

444 S. 5th Street
Louisville, KY 40202

October 14, 2020

Dear Mr. Crumbie,

We appreciate this opportunity to comment on Case Number 20-APPEAL-0006 for the subject property at 4634 Southcrest Drive.

This property is zoned R5 residential single family dwelling and is currently unlawfully being used as a duplex. The owner (Aja Sherman) received a certified notice of violation of the Land Development Code and is in the process of appealing this decision.

R5 Residential Single Family Dwelling

We would like to dispute the claim made by Ms. Sherman that the property has “been a duplex for a long time” (20-APPEAL-0006). The property was originally purchased in 1967 by Carol Ann Sanders and upon her passing, inherited by her son, Christopher Sanders. During her tenure at the property, Ms. Sanders had multiple members of the immediate family and extended relatives living with her at the property. In her appeal, Ms. Sherman claims that Christopher Sanders told his listing agent Julie Bex that the property was rented, yet we have no records proving that. We do, however, have evidence that prior to Ms. Sherman’s purchase of the property, the dwelling structure had:

- One central heating system (please see attached picture)
- One electrical panel (please see attached picture)
- One mailbox (please see attached picture)
- No separating wall between the “two units”

Although the property had 1 full kitchen and 1 kitchenette prior to Ms. Sherman’s purchase, there was never a wall separating the space into two separate units. The dwelling is zoned R5 residential single family unit and had been used as a single family unit during the Sanders’ ownership of the property. In summary, the property has never been zoned as a multi family residential dwelling and has never been used as anything but a single family unit.

Additionally, we have statements from multiple neighbors stating that the property was inhabited by multiple members of the immediate family and extended relatives. The neighbors’ statements are attached to this letter. If needed, the neighbors are willing to sign a notarized affidavit.

Affordable Housing

We want to be clear that we do not oppose rental units in our Beechmont neighborhood, however, Ms. Sherman’s claim of providing affordable housing is problematic. She currently has two tenants living at the property paying rents totaling \$1,700. Given the square footage of the units, the monthly rent is \$1.07 per square foot. 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” (please see table below for detailed analysis). The average monthly potential rent for the 9 adjacent properties on Southcrest Drive is \$0.86. This **negates** her claim of increasing affordability in the community and in fact makes her rents *higher* than potential rents for the neighboring properties.

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			

Persistent Violations

Ms. Sherman has a history of persistent violations as a property owner. Please see attached list of Code Enforcement and Zoning violations.

Additionally, as a licensed realtor, Ms. Sherman should have been aware of the fact that the property is zoned as R5 residential single family dwelling and had been used as a single family residential unit prior to her purchase of the property. Regardless of her occupation as a realtor, upon purchase of the property, Ms. Sherman should have received notice of the property’s use, and should have been aware of the existing use prior to making renovations and moving in tenants. The fact that she did not seek a special exemption permit, or a variance, or a conditional use permit, or a rezoning request, is not surprising given her prior pattern of behavior.

As neighbors dedicated to our community, we feel discouraged by the fact that Ms. Sherman chose to come in as an outside investor and use the property as a duplex without engaging the community or going through the appropriate land use processes designed to give neighbors a voice.

Existing Code Violations

As a neighborhood, we are concerned about the quality of life in our community. Unfortunately, we question Ms. Sherman’s sentiments, given the fact that there are multiple

existing code violations related to the property. Please see attached list of Code Enforcement and Zoning violations.

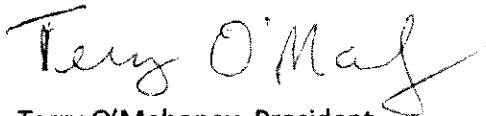
Our concern is further underscored by the fact that when her adjacent neighbor contacted her four times regarding a dead Chinese Elm tree on her property and when Ms. Sherman finally did respond, she did so in a hostile manner and stated that "she had no money in the bank."

Landlord Obligation to Tenants

Additionally, as collegial neighbors, we care about the tenants currently living at the property. We are concerned about their displacement, especially given additional constraints due to the current pandemic. We sincerely hope that Ms. Sherman has made her tenants aware that their current living arrangements are in violation of the Land Development Code.

In conclusion, we appreciate this opportunity to share our comments and hope that you will take them into consideration. We welcome any questions you may have and are happy to provide additional documents if needed.

Sincerely,



Terry O'Mahoney, President

Beechmont Neighborhood Association



Neighbor Statements

I am writing to oppose zoning changes for 4634 Southcrest dr. And to request the city uphold the citation for illegal changes to this residence.

For the 19 years myself my wife Donnett and our family have resided at 4631 Southcrest Dr, Louisville, KY 40215 the property in question has been single family residential. Over the years we have had conversations with occupants of this house and they were all family members of the previous owner.

Furthermore, we witnessed the recent conversion to a duplex with the addition of a second electrical service and the installation of two ac units. I am aware this house didn't have air conditioning after my inquiries while the residence was being offered for sale.

I have provided a copy of these comments to the Beechmont Neighborhood Association BNA, to request their opposition to changes in status for this property.

Carl L Boes Jr
4631 Southcrest Dr
Louisville, KY 40215

I bought and moved into 4632 Southcrest Dr. in March of 2004 and it has been my primary and only residence since that date. My first hand knowledge regarding the residency patterns at 4634 Southcrest Dr. are that when me and my family moved in it was a single family residence consisting of Carol Sanders (her husband had recently passed away) and her son. Family members (and ONLY family members) came and went but throughout these years the small "side room" was and had always been connected by a regular household door. I know this because I had been in the house on several occasions to help Carol with small maintenance issues, to feed her Macaw and a tragic situation involving one of her dogs.

Gary Lair
4632 Southcrest Dr.
Louisville, Ky 40215

Butch (William Jounston) & I (Elizabeth Roché) moved into our house on July 28, 1996. Carol & Jim Sanders lived there with their son Chris, and his son, little Chris. The house was used as a single family dwelling the entire time. There was no solid wall separating any section of the house to be used as a duplex. After Carol's death the house sat empty for a period of time and then Chris's in-laws moved into the house. I'm pretty darn sure they never paid any rent and know for a fact that the house was not configured as a duplex.

Regarding the tree, the tree (a Chinese Elm) has been dead for at least 5 years. Butch & I have had all portions that extended to our property removed. 2 of the times Butch made contact with Aja she asked when he would be home and that she would come look at the tree & speak with him. Since Butch has been home almost full time recovering from an auto accident he told her to come by any time. She never did, nor did she follow-up. He re-contacted her at the end of September regarding her privacy fence corner post being installed on our property and again raised the subject of the tree. She became very upset, stating that she had no money in the bank and that he was being adversarial towards her, which he wasn't. She again asked when he could meet to look at the tree/fence. She never followed-up. As a side note, she did have the wooden post moved but there is now a chain link fence corner post set inside our property line

When I first introduced myself to Aja Sherman she told me her intent was to rehab the house and sell it. Sometime after January this year I had another conversation with her and she then informed me that rehab costs far exceeded her budget and she had made it into a duplex and had to rent it in order to recoup her losses. This was before the COVID timeframe.

Beth and Butch
4636 Southcrest Drive
Louisville, KY 40215

I have lived two doors down since 1983. I was friends with the previous owners. The property was not used as apartment rental property since I have been here. While there was an additional kitchenette area in the property, only family members (sons or grandson) lived there. There was not a separation between the sides of the house. There was open access in the entire house at least since 1983. When we moved here Carol and Jim Sanders and their two teenage sons lived there. It had not housed any other than family members until after Carol died. It was then rented for a period of time as a house to some extended family members before the real estate agent bought the property for a proposed flip. The property did not have two utility meters until the current owner/realtor added them. It did not have central air conditioning at all until the current owner added it. And it was not two apartments until she closed off one side of the house by taking out a doorway and drywalling the opening to add a very small efficiency type apartment.

In conversations with Aja Sherman, she said that she was going to flip the house and sell it but found that she had spent too much money to do that and get her money back. So now she was going to have to rent it. So apparently she did not intend to turn into apartments originally or she just told people that to conceal her real intentions.

Jenny Nilest
4638 Southcrest Drive
Louisville, KY 40215

The reasons I am concerned about changing the status of this residence from single family to multifamily, making a single family home a duplex:

1. The street Southcrest is zoned residential and, as such, has always been single family homes, The parking on the street is not adequate for multi-family units especially on the same lot. The lot sizes are typically 50 by 210 and many do not have driveways off the main street of Southcrest, especially if the houses were constructed in the center of the lot. This property in question, 4634 Southcrest, especially fits in that category because the house is almost as wide as the lot with the additional side unit being added. There is a parking spot in front on the lot but can only accommodate 1 vehicle. If this house is allowed to become multi family, that would force the additional parking needs on the street which is already full of cars from the other 44 houses in this block of Southcrest already using the street parking.
2. The alley behind Southcrest, between Bellevue Ave and Southcrest Dr, is a single lane alley and is not wide enough to serve as a thru fare and space for additional parking should the residence at 4634 choose to use alley for additional parking. The garage and the fence of this property are already sitting directly adjacent to the alley and does not allowing any space to accommodate an additional driveway or parking. This alley already services 44 single family houses and 12 condo units, which has a parking garage for Woodlawn condo units, off this same alley. At the other end of the alley exiting on Ashland Ave., there is another commercial facility, Allen's Playcare, which has no parking except for 2 spots directly in front of the building. Employees and the owner already park in the alley on grass and in others people's driveways. This practice creates other parking issues on this alleyway illegally using the alley for parking when the customers of this day care come to pick up and drop off their children in the morning and evening. This practice blocks access to residents who also use this alley to enter their drive ways which are off both Southcrest Dr and Bellevue Ave.

In summary, these additional zoning changes that are made outside the original intent and design of the neighborhoods add additional constraints on already existing parking resources for the entire street of Southcrest and Bellevue. There are few driveways off the streets due to the fact lots are not wide enough, in some cases, to accommodate driveways beside the resident's homes. The alley between Southcrest Dr and Bellevue Ave was not designed for this level of parking and as still serve as a thru fare at same time. It was originally a horse path, then as the neighborhood began to get Utilities, it served as a place to run the gas, sewer, water lines, now cabling, etc. Today, the alley serves as a busy small one lane street serving 44 houses and a condo complex.

The recent purchasers of 4634 Southcrest knew when they bought the property it was single family, why now try to change and negatively impact the rest of the residents on this street. Every resident on the street knew the zoning of the property when they bought it.

I am OPPOSED to this request for zoning change at 4634 Southcrest for making this residence a duplex. I live at 4624 Southcrest and have owned this property for 38 years. I can attest to the information provided above is accurate and the way the parking situation is currently. We do not need any more parking problems on this street or in the area in general.

Dottie Krause and Earl Newton
4324 Southcrest Drive
Louisville, KY 40215

One central heating system (retrieved from Case Number 20-APPEAL-0006 documentation)

JEFFERSON COUNTY PVA *3/5/20 - Date received noted*

4634 SOUTHCREST DR

Mailing Address 3012 BOBOLINK RD.
LOUISVILLE, KY 40217-1723

Owner SHERMAN A JA

Parcel ID 053J00780000

Land Value \$24,000

Improvements Value \$28,010

Assessed Value \$52,010

Approximate Acreage 0.2359

Property Class 620 RES 2 FAMILY DWELL
DUPLEX

Deed Book/Page 11427 841

District Number 100023

Old District 11

Fire District CITY OF LOUISVILLE

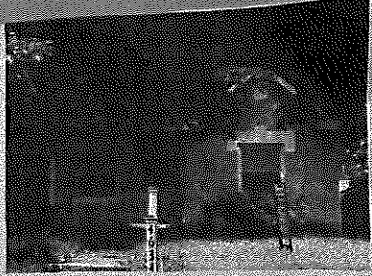
School District Jefferson County

Neighborhood 503122 / SOUTHERN HEIGHTS I

Satellite City Urban Service District

Sheriff's Tax Info View Tax Information

County Clerk Delinquent Taxes ☑



Area Type	Gross Area	Finished Area
Main Unit	-	1,504
Basement	0	-
Attic	NONE	0
Attached Garage	-	n/a
Detached Garage	630	n/a

All measurements in square feet.

Property Details

Type 2 : DUPLEX

Year Built 1920

Exterior Wall W2 WOOD SIDING

Roof GABLE

Basement Foundation 3/4 CRAWL

Condition NORMAL FOR AGE

Heating Type 1 CENTRAL WARM AIR

Central Air No

Fireplace No

Construction Frame WOOD FRAME NO SHEATH

Porches 100

Full Bathrooms 2

Half Bathrooms 0

RECEIVED

AUG 24 2020

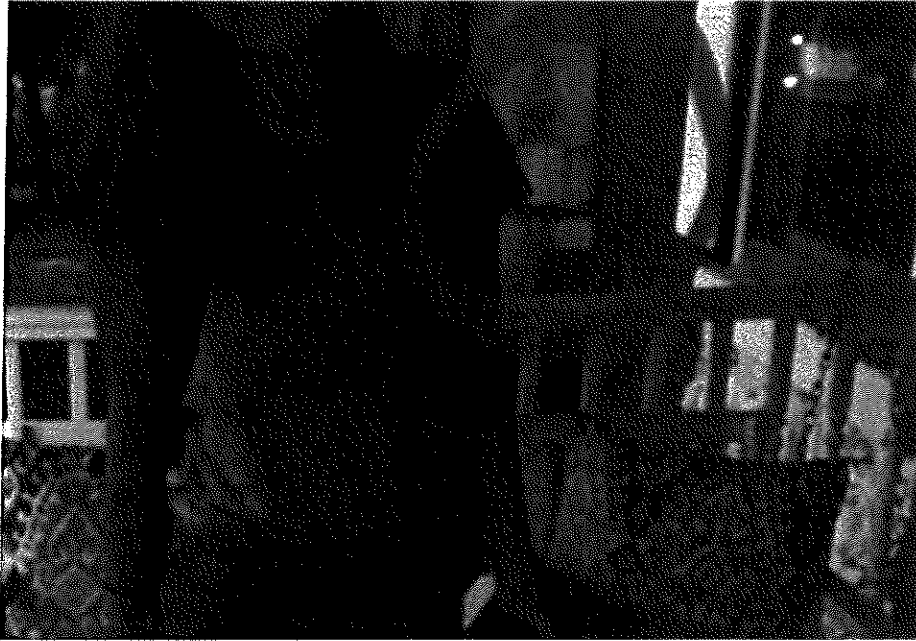
PLANNING & DESIGN SERVICES

20-APPEAL-0006

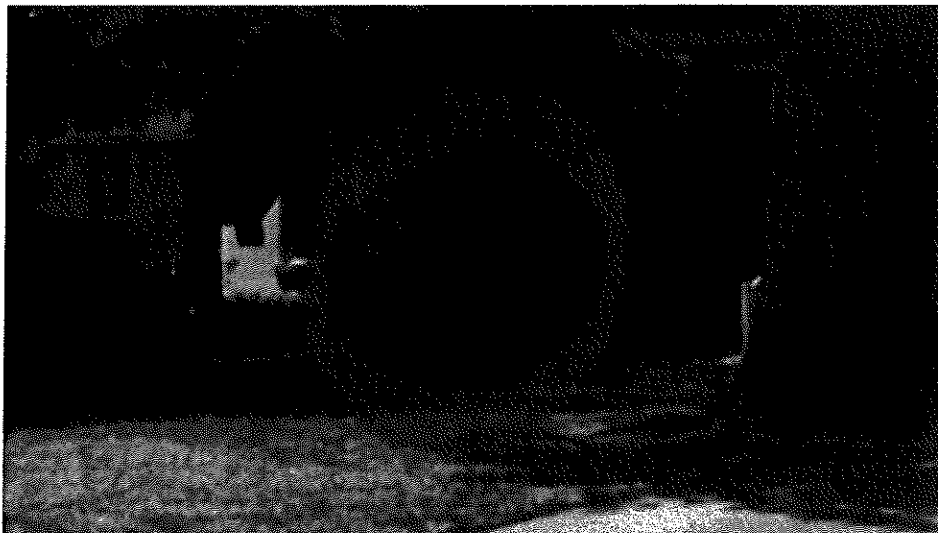
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2/1/20 1-11

One electrical panel (photo dated August, 2018)



One electrical panel (photo retrieved from Google Maps October 9, 2020)



One mailbox (photo dated October, 2011)



One mailbox (photo dated November, 2015)



List of Code Violations on Ms. Sherman's Primary Mailing Address

Date	Record Number	Record Type	Address	Status
9/16/2016	16PM19944-3-EX-C-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
8/10/2016	16PM19944-2-EX-H-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
8/1/2016	16PM19944-1-EX-H-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
8/1/2016	16PM19944-PM	Property Maintenance Case	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
10/8/2015	15PM25777-1-EX-C-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
10/8/2015	15PM25777-PM	Property Maintenance Case	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
4/23/2015	15PM6396-2-EX-C-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
4/22/2015	15PM6396-1-EX-N-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
4/22/2015	15PM6396-PM	Property Maintenance Case	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
6/27/2014	14PM15055-1-EX-C-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
6/27/2014	14PM15055-PM	Property Maintenance Case	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
2/13/2013	453408-ENF-3-EX-C-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
10/19/2012	453408-ENF-2-EX-F-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
9/20/2012	453408-ENF-1-EX-F-PM	Property Maintenance Site Visit	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed
9/20/2012	453408-ENF-PM	Property Maintenance Case	3012 BOBOLINK RD, LOUISVILLE KY 40217 United States	Closed

List of Code Violations on Subject Property 4634 Southcrest Drive

Date	Record Number	Record Type	Address	Status	Short Notes
10/7/2020	ENF-ZON-20-000249-8	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	New	House being renovated into two dwelling for rental½ Site visit scheduled
8/6/2020	ENF-ZON-20-000249-7	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted
8/5/2020	ENF-ZON-20-000249-6	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted
8/4/2020	ENF-SWMS-20-002783	SWMS Waste Management Enforcement Case	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	Bricks, construction debris, etc illegally dumped in the alley behind this property. Caller is requesting a camera to be place in the alley behind the property. Caller is the property owner at the property and wants to make sure that Solid Waste know this is not her stuff and she is requesting this be picked up. SR-LID-20-127606 Illegal Dumping 08/04/2020
6/19/2020	ENF-ZON-20-000249-5	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted
5/19/2020	ENF-ZON-20-000249-4	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted
4/16/2020	ENF-ZON-20-000249-3	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted
3/9/2020	ENF-ZON-20-000249-2	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Closed	House being renovated into two dwelling for rental½ Site visit conducted Illegal dumping ☒ Due on 02/25/2020, assigned to TBD
2/25/2020	ENF-SWMS-20-000593	SWMS Waste Management Enforcement Case	4634 SOUTHCREST DR, LOUISVILLE KY 40215		Marked as Notice of Violation on 02/25/2020 by je X90 - DEAD/DANGEROUS TREE No Compliance X90 - DEAD/DANGEROUS TREE [156.005 (Definitions) (Public Nuisance) #7] You have a tree which is in danger of collapse of which poses a danger of contamination because of disease, decay, injury, infestation or damage is prohibited or creates a public nuisance and must be corrected or removed. Due 12/06/2020. Dead tree to be removed. In rear. FINAL
2/24/2020	18PM21517-PM-7	Property Maintenance Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Appeal Period	NOTICE
2/7/2020	ENF-ZON-20-000249	Zoning Enforcement Case	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Open	House being renovated into two dwelling for rental
2/7/2020	ENF-ZON-20-000249-1	Zoning Enforcement Site Visit	4634 SOUTHCREST DR, LOUISVILLE KY 40215	Appeal Period	House being renovated into two dwelling for rental½ Site visit conducted

Crumbie, Jon

From: Robert Karlen <rpkarlen@gmail.com>
Sent: Monday, November 2, 2020 9:20 AM
To: Crumbie, Jon
Subject: Case Number 20-appeal-0006

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Mr. Crumbie,

I am writing to you in regards to the zoning change request for the house located at 4634 Southcrest Dr. My family has lived at 4616 Southcrest Dr. for almost 11 years now. We are friends with the residents of both 4636 and 4632 Southcrest Dr, and we were familiar with Carol Sanders, who owned 4634 Southcrest.

In the time we have lived in the neighborhood, Mrs Sanders was the only full time resident of that address. Her grandson, Chris, occasionally lived with her as well, but he shared the house. At no time was the house divided into multiple units. From talking to Mrs Sanders on occasion it seemed that only she and her family members ever lived in that house, and at no point had it undergone the renovations required to turn it into a multiple unit building, or back into a single occupancy building.

Obviously, having only lived in the neighborhood for a little over 10 years, I don't have direct knowledge of the time frame from 1971-2010, but the anecdotal evidence I have heard indicates the property was not previously a multi-family dwelling.

Also, I would like to note that I didn't see a sign in the front yard for the original zoning change meeting, which occurred after the renovations were completed and tenants were moved into the new units. I did see a yard sign for the appeal meeting, but I did not see a sign for the original meeting and was not even aware it had occurred until I heard about it from our friends.

Thank you for your time,
Sincerely,
Robert Karlen
4616 Southcrest Dr
502-592-0444

Crumbie, Jon

From: Russell Rose <rrose542@excite.com>
Sent: Monday, November 2, 2020 10:50 AM
To: Crumbie, Jon; George, Nicole A.
Subject: BOZA Case Number 20-APPEAL-0006 4634 Souhcrest Drive

Importance: High

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Unfortunately I had to work today and can't make the meeting or I would be coming to it. So I did want to be heard hence this email.

While I believe in multi-use/multi-purpose neighborhoods I "**oppose to this zoning change**". The outside investor, who by the way is a real estate agent. She not only sales real estate but manages rental property and buys homes. I'm sure she was aware of the zoning regulations prior to turning the property into a duplex. On the real estate web site she states "As a homeowner, flipper and landlord...", so pretty sure she knew the zoning rules prior to making this into a duplex.

Sometime since she purchased this property we get several calls a week and mail from individuals wanting to purchase our home for cash.

I'm sure their have been others approached by individuals inquiring about buying their homes as well. If you approve this property for multi-use/multi-family then you open the whole block up to these individuals to basically harass home owners to sell their property.

I am totally opposed to permitting a multi-use/multi-family dwelling in the middle of a single family zoned neighborhood.

thanks

Russell Rose
4633 Southcrest Drive

Crumbie, Jon

From: Crumbie, Jon
Sent: Monday, November 2, 2020 4:36 PM
To: Anne Sandhu
Subject: RE: 20 APPEAL0006

This case was continued until December 7, 2020 and you will have an opportunity to speak then.

Thanks,
Jon E. Crumbie
Planning & Design Coordinator
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South 5th Street, Suite 300
Office: 502.574.5158
<https://louisvilleky.gov/government/planning-design>

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

From: Anne Sandhu <annesandhu@icloud.com>
Sent: Monday, November 2, 2020 4:19 PM
To: Crumbie, Jon <Jon.Crumbie@louisvilleky.gov>
Subject: 20 APPEAL0006

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

My name is ANNASANDHU. I would like to speak at the above appeal for 4624 Southcrest Dr. Thank you.

Sent from my iPhone