

Re: 201 South Birchwood Avenue

My husband and I have lived on South Birchwood Avenue for over 40 years. During all of that time the property at 201 has had long-term tenants. We never experienced any problems until Chris David took over the property. We have respect for the mix of diverse people and housing on the street. We enjoy the bustle at the Highland Latin School, the Baptist Church (both directly adjacent to 201) and the Library. Our street is full of family centered activity. There are many families with young children who live on Birchwood and we have weekly visits from our young grandchildren.

We do not endorse the idea that 201 will have two three bedroom short-term units and 1 or 2 other units bringing multiple people unknown to us and from outside the community onto the street with many of these people rotating in and out every day or two. This is a residential street and we do not want the business operating at 201 to ruin the community atmosphere or our sense of safety.

Almost immediately after Chris David took over managing 201 we began to hear about problems. The women who occupied the second and third floors of 201 and who had been there for more than a year informed us that they were moving in part because of Chris.

We began to notice multiple cars coming and going at all hours of the day and night and men entering the house and leaving after a short period of time. On New Years Eve of that year, my neighbors at 126 and we noticed women draped in blankets and some men congregating on the front porch at 201. We chalked it up to a party and were not too concerned at that time.

Unfortunately that type of behavior continued for many months with neighbors calling the police multiple times to report possible prostitution and drug activity. Neighbors were concerned about walking with their children on the sidewalks in front of the house fearing the activity the children might observe. The police eventually raided the house.

Chris was unable or unwilling to address the situation. I know Chris was aware of some of these incidents because he would arrive on scene minutes after the police arrived. He claimed during the public meeting that we had several weeks ago that he was not informed of this activity and that he couldn't do anything about it anyway because the people involved were long-term renters. A concerned landlord would have taken action and would have engaged the neighbors in seeking a solution. Instead, Chris became hostile to the neighbors.

The activity continued and there was at least one incident of gunfire coming from in front of 201. This was reported to the police.

We and other neighbors became increasingly concerned for our safety.

During this time Chris attempted to intimidate me when I was checking the licenses of several cars that were parked in front of my house but were not those of neighbors. He came running across the street and demanded to know what I was doing. I said that I was concerned about the activity that was occurring at 201 and I was taking steps to try to understand who was coming in and out of the property. Chris shouted and called me a racist and said he was going to report me to Black Lives Matter. Some of the vehicles associated to tenants at 201 often stay parked on the street for days and weeks. There is no off street parking provided.

In the Fall of 2017 I had another run in with Chris when I asked him to stop blowing all of the leaves from his property into the street as it was causing a problem with traffic and dust. My husband and I were standing in the easement and Chris was on the sidewalk. He told us that it was a public street and demanded to know why we were concerned about it. I told him that we and others on the street work to keep the area free from debris. He got upset, swung around, and pointed his leaf blower which was running directly into my face. I was concerned enough to call the police over fear for my safety. I later found my car that was parked in front of my house covered with leaf debris. None of the cars parked around mine had any such debris on them.

Repeatedly Chris has not shown respect for the neighbors or the neighborhood. Most recently he had a trailer sided with plywood parked on Graham Avenue (runs into South Birchwood) for weeks without moving it. He was aware that the neighbors did not want it there. It didn't get moved until the police tagged it. The trailer had previously been parked in front of his house for months without moving.

There is construction material and debris along the side of and behind 201 that has been there for months. When this was brought up at the public meeting, Chris would not address the neighbors' concerns and, in fact, told us that he was adding to the clutter and that he wouldn't clean it up anytime soon.

He has placed multiple lights in the front yard, which are on sometimes as late as 1 or 2 in the morning. While many neighbors have porch lights on, the lighting at 201 more resembles a business that anything appropriate for a residential area.

Chris has bragged to a neighbor that he can be "mean" and "bad" when things disturb him.

I relay this information to paint a picture of the activity that has occurred in and around 201 and the style of management displayed. We don't have any confidence in Chris David's ability or willingness to operate a short-term rental following the requirements set out by the city. He has proven through his past actions that he does not want to be a good neighbor who will contribute to the well being and safety of South Birchwood.

Crumbie, Jon

From: Richard Boland <richardbolandjr@gmail.com>
Sent: Monday, October 8, 2018 12:57 PM
To: Crumbie, Jon
Cc: Rob Schenkenfelder
Subject: Re: Property at 201 South Birchwood Ave

Dear Board of Zoning Adjustment,

I am writing to express my strong concerns about the requested zoning change for the above mentioned property. The South Block of Birchwood Ave is a very calm quiet heavily family-oriented place (with lots of young children). It also contains an elementary school (directly next to the property in question) and a public library.

The current property owner, Mr. David has continually demonstrated poor judgement in the management of this property. Over the time of his ownership of the house, the exterior of the house and yard (in Front and Back) has fallen into a "hoarder-like eyesore". Not only that, but Mr David's bizarre behavior/decision-making has even included his installation of cameras on City property (across the sidewalk) to watch people walk down the street).

That said, the even greater concerns revolve around the criminal behavior that has surrounded the house since he bought it. Please refer to the repeated police calls, stakeouts, domestic violence occurrences and illegal weapons charges available via LMPD.

It is with this as the back drop that I (and most of the families of South Birchwood Ave) strongly urge you to deny his request to make this property into a short term rental location...as we have well-reasoned fears could lead to even greater issues.

Sincerely,
Richard B.
South Birchwood homeowner

Crumbie, Jon

From: Cindy cummins <cindyjcummins@icloud.com>
Sent: Saturday, October 6, 2018 5:42 PM
To: Crumbie, Jon
Subject: CUP

Hi John

I do not think Chris should be able to rent his property. He has shown very bad judgment and resulted in a police investigation on our neighborhood street.

Thanks,

Concerned neighborhood

Cindy Cummins

Sent from my iPhone

Crumbie, Jon

From: Heather Drake <heathermariedrake@gmail.com>
Sent: Thursday, October 4, 2018 11:08 PM
To: Crumbie, Jon
Subject: Case Number 18CUP1103 - 201 S Birchwood Ave

Mr. Crumbie,

I am writing in opposition to the Board of Zoning Adjustment application for this property for a Conditional Use Permit to allow a short term rental in an R-5A zoning district and a Traditional Neighborhood Form District. I do not believe that this request would be in compliance with the Land Development Code and Comprehensive Plan for this neighborhood. to the Conditional Use Permit (CUP) that has been applied for by the owner of 201 S. Birchwood Avenue. I live only a few doors away from this address.

The owner of this property has single-handedly damaged the quality of life for my family and that of many of my neighbors who live adjacent to the property since he purchased it over two years ago. This is a quiet, family-oriented, stable neighborhood. We pride ourselves on this block, on its safety for our children and on the community we've built here. The prior owner of 201 S. Birchwood had long-term tenants who were students at the Southern Baptist Theological Seminary renting all three units. When one group of students would move out, another would move in. They were always a delight to have as neighbors. Within a very short time of the current owner purchasing the property the females living in all three of the units felt very uncomfortable with their new landlord and feared for their safety, so they quickly moved out. What followed was an experience that I still find hard to believe was real in our formerly idyllic neighborhood. The owner allowed tenants, both short and long-term, for more than a year to use and traffic drugs from the property, participate in prostitution and human trafficking, and on more than one occasion there were issues with guns that caused police to be called. The first instance, in February of 2016 involved guns and an alleged rape. Police were gathering evidence from the home for an entire Monday and the female tenants were outside in nothing more than a t-shirt. Nothing was done by the owner to address the issues with his tenants. In fact, it got increasingly worse for over a year. My children are no longer allowed to ride their bikes down their own street because of this owner and his behavior. My children saw on countless occasions females standing outside smoking in bras and underwear and asked me why they were outside in no clothes. Things like this don't happen in our neighborhood, at least they didn't before this individual purchased the property.

I had a newborn at the time and was up at all hours of the night. No matter what time I looked out my window, 1:00 am, 3:00 am or 5:00 am, there were cars arriving at 201 S. Birchwood and leaving only 20 or so minutes later. I don't know for a fact whether it was drug trafficking, human trafficking or both, but there was obvious illegal activity at 201 S. Birchwood. The owner was aware of what was going on. In fact, he'd placed a camera on the tree outside the property so he could see everything that happened there. He'd show up as fast as the police, yet he never did anything about it. If any of the neighbors mentioned the issues he became aggressive. He has tried to run me off the road, in my minivan with my three children inside, on more than one occasion. My neighbors and I have probably called the police on either the owner or his tenants more times than I can count. It got to the point that I was losing faith in our police because it was so obvious to all of us that the owner and his tenants, both short and long-term, were participating in illegal and highly dangerous activity.

My breaking point came one Sunday morning at 7:30 am. My family and I were just beginning our day and were starting to get ready for church when we heard gunshots. Gunshots at 7:30 am on a Sunday morning on what used to be the best block to live on in our city. My 7-year-old asked me if the bullets could come through his window and he would die. I never in a million years thought something like this could happen on S.

Birchwood. It turned out to be the long-term tenants living in 201 S. Birchwood who were shooting a gun down our street that morning. Police were called. The owner was notified. He did nothing. He never addressed a single complaint from his neighbors. There were more instances than I can count. One of which was when a male who I can only assume was arriving for drugs or a prostitute walked on my porch as I was leaving on a weeknight evening. He spoke to us, realized it was the wrong house, and went to 201 S. Birchwood. He was only there a few minutes, just like the dozens of other men that frequented the property every single day, and then he left. I was terrified to be in my own home for over a year. It was an absolute nightmare. The owner of this property has no respect for this neighborhood, for his neighbors, or for human life in general. I don't know why he allowed all of this to go on at our expense without dealing with the problems, but he did. He claimed at the informal CUP meeting he held that the Southern Baptist Seminary students poured coffee grounds down the sink and caused him to evict them. However, he didn't choose to evict, or even attempt to evict, prostitutes and drug dealers. He knew what was going on and he let it happen.

The owner claims he wants this Conditional Use Permit so he can rent either short or long-term, with or without living at the property, with or without background checks on the tenants, with or without using a reputable site such as AirBnb, with or without a single regulation on the people he brings into our neighborhood. I can only imagine how much more problems we will have with short-term renters, in and out every day, given what a nightmare it was with long-term tenants vouched for by this owner. This property is directly next door to the Crescent Hill Baptist Church and Highlands Latin School. There was drug and human trafficking occurring within 10 yards of a church and school at all hours of the day and night at this property. Short-term renters can't (or won't) be vetted by this owner. He will not answer the question as to whether he has liability insurance or any plan for vetting his tenants. He just wants to be allowed to do whatever he wants without any regulations whatsoever.

Not only do I wholeheartedly believe this CUP should be denied, but I don't think this individual should be allowed to rent this property at all. I am happy to answer any questions the Board of Zoning Adjustment may have and hope to be able to also offer my verbal comments at the hearing. Thank you for your time.

Heather M. Drake

Heather Drake

Crumbie, Jon

From: Jim Lewis <jlewis5687@gmail.com>
Sent: Thursday, October 4, 2018 11:58 AM
To: Crumbie, Jon
Subject: Case Number 18CUP1103, 201 S. Birchwood Avenue

Re: Case Number 18CUP1103, 201 S. Birchwood Avenue

As a resident of S. Birchwood Avenue, I am writing to comment on the above case number 18CUP1103, concerning a request for a Conditional Use Permit to allow a short term rental at 201 S. Birchwood Avenue in an R-5A zoning district and Traditional Neighborhood Form District. Although I am not professionally equipped to comment on the technical compliance issues involved in this request, I do wish to raise a number of concerns that should be taken into account by those so equipped who will be making this decision. These concerns have to do with 1) the relationship between the property and the contiguous neighborhood and 2) the unsuitability of the owner for the requested use.

The relationship between the property and the contiguous neighborhood

As a “Traditional Neighborhood”, S. Birchwood is characterized by a variety of residential uses, with a significant range of housing opportunities, including single-family, multi-family condominiums, and multi-family rental property, all located on predominantly narrow residential lots. In addition, we are blessed by the presence of two historically important neighborhood anchors, the Crescent Hill Library and Crescent Hill Baptist Church (which also houses the Highland Latin School). In this context, the use of the property in question as a multi-family rental property is perfectly appropriate. Indeed it has functioned in this way for decades, apparently presenting no problems to the larger neighborhood. But I have serious reservations about the possibility of that property converting to short-term rather than long-term rentals, becoming, in effect, a small hotel with no oversight or accountability to the surrounding neighborhood.

The unsuitability of the owner for the requested use

As noted above, the property in question presented no problems to the neighborhood—until, that is, the current owner entered the picture two or three years ago. Since that time, there has been no end of nuisance and disruption including numerous reports of persons coming and going between midnight and five AM, reports of burning limbs and construction debris, at least one report of a morning gunshot. As you may know, some or all of these complaints have been registered with the police. What is perhaps even more disturbing and to the point is that when these concerns have been raised with the owner by neighbors, he has consistently responded with belligerence and hostility rather than understanding and cooperation. The virtually unanimous opposition by neighbors to this request for a Conditional Use Permit should tell us something about the unsuitability of this owner for this use. Exceptions to long-established regulations should be exceptions firmly grounded in the confidence that the new use will, at the very least, not negatively impact the neighborhood. Given the past history with this owner, I see no reason whatsoever for such confidence—in fact, just the opposite. As a result, I oppose this request for a Conditional Use Permit.

Crumbie, Jon

From: Marcia Lewis <marciamlewis49@gmail.com>
Sent: Wednesday, October 3, 2018 11:42 AM
To: Crumbie, Jon
Subject: Case Number 18CUP1103 - 201 S Birchwood Ave

I live close to the property at 201 S. Birchwood Ave. I am sending this to comment on the Board of Zoning Adjustment application for this property for a Conditional Use Permit to allow a short term rental in an R-5A zoning district and a Traditional Neighborhood Form District. I do not believe that this request would be in compliance with the Land Development Code and Comprehensive Plan for this neighborhood.

This is a stable settled neighborhood, inappropriate for transient rentals. The property should not be zoned to be like a hotel with multiple units rented on a short term basis.

For many years this property was rented to quiet, peaceful tenants. This has changed, since the current owner purchased the property. There have been several incidents where the police have been called to the property. The police reports should be reviewed. One of the incidents involved a gunshot heard by several neighbors. There have been people going in and out of the property all through the night and this was when there were long term renters on the property. When concerns were communicated with the owner of the property, rather than being responsive and understanding the concern, the owner has had a hostile response to the neighbors. Given past experience, I am even more concerned about what would happen if there were multiple short term renters coming and going on the property.

Since the property is next to a church and school, the renters should be screened for sexual predators. Who is going to do this with short term rental? From past experience it appears that there were tenants inappropriate to be next to a school. There was a Sunday morning driving by the house when a women was seen on the front porch in her underwear. This is not something that the many children on our street need to be exposed to.

Since the property is next to a church and school, I am also concerned about the potential for drug activity on the property. Again I suggest that the police reports be reviewed.

It is my understanding that this neighborhood is not zoned for business. There is some evidence that the owner has been running a business from the property and has had an employee working there. Is this allowed and would it become allowed with the requested zoning change?

I do not know if this is relevant, but I was in the property for a party with past tenants prior to the current owner's purchase of the property and can confirm that there are 3 apartments, one on the 1st, 2nd and 3rd floor. The Project Descriptions refers to the property as a duplex structure.

I am concerned that given the property owner's past management of past situations, he would not manage the short term tenants in a way that would keep our neighborhood safe and a good place to raise the many children on the street.

Marcia M. Lewis

218 S. Birchwood Ave

Crumbie, Jon

From: John Bell <johnbelllcsw@gmail.com>
Sent: Tuesday, October 9, 2018 10:02 PM
To: Crumbie, Jon
Subject: 201 S Birchwood Ave

Jon,

I am echoing the words of my wife, Vaughn Bell. I too, am in opposition to the CUP for 201 S. Birchwood. Since Mr. David has taken ownership of 201 S. Birchwood Ave. there has been endless conflicts with him, police have been called by several different individuals living on S. Birchwood Ave. along with the Fire Department.

Since Mr. David's ownership of 201 S Birchwood there have been run ins with Mr. David and individuals staying there. It is not uncommon that police are called to intervene in the conflict or the Fire Department to an out of control open fire or leaf burning. I am not aware of any successful attempts to speak with Mr. David about any of the instances that ended in resolution, in any conversations attempted he becomes angry, discounting of the issue and finally dismissive. This interaction style was evident in the meeting he called to announce his intentions for applying for a zoning change. It is this stance of his that leads to my belief that the issues Mr. David has introduced to S. Birchwood will likely not be resolved while he is allowed to operate these types of rentals in the home. His behavior has not only not been neighborly but also often been aggressive towards us. Here is a specific example. One time in particular, Mr. David was blowing the fall leaves from in front of 201 S. Birchwood across the street and in front of our neighboring houses. When one of my neighbors, an older female, went out to speak with him and ask him not to, he aimed the blower nozzle directly into her face and accelerated the blower. Defenseless she returned to her home. We have seen countless illegal looking activities, been awakened at all hours of the night by loud tenants coming and going, seen residents who appeared to be prostitutes and my wife even watched a gun be discharged from one of these women towards a truck that was leaving the home on a Sunday morning before 8AM. We have also had instances of Mr. David driving along the street and accelerating near my wife and other neighbors when they were standing by our cars. It is my strong belief that adjusting this zoning will simply exacerbate the situation and usher in more opportunity for this sort of behavior. We have other rental properties on the block and we are not fighting the ability to maintain rental property on the street. We are focused primarily on this attempt to convert it to Short term. This cannot continue in our quiet, previously safe neighborhood and I implore you to not grant this zoning change.

Thank you for your consideration.

John Bell, LCSW, LCADC, CSAT
206 S. Birchwood Ave.

Crumbie, Jon

From: Patricia Speer <speerte@hotmail.com>
Sent: Tuesday, October 9, 2018 2:10 PM
To: Crumbie, Jon
Cc: Rob Shrenkenfelder
Subject: Re: Case Number 18CUP103

From: Patricia Speer <speerte@hotmail.com>
Sent: Tuesday, October 9, 2018 1:55 PM
To: joncrumbie@louisvilleky.gov
Subject: Case Number 18CUP103

Dear Mr. Crumbie

We are emailing you with regards to the possible zone change for 201 S. Birchwood Ave. We are adamantly opposed to this zone change. We have lived on this street for close to 40 years. During that time we have never had any trouble with neighbors or the neighborhood. There are several reasons for opposing this change. One it is next to a school and we must keep those children safe. We have witness some of the following since the owner acquired this property.

1. People coming and going at all hours of the day and night. One night I was coming home and a large black car with a man and a computer along with a provocatively dressed young girl got out of the car to approach me as if I wanted her service. Very scary. Not appropriate behavior having a school and a church right next door or in a family oriented neighborhood.
2. Having people renting for 24 hours to 30 days would be like a hotel, motel with any type of shady people coming and going at all hours of the day and night (as previously witnessed), not to mention partying and drinking and fights.
3. We have witnessed trash and dangerous supplies of wood and other debris that is stockpiled and not put out for large trash pick up. The owner said that it was not good timing all the time for him, but he continues to hord and keep the side and back in horrible site.
4. At the meeting he called to notify us, vetting was discussed at the meeting we attended he refused to guarantee vetting or his occupancy, siting expense.
5. He was called on the carpeting for lying to the group assembled, therefore the owner is not to be trusted.

Our street was once voted the best street in Louisville to have a family and raise kids. If you allow this owner to change the zoning, it opens us up to a totally different type neighborhood. Yes, we have had renters, but

none have cause the type of problems that has occurred at 201. Our experience of renters have been vetted, great families, and seminary students and their families. All who have made wonderful long term friends.

Therefore, my husband and I adamantly oppose this zone change. We hope money doesn't override the safety and preservation of this street.

Sincerely,
David and Trish Speer

Crumbie, Jon

From: Elizabeth Wohlleb <EWohlleb@greenfieldpartners.com>
Sent: Tuesday, October 9, 2018 11:57 AM
To: Crumbie, Jon; Haberman, Joseph E
Cc: Rob Schenkenfelder; Hollander, Bill H.; Ethridge, Kyle
Subject: In Opposition to Case Number 18CUP1103 - 201 S. Birchwood Ave.

Importance: High

Hello Jon. I am unfortunately unable to attend the hearing on October 15 for the above noted case number, so I am writing a short note as statement of my opposition. I live at 126 S Birchwood Avenue, directly across from the subject owner and am a new resident on the street as of December 2017 when I purchased my home. I was born and raised in Louisville very close to Crescent Hill and have always loved this specific street in the neighborhood and considered myself very fortunate to find my home. While I don't have the extensive length of experience that my fellow neighbors have experienced with 201 S Birchwood, it should be noted that prior to my purchasing the home I was told by several other Crescent Hill residents (not on my actual street) that the only issue would be that I would be living across the street from the "Birchwood Brothel". As I previously noted, having known the quality and beauty of this street and the homes my whole life, I found this a bit confusing especially due to the Crescent Hill Baptist Church and The Latin School being directly next door to 201. That said, I was given consistent background/recount by these other families of the late evening prostitution and drug activity from the tenants occupying several of the apartments in 201 S Birchwood and thanks to the diligence and work of the other great homeowners on the street, these tenants were finally forced out. While those specific tenants no longer appear to be an issue, it is clear evidence that the owner of the building, Chris David, has no regard to background checking and monitoring of the individuals he will allow to occupy the apartments while he is allegedly living there and most certainly while he isn't there. Not only is this street full of children, the building is directly next to a school of young children and should therefore never have transient people operating out of a building, let alone by someone who has proven he has no regard/respect for the community he occupies.

Thank you very much for your consideration in keeping our community safe.

All the best,
Elizabeth

Elizabeth C Wohlleb | Managing Director | Greenfield Partners, LLC
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ewohlleb@greenfieldpartners.com

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Crumbie, Jon

From: allisoneshelton@gmail.com
Sent: Tuesday, October 9, 2018 7:52 AM
To: Crumbie, Jon
Subject: Letter Concerning 201 South Birchwood CUP - Case # 18CUP1103

As a neighbor living on South Birchwood near Chris David's property I am very concerned about Chris being approved for a Conditional Use Permit. My concern is that Chris has not been an honest landlord in the past with both long term and short term tenants. And the Conditional Use Permit will only make the previous bad situation even worse.

First, I'd like to address Mr. David and his associates' claims from a previous BOZA Appeal (attached) that the neighbors are racially profiling his tenants. Our concerns have never been about the color of our neighbor's skin. Our concerns have only been the about criminal activity that has occurred and may very well still be occurring near our homes. Lest I remind him, Mr. David is not black and neither are many of the people we have reported to the police for suspiciously coming and going from the property at all hours of the night. This accusation is an insult to the real and serious racial profiling that does occur in our country and even our neighborhood which I abhor.

Second, I realize that it may not be "legal" to tell someone that they can not come and go at any time that they like but based upon what I have observed there is no good reason that so many people should be coming and going from a home (or rental of any kind) throughout the night. I have a child who I would get up with multiple times in the middle of the night through the months of February-April 2017 and nearly every time I looked out the window there was a different car arriving or departing and a different person entering or exiting the property. Many cars would idle with their lights on in front of the 201 property or other homes... including our own. These visitors would go in both the first and second floor apartments... not just the first floor that was a supposed "long term" rental apartment at the time but the same people would go in and out of the second floor apartment that was intended for Mr. David and his short term rentals. This did not happen once... I observed this nearly every night and multiple times per night with different people... especially on the weekends. The short term tenants seemed to be just as active as the long term tenants.

The most concerning incident that Mr. David did not address in his previous appeal letter OR at the mandatory neighbor meeting is the incident that occurred on the morning of February 6, 2017 involving kidnapping and sexual assault with a firearm. That morning I observed several police cars and an ambulance in front of the property in question and just thought that perhaps someone down the street had had an accident or medical emergency of some kind. At the time, I did not know all the neighbors intimately and didn't want to be too nosy so I returned to my home office to work but continued to peek out the window throughout the morning. When more police cars continued to arrive over the course of the next few hours I became concerned. I talked to a neighbor who told me that Mr. David had told her that there was a "minor domestic disturbance" at his property but everything was ok. We were both suspicious of this description given the number of police cars and what appeared to be an investigation with evidence being carried out, un-uniformed investigators, and the length of the police's stay on our street. We now know from police reports what really happened that night. Two young women (supposedly the tenant at the time) were sexually assaulted by two men who they had invited over. The two suspects then forced one of the victims to lure her friend in the upstairs apartment into coming downstairs where the suspects then held her at gunpoint and proceeded to force her back

to her apartment where she and a 4th victim were held at gunpoint and threatened to be assaulted. A fifth person intervened with another gun and the suspects fled. This incident clearly occurred in both the first and second floor apartments and was clearly MUCH MORE than a "minor domestic disturbance". That was the beginning of my growing fear for our family's safety on South Birchwood due to Mr. David and his tenants. Keep in mind, this was when Mr. David was using this property as both a long and short term rental. The "transactions" that occurred in this case occurred in both units simultaneously.

It was clear after this point that Mr. David was concealing information and not to be trusted. He never approached us about what had occurred at his property or tried to assure us that he would do his best to make sure that criminal activity would cease. This was when I began paying more attention to what was going on at 201 South Birchwood. I started paying attention because I was concerned for the safety of the female tenants who had been assaulted and the safety of others in the neighborhood where this crime was committed. My concern for the victims soon turned to suspicion when I continued to notice various different people coming and going in and out of the apartments. Usually, someone would get dropped off, walk into the first floor apartment for just a moment, then go into the second floor apartment where they would remain for anywhere from 30 minutes to several hours. The female first floor tenant was clearly making contact with these people (all men) and welcoming them into her apartment before directing them to the second floor apartment. If she happened to be greeting AirBnB guests for Mr. David why were they ONLY arriving in the middle of the night? Why were they staying for only a few hours only for other guests to arrive? If these were not AirBnB guests then who was staying there and why so many different people coming and going?

Another concerning incident occurred on the morning of Sunday, April 23. Though the police were called, they did not arrive in time to be able to make a report, however, I believe our neighbor, Mr. Martin, has this incident on camera and multiple neighbors reported hearing gunfire in the street. A gun was fired at a vehicle leaving the 201 S Birchwood property multiple times by a person who had exited the 201 S Birchwood apartment. This occurred around 7:30 am... A time of day that our family is often out for a morning walk. How terrifying to think that these tenants must feel so threatened that they are firing guns down the street and putting the rest of us in danger too.

I'm sure it would be insightful to see Mr. David's video surveillance from that morning. Equally as insightful to see his surveillance of the diverse set of characters coming and going from the property over in those dramatic months of 2017. Or of the young women sitting on the porch wearing next to nothing. I certainly hope his video footage helped to catch the sexual assault suspects from the first major incident back in February.

Now that we have lived on South Birchwood for several years we have come to know and love our neighbors like family. We look out for one another and keep an eye out for anything that would be concerning. There is even a sign on the street that says we have a "neighborhood watch". Part of looking out for one another is reporting and recording all unusual activity. With the gun fire and supposed crime occurring at 201 South Birchwood we have all concurred that it made sense to record license plate numbers of vehicles that are not known to us just in case another kidnapping or assault occurs and we can assist the police in making an arrest. I have trouble understanding how recording a license plate number is considered harassment. I would hope that my neighbors would look out for suspicious activity at my home when I am away and that anyone who was acting within the law wouldn't feel threatened by that.

Crumbie, Jon

From: Rob Schenkenfelder <robschenkenfelder@gmail.com>
Sent: Monday, October 8, 2018 3:35 PM
To: Crumbie, Jon
Cc: Haberman, Joseph E
Subject: Case Number 18CUP1103 - 201 S. Birchwood Ave.

Hi Jon, please add the email below to the case listed in the email subject. Please let me know if you have any questions.

Chris David is seeking to obtain a CUP and operate short term rentals on his property. I live on Birchwood Ave. Chris's plan to obtain the CUP will not be in compliance with the requirements of the CUP documents and threatens the safety of our neighborhood. My opinion is based on Chris's past experience with his tenants and not taking responsibility for the actions of those living on his property. Our neighborhood has had to work with local police in order to build a case on Chris's tenants and even Chris himself, given his lack of responsibility for his tenants. In Chris's appeal, he has called they neighbors racists which couldn't be further from the truth. All we want is a safe and welcoming neighborhood. We welcome all races, religions, ethnicities and to live on our street and I our neighborhood. But we do not welcome violence, prostitution, drugs or those who allow that behavior. Chris has been one to allow that type of behavior in his tenants. He seems more concerned with making money than the safety of the neighborhood.

Granting Chris the CUP will only increase the dangers he poses to others and the violations he will continue to have related to his property and the CUP standards.

At our required informal CUP meeting a few weeks ago, Chris claimed that the reason he wants the CUP is because he's had "bad luck with his long term renters" at the property. With regards to Chris being at the property, he says that he may or may not live in the house with the short term renters. He doesn't know and as he says, "it doesn't matter" with the CUP, which is correct and why he wants it. At the meeting, we were not able to get a clear answer from him on this issue, which has been our experience with conversations with Chris in the past with regards to other issues at the house. Previously, he never had a good answer which bed room he lived in. Told several different neighbors, several different things. What is he trying to hide? Chris is not straightforward or honest like he claims to be.

Also at the informal CUP meeting, Chris wanted to convince the dozen or so S. Birchwood neighbors that he's going to be a better landlord for short term tenants than long term tenants. The truth is that Chris had several sets of different long term tenants at 201 that he "vetted" and all of them were involved in nefarious activity. As detailed below, many visitors were regularly inside and outside the house from 2am – 4am, indicative of drugs and

prostitution. This was confirmed by local police with a criminal report involving a firearm with short term and long term renter in January 2017 (detailed below) and Officer Hayden with a traffic stop of someone who left the property with \$5,000 cash and drugs. After one "bad" renter moved out, another "bad" renter would come in. Chris takes no responsibility of his tenants and would be even worse with short term tenants. Chris has demonstrated that he puts his own interests ahead of others, including the safety of the neighborhood, Highlands Latin School families, Crescent Hill Library patrons and the Crescent Hill Baptist Church congregation.

Additionally, with each of the "bad" renters that were at the property, Chris would regularly be at the 201 house. Chris confirmed at our informal meeting that he is aware that his tenants were involved in criminal activity but was not able to evict them due to the rights that tenants poses. Yet Chris seemed to have managerial type of relationship with the tenants and would regularly be sitting with them on the porch or would spend time with them at their apartment. As a concerned neighbor, I could only wonder : could Chris be receiving a cut of the cash or charging premium rent to these criminals? On addition to many other neighbors, Officer Hayden can vouch for Chris's strange behavior with his tenants.

I want to be able to get along with Chris and have an open relationship with him. But based on his history as a landlord and a neighbor, that's not possible at this point. Having short term renters with a CUP will only increase the likelihood of Chris's involvement with this type of activity, including a potentially a "safe zone" for prostitutes to conduct their services. I can't say for certain that Chris will promote this type of activity, but I'm concerned that this is a potential outcome given his track record.

Chris makes the claim that he is "approachable" for neighbors to talk to. Yet when neighbor Peggy went to speak with him, he aimed his operating leaf blower directly at her and forced her away. Additionally, this will sound exaggerated but is the truth: Chris makes a point to appear like he's on his cell phone each time he is in and out of the house. Neighbor Brian Martin has documented video evidence of this. Not very approachable. Additionally, given the potential criminal activity that Chris seems to be involved in, I don't want to speak to him more than I need to. I consider Chris connected to dangerous individuals and not very approachable. What will happen when the neighbors have issues with his short term renters? Yes, we'll call the Police and non-emergency phone number as we have in the past, but will not directly be able to speak with Chris.

Chris has also ignored requests from Joe Haberman to stop his short term rentals as he was violating the rules. Chris disregarded Joe's request and continued renting on Airbnb. Do you think Chris will continue to follow rules with regards to his CUP? My guess is no. You see, Chris isn't much of a rule follower. He prefers to do things his way and doesn't care who he offends, including his neighbors or law enforcement.

I hope that you will come to the conclusion that Chris is not a good candidate for obtaining the CUP at 201 S. Birchwood Ave. He has a proven track record of not being trust worthy with regards to his short and long term tenants. There has been documented criminal activity with short term and long term tenants. Increasing the amount of tenants in and out of the property will only increase the risks that Chris will continue his behavior of not keeping our neighborhood safe. For the sake of our neighborhood, please do not grant Chris the CUP for 201 S. Birchwood Ave.

More Background on Criminal Activity with Chris's Tenants

My family and I moved to our home a few years ago, drawn to the street for its charm, location, public schools and amount of other kids on the street. Over the last year and a half, we have been so lucky to be surrounded by such wonderful neighbors, many of whom have become like family.

What has unfolded at 201 S. Birchwood since the end of January 2017 has been shocking, disheartening and a threat to the safety of the neighborhood. I first learned of the problems at 201 S. Birchwood Ave. when I got the phone call from my wife while I was at work the Monday morning after the Superbowl. She said that police cars had filled our street and that there appeared to be a crime scene at 201 S. Birchwood Ave. This incident involved a gun and tenants from the upstairs unit (short-term rental) and downstairs unit (long-term rental). We became alarmed at this point and wanted to make sure we were as helpful as possible keeping in touch with Metro Police going forward. After this tenant moved out, we would have expected the criminal activity to stop. But it didn't. The next tenant was just as bad. Chris was not able to learn from his mistake of not properly vetting his tenants. This is alarming for someone who is looking to add to the amount of tenants at the property with the CUP.

In the next few weeks with the new tenant, we began to notice a high volume of cars were continuously stopping at the 201 house in all hours of the day and night. With our newborn son waking up throughout the night, my wife and I had the opportunity to see the unusual high amount of people going in and out of the house in the middle of the night. I would come downstairs to prepare a bottle for our son and look the window at cars pulling up to the 201 house. The house lights would be on throughout the night as well, both upstairs and downstairs.

One night around 1:00am in March, a truck was parked out front of our house and the driver was sitting in the car. He was a white male, mid 40s in a pickup truck. I waved to the driver and he opened his door. I asked him how he was doing and if I could help him. He said that he was visiting friends at 201. I asked why he wasn't in the house. He closed the door to his truck and told me to get away. He drove off, came back, and walked into the 201 house. This seems to be odd behavior.

On weekend mornings my daughter and I frequently go on walks around the neighborhood - many times to the Crescent Hill Library, Heine Brothers Coffee shop or Blue Dog Bakery. Many of these mornings, we have seen women wearing very little clothing, including lingerie, walking out of the 201 house to their Illinois plate blue KIA SUV. Other times we've seen the dented Honda Odyssey navy van that would frequent the 201 house with the driver carrying bags into the house. We have also noticed that people go from the first floor unit to the second floor units.

One of the most terrifying events that we know of that has taken place at the 201 house was the gunshots that were fired one Sunday morning, while it was light outside. Witnesses corroborated the video from the Martin's house that a woman at the 201 house shot toward a vehicle that was driving away. Fortunately, the stray bullets did not hit anyone nearby - including my daughter and I on a morning walk.

Clearly, the neighbors on our street know that there is strange and unsafe activity going on at the 201 house. We have reached out to police, hoping for an end to this unsafe activity. But where has the landlord Chris been throughout all of this? Surely, he would take some ownership to the issues that have arisen. Certainly, he would take proper precautions to make sure his tenants are not selling drugs or engaging in prostitution? No, Chris took no responsibility of his tenants' actions, turned his head, and avoided his concerned neighbors. This is the danger of granting Chris the CUP.

I understand that this hearing is regarding Mr. David's rights to short-term rental at his property. Though we do not have a legal right to keep Mr. David from renting his property to "long term" renters we are here today in hopes that we can prevent Mr. David from being allowed free-reign to operate shady business. At the mandatory neighborhood meeting he made it clear that he wants no limits on his business, his property or his tenants. He wants to be able to come and go from the property and do anything he wants. We will not stop watching and we will not stop calling the police over our concerns regardless of long or short term rentals, regardless of race, regardless of how long this goes on. For the safety of our neighborhood, please do not approve Chris David's application for the Conditional Use Permit.

Thank you,
Anonymous South Birchwood Property Owner

<<I tried to attach the letter from Mr David but it was too large and would not let me send it. However, I believe you have the letter to reference.>>

Crumbie, Jon

From: Vaughn Bell <vaughnpbell@att.net>
Sent: Monday, October 8, 2018 11:28 PM
To: Crumbie, Jon
Cc: PJErhart@yahoo.com; John Bell; willmoth@bellsouth.net; bdmartin57@gmail.com; heathermarriedrake@gmail.com; Rob Shenkenfelder; Allisoneshelton@gmail.com; KBAKER@kentuckycenter.org; georgannawheatley@gmail.com; E Mayes; Erin Jones; kkephart@gmail.com; marciamlewis49@gmail.com; Hollander, Bill H.
Subject: In Opposition to Case Number 18CUP1103 - 201 S. Birchwood Ave.

Jon,
Please accept this letter in Opposition to the CUP for 201 S. Birchwood.
My husband and I live across the street and Catty cornered from this home. I will be unable to be at the hearing due to business travel that cannot be rescheduled but my husband plans to attend in person.

We have lived in this home for 18 years and I also previously lived on Birchwood for 4 years in the late 80's will attending seminary. In my time here we have never had concerns such as these that we share now. We have raised three children here. Since Mr. David has purchased the home it has changed the tone of the whole neighborhood. Prior to his ownership it was also a rental property. We had no issues with this and matter of fact many of the neighbors were lovely, including the tenants when he purchased it, several young women who were seminary students. They hosted us in their home for Christmas teas and contributed to the family feeling of the neighborhood. However, as we have maintained a relationship with them, they have shared with us that they left the property because of their discomfort with their new landlord after he purchased it. They shared that he would enter the apartments unannounced and that he made them feel very uncomfortable.

Since they have been replaced with tenants of his choosing - both long term and short term, the presence of these tenants have caused multiple concerns. We have seen high volumes of traffic of revolving people entering the home at all hours of the night, much of it between midnight and 5 AM. There have been cars speeding off recklessly (there are a large number of young children that live here), loud arguments with profanity that could be heard from inside our closed windows and I personally witnessed what appeared to be and sounded like a gun shot from the front sidewalk towards a leaving vehicle one Sunday morning before 7:30 AM. The police have been engaged many times as the incidents escalated. I have witnessed young women dressed in lingerie and very revealing clothing on the front porch in what seemed very clearly to be a prostitution business. I work from home and would often see these women be picked up by a succession of cars only to be dropped off an hour or less later. I have had men act imposingly towards me when I have returned home in the evenings and witnessed multiple incidents of people handing packages through car windows, carrying brief cases and other suspicious looking packages in and out of the home at all hours and other behaviors in keeping with the sale of drugs. My husband and I both work in the drug treatment industry and are well educated in that field and certainly know that the behaviors we see are in keeping with this activity. We have been awakened repeatedly at night by loud interactions between men and women at all hours, men coming and going after midnight with enough light and noise to awaken us as they drive to and from this house.

We have had to call police and fire to the home on multiple occasions due these types of behaviors and also due to large fires burning construction debris in the front yard and threatening behavior toward us and other neighbors when we have tried to register our concerns directly with Mr. David. I was told by one fire Chief (who responded from the Highlands due to our local group calling in an additional truck) that we needed to engage the police in further instances due to the level of risk and defiance Mr. David was exhibiting towards them on that particular day.

Our early attempts to speak proactively with Mr. David about our concerns directly have consistently been met with discounting and denial and ultimately became dismissive and aggressive. He has made verbal threats to several of our neighbors in front of me and I continue to be concerned about the safety of our neighborhood. With a 23 year history of living on this street, I have never had this level of concern prior to his ownership.

My husband and I are gravely concerned for our neighborhood if this case is allowed to proceed and urge you strongly to not allow

These changes to occur. I have often affectionately referred to our street as "Mayberry" in reference to the old TV Sitcom, but find that reference to no longer fit with this situation continuing to transpire.

It is also noticeable that since posting the sign for the hearing meeting in his yard he has continued to move it further and further back from the street to remove it from easy view and this is par for the course with Mr. David's evasive and divisive behavior. I know other close neighbors have supplied several of our shared concerns and documents of those concerns and we greatly appreciate your attention to this matter. We can no longer live comfortably in this hostile and inappropriate situation and feel that this change would significantly worsen the situation if allowed.

Thank you for your serious attention to this matter,

Vaughn and John Bell

Vaughn P. Bell, MDiv

Chief Business Development Officer

Landmark Recovery Home Office

Landmark Senior Living Home Office

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Executive Healthcare consultant and Coach
Vaughnpbell@att.net



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Please excuse typo's - sent on the go
Sent from my iPhone



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Brian & Cindy Martin
200 S. Birchwood Av
Louisville, KY 40206
October 8, 2018

Planning & Design Services
Department of Develop Louisville
444 South 5th Street, Suite 300
Louisville, KY 40202

Attention; Jón E. Crumbie, Planning & Design Coordinator

Subject: Oppositional Letter to the Application for CUP at 201 S. Birchwood Ave.

Ref: Case Number 18CUP1103 - 201 S. Birchwood Ave.

Mr. Crumbie,

Please find this letter as my formal response of opposition to the application for CUP made for 201 S Birchwood Av, a property directly across the street from my residence of 35 years. As I understand it a CUP for an additional STR is not a Right but a Privilege and I along with the other neighbors on S. Birchwood do not believe that Chris David has earned that privilege based on his recent history on tenants that he personally has said he "vetted" for residence. His plans for future use of his property will not be limited to a formal STR organization but his own approval process.

Unfortunately I will be out of country on business for the Public Meeting Monday, Oct 15 and unable to attend the meeting and with this letter I urge you to reject the CUP application and if possible resolved several of the other issues with that property that falls under BOZA and P&DS.

We share our street with dozens of single family residences, several rental properties, an Airbnb, a church and an elementary school. We are a family street with dozens of children. We had not had the seriousness of the violations of code and law up until the last 18 months.

Over the years that property has been a long term rental property, initially the owner made her residence on site and after her death the family continued as a 3-plex. We were acquaintances of several of the tenants and friends with a few.

In 2015 when Chris David bought the property he introduced his plans to continue it as a long term rental. Over the course of the first year things slowly began to turn. Long term (3 years) residents moved out with concerns for their safety. Several female tenants commented he would just walk into the units unannounced to "check on the plumbing". As new tenants began to move in they were of enough of a suspicious nature that the wife of a young couple living on the 3rd floor would ask her husband to walk her downstairs and to her car as she felt threatened.

Our first incident was in Feb 2017. It was after this police response for "Assault" and eventual unlicensed hand gun that began on one floor and spread between both first and second floor units. At that point we as neighbors began to take notice of things that were out of line and suspect of the tenants that now made residence, albeit temporarily, one the first 2 floors of 201.

One couple that lived on the first floor constantly fought with the female sometimes yelling from the porch to the male entering a burgundy jaguar, "You're just mad I gave him a blow job!". That woman reports as Candice Elliott by the police and later would tell us had a Hurstbourne Woods address with a history of opiate felony charges.

It was then that we began to take notice of the 30+ vehicles from a 9 states over a 3 month period that would stay from an hour to 2 weeks. "777" cabs that would drive by at all hours though out the day and night, pick up a fare at 201, only to return 5-7 minutes later to drop off the same fare who was no longer carrying a brown paper bag. It was during this time that the police began questioning neighbors on potential human trafficking, drug trafficking and prostitution.

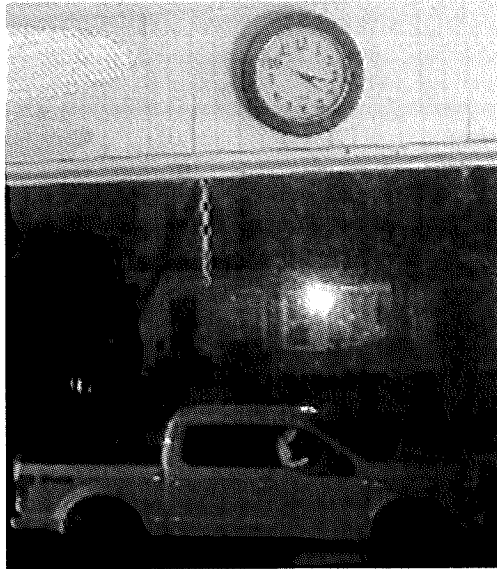
Vehicle Make	Vehicle Model	Vehicle Color	State	License Tags	Seen Wk Begin Jan 30	Seen Wk Begin Feb 5	Seen Wk Begin Feb 12	Seen Wk Begin Feb 19	Seen Wk Begin Feb 26	Seen Wk Begin Mar 5
??	Club Cab Pickup	Silver	??	??				x		
Chevy	Malibu	Black	??	??	x	x				
Ford	Crown Vic	Silver	??	??				x		
Land Rover	Range Rover	White	??	??			x			
Lincoln	Town car	Gold	??	??				x		
Jeep	Cherokee, New	Silver	??	??			x	x		
Ford	Focus	Red	????	VEB 994				x	x	
Chevy	Tahoe	Black	Alabama	8322AM5				x		
Nissan	Sedan	Red	Arizona	6089		x				
GMC	GMC	Blue	Illinois	2152230			x			
Kia	Kia	Bright Blue	Illinois	L54 3242			x			
Toyota	Corolla S	Blue	Indiana	268 LWM						x
Audi	A3	White	Kentucky	637 WES		x	x	x	x	
Chevy	Cruze	Dark Grey	Kentucky	865 RHV			x	x	x	
Chevy	Lumina	Green	Kentucky	767 LIT			x			
Chevy	Avalanche Pickup	Green	Kentucky	722 ERS						x
Dodge	Pickup	Burgundy	Kentucky	7722						
Dodge	Ram Pickup	Black	Kentucky	1794			x			
Honda		Silver	Kentucky	312 RXN						x
Jaguar	XF	Burgundy	Kentucky	599 VBL	x	x				
Jeep	Cherokee, Older	Silver	Kentucky	470 WJF			x	x	x	
Mercedes-Benz	ES00	White	Kentucky	422 WNP						x
Volkswagen		Blue	Kentucky	908 PFG						x
Dodge	Challenger	Red	Kentucky Coal	2369	x	x	x	x	x	
Chrysler	300	Black	KY Temp	8631988			x	x	x	
???	Pickup	White	Michigan	??		x				
Dodge	Dart	White	Pennsylvania	KBF8621				x		
???	Pickup	??	Tennessee	??		x				
Dodge	Sedan	Dark Gray	Texas	GLN 2306			x			

The scenario that was laid out for us by the LMPD Narcotics and Vice investigating the address is that traveling strippers would come into town to work and then use the 1st and 2nd floors for prostitution purposes.

We joked about the "Jake from State Farm" guys that would arrive between 2a-4a, sit in their cars with their faces lit from the cell phone glow, within minutes a porch light would come on, sometimes a girl would open either the 1st floor unit door or the door for access to the upper floor. Within an hour or two "Jake" would be gone.

One of our "Jakes" on Mar 1, 2017 @ 3:20am

Brian & Cindy Martin
200 S. Birchwood Av
Louisville, KY 40206



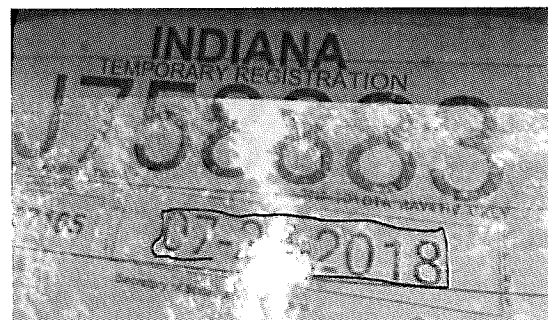
When confronted by either the neighbors or even the police Chris would first become belligerent but over a period of time he would begin to acknowledge the activities and denied he had any part and was helpless in changing the situation.

Denying responsibility is part of Chris' mindset. When neighbors raise concerns over parking he parks his dump truck on the street. When cited by the city he ignores it. When he leaves a work trailer for weeks on end and gets reported by our own Councilman Bill Hollander and tagged by LMPD, he scratches it out. When he begins driving a different vehicle with expired Indiana Temp tags, he continues to drive it for months past expiration.

Abandoned Trailer with Defaced
LMPD placed sticker



Expired Temp License



Thank you for your time and once again, I urge you to reject the CUP application and if possible resolved several of the other issues with that property that falls under BOZA and P&DS.

Sincerely,

Brian and Cindy Martin

(Please advise if you need a "wet signature" copy of this letter for your formal files)

Agency	DGroup	Date/Time	Event	Type	Subtype	Primary Unit	Location	Status	Priority
		02/22/17 00:39:07						Closed - Assigned	
LMPD	5	02/24/17 22:45:58	P17080924	1011	DEFAULT	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/25/17 02:58:50	P17080977	1054	DEFAULT	521A	201 S BIRCHWOOD AVE [REDACTED]	Closed - Assigned	4
LMPD	5	02/25/17 04:34:29	P17080985	1036	PERSON	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/25/17 21:39:18	P17081116	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/25/17 23:38:58	P17081668	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/26/17 22:12:52	P17082901	1011	DEFAULT	521C	201 N BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/27/17 04:16:34	P17082925	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/27/17 14:23:41	P17083027	1032	GENERAL	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	2
LMPD	5	02/27/17 17:15:35	P17083185	1036	VEHICLE		201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	02/28/17 00:13:43	P17083307	1032	GENERAL		201 S BIRCHWOOD AVE LVIL	Closed - Pending	2
LMPD	5	03/02/17 21:51:20	P17083507	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/06/17 06:17:04	P17083599	1033	DEFAULT		201 S BIRCHWOOD AVE LVIL	Closed - Assigned	2
LMPD	5	03/16/17 19:44:38	P17103408	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/16/17 23:27:18	P17103118	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/17/17 03:59:08	P17103054	1011	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/19/17 00:54:30	P17110297	1054	DEFAULT	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	03/21/17 16:48:46	P17113854	1036	VEHICLE	521B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/22/17 00:06:27	P17114045	1036	VEHICLE	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/25/17 00:27:25	P17113193	1036	PERSON	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/25/17 11:20:42	P17113111	1054	DEFAULT	521B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	03/26/17 16:23:45	P17113643	1054	DEFAULT		201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	03/31/17 22:49:19	P17122821	1036	VEHICLE	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/07/17 22:25:09	P17151055	1036	VEHICLE	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/12/17 22:08:42	P17145180	1054	DEFAULT	525B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	04/16/17 17:49:06	P17131130	1054	DEFAULT	531F	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	04/18/17 21:54:54	P17154391	1046	DEFAULT	521B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/23/17 03:59:44	P17161304	1036	VEHICLE	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/23/17 07:37:42	P17161392	1032	GENERAL	531A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	2
LMPD	5	04/27/17 04:36:02	P17162543	1011	DEFAULT	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/28/17 01:41:50	P17160060	1011	DEFAULT	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	04/30/17 03:45:20	P17172844	1036	VEHICLE	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	05/04/17 06:13:38	P17178305	1036	PERSON	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	05/04/17 15:10:02	P17179023	1054	DEFAULT		201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4

Agency	DGroup	Date/Time	Event	Type	Subtype	Primary Unit	Location	Status	Priority
LMPD	5	05/05/17 21:57:06	P17181063	1048	DEFAULT		201 S BIRCHWOOD AVE LVIL	Closed - Pending	3
LMPD	5	05/05/17 22:12:09	P17181094	1054	DEFAULT	521B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	12/14/17 19:23:45	P17518364	1054	DEFAULT	521C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	12/25/17 12:27:43	P17532479	1054	DEFAULT	511B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	12/30/17 22:58:59	P17538667	1036	PERSON	521A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	03/04/18 18:06:01	P18087147	1046	DEFAULT	511A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	07/11/18 13:45:56	P18282521	1054		511B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	08/15/18 12:41:35	P18337879	1041		511C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	08/20/18 17:40:30	P18346188	1054		511C	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	08/21/18 07:43:34	P18347061	1011		511A	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	3
LMPD	5	08/23/18 11:25:34	P18350899	1041		530	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4
LMPD	5	08/27/18 09:45:32	P18356860	1054		511B	201 S BIRCHWOOD AVE LVIL	Closed - Assigned	4

Mark Willmoth and Lynda Clark
205 S. Birchwood Avenue
Louisville, KY 40206

October 8, 2018

Louisville Metro
Board of Zoning Adjustment
Planning & Design
444 S. 5th Street
Louisville, KY 40202
(502) 574-6230

RE: Conditional Use Permit for Short Term Rental located at 201 S. Birchwood Ave., Louisville, KY.

Dear Board of Zoning Adjustment Members;

We as owners of the property located at 205 S. Birchwood Avenue are opposed to the application for a non-resident short term rental conditional use permit for 201 S. Birchwood Avenue, Louisville, KY (18CUP1103).

Our concerns have grown out of the use of the property since Mr. Chris David purchased the property in 2015. Since this purchase, the property has apparently been used for illegal purposes. In the last two years there have been seventy-three police calls to this address for everything ranging from traffic violations to prostitution and drug trafficking. Mr. David has not made any attempt to stop this behavior. Seventy-three police calls over this period equates to about three calls a month for suspicious or illegal activity. Based upon my observations, Mr. David is disrespectful to the police officers when they are present.

Also, during the last three years, Metro Call has received over forty complaint calls concerning the condition of the property, or the building or remodeling without proper permitting. Most of these violations are still open and have not been closed to the satisfaction of Louisville Metro Codes and Regulations. Mr. David has continued operating in defiance of local ordinance and code. The property's current condition is a breeding ground for vermin and insects. We realize this is a code violation, but it speaks to the kind of management that would besiege the neighborhood if this conditional use permit is granted. We believe that Mr. David is in arrears concerning fines that have been levied on this property.

Some of Mr. David's previous renters were involved in prostitution, which he admits, but did nothing to stop this behavior. On the contrary, he would fraternize, support, and defend them, and the concern of the neighborhood is that he may have been in business with them. This behavior escalated to the point of gun fire outside this house by one of the renters shooting at two men driving away. We worry that if a CUP is granted, these dwelling units could be rented hourly ten or twelve times a weekend for illegal short term sexual relations or drug distribution. Mr. David continues to rent the short term rental, in violation of the revocation of his existing permit for non-occupancy. He has an appeal pending, but it has not been resolved.

We ask that you deny this application, to help remediate the continuing adverse effect on the neighbors, and to insure the public health and safety of the neighborhood is not jeopardized further.

Respectfully,

Mark Willmoth

Lynda Clark

Enclosures: Police Log, List of Code Violations, Photos

Mark Willmoth and Lynda Clark
205 S. Birchwood Avenue
Louisville, KY 40206

201 S. Birchwood Avenue
Photos of existing conditions



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Photos of existing conditions

