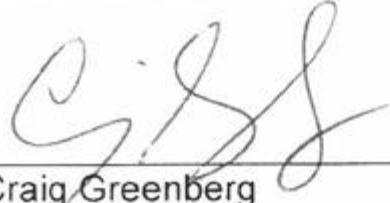
**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward  
Metro Council Clerk



Markus Winkler  
President of the Council



Craig Greenberg  
Mayor

September 21, 2023

Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

LOUISVILLE METRO COUNCIL  
READ AND PASSED  
September 14, 2023

By: 

**PLANNING COMMISSION MINUTES**  
**July 20, 2023**

**PUBLIC HEARING**

**CASE NO. 23-ZONE-0041**

|                   |   |
|-------------------|---|
| Request:          | Change in zoning from R-4 Single Family to R-6 Multi-family with District Development Plan and Binding Elements |
| Project Name:     | 5323 New Cut Rd   |
| Location:         | 5323 New Cut Rd   |
| Owner:            | Andre Management, LLC.  |
| Applicant:        | Andre Management, LLC.  |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 21 – Betsy Ruhe   |
| Case Manager:     | Jay Lockett, AICP, Planner II   |

05:33:24 Planning Commission deliberation.

05:51:45 Commissioner Cheek asked if the request could be made for a lower zoning designation that would allow for 3 dwelling units. Joel Dock said R-5A allows for 5.7 dwelling units/acre and is less intense. Mr. Talbott and the applicant agree with amending the application to R-5A.

05:57:27 Acting Chair Carlson asked if the applicant would agree to a binding element limiting the number of dwelling units to 4. Mr. Talbott and the applicant agreed.

05:58:20 Julia Williams stated if the proposal is recommended for approval and action is taken on the development plan, then it would need to be on condition that the site data on the plan is changed. Mr. Talbott agreed.

An audio/visual recording of the Planning Commission hearing related to this

**YES: Commissioners Cheek, Fischer, Kern and Carlson**

**NO: Commissioner Clare**


**NOT PRESENT AND NOT VOTING: Commissioners Mims, Pennix, Sistrunk,  
Howard and Lewis**

1. The development shall 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 designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
  
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
  
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.



4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and



the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. The number of dwelling units will be limited to 4.

7. Any increase to the footprint of the building or square footage of the building will need to be heard at Planning Commission for approval.

## Download

Additional info: [Land Development Code](#) | [About](#)

### Location

Parcel ID: 062H00440000  
Parcel LRSN: 208722  
Address: MULTIPLE ADDRESSES

### Zoning

Zoning: R5A  
Form District: NEIGHBORHOOD  
Plan Certain #: 23-ZONE-0041  
Proposed Subdivision Name: NONE  
Proposed Subdivision Docket #: NONE  
Current Subdivision Name: KENWOOD HEIGHTS SUBDIVISION AND ORCHARD HILL SUBDIVISION  
Plat Book - Page: 09-087  
Related Cases: NONE

### Special Review Districts

Showing 1-4 of 4 | [Download results](#)

| <input type="checkbox"/> | Date       | Record Number                  | Record Type                                    | Project Name            | Address                                 | Status    | Action |
|--------------------------|------------|--------------------------------|--|-------------------------|---|-----------|--------|
| <input type="checkbox"/> | 05/01/2023 | <a href="#">23-WAIVER-0076</a> | LDC Waiver                                     | New Cut Road Apts       | 5323 NEW CUT RD,<br>LOUISVILLE KY 40214 | Approved  |        |
| <input type="checkbox"/> | 03/20/2023 | <a href="#">23-ZONE-0041</a>   | Change in Zoning-Form District                 | New Cut Road Apts       | 5323 NEW CUT RD,<br>LOUISVILLE KY 40214 | Approved  |        |
| <input type="checkbox"/> | 01/23/2023 | <a href="#">23-ZONEPA-0008</a> | Change in Zoning-Form District Pre-Application | New Cut Road Apts       | 5323 NEW CUT RD,<br>LOUISVILLE KY 40214 | Completed |        |
| <input type="checkbox"/> | 11/08/2021 | <a href="#">21-ZONEPA-0148</a> | Change in Zoning-Form District Pre-Application | 5323 New Cut Apartments | 5323 NEW CUT RD,<br>LOUISVILLE KY 40214 | Completed |        |

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