

August 10, 2022

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RE: 5115 Dunvegan Road – Request for Louisville Metro Planning  
Commission to Waive LMCO Sec 150.110.E.1 Two-Year Deed  
Restriction Requirement

Savannah and Joe –

This firm represents Barrel Proof Properties LLC (“Owner”), which is the current owner of property located at 5115 Dunvegan Road, Louisville, Kentucky 40202 (the “Property”) (a recent successor to Craig Mackin), which also owns the adjacent residential lot located at 5109 Dunvegan Road. As you are aware, on April 13, 2022, Quantum Enterprises, Inc., working on behalf of former owner Craig Mackin, filed for a wrecking permit with Louisville Metro Construction Review, pursuant to Louisville Metro Code of Ordinances (LMCO) Section 150.110 (sometimes referred to herein as the “Ordinance”) to remove the existing single-family residential structure from the Property. The Property is zoned R-4, Single-Family Residential and within the Neighborhood Form District. The existing house on the Property the Owner seeks to remove is a one-story, ranch-style house constructed seventy-four (74) years ago; the

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Property is within the Glenview Acres Subdivision. LMCO 150.110 Subsection (E)(1) requires a property owner that does not propose to redevelop the property contemporaneously with the demolition of the subject structure on the property to record a deed restriction against said property prohibiting any development of the subject property for a period of two years from the date the restriction is recorded. In such case, no permits shall be requested or issued for development on the subject property for said two-year period unless the restriction is waived by the Planning Commission.

Here, according to LMCO Section 150.110(C), the Owner has completed the steps required for certification of notice of intent to demolish the structure and provided sufficient notification to the appropriate adjacent property owners and other parties required by ordinance to be notified. In response to Owner's notification of intent to demolish the structure, the Owner received zero responses in opposition to removal of the structure from the Property. The Owner desires to remove the structure from the Property so that the lot, with an opportunity for a buyer to build anew and without having to do the demolition after purchase, is a more attractive and desirable lot on the market than a residential lot with an unsafe vacant structure that will require significant resources for it to be updated or for the buyer to remove. Thus, although the Property is not slated for redevelopment contemporaneous with the demolition of the structure, the Owner will market the Property, once cleared, as a property where construction of a new residence is expected occur. Dunvegan Road contains a number of properties where similar scenarios to the one Owner envisions here have transpired and where newer, larger homes have been constructed on properties to replace the older homes previously occupying the respective grounds, albeit said scenarios predated Louisville Metro Council's adoption of this version of LMCO 150.11.

Per Subsection (E)(2) of the Ordinance, the Planning Commission may waive the two-year restriction if it finds and resolves that substantial land use, economic or social changes affecting the property have occurred in the interim, or that the community will benefit from the waiver and development of the property. The Owner submits that removal of the structure now from the Property without recordation of the deed restriction burdening the Property for two years will benefit the community because it will render the residential property more attractive on the market for buyers looking to construct a new home in an area comprised of residential structures that have a mix of architectural styles and were built during various decades. Maintaining a vacant house on the Property while the Property is for sale only invites unsafe conditions for the

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immediate community and requires unnecessary resources to upkeep a structure the surrounding property owners take no issue with being removed from the property. Moreover, should the Owner have to burden the Property with a deed restriction prohibiting construction on the Property for two years, it is reasonably foreseeable said deed restriction will act as a strong disincentive for any buyer to purchase the Property and improve upon it with a new residence. Therefore, the Owner hereby respectfully requests the Planning Commission waive the two-year restriction for the Property because the requested waiver relief is beneficial to the community, allowing the Owner to remove the existing residence today and market the Property for a new buyer to construct thereon a new residence.

On behalf of the Owner, thank you for your communications and direction to us while navigating the applicable Louisville Metro processes surrounding this matter.

Very truly yours,

WYATT, TARRANT & COMBS, LLP



Jonathan L. Baker

JLB/pad