

From: [Kim McCabe](#)
To: [Dock, Joel](#)
Subject: Fwd: 19zone0052
Date: Wednesday, July 15, 2020 12:55:45 PM

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----- Forwarded message -----

From: "Kim McCabe" <kimrmc@gmail.com>
Date: Jul 15, 2020 12:00 AM
Subject: 19zone0052
To: "Dock, Joel" <joel.dock@louisvilleky.gov>
Cc:

To All

I am opposed to the zoning change. Unnecessary new construction erodes the historical neighborhood that we are. Since there are no properties that are R6 within a R5 neighborhood allowing one property owner to have special privileges will disrupt the cohesiveness of our neighborhood. Homes were purchased because of how the neighborhood is now. Twenty years ago when the Seminary built along Grinstead Drive blasting caused structural damage to at least 3 homes on Galt Avenue, any type of disturbing limestone can cause severe damage not to mention what it could do to the natural spring that is on Galt. Please let our neighborhood remain the historical area that it is and not allow property owners to get zoning changes that line their pockets and have the proven potential to severely damage others.

Kim McCabe

From: [Leigh Brown](#)
To: [Dock, Joel](#)
Subject: Rezoning of property at 308 Franck Ave
Date: Saturday, August 10, 2019 5:26:27 PM

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Hi Joel,

I reached out to you and left a message about the rezoning of the property on Franck that is owned by Ryan and Mallory Fagan.

We has a meeting which most everyone was apposed to the rezoning of property.

We live right next door where the proposed house is going to be built. We feel that by doing this is going to create havoc on our structure. These homes were built in 1928 and by digging the foundation could cause structural damage.

We have been living next to a mess on his backyard for almost a year. I will send pictures of that later. The builder that was asked to build the house said if there was structural damage we would have to pay a structural engineer to check it out. And that would come out of our pocket to prove it. He came across that he didn't care and it would be on us to get it figured out.

All Ryan Fagan cares about is the money, he rents his house on Franck on AirBNB.

I know a lot of people do this but it is frowned upon in certain areas. Crescent Hill is an historic area and most people agree that building a new house is not the right thing to do and doesn't enhance Crescent Hill. We will look out our dining room window to a wall of a house

Please respond back and let me know when there is going to be a meeting on this?
Email me back at leighbrown57@gmail.com.

Sincerely
Leigh and Mark Cox
317 South Galt Ave
639-6311

Sent from my iPad

From: [Lisa Canter](#)
To: [Dock, Joel](#)
Subject: Fw: concerning 308 S. Franck Avenue
Date: Wednesday, June 3, 2020 6:16:40 PM

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----- Forwarded Message -----

From: Lisa Canter <surfsidesis@yahoo.com>
To: joel.doc@louisvilleky.gov <joel.doc@louisvilleky.gov>
Sent: Wednesday, June 3, 2020, 06:12:07 PM EDT
Subject: concerning 308 S. Franck Avenue

Case # 19 zone-0052

Just writing to express my concerns about this case for changing zoning from R5 to R6. I live on S Galt closer to Frankfort Ave.

This is a very high-use street and I believe this request to zoning change is so that a new property can be built. this block of S Galt is high traffic due to the school (busses, parents dropping off and picking up). I've also heard concerns expressed about the potential damage to neighboring houses due to demolition. Houses would be very crammed together and take away from the appearance of the neighborhood.

Thanks you for your time and consideration

Lisa Canter
127 S. Galt Avenue

From: [Leigh Cox](#)
To: [Dock, Joel](#)
Cc: kimrmc@gmail.com
Subject: scan (741).pdf
Date: Thursday, June 4, 2020 8:33:08 AM
Attachments: [scan \(741\).pdf](#)

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Hi Joel,

This letter from Ryan concerns many of us with this rezoning. The parts have been underlined. About the couple, whomever that would be, "Intend" on having a sgl family home. But if rezoned it could be a multifamily duplex that could be rented property for him to make money from.

And the other concern is the lots could be utilized in Other Ways down the road should the owners??? choose to do so.

And I'm not sure what he means by that this would be great for the neighborhood but profitable for him, not for the neighbors that he has no concern for. And a broader socioeconomic landscape, what might that be?

Please respond that this will be in the notes for this rezoning meeting on June 11th. Hopefully you are keeping all of the responses from the neighborhood.

Kim, do you have anything to add to this email?

Thanks again,

Leigh and Mark Cox

To Whom It May Concern,

We hope this letter finds you well. My wife and I are hoping to split our lot in order to sell to an interested party.

The lot in question is not typical for our neighborhood as most homes on Franck have a home directly behind them on Galt.

The couple that want to purchase the land intend on having a single family home on the lot.

We also understand that rezoning would allow for the lots to be utilized in other ways down the road should the owners at that time choose to do so, and believe this could be great for the neighborhood in opening up to a broader socioeconomic landscape.

We are hoping to sell the lot to pay off debt incurred due to an incident last year and would love to get this taken care of as smoothly and quickly as possible. Please feel free to email or call if you have any questions.

Have a great week, we look forward to hearing from you soon.

Sincerely,

Ryan and Mallory Fagan
270-703-6582
Rafagan01@gmail.com

RECEIVED
JUN 03 2013
THE WOODS GROUP
DESIGN SERVICES

19 Zone 1040

From: [Matthew Cherrie](#)
To: [Dock, Joel](#)
Subject: Fwd: Support for Ryan and Mallory Fagan at 308 Franck Avenue 40206
Date: Monday, June 8, 2020 3:50:00 PM

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Hello Mr. Dock, in speaking with Ryan Fagan, he said you are missing the email below which I sent in January. Please add it to your list.

Regards, Matthew Cherrie

Begin forwarded message:

From: Matthew Cherrie <matthewcherrie@me.com>
Date: 1/24/2020
To: joel.dock@louisvilleky.gov
Subject: **Support for Ryan and Mallory Fagan at 308 Franck Avenue 40206**

1/24/2020

Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of 308 Franck Avenue in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community.

Over the past two years, Ryan and Mallory Fagan have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Thank you for your time and consideration,

Matthew Cherrie
304 Franck Avenue
Louisville, KY 40206

From: [Field Engle](#)
To: [Dock, Joel](#)
Subject: Case #: 19-ZONE-0052
Date: Thursday, June 11, 2020 10:20:15 AM

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Good Morning-

I am the owner of 331 S Galt Avenue, which is 5 doors down from this case. I recently moved into the property 3/13, so I was unaware of this case until neighbors knocked on my door to fill me in.

After speaking with them, I am completely against the owners of 308 S. Franck Avenue to re-zone to R-6. They were able to explain that 20 years ago there was blasting to create the Centenary Apartments that actually caved the roof of my current home in. This re-zoning to a single-family will jeopardize the neighborhood and potential Property Value of my home.

Thanks,

Field Engle
859-327-4867

From: [Field Engle](#)
To: [Dock, Joel](#)
Subject: Re: Case #: 19-ZONE-0052
Date: Monday, July 13, 2020 6:01:31 PM

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Joel-

To put it clear- I AM OPPOSED. It's sickening these letters weren't brought up in the last session.

Please see my email below, I expect to hear back from someone on your team.

Thanks,
Field Engle

On Thu, Jun 11, 2020 at 10:19 AM Field Engle <field.engle@gmail.com> wrote:

Good Morning-

I am the owner of 331 S Galt Avenue, which is 5 doors down from this case. I recently moved into the property 3/13, so I was unaware of this case until neighbors knocked on my door to fill me in.

After speaking with them, I am completely against the owners of 308 S. Franck Avenue to re-zone to R-6. They were able to explain that 20 years ago there was blasting to create the Centenary Apartments that actually caved the roof of my current home in. This re-zoning to a single-family will jeopardize the neighborhood and potential Property Value of my home.

Thanks,

Field Engle
859-327-4867

From: [Debra harlan](#)
To: [Dock, Joel](#)
Subject: Re: Franck case
Date: Thursday, July 9, 2020 2:47:47 PM

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Nobody who has received this can open them. Public information encrypted isn't public information.

Please can you send them so we can read before the deadline which I'm sure is tomorrow.
Thanks.

Sent from my iPhone

On Jul 9, 2020, at 2:36 PM, Debra harlan <debraandted@gmail.com> wrote:

On a cell phone that's going to be interesting since I don't know what that is.....

Sent from my iPhone

On Jul 9, 2020, at 2:13 PM, Dock, Joel
<Joel.Dock@louisvilleky.gov> wrote:

Possibly try opening as rich text .txt format.

-----Original Message-----

From: Debra harlan <debraandted@gmail.com>
Sent: Thursday, July 9, 2020 2:06 PM
To: Dock, Joel <Joel.Dock@louisvilleky.gov>
Subject: Franck case

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Is there some magic way to open public comments attached to this case?

I've tried three different ways and they will not open.
ThanksDRH

Sent from my iPhone

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From: [Debra harlan](#)
To: [Dock, Joel](#)
Subject: Franck Ave zoning case
Date: Friday, July 10, 2020 12:52:04 PM

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For the record the applicants failed to legitimize the parking pad and tall fence constructed over the past two years on the existing dual frontage lot.

Spot zoning to R-6 reads like much special privilege for the owner and zero ability for neighbors to do likewise and sets a questionable precedent. Zoning one site multi family for the purpose of single family will IMO lead to similar requests to maximize sites via rezoning. Having recently experienced a request in my current neighborhood of Bonnycastle to spot zone for a high rise luxury condominium project that benefited only the applicant to the detriment of everyone else, I feel a tear down as well as a build up cycle coming on. Trusting that a single family home will be the ultimate result of multi family rezoning here and not some other scenario is naive.

As a retired professional who also was Metro's only TNZD specialist for Old Louisville, amongst many other related duties, I am currently working on a new neighborhood plan for Cherokee and Bonnycastle. My interest is in compatible and creative zoning that benefits the common good and solidifies quality development. This case is an example of why ADU's should be a use of right in all residential zones, and why the rezoning here might more correctly be UN, which offers the same FAR and doesn't offset the existing zoning pattern.

Respectfully submitted,
Debra Richards Harlan

(former resident of Upland Rd for seven years)

Sent from my iPhone

From: [Shannon Scott](#)
To: [Dock, Joel](#)
Cc: [Councilman Bill Hollander](#)
Subject: 19-ZONE-0052
Date: Monday, July 13, 2020 7:58:24 PM

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Mr. Dock, I am writing to express my opposition to granting the change of zoning regarding the above-referenced case. My family and I live at 243 Franck Avenue. We chose this neighborhood more than 10 years ago, and particularly Franck Avenue due to the historical nature of many of the properties.

Allowing for a zoning change, to allow a second house to be built on the same lot, would diminish the architectural integrity of the neighborhood and lead to additional issues with street parking beyond what we experience at present.

Sincerely,

Shannon Endres
243 Franck Avenue
Louisville KY 40206
502-494-5904

From: [Glenda Whitledge](#)
To: [Dock, Joel](#)
Subject: Ryan & Mallory Fagan's request for rezoning
Date: Sunday, February 23, 2020 1:49:24 PM

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Dear Board of Zoning and Metro Council:

I'm happy to submit this letter to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood home owner, I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of 308 Franck Avenue in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community, mine included.

Over the past two years, Ryan and Mallory Fagan have worked tirelessly to demonstrate their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill with improvements made to their own home. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole. It benefits all homeowners in our area.

Thank you for your time and consideration,

Glenda Whitledge
302 Franck Ave
502.439.1158

From: [Justin Taylor](#)
To: [Dock, Joel](#)
Subject: 308 Franck Ave
Date: Tuesday, January 21, 2020 6:15:41 PM

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Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of 308 Franck Avenue in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community.

Over the past two years, Ryan and Mallory Fagan have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Thank you for your time and consideration,

Justin Taylor
2609 Rowland Avenue

Justin Taylor



P.O. Box 4193 | Louisville, KY 40204

jtaylor@keystoneremodel.com

Main | 502.715.1490

Fax | 502.631.9599

From: [barbara sinai](#)
To: [Ryan Fagan](#)
Cc: [Cynthia Thomas](#); daniel.krebs@louisville.edu; [Dock, Joel](#)
Subject: Re: rezoning 19ZONE1040
Date: Saturday, June 22, 2019 11:02:59 PM

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I'm so glad to hear from you. I wish I could join you next Friday but I have a commitment that I can't change.

I was on the committee that worked on the needed changes to the Infill Section of the Land Development Code and I feel like we can start there to get some answers. First, is it possible to increase to size of the 2nd lot? If so that would solve the problem. If that doesn't work it can be done with variances. Side yard variances are allowed all the time. The same is true with allowing a new building which makes the remaining yard too small. That is happening all the time in Crescent Hill. I'm sure there are more possibilities that I haven't thought of yet but we can keep working. Please stay in touch.

Barb 895-8914 or 876-5171

From: Ryan Fagan <rafagan01@gmail.com>
Sent: Friday, June 21, 2019 2:47 PM
To: barbara sinai
Cc: Cynthia Thomas; daniel.krebs@louisville.edu; Joel.Dock@louisville.gov
Subject: Re: rezoning 19ZONE1040

Barbara,

If we can find another path forward for this, I'd love to hear about it. I intend on meeting with Planning and Design next Friday for next steps if you'd like to join. I'm trying to get the builder in on the meeting as well.

Thanks for your insights. I definitely understand re-zoning could be an issue and want to avoid causing any big frictions in the neighborhood, so whatever we can do to work around that would be great.

Sincerely,

Ryan Fagan
270-703-6582

On Fri, Jun 21, 2019, 2:08 PM barbara sinai <jj sina01@hotmail.com> wrote:

Thank you Cynthia. I am Barbara Sinai, Planning Chair for the Crescent Hill Community Council and licensed architect in the State of Illinois retired.

I am not opposed to having the owner of 308 Franck building a house on the Galt end of his property BUT rezoning is not a proper method for this action. The property should receive a variance or number of variances to allow a building on a smaller than allowed site inside the Urban Services District. If you allow the zoning to be changed to R6 you will be opening a Pandora's Box for the adjoining sections of Crescent Hill. There is a double lot 3 doors away that if rezoned to R6 could provide a really large building site that would be totally improper for the area.

This has occurred in Crescent Hill before and has always ended in unhappy neighbors.

From: Cynthia Thomas <cynthiathomas01@gmail.com>

Sent: Friday, June 21, 2019 10:41 AM

To: Barb Sinai

Subject: Fwd: rezoning 19ZONE1040

FYI

Sent from my iPhone

Begin forwarded message:

From: Ryan Fagan <rafagan01@gmail.com>

Date: June 19, 2019 at 6:22:41 PM EDT

To: cynthiathomas01@gmail.com, daniel.krebs@louisville.edu

Subject: Fwd: rezoning 19ZONE1040

Cynthia,

Attached is a document explaining why we have to re-zone according to city/state density requirements. I want us to be completely transparent about our project and intentions and feel this is the best way to do it. If there's anyone else you'd like me to include on emails, please let me know.

I'll keep you all posted as we move along if you would like, or I can hold off on communications until announcing the public meeting.

I did have a question about possibly using the Peterson Dumesnil house to hold the meeting

since it's so close to the properties.

Great chatting with you and hope to hear back soon!

Ryan

----- Forwarded message -----

From: **Dock, Joel** <Joel.Dock@louisvilleky.gov>

Date: Wed, Jun 19, 2019, 4:49 PM

Subject: rezoning 19ZONE1040

To: Ryan Fagan (rafagan01@gmail.com) <rafagan01@gmail.com>

Please see attached plan revisions needed and pre-application for zoning change. The finding of the report is included below:

The current zoning of the property is inappropriate based on the lotting patterns in the area and the presence of missing middle housing throughout the neighborhood. The proposed district is in keeping with the existing density along the block faces of both Franck Avenue and Galt Avenue. The district encourages additional density near transportation, employment, and amenities. The proposed district allows a lotting pattern which is consistent with the historic patterns as evidenced in PB 4, PG 46, as well as allowing for duplex/missing middle housing in the event 2 detached homes are not constructed. Housing will reflect the form and the area. The proposed district allows for a variety of housing options including mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. Through duplex or smaller lots, the district expands opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro. The proposal helps to create appropriately zoned inclusive housing.

Joel P. Dock, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

502-574-5860

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From: [barbara sinai](#)
To: [Dock, Joel](#)
Subject: Fw: rezoning 19ZONE1040
Date: Friday, June 21, 2019 2:17:16 PM
Attachments: [19ZONE1040_Agency Comment Sheet.docx](#)
[19ZONE1040_PRE-APP Staff Report.pdf](#)

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From: barbara sinai <jjsina01@hotmail.com>
Sent: Friday, June 21, 2019 2:08 PM
To: Cynthia Thomas; rafagan01@gmail.com; Krebs Daniel; Joel.Dock@louisville.gov
Subject: Re: rezoning 19ZONE1040

Thank you Cynthia. I am Barbara Sinai, Planning Chair for the Crescent Hill Community Council and licensed architect in the State of Illinois retired.

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From: Cynthia Thomas <cynthiathomas01@gmail.com>
Sent: Friday, June 21, 2019 10:41 AM
To: Barb Sinai
Subject: Fwd: rezoning 19ZONE1040

FYI

Sent from my iPhone

Begin forwarded message:

From: Ryan Fagan <rafagan01@gmail.com>
Date: June 19, 2019 at 6:22:41 PM EDT
To: cynthiathomas01@gmail.com, daniel.krebs@louisville.edu
Subject: Fwd: rezoning 19ZONE1040

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Great chatting with you and hope to hear back soon!

Ryan

----- Forwarded message -----

From: Dock, Joel <Joel.Dock@louisvilleky.gov>
Date: Wed, Jun 19, 2019, 4:49 PM
Subject: rezoning 19ZONE1040
To: Ryan Fagan (rafagan01@gmail.com) <rafagan01@gmail.com>

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housing options including mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. Through duplex or smaller lots, the district expands opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro. The proposal helps to create appropriately zoned inclusive housing.

Joel P. Dock, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

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Louisville, KY 40202

502-574-5860

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From: [April Sanders](#)
To: [Dock, Joel](#)
Subject: Ryan Fagan
Date: Thursday, January 23, 2020 7:38:34 PM

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Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of [308 Franck Avenue](#) in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community.

Over the past two years, Ryan and Mallory Fagan have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Thank you for your time and consideration,

April Sanders
[305 Franck Ave](#)

From: [Jon Sanders](#)
To: [Dock, Joel](#)
Subject: Ryan Fagan
Date: Thursday, January 23, 2020 8:23:18 PM

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Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

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Thank you for your time and consideration,

Jon Sanders
[305 Franck Ave](#)

Sent from my iPad

From: [anne.roberts](#)
To: [Dock, Joel](#)
Subject: 308 S. Franck Ave . 19-Zone-0052
Date: Wednesday, June 3, 2020 5:22:40 PM

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308 S Franck Ave : 19-Zone-0052

Concerning the zoning change from an R6 to an R5 . I am opposed to this for the following reasons.

This area is already congested. There is a high volume of traffic due to school busses entering Barrett Middle School & parent's using this area as a pick up & drop off.

This street gets a tremendous amount of through traffic also.

The homes at the end of this street do have off street parking.

The homes here are older & there is a limestone shelf. The blasting & excavation that need to be done to build new home can cause damage to the surrounding homes, especially in such a small space.

Many of these have had water problems & required expensive repair. The excavation of new building could very well upset the balance of what has been repaired.

351 S Galt is the site of an old quarry.

331 S Galt had to extensive work to fix the water problem. Because of the limestone shelf & natural spring.

Sticking another house in such a small space will detract from the historical setting of Crescent Hill.

Anne B. Roberts

209 S Galt Ave.

Louisville,KY 40206

512-925-5435

Sent from my iPhone

From: [lisa.nicholson](#)
To: [Dock, Joel](#)
Subject: 308 S Franck Avenue; Case Number 19-Zone-0052
Date: Wednesday, July 15, 2020 4:40:38 PM

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I write in opposition to the proposed Change in Zoning from R-5, single family to R-6, multi family to subdivide the lot and construct a single family home along Galt. While having sufficient affordable housing or stock for people with a disability is a good pursuit, I do not believe that such an end is the goal of this project. The proposed project is simply a money grab, without regard to the impact on existing neighbors or the neighborhood.

I also fear that the construction project would inhibit a good quality of life of the neighborhood. The ensuing noise, pollution, crowds would make parking and general mobility quite difficult. With everyone at home Due to Covid-19, there is already a considerable burden on both the water and sewage systems, and parking availability.

Without restrictions, there also is nothing to stop the rezoned property from later leading to the demolition of both the existing Franck Ave structure and the proposed single family house to create a larger multifamily house on that footprint.

The new single family structure itself also may over-burden both the water and sewage systems of Galt and Franck Avenues — which are old and which already subject the residents' basements to flooding after the rains.

For these reasons and more, I oppose the rezoning — especially if it is unrestricted. My final point/question For the Planning Commission is why is it necessary to redone the entire property, versus simply providing a variance to allow the split of the lots — if this project must be pushed on the neighborhood. That way we need only worry about no more than two single family homes on that 308 Franck footprint.

Regards,
Lisa Nicholson

From: [lisa.nicholson](#)
To: [Dock, Joel](#)
Subject: Rezoning Request PRJ-19ZONE1040
Date: Friday, June 14, 2019 2:48:42 PM

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Hi Joel,

I live at 306 Franck Avenue. I've just learned from my other neighbors that my next door neighbors, the Fagans at 308 Franck have now sought to rezone their single family house to a multi family dwelling. Specifically they filed a rezoning request from R-5 Single Family to R-6 Multi Family Residential on 06/03/19. While I was not officially notified of this plan by the city, many of my Franck Avenue neighbors were informed, and have brought this rezoning request to my attention. I would like to know the next step(s) to be taken by all concerned parties and the city as a number of our neighbors would like to be heard on this planned development, including the possible opposition to this rezoning action.

That footprint has been a single family lot for over a decade. Few houses exist on that side of Galt. Has Lou Metro explored why it has been the case for 304 Franck and 308 Franck and one other property a few houses down on Franck before the rezoning application is approved? Does it have to do with the very steep grading of the properties?

This proposed plan (for the record) is the third attempt by the Fagans to change their property to the detriment of the neighborhood. I worry about the proposed request on the quiet enjoyment of my property, the potential for more ongoing (and seemingly never-ending) construction by the neighbors, as well as the proposed project's impact on water/sewage/parking resources. An unconditional rezoning approval could even lead the 308 Franck property owners to tear down the existing structure and build a bigger multi-family unit or some other structure if the price is right for them.

Many of us neighbors are concerned with the commercialization of this residential area. I believe the homeowners of [308 Franck Avenue](#) have continually sought to monetize their property rather than use it as their primary residence, a motivation which belies any attempt to make certain that the benefits of living in Crescent Hill are maintained or even that the quiet enjoyment of, and by, their neighbors' properties remain unimpeded.

Indeed, the Fagans had been using their premises primarily for AirBnb purposes, which began shortly after taking ownership in 2017. There also have been numerous "on/off/on" construction projects since then. This recent attempt to monetize the property further started with their May 2019 real estate ad to sell the back third of their lot for construction/development purposes. Having been halted when the Galt Avenue neighbors complained of the irregular lot size, it seems they've arrived at this latest scheme.

Thank you,
Lisa Nicholson

From: [Matthew Lugo](#)
To: [Dock, Joel](#)
Subject: 19-ZONE-0052 : 308 S. Franck Avenue
Date: Tuesday, June 2, 2020 10:09:13 AM

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Hello Joel,

This is Matthew Lugo, I'm on property 319 S Galt ave. I wanted to point out that it's been my understanding that the damage to the foundation of some homes in the block has been caused by prior digging and constructing on the complex/townhome/rental properties down the road. I am very concerned with the potential issues some or most of us could face with the plans for property 308 S. Franck Avenue, after the vibrations in digging and what ever might be used to complete the build may effect and damage the foundation of the properties around it. This is an old historic neighborhood and the idea of damage done to the homes around isn't a reach.

I would imagine a civil engineer would look at the potential damage that could be done by doing this form of construction on this property?

Thank you,

Matthew Lugo
matthew1991@gmail.com
(502) 510-8951

From: [John Jenkins](#)
To: [Dock, Joel](#)
Subject: 308 Franck
Date: Wednesday, January 22, 2020 2:03:12 PM

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Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of [308 Franck Avenue](#) in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community.

Over the past two years, Ryan and Mallory Fagan have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Thank you for your time and consideration,

John/Kelly Jenkins
[320 Franck Avenue](#)

From: [John Guthrie](#)
To: [Dock, Joel](#)
Subject: Letter of Support for 308 Franck Ave
Date: Tuesday, June 2, 2020 11:32:25 AM

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Dear Board of Zoning and Metro Council:

This letter is in support of Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and to split the lot. As a neighborhood resident (245 Franck Ave) I am invested in seeing Crescent Hill grow and flourish. There are not many development opportunities in Crescent Hill like this one and the project would put property to its best and highest value use.

There are already several properties along the street that split the lots years ago along Galt, so doing so now would seem in line with the neighborhood and street. I appreciate that this process is being followed, and for the opportunity to voice my support. If I were on the other side of the street I'd certainly consider doing the same thing.

Over the past two years, Ryan and Mallory have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill.

Thank you for your time and consideration,

John Guthrie
245 Franck Ave

From: [Doris Engstrom](#)
To: [Dock, Joel](#)
Subject: Fw: Support for Ryan and Mallory Fagan at 308 Franck Avenue 40206
Date: Monday, June 8, 2020 3:41:40 PM

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Hello Mr. Dock, in speaking with Ryan Fagan, he said you are missing the email below which I sent in January. Please add it to your list - thank you!
Sincerely, Doris Engstrom

----- Forwarded Message -----

From: Doris Engstrom <doris.engstrom@yahoo.com>
To: "joel.dock@louisvilleky.gov" <joel.dock@louisvilleky.gov>
Sent: Friday, January 24, 2020, 07:24:13 AM EST
Subject: Support for Ryan and Mallory Fagan at 308 Franck Avenue 40206

1/24/2020

Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a neighborhood resident I am invested in seeing the Galt Avenue site being transformed into a neighborhood and corridor wide asset. Given the very finite amount of vacant land available in Crescent Hill, we need to build creative partnerships and management solutions to utilize these spaces as community assets.

In this context, rezoning will allow for the development of the underutilized lot on the backside of 308 Franck Avenue in the form of a beautiful home that will add to the vibrant amalgamation of homes in the neighborhood, activate a more vibrant and beautiful street, and serve as a great example for other initiative's in the community.

Over the past two years, Ryan and Mallory Fagan have demonstrated their ability to make tangible positive contributions to the Franck Avenue/Galt Avenue site and Crescent Hill. I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Thank you for your time and consideration,

Doris Engstrom
304 Franck Avenue
Louisville, KY 40206

From: [Ruth Durbin](#)
To: [Dock, Joel](#)
Subject: Fwd: 19-ZONE-0052/comments
Date: Tuesday, June 2, 2020 10:49:45 PM

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Hello:

I am formally submitting comments in writing on this case.

I have concerns over:

1. Traffic congestion that is already heavy due to a) residences and on-street parking on both sides of street (including half a dozen commercial vehicles) b) cut through traffic to/from Grinstead and Frankfort c) School buses (back when there was such a thing). Adding construction vehicles, even temporarily, will make this street very concerning (it is not well-paved also).
2. Old sewers/streets that could be affected by construction methods used to build foundation of proposed home. Louisville has struggled with repairing sewers from the 1800s as well as the 1980s (Grinstead/Stilz collapse).
3. Older homes that could be affected by construction methods used to build foundation of proposed home.

Ruth Durbin
309 Franck Avenue

Begin forwarded message:

From: Ruth Durbin <rfdurbin2000@yahoo.com>
Date: June 2, 2020 at 3:24:50 PM EDT
To: Joel Dock <joel.dock@louisvilleky.gov>
Subject: 19-ZONE-0052

Hi:

I'm sorry to learn your offices sustained damage from the recent protests.

I wanted to speak to you about the case:

1. When comments specify "in writing" does that include e-mail?
2. Is it possible to postpone the hearing? I realize there is an on-line option with the COVID restrictions, but many of my neighbors are not tech friendly. And now with damage I'm not sure any comments they sent via USPS would reach you.

Thanks and let me know your thoughts.

Ruth Durbin
309 Franck Ave
502 338 2700

From: [Ruth Durbin](#)
To: [Dock, Joel](#)
Subject: Re: follow-up
Date: Monday, June 22, 2020 10:47:11 AM

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Thanks very much!

Ruth

On Jun 22, 2020, at 10:16 AM, Dock, Joel <Joel.Dock@louisvilleky.gov> wrote:

Ruth,

In response to your questions.

1. Prior to modern zoning/subdivision regulation, deeds were common place to subdivide land and much of the urban/historic areas of the city were created and recorded by deed only. A deed only contains a written description of the land to be subdivided. For instance, a single parcel of land:

<image002.jpg>

A Plat or subdivision plat is now required for the subdivision of all land in Jefferson County. A plat is a drawing that details the subdivision of land and is how title is transferred for lots with reference to the plat instead of a lengthy legal description. Recorded subdivision plats may require additional approval if not subject to a current planning application such as development plan or zoning. Here's the record plat for the southern section of Galt:

<image004.jpg>

The northern section of Galt where the subject property is located is a deeded subdivision. Whether it was deeded or platted, it does not have much relevance in the consideration of the appropriateness of the zoning district.

2. The zoning of urban areas commonly contains non-conforming structures such as duplexes, townhomes, triplexes, four-plexes, or large developments that do not match existing zoning. Zoning and planning changes over the decades and the intent of zoning and its use changes depending on a wide range of factors. Many urban neighborhoods were up-zoned to match the smaller lot sizes which

led to increases in density. Then they were down-zoned to “preserve”, most commonly single-family conversion to multi-family. This left non-conforming structures throughout many neighborhoods, especially multi-family and corner commercial uses. Here’s what the zoning map look like which you can visit at lojic.org:

<image010.jpg>

The R-5A and R-6 districts shown are multi-family districts. Thee multi-family districts may contain single-family uses and the same is true for the single-family R-4 and R-5 property.

I hope this helps.

Joel P. Dock, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

502-574-5860

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

<image005.jpg>

<image006.png><image007.png>

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From: [Ruth Durbin](#)
To: [Dock, Joel](#)
Cc: [Ethridge, Kyle](#)
Subject: 19-ZONE-0052 - opposed
Date: Tuesday, July 14, 2020 7:01:51 PM

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Hello:

Below are written comments for Planning Commission meeting 16JUL20.

I'm opposed to the zoning change due to concerns over:

1. damage to neighbors' homes - particularly foundations - due to construction. Per the LD&T meeting, residents have no option to address this until after damage has occurred. Considering the nature of the topography (limestone), past damage (Grinstead Apartments, water main break 2015) and age of homes and infrastructure, this seems needlessly risky.
2. Change to R-6 is not in keeping with neighborhood preference - per e-mail of 22JUN20, Crescent Hill was down-zoned to R-5 in 1986. I have seen no community-wide effort at changing that. Please respect neighborhood preference.
3. Lack of justification for this change. It appears the applicant can change the zoning because 1. he wants to; 2. a person with a mold allergy wants to live in Crescent Hill. How are these substantive justifications for a zoning change that is not what the neighborhood supports?

Also, please address written comments at the Planning Commission meeting.

Thank you,

Ruth Durbin
309 Franck Ave
Louisville, KY 40206

From: [James Duffy](#)
To: [Dock, Joel](#)
Subject: Letter in Support of Case Number 19-ZONE-0052
Date: Sunday, May 31, 2020 1:53:58 PM

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May 31, 2020

Dear Board of Zoning and Metro Council:

This letter is to affirm support for Ryan and Mallory Fagan's request to re-zone their lot to R-6 from R-5 and split the lot so that the Mack family can purchase the lot to develop a new single family home. As a resident I recognize the need for good infill development and there is a very small amount of land available to develop. We need to utilize these opportunities when possible and the proposed development compliments the traditional form of the neighborhood.

Rezoning will allow for the development of the underutilized lot on the backside of [308 Franck Avenue](#) into a great home for a great community.

I would love to see Ryan and Mallory continue to transform and invest in developing and bettering our community as a whole.

Sincerely,

James Duffy
[310 Franck Ave](#)

--

James Duffy
jlduff3@gmail.com
502.432.9355

From: [Leigh Cox](#)
To: [Dock, Joel](#)
Cc: kimrmc@gmail.com
Subject: FW: 19-ZONE-0052_LDT_NOTICE.pdf
Date: Friday, May 22, 2020 2:49:00 PM
Attachments: [19-ZONE-0052_LDT_NOTICE.pdf](#)

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Hi Joel,

I am getting back to you with questions on the date and time. Is there anyway we can move this to an evening appt since I will be at work at that time? Not everyone is savvy to internet meetings and I would want them to be a part of the discussion. Or push it back to a time when we can have a regular face to face meeting.

Kim, would you want to add to the questions for Joel?

Thank you

Leigh

Leigh Cox
Residential Sales
Willis Klein Showrooms
4041 Westport Rd
Louisville, KY 40207
502-639-6311 cell
502-899-2020 ext 122 office
lcox@willisklein.com

From: Leigh Brown <leighbrown57@gmail.com>
Sent: Tuesday, May 19, 2020 11:55 AM
To: Leigh Cox <lcox@willisklein.com>
Subject: 19-ZONE-0052_LDT_NOTICE.pdf

From: [Leigh Cox](#)
To: [Dock, Joel](#)
Subject: 19-ZONE-0052
Date: Tuesday, June 2, 2020 1:15:59 PM

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Hi Joel,

I have been talking with the neighborhood on the rezoning of the property next door. So I know at first Ryan had proposed a house for some couple with mold conditions. I also realize that if he gets that rezoned he could either put a duplex and have it as rental property, not sure how a house will fit on that lot. Are there any new plans on what he is proposing to build?

I have most of the neighbors that are opposing this from happening, it isn't going to benefit the area just Ryan's pocket. There will be some neighbors reaching out to you and some don't have access to a computer. I will be glad to help them in anyway possible. You did mention connection by phone as well on June 11th at 1. Does all the communication with everyone get documented? Emails, letters, etc?

Thanks again,

Leigh

Leigh Cox
Residential Sales
Willis Klein Showrooms
4041 Westport Rd
Louisville, KY 40207
502-639-6311 cell
502-899-2020 ext 122 office
lcox@willisklein.com

Dear Members of the Planning Commission,

Thank you for all the efforts you have made to guide Ryan and Mallory through this process. We thought in addition to the house plan, it would be helpful for you to know our motivation to build a home in Crescent Hill. When I was thirty-seven, I became suddenly ill with a complex series of neurological and cardiovascular symptoms. Unfortunately, I had this undiagnosed, disabling illness for three years before we learned that it was neurological Lyme disease. After intense treatment, I made significant progress, but not a recovery. My doctor determined that I have a gene which makes me highly susceptible to any toxins, but particularly mold. The undetected mold in our apartment was making me ill. In order to find healing, we had to get rid of everything exposed to the mold that couldn't be cleaned. At the same time, we tried to buy multiple homes in the area, only to discover that all had high mold levels. We finally found an apartment in Clifton which didn't have mold. Amazingly after 5 years of illness, treatment coupled with being in a mold free environment has brought to a place of stable health. After much research, we have determined the safest way to protect my health is to build a home following careful mold preventive measures.

We need to build a house, but we want to invest in the city of Louisville and the community in Crescent Hill. We love the history of this area and the sense of connectedness with people. Before Covid-19, I spent many hours with retired friends doing water aerobics at Mary T. They were so welcoming and helped me feel connected to the neighborhood. Dave and I are both committed to being helpers in the world. He works as a Data Scientist at Humana and uses those skills to support the medical clinics put on through Seed to Oaks in Shelby Park. I am not able to work full time yet, but I worked as a tutor with Langsford Learning Center and volunteer to teach at our church. In our free time, we love to spend time at the amazing parks nearby and hang out with friends. We want this to be our forever home and to building lasting relationships in this community.

We are aware of the concerns several people have about the construction of a home on South Galt. I know it is difficult to trust other people, but we would never compromise the safety or home of anyone. We have walked through each step of the building process with Palmer Cole of Bentley homes and he will be available to answer any questions you or the neighbors might have. We also plan to pay for foundation inspections to be performed for neighbors (S. Galt: 313, 317, 319; Franck: 306, 308, 310) prior to any construction. This will help ensure all parties have proper protection in place in the rare event that an issue should arise during construction.

In order to understand our neighbors' concerns more fully, we would like to request copies of the communication you received from them since under normal circumstance we would have been able to hear from them directly.

Thanks for considering this proposal.

Sincerely,

Dave and Beth Mack