

**Wayne Gallavin
Gallavin and Assoc.
1156 Bardstown Road
Louisville, KY 40204
(502) 664-1630**

Joe Haberman
Office of Planning and Design

cc: Board of Zoning Adjustment

Re: 1274 Everett Avenue,
Zoning Enforcement Case # 18PM7598
Short Rental Registration # STR927412

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

To Whom it May Concern:

On March 18, 2019, the Board will hear my appeal regarding the unilateral revocation of my primary residence registration at 1274 Everett Avenue. I would like to file the attached documents into the record, pursuant to BOZA Policy 5.13. The documents are relevant to my primary residence discussion. I would also ask to be forwarded any materials filed into the file by Tuesday, March 12, 2019 pursuant to the above Policy. I would object to any items filed on the date of the March 18, 2019 Hearing that have not been previously disclosed pursuant Policy 5.13.

Lastly, pursuant to Bylaw 5.07, I would ask that BOZA invite "any governmental employee who commented in writing to the proposal". Specifically, I ask that Mr. Haberman, J Mullarkey, Y Hall, M Wilcher, Emily Liu, and Steve Hendrix. to attend as they all have written about my property and the primary residency requirement. I do not mind if only one attends if the individual will be able to respond to questions regarding all aspects, and complaints, from August 13, 2018 to January 11, 2019. These individuals were the individuals responsible for investigating the complaints as of August 13, 2018, issuing citations on dates after I had registered the property, and involved in not deciding my registration on January 18, 2019.

Thank you in advance for your cooperation.

19APPEAL1001

Tab 1

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

19APPEAL1001



RECEIVED

MAR 12 2019

PLANNING & DESIGN SERVICES

RECEIVED

FEB 06 2019

PLANNING & DESIGN SERVICES

19APPEAL001

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

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

RECEIVED

FEB 06 2019

PLANNING &
DESIGN SERVICES

19APPEAL7001

~~Jan 16 19 09:55a~~

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

RECEIVED
 MAR 12 2019
 PLANNING &
 DESIGN SERVICES

RECEIVED
 FEB 06 2019
 PLANNING &
 DESIGN SERVICES

19APPEAL1001



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		
FOR CLERK USE ONLY					
Check one					
		Precinct Code	Precinct Name	Town	Other Code
Social Security Number XXX-XX-XXXX		Date of Birth [REDACTED]	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		<p>Other</p> <p style="font-size: x-small;">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 style="font-size: x-small;">You may change your political party affiliation at any time on or before December 31st to remain eligible to vote in the following primary election.</p>					
		<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>X Signature G18107090</p>			

RECEIVED

MAR 12 2019

PLANNING & DESIGN SERVICES

RECEIVED

FEB 06 2019

PLANNING & DESIGN SERVICES

19APPEAL1001

RECTLY ON THE CORNER OF THE LICENSE PLATE.

new sticker is to be 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)



CONTROL NO.
19-A-15-02417

DECAL NO.
1044GB

REGISTRATION TYPE
FIRST TIME (0/ST)

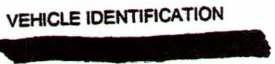


PLATE NUMBER
08 1044GB MI

ODOMETER
93608

EXPIRES 03-31-20 PREV. PLATE NO. PREV. DECAL NO. SPECIAL REGIST/LIMITED LOCATION NORTON ISSUE REGIST WT

VEHICLE TYPE
PASSENGER AUTO



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

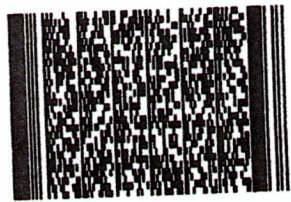
NOT VALID FOR TRANSFER OF OWNERSHIP

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

1274 EVERETT AVE
LOUISVILLE KY 40204

000

RECEIVED
MAR 12 2019
PLANNING & DESIGN SERVICES



SIGNATURE

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

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

19APPEAL1001

Kentucky

Department of Professional Licensing

Individual / Business Name :
Wayne P Gallavin

OP Number : [REDACTED]

Logged in as : Gallavin

INDIVIDUAL PROFILE

Licensee Information

Board	License Type	Legacy Number	License Number	Status	Issue Date	Renewal /Extension Date	Expir Date
Kentucky Real Estate Commission	Broker (Principal)	[REDACTED]	[REDACTED]	Active	11/4/1986	3/31/2019	3/31/2

Details for Broker

Licensee Renewal / Extension Information

Calendar Year	Renewal /Extension Paid	Renewal Status	Notice Date	Original Amount Due	Penalty Late Amount	Amount Paid	Total Amount Due
2018	Yes	Approved	2/11/2018	60	0	60	0

Address Information

Address Type	Address	Flags
Business	Gallavin & Associates Inc (Registered Firm Branch) 1156 Bardstown Rd, Louisville, KY 40204	Primary : Yes Public : Yes
Residence	1274 Everett Ave Louisville, KY 40204 USA	Primary : Yes Public : No

Phone Information

Phone Type	Phone	Flags
Home	[REDACTED]	Primary : Yes Public : No

Web Information

Web Type	Email and Web Address	Flags
Personal Email	[REDACTED]	Primary : Yes Public : No

RECEIVED
MAR 12 2019
PLANNING & DESIGN SERVICES

19APPEAL1001



Family and friends, from out-of-state and out-of-country, join for one of Wayne's parties by the pool at his home.



RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

19APPEAL1001

19 APPEAL 1001

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

Tab 2

EMAIL	Email Test	8/20/2018 07:49	JMULLARKEY	0.00	1	1	The complainant sent an e-mail with a pic of people walking into the property. They were dropped off by an uber.	
PHONE	PHONE CALL	8/21/2018 15:07	JMULLARKEY	0.00	1	1	I spoke to Wayne Galvin he said he moved into the property and got the registration.	
SUPTX	SUPERVISOR TEXT	8/22/2018 10:15	YHALL	0.00	1	1	Short Term Rental Registration -STR927412 issued on 08/14/18. Planning & Design still have an open CUP PRE APP for short term rental on this site as well. Steve Hendrix will check with applicant Wayne Galvin to find out if he still wants to pursue the CUP.	
EMAIL	Email Test	8/29/2018 07:48	JMULLARKEY	0.00	1	1	The complainant e-mailed and said guests were going in on 8/24 @ 3:30.	
CLOSE	Close	8/31/2018 09:37	JMULLARKEY	8/31/2018 09:37	0.00	1	2374830	Added from Inspection: Trip # 6
INSPEC	INSPECTION TEXT	8/31/2018 09:37	JMULLARKEY	0.00	1	2374830	No answer at the door. I could see luggage on the floor inside the glass door. Pic of new lock box on door in eb web.	
CLOSE	Close	9/14/2018 14:01	JMULLARKEY	9/14/2018 14:01	0.00	1	2383405	Added from Inspection Trip # 7
INSPEC	INSPECTION TEXT	9/14/2018 14:02	JMULLARKEY	9/14/2018 14:02	0.00	1	2383405	Six men were leaving as I pulled up and I asked if one of them was the owner? One of the men said they were AirB&B renters. Sending citation Six men were leaving as I pulled up. I asked if one of them was the owner? One of them said they were Airbnb renters.
SUPTX	SUPERVISOR TEXT	9/14/2018 14:29	MWILCHER	0.00	1	1	We have another check. Looks like a big crowd coming has this guy took in 7 or 9 30 packs of beer.	
SUPTX	SUPERVISOR TEXT	9/17/2018 11:25	YHALL	0.00	1	1	Notice of Violation Citation-2nd Offense sent out on 9/18/18	
SUPTX	SUPERVISOR TEXT	9/21/2018 08:58	MWILCHER	0.00	1	1	Spoke with Wayne Galivan 864-1630 and he reports that he withdrew the CUP after the recent neighborhood meeting and notes this is his primary residence.	
SUPTX	SUPERVISOR TEXT	1/10/2019 11:18	YHALL	0.00	1	1	Notice of Short Term Rental Registration Revocation sent out on 01/10/2019. A copy has been uploaded .	

Status Log

Changed On Milestone Case Status Changed By System Generated Comments

4/23/2018 14:11	Inspection	Open	RVALLADAO	True
4/23/2018 14:11	Case Added	Open	RVALLADAO	True

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

19A-PPEAL1001



DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

EMILY LIU, AICP
DIRECTOR

NOTICE OF VIOLATION CITATION – 2nd OFFENSE

DATE: September 18, 2018
PROPERTY ADDRESS: 1274 Everett Avenue
PROPERTY OWNERS: WAYNE P. GALLAVIN TRUSTEE
Case #18PM7598 C/O ALL BLACK LAND TRUST 204
1156 BARDSTOWN ROAD
LOUISVILLE, KY. 40204-1359

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

You are hereby notified that you are in violation Louisville Metro Code of Ordinances Chapter 115, Short Term Rentals:

No person, firm, or corporation shall own or operate a short term rental on any premises within Jefferson County unless the short term rental has been registered annually with the Louisville Metro Department of Develop Louisville.

As this is not the host's primary residence, you are hereby notified that you are in violation of Section 4.2.63 of the Land Development Code:

A short term rental of a dwelling unit that is not the primary residence of the host or the short term rental of a condominium unit that is the primary residence of the host 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, R-8A district and a short term rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit.

Specific facts constituting the violations include:

On 09/14/18, an Inspector verified a dwelling unit and/or units at this property are being rented as short-term dwelling units without registration or applicable permitting requirements.

You must IMMEDIATELY CEASE AND DESIST using this property for short term rentals, as it is in violation of the Land Development Code.

Failure to comply with this Notice may result in fines against you for each violation. Each day that a violation continues after this notice shall be deemed a separate offense.

If you disagree with this Notice and you believe short term rentals are a permitted land use at this property and/or you meet all of the relevant requirements of the Land Development Code, you may file an appeal to the Board of Zoning Adjustment (BOZA). The appeal must be filed within thirty (30) days of this Notice, using the official BOZA appeal form along with any supplemental documentation required. BOZA appeal application forms are available at the Planning & Design Customer Service Desk or online at

19APPEAL1001



**DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY**

**GREG FISCHER
MAYOR**

**EMILY LIU, AICP
DIRECTOR**

http://www.louisvilleky.gov/planningdesign/checklists_application.htm. The department is located at 444 S. 5th Street, Louisville, KY 40202.

If you disagree with the procedures that led to this notice or the fines associated therewith, you may file an appeal to the Code Enforcement Board (see attached form). The appeal must be filed within thirty (30) days of this Notice, using the official appeal form along with any supplemental documentation required.

A handwritten signature in cursive script that reads "Mike Wilcher".

MICHAEL WILCHER, SUPERVISOR

574-8692

RECEIVED

MAR 12 2019

**PLANNING &
DESIGN SERVICES**

-Page 2 of 4-



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

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

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

RECEIVED
FEB 06 2019
PLANNING &
DESIGN SERVICES

METRO DEVELOPMENT CENTER, 444 SOUTH 5TH STREET, STE 300, LOUISVILLE KENTUCKY 40202

502.574.6230

www.louisvilleky.gov

19APPEAL1001

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



RECEIVED
MAR 12 2019
**PLANNING &
DESIGN SERVICES**

RECEIVED
FEB 06 2019
**PLANNING &
DESIGN SERVICES**

19APPEAL1001



**Louisville Metro Short Term Rental
Frequently Asked Questions**

Beginning August 1, 2016, short term rentals will be permitted on certain properties in Jefferson County. A short term rental is a dwelling that is rented or leased for less than 30 consecutive days.

Q: What is a short term rental?

A: A short term rental is a dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

This includes renting a portion or your entire dwelling while you are also present. Short term rentals include the following arrangements: 1) hosted home sharing, where the primary occupant(s) of the residence remains in the dwelling with the guests; 2) un-hosted home sharing, where the primary occupant(s) of the residence vacates the dwelling while it is rented to guests; and 3) dedicated short term rentals, where there is not a primary occupant of the dwelling and it is only used by guests.

Q: On what date will Louisville Metro begin to allow short term rentals?

A: The effective date of the short term rental ordinances is August 1, 2016.

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

Q: In what areas of Jefferson County are short term rentals permitted?

A: As of August 1, 2016, short term rentals may be permitted in areas of Jefferson County in which Metro Council has zoning authority. At this time, the following cities that retain independent zoning authority have not adopted a zoning ordinance specifically allowing short term rentals: Anchorage, Douglass Hills, Graymoor-Devondale, Hurstbourne, Indian Hills, Jeffersontown, Lyndon, Prospect, Shively, St. Matthews and St. Regis Park. Please click on the following the link to view a map showing areas in which Metro Council has zoning authority:

<https://louisvilleky.gov/file/mczoningauthorityareapdf>

Q: What do I need to do in order to have a dwelling that is my primary residence approved for short term rental use?

A: On properties zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A (residential zoning districts), short term rentals of dwellings that are the primary residences of the hosts are permitted if the required standards are met and the rentals are registered with Louisville Metro. A Conditional Use Permit is not required unless the property is a condominium. Hosts must submit an annual registration form to Louisville Metro's Department of Develop Louisville for each rental.

On properties zoned 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, regardless of the residency of the host, short term rentals are permitted if the required standards are met and the rentals are registered with Louisville Metro. A Conditional Use Permit is not required. Hosts must submit an annual registration form for each rental Louisville Metro's Department of Develop Louisville.

On properties zoned TNZD (Old Louisville and Limerick neighborhoods), regardless of the residency of the host, short term rentals may be permitted only with a Conditional Use Permit approved by the Board of Zoning Adjustment, if the required standards are met. In addition, hosts must submit an annual registration form for each rental. The processes for obtaining a Conditional Use Permit and submitting an annual registration form are set forth below.

Please click on the following the link to access an interactive map that allows you to determine a property's zoning district.

[Link to LOJIC Online Map Tool:
http://apps.lojic.org/lojiconline](http://apps.lojic.org/lojiconline)

Please call the Office of Planning & Design Services (502) 574-6230 for assistance.

Q: What do I need to do in order to have a dwelling that is not my primary residence approved for short term rental use?

A: On properties zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A (residential zoning districts), short term rentals of dwellings that are not the primary residences of the hosts may be permitted with a Conditional Use Permit approved by the Board of Zoning Adjustment, if the required standards are met. Hosts must submit an annual registration form for each rental.

On properties zoned 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, regardless of the residency of the host, short term rentals can be permitted if the required standards are met and the rentals are registered with Louisville Metro. Hosts must submit an annual registration form for each rental. A Conditional Use Permit is not required.

On properties zoned TNZD (Old Louisville and Limerick neighborhoods), regardless of the residency of the host, short term rentals can be permitted only with a Conditional Use Permit approved by the Board of Zoning Adjustment, if the required standards are met. Hosts must submit an annual registration form for each rental.

Please click on the following the link to access an interactive map that allows you to determine a property's zoning district.

[Link to LOJIC Online Map Tool:
http://apps.lojic.org/lojiconline](http://apps.lojic.org/lojiconline)

Please call the Office of Planning & Design Services (502) 574-6230 for assistance.

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

Q: What constitutes primary residence?

A: Your primary residence is the address provided on your driver's license or other state-issued identification card. Residency and domicile are established pursuant to Kentucky Revised Statutes. The following are the only acceptable forms of proof of residency for short term rental registration:

- Current State-Issued ID ✓
- Current Passport
- Voter Registration Card ✓
- Recent Bank Statement* *see*
- Recent Credit Card Statement* *see*

*Must be dated within the last 3 months. Sensitive information such as account numbers can be redacted.

Q: Am I required to register my short term rental?

A: Yes. All hosts must register each of their short term rentals annually. If a property is rented for even a single day and meets the short term rental standards it is required to be registered. There are no exemptions to this requirement.

Q: How do I register a short term rental and is there a fee?

A: You may submit your annual registration form, along with the \$25 registration fee, online at:

<https://louisvilleky.gov/government/construction-review/online-permitting-portal>

If you do not wish to utilize the online submittal option, you may submit the form and \$25 fee at Louisville Metro's Office of Planning & Design Services, located at 444 South 5th Street.

Please call the Office of Planning & Design Services (502) 574-6230 for assistance.

Q: Can I register multiple short term rentals on a single registration form?

A: No. Each short term rental requires its own independent registration.

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

Q: How long does the registration process take?

A: In most cases, within 10 days of registration form submittal, Develop Louisville's Office of Planning & Design Services will contact the applicant to inform them that a) the registration has been approved and that they may proceed with the short term rental, b) the registration has been deferred pending approval of a Conditional Use Permit application, or c) the registration has been denied due to failure to meet the planning and zoning requirements. Denials may be appealed to the Board of Zoning Adjustment.

Q: How long is the short term rental registration valid?

A: The registration is valid for 12 months from the time of approval and may be renewed on an annual basis.

Q: Can I renew my short term rental registration?

A: A short term rental registration can be renewed no sooner than 30 days before or later 30 days after the registration expires. If the registration is not renewed within 30 days of expiration, a new registration must be submitted.

Q: Is the short term rental registration transferable?

A: No. The registration is issued to a specific host and a specific property. A new host at a registered address must submit a new registration form and cannot operate under the registration of the previous host. In addition, a host that moves to a new address must submit a new registration form for the new address. A host is considered the primary contact for the short term rental.

Q: Am I required to receive a Conditional Use Permit for my short term rental?

A: A Conditional Use Permit is only required in certain situations. On properties zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A (residential zoning districts), short term rentals of dwellings that are not the primary residences of the hosts or of condominium units that is the primary residence of the host can only be permitted with a Conditional Use Permit approved by the Board of Zoning Adjustment and if the required standards are met. On properties zoned TNZD (Old Louisville and Limerick neighborhoods), regardless of the residency of the host, short term rentals can be permitted only with a Conditional Use Permit approved by the Board of Zoning Adjustment if the required standards are met.

Please call the Office of Planning & Design Services (502) 574-6230 for assistance.

Q: Can I have multiple short term rentals reviewed on a single conditional use permit application?

A: No. Each short term rental requires its own independent conditional use permit.

Q: How do I apply for a Conditional Use Permit and is there a fee?

A: At this time, Conditional Use Permit applications must be submitted in person or by mail at Louisville Metro's Office of Planning & Design Services, located at 444 South 5th Street. Applications cannot be submitted online. The application form may be downloaded at:

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

There are application fees for New Conditional Use Permit and Modified Conditional Use Permit applications, as well as for Pre-Application reviews. As these fees are subject to change, please contact the Office of Planning & Design Services (502) 574-6230 for assistance. The correct fee will be reflected on the application. If submitting an application through the mail a check or money order must be included with the corrected fees and made payable to "Planning & Design Services".

Please note that the application requirements for a short term rental Conditional Use Permit are different than those for other types of Conditional Use Permits. A LOJIC, Google or other type of aerial map that shows existing site conditions may be submitted in lieu of a site plan.

Please call the Office of Planning & Design Services (502) 574-6230 for assistance.

Q: What is a Conditional Use Permit?

A: Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

RECEIVED

Q: What is the Conditional Use Permit Process?

MAR 12 2019

A: The following steps must be undertaken to obtain a Conditional Use Permit (CUP):

PLANNING &
DESIGN SERVICES

1. Pre-Application. The Host/Property Owner submits a Short Term Rental CUP Pre-Application Form to the Office of Planning & Design Services (PDS).
 - a. A Pre-Application review is carried out by PDS staff.
 - b. The Host/Property Owner may elect to have a Pre-Application Conference with PDS staff to discuss the proposal (optional).
2. Neighborhood Meeting.
 - a. The Host/ Property Owner shall send a letter stating that a Pre-Application Form has been filed with PDS and announcing a public meeting held by Host/Property Owner to discuss the proposed project.
 - The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting.
 - The letter shall be sent to: 1) First Tier Property Owners (the owner(s) of every parcel of property adjoining at any point, and every parcel directly across the street, from the subject property); 2) Second Tier Property Owners (the owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property within 500 feet of the subject property); the mayor and city clerk of any 2nd through 6th class city if the development is located within such a municipality; 4) Metro Council district representative; and 5) PDS staff.
 - Any person listed in the applicable PDS Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification.
 - b. The Host/Property Owner shall hold the neighborhood meeting.
 - The neighborhood meeting shall be held no more than 90 calendar days prior to the filing of formal application.
 - At the time of Formal Application for a CUP, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.
3. Formal Application. The Host/Property Owner submits formal application for a Short Term Rental CUP to PDS.
 - a. The application for the CUP must be submitted on a form supplied by PDS.
 - b. The application must be accompanied by supporting material and by the appropriate fee. The list of required supporting materials shall be available from PDS (Failure to submit all required material may result in delay of the application review).
4. Public Hearing. The Host/Property Owner has public hearing by Board of Zoning Adjustment (BOZA).
 - a. The BOZA shall hold at least one public hearing on the application.

- Notice of the hearing shall be given as specified in Kentucky Revised Statutes Chapter 100. Second Tier Property Owners shall also be notified of the hearing.
 - Any person listed in the applicable PDS Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification.
- b. Based on the application, the requirements of the Land Development Code, the recommendations of staff and testimony at the hearing, the BOZA shall prepare findings of fact and issue an approval or a denial with or without conditions as it deems necessary to assure that the proposed conditional use will not adversely affect the use of surrounding properties or unreasonably interfere with the use and enjoyment of such properties.

Note: Applicants for Zoning or Form District map amendments may elect, at the time of application, to have the Conditional Use Permit for the same development heard and decided by the Planning Commission. In such cases, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments.

You may refer to Land Development Code Chapter 11, Part 5A and Kentucky Revised Statutes Section 100.237 for more detailed information regarding the conditional use permit process.

Q: How long is the Conditional Use Permit valid?

A: A Conditional Use Permit is valid in accordance with the conditional of approvals established by the Board of Zoning Adjustment. In most cases, it is valid as long as the use exists and re-application is not necessary. However, if the terms and conditions of the permit are not followed and/or if the property is subject to two or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval.

Q: Is the short term rental Conditional Use Permit transferable?

A: A Conditional Use Permit is valid in accordance with the terms and conditions of the permit. In most cases, a permit runs with the land. However, if warranted, the Board of Zoning Adjustment may apply conditions or approval related to transferability.

A Conditional Use Permit for one property cannot be transferred to another property.

RECEIVED

MAR 12 2019

Q: Are neighbors notified of a proposed short term rental?

A: Neighbors will be notified of a short term rental application requiring a Conditional Use Permit. If a Conditional Use Permit is not required, neighbors will not be notified of the short term rental application by Louisville Metro Government.

PLANNING &
DESIGN SERVICES

Conditional Use Permit applications require a Neighborhood Meeting in which certain neighbors are notified in advance. Prior to formally filing an application, a letter shall be sent from the applicant announcing a neighborhood meeting to discuss the proposal. The letter shall be sent to First and Second Tier Property Owners and shall be mailed no less than 14 calendar days prior to the meeting. In addition, any person listed in the applicable Planning and Design Services Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification.

Conditional Use Permit applications require a Public Hearing in which certain neighbors are notified in advance. The Board of Zoning Adjustment shall hold at least one public hearing on an application. Notice shall be given to

First and Second Tier Property Owners shall be mailed no less than 14 calendar days prior to the hearing. In addition, any person listed in the applicable Planning and Design Services Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification. A sign is also posted on the property providing the date of the public hearing.

Q: Is a host required to remit transient occupancy taxes?

A: Yes. Any rental of less than 30 consecutive days is subject to Louisville Metro's transient occupancy tax (approximately 10%). A platform such as Airbnb may remit taxes on behalf of a host; however the responsibility of remitting taxes appropriately and as required by law remains with the host.

<https://www.metrorevenueservices.org/registration/Forms/nDisclaimer.aspx>

Please call Louisville Metro's Revenue Commission at (502) 574-4860 for more information concerning taxes.

Q: Will I be required to make improvements to my building to meet building and life safety codes?

A: Whether or not building improvements will be required depends on the condition of the building and its approved use and occupancy classification. In some instances, property owners will need to make improvements to the dwelling so that it meets the appropriate use and occupancy classification.

Please call Louisville Metro's Office of Construction Review at (502) 574-3321 for more information.

Q: What are the required standards for short term rentals?

A: The following standards apply to all short term rentals:

- The maximum stay for a guest shall be 29 consecutive days.
- The dwelling unit shall be limited to a single short term rental contract at a time.
- At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- Outdoor signage which identifies the short term rental is prohibited.
- The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- The short term rental shall meet the smoke detector requirements set forth in Louisville Metro Code of Ordinances Section 94.02.
- A clearly marked evacuation plan shall be posted on the premises.

The following additional standards apply to the short term rental of a dwelling that is not the primary residence of the host 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 and of any dwelling in a TNZD district:

- The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

- If the property is subject to two or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to Land Development Code Section 11.5A.6.

The following additional standards apply to the short term rental of a dwelling that is the primary residence of the host 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 and of any dwelling in C-N, C-R, C-1, C-2, C-3, C-M, W-1, W-2, PVD, PTD or PRD district:

- 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.
- 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(s) 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.
- If the property is subject to two or more substantiated civil and/or criminal complaints, the Planning Director may revoke the approval.

Q: I am a tenant, not the property owner. Can I use my dwelling as a short term rental?

A: The host is not required to be the property owner. The Department of Develop Louisville strongly recommends that you review your lease and/or contact your lessor before submitting any form or application. A registration or conditional use permit does not override any agreement or regulation that prohibits subletting or use of a dwelling as a short term rental including but not limited to lease agreements, homeowner's association bylaws, condominium bylaws, covenants or deed restrictions.

Q: Can my Homeowner's Association or Condominium Association prohibit short term rentals?

A: Yes. Association rules may be more restrictive than Louisville Metro Government regulations.

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

Q: I am in a homeowners association that prohibits short term rentals. Can I use my dwelling as a short term rental if registered with Louisville Metro?

A: No. A registration or conditional use permit does not override any lease agreements, homeowner's association bylaws, covenants, deed restrictions, or any other agreements, laws or regulations that prohibit subletting or use of your dwelling as a short term rental. The Department of Develop Louisville strongly recommends that you review your homeowner's association documents and/or contact your homeowner's association before submitting any form or application. Develop Louisville does not review homeowner's association bylaws and rules for compliance or enforce such.

Q: I am in a condominium that prohibits short term rentals. Can I use my dwelling as a short term rental if registered with Louisville Metro?

A: No. A registration or conditional use permit does not override any lease agreements, homeowner's association bylaws, covenants, deed restrictions, or any other agreements, laws or regulations that prohibit subletting or use of your dwelling as a short term rental. The Department of Develop Louisville strongly recommends that you review your condominium association documents and/or contact your condominium association before submitting any form or application. Develop Louisville does not review condominium association bylaws and rules for compliance or enforce such.

Q: Is a host allowed to serve food and beverages to guests?

A: No. If a host is interested in providing food and/or beverages to guests, the development must be approved as a hotel, bed and breakfast inn or similar establishment that allows such.

Q: What if operate a short term rental that is not registered and/or properly permitted?

A: Failure to register is equivalent to operating without a permit and will result in enforcement action. Any person who violates any provision shall receive a notice of violation as a warning for a first offense. A second offense will be subject to a civil penalty of not less than \$100 and no more than \$500. A third offense will be subject to a civil penalty of not less than \$500 and no more than \$1,000. Each day that a violation continues after notice has been served shall be deemed a separate offense.

Q: How do I report an unlawful short term rental?

A: You may report an unlawful short term rental, or any other violation, via the MetroCall 311 system (502-574-5000).

<https://louisvilleky.gov/government/metrocall-311>

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

Q: Which Louisville Metro Government agency administers the program?

A: The Department of Develop Louisville administers the registration and permit programs, via its Offices of Planning & Design Services and Construction Review.

Q: Who can I contact to answer a question not in this FAQ?

A: For questions concerning planning and zoning requirements, such as those pertaining to the registration and conditional use permit processes, please contact Louisville Metro's Office of Planning & Design Services at (502) 574-6230.

For questions concerning tax requirements, please contact Louisville Metro's Revenue Commission at (502) 574-4860.

For questions concerning building permit requirements, such as those pertaining to building and life safety codes, please contact Louisville Metro's Office of Construction Review at (502) 574-3321.

Tab 3

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

19ARRIAL101

House Rules – 1274 Everett Av

- 1. Quiet time outside between 10 pm. and 8 am . This is strictly enforced! We have a zero tolerance policy for guests who are disruptive to our surrounding neighbors. If we receive a call that your party is being loud or disruptive, we reserve the right to ask you to leave and keep security deposits.**
- 2. Please be respectful of our neighbors.**
- 3. No illegal drug use allowed. Absolutely NO SMOKING inside this home. If evidence is found, we will keep your security deposit.**
- 4. No illegal activity allowed of any kind.**
- 5. Please be kind to the property and enjoy your visit!**

**Thanks so much for your cooperation!
The Management**

RECEIVED
MAR 12 2019
PLANNING &
DESIGN SERVICES

19APPEAL1001

POST-REGISTRATION BOOKINGS

DATE	NIGHTS	LISTING ADDRESS
8/13/2018	4	1274 Everett Avenue
8/24/2018	2	1274 Everett Avenue
8/30/2018	3	1274 Everett Avenue
9/14/2018	2	1274 Everett Avenue
9/22/2018	2	1274 Everett Avenue
10/3/2018	2	1274 Everett Avenue
10/16/2018	3	1274 Everett Avenue
11/1/2018	3	1274 Everett Avenue
11/9/2018	2	1274 Everett Avenue
11/20/2018	3	1274 Everett Avenue
1/3/2019	3	1274 Everett Avenue
<hr/>		
	29	

RECEIVED

MAR 12 2019

PLANNING &
DESIGN SERVICES

19APPEAL1001