



Land Development Report

January 15, 2019 4:15 PM

[About LDC](#)

Location

Parcel ID: 075E01180000
Parcel LRSN: 85264
Address: 1274 EVERETT AVE

Zoning

Zoning: R5B
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: EASTERN PARKLAND CO.
Plat Book - Page: 01-065
Related Cases: B-137-89

Special Review Districts

Overlay District: NO
Historic Preservation District: CHEROKEE TRIANGLE
National Register District: CHEROKEE TRIANGLE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: NO
Historic Site: YES

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or
Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0043E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

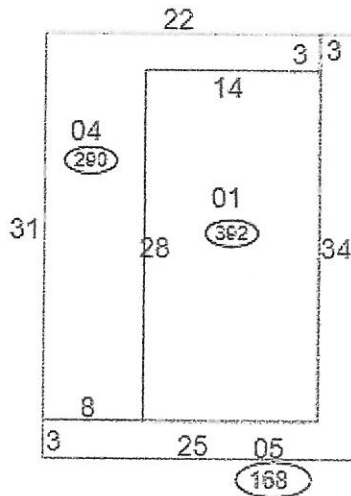
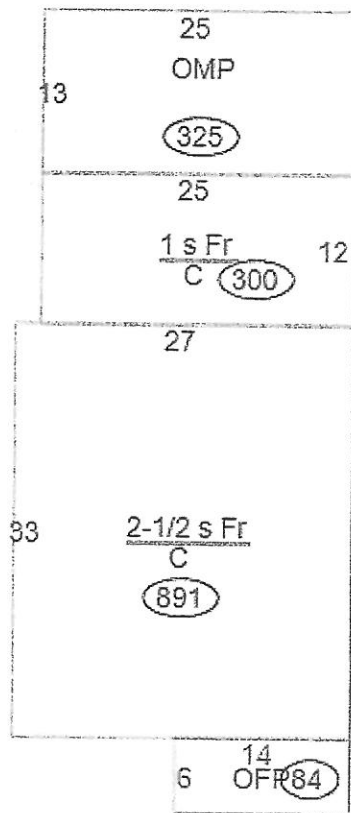
MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO
Drainage Credit Program: CSO127 - Project(s) Value between \$.04 - \$1.5

Services

Municipality: LOUISVILLE
Council District: 8
Fire Protection District: LOUISVILLE #4
Urban Service District: YES

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1274 EVERETT AVE

Mailing Address 1156 BARDSTOWN RD,
LOUISVILLE, KY 40204-1359

Owner ALL BLACK LAND TRUST 204

Parcel ID 075E01180000

Land Value \$90,000

Improvements Value \$305,000

Assessed Value \$395,000

Approximate Acreage 0.1247

Property Class 510 RES 1 FAMILY
DWELLING

Deed Book/Page 10992 46

District Number 100023

Old District 10

Fire District City of Louisville

School District Jefferson County

Neighborhood 207105 / EASTERN
PARKLAND CO

Satellite City Urban Service District

Sheriff's Tax Info View Tax Information

County Clerk Delinquent Taxes [☞](#)



Area Type	Gross Area	Finished Area
Main Unit	-	2,562
Basement	0	-
Attic	NONE	0
Attached Garage	-	n/a
Detached Garage	-	n/a

All measurements in square feet.

Sales History

Deed Book/Page	Price	Date	Previous Owner
10992 46	\$395,000	09/28/2017	PARDUE CAROLE
W00621 0341 (N/A Online)	\$0	05/08/2015	PARDUE CAROLYN S & RALPH
4361 0111 (N/A Online)	\$0	01/01/1970	OWNER UNKNOWN

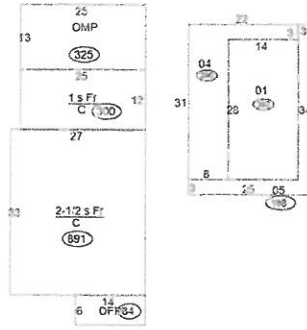
Property is assessed per KRS 132.20 on January 1st of each year. The current year assessments are updated and posted on the website in mid April. Information deemed reliable but not guaranteed. Data last updated: 01/09/2019.

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Property Sketch



Sales History

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10992 46	\$395,000	09/28/2017	PARDUE CAROLE
W00621 0341 (N/A Online)	\$0	05/08/2015	PARDUE CAROLYN S & RALPH
4361 0111 (N/A Online)	\$0	01/01/1970	OWNER UNKNOWN

Assessment History

Record Year	Land	Improvements	Total	Reason
2018	\$90,000	\$305,000	\$395,000	S - Sales
2015	\$90,000	\$266,360	\$356,360	19 - Characteristics
2012	\$45,000	\$214,510	\$259,510	NC - Residential - No Change
2007	\$45,000	\$214,510	\$259,510	RC - Residential Computer Reassessment
2003	\$45,000	\$195,010	\$240,010	RC - Residential Computer Reassessment

Legal Lines

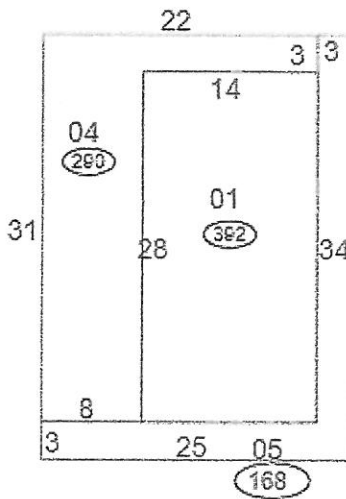
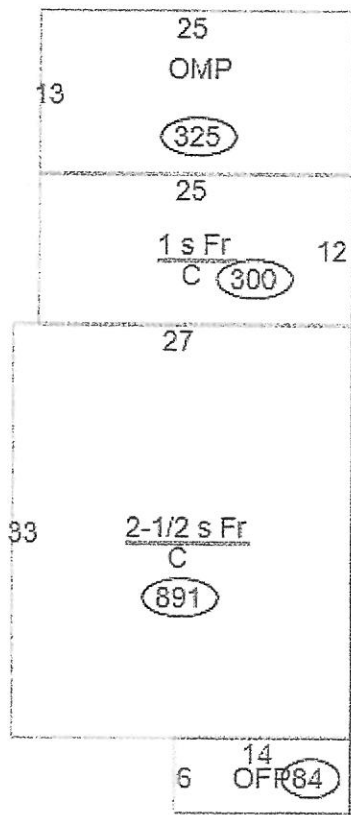
LN	Legal Description
1	0.1246 AC+/-; SWS EVERETT AVE

Property is assessed per KRS 132.20 on January 1st of each year. The current year assessments are updated and posted on the website in mid April. Information deemed reliable but not guaranteed. Data last updated: 01/09/2019.

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4.3.23 Short Term Rentals

In a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district, a short term rental of dwelling unit that is the primary residence of the host is permitted by the Planning Director with special standards set forth in this section. In a OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, W-1, W-2, PVD, PTD or PRD district, any short term rental is permitted by the Planning Director with special standards set forth in this section.

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence or duplex unless the dwelling unit is located on property zoned C-R, C-N, C-1, C-2 or C-3 and the property meets all of the following criteria:
 1. The property is within 200' of a TARC route;
 2. The property is within .75 miles of a public park; and
 3. The property is within one mile of a National Register District or Local Preservation District.This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Planning Director. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. In the event that a complaint is filed concerning the lack of adequate parking, the Planning Director may require that the host submit a parking study to Planning & Design Services. If the parking study concludes that there is inadequate parking available to the host and guests, the host shall either a) increase the amount of parking or b) discontinue the short term rental use.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. In order to maintain a registry of short term rentals, the host of the short term rental shall submit a notice of intent to commence a short term rental to the Office of Planning & Design Services in a form prescribed by the Planning Director. This form may be an online form that does not require the host to visit the office.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Planning Director may revoke the approval.

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Short Term Rental Registration

Louisville Metro Government Department of Develop Louisville

Date of Issuance <i>This registration is valid for one year from Date of Issuance</i>	August 13, 2018
Address of Short Term Rental	1274 Everett Ave. Louisville, KY 40204
Name of Short Term Rental Host	Wayne Gallavin
Emergency Contact Name (if applicable)	
Registration #	STR927412

The following standards are generally applicable to short term rentals. Please refer to the Metro Code and Land Development Code to view the provisions in full. In certain situations, a Conditional Use Permit is required. A Conditional Use Permit may provide additional standards.


1. The maximum stay for a guest shall be 29 consecutive days. A dwelling rented to the same occupant for 30 consecutive days or more is not considered a short term rental.
2. The dwelling shall be limited to a single short term rental contract at a time.
3. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
4. Food or alcoholic beverages shall not be served or otherwise provided by the host to any guest.
5. Outdoor signage which identifies the short term rental is prohibited.
6. Parking shall be provided in accordance with the Land Development Code.
7. The dwelling shall be a single-family residence or duplex unless the dwelling unit is located on property zoned C-R, C-N, C-1, C-2 or C-3 and the property meets all of the following criteria: 1) it is within 200' of a TARC route; 2) it is within .75 miles of a public park; and 3) it is within one mile of a National Register District or Local Preservation District.
8. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
9. If the property is subject to two or more substantiated civil and/or criminal complaints, the approval may be revoked.
10. The short term rental shall meet the smoke detector requirements set forth in Louisville Metro Code of Ordinances Section 94.02.
11. A clearly marked evacuation plan shall be posted on the premises.

Develop Louisville, Office of Planning and Design Services
444 S. 5th Street, Suite 300, Louisville, KY 40202
502.574.6230
<https://louisvilleky.gov/government/planning-design>

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Kentucky
UNIVERSITY OF KY



DRIVER'S LICENSE

DL

44 Lic No. 04-05-2022
4th Exp

3 DOB [REDACTED]

1 GALLAVIN
2 WAYNE P
3 1274 EVERETTE AVENUE
4 LOUISVILLE, KY 40204

JEFFERSON COUNTY

15 Sex M
16 Hgt 5-11
17 Wgt [REDACTED]
18 Eyes BLU
19 Hair [REDACTED]
20 Skin [REDACTED]

21 Class DM
22 End NONE
23 Rev 08-13-2018

12 Restrictions 8
5 00183298025710650 ORI CDL Rev 08-13-2018

Circuit Clerk
Tara K. McElroy

www.ky.gov

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RECTLY ON THE CORNER OF THE LICENSE PLATE.

ew sticker is to placed is clean and dry.

acking and place on license plate.

to make sure it is firmly affixed.

certificate in order to renew the registration of this vehicle before the expiration date.

NO GRACE PERIOD ON ANY DECAL EXPIRATION DATE.

Passenger cars and motorcycles are on a year-round registration system and may be renewed two months before the expiration date of this vehicle.

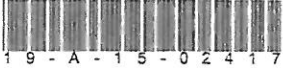
B. For commercial vehicles registered under KRS 186.050(3) through (14), the certificate will be valid through March 31.

C. Trailer registration will also be valid through March 31.

D. Motorboats expire April 30 of each year.

2. This certificate (or a copy) must be carried in this vehicle (except motorcycle) at all times and be available for inspection by any peace officer.

3. Making a false statement in any part of this application will subject the party to a fine of not less than \$20.00 nor more than \$100.00 as set out in KRS 186.990(1)



COMMONWEALTH OF KENTUCKY CERTIFICATE OF REGISTRATION



PLATE NUMBER
08 1044GB MI

CONTROL NO.
19-A-15-02417

DECAL NO.
1044GB

REGISTRATION TYPE
FIRST TIME (0/ST)

ODOMETER
93608

EXPIRES
03-31-20

PREV. PLATE NO.

PREV. DECAL NO.

SPECIAL REGIST/LIMITED LOCATION
NORTON ISSUE

REGIST WT

VEHICLE TYPE
PASSENGER AUTO

VEHICLE IDENTIFICATION
[REDACTED]

VEH.YR.	B-STYLE	MAKE	MODEL	COLOR	TITLE NO.
13	4D	HOND	HONDAC	SIL	190110561065

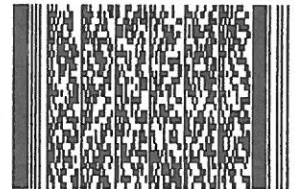
NOT VALID FOR TRANSFER OF OWNERSHIP

OWNER(S) NAME(S) ADDRESS
GALLAVIN, WAYNE P

000

1274 EVERETT AVE
LOUISVILLE KY 40204

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SIGNATURE

DATE OF ISSUE CLERK I.D.
01-11-19 BMW

LESSEE/EMPLOYEE

COUNTY CLERK: BOBBIE HOLSCLOW
COUNTY OF ISSUANCE: JEFFERSON CO.



USAGE TAX	TAXABLE VALUE	11,975
	6% TAX	
	TAX CREDIT	838.25
REG FEE	STATE FEE	50.00
	CLERK FEE	9.00
TITLE FEE	STATE FEE	3.00
	CLERK FEE	6.00
AD VALOREM TAX	ASSESSED VALUE	
	CURR. YR. TAX	
	PREV. YRS. TAX	

PAID 68.00

LVFC433U 01/11/19 14:57:55

Does your vehicle have an open recall?
Some issues covered by recalls pertain to serious safety risks, and all are fixed for free. Check your vehicle at:
www.CheckToProtect.org

19 Appeal 1001



Online Voter Registration



**Your Kentucky Voter Registration Application has been submitted.
You may print this page for your records.**

Important Information:

You are not officially registered to vote until the electronic application is approved by your county clerk.

If your registration application is accepted, the county clerk will send you confirmation, by mail, of your registration and notify you of your polling location.

SBE 01A

201

A. Are you a citizen of the United States of America?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Voter ID	
B. Will you be 18 years of age on or before election day?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO		
Check one		FOR CLERK USE ONLY			
	Precinct Code	Precinct Name	Town	Other Code	
Social Security Number XXX-XX-XXXX	Date of Birth	County Jefferson	Work Phone	Home Phone	
Sex M	Name Wayne P Gallavin				
Home Address 1274 Everett Ave Louisville, KY 40204					
Mailing Address 1156 Bardstown Rd Louisville, Kentucky 40204					
Party Registration Other		<p>WARNING: If you sign this statement even though you know it is untrue, you can be convicted and fined up to \$500 and/or jailed up to 12 months. Voter Declaration - read and sign below.</p> <p>I swear or affirm that:</p> <ul style="list-style-type: none"> • I am a U.S. citizen • I live in Kentucky at the address listed above • I will be at least 18 years of age on or before the next election • I am not a convicted felon, or if I have been convicted of a felony, my civil rights must have been restored by executive pardon • I have not been judged "mentally incompetent" in a court of law • I do not claim the right to vote anywhere outside Kentucky 			
<p>If you select "Other" as your party affiliation, you are eligible to vote for only nonpartisan offices in any primary election. You may vote for any candidate in all general or special elections. Only person timely registered shall have the right to vote.</p>		<p>X Signature G18107090</p>			

Back Finish

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LARRY PEERCY ACCOUNTING
4033 BLANTON LANE
LOUISVILLE, KY 40216
502 449-3315

TO WHOM IT MAY CONCERN:

Mr. Wayne P. Gallavin is a client of our firm. We have filed his personal income taxes for many years and for the 2018 tax season we will be filing his personal tax return using his personal residence address of 1274 Everett Avenue, Louisville, Kentucky, 40204. If you have any questions about this, please call the above phone number.

Thank you.



Larry Percy

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16 January 2019

Re: Mr. Wayne Gallavin and his home at 1274 Everett Avenue 40204

To Whom it May Concern:

My name is Leslie Frye. I'm a licensed Realtor for over a decade, a former advertising and public relations consultant for two decades, and a native of Louisville. I am Wayne Gallavin's long-term partner and have detailed knowledge of the subject property, which is Mr. Gallavin's primary residence, as well as the circumstances surrounding your recent revocation of the property's short term rental registration for the reason given of "automobile registration" as related to residency.

Mr. Gallavin is owner of the property in trust. I know firsthand that he researched and followed published guidelines on confirming it as his primary residence, which included having that home address on his driver's license, among other items. He—or we both—stays at the home 2-3 days a week when in town if it's not rented; he also stays at my house on the other side of town, at his lake house, at his former residence to help his son, and occasionally with his daughter. We have entertained family and friends at his home on a number of occasions. We were out of the country most of December, so the house was mainly dark to the neighbors, but we made it back in time to celebrate Christmas at his home with family.

However, as you know, all of the latter information regarding bodies physically in the home is not relevant to this case. Nor is it relevant to any published primary residency requirements. **And neither is automobile registration.**

I am very aware of the general hostility of some individuals toward short-term rentals in any shape or form, often based on erroneous gossip and Facebook posts. That attitude is not unique to this neighborhood, where residents often gang up to fight STRs. including baseless complaints and harassment. (For instance, one Everett neighbor actually verbally assaulted Mr. Gallavin in the street for no other reason than his use of his home as an STR.) Even the fact that Mr. Gallavin's home is held in trust was voiced as a concern to some who are simply uneducated in protecting their heirs from probate delays and expenses.

The bottom line is this: 1274 Everett Avenue is Wayne Gallavin's primary residence. His STR registration was revoked without due process based on an irrelevant complaint. It is none of the neighbors' business how often Mr. Gallavin sleeps in his home, nor whether his car registration was moved before it was due in March—the County Clerk's office didn't mention it was necessary—or even if it is registered at all, for that matter.

It is my opinion that Mr. Gallavin's STR registration on his home should be reinstated without further delay and without penalty of added fees. Your assistance in rectifying this situation would certainly be greatly appreciated.

Sincerely,

Leslie Frye

Digitally signed by Leslie Frye
DN: cn=Leslie Frye, o, ou,
email=lesriefrye@remax.net, c=US
Date: 2019.01.16 17:57:24 -05'00'

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1-18-19

My name is Deborah Gill. I am the wife of Steve Gill. My husband and I own two properties in the Highlands area, as well as multiple properties across Louisville. We have known Wayne Gallavin for over 20 years. Besides being a personal friend, Wayne is a real estate broker who has worked many business deals with us, and my husband held his realtors license under Wayne for many years. Wayne currently manages several properties within our portfolio and has always been professional and friendly.

Wayne is an American citizen who began investing in real estate and many other small business ventures in Louisville during the 1980s. He opened up his office at 1156 Bardstown Road in 1991, a property he has operated his business from for almost 30 years. He continued to live across the bridge so as not to uproot his children from his former home with his ex-wife, and to be close to them until after they finished college. With the advent of the toll bridges, and Wayne's children now being grown, Wayne began looking for homes closer to his office on Bardstown Road. For a short while, Wayne leased a home in the Highlands. Renting a home in the Highlands only endeared Wayne more to the idea of purchasing his own property there. It took roughly a year before he found the perfect spot at 1274 Everett Avenue. Both Steve and I attended the first showing when he viewed the home.

Wayne travels to his family in New Zealand often. I think he traveled a little less in 2018 since his father recently passed. I think it is a shame that when he went to visit family in December, the neighbor decided to take this as an opportunity to declare him as not living in his home and have his permit, his legal right to lease out his home for a short amount of time, pulled from him.

I am writing this letter, and am available to give sworn statement, in reference to Wayne and his personal residence located at 1274 Everett Avenue. I implore that the rushed action to remove the STR registration for his personal home be reversed.

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared
Eric Feller as N/A of
Louisville KY, who being first duly sworn, deposes and says
that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this 1-17, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:


AFFIANT,

Sworn to and subscribed before me this 1-17, 2019.

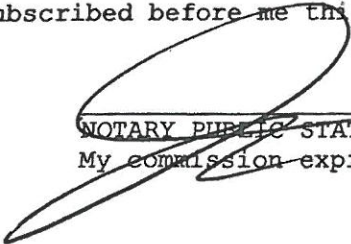

NOTARY PUBLIC STATE OF KENTUCKY
My commission expires 5-15-2021



EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appears: Justie Frye as an individual, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. I have frequently been to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my regular visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this Jan 17, 2019 .

FURTHER AFFIANT SAYETH NOT

Signed, sealed and delivered in the presence of:

Justie Frye
AFFIANT

Sworn to and subscribed before me this January 17 . 2019

[Signature]
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires 04/10/2019

CINDY L. KRAUSE
Notary Public, State at Large, KY
My commission expires Apr. 10, 2019
Notary ID# 531765

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared Brenda Brown as Self of _____, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this Jan 18, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

Brenda Brown
AFFIANT,

Sworn to and subscribed before me this Jan. 18, 2019.

Christina Ryan
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires October 6, 2021

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared Ron Burns as individual of _____, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this 1/18/19, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

[Signature]
AFFIANT

Sworn to and subscribed before me this 1/18/19, 2019.

[Signature]
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires 6-29-21

Anthony Westphal
NOTARY PUBLIC
State at Large, Kentucky
ID # 582174
My Commission Expires 6/29/2021

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared Sutej Singh Gill as friend of Wayne Gallavin, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this January 17th, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

Sutej Singh Gill
AFFIANT,

Sworn to and subscribed before me this January 17th, 2019.

Brandon Cole Castillo
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires 3/9/19

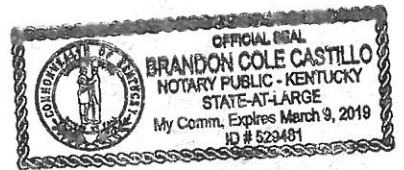


EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME the undersigned authority, on this day personally appeared Teri Jo Eisert as Teri Jo Eisert of 2129 Treulian Way, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this 22nd January, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

Teri Jo Eisert
AFFIANT,

Sworn to and subscribed before me this 22nd January, 2019.

[Signature]
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires 7-23-2022

SABRINA GLASS
Notary Public
Kentucky - State at Large
My Commission Expires Jul 23, 2022

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SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared James M. Wallace II as Individual of _____, who being first duly sworn, deposes and says that:

- 1. I am a personal friend of Wayne Gallavin.
- 2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
- 3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
- 4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this Jan. 17, 2019, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

James M. Wallace II
AFFIANT,

Sworn to and subscribed before me this JANUARY 17, 2019.

[Signature]
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires MARCH 5 2022

DESIREE E. COX
Notary Public - State at Large
Kentucky
My Commission Expires Mar. 5, 2022
Notary ID 596649

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PLANNING &
DESIGN SERVICES

19 Appeal 1001

SWORN AFFIDAVIT

State of Kentucky
County of Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared Craig Magruder as Ind. Agent of _____, who being first duly sworn, deposes and says that:

1. I am a personal friend of Wayne Gallavin.
2. On several occasions Wayne has invited me to his home located at 1274 Everett Avenue, Louisville, Kentucky 40204.
3. Wayne has personally told me the property located 1274 Everett Avenue is his primary residence.
4. From my visits to 1274 Everett Avenue, it is my belief and opinion that this is in fact the primary residence of Wayne Gallavin.

Dated this 16 day January, 2019.

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered in the presence of:

[Signature]
AFFIANT,

Sworn to and subscribed before me this Jan, 16, 2019.

[Signature]
NOTARY PUBLIC STATE OF KENTUCKY
My commission expires MARCH 5, 2022

DESIREE E. COX
Notary Public - State at Large
Kentucky
My Commission Expires Mar. 5, 2022
Notary ID 596649

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Subject: LMPD ORR 18-3186

From: Pamela.King@louisvilleky.gov

To: wpgallavin@yahoo.com

Date: Thursday, September 27, 2018, 3:59:25 PM EDT

Mr. Gallavin – In response to the attached open records request for any 2018 police reports regarding 1274 Everett Ave., Louisville, KY 40204, please be advised LMPD conducted a search based on the information provided and was not able to locate any police records responsive to your request. If you have any questions, please advise.

Thank you,

Pamela A. King, Paralegal

LMPD Open Records Division

633 W. Jefferson Street

Louisville, KY 40202

O (502) 574-8805

F (502) 574-7071

Pamela.king@louisvilleky.gov



The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

 ORR20183186WayneGallavin1274EverettAve.pdf
468.4kB

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George B and Jo C Walton
1283 Cherokee Road
Louisville, KY 40204

John K and Wendy M Sirchio
1289 Cherokee Road
Louisville, KY 40204

Jana W and David Bollinger
1271 Everett Ave
Louisville, KY 40204

Carl Maupin & Suzanne Mitchell
1275 Everett Ave
Louisville, KY 40204

Jeffrey & Katherine Quigley
1272 Everett Ave
Louisville, KY 40204

Associated Holding Inc
8015 Kendrick Crossing
Louisville, KY 40291

Wayne Gallavin
1274 Everett Ave
Louisville, KY 40204

(Note: Above information is
1278 Everett forwarding address)

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DEVELOP LOUISVILLE
DEPARTMENT OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

Yu "Emily" Liu, AICP
DIRECTOR

NOTICE OF SHORT TERM RENTAL
REGISTRATION REVOCATION

January 10, 2019

Property Owner:
All Black Land Trust 204
1156 Bardstown Rd
Louisville, KY 40204

Host:
Wayne Gallavin
1274 Everett Ave
Louisville, KY 40204

Subject Property: 1274 Everett Avenue, Louisville KY
Short Term Rental Registration: STR927412
Conditional Use Permit: n/a
Zoning Enforcement Case: 18PM7598

Following a complaint(s) regarding the short term rental use of the subject property, an investigation was carried out by the Office of Planning & Design Services and a violation was discovered. As a result, you are hereby notified that your Short Term Rental Registration for the subject property is revoked for the following reason(s):

1. Pursuant to Louisville Metro Land Development Code Section 4.3.23, in order to operate a short term rental in the R-5B zoning district without a Conditional Use Permit, the dwelling unit must be the primary residence of the Host. Evidence indicates that the dwelling unit is not the primary residence of the Host on record.

You must immediately stop using the subject property in violation of the Louisville Metro Land Development Code and the Louisville Metro Code of Ordinances. Failure to comply with this Notice can result in Citations and fines.

If you would like to review the evidence used in this determination, please contact the Zoning Enforcement Supervisor at (502)574-6230 and any public record that is open for inspection will be provided. If you disagree with this Notice, you may file an appeal to the Board of Zoning Adjustment (BOZA). Appeals must be filed within thirty (30) days of the date of this Notice. BOZA appeal forms are available at the Office of Planning & Design Services or online at www.louisvilleky.gov/planningdesign.

A zoning enforcement officer will re-inspect the property to determine if you have complied with this Notice. Should you have any questions, please contact the Office of Planning & Design Services.


EMILY LIU, DIRECTOR OF PLANNING & DESIGN SERVICES

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METRO DEVELOPMENT CENTER, 444 SOUTH 5TH STREET, STE 300, LOUISVILLE KENTUCKY 40202
502.574.6230
www.louisvilleky.gov

19 Appeal 1001

Short Term Rental Registration for 1274 Everett Ave (STR927412)

From: Haberman, Joseph E (Joseph.Haberman@louisvilleky.gov)

To: wpgallavin@yahoo.com

Cc: Michael.Wilcher@louisvilleky.gov

Date: Thursday, January 10, 2019, 11:31 AM EST

Mr. Gallavin,

Please find a letter revoking your short term rental registration for 1274 Everett Avenue attached. A signed copy of the letter has been mailed. Following complaints regarding the short term rental use of the subject property, an investigation was carried out by the Office of Planning & Design Services and a violation was discovered. You must immediately stop using the subject property in violation of the Louisville Metro Land Development Code and the Louisville Metro Code of Ordinances.

Please let me know if you have any questions about the appeal process. Please contact Mike Wilcher if you have any questions about the information used in the decision and/or the enforcement case.

Joseph Haberman, AICP

Planning Manager

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502)574-5178

<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



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Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Jefferson County Clerk's Office.



INST # 2017214792

BATCH # 96664

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$395.00

PRESENTED ON: 09-28-2017 7 03:15:41 PM

LODGED BY: ACKERSON & YANN PLLC

RECORDED: 09-28-2017 03:15:41 PM

BOBBIE HOLSCRAW

CLERK

BY: CINDY WELSH

INDEXING CLERK

BK: D 10992

PG: 46-48

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527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700

Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

19 Appeal 1001

2DEED

DEED

THIS DEED is between **Carole Sorrell Pardue** (herein "Seller"), unmarried, whose address is 1412 Willow Avenue, Apartment 75, Louisville, Kentucky, 40204, and **Wayne P. Gallavin, Trustee of All Black Land Trust, #204** (herein "Buyer"), whose in care of address for payment of 2016 real property taxes is 1156 Bardstown Road, Louisville, Kentucky, 40204.

WITNESSETH

In consideration of **\$395,000.00**, which the parties hereto certify is the full consideration paid for the property, the receipt of which is hereby acknowledged, the Seller hereby conveys to the Buyer and its successors, and assigns in fee simple, with Covenant of **GENERAL WARRANTY**, the following described property located at 1274 Everett Avenue in Jefferson County, Kentucky, to wit:

BEGINNING on the southwest side of Everett Avenue, 249 feet 5 inches northwest of Longest Avenue, as measured along the southwest side of Everett Avenue; thence northwestwardly along the southwest side of Everett Avenue, 30 feet and extending back southwestwardly of that width throughout between lines of right angles to Everett Avenue 180 feet to an alley.

Being the same property conveyed to Ralph Edward Pardue and Carole Sorrell Pardue by Deed dated January 23, 1970, of record in Deed Book 4361, Page 111, in the Office of the Clerk of Jefferson County, Kentucky, the said Ralph Edward Pardue having died March 1, 2015, with will of record in Will Book 621, Page 341, in the office aforesaid and the said Carole Sorrell Pardue being vested with title via joint survivorship.

TO HAVE AND TO HOLD unto Wayne P. Gallavin and his successors in office as trustee and full power and authority is hereby vested in said trustee to sell, convey, lease, exchange, mortgage, or otherwise dispose of the property herein conveyed or any part thereof upon any terms and at any time he may see fit, and no one shall be required to look to the application of the proceeds therefrom.

Said estate is free from all encumbrances except restrictions and easements of record, zoning regulations and real estate taxes not yet due and payable, which Buyer assumes and agrees to pay.

The Buyer executes this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382; and IN AFFIRMATION of this conveyance, witness the signature of the Seller on September 28, 2017.

All Black Land Trust, #204

BY: Wayne P. Gallavin
Wayne P. Gallavin, Trustee

Carole Sorrell Pardue
Carole Sorrell Pardue

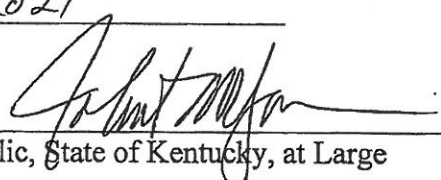
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Commonwealth of Kentucky)
County of Jefferson)

The foregoing Deed and consideration certificate was acknowledged and sworn to before me on September 28, 2017, by Carole Sorrell Pardue.

My Commission expires 4/7/2021

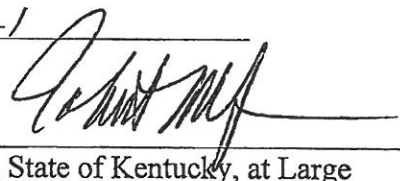


Notary Public, State of Kentucky, at Large

Commonwealth of Kentucky)
County of Jefferson)

The foregoing Deed and consideration certificate was acknowledged and sworn to before me on September 28, 2017, by Wayne P. Gallavin, Trustee of **All Black Land Trust, #204**.

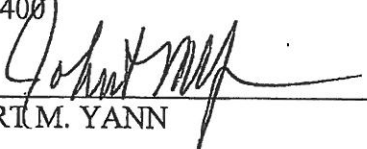
My Commission expires 4/7/2021



Notary Public, State of Kentucky, at Large

This Document Prepared By:

Ackerson & Yann, PLLC
401 West Main Street, Suite 1200
Louisville, Kentucky 40202
(502) 583-7400

By: 

ROBERT M. YANN

File No. 17-169

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BEGINNING on the southwest side of Everett Avenue, 249 feet 5 inches northwest of Longest Avenue, as measured along the southwest side of Everett Avenue; thence northwestwardly along the southwest side of Everett Avenue, 30 feet and extending back southwestwardly of that width throughout between lines of right angles to Everett Avenue 180 feet to an alley.

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BORDERS & BORDERS, PLC

ATTORNEYS AT LAW

920 Dupont Road, Louisville, KY 40207

Telephone (502) 894-9200 Facsimile (502) 894-8081

J. DAVID BORDERS
JOHN D. BORDERS, JR
HARRY B. BORDERS
JENNIFER F. FIELDS

NATALIE RICHARDS
CORINNE LAWRENCE
LAURA KAZLAUSKAS
KATRINA MILLER

January 16, 2019

Re: Primary Residence per Internal Review Service

To Whom It May Concern:

I am a licensed attorney who has practiced real estate law for 27 years. I am experienced in helping clients with the primary residence exclusion under the Code and have a firm understanding of what is considered an individual's primary residence.

I have been the attorney of Mr. Wayne Gallavin for many of those 27 years. While it is true that Mr. Gallavin is a real estate investor, it is also true that Mr. Gallavin has his primary residence at 1274 Everett Avenue, Louisville, Kentucky 40204 held under the All Black Land trust #204 where Wayne Gallavin is the trustee and beneficiary.

Under IRS Publication 523, the IRS states there are factors in determining if a property is a primary residence or not. This publication clearly states "An individual has only one main home at a time. If you own and live in just one home, then that property is your main home." Mr. Gallavin owns several entities that own other real estate in the United States, but each of these properties are owned by legal entities, not owned by Mr. Gallavin individually and therefore, by the IRS's definition, 1274 Everett Avenue is his only primary residence.

According to IRS Publication 512, the IRS states these factors as follows:

The address listed on your: U.S. Postal Service address, Voter Registration Card, Federal and state tax returns, and Driver's license or car registration.

The home is near: Where you work, Where you bank, The residence of one or more family members, and Recreational clubs or religious organizations of which you are a member.

It is my understanding that most, if not all, of these factors indicate that Mr. Gallavin's primary residence is in fact 1274 Everett Avenue, Louisville, Kentucky 40204.

Should you have any further questions or concerns, please feel free to contact me.

Very Truly Yours,


Harry Borders

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BASIS OF APPEAL

1. Registration of Short Term rental as primary residence is a paper review of supporting documentation. There is no opportunity for neighbor (public) comment or complaints. Therefore, a primary residence short term rental cannot be revoked based on neighbor complaints. To unilaterally revoke the primary residence short term registration following neighbor or public complaints is an arbitrary and capricious application of the law. If the neighbors consider themselves aggrieved, they are the proper party to appeal the decision, not the owner originally granted the registration.
2. The regulations do not contain a definition of "primary residence". In the "Frequently Asked Questions" of the Short Term Rental website, there is no definition for "primary residence", and points to the definition contained under KRS. It also states a drivers license, or other governmental identification, is the basis to determine "primary residence" or domicile. The FAQ section of the website has been taken down as of February 5, 2019. Since "primary residence" did not have a definition at the time of the present application, the subsequent revocation is arbitrary and capricious.
3. The unilateral revocation of the registration following unverified complaints is arbitrary and capricious. The unilateral revocation of the registration is not contained within the enacting laws. There is authority to do so once the applicant has satisfied the registration requirements.
5. The appeal fee must be paid by the applicant, and is a sum 20 times the amount of the registration. Based on investigation, the appeal fee is to defray costs of the hearing. Since the primary residence short term rental process is by application only, there is no commentary available at the initial approval, and the Commission unilaterally revoked the registration, the appeal cost is a barrier of entry not legally allowed. For primary residence appeals, the appeal fee must be paid by the complaining party and revocation cannot occur until after the hearing. IF revocation occurs at the time of application, the applicant must appeal the decision. But, after granting registration, then the onus is on the complaining parties. To act otherwise is arbitrary and capricious.
6. By unilaterally revoking the registration, the homeowner's ability to use his home, domicile and primary residence in the manner he chooses has been limited. There is selective restriction of his ability to use his home as he chooses. As an example, if the homeowner had a home-based business, such as an accountant, attorney or counselor, the public and neighbors would not have an ability to limit his profession. Here, BOZA has allowed that to occur.
7. Any aggrieved party failed to file its appeal of the granting of the registration within 30 days of the determination of registration, and failed to pay the appeal fee under KRS 100.261.
8. A revocation of the registration did not comply with LRC, specifically LRC 4.3.23 and LRC11.7.3. Further, the LRC and unilateral revocation of the decision did not comply with KRS 100, et seq.

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9. From a factual standpoint, the applicant is the only individual with knowledge of his intent of maintaining his primary residence at the premises. The applicant satisfied, and continues to satisfy, the primary residence requirements as laid out by the LRC.

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Please submit the completed application along with the following items:

Project application and description

- Land Development Report¹
- A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- Legal description on separate 8.5" x 11" sheet of paper (if not included in deed)
- Drawing of property, survey, tax map, or LOJIC map
- A written description of the grounds for the appeal
- A copy of the action or decision being appealed (e.g. Refusal Form, Cease and Desist Order, Interpretation Letter, etc.)
- If necessary, notarized affidavits, photographs, and supporting documents – examples may include information from Caron's or the Polk Directory, utility bills, tax records, etc.

Mailing labels to notify Adjoining Property Owners (APOs)³

- One set of mailing label sheets for: 1st tier APOs and those listed on the application
- One copy of the APO mailing label sheets

Fee (Cash, charge or check made payable to Planning & Design Services)

- \$ 500 Application Fee
\$1.00 per mailing label Notice Fee

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <https://search.jeffersondeeds.com>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/property-search/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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Contact Information:

Appellant: Check if primary contact

Applicant: Check if primary contact

Name: WAYNE P GALLAVIN

Name: ALL BLACK LAND TRUST

Company: _____

Company: _____

Address: 1274 EVERETT AV

Address: 1156 BARDSTOWN Rd

City: LOUISVILLE State: KY Zip: 40204

City: LOUISVILLE State: KY Zip: 40204

Primary Phone: 502-664-1630

Primary Phone: 502-664-1630

Alternate Phone: _____

Alternate Phone: _____

Email: WPGALLAVIN@yahoo.com

Email: WPGALLAVIN@yahoo.com

Appellant Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: christopher morris

Name: _____

Company: _____

Company: _____

Address: 231 Breckinridge Ln Suite 201

Address: _____

City: Louisville State: KY Zip: 40207

City: _____ State: _____ Zip: _____

Primary Phone: 502-583-9701

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: morris@hlhinjury.com

Email: _____

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

I, WAYNE P GALLAVIN, in my capacity as TRUSTEE, hereby representative/authorized agent/other

certify that ALL BLACK LAND TRUST is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 2-5-18

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.



BOZA Appeal Application

Louisville Metro Planning & Design Services

Case No.: 19 Appeal 1001 Intake Staff: KP

Date: 2/6/19 Fee: \$ 500

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Primary Project Address: 1274 EVERETT AV, LOUISVILLE, KY, 40204

Additional Address(es): _____

Primary Parcel ID: 075E01180000

Additional Parcel ID(s): _____

Proposed Use: Residential Existing Use: Residential

Existing Zoning District: R-5B Existing Form District: _____

Deed Book(s) / Page Numbers²: 10992 page 46

The subject property contains 0.1246 acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: STR927A12 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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