

600 ft Buffer

18CUP1174

16CUP1043

19CUP1096





KRS 100.237

(6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected within any county containing a city of the first class or a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

(7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:

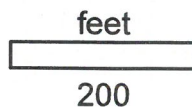
- (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
- (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

Legend

-  Buffer
-  Subject Site
-  Approved
-  Pending



Pre-App Map  
Case # 18CUP1173



Reference: 18 CUP 1173 775 Goullon Court, Louisville, Ky. 40204  
 18 CUP 1174 772 Goullon Court, Louisville, Ky. 40204

On May 8, 2019, I was requested to provide a reasons for why the above properties are entitled to a waiver/variance of the new Short Term Rental ordinance. First, the retroactive application of the new ordinance to an existing case is unconstitutional. Second, the 600 foot radius requirement under the new ordinances is also unconstitutional. Lastly, I have attempted to comply with the request despite my position the prior law dictates my property and CUP.

Below is a timeline of events relevant to my position.

**Time Line:**

11/29/18	Pre-application submitted for 18 CUP 1173 and 18 CUP 1174	Payment of \$300.00 cleared the bank on 11/30/2018
02/18/19	Neighborhood meeting	No Attendees, No Opposition
02/28/19	Formal application submitted for for 18CUP1173 and 18CUP1174.	Payment of \$551.00 by credit card posted on March 1, 2019. At this time there was nothing more I needed to do.
03/19/19	I reached out to Mr Crumbie asking what the next step was in the process to obtain the CUP	
04/30/19	I received an email notifying me that my cards were ready to be picked up and mailed. And to also to be thinking of reasons why relief from the 600 foot rule would be appropriate.	
05/10/19	I had a conference call with Joe Haberman, Chris French and Jon Crumbie.	During the call I was asked to come up with reasons why I should have relief from the 600 foot rule since there is another CUP within 600 feet and I am requesting 2 CUPs within 600 feet of each other. I was told I need to submit them on Monday May 13.

As you can see from the timeline above, I complied with all requirements prior to the new law coming into effect. The retroactive application is more egregious when you look at the timelines of other CUPs filed at or near the same time which have had their BOZA Hearings prior to enactment of the new law.

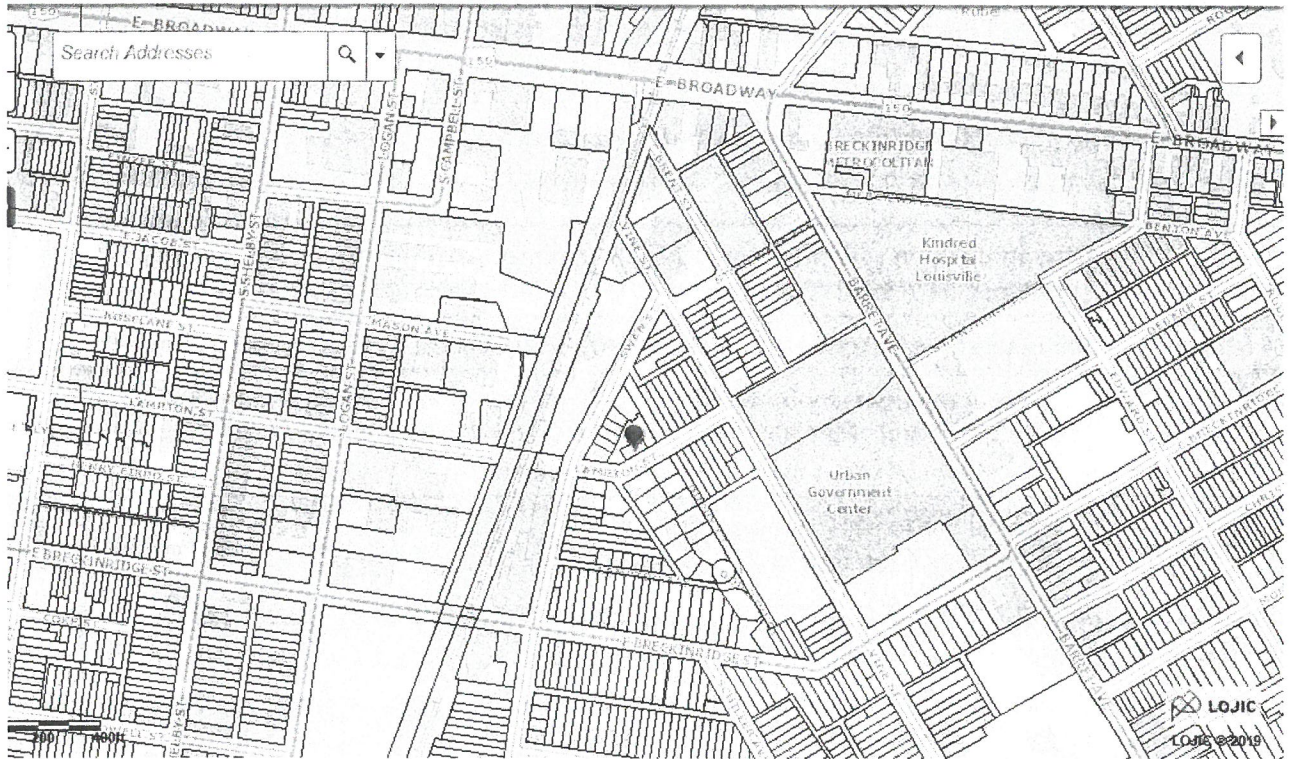
Example 1: My Formal Application filed before: 1036 Garvin Place. Formal Application March 4, 2019. BOZA Date: MAY 6, 2019

Example 2: 912 Vine St. Formal Application February 26, 2019. BOZA Date: MAY 6, 2019

Example 3: 939 E Washington St. Formal Application February 26, 2019. BOZA Date: MAY 6, 2019

As for the reasons apart from the retroactive application of the law, see below:

1. My CUP will not be changing the character of this transitional neighborhood. As depicted in the following diagram which shows a quarter mile span, it is surrounded by commercial, industrial and residential zones.



- Jefferson Zoning-General**
- Commercial/Industrial
- Industrial Only
- Business/Office
- Residential
- Special

2. The surrounding area is replete with rental properties. Whether the properties are long term or short term, the character of the neighborhood does not change. It is still rental property.
3. The Short Term Rental within 600 feet is on a different roadway. It is on Breckenridge Street. There is a minimum of 15 lots between the properties. We do not share any 1<sup>st</sup> or 2<sup>nd</sup> tier neighbors.
4. There were no complaints about a Short Term Rental proposal by any of the neighbors.

5-775 Letter

## Letter of Explanation

**775 Goullon Ct**, is a single family home located in Paristown Point. The owner of the house, James Wallace is also the short term rental host and will perform all required duties of a host as written in 115.520.

The house is 1302 sq ft, has three (3) bedrooms and two and a half (2.5) bathrooms. Occupancy is eight (8) people. There is ample parking on the street.

See attached pictures and floor plans.



RECEIVED  
FEB 28 2019  
PLANNING &  
DESIGN SERVICES

18cup1113

## Neighborhood Meeting Notification Letter

January 31, 2019

To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for 4<sup>th</sup> district,

Home owner James Wallace plans to submit a development proposal to request a conditional use permit for 775 Goullon Ct. Louisville, Ky. 40204. The proposal is to request a conditional use permit for short term rentals.

In accordance with the procedures of Louisville Metro Planning and Design Services, we would like to invite you to discuss the proposal before we file the application. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with host James Wallace. This meeting will be held in addition to the established public meeting procedures of The Board of Zoning Adjustment.

The meeting will be held on:

Monday February 18, 2019  
Starbucks  
972 Baxter Ave  
Louisville, Ky. 40204  
6:00 PM

At this meeting, I will explain the proposal and then discuss any concerns you may have.

Thank you so much,

James

RECEIVED  
FEB 28 2019  
PLANNING &  
DESIGN SERVICES

180041173



**Neighborhood Meeting Minutes  
775 Goullon Ct.**

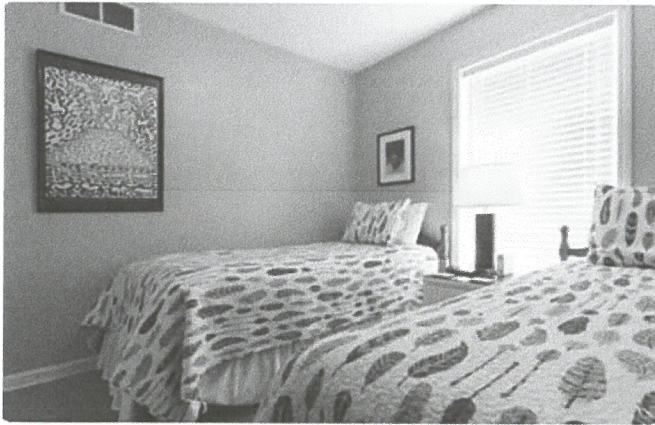
Host James Wallace invited 1<sup>st</sup> and 2<sup>nd</sup> tier adjoining property owners, Neighborhood Group/Representatives expressing interest in this area and Metro Councilperson for 4<sup>th</sup> district to review plans for a short term rental conditional use permit for 775 Goullon Ct. Louisville, Ky. 40204.

The meeting was held on Monday February 18, 2019, 6:00 pm at Starbucks, 972 Baxter Ave. Notices were mailed out to 24 neighbors. Not one of the neighbors attended. There was no opposition to the proposed permit.

RECEIVED  
FEB 28 2019  
PLANNING &  
DESIGN SERVICES

18CUP1173





RECEIVED  
FEB 28 2019  
PLANNING &  
DESIGN SERVICES

18cupw13





RECEIVED  
FEB 28 2014  
PLANNING &  
DESIGN SERVICES

18CUP113