



Land Development Report

September 8, 2017 4:53 PM

[About](#) [LDC](#)

Location

Parcel ID:

071F00240000

Parcel LRSN:

53945

Address:

201 S BIRCHWOOD AVE

Zoning

Zoning:

R5A

Form District:

TRADITIONAL NEIGHBORHOOD

Plan Certain #:

NONE

Proposed Subdivision Name:

NONE

Proposed Subdivision Docket #:

NONE

Current Subdivision Name:

BIRCHWOOD ADDITION

Plat Book - Page:

01-055

Related Cases:

NONE

Special Review Districts

Overlay District:

NO

Historic Preservation District:

NONE

National Register District:

CRESCENT HILL

Urban Renewal:

NO

Enterprise Zone:

NO

System Development District:

NO

Historic Site:

YES

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone:

NO

FEMA Floodway Review Zone:

NO

Floodplain Ordinance Review Zone:

NO

Conveyance Zone Review Zone:

NO

FEMA FIRM Panel:

21111C0027E

Protected Waterways

Potential Wetland (Hydric Soil):

NO

Streams (Approximate):

NO

Surface Water (Approximate):

NO

Slopes & Soils

Potential Steep Slope:

NO

Unstable Soil:

NO

Geology

Karst Terrain:

YES

Sewer & Drainage

MSD Property Service Connection:

YES

Sewer Recapture Fee Area:

NO

Drainage Credit Program:

CSO125 - Project(s) Value between \$.04 - \$1.5

Services

Municipality:

LOUISVILLE

Council District:

9

Fire Protection District:

LOUISVILLE #4

Urban Service District:

YES

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Letter of Appeal- 201 S Birchwood Ave

This letter is a rebuttal to the most recent filing against short-term rental at my property.

The latest filing suggests that the address in question is not my primary residence. While not being given any specific evidence insofar of how the neighbor(s) have come to this conclusion, I have been informed by Joe Haberman with Planning and Design that my neighbor(s) apparently track my movements around my property throughout the day. My next door neighbor has CCTV cameras specifically directed at my property. One of which I have even noticed can see through my window.

I find it disturbing and egregious such extreme measures are taken without any direct conversation/confrontation being directed towards me.

The neighbor(s) apparently had issue with a long-term renter. When I appealed the previous claim which was dropped I had included video evidence of racial profiling against people of color. The specific long-term renter is NO LONGER AT THIS PROPERTY. **Joe Haberman has told me that even though he has been very clear with the neighbor(s) that the issue was with a long-term renter and has nothing to do with short term. In fact, he expressed very clearly that the city cannot keep me from doing long term rentals....** The neighbor(s) after being informed that they themselves HAVE NOT HAD ANY ISSUE with any short-term rental still decided to file a claim against my short-term permit.

It has become apparent the issue at hand does not pertain to short-term rental at all, as it has been expressed to me through members of Code Enforcement that removing my ability to rent at all and become a single-family unit is the final goal, regardless that this is not possible.

However, pertaining only to this appeal for this filing, these are the facts to state:

- All of my mail including utilities comes to this address, often I will receive mail by hand as I am at the address when it is delivered, including deliveries on these topics by a Code Enforcement official.
- All of my taxes are to point to this address.
- My State issued license indicates this is my residence, it would be illegal for me to reside elsewhere and not update my license.
- 75% or more of my time is spent at this property on any given day

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- If a warrant were issued for my arrest, police would first check this location, and they would find me here.
- I am registered to vote at this address.

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Other notes to consider are:

- Previous calls from neighbors appear to be racially motivated. This is backed by my properties video surveillance showing police called on black people that had only been present from 2 to 3 minutes and did nothing suspicious or wrong.
- The fact that this appears to be a personal attack against me since I am not willing to rezone and become single family. They acknowledged their issue was with the long-term renter, whom was black, and that they have no issue with any short-term renters...yet they still want to file a claim against it.

I do not see the reason in a hearing as it should be easily answered by the Director of Planning and Development using well-known standards such as: Federal, State, Local, Postal, & Voting registrations. As well as major corporations such as Local Utility Companies, credit card companies and Banks. If this were not enough official compliance, I should think the fact that I see my Postal Carrier almost daily (with which I am on a first name basis), or Roger (a neighbor) who walks almost every morning past my house twice, or Susie Brill, another neighbor I enjoy friendly conversation with (including how to rid moles, how to set up her home as a short-term rental, and setting up a time to help with a plumbing issue.) Also that while I am responding to your Department that I do so from the comfort of my porch, which happens to be under video surveillance from my neighbor.

If several branches of the United States Federal government, Kentucky State Government and the City/County of Louisville/Jefferson County recognize 201 S Birchwood Ave as my primary address then this should be enough for the Development and Planning Division of Metro Louisville. I do own more than one property but I am not sure how this is an issue.

Anyone who meets even a small portion of the above listed or meet similar criteria including owning more than one property would never be questioned about their primary residence.

I happen to work primarily at night, evidently this is not something my neighbors are aware of, despite their attempts to pin down my personal schedule. Since I work primarily at night, I can see how my disappearance might indicate this is not primary residence. Of course, I have never

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questioned the authenticity of their residency of any neighbor that are not present during the day when I am at the house. Since this is an issue I mention I am available to be spoken with at my property ... but no one has asked me one on one to confirm this, and therefore would not know this assumption is false.

I would like to ask Emily Liu, the Director of Planning & Design Services, to define a primary residence in this case to set a precedence for myself and others as many filings similar to mine will certainly occur. I have asked Code Enforcement repeatedly for a definition of primary residence to determine the bounds and how they should apply to me. I have been told that this has not been officially defined. I understand that these processes are entirely new and take time to form, I only wish to help further that process along in asking for a determination.

When someone is questioned as to where they call home is truthful, it is not shocking that they would take offense and demand an opportunity to defend themselves. In that, I am thankful I have the chance to do just that. I hope my perspective will be understood and if any more concerns are raised, anyone can feel comfortable to come to me directly so they can be more quickly and accurately address.

Again, I ask that Emily Liu, Director of Planning and Development consider all this when determining whether to permit this hearing to go forward.



Chris David

201 S Birchwood Ave
Louisville KY 40206

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DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

EMILY LIU, AICP
DIRECTOR

NOTICE OF VIOLATION AND ORDER TO REMEDY

DATE: JULY 14, 2017
PROPERTY ADDRESS: 201 S BIRCHWOOD
PROPERTY OWNERS: DAVID, CHRISTOPHER
201 S BIRCHWOOD AVE
LOUISVILLE, KY 40206-3619

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You are hereby notified that you are in violation of Section 4.2.63 of the Land Development Code:

A short term rental of a 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, 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.

Specific facts constituting the violations include:

Dwelling units at this property are being rented as a short-term rentals without the necessary Conditional Use Permit.

You must **cease and desist** immediately using any units at this property for short term rentals, as it is in violation of the Land Development Code.

Failure to comply with this Notice may result in fines against you for each violation. Each day that a violation continues after this notice shall be deemed a separate offense.

If you disagree with this Notice, you may file an appeal to the Board of Zoning Adjustment (BOZA). Appeals must be filed within thirty (30) days of this Notice, using the official BOZA appeal form along with any supplemental documentation required. BOZA appeal application forms are available at the Planning & Design Customer Service Desk or online at http://www.louisvilleky.gov/planningdesign/checklists_application.htm. The department is located at 444 S. 5th Street, 3rd Floor, Louisville, KY 40202.

MICHAEL WILCHER, SUPERVISOR

574-8692

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Appeal 1004

Please submit the completed application along with the following items:

Project application and description

- ☐ Land Development Report¹
- ☐ A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- ☐ Legal description on separate 8.5" x 11" sheet of paper (if not included in deed)
- ☐ Drawing of property, survey, tax map, or LOJIC map
- ☐ A written description of the grounds for the appeal
- ☐ A copy of the action or decision being appealed (e.g. Refusal Form, Cease and Desist Order, Interpretation Letter, etc.)
- ☐ If necessary, notarized affidavits, photographs, and supporting documents – examples may include information from Caron's or the Polk Directory, utility bills, tax records, etc.

Mailing labels to notify Adjoining Property Owners (APOs)³

- ☐ One set of mailing label sheets for: 1st tier APOs and those listed on the application
- ☐ One copy of the APO mailing label sheets

Fee (Cash, charge or check made payable to Planning & Design Services)

- ☐ \$ 470 Application Fee

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Resources:

1. Land Development Reports can be obtained online by entering the site address at: <http://ags2.lojic.org/lojiconline/>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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BOZA Appeal Application

Louisville Metro Planning & Design Services

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Case No.: 17appeal1004

Intake Staff: MC

Date: 9/8/17

Fee: ~~\$ 470~~ Waived

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Primary Project Address: 201 S BIRCHWOOD AVE LOUISVILLE KY 40206

Additional Address(es): _____

Primary Parcel ID: 071F00240000

Additional Parcel ID(s): _____

Proposed Use: DUPLEX SHORT TERM Existing Use: DUPLEX SHORT TERM

Existing Zoning District: RSA Existing Form District: TRADITIONAL NEIGHBORHOOD

Deed Book(s) / Page Numbers²: 01-055

The subject property contains .22 acres. Number of Adjoining Property Owners: 4

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☐ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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Contact Information:

Appellant: ☒ Check if primary contact

Applicant: ☐ Check if primary contact

Name: CHRIS DAVIS

Name: _____

Company: _____

Company: _____

Address: 201 S BIRCHWOOD AVE

Address: _____

City: LOUISVILLE State: KY Zip: 40206

City: _____ State: _____ Zip: _____

Primary Phone: 502 639 3134

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Appellant Signature (required):



Attorney: ☐ Check if primary contact

Plan prepared by: ☐ Check if primary contact

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

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Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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