

August 4, 2022
607 Briar Hill Road
Louisville KY 40206

Heather Pollock
444 South Fifth Street, 3rd Floor
Louisville KY 40202

Dear Ms. Pollock,

This letter is written to address our objection to a proposed short term rental at 613 Briar Hill Road (Case # 22-CUP-0142). We have previously corresponded with you via email to voice our objection to this zoning change. Our objection is for several reasons outlined below.

- The original deed of restrictions for this allotment specifies that the properties therein should be limited to residential only. If BOZA grants this CUP, 613 Briar Hill Road will no longer be a "residence." It will become a Short-Term Rental property, with no residents or property owners present during rentals, and this will violate Briar Hill subdivision's Deed of Restrictions.
- Although the owners state that they plan to strictly limit who comes and goes in the short term rental, they plan to live 20 or more miles away and will have no immediate say as to who can come and go from the short term rental property.
- Our neighborhood is composed of families with young children and retirees. Changing the zoning will forever change the character of the neighborhood and allowing a few others to follow the same short-term rental path further corrupting the intentions of the original developers and disrupting the peaceful, residential nature of the neighborhood.
- We have signed a petition along with the vast majority of our neighbors who are firmly against such a zoning change.

We strongly recommend that BOZA rule against this application.

Sincerely yours,



Daniel C. Scullin



Robin D. Scullin

RECEIVED

AUG 09 2022

CLARKSON & DESIGN
SERVICES

22-CUP-0142

Pollock, Heather M.

From: Ruth S. Ryan <ryan8980@bellsouth.net>
Sent: Saturday, August 6, 2022 1:51 PM
To: Pollock, Heather M.
Subject: PDS Case #22-CUP-0142

Categories: Respond, Print Email

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Ms. Pollock, I appreciate the work that you do in the best interest of Metro Louisville citizens.

Please honor the wishes of Briar Hill Road property owners who want to maintain the street's residential character.

To grant the request of the owner in Case #22-CUP-0142 would set a precedent that would make it difficult to deny other inappropriate requests in the future.

Please spare Briar Hill Road owners from this harmful situation.

Thank you for your consideration. Ruth S. Ryan

515 Briar Hill Road
502.895.2882

Pollock, Heather M.

From: Alice Dzenitis <alice.dzenitis@gmail.com>
Sent: Saturday, August 6, 2022 9:59 PM
To: Pollock, Heather M.
Subject: PDS case #22-CUP-0142

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To the Louisville Metro Board of Zoning Adjustment,

I, Alice Dzenitis, am writing this letter to oppose the PDS case #22-CUP-0142 referenced above. My husband, Dr Andrievs Dzenitis, and I moved into this area in 1968 and have enjoyed living in a quiet residential neighborhood. We very much oppose the possibility of a change in zoning that would permit short-term rentals in this area. We respectfully request BOZA reject this CUP application.

Sincerely,

Alice and Andy Dzenitis

Pollock, Heather M.

From: Ian Luyk <ianluyk@gmail.com>
Sent: Sunday, August 7, 2022 10:39 AM
To: Pollock, Heather M.
Subject: 613 Briar Hill Rd.

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Hi heather,

Ian Luijk, from 609 Briar Hill Rd. I would like to appose the the rezoning of 613 Briar Hill Rd, number [PDS Case #22-CUP-0142](#).

We moved from the highlands and had a carriage house that we also used as an airbnb. This was 10 years ago, and although it really helped us out in terms of income (we had a new born and my wife was able to manage it from home). It was also a huge pain, in terms of people not being truthful with how many people were staying, having giant parties, and even using the carriage house as place to shoot adult videos.

We were happy to stop using the carriage house as an airbnb. And we looked forward to moving into a neighborhood without airbnbs. It will change the "vibe" of our street. We really **DO NOT WANT** to have an airbnb two houses down from us.

As much as the owners say that they will manage the property properly and screen that they will screen everyone who rents it, we all know that at the end of the day you have little control of who actually rents it. Not to mention the fact that this rezoning will be permanent, meaning other people could buy the property, permanently turning it into an income property.

I don't know if this even makes sense, we really just don't want to have an airbnb on our street.

Thank you,

Ian Luijk

Pollock, Heather M.

From: Candice Luijk <candiceluyk@gmail.com>
Sent: Sunday, August 7, 2022 11:04 AM
To: Pollock, Heather M.
Subject: PDS Case #22-CUP-0142 613 Briar Hill Rd 40206

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Dear Ms. Pollock,

I am writing to you in regards to the airbnb zoning adjustment case happening next to our home. We love our street, our neighbors and the safety we feel on our street with our family. We do not want this to go through as it would change our neighborhood and our community.

We moved to this street just over five years ago from the Highlands. We lived on Beechwood Avenue near Midcity Mall previously. We owned a home with a separate garage and carriage house where we had a long term renter for several years. We had moved from Europe and were knowledgeable about rental properties and became one of the first airbnb locations in that area. During this time we had many great, good, fair and terrible experiences. This said, we lived on the property full time throughout all of this and could easily talk to our guests and correct situations as they arose. However, you never know exactly who will be in your space, if they will carry out the instructions we left for them and if they will be respectful of those around them. We do know one thing for sure from our experiences, no one will care for your place like you do and no one will care about your neighbors like someone who is there long term. There are noise, parking, upkeep and cleanliness issues to consider as well as the revolving door of new people in and out of a quiet residential street. In the end, after a couple years of renting our apartment on airbnb, we decided to stop and make a move to a new location. It was a combination of several short-term and rental properties on both sides of us that changed our street. We moved there for the community and saw it disintegrate over the years there due to rental properties. Most of our neighbors have left that street and area for the same reason. It would be heartbreaking to see this happen on our street as well.

We have all asked them to consider long term rental opportunities or to sell their home as it is one of the most desired lots on our street. They are moving out of the city to get away and are leaving us in a situation that suits them without considering their own neighbors and friends and the effect this will have on all of us that live and love it here.

Thank you so much for taking the time to read this and listen to our concerns. Please let me know if I can answer any questions or assist in any way.

Candice Sawyer-Luijk
609 Briar Hill Road
502-418-6579

Pollock, Heather M.

From: Fred Shuck <fred.shuck@gmail.com>
Sent: Monday, August 8, 2022 10:10 AM
To: Pollock, Heather M.
Subject: PDS Case# 22-CUP-0142

Categories: Respond, Print Email

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We are contacting you regarding the above case for zoning adjustment of 613 Briar Hill Rd Louisville, 40206. Please be advised that we are strongly opposed to this adjustment. We are senior residents of Briar Hill Rd and one of our main reasons for purchasing our home was because Briar Hill Rd was a residential street in a residential neighborhood.

As the owners of 613 will no longer reside there, the house for all intents and purposes will become a short term investment/rental home and not a residence. Regardless of the owners' intent, some of the renters will at some point cause problems. There could be excessive noise, heavy on street parking as well as other unforeseen security and safety issues. As owners of a home across the street (610 Briar Hill Rd), we would hope to not have to deal with these problems.

Please consider the neighbors and do not let this become a rental property.

Thank you for your consideration.

Fred Shuck fred.shuck@gmail.com

Marcia Gering marcia.gering@gmail.com

610 Briar Hill Rd Louisville, 40206

Pollock, Heather M.

From: Jennifer Corum <JCorum@fmspbcc.com>
Sent: Monday, August 8, 2022 11:36 AM
To: Pollock, Heather M.
Cc: Kevin Corum
Subject: PDS Case #22-CUP-0142 NOTICE of PUBLIC HEARING - Conditional Use Permit - Application to Convert 613 Briar Hill Rd into a Non-Residential AirBnb

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Attention:

**Louisville Metro Board of Zoning Adjustment (BOZA)
c/o Heather Pollock, Planner
Planning and Design Services
Department of Develop Louisville
444 South Fifth Street, Suite 300
Louisville, KY 40202**

Dear Heather -

I am writing to express my **opposition** to a zoning change for the residence at 613 Briar Hill Rd which is directly across the street from my home at 614 Briar Hill Rd, Louisville, KY 40206. This is PDS Case #22-CUP-0142. My husband, our 2 boys and I have lived in our home for 9 years and are strongly against a zoning change that would allow short term AirBnB rentals across from our home. Our neighbors across the street have been great while they lived there, but in their absence the potential parking problems, noise and general misbehavior that will be right across the street when only short-term renters are present are of high concern to our family. We all know, and even the owners have mentioned, that short term AirBnB renters are usually in town to celebrate something or for a leisure trip when they will be up late enjoying themselves with friends with no concern for surrounding neighbors being disturbed.

My first concern is that Briar Hill is a quiet, safe family area. In fact the couple who plans to move out and convert their home to an AirBnB raised 4 daughters while living on Briar Hill for the past 20 years. It is only after their daughters have all grown up and moved away that they want to make this change so they can rent out their family home. This is a wealthy doctor who would never have raised his girls in an area where there were short term renters in and around his home while his young daughters were close by. But now that he doesn't have to worry about his own children, he seems to have no regard for other families with young children who now will have to worry about different strangers renting a home every week on their street.

Another important point is that Briar Hill subdivision is a 60-year-old quiet, residential neighborhood made up of families, seniors, and a number of people who are long-term residents. Many neighbors have voiced concerns about the noise, litter, parking problems, and general misbehavior that can accompany Short-Term Rentals, particularly where the owner is absent and unable to monitor the activities. They are concerned that the constant turnover of Short-Term Rentals could create a never-ending cycle of potential problems in their neighborhood, despite absentee owners' assurances that they can filter and control renters and keep these issues from happening. That is impossible when they do not live on-site. The owners have acknowledged that short term renters are usually in town for celebrations or event gatherings that will likely be large groups with the noise, parking issues, and late night revelry that follows.

Please also consider that when Briar Hill subdivision was built in 1962, the developers officially filed a Deed of Restrictions (Book 3741, Pages 109-111) at the Jefferson County Courthouse, requiring that all lots in the subdivision be "*used for residential purposes only.*" If BOZA grants this CUP, 613 Briar Hill Road will no longer be a "residence." It will become a Short-Term Rental property, with no residents or property owners present during rentals, and this will violate Briar Hill subdivision's Deed of Restrictions. The zoning adjustment will be permanent. The CUP will remain with the property. The current owners and all future purchasers of the property (which could include corporations or absentee real estate investors from other cities, states, countries) will permanently be able to operate the home as a non-residential, Short-Term Rental investment property. If BOZA grants this CUP to the owners of 613, it will destroy the ambience and permanently alter the residential use and zoning in our neighborhood; it will also open the door to additional non-residential Short-Term Rental properties in the area, since Airbnbs and other Short-Term Rental properties are only required by law to be at least 600 feet away from each other.

For all these reasons, my husband and I strongly oppose this zoning change and ask that you **not** allow it.

Jennifer & Kevin Corum
614 Briar Hill Rd
Louisville, KY 40206
502-727-3180

Pollock, Heather M.

From: Alex Hamilton <ahamilton2152@gmail.com>
Sent: Monday, August 8, 2022 2:12 PM
To: Pollock, Heather M.
Cc: Steve Porter; Carol Butler
Subject: Case # 22-CUP-0142

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Hi Heather,

I hand delivered copies of the petitions in opposition to the proposed CUP to your office today. Would you please be so kind as to acknowledge receipt of those? Thank you very much.

Regards, Alex Hamilton

Pollock, Heather M.

From: rebecca begley <superbec.rb@gmail.com>
Sent: Tuesday, August 9, 2022 1:31 PM
To: Pollock, Heather M.
Subject: BOZA and PDS Case #22-CUP-0142

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Heather Pollock
Planning and Design Services
Zoning
Subject: BOZA and PDS Case #22-CUP-0142, 613 Briar Hill Rd.

Dear Ms. Pollock

We are residents of Briar Hill Rd., where some neighbors (Sue and Keith Forwith) have applied for a zoning change so that they may operate their house as an Airbnb. We are vehemently opposed to this zoning change.

Declaration of Restrictions

The Declaration of Restrictions for Briar Hill Rd states the following

1. All lots shall be used for residence purposes only. No apartments or duplex residence may be built on any lot. No house may be erected on any re-subdivided lot less than 80 feet frontage.

An Airbnb clearly is not for the purpose of residence.

Disturbance to neighborhood

We have stayed in Airbnbs, and have always tried to be respectful of the neighbors and the neighborhood. But this is not the case with all Airbnb clients. This article (<https://www.bloomberg.com/news/features/2021-06-15/airbnb-spends-millions-making-nightmares-at-live-anywhere-rentals-go-away>) details some of the serious problems that have occurred in this business, and there are others as well. This is a quiet, residential street. Anything even close to some of the incidents in this article would be intolerable.

Corporate Takeovers

Beside the residence in question, another of our fears is that when the zoning is changed, we could turn into a corporate neighborhood. We want neighbors, not clients. We want the value of our home to be based on its market value to families, not to corporations.

Cohesiveness of neighborhood

Ironically, in large part to the Forwiths, this has become a very close neighborhood. They have hosted block parties where many of us have gotten to know each other and have become friends. We would welcome and have welcomed new residents to the street, but Airbnb clients would not be a good fit.

Personal considerations

We are both retired. We have spent a considerable amount of time, money and effort to make our home habitable for the rest of our lives. We do not want to start over, and might not even be financially capable of re-creating what we currently have.

Whitehall example

Our property backs up to the Whitehall Historic Home. On wedding weekends, it can be noisy and intrusive, but this is limited. There is nothing we can do about Whitehall, but there is something we can do about a home that would cease becoming a home and become a full-time nuisance. If this zoning is passed, we fully intend to research any and all legal resources to prevent it.

Zoning, in general

The rumor is that Zoning passes everything. We hope that this isn't true, as it would make zoning in this city a mirage.

Please consider denying a zoning change to the Forwith's property at 613 Briar Hill Rd.

Thank you

Rebecca Begley 502-544-0875, superbec.rb@gmail.com

Robert Weekly 502-541-7592, rweekly@bellsouth.net

520 Briar Hill Rd.

Louisville, KY 40206

Pollock, Heather M.

From: Carol Butler <ckbutler@aol.com>
Sent: Tuesday, August 9, 2022 4:56 PM
To: Pollock, Heather M.
Cc: Carol Butler
Subject: RE: PDS Case #22-CUP-0142 – 613 Briar Hill Road, Louisville, KY 40206
Attachments: 22 BRIAR HILL SUBDIVISION - ORIGINAL 1962 DEED of RESTRICTIONS for SUBDIVISION.pdf; 22 BRIAR HILL SUBDIVISION - ORIGINAL DEED OF RESTRICTIONS - page one.jpg; 22 BRIAR HILL SUBDIVISION - ORIGINAL DEED OF RESTRICTIONS - page two.jpg; 22 BRIAR HILL SUBDIVISION PLAT.pdf

Categories: Short Term Rental, Respond, Print Email

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August 9, 2022

Louisville Metro Board of Zoning Adjustment (BOZA)
c/o Heather Pollock, Planner
Heather.Pollock@louisvilleky.gov

Re: PDS Case #22-CUP-0142 – 613 Briar Hill Road, Louisville, KY 40206

My name is Carol Butler and I live at 608 Briar Hill Road, Louisville, KY 40206.

I am writing to express my OPPOSITION to BOZA's granting the owners of 613 Briar Hill Road a Conditional Use Permit (CUP) to convert their very large home in our Briar Hill Subdivision into a permanent, non-residential, Short-Term Rental Airbnb property when they move from our neighborhood into a new home they are building in Shelby County.

I am one of two "original" residents of Briar Hill Subdivision. In 1961, when I was 11 years old, my father drove our family up a dirt road, through this former "horse farm," to show us the lot (#16) he had chosen to build our house on so we could attend Sacred Heart schools when we moved here from Evansville that summer. My father drew our house plans, built our house, and lived in our house until he died at age 80. My late husband and I moved our own family back into this house when my father died 23 years ago.

Briar Hill Subdivision was developed in 1961-1962 by Pruitt Built Homes, Inc. You can see the original 1962 Briar Hill Subdivision plat the Pruitt brothers filed attached above, showing 613's lot #25, as well.

When they first developed Briar Hill subdivision, the Pruitts also filed an original 1962 Deed of Restrictions at the Jefferson County Courthouse, as well. I have attached two copies – a copy of the original pages (in Book 3741, Pages 109-111), as well as an easier-to-read copy, provided by a neighbor.

As you can see, the first paragraph in the Briar Hill Subdivision Deed of Restrictions makes it very clear that "**All lots shall be used for residence purposes only.**" Some long-term residents actually recall the Pruitts' ensuring lot buyers that Briar Hill would always remain a neighborhood of "residences."

If the owners of 613 Briar Hill Road are granted a CUP to convert their property into a Short-Term Rental Airbnb property when they move to Shelby County – leaving no owners residing in their home or present during what we know will become frequent, recurring Short-Term Rentals – 613 Briar Hill Road will no longer be a “residence.” It will become a commercial real estate investment property and feel, to the rest of us residents, that we all of a sudden have a “small hotel” in our “residential-use only” neighborhood.

Also, since a CUP, if granted, will be permanent and remain with the property, the current owners – as well as any future purchasers of the property (possibly corporations or absentee real estate investors from other cities, states, countries) – will forever be able to operate that large, 6-bedroom home as a commercial real estate investment property. That will be completely out-of-character in our subdivision.

Briar Hill subdivision is a 60-year-old quiet, residential neighborhood made up of families with children, many seniors, and a number of people who are long-term residents. All of the Briar Hill residents who live around 613 have signed petitions opposing this CUP. The majority of all residents of Briar Hill Road – as well as many neighbors from surrounding neighborhoods like Cherokee Gardens, and Cressbrook and Spring Station subdivisions – have also signed petitions opposing this CUP application. We all believe this “zoning adjustment” will destroy the spirit and ambience of our quiet, family-friendly neighborhood.

Many residents have voiced legitimate concerns about BOZA’s granting a CUP in our neighborhood:

Many of our neighbors – particularly seniors and families with children – are worried about the issues that often surface in neighborhoods with frequent Short-Term Rentals, particularly where owners are absent and unable to monitor activities.

They are concerned that a “revolving door” of Short-Term Rentals will lead to a never-ending cycle of potential problems in the neighborhood, despite the absentee owners’ assurances that they can filter renters and control renters’ behavior which, of course, is impossible if they are not on-site during rentals.

They also fear a Short-Term Rental CUP will negatively affect our property values, permanently alter the residential-use-only zoning and history of the neighborhood, and – of serious concern to many - open the door to additional non-residential Airbnbs and Short-Term Rental properties being granted CUPs in the area because they are only required by law to be at least 600 feet away from each other.

Many of us have asked the owners to hear and respect these concerns and to reconsider their plans.

We have even offered to help them find “long-term” renters for their property, in lieu of permanently altering the residential zoning and nature of our neighborhood by applying to BOZA for a CUP.

Despite our efforts to dissuade them, and despite the fact that all of the Briar Hill neighbors who live around them and the majority of neighbors on our street and many in surrounding neighborhoods have signed petitions opposing this CUP application, the owners have pushed forward with their application.

The current owners/applicants are moving away from our neighborhood soon, to Shelby County; but we all hope to remain residents and enjoy our 60-year-old quiet, residential neighborhood without constantly having to worry about Short-Term Rentals destroying the spirit and nature of our neighborhood.

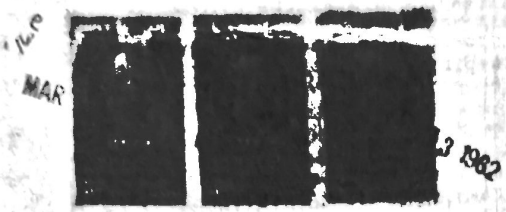
I respectfully ask BOZA to support the wishes of the majority of Briar Hill subdivision residents and to deny granting this CUP application for 613 Briar Hill Road.

Many thanks,

Carol Butler
608 Briar Hill Road

First party covenants that it is lawfully seized of the above hereby conveyed and has full right and power to convey same, that said covenants are free of all encumbrances, except mortgages, restrictions and zoning laws affecting said property, if any, and except State and County taxes for 1962 and all taxes thereafter which said parties assume and agree to pay. This property is subject to Declaration of Restrictions recorded in Deed Book 3677, page 391 in the aforesaid Clerk's Office.

In Testimony Whereof, witness the signature of first party the day and year first above written.



THURSTON C. BUILDER, INCORPORATED
BY *Thurston C. Crady*
THURSTON C. CRADY, PRESIDENT



STATE OF KENTUCKY }
COUNTY OF JEFFERSON } SCT.

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that on this day the foregoing deed was produced to me in said County and acknowledged and delivered by THURSTON M. CRADY, as President of THURSTON C. BUILDER, INCORPORATED, a Kentucky Corporation, to be his act and deed and the act and deed of said corporation, part y thereto.

Witness my hand this 13th day of March, 1962.

My commission expires Jan 26th, 1965.

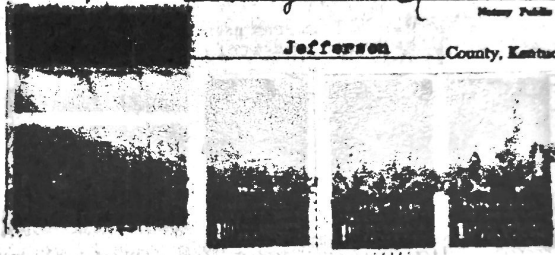
George E. Buisson
Notary Public
Jefferson County, Kentucky

175

LOGGED BY *James Mallagan*
AND RECORDED

1962 MAR 13 PM 3 22

PAID \$ 3.50 INC. TAX
JAMES MALLAGAN J.C.C.
BY *[Signature]* O.G.
1650



THIS DECLARATION OF RESTRICTIONS, made this 15th day of March, 1962, by FRUITT BUILT HOMES, INC., WITNESSETH:

WHEREAS, the party hereto is the owner of all lots shown upon the plan of BRIAR HILL, a subdivision, a plat of which is recorded in Plat Book 18, Page 73 in the Office of the County Court Clerk of Jefferson County, Kentucky, and

WHEREAS, the party hereto desires to protect said subdivision by appropriate restrictions as to sale, use and improvement and to make said subdivision more desirable for residence purposes.

NOW, THEREFORE, Frutt Built Homes, Inc., hereby imposes upon said lots in said subdivision and makes same subject to the following restrictions, to-wit:

1. All lots shall be used for residence purposes only. No apartments or duplex residence may be built on any lot. No house may be erected on any re-subdivided lot less than 60 feet frontage.

Delivered To
Clerk
MAR 20 1962

2. No building shall be erected upon the portion of any lot lying between the building line as shown on the recorded plat of Briar Hill Subdivision and the front property line, except open porches may project not more than 5 feet into said area on all lots.

3. No building shall be erected upon the portion of any lot within an area of 3 feet 6 inches from said building and side property line. Chimney breasts may project 1 foot 6 inches into side yard area.

4. Rear yard requirements shall be the same as required by the Louisville Planning and Zoning Commission.

5. No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood, such as keeping of live stock or poultry.

6. No trailer, tent, shack, barn, or other outbuilding shall be erected in subdivision at any time. However, contractors or developers may erect temporary tool sheds or field offices which shall be removed when construction is completed.

7. The plans and specifications for each house shall be approved by Lee D. Pruitt or Lee B. Pruitt before construction. Upon the death of either Lee D. Pruitt or Lee B. Pruitt or in the event both of them surrender their right so to act, the majority of the owners of the respective lots may appoint one or more persons from their number for the purpose of such approval.

8. Lawn grades, house elevations, locations of houses, exterior color schemes, driveways, swim pools, retaining walls and fences are to be approved in the same manner as the plans and specifications.

9. All improvements erected upon any lot shall be under one roof, except swim pools.

10. The garage shall be attached to the house provided that said attachment may be made by a breezeway extending not more than 20 feet from the house.

11. Right is reserved to cut grass or weeds on any unimproved lot.

12. No more than one sign is permitted on any unimproved lot and the same shall not be larger than 4 feet by 4 feet except the present developer shall have the right to erect larger signs when advertising subdivision.

13. A perpetual easement is reserved on each lot as shown on plat of Briar Hill Subdivision for utility installations and maintenance.

14. All restrictive covenants as set forth previously and as above shall have a continuing use with the land.

15. Any lot owner may enforce the restrictions and covenants aforesaid by appropriate legal procedure. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN TESTIMONY WHEREOF, the party hereby has subscribed its name by its President.



PRUITT HILL HOMES, INC.
Lee D. Pruitt
Vice President

State of Kentucky
County of Jefferson

SCT.

BOOK 3741 PAGE 111

I, a Notary Public, in and for the State and County aforesaid do hereby certify that on this day the foregoing Declaration of Restrictions was produced to me in said County and acknowledged by Lee D. Pruitt as Vice-President to be the act and deed of Pruitt Bull Homes, Inc., party thereto.

Witness my hand this 15th day of March, 1962.
My commission expires July 13, 1965.

Maureen Greenwald
Notary Public
Jefferson County, Kentucky

PAID 3.00 INC. TAX
BY JAMES H. LAMAR, JR., CLERK
1962 MAR 13 PM 3 14
INDEXED BY 124
AND RECORDED

BOOK 3741 PAGE 111

#50,224
This DEED made this 6th day of January, 1962, between

WILLIAM GRAY HUME and PATRICIA A. HUME, his wife, BELLARMINA COLLEGE, a Corporation, JANE KEARNS HUME, unmarried, LUCY HUME MOORE and VINCENT J. MOORE, her husband, MARY HUME SCHERMERHORN and W. G. SCHERMERHORN, her husband, parties of the first part, and VIOLETTA HUNT, widow, whose address is #1866 Overlook Terrace, Louisville 3, Kentucky, party of the second part;

WITNESSETH: That for a VALUABLE CONSIDERATION paid, the receipt of which is hereby acknowledged,

the parties of the first part hereby convey with covenant of GENERAL WARRANTY, unto the party of the second part, in fee simple,

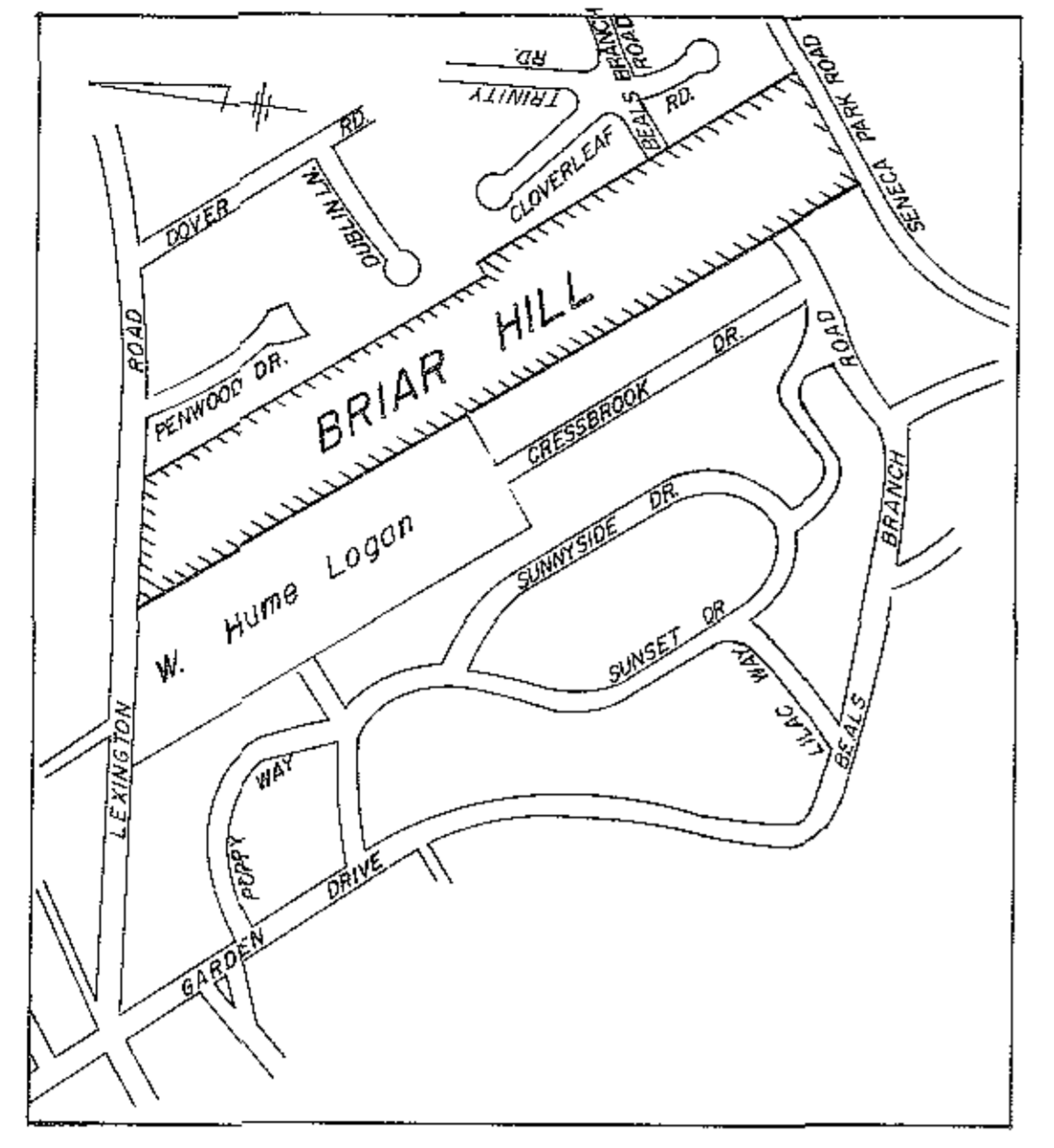
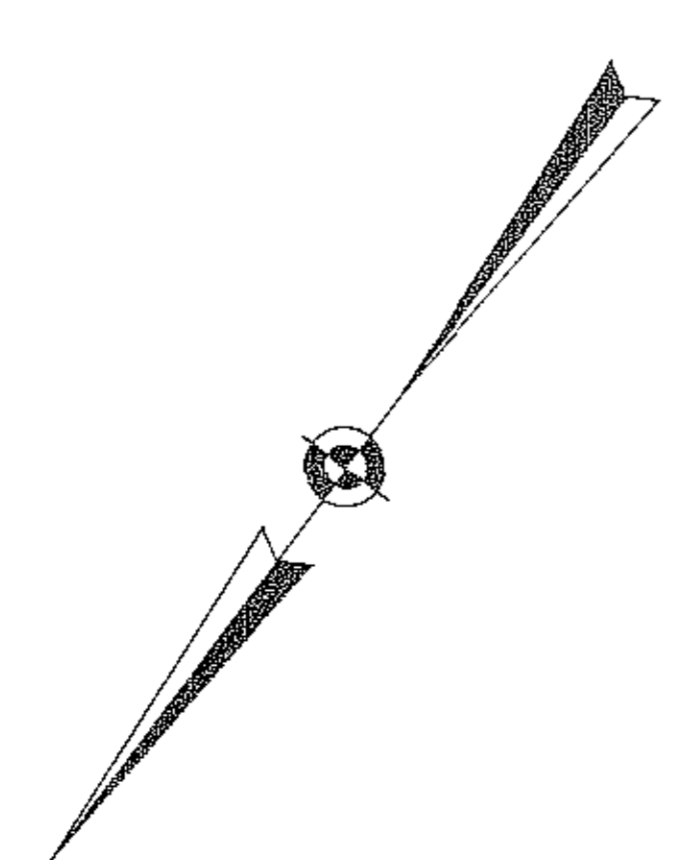
the following described real estate situated in Louisville, Jefferson County, Kentucky; to-wit:

"Being Lot #121, as shown on plat of ADDITION TO CHEROKEE PLAZA, of record in Plat and Subdivision Book 2, Page 252, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; for source of title in first parties William Gray Hume, Bellarmina College, Jane Kearns Hume, Lucy Hume Moore and Mary Hume Schermerhorn see will of Edith Hume of record in Will Book 110, Page 220, said Clerk's office; said Edith Hume acquired title under deed dated July 7th, 1925, recorded in Deed Book 1155, Page 319, in the aforesaid Clerk's office."

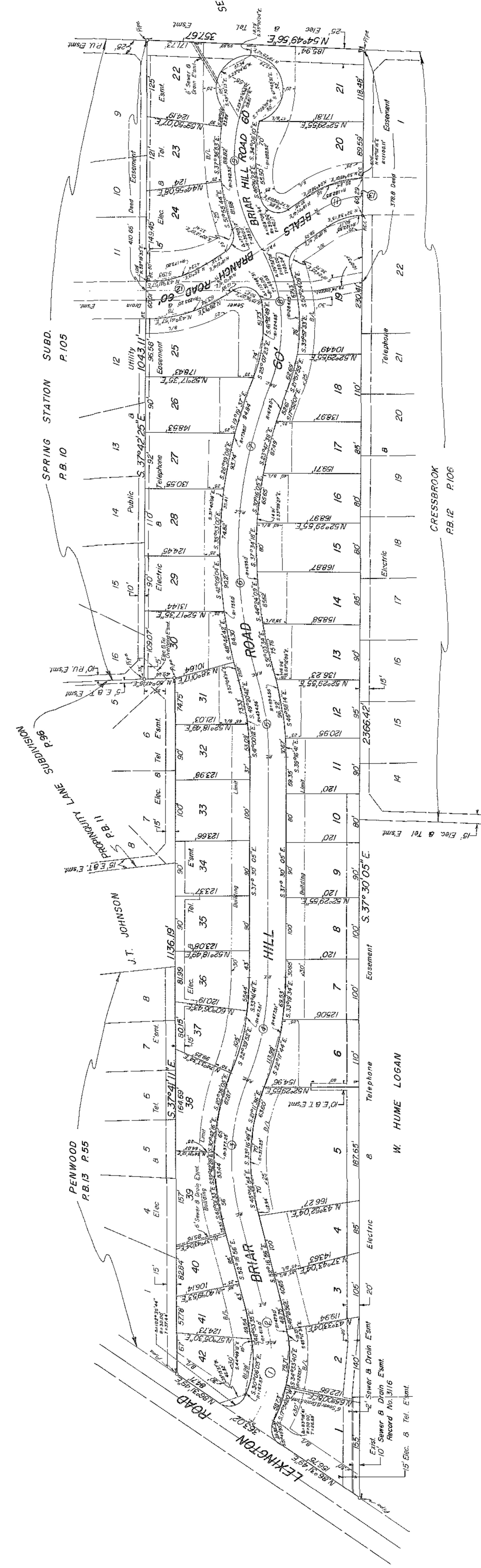
US 935

City of Louisville, Kentucky
 No. 18,737, 1962
 Part No. 1

Curve No.	Delta	Radius	Tangent
1	10°00'00"	197.57'	73.215'
2	89°08'45"	449.00'	31.97'
3	35°50'30"	447.51'	15.65'
4	22°01'39"	447.51'	87.23'
5	15°54'00"	464.46'	68.12'
6	91°02'30"	725.00'	150.30'
7	17°24'00"	705.00'	103.34'
8	8°48'30"	345.00'	62.67'
9	48°21'45"	375.00'	143.62'
10	28°21'08"	203.20'	58.61'
11	34°57'54"	203.20'	64.00'
12	34°57'54"	203.20'	64.00'
13	0°09'43"	1075.11'	1.52'



LOCATION MAP



EASEMENT FOR ELECTRIC AND TELEPHONE UTILITIES
 The spaces outlined by dashed lines and marked "E" as easements for electric and telephone utility purposes, which include: (1) the right of ingress and egress over all lots to and from the easements; (2) the right to cut down or trim any trees within the easement; (3) the right to trim or cut down any trees overhanging the easement; (4) the right to cut down or trim any trees on private property that may be so defective as to present a hazard to the utility lines after reasonable notice has been given to the property owner; (5) the right of any utility company using said easement to remove permanent structures or obstructions within the easement. No permanent structure shall be erected within the easement. Shrubbery and gardens may be maintained within the easement, but the developer is to remove all trees that may interfere with the original construction of the electric lines and telephone lines to serve this subdivision.

EASEMENT FOR SANITARY SEWER AND STORM UTILITIES
 An easement for sanitary sewer and drainage purposes is hereby reserved on, over and under the strips of land and spaces as defined and bounded by dashed lines, marked "Sewer and Storm Easement", together with the right of ingress and egress over all lots to and from the easements, for construction, operation and maintenance of sewers and drains, and for the placement, repair or replacement of structures and appurtenances, on, over or under the land which is subject to said easements. The easement shall be for the benefit of the land in the subdivision and other land which naturally drains thereinto, and said sewers and drains may be constructed by the Louisville and Jefferson County Metropolitan Sewer District, or any other public agency having legal authority for such construction, or by others, subject to approval by the district Sewer District.

EASEMENT FOR GAS UTILITIES
 The spaces outlined by dashed lines and marked "Gas Easement" are hereby reserved as easements for underground gas lines and appurtenances thereof, including the right to construct, operate, maintain, repair and remove such underground gas lines and appurtenances, and the right of ingress and egress over all lots to and from the easements and the right to cut down or trim any trees overhanging the easement, on, over or under the land which is subject to the easement. No permanent structure shall be erected within the easement. Any gas utility using said easement at option may remove permanent structure or obstruction within the easement. Fences, shrubbery and garden may occupy easement area of the property owner's risk.

EASEMENT FOR GAS UTILITIES
 The spaces outlined by dashed lines and marked "Gas Easement" are hereby reserved as easements for underground gas lines and appurtenances thereof, including the right to construct, operate, maintain, repair and remove such underground gas lines and appurtenances, and the right of ingress and egress over all lots to and from the easements and the right to cut down or trim any trees overhanging the easement, on, over or under the land which is subject to the easement. No permanent structure shall be erected within the easement. Any gas utility using said easement at option may remove permanent structure or obstruction within the easement. Fences, shrubbery and garden may occupy easement area of the property owner's risk.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 This is to certify that the undersigned is the owner of the same to be the plat of BRIAR HILL, and does hereby dedicate to public use the same shown thereon.
OWNERS: Pruitt Built Homes, Inc.
 by Lee D. Buzick Vice Pres.

CERTIFICATE OF ACKNOWLEDGMENT
 STATE OF KENTUCKY, 1962
 COUNTY OF JEFFERSON, 1962
 I, Lee D. Buzick, a notary public in and for the State and County aforesaid, do hereby certify that the foregoing plat of BRIAR HILL, was this day produced to me in said County, by Pruitt Built Homes, Inc. and acknowledged by him to be his act and deed.
 Witness my hand and seal this 27th day of January, 1962
 My Commission expires the 30th day of April, 1963
Lee D. Buzick
 Notary Public, Jefferson County, Ky.

CERTIFICATE OF APPROVAL
 Approved this 12th day of March, 1962
 LOUISVILLE AND JEFFERSON COUNTY
 PLANNING AND ZONING COMMISSION
Alan L. Keal
 Chairman

ENGINEER'S CERTIFICATE
 I hereby certify that the survey for this plan was made under my supervision and that the angular and linear measurements shown thereon are correct to the best of my knowledge and belief.
Alan L. Keal
 Registered Professional Engineer,
 No. 2966

BRIAR HILL
 PRUITT BUILT HOMES INC.
 LIME KILN ROAD
 OWNER-DEVELOPER

ALAN L. KEAL
 703 CENTER BLDG
 LOUISVILLE, KY.
 DECEMBER, 1960
 SCALE: 1" = 80'

7A-H 18X73

Pollock, Heather M.

From: john lavelle <johnlavellesr@gmail.com>
Sent: Tuesday, August 9, 2022 10:28 PM
To: Pollock, Heather M.; john lavelle
Subject: PDS Case #22-CUP-0142 Opposing Conversion of 613 Briar Hill Road into a non residential, Short-Term Rental

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Louisville Metro Board of Zoning Adjustment
C/O Heather Pollock, Planner
Planning and Design Services

Heather Pollock,

I own a home at 705 Briar Hill Road. Just 3 doors from 613 Briar Hill Road. The neighborhood has always been residential. Young Adults, Seniors, and Families benefit from a neighborhood that offers excellent schools, St. Mathews Family businesses, and recreation areas (Seneca Park & Golf). Sacred Heart High School uses Briar Hill as a path for their Athletic Teams to jog down Briar Hill to reach Seneca Park for continued training. Adults also use Briar Hill to reach Seneca Park for the purpose of exercise and dog walking.

A change in zoning will set in motion a permanent zoning change that will not be reversed. Current neighbors chose THIS residential neighborhood for the lifestyle benefits it offers. Pride in this neighbor exists. Short Term Rental in a Residential Neighborhood will not share in the improvement of the lifestyle of the neighborhood. Children need good role models and neighborhood friends. I do not see how short term in & out rentals improves their upbringing. Please disallow the change in zoning for 613 Briar Hill Road.

John Lavelle
705 Briar Hill Road

Pollock, Heather M.

From: Christine Bohn <christine40206@aol.com>
Sent: Thursday, August 11, 2022 6:13 PM
To: Pollock, Heather M.
Subject: Fwd: PDS case#22-CUP-0142

Categories: Completed

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Heather

I are adamantly opposed to allowing an air bnb to operate in our neighborhood at 613 Briar Hill road. This is a lovely, quiet, safe neighborhood. We are concerned about a constant turnover of short term rentals that could cause problems with noise litter parking problems and general misbehavior.

When Briar Hill subdivision was built in 1962, the developers officially filed a Deed of Restrictions (Book 3741, Pages 109-111) at the Jefferson County Courthouse, requiring that all lots in the subdivision be *"used for residential purposes only."*

If BOZA grants this CUP, 613 Briar Hill Road will no longer be a "residence." It will become a Short-Term Rental property, with no residents or property owners present during rentals, and this will violate Briar Hill subdivision's Deed of Restrictions.

Please help us fight against this change that would be terrible for our community

Christine Bohn
592 Sunset Rd
Louisville, Ky 40206