

Hand Delivered

March 29, 2018

Jon Crumbie, Case Manager
Planning & Design Services
Department of Develop Louisville
444 S. Fifth Street, Suite 300
Louisville, KY 40202

RE: 17CUP1113 Short Term Rental Conditional Use Permit Application for 1267 Willow Avenue

Mr. Crumbie –

We – Keith Duncan and Jen Schultz – are the owners of 1248 Bassett Avenue, 40204. Our property is across the alley from 1267 Willow Avenue.

After meeting the property owner, Robert Woehrle, for the first time at the Neighborhood Meeting held at 7:30 PM on February 14, 2018 (the evening of Valentine’s Day) and witnessing his inability to clearly answer his neighbors’ questions about how long the property has been used for short term rentals, how many bedrooms are located in the main residence and carriage house, and whether he was aware of current neighborhood concerns about his short term rentals. Mr. Woehrle instead deflected the questions for nearly two (2) hours by talking about irrelevant matters and speaking in a circular fashion without providing solutions for dealing with our concerns about the operation of his short term rental catering to large groups. For these reasons and his ongoing Louisville Metro short term rental violations, we are not supportive of his application for a Short Term Rental Conditional Use Permit (CUP) for 1267 Willow Avenue.

We have owned our home since 2014. Our property underwent a substantial renovation between mid-2016 and mid-2017, including the addition of a screen porch on the back of our house. During this remodel, we met many of our neighbors so they knew what we were doing at the house and to provide our contact information if there were any construction issues or concerns (e.g., noise). Despite this ongoing construction, Mr. Woehrle demonstrated at the Neighborhood Meeting that he did not know who we are or where we lived.

Our neighborhood is not a business district, nor is this section of Willow Avenue abutting a business district. Mr. Woehrle and his host, Carolyn Wolf, are not present at the property. (Ms. Wolf stated that she was not the property manager but Mr. Woehrle’s assistant at the Neighborhood Meeting.) Instead, they operate the “hotel” from a distance by email, text, and

phone before renting to guests. No one meets the guests at the property (keyless entry) and no one supervises the guests while they are on property.

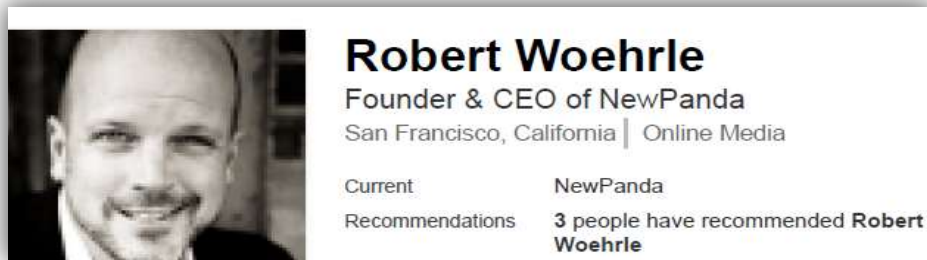
Interaction with guests

The place is yours and I respect your privacy first and foremost. It's possible that I will be out of town and that there may be no other guests, but not a guarantee. :) Regardless, I'm always a phone call away for tips, inside advice - and you'll also have the phone numbers for our "power team" for anything you need from our housekeeper and handy-guy house expert.

Despite being a main residence on a residential street and a carriage house on an alley in a residential neighborhood, Mr. Woehrle actively operated a non-supervised "hotel." This hotel, which is meant to accommodate large groups (between the 2 structures on the property, a **total of 20 to 22 guests** could reside short term on the property based on number of bedrooms), disturbs our residential neighborhood with excessive numbers of parked cars, tour buses picking up and dropping off the large groups, loud noise from impromptu gatherings on the front porch or in the alley, and drunkenness.

Our reasons for not supporting this CUP are as follows:

1. Mr. Woehrle does not reside in the Cherokee Triangle nor in the state. As of February 15, 2018, Mr. Woehrle's LinkedIn and Facebook postings who he resides in San Francisco, California:



Robert Woehrle
Founder & CEO of NewPanda
San Francisco, California | Online Media

Current	NewPanda
Recommendations	3 people have recommended Robert Woehrle

About Robert Woehrle

WORK

 **NewPanda**
Founder · San Francisco, California

CURRENT CITY AND HOMETOWN

 **San Francisco, California**
Current city

 **Louisville, Kentucky**
Hometown

The Willow Avenue neighbors have witnessed for years that Mr. Woehrle does not reside at the property even though he claimed the “Existing Use” in his Application as “residence”:

Proposed Use: Short-term rental Existing Use: residence
 Existing Zoning District: R5B Existing Form District: Traditional neighborhood
 Deed Book(s) / Page Numbers²: 6729 / 950
 The subject property contains .1714 acres. Number of Adjoining Property Owners: 20

2. Ms. Wolf, the host, also does not reside in the Cherokee Triangle. In addition, during the Neighborhood Meeting when neighbors asked her if she ever drove down the alley to make sure that the renters were not parking illegally along the alley, she informed us she never drives down the alley. This statement clearly shows Ms. Wolf is not paying attention to property management concerns when she stops by Mr. Woehrle’s property.
3. The minutes from the February 14, 2018 Neighborhood Meeting are not a factual representation of what occurred at the meeting. Enclosed is a recording of the meeting.

There were 22 neighbors that attended the meeting:

Bearden, Maureen	1291 Everett Ave. 40204
Cockerham, Clayton	1216 Cherokee Rd. 40204
Dowdell, Dave	1012 Everett Ave. 40204
Duncan, Keith	1284 Bassett Ave. 40204
Flege, Ed	2322 Glenmary Ave. 40204

Flege, Mary Kay	2322 Glenmary Ave. 40204
Gibson, Jim	1476 Cherokee Rd. 40204
Gregg, Ron	1289 Everett Ave. 40204
Holden, Mary	1260 Willow Ave. 40204
Holz, Tim	1044 Everett Ave. 40204
Karl, Kevin	1275 Willow Ave. 40204
Kirven, Bev	1263 Willow Ave. 40204
Kirven, Diane	1277 Willow Ave. 40204
Kirven, Jaime	1263 Willow Ave. 40204
Kirven, Pete	1277 Willow Ave. 40204
Lisherness, John	1269 Willow Ave. 40204
Lyndrup, Lynne	1272 Bassett Ave. 40204
McCall, Maureen	1289 Everett Ave. 40204
Morris, Gail	1314 Everett Ave. 40204
Quirk, Christopher	175 Willow Ave. 40204
Schultz, Jennifer	1284 Bassett Ave. 40204
Webb, Barbara	1268 Willow Ave. 40204

Some of the key misrepresentations from the meeting notes is that Mr. Woehrle continued to inform the 22 neighbors in attendance to call or email him and/or Ms. Wolf if there are any concerns. At no time during the meeting did Mr. Woehrle or Ms. Wolf provide their contact information. Instead of providing any kind of on-site management, when problems or issues arise, the neighbors contact Louisville Metro’s Code Enforcement and Louisville Metro Police Department for property and guest management.

Also, Mr. Woehrle did not include that he continued to rent the main residence in December 2017 as a short term rental after admitting that he received the notice to cease renting from Louisville Metro.

Finally, Mr. Woehrle appeared completely unprepared for the Neighborhood Meeting with no documentation to show or no talking points to discuss meeting attendees about his procedures and policies for running the short term rentals. These “alleged” procedures and policies were only shared as part of his CUP application (see page 6) submitted to Louisville Metro on February 26, 2018 (see Appendix A).

Mr. Woehrle’s Ongoing Violations of the Land Development Code

1. Violation #1 of Land Development Code – Operating Unregistered Short Term Rental

According to Louisville/Jefferson County Metro Government Code of Ordinances § 115.516 – Annual Registration Required, “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.”

We learned about the property not being used as a residence after purchasing our home in July 2014. Turns out, according to Mr. Woehrle's Airbnb listing, he has been renting the property since 2014:

Hosted by Bob

Louisville, Kentucky, United States · Joined in April 2014

★ 117 Reviews Verified

Hi there! I'm a house/all-things-design lover with an occasional bout of electronics/amazon addictive behavior. Love making sure I've played with the latest home audio, automation, lighting, A/V ... basically anything that can be controlled via my iPhone, iPad or Mac. I'm a...Read more

Languages: English

Response rate: 100%

Response time: within a few hours



/users/show

Even though 2 structures are operated as short term rentals, Mr. Woehrle's 1267 Willow Avenue property is not listed on Metro's March 6, 2018 "Registered Short Term Rental Inventory." There is no record that this property has been registered since the ordinance became effective on August 1, 2016. Yet, Mr. Woehrle was put on notice multiple times by Louisville Metro:

- On August 9, 2016, Louisville Metro mailed a "**Courtesy Notice – Short Term Rental**" advising Mr. Woehrle about the short term rental changes effective August 1, 2016.
- On May 2, 2017, Louisville Metro mailed a "**NOTICE OF VIOLATION AND ORDER TO REMEDY**" to "cease immediately using this property for short term rentals" for the carriage house.
- On August 24, 2017, Louisville Metro mailed a "**NOTICE OF SECOND VIOLATION AND ORDER TO REMEDY**" advising Mr. Woehrle to "cease immediately using this property for short term rentals" for both the main residence and the carriage house.
- On February 6, 2018, Louisville Metro mailed its latest "**NOTICE OF VIOLATION CITATION – 2nd OFFENSE**" to Mr. Woehrle informing him to "IMMEDIATELY CEASE AND DESIST using this property for short term rentals."

In addition to being mailed these repeated Notices, Mr. Woehrle took initial steps to comply with the short term rental requirements with the submission of his Short Term Rental Conditional Use Permit Pre-Application (17CUP1002) that he signed on or about January 12, 2017. This Pre-Application was later withdrawn. Yet, the property was still not registered as a short term rental with Louisville Metro.

At the Neighborhood Meeting held on November 14, 2017, Mr. Woehrle's "Minutes from Neighborhood Meeting" confirmed that he has been operating short term rentals at the property since 2014:

Some guest wanted to know Bob's perspective, how long short-term and long-term rentals have been going on.

Carolyn Wolf replied with, the short-term rentals had been going on since she started working for Bob in the fall of 2014 and Bob agreed with that statement to the best of his recollection.

Therefore, despite his knowledge about the short term rental requirements, Mr. Woehrle willfully did not comply with them for the last 18 months. During this time, he continued operating short term rentals, did not register his property as a short term rental, and did not pay to Louisville Metro the annual registration fee.

2. **Violation #2 of Land Development Code – Operating Short Term Rental without CUP**

The first paragraph of 4.2.63 states: "A short term rental of 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 or 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."

Despite this requirement for a CUP for Mr. Woehrle to operate a short term rental from 1267 Willow Avenue, he began renting short term in 2014.

The requirement to have a CUP was made known to Mr. Woehrle in August 2016 by Louisville Metro. Nevertheless, based on his own admissions at the Neighborhood Meeting, Mr. Woehrle continued to operate short term rentals on the property through December 2017 in violation of the code.

3. **Violation #3 of Land Development Code – Continuing to Rent Short Term without CUP**

In the "Notice of Violation" dated May 2, 2017 and "Notice of Second Violation" dated August 24, 2017, Mr. Woehrle was notified by Louisville Metro to "cease immediately using this property for short term rentals" for both the main residence and the carriage house.

Despite the notice, Mr. Woehrle admitted during the February 14, 2018 Neighborhood Meeting that he did rent the main residence in December 2017, which is corroborated by Zeek's review dated December 2017 posted on Airbnb:



Zeek

December 2017



Group of 8 of us stayed in this home for a few nights in December. Loved the small details (sensor-activated lighting, Sonos for music throughout the home). Very close to Bardstown Rd and its hole-in-the-wall bars. Not far from downtown and its museums/restaurants. Comfortable stay, recommend for large groups.

4. Violation #4 of Land Development Code – Number of Bedrooms

Paragraph C of 4.2.63 states: “At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.”

On March 1, 2018, Mr. Woehrle posted on Airbnb the following:

ENTIRE HOUSE

(/s/Louisville--KY)

Perfect Location + Charm + UltraHip

Louisville



Bob

12 guests 4 bedrooms 6 beds 4 baths

In February 2017, however, between the main residence and the carriage house, Mr. Woehrle claimed on Airbnb that the property could accommodate more than 16 guests:

The space

Accommodates: **16+** (/s/louisville--ky)

Bathrooms: **5**

Bedrooms: **6**

Beds: **16**

House Rules

Check In: **Anytime after 4PM**

Check Out: **10AM**

Property type: **House** (/s/Louisville--KY)

Room type: **Entire home/apt**

Prices

Extra people: **\$25 / night after 14 guests**

Cleaning Fee: **\$300**

Security Deposit: **\$2500**

Weekly Discount: **30%**

Monthly Discount: (/s/Louisville--KY?sublets=monthly) **60%**

Cancellation: **Strict**

(/home/cancellation_policies#strict)

Weekend Price: **\$895 / night**

Layout of sleeping arrangements: This is helpful to know so your group can plan on a place to lay your heads! Starting on the top floor of the Main House(3rd floor), private Master Suite. There is a King size bed, full bath with steam shower and plenty of room for extra accommodations such as a pack-n-play, two cots or just room to relax. On the second floor there is a laundry room, full bath, 1 private bed room with a queen size bed and a second bedroom with 2 queen size sleeper sofas with memory foam tops. The first floor boast the Living Room, Piano Room, large eat-in Kitchen and a Full Bath. The basement has a dry sauna, full bath and one large room with a Queen size bed and a futon that converts to a Queen size sleeper sofa.

Now for the Carriage House! There is a room on the first level that has a queen size bunk bed with pull out trundle bed (3 beds total) with all new memory foam mattresses. (This room also has a washer/dryer). On the second level you will enjoy a full kitchen, balcony, large Living Room, private bedroom and full bath.

At the Neighborhood Meeting on February 14, 2018, Mr. Woehrle stated there were five (5) bedrooms in the main residence. For the carriage house, according to Mr. Woehrle's Airbnb posting, there are an additional 2 bedrooms in the carriage house. Therefore, according to the short term rental code, Mr. Woehrle is able to accommodate between 12 to 14 guests [depending on there being four (4) or 5 bedrooms] in the main residence and 8 guests in the carriage house. **Between the 2 structures, a total of 20 to 22 quests could reside short term on the property.**

With Mr. Woehrle advertising 16+ guests for the main residence in his Airbnb posting, he is in violation of the code by advertising the ability the provide accommodations for more than 12 to 14 guests.

5. Violation #5 of Land Development Code – Parking

Paragraph G of 4.2.63 states: "There shall be a sufficient amount of parking available for the host and guests."

There is not a sufficient amount of parking available for the short term rental guests at 1267 Willow Avenue. Currently, there is only parallel parking available on the public street in front of the main residence and 2 parking spots for parallel parking along the alley beside the carriage house. The alley parking does not appear to meet code requirements and dimensions for parking. The following pictures show the parking available behind the carriage house:



Parking in the garage does not appear to be allowed by Mr. Woehrle for the guests, including those renting for more than 29 days. This is the current renters' vehicles.

Moreover, the alley parking location does not afford access to the main residence as there is no path within the property for guests to walk between the main residence and carriage house, which we learned from Mr. Woehrle at the February 14, 2018 Neighborhood Meeting. Instead, guests must walk the alley behind several houses then turn on the cross alley then turn on the sidewalk in front of those same several houses to reach the main residence from the carriage house.

With the main residence and carriage house able to accommodate 20 to 22 guests, there is insufficient parking available for this property.

6. **Violation #6 of Land Development Code – Food**

Paragraph E of 4.2.63 states: “Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.”

According to Mr. Woehrle’s posting on Airbnb (viewed on March 1, 2018), “...and always a welcome basket complete with Kentucky treats.”

Guest access

It's all yours ... this listing includes full, private access to the home, gorgeous views from every window; expansive back deck with grill, sectional and fire pit; rockers and swing on the front porch; all the high-tech you could ask for, including a Sonos music system, high-tech-thermostat and climate control, HD Smart TVs; cool art; lots of space, one roaring wood-burning fireplace, two more traditional Victorian versions; and always a welcome basket complete with Kentucky treats. Be sure to check out all the pics and details for each.

Mr. Woehrle actively advertises that he provides food to guests, which is another code violation.

7. **Violation #7 of Land Development Code – Number of Bathrooms**

Paragraph H of 4.2.63 states: “The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.”

Section 318.134 of Kentucky State Plumbing Law, Regulations and Code Book (Revised 2-28-2017) states: “**Installation – Requisites – Fees.** (1) No person, firm, or corporation shall: (a) Construct, install, or alter, or cause to be constructed, installed, or altered, any plumbing without first having procured a plumbing installation permit therefor from the department . . .”

According to the Jefferson County PVA on March 26, 2018, there are 3 full baths listed for main residence. Yet, Mr. Woehrle advertises that there are 4 full baths.

ENTIRE HOUSE
(s/Louisville--KY)

Perfect Location + Charm + UltraHip

Louisville



Bob

12 guests 4 bedrooms 6 beds 4 baths

This bath discrepancy should be investigated as a failure to properly permit the 4th bath in the main residence, which is yet another potential violation of the Land Development Code.

8. Violation #8 of Land Development Code – Access from Bedrooms

Paragraph H of 4.2.63 states: “The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.”

According to Section 156.005(E) of the Property Maintenance Code defines a “bedroom” as “[a]ny room or space used or intended to be used for sleeping purposes.” Egress from bedrooms is addressed in Section 156.05(H): “*Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not-serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.”

Moreover, R310.1 of the 2013 Kentucky Residential Code (Third Edition, June 22, 2016) stipulates:

Emergency escape and rescue. Every sleeping room shall have at least one operable emergency and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) measured from the finished floor to the bottom of the clear opening. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening an is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance

with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

According to Mr. Woehrle during the Neighborhood Meeting and on Airbnb, a total of 5 bedrooms exist in the main residence at 1267 Willow Avenue.

Layout of sleeping arrangements: This is helpful to know so your group can plan on a place to lay your heads! Starting on the top floor of the Main House(3rd floor), private Master Suite. There is a King size bed, full bath with steam shower and plenty of room for extra accommodations such as a pack-n-play, two cots or just room to relax. On the second floor there is a laundry room, full bath, 1 private bed room with a queen size bed and a second bedroom with 2 queen size sleeper sofas with memory foam tops. The first floor boast the Living Room, Piano Room, large eat-in Kitchen and a Full Bath. The basement has a dry sauna, full bath and one large room with a Queen size bed and a futon that converts to a Queen size sleeper sofa.

Besides the bedrooms on the first, second, and third floors of the main residence that Mr. Woehrle claims in his Airbnb posting, he is also providing additional sleeping areas in the basement – “a Queen size bed and a futon that converts to a Queen size sleeper sofa.” With the presence of a queen bed and futon queen sleeper sofa in this one basement area, Mr. Woehrle intends for this space to be used for sleeping purposes. This intent to use the basement for sleeping purposes appears to violate Kentucky Resident Code for means of emergency escape and rescue.

Conclusion

In short, the reason to deny Mr. Woehrle's request for a CUP to continue to run his short term rentals are that it does not fit with the general character of the Cherokee Triangle given the volume of renters he is attempting to pack into the 2 structures, the large volume of parking that is needed to accommodate up to 20 to 22 guests with no on premises parking, the need to always leave the lights on for the front porch (sting lights, not a front porch light) and near the alley entrance as guests arrive and come and go at all hours, and the ongoing noise problems experienced by the neighbors.

For all the reasons stated above, including the repeated violations, we implore the members of BOZA to deny Mr. Woehrle's CUP application for 1267 Willow Avenue as the proposed conditional use will adversely affect our and our neighbors' use of surrounding properties, unreasonably interfere with the use and enjoyment of these properties, and does not fit with the character of the Cherokee Triangle neighborhood.

Thank you.

Sincerely,

Keith Duncan & Jennifer Schultz
1248 Bassett Avenue.
Louisville, KY 40204
502-384-6388

Enclosure: CD (recording of February 14, 2018 Neighborhood Meeting)

APPENDIX A – Page 6 of 17CUP1113 Short Term Rental CUP Application

TO WHOM DO WE RENT?

The home is only rented out as a whole, no single room rentals. At a rate of \$695 per night during the week and \$895 on the weekend evenings for the main home, we strive to attract high-end travelers. We do not and will not accept bachelor/bachelorette or college age groups. This is stated on our listings and all travelers are screened by Carolyn with a personal phone call to determine the reason for their interest in renting the home(s).

TO WHOM HAVE WE RENTED TO IN THE PAST?

Mostly families. Families who prefer to experience Louisville and our beautiful neighborhood in a more comfortable and personal setting. A place where they can cook meals together, relax and be together.

We have hosted families from around the world, including the Hollywood actor Kurtwood Smith (the actor who plays the dad from That 70's Show) and his family, families who are coming in for their daughter's wedding, their son graduating from U of L medical school, runners and their families for the Ironman competition, church groups and parents and their children who were in town for the national science fair.

THE SCREENING AND RESERVATION PROCESS

What we do prior to accepting a reservation:

- *Review their rental history
- *Inquire as to the reason for their visit
- *Make sure they understand our house/neighborhood rules. This includes, but not limited to, utilization of alley way (driving and walking), where NOT to walk and drive, noise levels outside and quiet hour times. How to dispose of trash, keeping house and yard clean, contact information for Carolyn, etc.

Upon accepting a reservation:

- *Collect a security deposit
- *Send them written house/neighborhood rules
- *Speak with the leader of the group about the house/neighborhood and expectations

Upon guest arrival:

- *Guest are reminded about the house/neighborhood rules with written materials left on the kitchen counter and posted on the wall (Carriage House) for them.
- *They are given Carolyn's direct number in case there are any questions or issues.

