



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

11/01/2019
4:30 PM.

Owner:

Joseph A. Ulrich
3524 Kerry Drive
Louisville, KY. 40218

Subject Property: 6300 Preston Highway
Zoning Enforcement Case: 18PM1975-5-ZM-Visit #5
Inspection Date: 10/31/2019
Inspection Time: 11:03 AM.
Civil Fine: \$1,000.00

**ZONING ENFORCEMENT
CITATION – BINDING ELEMENT**

As observed during an inspection and/or discovered through subsequent investigation, a violation(s) exists that requires attention. A detailed description of the violation(s) is attached to this Citation.

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 \$1,000.00. 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.

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.

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NONCOMPLIANCE WITH A BINDING ELEMENT

The terms of an approved development plan and binding elements are not being met at this location. All construction must be conducted in accordance with the approved plans and binding elements.

You are hereby notified that you are in violation of landscape plan **L-29-04** and BINDING ELEMENTS #1, #2, and #9c. in DOCKET NO. **9-21-03**, which stipulates the following:

- 1.** The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 2.** Use of the subject site shall be limited to all uses permitted in the C-1 district and the following uses permitted in the C-2 zoning district: automobile sales, service and repairs; automobile rental agencies (including u-haul trucks); auto service stations; athletic facilities; furniture storage; plumbing and heating shops; printing and lithographing shops; and refrigerated lockers. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or LD & T Committee. Notice of a request to amend these binding elements shall be given in accordance with the Planning Commission's policies and procedures. The Planning commission may require a public hearing on the request to amend this binding element.
- 9. c.** The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscape) as described in Article 12 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Landscaping shall be installed within 6 months of zoning approval.

Inspector Comments: The site remains non-compliant with the approved development plan # 9-21-03 and the approved landscape plan #L-29-04. The site is being used for auto salvage/junkyard operations in violation with the approved plan. In addition, the landscaping is non-compliant with dead and missing plantings throughout the site.

Responsible: Owner

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



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HEARING REQUEST

Property Address: 6300 Preston Highway

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

I request a transcript of the proceedings and understand that it will be provided at my expense. The \$25 fee is attached and I will be billed for any additional fees incurred in providing the transcript.

Name: _____

Address: _____

City, State & Zip: _____

Signature: _____

Date: _____

