

Reid, Sue

From: Jamie Kirven <jkirven1@bellsouth.net>
Sent: Tuesday, March 13, 2018 4:54 PM
To: Jones, Beth A.
Cc: Coan, Brandon; Weatherby, Jasmine; Haberman, Joseph E
Subject: 17CUP1083, 2312 Glenmary Ave., Louisville, KY 40204
Attachments: Scan 3-13-2018 summary 17CUP1083.pdf

Attached is a summary of documents and objections to the Airbnb operating at 2312 Glenmary Avenue without a permit.

There have been two neighborhood meetings, one in November 2017 and one March 3, 2018.

The BOZA hearing is set for Monday, March 19, 2018.

I will bring a copy of the attached but trust the attached will have been delivered to the Board before the meeting.

Respectfully,

Jamie Kirven
(502) 456-1059

3/13/2018

17CUP1083
2312 Glenmary Avenue, Louisville, KY 40204
Owner: Zaidi Syed Salman Akhtar & Aisha Naveen Zaidi

Property Manager: Chris Payne

I personally have filed seven complaints through Metro Call from October 24, 2017 through March 9, 2018. See Metro Call Service Request Summaries.

Airbnb website is <https://www.airbnb.com/rooms/18878734>
Advertised as Highlands-The Bourbon Mansion
33 reviews from May 2017 through February 2018

The property first came to my attention September 9, 2012 when I was blinded by a spot light on the rear of the house that points across my backyard and into the second floor of the rear of my house. I wrote the owner requesting the light be adjusted. I received no response so I wrote again October 15, 2012 and again received no response. From Late 2012 until 2017 the problem subsided. Then on February 19, 2018 the problem resumed and I wrote Mr. Zaidi at his new address. Again he did not respond and the light continues to be a problem. See letters.

On March 3, 2018 at a second neighborhood meeting conducted by Mr. Payne 2 miles from the property at Heine Bros. Coffee at the Douglas Loop I told him of the problem and he said he would take care of it. On March 9, 2018 the problem had not been resolved. See screen shot of video.

It is obvious that both the absentee owner and his Property Manager are irresponsible and unresponsive to legitimate neighbor complaints regarding the use and maintenance of the property at 2312 Glenmary Avenue.

At the NHM March 3, 2018 I asked Mr. Payne why the NHM was being held far from the property and he said it is a regulation to hold the meetings at a public place. He also said he was hosting 12 women at the property that weekend.

I was disappointed to see such a low turnout of residents at the NHM March 3 and believe the inconvenient location that was very noisy deterred people from attending. I was out of town when the first NHM was held at Heine Bros. Douglas Loop November 11, 2017 but I sent my letter of objection to Beth Jones, Case Manager for the record. See letter.

The mailing labels and the LOJIC map identifying addresses is also concerning. It appears there is an inconsistency in who is invited to the NHM using tier 1 and tier 2 identifications. See list and map.

As previously mentioned, the absentee owner and the property manager have shown a lack of responsiveness to neighbor concerns. And it is obvious they are also irresponsible in operating without a permit. The Airbnb website and reviews shows a continual operation with disdain and disregard for the Metro Ordinance. Such disregard of the rules and a disregard for the neighbors should be cause to reject the application and deny a permit. Strict enforcement of continued violations is requested.

Submitted by Jamie Kirven, 1263 Willow Avenue, Louisville, KY 40204
My backyard is 17 feet from 2312 Glenmary.

 [Print](#) | [Close](#)

Service Request Number: 4925854
Service Request Date: Tuesday, October 24, 2017
Problem:
Address: 1263 WILLOW AVE LOUISVILLE KY 40204-0000
Location: 1263 Willow Louisville KY 40204
Comments: Short term rentals operating without permits are increasing around my home and are an adverse effect on my property. 1267 Willow Ave (17CUP1002) and 2312 Glenmary Ave (17CUP1083)
Inspector Assigned: Yes
Inspected: Yes
Work Required: Yes
Request Completed:
Resolution Date: Friday, October 27, 2017
Resolution Description: Resolved by CE Case
Associated Cases 17PM26505

 [Print](#) | [Close](#)

Service Request Number: 4943538
Service Request Date: Wednesday, November 29, 2017
Problem:
Address: 2312 GLENMARY AVE LOUISVILLE KY 40204-0000
Location: 2312 Glenmary Louisville KY 40204
Comments: Short term renting without a permit Thanksgiving weekend through 11/26/2017
Inspector Assigned: No
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: Thursday, November 30, 2017
Resolution Description: Resolved by CE Case
Associated Cases 17PM28206

 [Print](#) | [Close](#)

Service Request Number: 4947876
Service Request Date: Friday, December 08, 2017
Problem:
Address: 2312 GLENMARY AVE LOUISVILLE KY 40204-0000
Location: 2312 Glenmary Louisville KY 40204
Comments: Location: 2312 Glenmary Ave.

Date: 12/8/2017

The Airbnb is occupied and is operating without a permit.

Inspector Assigned: No
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: Monday, December 11, 2017
Resolution Description: Resolved by CE Case
Associated Cases 17PM28668

 Print | Close


Service Request Number: 4951692
Service Request Date: Saturday, December 16, 2017
Problem:
Address: 2312 GLENMARY AVE LOUISVILLE KY 40204-0000
Location: 2312 Glenmary Louisville KY 40204
Comments: 12-16-2017 4:40 AM

Revelry from 2312 Glenmary Avenue Airbnb rear deck

I was awakened by the noise and put my tape recorder on the porch, capturing the sounds. Then I went to the telephone to call non-emergency LMPS at 574-7111. Just before pressing "call" i checked and the revelers had moved inside so I did not "bother" LMPD.

Please just add this complaint to the growing number of previous complaints about this operation that has no permit.


Inspector Assigned: Yes
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: N/A
Resolution Description: N/A

 Print | Close

Service Request Number: 4988968
Service Request Date: Friday, February 23, 2018
Problem:
Address: 2312 GLENMARY AVE LOUISVILLE KY 40204-0000
Location: 2312 Glenmary Louisville KY 40204
Comments: 2312 Glenmary Airbnb seems to be operating again this weekend with what sounds like and looks like guest check in 1:15PM. No permit for Airbnb. 17CUP1083
Inspector Assigned: No
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: Wednesday, February 28, 2018
Resolution Description: Resolved by CE Case
Associated Cases 18PM4127

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Service Request Number: 4995302
Service Request Date: Sunday, March 04, 2018
Problem: Business Concerns: Operating Without License
Address:
Location: 2312 Glenmary Louisville KY 40204
Comments: 2312 Glenmary Ave. is rented this weekend to 12 women according to property manager Chris Payne.
Inspector Assigned: No
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: N/A
Resolution Description: N/A

 [Print](#) | [Close](#)

Service Request Number: 4999728
Service Request Date: Friday, March 09, 2018
Problem:
Address: 2312 GLENMARY AVE LOUISVILLE KY 40204-0000
Location: 2312 Glenmary Louisville KY 40204
Comments: Airbnb operating without a STR Permit
Inspector Assigned: No
Inspected: No
Work Required: Yes
Request Completed:
Resolution Date: N/A
Resolution Description: N/A

September 9, 2012

October 15, 2012 (AGAIN)

ZAIDI SYED SALMAN AKHTAR & AISHA NAV

2312 Glenmary Ave.

Louisville, KY 40204

Re: Bright Flood Lights on the rear of your house

Please redirect the direction of your security lights. The lights are too bright and shine all the way past 1265 Willow Ave, causing discomfort ***ON THE EYES*** of the residents who use their rear deck and porches at night.

Thank you for your understanding and cooperation.

James F. Kirven

1263 Willow Ave.

Louisville, KY 40204

(502) 456-1059

PS. If you need my ladder please call.

February 19, 2018

ZAIDI SYED SALMAN AKHTAR & AISHA NAV
5588 ARBORETUM AVE
VIRGINIA BEACH VA 23455

Re: Bright Flood Lights on the rear of your house at:
2312 Glenmary Ave.
Louisville, KY 40204

Below is the text of my first and second requests in 2012. Would you please grant me permission to adjust the direction of the light so it lights up the rear of your property but does not light up the second floor of my home?

September 9 and October 15, 2012

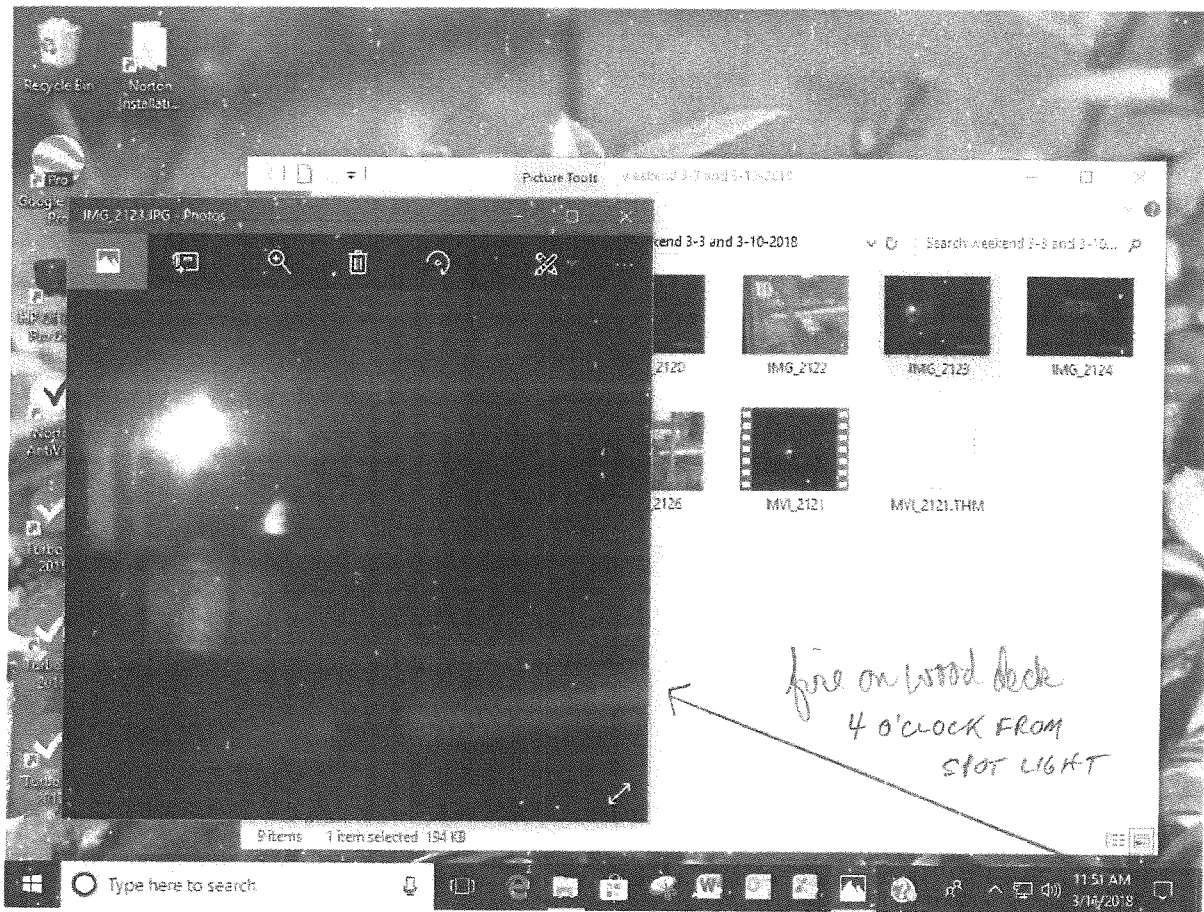
Please redirect the direction of your security lights. The lights are too bright and shine all the way past 1265 Willow Ave, causing discomfort ***ON THE EYES*** of the residents who use their rear deck and porches at night.

Thank you for your understanding and cooperation.

James F. Kirven
1263 Willow Ave.
Louisville, KY 40204

(502) 456-1059

17CUP1083



3-9-2018 fire and blinding light a week after NHM 17CUP1083

Picture/VIDEO
FROM MY 2ND FLOOR
REAR BEDROOM

JAMIE KIRVEN

Jamie Kirven

From: Jamie Kirven <jkirven1@bellsouth.net>
Sent: Wednesday, October 25, 2017 12:28 PM
To: Beth Jones (Beth.jones@louisvilleky.gov)
Cc: Brandon Coan; Mabry, Brian K.; Joseph.Haberman@louisvilleky.gov
Subject: 17CUP1083, 2312 Glenmary Ave. neighborhood meeting 11/3/2017

I won't be in town for the meeting being conducted by Christopher Payne, a property manager for several short term rentals in my neighborhood. I received his letter this past weekend announcing a meeting at Heine Bros. Coffee at 2200 Bardstown Road on Friday, November 11, 2017 at 6:00 PM.

The house at 2312 Glenmary has been actively rented to short term renters throughout this year without a permit. The rear deck and backyard of the property is less than 25 feet from my backyard. Guests are loud and in violation of local noise ordinance frequently. Just this past weekend I was distracted by a group on the deck at 11:30 PM.

I am **submitting my objection to the operation of a short term rental at 2312 Glenmary that is not owner occupied**. The problem with so many properties that are rented on a short term basis that are not owner occupied is that there is no control over the conduct of renters who are not invested in the neighborhood and who face no consequences for violations of local ordinances.

Most troubling is the ongoing violation of the Short Term Rental Ordinance that went into effect August 1, 2016. There are many properties within one block of my home that are continually rented on a short term basis without any permit.

I have examined the PDS Inventory list dated 9-14-²⁰¹⁷217 and there appears to be some STR permitted properties listed. There does not appear to be any CUP permitted properties. An examination of the Airbnb website reveals many more properties within a block of my house that are not found anywhere in the PDS files.

There are an ever increasing number of short term rentals pressing in on our neighborhood and there does not seem to be any enforcement of the ordinance and there seems to be no protection of adjoining owner occupied residences. Such operations in the vicinity are adversely affecting my property.

Jamie Kirven
1263 Willow Ave.
Louisville, KY 40204
(502) 456-1059

Chris Payne
2211 Longest Avenue
Louisville, KY 40204

prop maps

owner

Salman Zaidi
5588 Arboretum Avenue
Virginia Beach, VA 23455

Archibald G Hill IV
2318 Glenmary Ave
Louisville, KY 40204

*apartments
1-4
of plot*

James Brees
1261 Willow Avenue
Louisville, KY 40204

*only 4
single families*

James Kirven & Beverly G Kirven
1263 Willow Avenue
Louisville, KY 40204

RECEIVED
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PLANNING &
DESIGN SERVICES

Rosemary Miller & Mary Miller
1265 Willow Avenue
Louisville, KY 40204

Keith Davis Duncan
1248 Bassett Avenue
Louisville, KY 40204

Camvid, LLC
2321 Glenmary Avenue
Louisville, KY 40204

apts

Ross Glen, LLC
2319 Glenmary Ave
Louisville, KY 40204

apts

CamVid, LLC
9301 Dayflower Street
Prospect, KY 40059



Ross Glen, LLC
8500 Wolf Pen Branch Rd
Prospect, Kentucky 40059



case maps

Beth Jones
444 South Fifth Street Suite 200
Louisville, KY 40202

Tamara Slovacek
1257 Willow Ave
Louisville, KY 40204

*Archibald
Duncan*

Patrick Padden
2302 Glenmary Ave
Louisville, KY 40204

duplot

17

98

*3-12-18
Beth Jones
PO Box
Advent
Tran
Team 2*

William Donan
2304 Glenmary Ave
Louisville, KY 40204

*duplet
2306*

Gloria Properties Limited LLC
2310 Glenmary Ave
Louisville, KY 40204

*2308
duplet*

Bluegrass LLC
2320 Grinstead Drive
Louisville, KY 40204

*2 blocks
survey*

Khiani Kamal J
18707 Brookshade Ln
Louisville, KY 40245

?

KY Bluegrass LLC
265 Rocky Point Rd
Palos Verdes Peninsula, CA 90274

?

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FEB 20 2018
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https://www.lojic.org/lojic-online



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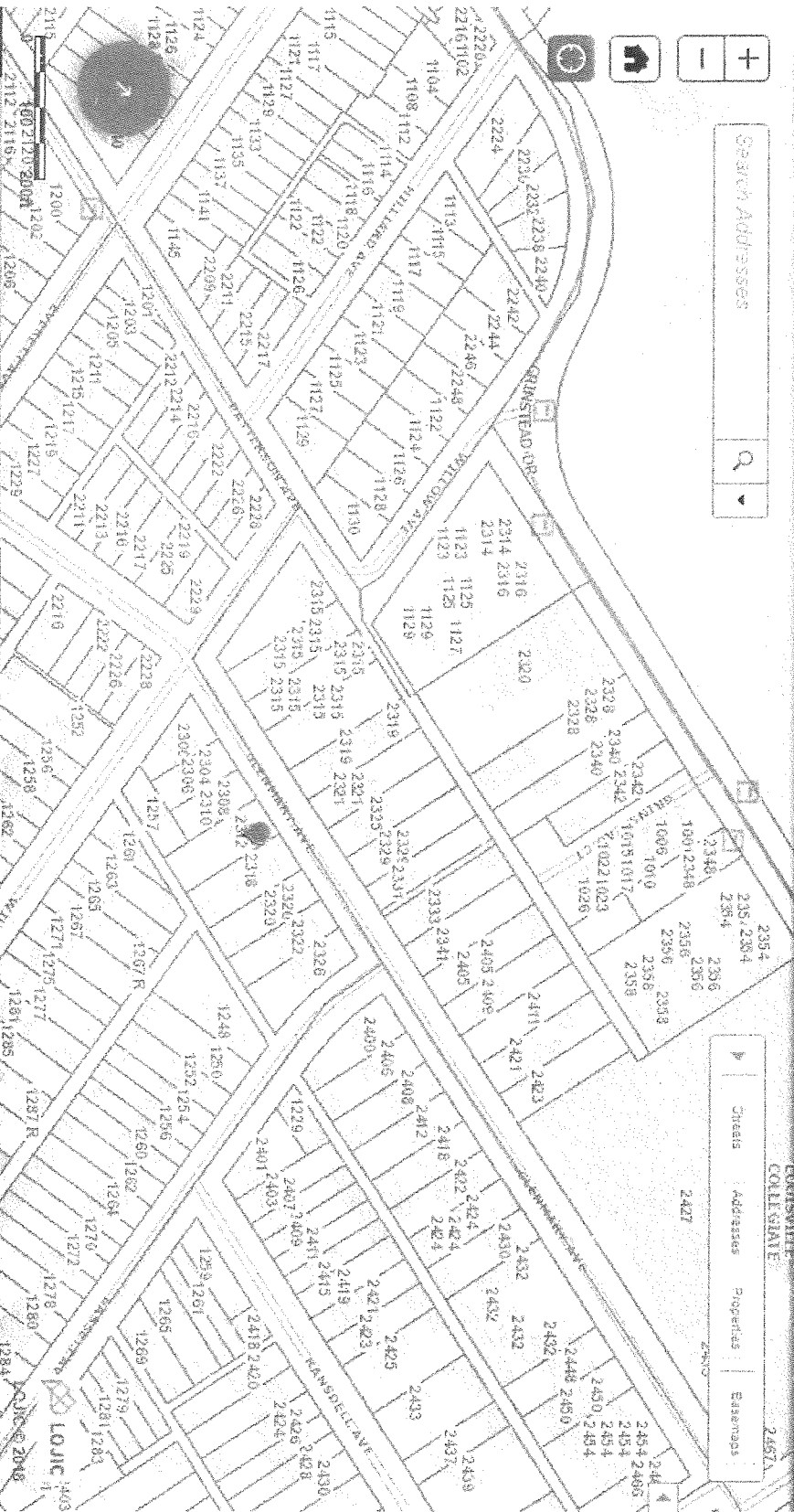
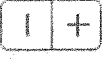
A GIS Partnership to Meet the Growing Needs of Louisville, KY



Search Addresses



Check Addresses Properties Essentials



Type here to search



3:47 PM
3/13/2013

Reid, Sue

From: Jamie Kirven <jkirven1@bellsouth.net>
Sent: Wednesday, October 25, 2017 12:28 PM
To: Jones, Beth A.
Cc: Coan, Brandon; Mabry, Brian K.; Haberman, Joseph E
Subject: 17CUP1083, 2312 Glenmary Ave. neighborhood meeting 11/3/2017

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I am **submitting my objection to the operation of a short term rental at 2312 Glenmary that is not owner occupied**. The problem with so many properties that are rented on a short term basis that are not owner occupied is that there is no control over the conduct of renters who are not invested in the neighborhood and who face no consequences for violations of local ordinances.

Most troubling is the ongoing violation of the Short Term Rental Ordinance that went into effect August 1, 2016. There are many properties within one block of my home that are continually rented on a short term basis without any permit.

I have examined the PDS Inventory list dated 9-14-217 and there appears to be some STR permitted properties listed. There does not appear to be any CUP permitted properties. An examination of the Airbnb website reveals many more properties within a block of my house that are not found anywhere in the PDS files.

There are an ever increasing number of short term rentals pressing in on our neighborhood and there does not seem to be any enforcement of the ordinance and there seems to be no protection of adjoining owner occupied residences. Such operations in the vicinity are adversely affecting my property.

Jamie Kirven
1263 Willow Ave.
Louisville, KY 40204
(502) 456-1059

Reid, Sue

From: Jen Schultz <jennifer.a.schultz@gmail.com>
Sent: Wednesday, March 14, 2018 8:30 AM
To: Jones, Beth A.
Cc: Keith Duncan
Subject: 17CUP1083 -- 2312 Glenmary Avenue
Attachments: 3-14-2018 Letter from Duncan and Schultz.pdf

Ms. Jones --

Please find our -- Keith Duncan and Jen Schultz -- comments about the application for a Conditional Use Permit for 2312 Glenmary Avenue.

We appreciate you sharing these comments with the BOZA members.

Thanks,

Jen

Jennifer A. Schultz
jennifer.a.schultz@gmail.com
502-384-6388
703-863-9676 cell

Sent via email

March 14, 2018

Beth Jones
Planning & Design Services
Department of Develop Louisville
444 S. Fifth Street, Suite 300
Louisville, KY 40202

RE: 17CUP1038 Short Term Rental Conditional Use Permit Application for 2312 Glenmary Avenue

Ms. Jones –

We – Keith Duncan and Jen Schultz – are the owners of 1248 Bassett Avenue, 40204. Our property is along the Glenmary Avenue alley that runs behind 2312 Glenmary Avenue.

We are not supportive of Christopher Payne’s application for a Short Term Rental Conditional Use Permit (CUP) for 2312 Glenmary Avenue. Our neighborhood is not a business district, nor is this section of Glenmary Avenue abutting a business district. Despite being a residence on a residential street, we see the ongoing operation of a non-supervised “hotel.” This hotel, which is set up to accommodate large groups, disturbs our residential neighborhood with loud noise, drunkenness, trash strewn in the alleys, and non-neighborly conduct from the unsupervised guests (e.g., we experienced short term renters yelling at us with political taunts from the back deck at we walked the alley behind the property before 10 AM on a Sunday last fall).

Our reasons for not supporting this CUP are as follows:

1. The property owner of 2312 Glenmary Avenue no longer resides in the Cherokee Triangle nor in the state. According to the application and the Jefferson County Sheriff’s Property Tax Search website, the property owner – Mr. Salman Zaidi – lives at 5588 Arboretum Avenue, Virginia Beach, VA 23455. Therefore, there is no local oversight of Mr. Payne’s short term rentals by this property owner.
2. Mr. Payne, who is a non-owner applicant for this CUP, neither resides at nor provides on-site management of 2312 Glenmary Avenue to his short term renters. At the November 3, 2017 neighborhood meeting, Mr. Payne informed the attendees that he does not own any properties in the Cherokee Triangle or the Highlands. Mr. Payne informed Adjoining Property Owners on November 3, 2017, that they are the eyes and ears for monitoring this property. Mr. Payne confirmed he still does not live at 2312

Glenmary Avenue in his February 15, 2018 letter about his second neighborhood meeting scheduled for March 3, 2017.

Please let us know if you would like a copy of the November 3, 2017 neighborhood meeting.

3. The property owner and Mr. Payne are not providing on-site management of 2312 Glenmary Avenue when it is occupied by the short term renters. According to a May 2017 AirBnB review from Frank about Mr. Payne's "HIGHLANDS – The Bourbon Mansion" posting (viewed on March 12, 2018), "Never met the owner, but he was very quick to answer the few questions we had."

The AirBnB posting is available at:

<https://www.airbnb.com/rooms/18878734?location=Louisville%2C%20KY%2C%20United%20States&s=5rg4-gTW>

4. Instead of providing any kind of on-site management, Mr. Payne's management plan for 2312 Glenmary Avenue is for neighbors to act as property managers. In his February 15, 2018 letter to neighbors, Mr. Payne wrote:

If you have any questions or concerns regard this [CUP application] or anytime guests are staying at the house in the future, please feel free to call or text me day or night. 502-442-1142

Also, I live just 2 blocks away, so I can rush over if there is ever an emergency situation.

Mr. Payne is not at the property. Therefore, when problems or issues arise, the neighbors contact Louisville Metro's Code Enforcement and Louisville Metro Police Department for property and guest management.

5. On Page 2 of his February 17, 2018 application, Mr. Payne claims his address is 2211 Longest Avenue, 40204. Mr. Payne then provides a copy of his February 15, 2018 letter about his neighborhood meeting scheduled for March 3, 2017 with the application in which he states "**I live just 2 blocks away, so I can rush over if there is ever an emergency situation.**"

Mr. Payne does not reside in the neighborhood; he is not a neighbor. On Sunday, March 11, 2018, we met a woman and her young child staying at 2211 Longest Avenue. When asked about the short term rental, the woman informed us that they had been renting the 2211 Longest Avenue long term since December, 2017.

6. Mr. Payne is all too familiar with the CUP for short term rentals and Short Term Rental application processes with 4310 Hannah Avenue (17CUP1063 dated August 8, 2017) and 2211 Longest Avenue (STR918014 dated June 7, 2017; 17APPEAL1002 dated June 29, 2017; 17APPEAL1003 date August 10, 2017; 17CUP 1087 dated October 4, 2017). Despite knowing that a CUP is required for 2312 Glenmary Avenue, Mr. Payne began operating the short term rental at 2312 Glenmary Avenue during the summer of 2017 without a CUP. It was only after being reported to 311 and then informed by Louisville Metro with a "Courtesy Notice – Short-Term Rental" dated August 11, 2017 that Mr. Payne submitted his pre-application on September 29, 2017.
7. Mr. Payne mailed notice (dated October 19, 2017) about a neighborhood meeting to be held on November 3, 2017 for the CUP at 2312 Glenmary Avenue. We reported to you that this notice was inadequate as several neighbors did not receive it. On October 31, 2017, you notified us via email that "I have informed [Mr. Payne] that he is required to schedule an additional meeting and re-send invitations, and have provided him with a map clearly indicating the property owners that must be notified."
8. On Friday, November 3, 2017 at 7 PM, Mr. Payne held his first neighborhood meeting. A total of 9 neighbors and a representative from Councilman Brandon Coan's office attended this meeting and signed Mr. Payne's attendance sheet:

Name	Address
Duncan, Keith	1248 Bassett Ave., 40204
Fernandez, Jose	2331 Glenmary Ave. 40204
Flege, Ed	2322 Glenmary Ave., 40204
Flege, Mary Kay	2322 Glenmary Ave., 40204
Karl, Kevin	1275 Willow Ave., 40204
Lisherness, John	1269 Willow Ave., 40204
Masterson, Jasmine	Legislative Aide for Councilman Brandon Coan
Quirk, Christopher	1275 Willow Ave., 40204
Schultz, Jen	1248 Bassett Ave., 40204
Webb, Barbara	1268 Willow Ave., 40204

Mr. Payne does not mention this meeting on page 4 of his February 17, 2018 CUP application nor include a copy of the attendance sheet or "[s]ummary of the meeting detailing specific items of concern or proposed solutions" with the application. Instead, Mr. Payne submitted the following on his application: "Meeting on March 3rd."

Mr. Payne's approach to concerns raised at the meeting is for us – the neighbors – to call him to let him know when bad things happen. We explained that managing the 2312 Glenmary Avenue property was his job, not ours.

9. On Saturday, March 3, 2018 at 7 PM, Mr. Payne held his second neighborhood meeting. We were unable to attend this meeting.

Mr. Payne's Ongoing Violations of the Land Development Code

10. Violation #1 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. Payne to operate a short term rental from 2312 Glenmary Avenue, he began renting on AirBnB on or about May 7, 2017. According to Mr. Payne's "HIGHLANDS – The Bourbon Mansion" posting on AirBnB (viewed on March 12, 2018), Frank posted a review in May 2017: "This is a phenomenal Bnb and we highly recommend it. There are Roku TVs in most bedrooms, and the mattress was extremely comfortable for us. The neighborhood is top notch too. If you have a lot of people getting together in Louisville and need a place to stay, try Chris's place first. Never met the owner, but he was very quick to answer the few questions we had."

The requirement to have a CUP was made known to Mr. Payne by July 2017 when the neighbors of his 2211 Longest Avenue AirBnB appealed STR918014.

11. Violation #2 of Land Development Code – Continuing to Rent Short Term without CUP

In the "Notice of Violation Citation – 1st Offense" dated February 1, 2018, Mr. Payne was notified by Louisville Metro to "IMMEDIATELY CEASE AND DESIST using this property for short term rentals."

Despite the notice, we observed renters at the property the following weekends in 2018: February 26, March 2, and March 8. On March 5, 2018, the listing for Mr. Payne's short term rental on AirBnB showed that the property was rented from March 1 through 4 and reserved or unavailable to other guests the following upcoming weekends: March 8 to 10, March 15 to March 17, March 22 to March 24, and March 26 to March 31.

As of this letter, Mr. Payne repeatedly violated this CEASE AND DESIST in February and March 2018.

12. Violation #3 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.”

According to the last MLS listing for the property (listed on October 16, 2015 – <https://www.flexmls.com/share/1KsqB/2312-Glenmary-Ave-Louisville-KY-40204>), the property owner claimed there are a total of 4 bedrooms at 2312 Glenmary Avenue. Based on 4 bedrooms and following the formula stipulated in Land Development Code’s paragraph C of 4.2.63, a total of 12 guests can stay at the property for a short term rental – that is, 2 guests per bedroom for a total of 8 plus 4 additional individuals.

At the November 3, 2017 neighborhood meeting, Mr. Payne said there were 5 bedrooms at 2312 Glenmary Avenue. Mr. Payne’s “HIGHLANDS – The Bourbon Mansion” posting on AirBnB reviewed on March 12, 2018 shows that the property is available for up to 12 guests. Mr. Payne then states there are 6 or 5.5 bedrooms – not 4 – with a total of 6 Queen Beds and 6 Twin Beds. Below is the information per bed contained in Mr. Payne’s AirBnB posting:

The space

Master bedroom: TV w/ Netflix
2 Queens
2 Twins

Bedroom 2: TV w/ Netflix
1 Queen

Bedroom 3: TV w/ Netflix
1 Queen

Sun room: TV w/ Netflix
1 twin

Bedroom 4: TV w/Netflix
2 Queens

Basement
1 Twin

Basement Bedroom:
1 Twin

Basement work station room:
1 Twin + TV w/ Netflix

Therefore, based on the number of beds, Mr. Payne is actually advertising that the property accommodates 18 guests (2 per queen and 1 per twin), not 12.

An AirBnB reviewer of Mr. Payne's posting (viewed on March 12, 2018) named Mark from August 2017 pointed out that the place is set up to sleep more than 12 guests: "We had 5 people, but if the house were being used for a family or other people who are used to sharing the same space, the full capacity of 16 would not be cramped at all."

13. Violation #4 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. Payne's "HIGHLANDS – The Bourbon Mansion" posting on AirBnB (viewed on March 12, 2018), "Complimentary Wi-Fi, Bottled Water, Coffee, Cereal and I usually have a few snacks out for guests. If you have any special requests or questions, just let me know!"

Mr. Payne is advertising that he provides food to guests, which is a code violation.

14. 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."

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 156.103(d)(2) of the Property Maintenance Code, "... All motor vehicles on any premises, other than agricultural land must be parked on a hard and durable surface, such as asphalt, brick or concrete or any surface permitted pursuant to § 156.052(C)."

Mr. Payne states in his AirBnB post that there is "Free parking on premises." The only available parking on the premises is in the rear of the property. On an ongoing basis, despite being informed by neighbors on November 3, 2017 at the neighborhood meeting that parking is only allowed on a hard surface, Mr. Payne continues to allow his short term renters to park their vehicles on the dirt and grass; a small portion of the yard includes thin amounts of gravel but that is not where vehicles are generally parked. The backyard is now full of tire ruts.

15. Violation #6 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.

A total of 4 bedrooms exist at 2312 Glenmary Avenue. However, Mr. Payne claims 5.5 or 6 bedrooms on his AirBnB posting with 3 twin beds in the basement – 1 Twin in the Basement, 1 Twin in Basement Bedroom, and 1 Twin in Basement work station room – resulting in 1.5 or 2 bedrooms more than exist.

With the presence of a twin bed in each of these basement areas, Mr. Payne intends for each space with a twin bed to be used for sleeping purposes. This intent to use all portions of the basement for sleeping purposes appears to violate Kentucky Resident Code for means of emergency escape and rescue.

Mr. Payne's Other Short Term Rental Conditional Use Permit Application

16. Mr. Payne's inability to manage a short term rental led BOZA to deny the CUP for 4310 Hannah Avenue (17CUP1063 dated August 8, 2017) on November 6, 2017:

A motion was made by Board Member Jarboe, seconded by Board Member Howard, that Case Number 17CUP1063, Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host, be DENIED, based upon the applicant's activities in promoting and advertising the property on Airbnb and flagrant violation of Ordinances, and further based upon the testimony presented by the opposition in great detail that suggests that the applicant is not inclined by a pattern of behavior to conform to the regulations of the Code. The motion carried by the following vote: Yes: 7 - Young, Jarboe, Turner, Fishman, Buttorff, Howard, and Allendorf.

We sincerely request that the members of BOZA to review Case Number 17CUP1063 again to understand what we are dealing with when Mr. Payne manages short term rentals.

Based on the concerns and issues outlined above, we implore the members of BOZA to deny Mr. Payne's CUP application for 2312 Glenmary Avenue as the proposed conditional use will adversely affect our and our neighbors' use of surrounding properties and unreasonably interfere with the use and enjoyment of these properties.

Thank you.

Sincerely,

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

Reid, Sue

From: Bill Donan <donanb@bellsouth.net>
Sent: Monday, November 06, 2017 7:57 AM
To: Jones, Beth A.
Subject: 17CUP1083

I am William Donan, owner of 2304-2306 Glenmary.

I am opposed to the conditional use as the applicant is not the owner. The conditional use is basically a commercial venture for third party revenue without any apparent controls or safeguards. The subject property is accessed by an alley which is the same access to my property. William Donan

505 Tiffany Lane
Louisville, Ky 40207
270-836-0751

Sent from my iPhone

Reid, Sue

From: Mary Kay Flege <mflege@bellsouth.net>
Sent: Thursday, March 08, 2018 9:45 PM
To: Jones, Beth A.
Cc: Jen Schultz
Subject: 2312 Glenmary Ave currently being rented on a short term basis

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Jones,

My husband and I have lived in a single family house at 2322 Glenmary Avenue for more than 25 years. We've attended several meetings recently to express our opposition to the proposed CUP at 2312 Glenmary and plan to attend the Board of Zoning Adjustment review meeting at 1P on 3/19.

My immediate question is whether or not the property can be utilized as a short term rental while the application is in process? It was our understanding that it was not to be rented without BOZA approval. However, we thought the house was on fire just now, but upon closer observation it was renters attempting to grill something on the back deck.

Why is Mr. Chris Payne being allowed to rent this property when he does not have a CUP? In the event their grill lights the deck, the house and the houses next door on fire, who is responsible, and is the City liable for allowing this without proper clearance?

Your thoughts please,

Mary Kay & Ed Flege
2322 Glenmary Ave.
Louisville, KY 40204
(502)456-5289
(502)664-8560 cell



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Reid, Sue

From: Sue Lund <suelund28@gmail.com>
Sent: Tuesday, March 13, 2018 4:53 PM
To: Jones, Beth A.
Subject: 2312 Glenmary Avenue/Longest Avenue

Dear Ms. Jones,

I am a resident of the Cherokee Triangle and I am very concerned about short-term rentals of non-owners in the neighborhood. I'm writing to express my strong disapproval of Christopher Payne's application for short-term rental CUP at 2312 Glenmary Avenue, as well as the home on Longest Avenue.

Our neighborhood is a residential neighborhood, not a business district. If this is allowed, any number of homes in the neighborhood could effectively turn into hotels, with no front desk — and therefore, no on-site supervision, since the owners could live anywhere in the country. There would really be no one to keep track of who is coming and going in these properties, let alone to deal with the behavior of those staying there. My neighbors have already been impacted by noise.

Mr. Payne lives out of state, so if there is trouble at one of the homes he wants to rent out from afar, it would be the police, and not Mr. Payne, who would ultimately be called on to deal with it. The police have better things to do than to be called on to be property managers for out of state non-owners.

I truly hope you'll take my comments to heart. Thank you very much for your time.

Sincerely,
Sue Lund

Reid, Sue

From: Tom <Gloriapropltd@aol.com>
Sent: Friday, March 09, 2018 10:20 AM
To: Jones, Beth A.
Subject: FW: 17cup1083

Sent from Mail for Windows 10

From: Tom
Sent: Thursday, March 8, 2018 11:37 AM
To: beth.jones@louisvilleky.gov
Subject: 17cup1083

Sent from Mail for Windows 10

Beth,thx for assistance yesterday.My home is at 2310 Glenmary Ave next door to the 2312 Glenmary applicant for a CUP.My experience has been very negative with regard to the Bourbon Lodge as it is advertised on the internet as Airbnb accommodation.Frequently there are 4 to 8 vehicles occupying the parking area behind the house.This includes 4 or 5 vans during summer months that have young kids attending some type of basketball or soccer training in the city.Additionally there is a large deck that is usually used by the renters for drinking and smoking and generally talking loudly.Ice chests and alcohol consumption are always observed and it appears that this is why it is advertised as a Bourbon Lodge.Sources tell me there are 12 beds in the house which tells me it is not a true airbnb arrangement.The Mint Julep Tour bus is seen in front picking up men from bachelor parties or wedding parties..This is a motel like arrangement and is not suitable for a residential street.Am not sure if Salman the property owner knows what transpires on his land.Will let him know.Please submit this info at the hearing March 19th as I am unable to attend.Additionally I was never notified of a meeting held at Heine Bros coffee shop some weeks ago to solicit input from neighbors.Please convey to the BOZA my strong objection to the CUP for the reasons noted above..Thanks Beth .Tom O'Hearn

Reid, Sue

From: Fernandez, Jose Manuel <jose.fernandez@louisville.edu>
Sent: Thursday, March 01, 2018 9:07 PM
To: Jones, Beth A.
Subject: In regards to 17CUP1083

To Beth Jones,

I write this letter as a concerned residents of the Cherokee Triangle. I live on Glenmary Ave. I have lived in my home for the last 10 years. I am Hispanic. There have been multiple attempts made to convert single family resident housing into Air BnB type rentals. I support the right of individual home owners to use their domicile in this fashion. However, I take issue with non-homeowner, especially those who do not actually live at the house, to sublease these homes using Air BnB. Over the past year, there have been several homes that have operated in this fashion. The air BnB tenants have been at times rude and threatening to neighbors. As an example, telling immigrants they are going to build a wall. I was an eye witness to this particular instance. I was walking with my children on my own street. I can literally see this home from my front steps. To see these signs on the front law as we walked by was unsettling.

Other neighbors have cited individuals yelling profanity to residents as they walk down the alley to their homes. There is no home owner insight and essentially a failure of accountability. Calling the police is a waste of time and resources. All these residents need to do is enter the domicile prior to the police arriving. Further, the police will only tell them to quiet down. Next, even if a fine is issued who is it issued to? The temporary tenants, the subleser who does not live there, or the homeowner who is also not there? These type of CUP applicants have no skin in the game with respect to up keeping the neighborhood or making sure the tenants are civil towards the neighbors. Further, there is no way to enforce penalties when the tenants are uncivil.

These CUP's that are issued in this fashion impose a negative externality on surrounding homeowners. Home owners have made significant investments to live in the Cherokee Triangle. These investments must be approved by historical landmark committees. The level of scrutiny is high. We accepted these restrictions as all homeowners are expected/enforced to maintain the aesthetics of the neighborhood. These CUP's are undermining these efforts. You have individuals who are not responsible for the upkeep of the property or even living at the property, profiting from the upkeep produced by surrounding neighbors to draw in these customers.

I ask that the decision associated with this CUP consider both the precedent and long term effects they have on the Cherokee Triangle neighborhood.

Please let me know that you have received this e-mail.

I live at 2331 Glenmary Ave. I would also note that adjacent households to the property were not correctly notified the first time and it is unlike they have been notified this time.

Sincerely,

Jose M. Fernandez
Associate Professor of Economics
Co-President of the Hispanic/Latin@ Faculty and Staff Association
University of Louisville

Member of the Committee on the Status of Minority Groups in the Economics Profession
D.I.T.E Fellow
louisville.edu/faculty/jmfern02 (Work webpage)
<https://www.facebook.com/groups/econuofl/> (Economics Department Facebook page)
<https://twitter.com/UofLEcon> (Twitter Page)
502.852.4861

Reid, Sue

From: Jennifer Schultz (via Google Photos) <noreply-a86523144060e524c9744acf9918506e@google.com>
Sent: Thursday, March 01, 2018 8:02 AM
To: Jones, Beth A.
Subject: Jennifer Schultz shared 1 photo with you



Jennifer Schultz: Beth -- Attached is a picture from 2312 Glenmary Avenue from 2/3/2018 (17CUP1083). Rented after 2/1 notice to cease. Thanks, Jen



[VIEW PHOTO](#)

You received this mail because Jennifer Schultz shared these photos with you. If you no longer wish to receive email notifications of shared photos, [unsubscribe here](#).

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Google LLC
1600 Amphitheatre Pkwy
Mountain View, CA 94043 USA

Reid, Sue

From: Jamie Khiani <jamiekhiani1@gmail.com>
Sent: Wednesday, March 14, 2018 1:58 PM
To: Jones, Beth A.
Subject: 17cup1083
Attachments: 17cup1083.docx

Beth,

Please see the attached letter. We ask that it please be presented at the hearing on 19Mar2018 regarding the request to re-zone property 2312 Glenmary Ave. as my husband and I are unable to leave work to attend.

Kind Regards,
Jamie Khiani

To whom it may concern,

We are the owners of 2308 Glenmary Ave, directly next to 2312 Glenmary Ave. This street is consistently occupied by many children due to Collegiate School being located just a few houses down. We also have 4 young children, 2 of which attend Collegiate and feel that this is not an appropriate setting for such an establishment. Since 2014 the house has been put on the market at least 2 or 3 times. Each time, it was then taken off the market and rented out to many individuals. Recently, this house has been a revolving door of "renters", many times consisting of different large groups of individuals on a weekly basis. There is an unusual amount of cars being parked on the street and behind the house. The cars sometimes even drive through our private drive behind our house to exit the property. There appears to be a lack of oversight and/or management of the activities that take place at the home including the overall appearance (unkept yard etc.).

When visiting the website for this house (www.airbnb.com/rooms/18878734) it is advertised to have 12 beds in 5 rooms which can be rented for \$199.00 per night. This is clearly expected to be more like a motel than a short term rental. Many of the reviews on the website have been regarding bachelor parties with many people. Considering it is called the "Burbon Masion" this clearly indicates that parties and alcohol consumption is expected and welcomed. We feel that having the Burbon Mansion renting out to various unknown individuals poses a significant safety risk for our property as well as to the many children that attend the school. Glenmary Avenue and the surrounding streets are well respected and has maintained a feeling of a safe and friendly environment, and we fell that this type of establishment is detrimental to the community and potentially exposes our children to inappropriate behavior. We respectfully ask that this re-zoning be denied so that the community can remain a safe and comfortable environment for the children and residents.

Kind Regards,

Jamie Khiani

Reid, Sue

From: Perry Finley <pwfinl01@gmail.com>
Sent: Friday, March 09, 2018 11:35 AM
To: Jones, Beth A.
Subject: Public Hearing #17CUP1083

To the Board:

I'm a long time resident and home owner (30+years) in the Cherokee Triangle. I'm not in favor of homes being rented (but not lived in) and then renting them out short term (AirBnB). These are my concerns:

- 1.Parking
- 2.Noise
- 3.Upkeep of the property
- 4.The property sits vacant when not rented

Perry Finley

Reid, Sue

From: Gail Morris <gmorris1314@gmail.com>
Sent: Friday, November 03, 2017 3:42 PM
To: Jones, Beth A.
Cc: Coan, Brandon
Subject: RE: Short Term Rentals -- Glenmary & Longest Aves -- Meeting Tonight with Neighbors
Importance: High

I am unable to attend tonight's meeting but have strong opinion with regard to short-term rental issue in the Cherokee Triangle, where I have been a resident of 30 years or so.

First of all, the decision to convene an important meeting at 6:00 pm on a Friday night was not very well thought out! It is as if the goal was to make it an inconvenient time to reduce attendance. I would appreciate an explanation for that planning decision.

With regard to the issue at hand, the Cherokee Triangle has been engaged for many years, and rather successfully so, in returning the neighborhood into single family, owner-occupied residential properties. With that goal intact, the very idea of short-term rentals in neighborhood residences flies in the face of what the Cherokee Triangle has strived to achieve. My opinion is that the property owners, who are attempting to push through this initiative, have no real sense of actually living in our neighborhood and concern for being a good neighbor.

I will appreciate being kept apprised of this meeting outcome.

Gail Morris

Gmmorris1314@gmail.com

From: Jen Schultz [<mailto:jennifer.a.schultz@gmail.com>]
Sent: Friday, November 3, 2017 8:50 AM
To: Gail Morris <gmorris1314@gmail.com>
Cc: Pete Kirven <pkirven@kyselectproperties.com>; Mark Thompson <markatia@att.net>; Christopher Quirk <cq@period-a.com>; Jim Gibson <jgibson@wwnorton.com>; Eric Graninger <egranger@bellsouth.net>; Tim Holz <tim_holz@b-f.com>
Subject: Short Term Rentals -- Glenmary & Longest Aves -- Meeting Tonight with Neighbors

Short Term Rental Conditional Use Permit (CUP) at 2312 Glenmary Avenue (17CUP1083) & Appeal at 2211 Longest Avenue

MEETINGS TONIGHT: A first meeting with residents near 2312 Glenmary Avenue is scheduled for **tonight -- Friday, November 3 at 6PM -- at Heine Brothers on Douglas Loop**. A second meeting with residents near 2211 Longest Avenue is scheduled for **7PM** -- same applicant but for short term rental on Longest Avenue. *Residents are strongly encouraged to show up to these meetings as a report is submitted about attendance by the CUP applicant to Louisville Metro.*

The applicant for both short term rentals is Christopher Payne of 2211 Longest Ave. Mr. Payne is not the owner of either property.

Unavailable to Attend – Share Your Views with Louisville Metro: Anyone wishing to comment, up until the time of the BOZA (zoning) hearing, can submit comments to Beth Jones, Planning & Design Services, Department of Development, Louisville, in writing via email (Beth.Jones@louisvilleky.gov) or letter (444 S. Fifth Street, Suite 300, Louisville, KY 40202). All comments received will be included with information provided to BOZA members in advance of the hearing.

Please share with other neighbors.

Thanks,

Jen

Jennifer A. Schultz
jennifer.a.schultz@gmail.com
502-384-6388
703-863-9676 cell