

Dock, Joel

From: Dock, Joel
Sent: Monday, November 29, 2021 1:00 PM
To: Karen Maynard; Amy Talbott; William Johnston; Beth Roche; Shireen Deobhakta; Dottie Krause; Gary Lair
Cc: Davis, Brian
Subject: 21-ZONE-0021 4634 SOUTHCREST DRIVE REZONING HEARING

You are receiving this email because you expressed an interest in the subject case, 21-zone-0021. This case will not be heard at the December 2, 2021 hearing of the Planning Commission. Staff failed to post notice on the property in accordance with statute. **The case will be heard at the December 16, 2021 hearing of the Planning Commission.**

Joel P. Dock, AICP

Planning Coordinator
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>



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From: [Karen Maynard](#)
To: [Dock, Joel](#)
Subject: Rezoning application
Date: Tuesday, March 16, 2021 6:46:41 PM

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Hello, my name is Karen Maynard and I live at 4646 Southcrest Dr. I am writing to state that I am against any more rezoning of properties on our street, including the one at 4634 Southcrest Dr.

Thank you.

Karen

Sent from my iPhone

From: [Amy Talbott](#)
To: [Dock, Joel](#)
Subject: Rezoning case # 21-ZONE-0021
Date: Tuesday, March 16, 2021 5:29:43 PM

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Joel,

I am contacting you to express my opposition to the rezoning at 4634 Southcrest Drive. I live near this house, at 623 W. Woodlawn Ave., and do not support this property becoming a duplex.

Thank you for your attention to this matter.

Amy Talbott

From: [William Johnston](#)
To: [Dock, Joel](#)
Subject: Rezoning of 4634 Southcrest Drive
Date: Tuesday, March 16, 2021 10:35:46 PM

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Dear Mr. Dock,

I am writing to express my strong opposition to case # 21-ZONE-0021, filed by the owner of 4634 Southcrest Drive (Ms Aja Sherman) to rezone the existing residential single family dwelling to a two-family dwelling to allow for a duplex.

My wife and I have lived at 4636 Southcrest Drive for twenty five years and have raised three children, two of which still live with us. It was obvious to us that the higher standards of safety and lower crowding of single-family homes on this block were important when we moved here in 1996.

I urge you to disapprove the proposed rezoning.

Thank you for your continued service and support of our communities.

William R. Johnston - ("Butch")
butchj1960@gmail.com
502.533.5497

Affidavit of Knowledge

State of: Kentucky

County of: Jefferson County

I, Dorothy Krause (Affiant) personally appeared before the undersigned notary public, and under oath or affirmation make the following statements:

1. I am over the age of 18 and am a resident of the State of Kentucky. I have personal knowledge of the facts herein, and if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

Knowledge:

I have lived at 4624 Southcrest Dr. and know for a fact the single family home at 4634 Southcrest has been since then; only a single family home and never rented as a duplex during this time. For these years I personally knew the family that lived there and knew the family occupied the homes as a single home. For all these years it has only been occupied by the previous family as their home. The recent buyers knew when they purchased it was only a single family home and have reworked it as a duplex without proper zoning changes. It has always been zoned

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Single Family Residence.

Executed this 26th day of October, 2020.

Dorothy Krause
Signature of Affiant

Notary Acknowledgement

State of Kentucky
County of Jefferson

Joy C. McGrath

Signature of Notary Public

Notary

Title (and rank)

My Commission Expires: 08/05/2024



From: [Beth Roche](#)
To: [Dock, Joel](#)
Cc: [Gary Lair](#); [Butchie Baby](#)
Subject: 21-ZONE-0021 - 4634 Southcrest re-zoning request
Date: Tuesday, March 23, 2021 6:56:16 PM

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Mr Dock,

My family and I have lived at 4636 Southcrest Dr, directly next door to this property, since 1996. The fact that our direct next door neighbor was a single family home and not a duplex had a big impact on our choice to buy our home. During the following two and a half decades, 4634 Southcrest has been configured and used as a single family dwelling.

Ms Sherman purchased the property and reconfigured it as a duplex without going through the proper channels. She is a licensed realtor and owns other rental property and should be familiar with property zoning as well as the proper channels to go through to rezone a property. I do not believe her behavior and disregard for following the law and processes should be rewarded, especially considering her profession. Additionally, to grant her rezoning request after her actions encourages others to disregard laws and regulations that are in place.

Respectfully,
Elizabeth Roché

From: [Shireen Deobhakta](#)
To: [Dock, Joel](#)
Subject: 4634 Southcrest Drive - Opposition to Zoning Change (Case # 21-ZONE-0021)
Date: Monday, March 22, 2021 12:45:51 PM
Attachments: [LDT Presentation.pptx](#)

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Mr. Dock,

I am submitting this email and attachment as a resident of Southcrest Drive and as a member of the Beechmont Neighborhood Association. I am **opposed** to the zoning change from R5 to R5B for the property at 4634 Southcrest Drive (Case # 21-ZONE-0021).

I have attached a PowerPoint presentation outlining the reasons for opposition. In summary,

- City Zoning R5 and Precedent: All houses on both blocks of Southcrest Drive are zoned R5. The applicant's request for rezoning is not in compliance with the predominant community form (*Comprehensive Plan 2040, Section 2.3.1*).
- Applicant is not in conformance with Form District Regulations as stated in the *Land Development Code (Section 5.1.2)*.
- Existing infrastructure of the dwelling does not support use as a duplex and creates public health and safety concerns.
- Applicant's rents are a barrier to increasing affordable housing, which is a stated goal in the *Comprehensive Plan 2040 (Section 4.6 Housing, Goal 3, page 101)*.

Please make this a part of public record. I am also prepared to present the slide deck to the Planning Commission during the Planning Commission hearing. I appreciate this opportunity to provide feedback and am happy to answer any questions you may have. Can you also please confirm receipt of this email?

Thank you,

Dr. Shireen Deobhakta
4640 Southcrest Drive
502-836-0376

From: [Dottie Krause](#)
To: [Dock, Joel](#)
Subject: FW: Opposing zoning change on 4634 Southcrest Dr 21-ZONE-0021
Date: Wednesday, March 17, 2021 9:38:15 AM
Attachments: [IMG_0151.jpg](#)

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Mr. Dock:

As a resident also on Southcrest, I am submitting the following comments in support of my OPPOSING the zoning change to 4634 Southcrest Drive.

1. The purchaser of the property is an absentee landowner. She purchased the property as is and in the current zone of R5, which is residential single family home. The home was NOT built as a duplex, and she failed to prove that with an architectural or historical survey during the BOZA process and lied about that. I provided an affidavit, attached during that process as having full knowledge the house was NOT built as a duplex and was not when she purchased it. Additionally she was non-compliant with renovations, neighbors complained and hence she was cited. Then the BOZA denied 2 times. She never applied for a CPU in which case she'd have to comply with the conditions or be revoked, and obviously she doesn't want that. But this would give neighbors some power on enforcement. So that is a view into her real agenda.....
2. She purchased the property as a single family home and converted it into a duplex without the proper surveys, permits, etc. And it DOES not meet the codes for a duplex, i.e., not proper set back requirement all sides of the property, no firewall as articulated in current codes, etc.
3. Lack of knowledge of the codes, permits, laws etc. in the area DOES not constitute changing zoning for one property owner. There are 2 other properties on Southcrest; 4604 and 4624, that have SEPARATE dwelling units on them, built that way 100 years ago that are also zoned R5. So that is further evidence that 4634 is not zoned incorrectly.
4. The process requires a public hearing with residents of area that states the owners intentions. On Mar 4 her attorney attempted to conduct this. However, it did not provide the required information. He didn't know the case that well, could not answer the attendees questions and used an inaccurate map to do a comparison of other zoning in the area. He did not use the map of the Southcrest that are the official Metro maps. I felt the meeting was conducted as "bully" session to run over residents as we're going to just do this, and you can't stop us mode. The information he provided was inaccurate and deceitful. Lastly, the attorney took our contact info and claimed he'd provide us with information as the process moves forward. He has not done that. I've yet to receive any information from him. I've

found it by doing my own research.

5. Does the LCD even apply to existing structures, or new development? My concern is with the deceit in this case so far, is this even the correct Metro processes to use?
6. Lastly, my biggest concern with this rezoning change is that it sets a dangerous precedent of changing a residential 2 block street to a multifamily street, by developers buying when the zoning is single family home then developing out of codes and permits like she has, then changing the zone. This is unfair to other single family homes and their values, devalues the neighborhood if the landlord is not responsible, increases the costs of rents and not providing affordable housing for people because it's now a commercial rental area.

Please let me know if I can provide any further information. And how do I keep abreast of meetings, public hearings, etc. as this process moves forward?

Thanks for taking my concerns.

Dottie Krause
502-777-9720



444 S. 5th Street
Louisville, KY 40202

March 16, 2021

RE: 4634 Southcrest Drive

Dear Mr. Dock,

I am sending this letter on behalf of the Beechmont Neighborhood Association. We are formally *opposing* the rezoning request for the property at 4634 Southcrest Drive from R5 Single Family Residential to R5B Multifamily Residential. We are in support of our neighbors and request that the property ***remain zoned as R5 Single Family Residential.***

We are not opposed to multifamily housing or rental properties in Beechmont. We are opposing this zoning change request from R5 to R5B for the following reasons:

- All houses on Southcrest Drive are zoned R5. The applicant's request for rezoning is therefore not in compliance with the predominant community form.
- The applicant did not follow the proper procedures and processes as stated by the Comprehensive Plan 2040 and the Land Development Code. The applicant renovated the property into a duplex and rented it out as two separate units without going through the necessary compliance procedures.
- The existing infrastructure of the dwelling does not support use as a duplex due to the lack of a firewall between the two units as well as the lack of two separate utility lines. This creates public health and safety concerns.
- The applicant's rents serve as a barrier to creating affordable housing. While the average monthly potential rent for the nine adjacent properties is \$0.86 per square foot, the applicant is charging a monthly rent of \$1.07 per square foot. These numbers are based on preliminary analysis of potential rents collected from the real estate website Zillow where the rent estimates are listed as "zestimates." Please see the table below.



Rent per Square Foot Comparison*			
Property Address	Square Feet	Rent Zestimate	Rent/Sq Ft
4624	1440	1183	0.82
4628	1444	1395	0.97
4630	1008	1173	1.16
4632	1954	1595	0.82
4634	1594	1700	1.07
4636	1637	1400	0.86
4638	1129	1050	0.93
4640	1850	1550	0.84
4642	1642	1350	0.82
4644	2040	1100	0.54
Average rent per square foot NOT including 4634			0.86
*Analysis based upon Zestimates from Zillow			

In summary, there has been a lot of opposition to this rezoning request among the neighbors and as a neighborhood association, we want to formally support them in their endeavor to oppose the rezoning.

We appreciate this opportunity to share our comments with you regarding this property. We welcome any questions you may have.

Sincerely,

Don Pitts
President
Beechmont Neighborhood Association

4634 Southcrest Drive

Presentation Opposing Zoning Change

Presentation prepared for the Planning Commission
By Neighbors with support of the Beechmont Neighborhood Association
March 22, 2021



Summary

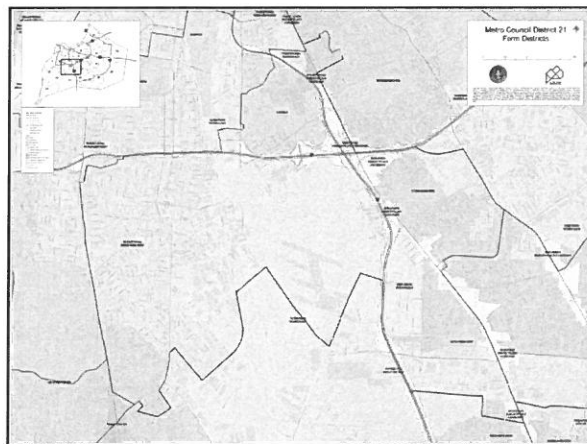
- **City Zoning R5 and Precedent:** All houses on both blocks of Southcrest Drive are zoned R5. The applicant's request for rezoning is not in compliance with the predominant community form (*Comprehensive Plan 2040, Section 2.3.1*).
- Applicant is **not in conformance** with Form District Regulations as stated in the Land Development Code (*Section 5.1.2*).
- Existing **infrastructure** of the dwelling does not support use as a duplex and creates **public health and safety concerns**.
- Applicant's rents are a barrier to increasing **affordable housing**, which is a stated goal in the Comprehensive Plan 2040 (*Section 4.6 Housing, Goal 3, page 101*).

R5 Zoning & Precedence

All houses on Southcrest Drive (length of two blocks: 4500 and 4600) are zoned R5.

Comprehensive Plan 2040 (page 41):

- 2.3. Zoning map amendments for property not located in or near a Form District may be evaluated by identifying the following:
- 2.3.1. any predominant community form in the vicinity of the proposed development;



Source: LOJIC Maps, Metro Council District 21 Form Districts, and zoom-in map for Southcrest Drive



R5 Zoning & Precedence

All houses on Southcrest Drive (length of two blocks: 4500 and 4600) are zoned R5.

Comprehensive Plan 2040 (Page 41):

- 2.3. Zoning map amendments for property not located in or near a Form District may be evaluated by identifying the following:
- 2.3.1. any predominant community form in the vicinity of the proposed development;



Source: LOJIC Maps, zoom-in map for 4500 and 4600 Blocks of Southcrest Drive

Non-Conformance with Form District Regulations

- Applicant has not followed Section 5.1.2 of the Land Development Code:
 - *“Prior to the issuance of any building or site construction permit, a determination of conformance with these regulations shall be made by the appropriate Planning or Building Official. The form district regulations shall apply only to new construction and development, including expansions.” (LDC 5.1.2)*
- Applicant knowingly made renovations to the property to convert it from a single family to a duplex without consultation from Planning and Design or Code Enforcement.

Public Health and Safety

- The **infrastructure** of the dwelling does not support use as a duplex.
- Applicant is not in compliance with the **fire codes** as articulated both by the Department of Public Health and Planning & Design. Both codes require the presence of a **“firewall”** between the 2 units.
- The requirement of **“firewall”** is roof to subterrain foundation with no openings in the wall to either side. This would include any utilities, which means there would need to be **separate utility lines** for the 2 units.

COMMUNITY FORM

GOAL 2 Encourage sustainable growth and density around mixed-use centers and corridors

Objectives

- a. Centers and corridors, both existing and emerging, are promoted for investment
- b. Diverse land uses are encouraged to promote quality of place and walkability in all neighborhoods
- c. Higher density development is incentivized around appropriate infrastructure
- d. Safe mobility options strengthen connectivity around centers and corridors



Inequity in Housing

- We want to be clear that we do not oppose rental units in the Beechmont neighborhood.
- We conducted preliminary analysis of the *potential rents* for 9 adjacent properties on the same side of Southcrest Drive using the real estate website Zillow, and rent estimates provided on the website, listed as “zestimates.”
- **The average monthly potential rent for the 9 adjacent properties on Southcrest Drive is \$0.86 per square foot.**
- **The applicant’s tenants pay monthly rent of \$1.07 per square foot, thereby decreasing equitable housing opportunities.**

Rent per Square Foot Comparison*			
Property Address	Square Feet	Rent Zestimate	Rent/Sq Ft
4624	1440	1183	0.82
4628	1444	1395	0.97
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4642	1642	1350	0.82
4644	2040	1100	0.54
Average rent per square foot NOT including 4634			0.86

*Analysis based upon Zestimates from Zillow

Introduction

Housing is a necessity of life. The Housing plan element strives to enhance housing opportunities for all citizens of Louisville Metro. Promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The Housing plan element guides fair and affordable housing practices by promoting affordable housing programs and formalizing policies that ensure the inclusion of affordable housing when financial incentives are given to housing developments. This plan element also promotes flexibility and housing programs for vacant lots and areas that were formerly redlined.

The Housing plan element contains three overarching goals, supported by a series of objectives and action-oriented policies to frame this community’s vision for housing.

GOAL 1 Expand and ensure a diverse range of housing choices.

GOAL 2 Facilitate the development of connected, mixed-use neighborhoods.

GOAL 3 Ensure long-term affordability and livable options in all neighborhoods.

in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.

5. Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches)

Programmatic

6. Incentivize the development of fair, affordable and accessible housing. Such incentives may include but not be limited to density bonuses for projects that include low/moderate income housing, waiving local fees as appropriate, and encouraging mixed-use projects that include...

7. Provide incentives that allow for smaller lot sizes in single family residential Zoning Districts to increase opportunity and limit the burdens associated with housing costs.

9. Perform and update a county-wide housing needs assessment to evaluate current housing conditions and markets.

10. Support programs that assist homeowners with housing costs such as mortgage and home improvement loans in formerly redlined neighborhoods, according to “Redlining Louisville.”

11. Encourage neighborhood and community groups to provide resources to repair, maintain, improve and reuse distressed property in their communities.

Lack of Civic Engagement

- Applicant purchased property in Summer/Fall 2019
- Applicant has been through 2 hearings in front of the Board of Zoning and Adjustment, both of which were denied.
- Applicant has had 1 neighborhood meeting on March 4, 2021 since having acquired the property 1.5 years ago; this was a mandatory meeting per planning commission guidelines.
- There has been no civic engagement or collaboration.

LIVABILITY

GOAL 2 Ensure equitable health and safety outcomes for all

Objectives

- a. Neighborhoods have access to the resources necessary to maintain health and well-being, including healthy food, medical services and recreational opportunities.
- b. All neighborhoods are provided equal environmental protection.
- c. Community engagement ensures that citizens have the opportunity to be involved in efforts to create safe and healthy neighborhoods.
- d. Efforts to keep neighborhoods clean and livable including litter removal, graffiti abatement, property maintenance enforcement and other similar programs are enhanced.



Policies

Programmatic

1. Develop procedures and standards for continually engaging and including traditionally disenfranchised communities and individuals (the youth, elderly, people with low incomes or with disabilities, etc.) in the planning and development process.
2. Encourage collaboration between government agencies, neighborhood associations, faith-based organizations, the Jefferson County League of Cities and its member cities, as well as other city/community organizations to improve accessible communication about the availability of resources and the planning and development process.
3. Provide accessible resources and information for disabled residents and new foreign-born residents including interpretive services.
4. Improve civic engagement processes that ensure that new developments and policies are brought into a neighborhood, so that residents have an opportunity to understand how these changes will impact their health and safety.

Neighborhood Opposition to Zoning Change from R5 to R5B

I am signing this petition in response to the potential change in zoning for the property at 4634 Southcrest Drive (Case Number: 20-APPEAL-0006).
 I do not support a zoning change from R5 Residential Single Family Dwelling to a Duplex.

Name (Please Print)	Signature	Address	Email	Phone
Jane Maynard		4646 Southeast	Karen.young@me.com	502 664 7345
Anita Russell		4625 Southeast		502 3677268
Robert Korten		4616 Southant		502-542-0444
Dana Whitman		4612 Southcrest	coffeebean255@comcast.net	502-262-4877
DAVID NEILL		4610 Southeast	NEIUS4@Frontier.com	302 531 8191

I am signing this petition in response to the potential change in zoning for the property at 4634 Southcrest Drive (Case Number: 20-APPEAL-0006).
 I do not support a zoning change from R5 Residential Single Family Dwelling to a Duplex.

Name (Please Print)	Signature	Address	Email	Phone
Allison O'Loughlin		4611 Southcrest Dr	ACmonk02@gmail.com	502 839-8371
Lisa Fleck		4613 Southeast Dr	Lfleck@bellsouth.net	502 609-1752
Lisa Cain		4609 Southeast Dr	lisa.cain@k9schools.us	502 363-6463
Alice Dawson		4607 Southeast Dr	indy-girl@yahoo.com	502-375-0102
Yani Vazos		4606 Southcrest Dr	yani.vazos@gmail.com	(502)291-6046
Daren Stallop		4605 Southcrest Dr	Missy.Stallop@gmail.com	326-9322

Neighborhood Opposition to Zoning Change from R5 to R5B

NAME - PRINT PLEASE	SIGNATURE	ADDRESS	PHONE	ZONING CHANGE	
				NO	YES
TOM SHAYWICKS	<i>Tom Shaywicks</i>	4642 Southeast	551-4161	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Math Dickman	<i>Math Dickman</i>	4635 Southeast	821-4825	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GARY VARE	<i>Gary Vare</i>	4152 SOUTHWEST DR.	816-2340	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Lars	<i>Jesse Lars</i>	4632 Southeast	719-2340	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donnett Bazz	<i>Donnett Bazz</i>	4631 Southcrest Dr.	689-0468	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Earl Bazz	<i>Earl Bazz</i>	4631 Southcrest Dr.	648-5595	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Niket	<i>Jennifer Niket</i>	4634 Southeast	301-0413	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis TRUSCHKE	<i>Dennis Truschke</i>	4639 SOUTHCREST	415 0062	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jessica Kruckman	<i>Jessica Kruckman</i>	4644 Southcrest	500-9133	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karen Maynard	<i>Karen Maynard</i>	4646 Southeast	435-3026	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Maynard	<i>Jon Maynard</i>	4646 Southeast	435-3026 435-1511	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SHIREEN DEEBHAKTA	<i>Shireen Deebhakta</i>	4640 SOUTHCREST DR	836-0376	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rita Rose	<i>Rita Rose</i>	4635 Southeast Dr	303-2755	<input checked="" type="checkbox"/>	<input type="checkbox"/>