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***Hand Delivery***

Hon. David Proffitt, Chair  
Members of the Louisville Metro Board of Zoning Adjustment  
c/o Mr. Steve Hendrix  
Louisville Metro Planning and Design Services  
444 South Fifth Street, Suite 300  
Louisville, KY 40202

July 1, 2015

**RE: 15APPEAL1005**

Dear Chairman Proffitt and Members of the Board:

Please note that we received the Staff Report Addendum from Planning & Design Services via email at 1:00 p.m. today. As the staff report introduces additional information not specifically addressed at the prior hearing, the report requires clarification for the sake of an accurate record.

We have attempted to respond as best we can in the few hours that remain before close of business day. We would be grateful if the Board accepted the enclosed package of supplemental documentation so that its contents are included in the administrative record.

In light of today's time constraints, we would appreciate the opportunity to submit a completed response in the next few days but certainly prior to the start of the upcoming hearing scheduled for next Monday, July 6th.

Sincerely,

*Elizabeth Fauxpoint*  
Daniel & Elizabeth Fauxpoint

RECEIVED

JUL 01 2015  
PLANNING &  
DESIGN SERVICES

*15APPEAL1005*



## 1 - Floor Area Ratio

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### A. Definitive authority on how to calculate FAR in 2013

Despite the occasional staff interpretation of floor area to mean that it could be measured from the interior of exterior walls, the correct method of measuring from the exterior of exterior walls was both known and knowable to Metro staff throughout 2013.

#### Former Definition (2013)

**Floor Area** - Total area within a building, measured from the exterior walls of the building, and equal to the sum of the number of square feet on each of the floors of the building.

#### Revised Definition (2014)

**Floor Area** - Total area of all floors of a building, measured from the outside of the exterior walls of the building.

The former definition is sufficiently clear. If the word "within" seemed ambiguous, LDC §1.2.1 instructs that undefined terms "shall be interpreted first by reference to the adopted Comprehensive Plan."

Cornerstone 2020 (in effect since June 2000) resolves the FAR question with absolute certainty:

#### Cornerstone 2020

**Floor Area** - the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls.

The definitive authority on how to calculate FAR is not Metro staff (as asserted in staff testimony) but, in fact, the Comprehensive Plan, which Metro staff is tasked to properly administer.

### B. Metro staff had resolved the FAR question by August 2013

PDS staff testified that the FAR question was not resolved until November 2014:

"there was some difference in opinions and different interpretations on how that was measured. And that was the main reason there was a change to that definition. So there was some question prior to November 2014 as to where you measured the floor area: whether it was the interior of the exterior walls, or the exterior of the exterior walls."

The administrative record indicates otherwise.

The 2011 audit of Planning & Design Services triggered an overhaul of the Land Development Code. LDC definitions were under committee review as early as **May 2012**. Permitting staff had explicitly sought and received clarification on the correct method to calculate FAR at the very latest by **August 6, 2013**.

### **MIS ITEM #9 – Floor Area Definition (Approved on 8/6/13)**

Permitting staff asked for further clarification regarding exactly how exterior walls are used in calculating the floor area of a building. The reference to attics in this definition has also been changed to "finished attics" in an attempt to be more consistent with the current references to finished basements. A new definition for "Attic, Finished" is also proposed.

#### **Section 1.2.2 Definition**

**Floor Area** - Total area ~~within~~ **of all floors of** a building, measured from the **outside of the** exterior walls of the building, ~~and equal to the sum of the number of square feet on each of the floors of the building.~~ The number of square feet in a **finished** attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

## 1 - Floor Area Ratio

### C. The date permits were requested or approved is irrelevant

PDS staff suggested that HRG may be entitled to grandfathering rights because the developer requested building permits in 2013 (under the former definition) that were approved in 2015 (under the revised definition).

"The permits weren't issued until May of 2015, after the definition changed. So someone at some point may have to make an interpretation on which calculation is used, or which definition is used to measure the floor area for this development."

Staff's timeline is inaccurate. The permits were issued in January 2014, suspended in February 2014, then expired in August 2014.

The permitting process ran its course well before the revised definition (known to Metro for at least one year) was formally codified in November 2014.

Building Permit			
Permit Number:	359225	Issue Date:	01/10/2014
Expiration Date:	08/06/2014	Inspector:	JOHN ORTHOBE
Contractor:	RESTORATION GROUP LLC HIGHLANDS 11915 CREEL LODGE DR LOUISVILLE, KY 40223	Owner:	RESTORATION GROUP LLC HIGHLANDS 11915 CREEL LODGE DR LOUISVILLE, KY 40223
Location:	1505 ROSEWOOD AVE LOUISVILLE, KY 40204	Estimated Cost:	\$118,000.00
Dept. of Commerce:	Multi Family	Total Square Feet:	3192
Inspector Comments			
stop work issued from george pate 2/6/14			

IPL simply did not adhere to the proper procedure detailed in KBC (2007) §105.3 and re-purposed invalid permits in May 2015. The question of when the application was first submitted or last approved is a red herring.

### D. Staff Interpretations

Cornerstone 2020 has been in effect for the past 15 years and was available to any professional developer, engineer, or planner in the year 2013. Its exceedingly plain language requires floor area to be measured from the exterior faces of the exterior walls.

PDS staff recommended that this Board retroactively apply a *flawed* staff interpretation of Code to an entirely different building than what HRG proposed in 2013, simply because the developer requested permits that year.

To utilize interior measurements would circumvent Code and enable this 3-story, 3-unit building to exceed the maximum FAR for an R7 zoning district. Staff interpretations are in direct conflict with KRS 100.271:

"The administrative official may be designated to issue building permits in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the *literal terms of zoning regulations*."

### E. Misrepresented FAR

The true complication with the FAR question stems from the fact that in 2005 and throughout all of 2013, HRG reported an existing floor area of only **15,863 sqft.**

HRG revised this value to **17,829 sqft.** on a site plan entitled "Development Plan" dated June 2, 2014 (six months prior to the November 25, 2014 definition change), and yet again to **17,901 sqft.** in May 2015.

A discrepancy of over 2,000 sqft. is significant in that HRG's plan to expand the Rosewood condo regime has *always* exceeded the maximum FAR for an R7 zoning district.

Table E - Overview of Reported v. Actual FAR

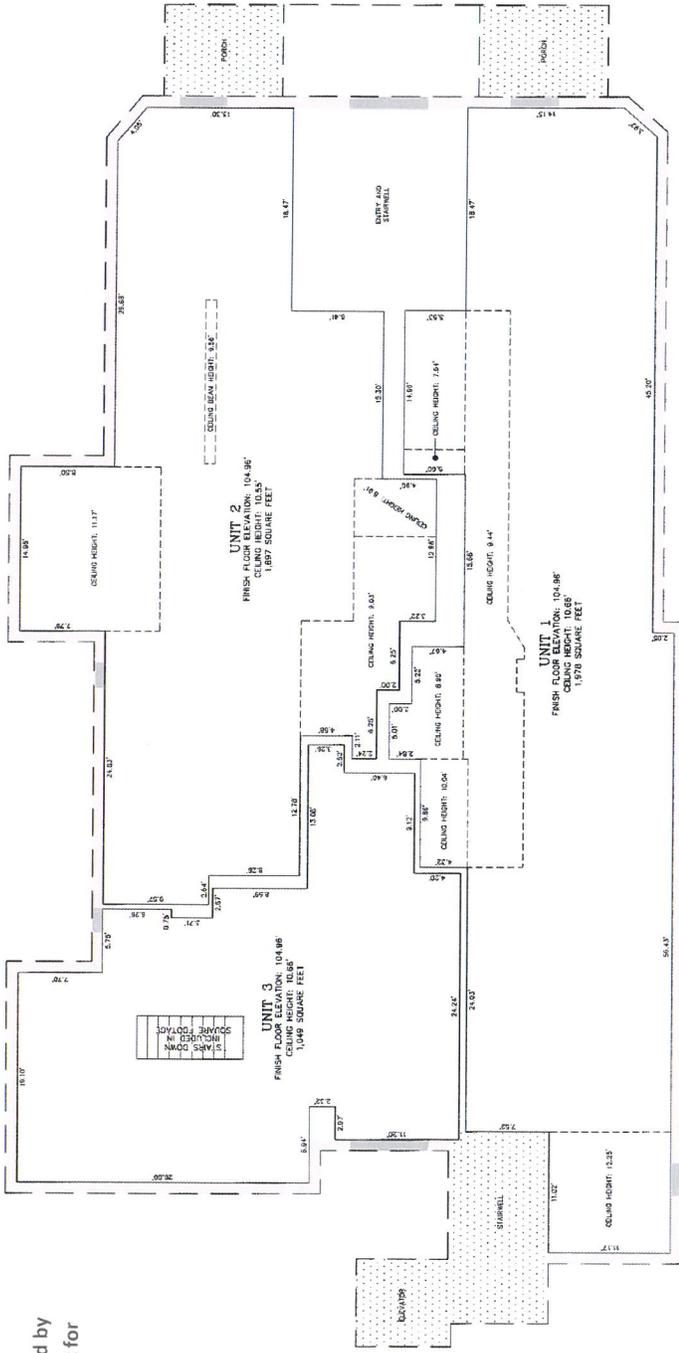
REPORTED		May 2005	April 2006	July 2006	April 2007	June 2007	Jan. 2013	Sept. 2013	August 2014	Dec. 2014	March 2015	March 2015	June 2015
Unit #9	Site Plan BOZA Hearing submitted 5/16/05	n/a	MLS Listings Units 1-8 listed 4/7/06	Master Deed Units 1-8 recorded 7/21/06	MLS Listing Unit 9 listed 4/30/07	Amen. Deed [Unit 9] recorded 6/21/07	Site Plan to PDS, MSD, IPL undated	Site Layout Plan certified 8/9/13	Develop. Plan PC Hearing dated 6/2/14	Site Plan - for agency reviews dated 6/2/14	Landscape Plan dated 3/20/14	Site Layout Plan construction docs dated 2/12/15	FAR Calculations BOZA Hearing submitted 5/29/15
Principal Structure	15,863				650	636	excluded	excluded	excluded	excluded	excluded	excluded	Interior 636 Exterior 743
Units 1-8 Finished Area		15,995	14,947			14,947	15,863	15,863	17,829	17,829	17,829	15,863	17,223
Total Existing FA													
Proposed Building	5,560						4,788	4,788	4,788	3,549	3,549	3,549	17,859
COMBINED	21,423						20,651	20,651	22,617	21,378	21,378	19,412	21,092
FAR 1.0							1.0	0.96	not reported	0.91	0.91	0.96	18,650
ACTUAL													
Unit #9	n/a						755						Per Appellants 755
Principal Structure	17,931						17,931						17,931
Total Existing FA	17,931						18,686						18,686
Proposed Building	6,156						4,788						4,350
COMBINED	24,087						23,474						23,036
Land Area	21,423						21,423						21,423
FAR 1.124							1.095						1.075
over max FAR	+2,664 sf.						+2,051 sf.						+1,613 sf.

A discrepancy of over 2,000 sqft. cannot be explained by the thickness of exterior walls, which would account for less than 700 sqft. per HRG's revised calculations:

The Rosewood	HRG Revised Calculations	
	Interior	Exterior
Basement [unit 3]	433	433
First Floor	5,455	5,693
Second Floor	5,667	5,890
Third Floor	5,667	5,890
Fourth Floor	X	X
	17,223	17,901
Thickness of Exterior Walls	678	
Revised in 2015	17,901	
Reported in 2005-13	-15,863	
<b>Discrepancy</b>	<b>2,083 sqft.</b>	

The thickness of exterior walls cannot explain why HRG repeatedly failed to report the floor area for Unit #9:

Unit #9	HRG Revised Calculations	
	Interior	Exterior
Thickness of Exterior Walls	636	743
<b>Unit #9 floor area was never included in FAR calculations</b>		
<b>Discrepancy</b>	<b>743 sqft.</b>	

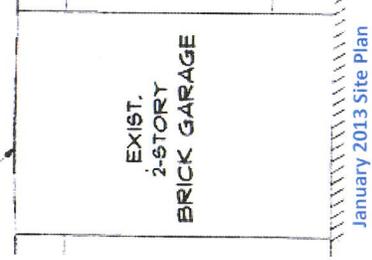


August 2013 Site Plan

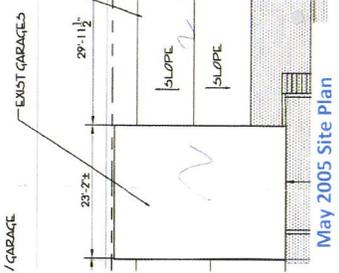
<b>GROSS ACREAGE</b>	<b>0.49 AC. (21,423 SF)</b>
<b>EXISTING BUILDING SF</b>	<b>15,893 SF</b>
<b>PROPOSED NEW BUILDING SF</b>	<b>6,504 SF</b>
<b>TOTAL BUILDING SF</b>	<b>22,247 SF</b>
<b>MAXIMUM FLOOR AREA RATIO</b>	<b>1.00</b>
<b>PROPOSED FLOOR AREA RATIO</b>	<b>0.96 (EXCLUDES GARAGES)</b>

March 2015 Landscape Plan

<b>EXISTING BUILDING SF</b>	<b>17,829 SF</b>
<b>PROPOSED NEW BUILDING SF</b>	<b>3,549 SF</b>
<b>TOTAL BUILDING SF</b>	<b>21,378 SF</b>
<b>MAXIMUM FLOOR AREA RATIO</b>	<b>1.00</b>
<b>PROPOSED FLOOR AREA RATIO</b>	<b>0.91 (EXCLUDES GARAGES)</b>



January 2013 Site Plan



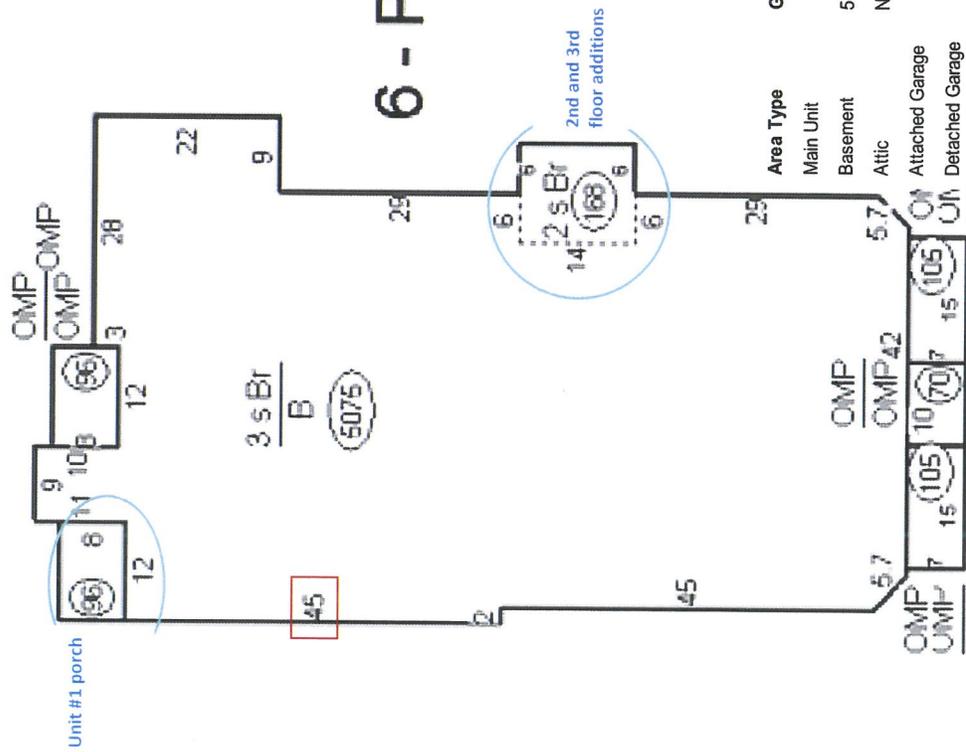
May 2005 Site Plan

More importantly, HRG did provide the Rosewood's exterior dimensions to Metro staff. In April 2005, HRG submitted a certified land survey conducted by BTM on behalf of the previous owner/developer. Aside from one correction, the BTM survey is overall consistent with the PVA record depicting the Rosewood's exterior dimensions as they were prior to the reconstruction project.

**EXTERIOR DIMENSIONS**

Jefferson County PVA record depicting the 6-plex apartment prior to HRG's purchase of the Rosewood property.

- left side dimension of 45 ft. is likely an error related to structural changes made to the far left porch in May 2001

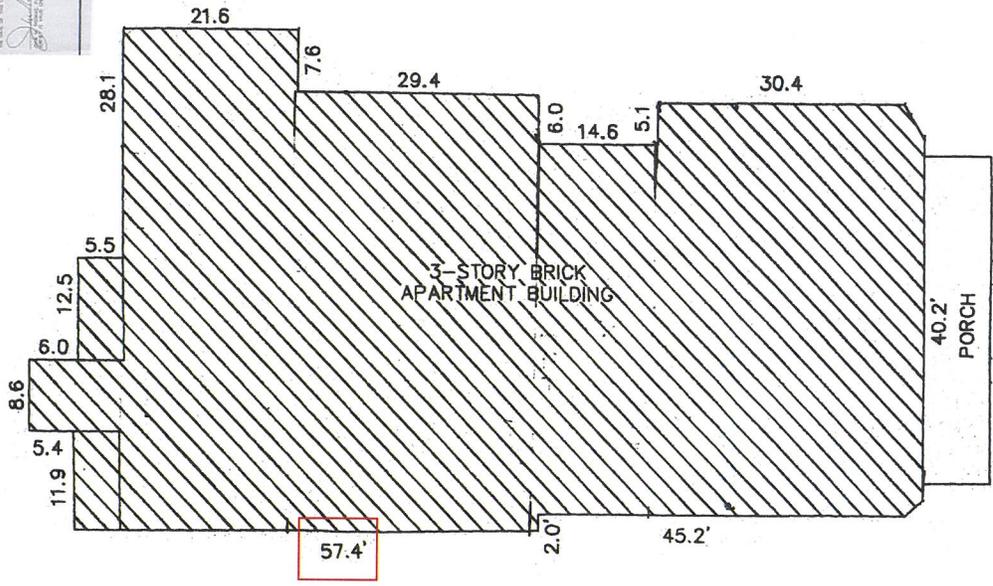
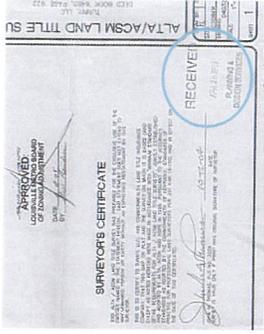


**6 - PLEX**

**EXTERIOR DIMENSIONS**

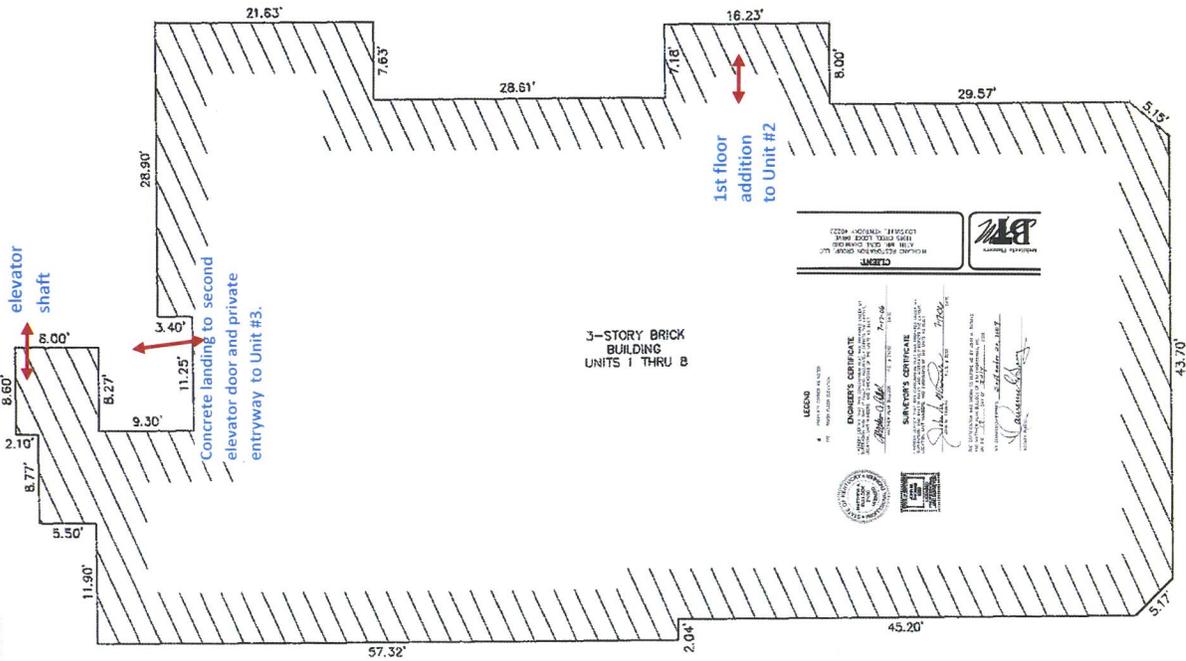
October 2004 certified Alta Land Survey conducted by BTM on behalf of the previous owner, Tunny LLC

- surveyor corrected left side dimension to 57 ft. but dimensions are otherwise consistent with PVA records
- Submitted by HRG to Planning & Design staff in April 2005 in support of variance/waiver requests to BOZA



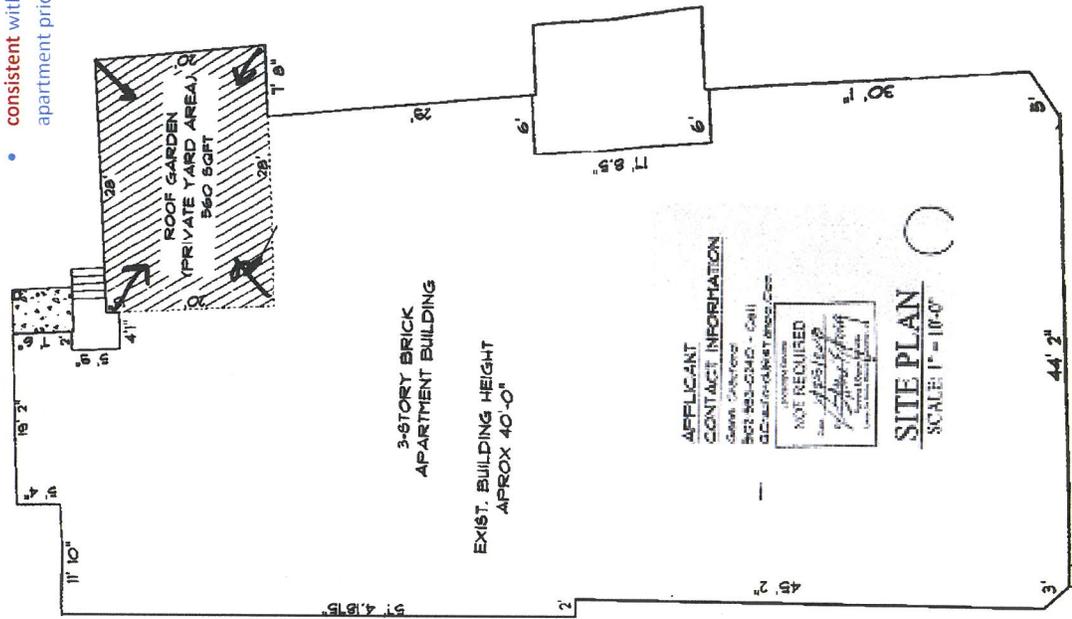
In July 2006, BTM prepared and certified the condo plat and floor plans depicting the Rosewood's exterior dimensions after the reconstruction project. HRG again provided Metro staff with the Rosewood's exterior dimensions in January 2013. However, HRG submitted an uncertified site plan depicting the Rosewood's exterior dimensions prior to the reconstruction project rather than the certified condo plat.

**EXTERIOR DIMENSIONS**  
**July 2006 Rosewood Condo Plat**  
 certified by BTM



**EXTERIOR DIMENSIONS**  
**January 2013 Site Plan submitted by HRG to Planning & Design staff**

- undated, uncertified, and not drawn to scale
- inconsistent with the certified condo plat
- consistent with the PVA records of the 6-plex apartment prior to HRG's reconstruction project



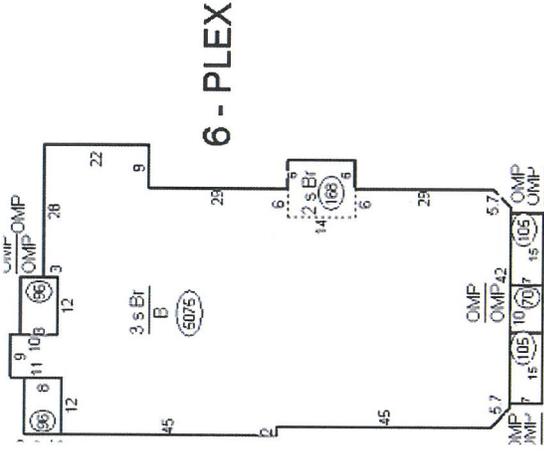
Although it is unclear how HRG arrived at exactly **15,863 sqft.**, the simplest answer is often correct. HRG's reported value for the Rosewood's existing floor area is very close to the PVA report of **15,561 sqft.** for the finished interior floor area prior to the reconstruction project.

Area Type	Gross Area	Finished Area
Main Unit		15,561
Basement	5,075	0
Attic	None	
Attached Garage		
Detached Garage		

1st Floor	5,075
2nd Floor	5,075
addition	168
3rd Floor	5,075
addition	168
<b>Total</b>	<b>15,561</b>

Bear in mind that a site plan shows the building footprint and so would necessarily depict the expanded floor area of the Unit #1 sun room and Unit #2 addition. When these expansions are combined with the PVA's value of 15,561 sqft. for the finished area, the total equals **15,868 sqft.**

PVA finished floor area	15,561
Unit #1 sun room	+139
Unit #2 addition	+168
<b>Total</b>	<b>15,868</b>
<b>Floor Area reported by HRG</b>	<b>15,863</b>
<b>Difference</b>	<b>+/- 5 sqft.</b>



### 6 - PLEX

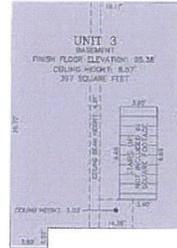


# 1 - Floor Area Ratio

Since HRG did indeed base its FAR calculations on the Rosewood's exterior dimensions, the most plausible explanation as to why the existing floor area was reported at 15,862 sqft. in 2005 and 2013 is that HRG simply excluded the expanded floor area that would not be apparent on a site plan depicting the building's footprint. This would include the construction of:

Unit #3 basement addition,

enclosed sun rooms for Unit #4, #6, #7, and #8,



July 2005 PVA photos taken at construction site



August 2006 PVA photo depicting enclosed sun rooms



and the Unit #9 carriage house.

GROSS ACREAGE	0.49 AC. (21,423 SF)
EXISTING BUILDING SF	15,863 SF
PROPOSED NEW BUILDING SF	6,384 SF
TOTAL BUILDING SF	22,247 SF
MAXIMUM FLOOR AREA RATIO	1.00
PROPOSED FLOOR AREA RATIO	0.96 (EXCLUDES GARAGES)

## F. Administrative Errors Related to FAR

As to how this undocumented expansion escaped the notice of Metro staff (aside from the fact that none of this work was covered under the November 2004 "interior renovation" Building Permit #45216), it appears that staff failed to mathematically verify HRG's data.

According to PDS staff testimony, the assumption is that Construction Review would verify the reported FAR:

"When we review development plans, we're looking at footprints typically. And the applicants will just provide the footprint calculation to measure the floor area ratio. Now, when I talked to the building department, they get into more details when they start reviewing construction plans and floor plans and things like that that. So they have more information than we do when we're reviewing preliminary development plans."

However, our April 24th meeting attended by Construction Review staff revealed this is not the case:

LIU: So when we approve the building permits, we also double-check the floor area ratio, right, in this case? In every case basically.

MARCHAL: No, what we do is check the foundation plan, the floor plan, and look at the overall dimensions. And if they match what's on the development plan, then we go. **We don't double-check the numbers.**

# 1 - Floor Area Ratio

2005 site plan submitted to BOZA

Metro staff could not have possibly verified the reported FAR of 1 since the site plan provides zero dimensions for the Rosewood's footprint.

Staff clearly did not verify the proposed building's footprint either. Although the site plan reports the proposed building at a total floor area of **5,560 sqft.**, its actual dimensions of  $27' \times 76' = 2,052 \times 3 \text{ floors} = 6,156 \text{ sqft.}$

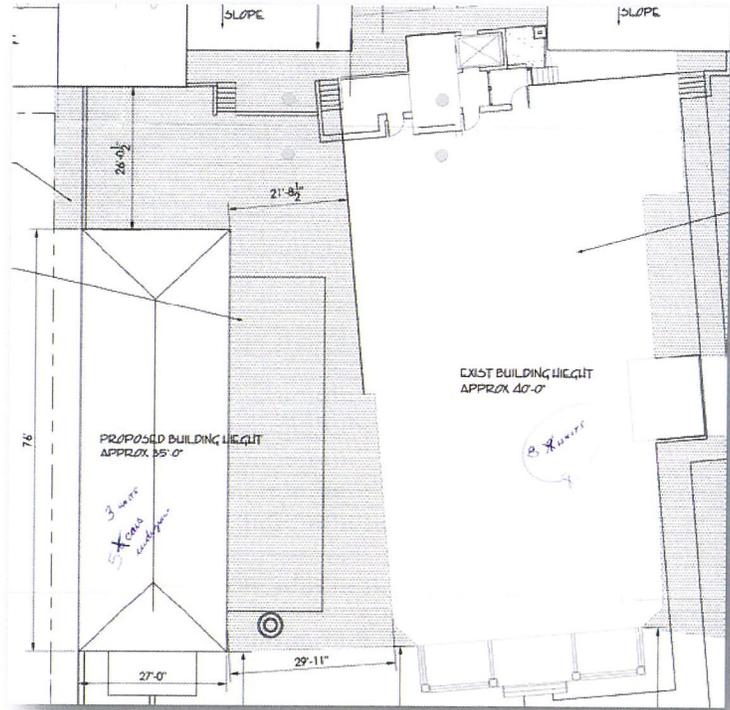
SITE AREA: 21,423 sqft  
 MAXIMUM FAR: 1  
 EXISTING BUILDING SQFT: 15,863 sqft  
 NEW BUILDING SQFT: 5,560 sqft  
 PROPOSED TOTAL BUILT SQFT: 21,423 sqft  
 PROPOSED FAR: 1

HRG's plan therefore exceeded the maximum FAR on that basis alone.

That staff did not perform such a basic calculation is perplexing in light of recent staff testimony on the rarity of a developer's plan to come anywhere near the maximum FAR:

"This issue, as you can imagine, does not come up very often. Typically, when Planning & Design reviews development plans, what we're shown on development plans shows a footprint. And that is typically going to be the exterior of exterior walls.

**And 99% of the time, the floor area ratio is not coming close to the maximum permitted."**



2013 site plans upon which plan approvals and permits were based

Since neither Metro agency verified the reported FAR, the floor area was whatever the developer claimed it to be.

Had Metro staff required HRG to prove legal ownership of the Rosewood property per the last recorded deed, it would have been quite clear that Unit #9 had been excluded from the reported FAR, and that 15,863 sqft. for the **total** existing floor area was grossly under reported by HRG.

The consequence of Metro staffs' failure to perform basic due diligence tasks enabled HRG to successfully advance a non-compliant development project via multiple zoning exemptions, plan approvals, and building permits, all of which are based on demonstrably false data.

GROSS ACREAGE	0.49 AC (21,423 SF)
EXISTING BUILDING SF	15,863 SF
PROPOSED NEW BUILDING SF	<del>5,560 SF</del> 11,788 SF
TOTAL BUILDING SF	22,247 SF
MAXIMUM FLOOR AREA RATIO	1.00
PROPOSED FLOOR AREA RATIO	0.96 (EXCLUDES GARAGES)

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EXHIBIT A

Rosewood Condominiums at the Highlands

Unit No.	Unit Location and Type	Unit Floor Area	Percentage of Common Interest
1	See Plans	1,978	12.7%
2	See Plans	1,897	10.9%
3	See Plans	1,448	8.3%
4	See Plans	2,018	13.0%
5	See Plans	1,881	10.8%
6	See Plans	1,216	7.8%
7	See Plans	1,991	12.8%
8	See Plans	2,920	18.7%
9	See Plans	636	4.1%
		15,583	

June 2007 Amended Deed

## 1 - Floor Area Ratio

### G. The "covered porch" should be included in the FAR calculations

We would defer to the authority of Code rather than staff interpretations of Code. The clear intent of LDC requirements for floor area is to regulate the intensity of a site.

HRG's elevation plan features a street-facing, 768 sqft. system of 3-story exit access stairs; surrounded by aluminum guard rails; attached to 12 plastic arches and 12 plastic columns each standing 10 feet tall; ensconced by a 25 foot steel support beam and presumably fire-rated metal doors; 3 patios enclosed by 8 foot "privacy walls;" all of which are covered by a 300 square foot metal roof; attached to a fourth level façade of some unspecified height.

PDS staff have determined that this network of metal, plastic, concrete, and composite decking does not contribute to the building's **intensity** because if a covered porch is:

"not enclosed on all four sides, then it would not be counted."

The LDC definition of an unenclosed porch makes no such qualification:

"Unenclosed means that the porch may be roofed but the extension from the enclosed structure shall not have glass or screening enclosure or walls greater than three feet in height."

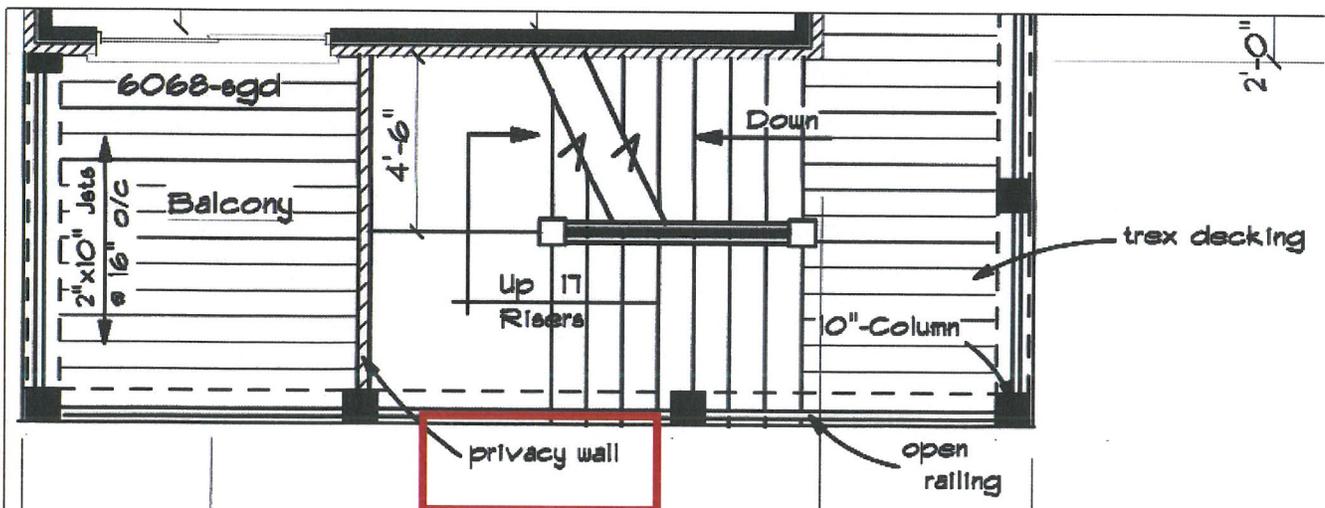
The LDC need not specify enclosure on *all four sides* because four walls would otherwise create a room and, of course, would then count towards the FAR.

Whether a porch contributes to intensity is not measured by the *number* of walls but by the *height* of the walls.

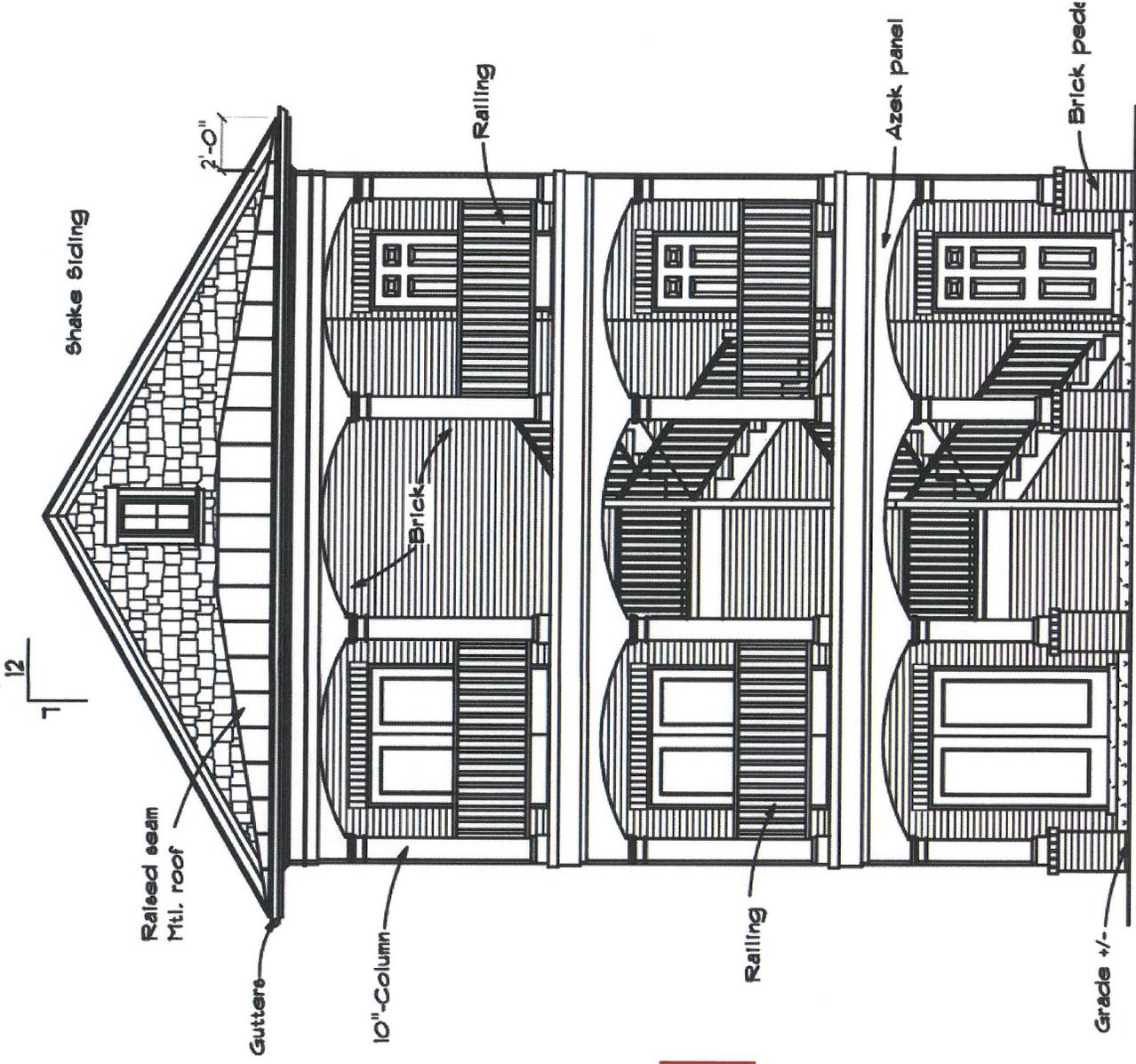
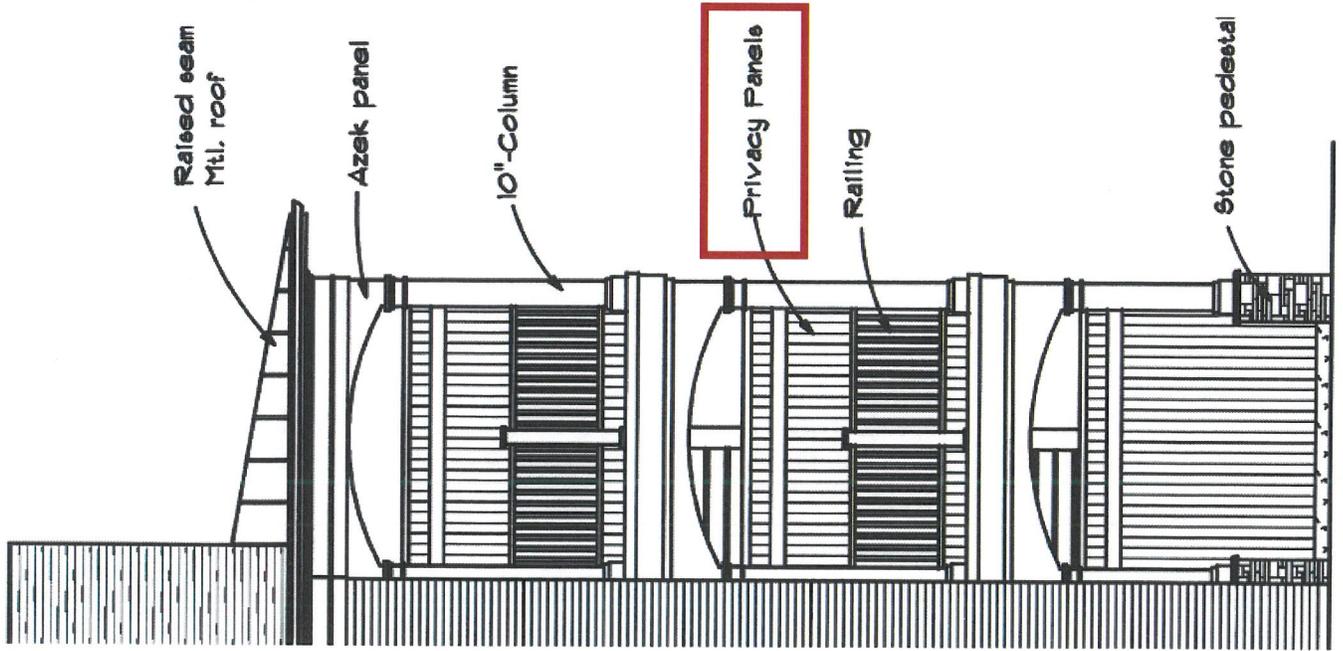
The Code deems a porch to project a sense of **enclosure** when its unspecified number of walls exceed a height of three feet. HRG's plan calls for 8 ft. privacy walls perpendicular to 10'x26' walls on each floor.

LDC §1.2.2 further regulates a building's intensity by including its accessory portions, such as *covered* steps, in the total floor area. The 3-story stair system is entirely covered by a 300 sqft. metal roof and should be included in the FAR calculations.

The "covered porch" is simply the exposed innards of a building that is missing its front façade and is clearly designed to evade the FAR regulations.



1 - Floor Area Ratio



FRONT ELEVATION

1/4"=1'-0" 3,540 sq. Ft. +/-



## 2 - Density

### A. Density is inextricably related to FAR

As noted by this Board:

"Floor area ratio is to help determine density. Density of a site. Density as it relates to zoning, as it relates then to the overall neighborhood context and its area. As such, the only way that you can judge that is outside of wall. Inside of wall is just square footage. That's rentable square footage for all practical purposes. It's not the density of the site."

PDS staff have determined that HRG's development project does not meet the threshold for a Category 3 review because the principal structure can support a density of over 12 units:

"You have to make a threshold in order to come to the Planning Commission to have a public hearing. This one, staff determined it does not meet that threshold. It has to meet the density. This building is [17,931] square feet. It can accommodate more than 12 units. So they're okay with the density. **But do they need a Category 3 review? Our interpretation is no.**"

Staff is conflating what the Rosewood structure can support with what the Rosewood site can support.

The current R7 zoning of the Rosewood site would allow for a total density of **17 dwelling units**. If in 2004, HRG had reconstructed the Rosewood to contain 17 units, staff's position might be somewhat correct:

17,931 sqft. - approx. 700 sqft. for exterior walls = 17,231 sqft. of finished floor area  
divided by 17 units = 1,014 sqft. per unit.

Except that 17 units would require a total of 26 off-street parking spaces [17 x 1.5 = 25.5 → 26]. The Rosewood site contains only 10, so HRG would indeed be required to provide a 16-car underground garage or otherwise obtain a parking waiver for 16 spaces.

HRG asserted to BOZA (in 2005) that the PYA reduction was justified because:

"A smaller footprint would also not allow enough space for the number of parking spaces required under the building. This is the only way to allow the full use of the 1 FAR allowed for this property."

However, HRG's unforced elimination of the underground garage consequently eliminated the justification for:

- (a) the PYA reduction of 44%
- (b) allowing the full use of FAR 1

Since HRG reconstructed the Rosewood with only 8 units, the developer is now attempting to expand an unbalanced condominium regime:

	Floor Area	FAR Proportion	Density Proportion
Unit #9	755 sqft.	0.035	3.5%
Rosewood	17,931 sqft.	0.837	84%
Proposed Building [per allowable FAR]	2,737 sqft.	0.128	13%

Staff's interpretation that "they're okay with the density" fails when tested in real life: the Rosewood site cannot even support 12 units without exceeding the maximum FAR for an R7 zoning district.

**The root cause of this problem is that the Rosewood property is incorrectly zoned.**

## 2 - Density

### B. Relevance of PDS staff's refusal to process the Rosewood Council's Zone Change Proposal

1. The R7 zone change was *never* intended to accommodate two multi-family structures and one single-family dwelling. The Rosewood site does not have enough land area to support the combined density and intensity of two multi-family structures, and for all intent and purposes, another single-family home.

The prior developer understood this and was emphatic that the Rosewood property should contain only one multi-family building. His plan was to raze the historic Rosewood and construct a garden style apartment complex. His objective was to increase the permitted density from 6 to 12 dwelling units.

In 1967 and again in 1969, the Planning Commission unanimously recommended to the Board of Aldermen to deny the R7 zone change on these grounds:

Docket No. 9-62-67  
Public Hearing July 6, 1967

The high densities permitted in the R-7 Apartment District, as well as the disruptive results of 'garden type' apartment living (i. e. noise and traffic) would prove detrimental to this reserved single family neighborhood.

This is spot zoning for the benefit of the owner rather than the neighborhood which is contrary to good zoning practice.

5-1-69

It is recommended that the request for R-7 Apartment be denied and that R-6 be approved which would permit development which would be in harmony with the present and most appropriate future development of the neighborhood.

Docket No. 9-94-69

WHEREAS, the applicant does have a non-conforming use on the subject property which gives him an advantage over the nearby single family residences;

WHEREAS, neighborhoods of good quality single family residences should be amply protected against the invasion of other types of land use; and

Precisely why, how, and when the Aldermen approved the zone change from R-5 to R7 is beyond the scope of present matters before this Board. Suffice to say, there is persuasive evidence that the zone change was effectuated under irregular procedural circumstances.

2. The Rosewood Council's Zone Change Proposal

On July 7, 2014, the Rosewood Council attempted to exercise its right under KRS 381.9167(1)(d) to institute an administrative proceeding on its own behalf, and its right under KRS 100.211 as the legal landowners to propose an R-6 zoning for our property that is incorrectly classified as R-7.

The crux of our argument is that HRG's inability to devise a code-compliant development plan demonstrates that in spite of an R-7 zoning, the Rosewood property cannot physically support what HRG intends to build. Each zoning exemption HRG has secured thus far, and each zoning violation for which Metro staff have taken no corrective action, originates with that reality.

PDS staff refused to review the Council's proposal or process the application for two reasons:

- i. staff deemed the proposal "improper" because "*speaking generally, the courts have acknowledged that property owners and developers have certain vested rights once permits are obtained and physical construction takes place.*"
- ii. staff required a "*reason to believe that HRG no longer has rights to construct the 3-unit building.*"

Aside from the fact that (a) processing an application is a ministerial act for which staff have no discretion and (b) staff is not qualified to assert legal opinions, we would refer to a legal treatise in *Methods of Practice*, authored by Bill Bardenwerper (who, incidentally, represented HRG at the August 2014 Planning Commission hearing).

Attorney Bardenwerper clarified that since all property is subject to a city's police power to regulate land use and modify zoning classifications as it sees fit, no developer or property owner has "***any vested right in the continuation of the particular zoning classification that was in force when he purchased the property.***"

## 2 - Density

---

Staff's role is not to interpret the law but to properly administer the law. PDS staff's refusal to process the proposal hinders the Council's due process right to an administrative hearing. The property's landowners are entitled to at least present their arguments before an administrative body. As such, staff's determinations were in error.

### C. HRG's misrepresentations to BOZA in 2005 are relevant to present circumstances

In light of the above considerations: namely, that the Planning Commission recommended to deny the zone change for the precise reason that a high density R7 zoning classification was inappropriate for the Rosewood site;

**The neighborhood is predominately developed with single family residences with several duplexes and apartments.**

**Future land use studies indicate that the most appropriate development of this area is for medium density residential.**

**Under the proposed R-7 classification, 17 dwelling units could be built on the lot at a density of approximately 34 units per acre.**

and the site cannot accommodate HRG's proposed total of 12 units, it is significant that in May 2005, HRG proposed a density of **11 units**.

BOZA based its findings on the reasonable assumption that what was presented to the Board was the truth: the drastic reduction of green space was justified because HRG had explicitly limited the density to 11 units. Since the Rosewood site consists of a total of 9 units, the number of units for the proposed building should be restricted to 2.

We made this argument to Metro staff on April 24th. Staff determined that not only would they allow a 3-unit building, HRG could "overcome the FAR by making smaller units" and was entitled to construct up to 17 units.

Metro staff further determined:

"What [HRG] represented relative to the BOZA case, really, contextually is **not of any consequence to us** because the Board case was related to variances."

Despite repeated advice by Metro's legal counsel to refrain from issuing permits until the FAR question was resolved, Metro staff approved the permits (just hours *prior* to that meeting), which is one of several grounds for our present appeal.

In response to our argument that a density of 12 units contradicts HRG's justification statement and sworn testimony to BOZA, PDS staff asserted in both the staff report and testimony to this Board:

"There does not appear to be any legally binding condition limiting the number of dwelling units on the lot as it relates to the granting of the variances in 2005."

Staff's opinion is not supported by Kentucky law. Under KRS 100.233, the Board has the power to administer an oath to a witness prior to testimony for the obvious purpose of extracting truth from an applicant. The applicant, of course, is legally bound to provide reliable testimony upon which the Board can make sound findings. The applicant is further legally bound to seek formal approval before increasing a site's density and incorporating a 9th unit into a condo regime.

Note that when when the Board posed this question to PDS staff:

"What about this under oath stating that they're only going to build 11 units and all of a sudden we're seeing 12? How does that play into anyone's thought processes in Planning & Design staff?"

PDS staff declined to answer the question.

## 2 - Density

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 duty is punishable as a Class B misdemeanor.

An applicant seeking relief from zoning regulations is also required to sign a certification statement acknowledging KRS 523.010, which HRG completed to secure the requested zoning exemptions from the Board.

Signature   
Printed Name and Title  
KEVIN R. ORL

Date 4/25/05

That the Rosewood condo regime would consist of only 11 units was, in fact, an explicit basis for the Board's approval of HRG's curb cut request. When two Rosewood Ave. residents expressed concern over the proposed density increase, the Board reminded them that HRG would provide a 5-car underground garage:

**RESIDENT 1:** I came into this meeting being one of the undecided. But I was not aware that there was going to be an additional building built on top of the underground parking. It appears to me that that's kind of subterfuge... But really I think the whole purpose of requesting this is not for parking. **It's for making a real small piece of property very dense.**

**RESIDENT 2:** What I thought I was going to come here today and discuss was whether or not we could have a 3-plex. And then when I read the variance in detail, it looks more in terms of that's not even in the question. It's just that there's a yard there and it's going to be too small.

I don't have a concern with small yards. **I have a concern with too many units in an area and too many people within an area.**

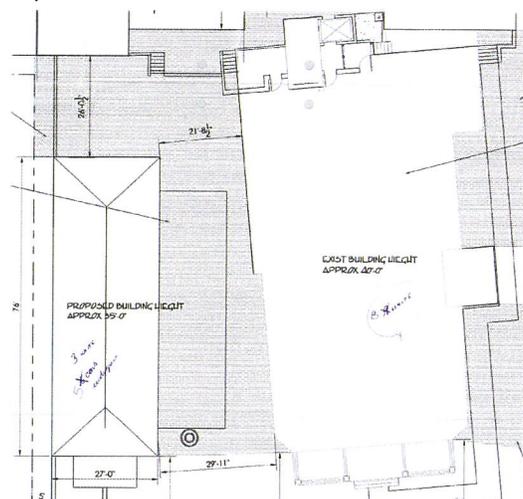
**CHAIRPERSON:** **Even though they have the underground?...** But they have underground parking for this new building, which alleviates what normally has been a concern.

BOZA Hearing Transcript  
Pages: 14-15 and 9

Staff's legal theory that HRG's testimony has no binding effect is therefore an untenable position.

1. "The number of dwelling units, **11**, is also well below the maximum allowed, 17.1"
2. "We purchased 1505 Rosewood last fall and invested about 1.5 million dollars, turning a rundown, transient rental property into owner occupied condominiums. **There'll be eight there when we're done.**"
3. "I believe from our calculations that we're allowed up to 17 units on that property. **We're proposing a total of 11.**"
4. **"We're going to have a total of 11 units -- 8 and 3.**"
5. BOZA: "There will be **11 units** and 14 garage spaces?"  
HRG: **"Right."**
6. BOZA: "On our site plan that we have here, it says **9 units** on the existing building. Is that correct?"  
HRG: **"That's incorrect."**  
BOZA: "It's 8?"  
HRG: "That's correct."

11 units  
14 garages



We would disregard staff's interpretations of law and instead defer to experienced local attorneys, such as Glenn Price, who authored an article published in *Land Use, Zoning and Private Controls on Real Estate*:

"Statements made in public hearing relating to the use or forbearance of use of the property, even though not listed as conditions of approval, may be asserted by a party to be binding and should be disclosed. Findings of fact adopted following a zone change or other zoning-related hearing may form the underlying basis of the approval and could be asserted as binding by a third party."

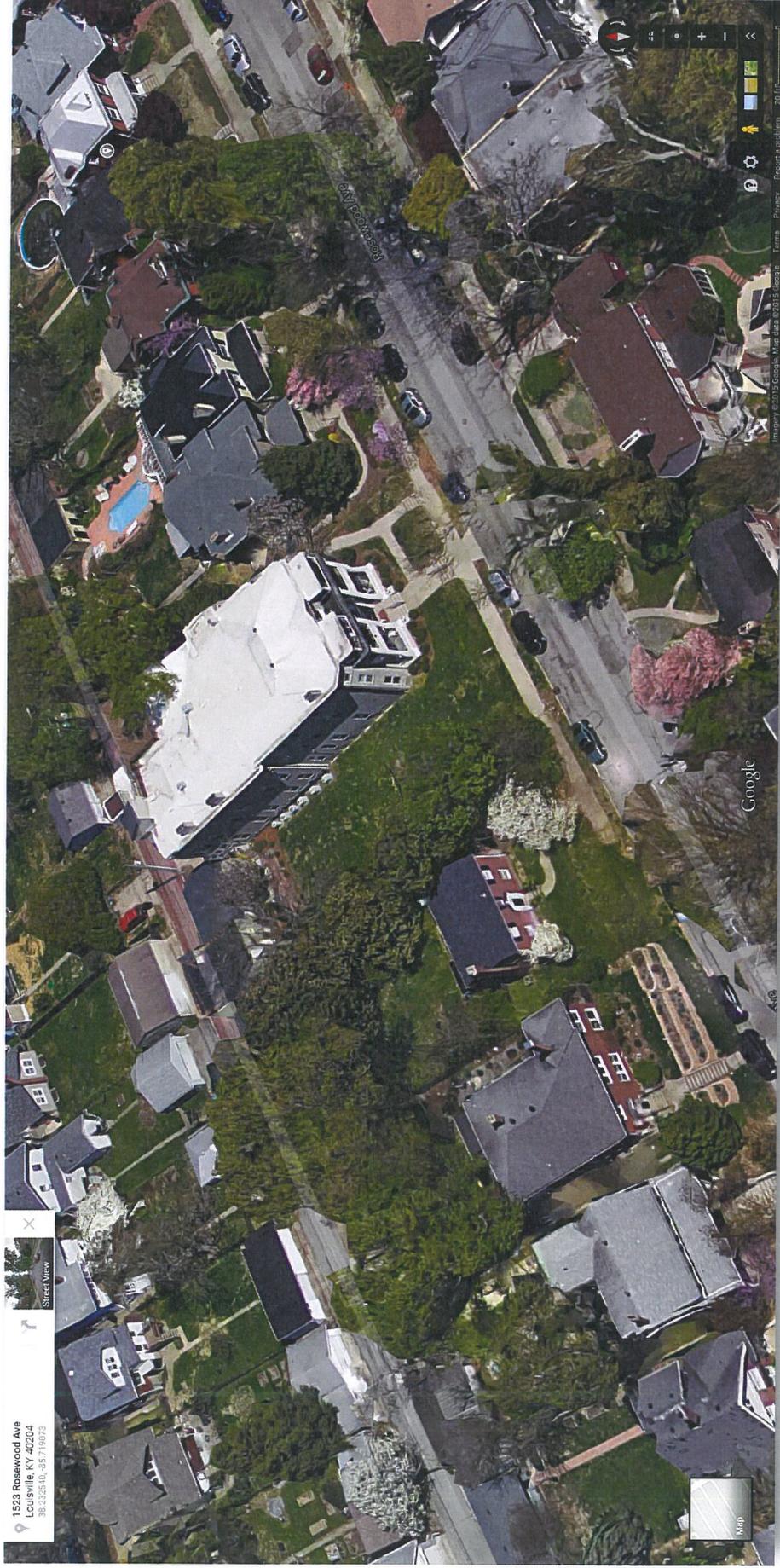


### 3 - Height

#### Height is directly related to both density and FAR

Cornerstone 2020 defines scale as: "The relationship of a particular project or development, in terms of size, **height**, **bulk**, **intensity**, and **aesthetics** to its surroundings."

The nonconforming Rosewood is the only 3-story structure along the block face. It physically dominates the neighborhood and is markedly out of scale with its surroundings.



As noted by the LDC Improvement Committee in June 2012, infill standards impose a holistic approach to ensure that an infill development is designed at a compatible scale with its surroundings:

Mr. Marchal said the infill standards give the flexibility to look at what is around a piece of property (scale, walkability, design, etc.) to assess compatibility, safety, etc. Infill standards recognize that not all situations are the same.

PDS staff have misinterpreted Code to mean that Table 5.2.2 would allow the proposed building to stand at 45 feet. To allow the construction of a 3-unit building that exceeds the height of the Rosewood at 38.6 feet is to ignore LDC infill standards.

### 3 - Height

The Code specifies that infill development shall maintain the distinct patterns of a Traditional Neighborhood Form District, which would include the prevailing height of the 2-story residences along the Rosewood Avenue **block face**, not the principal structure itself.

#### 5.4.1 Traditional Form Districts (except for DFD)

Traditional site design pattern. Residential lots in traditional form districts exhibit a distinct pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. To reflect these characteristics, residential lot and building design requirements are described in terms of the following four basic components of a lot or building site: the public realm area, the principal structure area, the private yard area, and the accessory use/structure area. **New and infill context development in the traditional forms shall maintain this pattern.**

Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of 5.2.2.D. instead of the requirements established in Table 5.2.2

A. **Table 5.2.2 shall be used for the non-infill requirements related to maximum building height, setbacks/yards, minimum lot size and minimum lot widths well as paragraphs A through E of this section (excluding infill standards). Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through E of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. General infill standards apply to the following:**

#### 6. INFILL CONTEXT:

- a. Building Height. The building height shall comply with one of the following standards:
  - i. Building height shall be within 10% of the average height along the block face (for corner lots, the average height shall be calculated based on existing structures along both block faces); or
  - ii. building height shall fall within the range of the two nearest existing structures within the same block face; or building height may be as permitted in Table 5.2.2.

**BUILDING HEIGHT OF NEW STRUCTURE SHALL BE WITHIN THE PREVAILING RANGE OF BUILDING HEIGHTS ALONG THE BLOCKFACE**

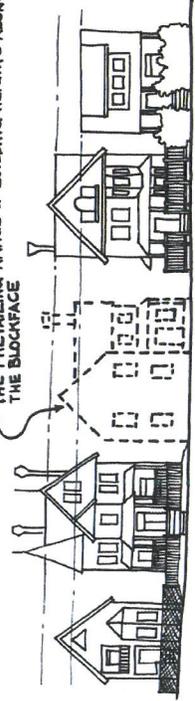


Table 5.2.2 Dimensional Standards – Traditional Neighborhood

Density Category	Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Max. Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	30 ft	NA	15 ft.	5 ft.	35 ft
High Density/Intensity	R-7 R-8A OR-2	4500 sf	25 ft.	FY15 ft.* SSY 3 ft.	FY25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft or three stories** (See Note)

The maximum building height of 45 feet or 3 stories shown in Table 5.2.2. applies only to **non-infill** developments.

The infill standards set forth in LDC §5.4.1 paragraphs A through E **take the place** of Table 5.2.2 dimensional standards.

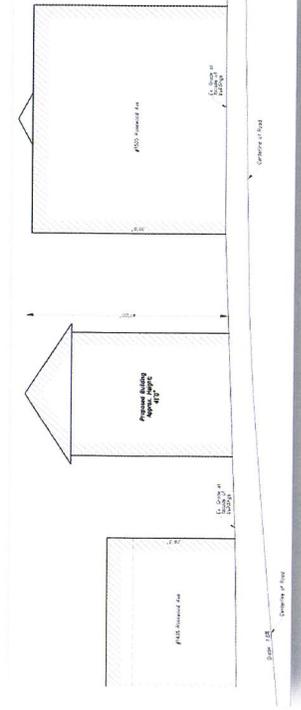
A building height of 45 feet is simply the maximum allowed for any proposed High Density/Intensity development within a TNFD (unless a developer can provide additional yard area in exchange for additional height).

Since the block face is comprised of 2-story, single-family homes and the Rosewood stands at 38.6 feet, Table 5.2.2 would not apply to this infill development on this particular site.

LDC §1.2.1 guides PDS staff on how to correctly interpret and apply its regulations:

**"The particular shall control the general. In case of any difference of meaning or implication between the text of these zoning regulations and any summary table or illustrative table, the text shall control."**

To allow a 45 ft. building to exceed the height of every residence along the block face as well as the existing structure on the same lot would negate the very purpose of infill standards.



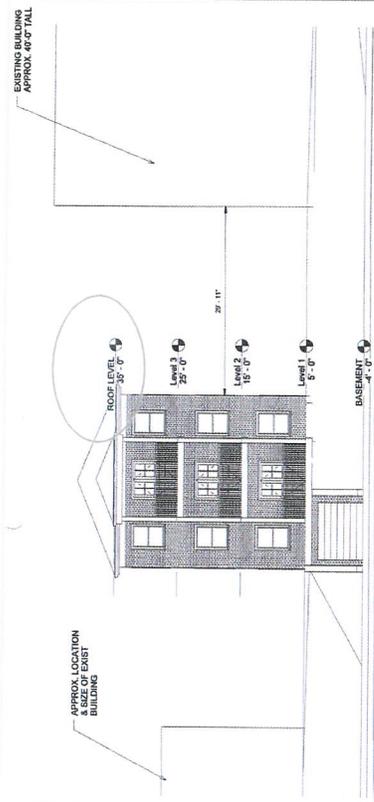
### 3 - Height

#### This infill development is beholden to the Comprehensive Plan

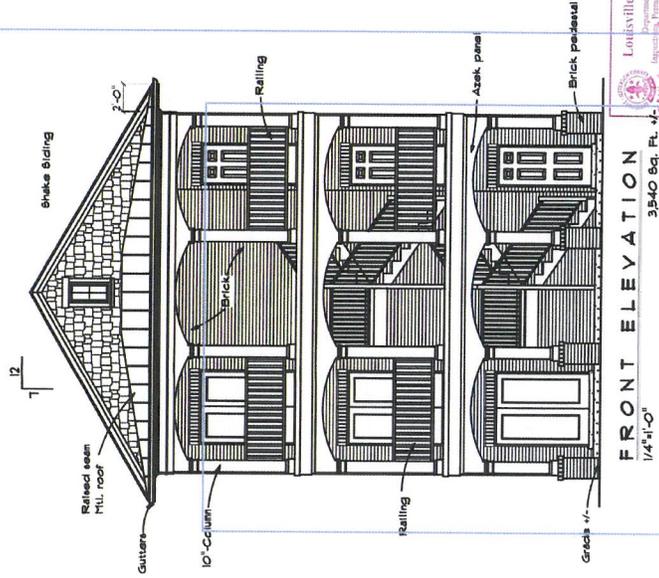
Since HRG submitted a waiver request for the PYA variance, the justification was based on agreement with Cornerstone 2020 guidelines. The proposed building is therefore restricted to 35 feet.

1. HRG asserted that "this building is designed to both meet the requirements of the comprehensive plan as well as help the existing 1505 building fit into the neighborhood."
  2. HRG submitted to BOZA an elevation plan depicting a 35 ft. building and also testified that the proposed building would provide a "compatible scale" and a "more gentle transition" between the adjacent single family 2-story residence and the imposing 3-story Rosewood.
- Cornerstone 2020 Guideline 1, Policy 2: "Evaluate the appropriateness of a land development proposal in the context of:
- The intensity and density of the proposed land use
  - The compatibility of the proposed use with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building with that of surrounding buildings."

Metro staff disregarded HRG's obligations and instead approved an elevation plan that increased the height to approximately 41 ft.



The Rosewood  
[1505 Rosewood Ave.]

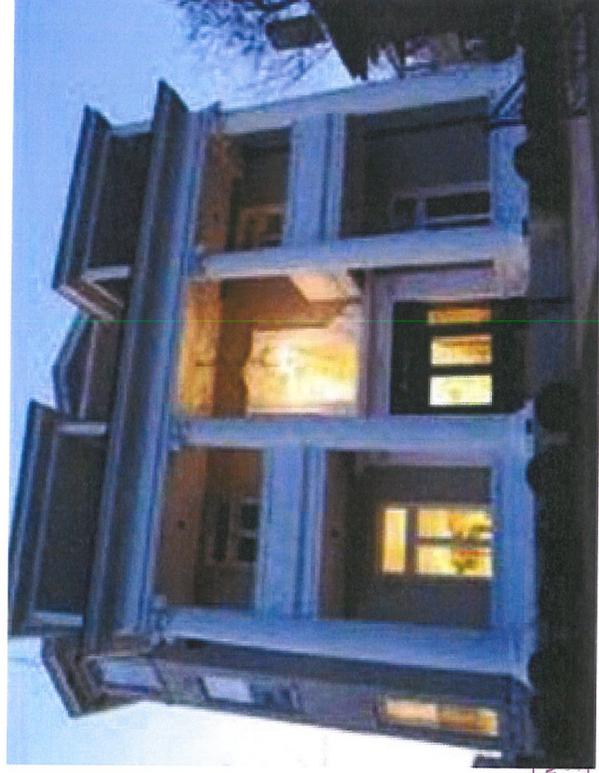


Year Built: 41' [3 stories]  
Height: 3,583 square feet  
Floor Area: 768 square feet  
Porch: 26 ft  
Width:

DeReamer Residence  
[1435 Rosewood Ave.]



Year Built: 1951  
Height: 26'-3" [2 stories]  
Floor Area: 1,656 sf.  
Porch: 24 sf.  
Width: 36 ft.



Year Built: 1850  
Height: 38'-6" [3 stories]  
Floor Area: 17,931 square feet  
Porch: 70 square feet  
Width: 43.5 ft.





A full title search was not requested or performed for this survey. Properties shown hereon are subject to all legal easements, right-of-way, defects, liens, adverse claims, encumbrances, covenants and restrictions, which a title search may or may not reveal, whether shown on this plot or not.

This document is intended to depict the current conditions at the property at the address listed below, for the client listed below. This document does not represent a boundary survey and is not for land transfer.

**PRELIMINARY**  
Not for recording  
or land transfer.

**PLAN ELEMENTS SUMMARY**

Max. Allowable FAR: 1.075  
Proposed FAR: 1.075  
Gross Area: 21,423± SF  
Principal Structure: 17,931± SF  
Unit #: 755± SF  
Proposed Structure: 4,360± SF  
Total Floor Area: 23,036± SF

Proposed Pedestrian Access: None Provided  
Required Pedestrian Access: Not Provided (See Note #1)

Proposed Landscaping: Not Provided  
Required Landscaping: Landscaped Brick Courtyard (See Note #2)

Proposed LBA (west property line): Not provided  
Required LBA: Shall be retained (See Note#3)

Proposed PYA Non-Compliant  
Required PYA: Between the proposed multi-residence and the existing/proposed garages to be 3,592 SF (See Note #4 - #8)

**ADDITIONAL NOTES**

- LDC Section 5.4.1(B.2) ACCESS. An improved means of pedestrian access to the principal structure shall be provided between the right-of-way/sidewalk and the principal structure entrance that is facing the street.
- BOZA Finding on 5/16/05: "WHEREAS, the Board finds that the Private Yard will still be 3,592 square feet and will include a landscaped brick courtyard."
- LDC Section 10.2.2(C) NON-COMFORMANCE: No changes shall be made to site that do not conform to this Part of Chapter 10 that would increase the non-conformance with this part. Existing Landscape Buffer Area, screening, and plant material on non-conforming sites that partially meet the requirements of this part shall be retained.
- LDC Section 5.4.1(D.1) Private Yard Area: The area occupied by other improvements, including storage sheds, other accessory buildings and breezeways shall not be considered private yard area.
- BOZA Approved Variance Allows: The Private Yard Area between the proposed multi-family residence and existing/proposed garages to be 3,592 square feet.
- LDC Section 5.4.1(D.2) The Private Yard Area shall be at 30% of the area of the lot and shall be located between the principal structure and the accessory structure area.
- LDC Section 5.4.1(D.2) Private Yard Area: The private yard shall be composed of contiguous open area, and shall have a minimum dimension of 10 feet for lots less than 6,000 square feet and area and 20 feet for lots that are 6,000 square feet in area or larger.

**EXISTING ZONING: R-7**  
**FORM DISTRICT: T.N.**  
Min. Lot Area: 4500±  
Min. Lot Width: 25 ft  
Min. Front Yard: 15 ft  
Max. Front Yard: 25 ft  
Min. Side Yard: None unless adjacent to SF residential (SR)  
Min. Rear Yard: 5 ft  
Max. Bldg. Ht.: 45 ft or three stories  
Max. F.A.R.: 1.0  
Max. Density: 34.8 dwellings per acre  
L.B.A.: 10 ft

**PYA SUMMARY**

Disallowed PYA: 4,028 S.F.  
Actual PYA: 2,446 S.F.  
Disallowed PYA (red): 1,582 S.F.  
Allowed PYA (green): 2,446 S.F.  
True Value of PYA: 2,446 S.F.  
Required PYA: 3,592 S.F.  
Difference: -1,146 S.F.

**PROJECT SUMMARY**

Existing Zoning: R-7  
Existing Use: Multi-Family  
Proposed Zoning: R-7  
Proposed Use: Multi-Family  
Form District: T.N.  
Gross Acreage: 0.49± Acres (or 21,423± Sq Ft)  
Ex. Building Sq Ft: 17,931 Sq Ft  
Max. Density: 17 (34.8 D.U./Ac.)  
Ex. Units: 9 Units  
Ex. Density: 18.4 D.U./Ac.  
Proposed Density: 24.5 D.U./Ac.  
Max. F.A.R.: 1.0  
Ex. F.A.R.: 0.87  
PROPOSED F.A.R.: 1.075  
Ex. Accessory Structures: 2,780± Sq Ft  
Total Accessory Structures & Concrete Area: 4,360± Sq Ft.

**PARKING SUMMARY**

Existing Garage Spaces for Rosewood II: 10 spaces (2 spaces legal property of Unit #8)  
Proposed Garage Spaces for Rosewood II: 0 spaces  
Proposed Total of Rosewood II Dwelling Units: 3  
Required Parking: 1.5 spaces for each dwelling unit  
Proposed On-Street Parking for Rosewood II: 5 Spaces

**PERCENTAGE OF EXPANSION**

Impervious Coverage prior to 2005: 11,999± SF  
Proposed Impervious Area: 2,203± SF  
Proposed TOTAL Impervious Coverage: 14,202± SF  
Total Increase: 5,373± SF (61%) since 2005



**PRELIMINARY**  
Not for recording  
or land transfer.



**SITE PLAN**  
**SITE INFORMATION:**

Property Located at: 1505 Rosewood Avenue, Louisville, KY 40204-1559  
Property Owner: Rosewood Condominium Council, Inc.  
Property Address: 1505 Rosewood Avenue, Louisville, KY 40204-1559  
Source of Ownership: Deed Book 8871 Page 375  
Tax Block: 027E, Lot: 0079, Sublot: 0000  
Zoning: R-7, Form District: Traditional Neighborhood

**CLIENT:**

Rosewood Condominium Council, Inc.  
1505 Rosewood Avenue  
Louisville, KY 40204-1559

**REVISIONS**

- 06/18/2014 - Changes (per client)
- 06/17/2015 - Changes to reflect new building & update calculations
- 06/29/2015 - Changes to reflect new building & update calculations
- 
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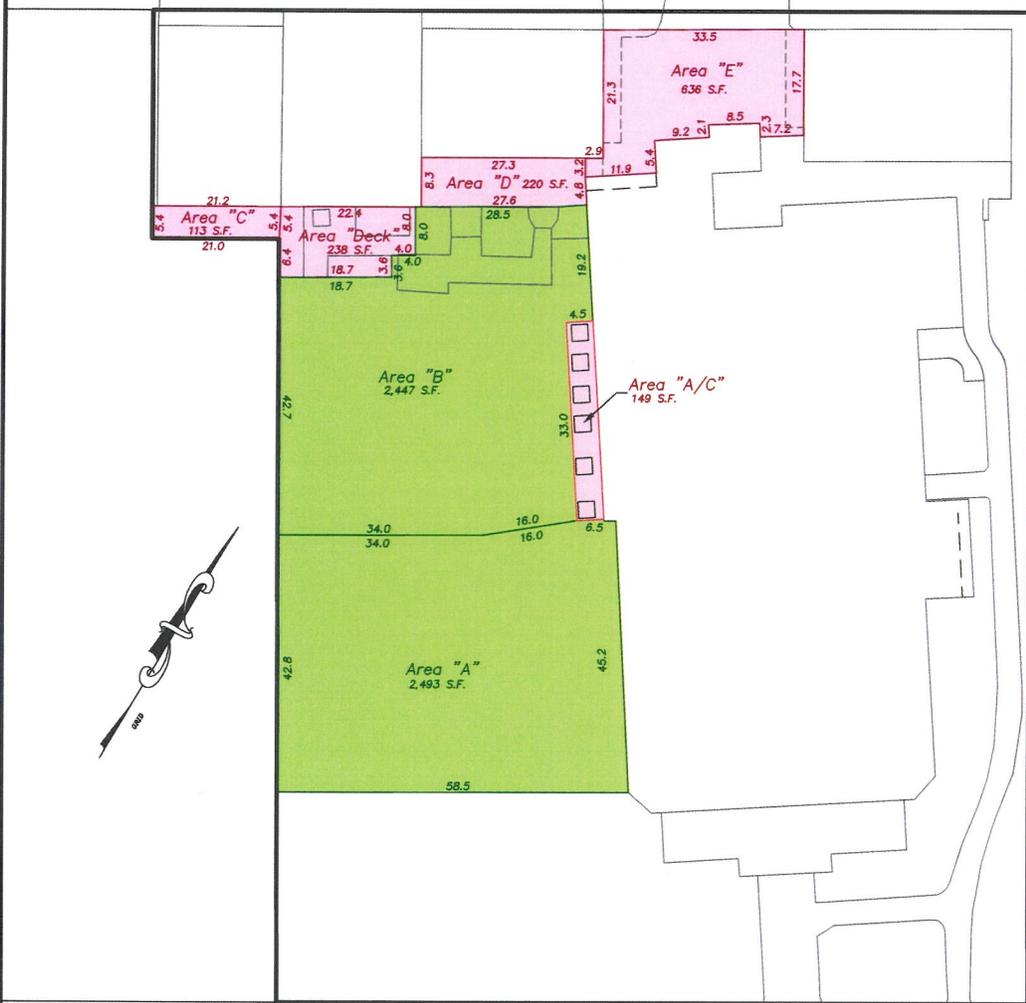
Drawn By: J.Graves Checked By: J.Graves  
Date: 06/29/2015  
Drawing: 14-132 - SITE PLAN  
Horizontal Scale: 1" = 20'  
Vertical Scale: 1" = n/g  
Sheet 1 of 1

**Jason Graves**  
land surveying  
4302 Diamond Way, Louisville, KY 40216  
(502) 419-8136  
www.louisvillelandsurveyor.com



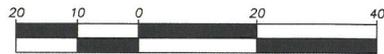


This document is intended to depict the dimensions used to establish the areas listed on the current Site Plan for Rosewood Condominium Council, Inc. This document does not represent a boundary survey and is not for land transfer.



Rosewood Avenue

~ 60' R/W ~  
P.B. 1, Pg. 147  
P.B. 3, Pg. 38



**LAND SURVEYORS CERTIFICATION**

I, Kenneth Jason Graves, hereby certify that I am a Licensed Professional Land Surveyor in compliance with the laws of the Commonwealth of Kentucky, and I further certify that this DIMENSIONAL EXHIBIT was done by me. The linear measurements shown hereon are based on the field measurements made by tape and electronic distance measurements. This document does NOT constitute a boundary survey and is not a recordable document. The accompanying drawing is a true representation of the conditions found at the time of the site plan.

*[Signature]*  
Kenneth Jason Graves Date 08/18/2014  
Licensed Professional Land Surveyor No. 4010

**DIMENSIONAL EXHIBIT FOR**

Rosewood Condominium Council, Inc.  
1505 Rosewood Avenue  
Louisville, KY 40204-1559

STATE of KENTUCKY  
KENNETH J.  
GRAVES  
4010  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

**JASON GRAVES  
LAND SURVEYING**

4302 Diamond Way  
Louisville, KY 40216  
(502) 419-8136  
jasongroveslandsurveying@gmail.com  
www.louisvillelandsurveyor.com

Scale: 1" = 20'  
Drawn by: J.Graves  
Date: 06/29/2015  
Rev.:



Louisville-Jefferson County Metro Government

# Develop Louisville

Division of Construction Review

444 S. 5th Street, Suite 100 - Louisville, KY 40202

Phone: 502.574.3321 Web Site: louisvilleky.gov/ipl/Construction+Review/

## BUILDING PERMIT

Permit Number: 45216

Issue Date: 11/19/2004

Fire District: LOUISVILLE #4

**Applicant:** CASTLEWOOD DEVELOPMENT LLC  
3911 LELAND RD  
LOUISVILLE, KY 40207-

**To Request an Inspection**

**Call:** 502.574.4400 or

**Email:** bldghvacinspection@louisvilleky.gov

See reverse side for more details.

**Location:** 1505 ROSEWOOD AVE 1

**Inspector:** JOHN ORTHOBER

**Phone:** (502)773-0808x

**Email:** john.orthoher@louisvilleky.gov

**A/P Name:** HIGHLAND RESTORATION 8 CONDOS

### PERMIT DETAILS

**Work Type:** Renovation - Alter - Repair

**Square Footage:** 19,389

**Estimated Cost:** \$200,000

**Occupancy Type:** Multi Family

**No. Stories:** 3

**Occupancy Load:** 0

**Description of Work:** interior renovation of existing 6 unit apartment building into 8 condominium units. add new exterior stair on right side serving 1st and 2d floor; exterior stair to have one hour protection from building using fire shutters and one hour doors; new elevator for second and third floor; all floor/ceilings to have one half hour separation assemblies; one half hour dwelling unit separation assemblies; two hour stair and elevator separation; 1 1/2 hour doors at stair; basement storage units with common corridor, no separation required for corridor, basement separation from first floor shall be one hour floor/ceiling assembly. building is to have automatic sprinklers throughout (100%). new parking lot area with seven spaces; two additional spaces are contained withing the garage with dwelling unit above. No work on garage or dwelling unit above is included in this permit.

#### Dwelling Unit Information

**No. New Dwell Units:** 2

**Total No. Dwell Units:** 8

**Total No. Bedrooms:** 14

**No. New Beds:** 2

#### Set Backs

**Front Set Back:** 20

**Rear Set Back:** 22

**Left Set Back:** 22

**Right Set Back:** 2

#### Other Information

**Review Category:** Category 2A **Zoning District:** R7 **Form District:** TRADITIONAL NEIGHBORHOOD

**Type of Construction:** 5-B (COMBUSTIBLE UNPROTECTED)

**Code Edition:** KBC2002

#### Valuation (Fee Calculation)

USE GRP	MULTIPLIER	FEE	BLDG AREA	USE SQ FT
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#### Fees

#### Fees

#### Payments Received

USE GROUP SECTION 2	\$	1,163.34
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**Owner & Other Contacts**

OWNER

RESTORATION GROUP LLC HIGHLANDS  
3911 LELAND RD  
LOUISVILLE, KY 40207

(502)553-0240x

## INSTRUCTIONS FOR REQUIRED INSPECTIONS

### INSTRUCTIONS FOR REQUIRED INSPECTIONS

Inspections. Inspections are required to ensure that your project complies with the applicable building codes and terms of the building permit.

Inspections generally required for : Foundation, Rough Framing, Final.

To obtain an inspection:

1. Call the Inspection Request Line:
  - a. Building/Hvac/Misc - 574.4400 or [bldghvacinspection@louisvilleky.gov](mailto:bldghvacinspection@louisvilleky.gov)
  - b. Electrical - 574.6330 or [elecinspection@louisvilleky.gov](mailto:elecinspection@louisvilleky.gov)
2. Provide your project permit # and contact information and state the request for inspection, including desired date and time of inspection. Inspections are generally scheduled by the inspector in the order in which they are received. While every effort is made to accommodate specific requests it may take several days to get to your project depending on inspector workload. Be sure to request your inspections in advance to ensure that the inspections are able to be scheduled within the timeframe you require. Same day inspections are available if request and advance payment of \$100 are made by 10 a.m.
3. If a return confirmation call is desired, please state this in the Inspection Request and the inspector will call the requester back within a few days to confirm the appointment.

Field Verification of Project Requirements. The field inspection is to confirm that the project is being built and/or installed as permitted and is code compliant. Not all aspects of a project are reviewed at Plan Review and must be reviewed during the inspection; this may include product documentation, testing certifications, etc. Changes to installed work may be required if necessary to achieve code compliance. Be sure to communicate with your inspector about all aspects of your project to clearly understand what will be required. Keep a set of the approved drawings and permit on site - this ensures that the inspector is properly informed of the project and can properly inspect the work.

Project Changes. It is not unusual for a project to change during construction. As soon as you are aware of a change inform your inspector. He/she will know if the change can be reviewed in the field, or if the change is significant enough to require that revised drawings be submitted for plan review and revision of the permit.

Certificate of Occupancy. The review of your project is complete only after all required inspections are done with a result of "PASS." Your project then receives a "Certificate of Occupancy" or "Letter of Acceptance." Until then the project review is not complete and cannot be legally used or occupied.

**Disclaimer:** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of any ordinance/regulation or law of Louisville/Jefferson County. Permits presuming to give authority to violate or cancel the provisions of the Kentucky Building Codes or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of efforts in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the building code or of any other ordinances of this jurisdiction.

**Please don't forget to call the Kentucky Underground Protection in Jefferson County 266-5123 two business days before you plan to dig so the underground utilities can be marked to prevent accidents.**

This property is a Historic Site. Exterior alteration or change to a structure or property designated a Local Landmark, within a Local Preservation District, or within a Design Overlay District requires approval from the appropriate regulatory body in the form of a Certificate of Appropriateness or Overlay Permit and compliance with the terms specified therein.

This property is the **HIGHLANDS** District. Exterior alteration or change to a structure or property designated a Local Landmark, within a Local Preservation District, or within a Design Overlay District requires approval from the appropriate regulatory body in the form of a Certificate of Appropriateness or Overlay Permit and compliance with the terms specified therein.

Building Permit # 45216 Issued: November 19, 2004 Inspector: John Orthober Work Type: Renovation - Alter - Repair		Total SQFT: 19,389 Occupancy: 8 Condos Total New Bedrooms: 2 Total Bedrooms: 14				Certificate of Acceptance: 2/28/07 Certificate of Occupancy: 10/23/07				Review Category: 2A Code Edition: KBC 2002	
Renovation	Inspection	Location	Date	Type	#	Inspector	Result	Comments			
<b>Renovation</b> 1 Interior renovation of existing 6 unit apartment building into 8 condominium units											
<b>Elevator</b> 2 New elevator for 2nd and 3rd floor											
<b>Exterior Stairs</b> 3 Add new exterior stair on right side serving 1st and 2nd floor											
	#651713		8/15/06	Final	4	Darnett	Partial Pass	TCO granted for Unit #5. This TCO will act as a C/O since all units pulled under one permit			
	#666481		10/31/06	Final	5	Darnett	Partial Pass	Check landings handrails and close area between steps			
<b>Basement</b> 4 Basement storage units with common corridor (no separation required for corridor)											
<b>Fire Suppression</b> 5 Exterior stairs to have 1 hour protection from building using fire shutters and 1 hour doors 6 All floor/ceilings to have one half hour separation assembly 7 One half hour dwelling unit separation assemblies 8 Two hour stair and elevator separation 9 1.5 hour doors at stair 10 Basement separation from 1st floor shall be one hour floor/ceiling assembly 11 Building is to have automatic sprinklers throughout (100%)											
	#702343		2/28/07	Final	6	Young	Passed				
	#651704		2/28/07	Final	3	Young	Passed	Sprinkler permit?			
<b>Parking</b> 12 New parking lot area with seven spaces <b>2 additional spaces are contained within the garage with dwelling unit above. No work on garage or dwelling unit above is included in this permit</b>											

1505 Rosewood Ave. - Construction Photos

PVA Photo #1 - construction of 4th floor egress



Photo #2 - roof deck and egress [Oct. 2013]



Photo #3 - Garage 1 -located at east property line [Dec. 2004]

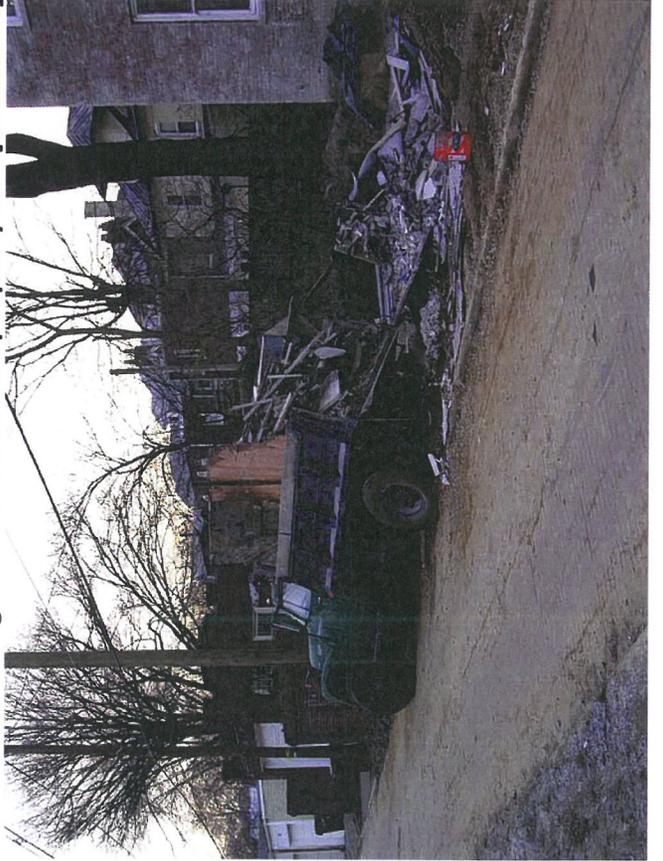


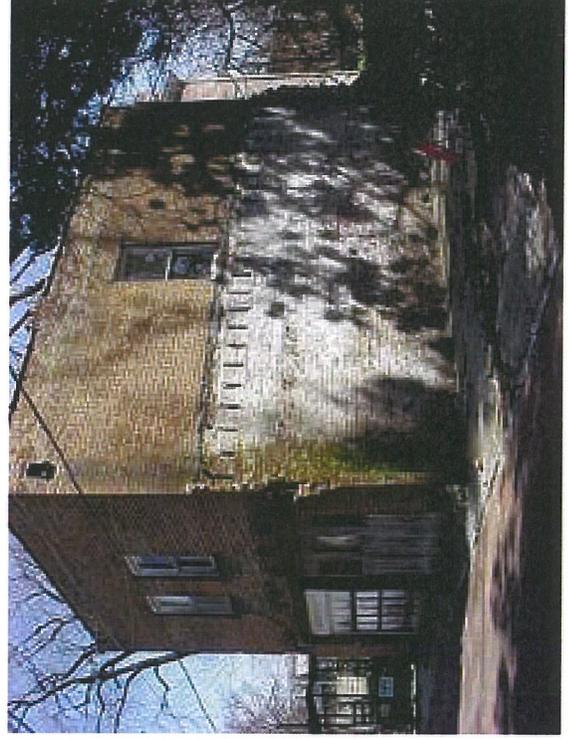
Photo #4 - Garage 1 as it exists today [Oct. 2013]



PVA Photo #5 - Carriage House prior to reconstruction - front view



PVA Photos #6 and #7 - Carriage House prior to reconstruction - rear view





PVA Photo #10 - Prior to reconstruction



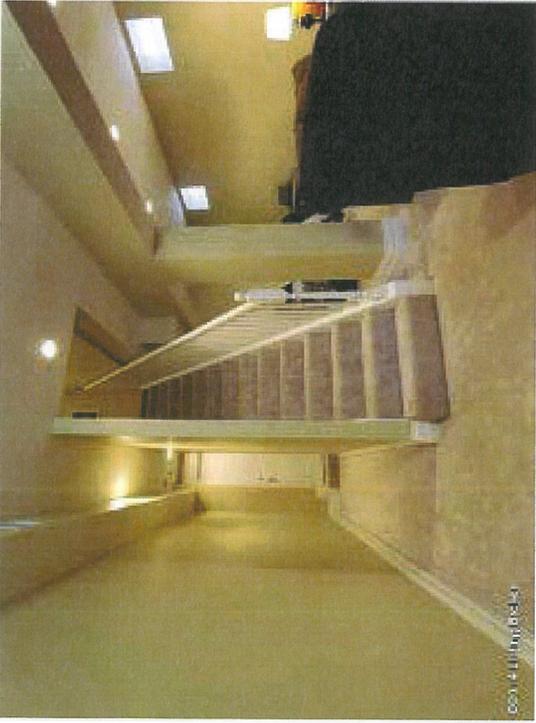
PVA Photo #11 - construction of Unit #2 addition within east side LBA



PVA Photo #12 - after reconstruction



Photos #13 and #14 - basement - finished bedroom and stairs



Photos #15 and #16- Rear of principal structure prior to reconstruction



PVA Photo #17 and #18 - reconstruction of rear sunrooms



PVA Photo #19 and #20- after reconstruction

