

# Zoning Case Information Sheet

**Case No:** 18PM23355-ZM

**Open Date:** 08/22/2018

**Case Status:** Open

**Site Visits:** 9

**Location:** 6405 CHISM RD, LOUISVILLE, KY 40272-0000

**Owner:** BARNIE R & SUSAN ELDER  
ELDER BARNIE R & SUSAN K  
9702 THIXTON LN  
LOUISVILLE, KY 40291-3345

<u>Record</u>	<u>Charged</u>	<u>Payments</u>	<u>Balance</u>
18PM23355-7-ZM	\$100.00	\$0.00	\$100.00
18PM23355-ZM-9	\$200.00	\$0.00	\$200.00
18PM23355-ZM-20	\$1,000.00	\$0.00	\$1,000.00
	<b>\$1,300.00</b>	<b>\$0.00</b>	<b>\$1,300.00</b>

**Site Visit:** 18PM23355-ZM-9      **INSP RESULT:** Citation      **Date:** 09/18/2019      **\$200.00**

**Occupancy Status:** --Select--

Tenants are operating a towing and recovery business. There are still vehicles parked in the grass , outdoor storage of auto parts and junk unlicensed salvage cars stored here. Same owner. Sending 2nd citation.

**-Z131- -OFF STREET PARKING-SURFACE TYP- -Chapter 9.1.15.D Vehicle Service and Repair: Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. This is in violation of The Land Development Code for Louis**

**STATUS:** Citation      **Origination Date:** 10/23/2018      **Due Date:**

**Responsibility:**

You are parking or allowing the parking of vehicles in the grass at the above mentioned C2 property .All vehicles must be parked on a hard durable surface.

**-Z235- -JUNK YARD WITHOUT C.U.P- -Chapter 1.1.6 General Effect: No building, structure or land located within the planning unit shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, locate**

**STATUS:** Citation      **Origination Date:** 08/22/2018      **Due Date:**

**Responsibility:**

You are operating of allowing the operation of a junkyard on the above mention C2 zoned property. This is in violation of the Land development Code for Louisville and Jefferson County. The property must be zoned M3 with a conditional use permit for a junkyard to operate here. Remove all wrecked unlicensed vehicles from the property. Case is due to be referred to court.

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Occupancy Status: --Select--

Tenant is operating a tow lot in a C2 zone. there are more than five junk cars parked in the rear of te property in the grass. There are motors and tranmission being stored outside as well as a heavy truck being stored on site. I have spoken with the owner before. This is a council complaint..

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**Occupancy Status:** Occupied Structure

This property is plan certain for a zone change from R5 to C2 for an auto repair shop and was never developed. New tenants are hauling in wrecked vehicles and this property is becoming a junk yard again. A binding element Nov was previously sent on 11/14/19 . Current tenants are refurbishing wrecked vehicles for resale and the landscape buffer between the residential property on east side of this address was never installed. Sending a new B.E citation for violation of binding element #1 .

- 1 - approved plan never being developed
- 3 - sign noncompliance
- 4 - No certificate of occupancy
- 5 - A and B - Change of use to auto salvage

**-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.**

<b>STATUS: Citation</b>	<b>Origination Date: 02/13/2020</b>	<b>Due Date:</b>
<b>Responsibility:</b>		
Failure to comply with approved plan. Previous B.E Nov went out on 11/14/19. Sending a new Nov for violation of binding elements 1 3 4 5 A and B		

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Site Visit: 18PM23355-ZM-10

INSP RESULT: Violation Notice

Date: 11/11/2019

\$0.00

Occupancy Status: --Select--

There are heavy car hauling trailers parked in the grass as well as junk cars being stored in the rear of the property. New tenant and owner for this property. Updated contacts and council . All the same violation are non compliant. Sending NOV for ZV 023 - ZV 073 - ZV 076

STATUS:

Origination Date:

Due Date:

Responsibility:

Site Visit: 18PM23355-6-EX-H-ZM

INSP RESULT: Hold

Date: 04/16/2019

\$0.00

Occupancy Status:

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STATUS: New Violation

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Occupancy Status: Occupied Structure

Owner is still in violation of approved plan and tenants are still hauling in wrecked vehicles and doing auto salvage. Sent B.E Citation last inspection. Marking up

**-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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**Occupancy Status:** Occupied Structure

There is a dual axle car hauling trailer parked on the property. Site is plan certain and zoned C2 for auto repair. Trailer is in violation of approved plan. Last action was a B.E NOV. Marking up

**-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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You are operating of allowing the operation of a junkyard on the above mention C2 zoned property. This is in violation of the Land development Code for Louisville and Jefferson County. The property must be zoned M3 with a conditional use permit for a junkyard to operate here. Remove all wrecked unlicensed vehicles from the property. Case is due to be referred to court.

**-Z235- -JUNK YARD WITHOUT C.U.P- -Chapter 1.1.6 General Effect: No building, structure or land located within the planning unit shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, locate**  
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**Type**

Record-18PM23355-ZM

**DATE**

06/25/2021

**USER**

SBODNER

Update to M Wilcher and council - continued violation of approved plan - 6/25/21

*There are junk parts stored outdoors all around the building and auto repairs are still being done in the parking lot . Property is not being maintained and the grass in the rear of the property is three feet tall.*

*From: Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>*

*Sent: Monday, April 19, 2021 11:59 AM*

*To: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>*

*Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Mattingly, Jude A <Jude.Mattingly@louisvilleky.gov>*

*Subject: FW: 6405 Chism Rd*

*As previously noted, Jude and I met with the tenants last week and I suspect it will take a bit longer to complete the clean up process. At any rate, as previously noted, they will be referred to the PC if they fail to take care of the aforementioned issues.*

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Site Visit-18PM23355-ZM-24

06/25/2021

SBODNER

*There are junk parts stored outdoors all around the building and auto repairs are being done in the parking lot . Property is not being maintained and the grass in the rear of the property is three feet tall. Emailing the office and updating council*

---

Site Visit-18PM23355-ZM-23

05/20/2021

SBODNER

*Most all vehicles have been removed from the property. There are some junk parts still being stored out side beside the building . Fine has not been paid. Marking up*

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Site Visit-18PM23355-ZM-22

04/19/2021

SBODNER

*Tenants recently visited the office to pay fines and inquire about binding elements of the approved plan . There are still issues with outdoor storage of parts and evidence of auto repairs being conducted outdoors. There are also two boats being parked in the grass in the rear of the property. Updating council and emailing pics to the office.*

---

Record-18PM23355-ZM

04/13/2021

SBODNER

Cindi,

The tenants visited the building today and asked to speak with us about the recent \$1000 BE citation issued for the existing BE violations. They were advised that auto salvage operations are not permitted on the site and additional enforcement action will be taken if the site remains in violation. The next course of action is to refer the case to the Planning Commission if the site is not brought into compliance and the citation is not paid. The tenants indicated they have been making progress and will continue to do so, as well as pay the citation. The site is due for re-inspection in a couple of weeks. Contact me if you would like to discuss further.

Thank you

Mike

From: Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>

Sent: Monday, April 12, 2021 3:20 PM

To: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>; Mattingly, Jude A <Jude.Mattingly@louisvilleky.gov>; O'Brien, Jeff <Jeff.O'Brien@louisvilleky.gov>; Liu, Emily <emily.liu@louisvilleky.gov>

Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>

Subject: Re: 6405 Chism Road

Jude and Mike,

I hope you don't believe these people. They have been skirting the system for a long time. I DO NOT want a junk yard at that site. What is the point of approving a development plan and then not enforcing it, or any binding elements it contains. If we are going to let a disgruntled tenant/owner be out of compliance and then not follow through on enforcement, well why bother with a plan in the first place. This area is identified to be a town center setting north to Orell rd according to the South Dixie Master Plan I worked so hard on and invested a lot of tax dollars to make happen. I want this area cleaned up, as Mike, Joe and Steve are aware, after our drive through over a year ago. It's a BIG order to fill but you have to start somewhere not allowing people to skirt the law is a start. We have a LONG way to go but we are getting new interest in the area and I do not want to go backward but forward, to attract economic development to this area. And I expect those who are investing to follow their plan. Look, I grew up just across the highway from this site. Finally derby city pizza decided to take a chance on the area and turned an eyesore into a lovely building that will go a long way to attract more folks to "take a chance". We had every type business you could think of along this stretch, It can happen again but not with businesses that ignore the law and try to get by with all they can instead of being good neighbors by complying with our ordinances. I appreciate your efforts to help me move forward in my efforts to make south Dixie the family friendly setting of yesteryear.

I will check with John flood to see if any effort has been made to make arrangements to pay the fines

I have to ask, has there been complaints that these people are being treated unfairly by the city? Just curious.

Thank you gentlemen, for your assistance.

Cindi

Get Outlook for iOS

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From: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>

Sent: Monday, April 12, 2021 2:32:10 PM

To: Mattingly, Jude A <Jude.Mattingly@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>

Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>

Subject: RE: 6405 Chism Road

We shall see, thank you Jude.

SB

From: Mattingly, Jude A <Jude.Mattingly@louisvilleky.gov>

Sent: Monday, April 12, 2021 2:15 PM

To: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>

Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>

Subject: 6405 Chism Road

Hello,

Today Mike and I spoke face to face with the tenants at 6405 Chism Road. They informed us that they have been removing the junk vehicles and provided us with photos and video confirming their efforts.

It is our understanding that they are going to pay the fines for the property owner, and operate in conformance with the LDC and Planning Commission Docket #17149 which granted the property with C-2 zoning.

Mike and I spoke with the tenants about the difference between auto repair & auto salvage (junk yard).

The property is subject to be inspected, please follow up if there are any additional questions.

Best,

Jude Mattingly  
Associate Planner  
Develop Louisville  
Office of Planning & Design Services  
444 S 5th Street, Suite 300  
Louisville, KY 40202  
Email: Jude.Mattingly@louisvilleky.gov  
(502)574-1300

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Record-18PM23355-ZM	04/12/2021	SBODNER
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Email from J Mattingly detailing meeting with tenants - 4-12-21

Hello,

Today Mike and I spoke face to face with the tenants at 6405 Chism Road. They informed us that they have been removing the junk vehicles and provided us with photos and video confirming their efforts.

It is our understanding that they are going to pay the fines for the property owner, and operate in conformance with the LDC and Planning Commission Docket #17149 which granted the property with C-2 zoning.

Mike and I spoke with the tenants about the difference between auto repair & auto salvage (junk yard).

The property is subject to be inspected, please follow up if there are any additional questions.

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Jude Mattingly  
Associate Planner  
Develop Louisville  
Office of Planning & Design Services  
444 S 5th Street, Suite 300  
Louisville, KY 40202  
Email: Jude.Mattingly@louisvilleky.gov  
(502)574-1300

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Site Visit-18PM23355-ZM-21	03/17/2021	SBODNER
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Owner is still in violation of approved plan and tenants are still hauling in wrecked vehicles and doing auto salvage. Sent B.E Citation last inspection. Marking up

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Site Visit-18PM23355-ZM-20	02/10/2021	SBODNER
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This property is plan certain for a zone change from R5 to C2 for an auto repair shop and was never developed. New tenants are hauling in wrecked vehicles and this property is becoming a junk yard again. A binding element Nov was previously sent on 11/14/19 . Current tenants are refurbishing wrecked vehicles for resale and the landscape buffer between the residential property on east side of this address was never installed. Sending a new B.E citation for violation of binding element #1 .

- 1 - approved plan never being developed
- 3 - sign noncompliance
- 4 - No certificate of occupancy
- 5 - A and B - Change of use to auto salvage

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Site Visit-18PM23355-ZM-19	02/09/2021	SBODNER
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This property is plan certain for a zone change from R5 to C2 for an auto repair shop and was never developed. New tenants are hauling in wrecked vehicles and this property is becoming a junk yard again. Emailing the office before sending a B.E violation.

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Record-18PM23355-ZM	11/12/2020	SBODNER
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Email concerning property being plan certain

When a notice is provided that we are issuing citations again – hopefully next week – it appears a BE citation is needed. As I recall, we held off because you indicated they were making progress towards compliance. Apparently, they did not resolve the violations?

From: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>  
Sent: Thursday, September 24, 2020 9:19 AM  
To: Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>; Hall, Yvonne <Yvonne.Hall@louisvilleky.gov>  
Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Mullarkey, James <James.Mullarkey@louisvilleky.gov>  
Subject: RE: Preliminary Discussion- 6405 Chism Rd

I originally sent an LDC violation before I knew it was plan certain. Would you like to move forward with a B.E citation.

From: Wilcher, Michael  
Sent: Thursday, September 24, 2020 9:09 AM  
To: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>; Hall, Yvonne <Yvonne.Hall@louisvilleky.gov>  
Cc: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>; Mullarkey, James <James.Mullarkey@louisvilleky.gov>  
Subject: RE: Preliminary Discussion- 6405 Chism Rd

Thanks for the information, but its still unclear why a BE NOV and LDC citations were issued, but not a BE Citation. And the site is still in violation and no enforcement action for a long time.

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Site Visit-18PM23355-ZM-18	11/12/2020	SBODNER
<i>Marking up to research case history and approved plan . Property is being use for auto repair and a towing and recovery business.</i>		
Site Visit-18PM23355-ZM-17	09/23/2020	SBODNER
<i>Property is still in violation. Emailing M Wilcher.</i>		
Site Visit-18PM23355-ZM-16	07/16/2020	SBODNER
<i>Heavy trailers still being stored on the property. Internet search shows Shawn's Towing operating from this address but the sign says America's Auto sales LLC. There is outdoor storage of junk auto parts and a non permitted sign . Site is plan certain .Last action was a B.E NOV on 11/14/19. Fines still owed.</i>		
Site Visit-18PM23355-ZM-15	06/09/2020	SBODNER
<i>Heavy trailers still being stored on the property. Internet search shows Shawn's Towing operating from this address but the sign says America's Auto sales LLC. Last action was a B.E NOV on 11/14/19. Fines still owed.</i>		
Site Visit-18PM23355-ZM-14	05/08/2020	SBODNER
<i>Property is still in violation of approved plan. Last action was a B.E NOV on 11/14/19.</i>		
Site Visit-18PM23355-ZM-13	04/08/2020	SBODNER
<i>There is a dual axle car hauling trailer parked on the property.Site is plan certain and zoned C2 for auto repair. Trailer is in violation of approved plan. Last action was a B.E NOV. Marking up</i>		
Site Visit-18PM23355-ZM-12	02/13/2020	SBODNER
<i>Tenants are still storing heavy car hauling trailers in the rear of the property and there is a non permitted sign in front of the property as well as junk parts stored around the outside of the building. Last action was B.E Nov. Holding off on B.E citation per m Wilcher.</i>		
Record-18PM23355-ZM	01/03/2020	SBODNER
<i>Phone : returned a call to Darren Nall 301-0454 new owner DJN LLC and explained the violations and that the property was plan certain and to be used as an auto repair shop. I gave him PDS contact number and plan certain number to obtain a copy of the binding elements for the property.</i>		
Site Visit-18PM23355-ZM-11	01/02/2020	SBODNER
<i>Posted owner address at 3822 Iron Horse way.</i>		
Site Visit-18PM23355-ZM-10	11/11/2019	SBODNER
<i>There are heavy car hauling trailers parked in the grass as well as junk cars being stored in the rear or the property. New tenant and owner for this property. Updated contacts and council . All the same violation are non compliant. Sending NOV for ZV 023 - ZV 073 - ZV 076</i>		
Site Visit-18PM23355-ZM-9	09/18/2019	SBODNER
<i>Tenants are operating a towing and recovery business. There are still vehicles parked in the grass , outdoor storage of auto parts and junk unlicensed salvage cars stored here. Same owner. Sending 2nd citation.</i>		
Record-18PM23355-ZM	08/26/2019	SBODNER
<i>Returned a call to owner Barney Elder 553-6728 . No message option. His message said he would evict the tenants.</i>		
Site Visit-18PM23355-7-ZM	08/15/2019	SBODNER
<i>Tenant is operating a tow lot in a C2 zone. there are more than five junk cars parked in the rear of te property in the grass. There are motors and tranmission being stored outside as well as a heavy truck being stored on site. I have spoken with the owner before. This is a council complaint..</i>		

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Record-18PM23355-ZM	04/16/2019	SBODNER
<i>INSPECTION TEXT : No new complaints , There are three inoperable vehicles on the side of the building. property is still compliant. Marking up.</i>		
Record-18PM23355-ZM	04/16/2019	SBODNER
<i>Close : Added from Inspection Trip # 6</i>		
Record-18PM23355-ZM	03/07/2019	SBODNER
<i>INSPECTION TEXT : Tenant is still operating within the perimeters of compliance. No salvage vehicles onsite. Marking up</i>		
Record-18PM23355-ZM	03/07/2019	SBODNER
<i>Close : Added from Inspection Trip # 5</i>		
Record-18PM23355-ZM	11/29/2018	SBODNER
<i>INSPECTION TEXT : Property is still compliant. No junk cars and all vehicles parked on pavement. Marking up.</i>		
Record-18PM23355-ZM	11/29/2018	SBODNER
<i>Close : Added from Inspection Trip # 4</i>		
Record-18PM23355-ZM	11/16/2018	SBODNER
<i>PHONE CALL : Spoke with owner Barney Elder and since the tenants have completely cleaned up the property he is not evicting them.</i>		
Record-18PM23355-ZM	11/08/2018	SBODNER
<i>PHONE CALL : Spoke with owner Barney Elder and he says he has served the tenants the. eviction papers.</i>		
Record-18PM23355-ZM	10/23/2018	SBODNER
<i>Zoning Certified : Vehicles are still being hauled in. Sending ZC and adding violation for parking in the grass.</i>		
Site Visit-18PM23355-3-EX-Z-ZM	10/23/2018	SBODNER
<i>Zoning Certified : Vehicles are still being hauled in. Sending ZC and adding violation for parking in the grass.</i>		
Record-18PM23355-ZM	10/23/2018	SBODNER
<i>Close : Added from Inspection Trip # 3</i>		
Record-18PM23355-ZM	10/01/2018	SBODNER
<i>PHONE CALL : Spoke with owner Barney Elder 553-6728 and he has decided to evict the tenants He said he will email me the eviction notice.</i>		
Record-18PM23355-ZM	10/01/2018	JLLAWRENCE
<i>Zoning Certified :</i>		
Record-18PM23355-ZM	09/24/2018	SBODNER
<i>INSPECTION TEXT : I spoke with the tenant and he says that a dealer owns the vehicles and that they are hauled here to be repaired and then resold. There are no work orders or individual owners of these vehicles. This is a tow lot and a junkyard / auto salvage in a C2 zone. Sending ZC. Pics in EB.</i>		
Record-18PM23355-ZM	09/24/2018	SBODNER
<i>Close : Added from Inspection Trip # 2</i>		
Record-18PM23355-ZM	08/30/2018	SBODNER
<i>PHONE CALL : Called owner Barney Elder 553-6728 . He said he has met with the tenants and told them to get the cars off the property or he would evict them..</i>		
Record-18PM23355-ZM	08/22/2018	SBODNER
<i>INSPECTION TEXT : The property is covered with wrecked unlicensed cars. Business that was operating in the building appears to gone. There are two rollbacks parked on the property that say Nemo towing. (502-206-4521) Lou Ky. I called and spoke with a Pablo Marrlquin who said he was a manager. I explained that the junk cars had to be removed from the property. Owner is Barney Elder, no contacts. Pics in EB. Sending ZN.</i>		
Record-18PM23355-ZM	08/22/2018	SBODNER
<i>Close : Added from Inspection Trip # 1</i>		
Record-18PM23355-ZM	08/22/2018	YHALL
<i>SUPERVISOR TEXT : Property is zoned C-2-Neighborhood Form District PVA- list property as commercial auto services Found no landscape plan Junk Yard would required a M-3 Zone with a Conditional Use Permit</i>		