

April 4, 2019

Michael Wilcher, AICP
Planning Supervisor
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 S. 5th Street, Suite 200

John Crumbie
Planning & Design Coordinator
Louisville Metro Planning & Design Services
444 S. 5th St., Suite 300
Louisville, KY 40202

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**PLANNING &
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Re: Unlawful Use of R-4, Single-Family Property in Violation of
the Land Development Code
Chabad of Prospect, Inc. – 6900 Transylvania Ave., Louisville, KY 40059

Dear Michael and John:

This firm represents a number of property owners who reside on single-family residential lots along Transylvania Avenue and Mason Boulevard in Louisville, Kentucky ("Property Owners"). The properties are located in Council District 16, the district of Louisville Metro Councilman Scott Reed. Councilman Reed is copied to this correspondence. On behalf of these Property Owners, please accept this letter and the accompanying documentation as Property Owners' notification to both Louisville Metro Planning and Design Services and Louisville Metro Code Enforcement of the ongoing unlawful use of property in violation of the Land Development Code for all of Louisville – Jefferson County, Kentucky ("LDC") occurring on the property located at 6900 Transylvania Avenue, Louisville, KY 40059 ("Offending Property¹"). Specifically, Chabad of Prospect Inc.

¹ Known as Rosewell, and also referred to as the Barber/Barbour House, this single-family property is listed on the National Register of Historic Places (Listing # 80001582) and is within the Kentucky Historic Resources Inventory (JF-452). The Kentucky Heritage Council State Historic Preservation Office has been informed of Chabad's use of the Rosewell property and how certain physical changes to the structure may

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("Chabad"), the owner of the Offending Property, has established a private religious use and numerous associated activities thereon without first receiving the necessary development approvals from Louisville Metro. Chabad's ongoing operation of an unpermitted religious institution on the Offending Property is incompatible with the small single-family neighborhood that has long been established along Transylvania Avenue and Mason Boulevard, and the conducting of various services on the Offending Property is changing the character of the surrounding neighborhood and negatively impacting the Property Owners. For the reasons stated herein, the Property Owners' request enforcement actions be taken to prevent Chabad from continuously operating an unlawful land use on the Offending Property.

On March 30, 2018, Chabad acquired the Offending Property from the Commonwealth of Kentucky Transportation Cabinet. (See Deed, dated March 30, 2018, transferring the Offending Property to Chabad attached hereto behind **Tab 1**). Soon thereafter, without informing the Property Owners and without regard for applicable zoning laws, Chabad began operating its religious institution and associated programmatic services on the Offending Property. Months later, in a purported attempt to seek compliance with the LDC, Chabad, on September 4, 2018, filed a conditional use permit pre-application with Louisville Metro Planning & Design Services for a Chabad House/house of worship/synagogue ("Chabad CUP"). Planning and Design assigned Case No. 18CUP1120 to the Chabad CUP application. In line with the LDC's required process for conditional use permits, Chabad, on November 28, 2018, held a noticed neighborhood meeting with residents of Transylvania Avenue and Mason Boulevard to discuss the Chabad CUP. Since November 28, 2018, Chabad has taken no further steps towards complying with the LDC.

As of the date of this letter, Chabad has yet to file its formal Chabad CUP application. As you are aware, LDC Section 11.5A.3.B requires applicants for CUPs to hold its neighborhood meeting requirement no more than ninety (90) calendar days before filing of the formal CUP application. Today, it is well beyond 90 days from when Chabad held its required neighborhood meeting, yet, Chabad's unpermitted operation of the religious institution continues. (See photographs of events being held on the Offending Property behind **Tab 2** attached hereto; these events took place on Sunday, March 17, 2019, Wednesday, March 20, 2019, and Sunday March 31, 2019, respectively). It is clear from these pictures that the holding of weekly events on the Offending Property - where attendees sometimes gather for services in the front yard of the property and where many vehicles are routinely parked between the house and Transylvania Avenue, as if the front yard of the Offending Property is a parking and vehicular use area supporting a non-residential land use - does not fit the character of a single-family neighborhood. Moreover,

violate easement protections currently attached to the historic property and, ultimately, defy its status as worthy of being listed on the National Register of Historic Places.

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on its Facebook page, Chabad advertises to the general public a number of its programmatic services, which, among the many, includes: after school programs, dinners, kitchen koshering, synagogue, early childhood center/preschool, regular classes, weddings. (See Services provided by Chabad of Prospect attached to this letter behind **Tab 3**). If food preparation and service is undergoing on the property, it is unclear whether the Louisville Health Department has been notified for proper inspection.

Transylvania Avenue is a narrow, local road with substandard pavement width. The pavement is so narrow along Transylvania Avenue that it essentially functions as a one-lane road, equipped with a couple of pull-off areas in designated spots so a vehicle traveling one direction can safely maneuver out of the way of another oncoming vehicle and both vehicles are able to pass one another. The Offending Property is located at the end of Transylvania Avenue, which, at that location, is a dead end. A couple of the property owners residing on Transylvania have requested the operators/residents of the Chabad House to reduce their driving speeds along the narrow Transylvania Avenue, but to no avail. Per these property owners, it is common to witness vehicles, of which belong to the operators/residents of the Chabad, coming and going daily from the Offending Property while routinely reaching speeds over forty miles per hour on Transylvania Avenue.

Chabad's use of the Offending Property is not in keeping with the established character of the sleepy residential neighborhood located on Transylvania Avenue and Mason Boulevard. Chabad's continued use of a residential property in ways that are unequivocally *not* residential in nature is having a detrimental effect on the Property Owners. It is one thing for a single-family house located on a quiet, narrow road to host and entertain guests every now and then. But, when a new property owner of a single-family house located at the end of this same quiet, one-lane road fundamentally changes its use to a religious institution hosting numerous weekly events with numerous attendees without even informing the neighborhood, that kind of abrupt, divergent change in land use significantly alters the nature of the surrounding residential neighborhood, and to the detriment of the Property Owners.

Suffice it to say, the Property Owners are troubled by Chabad's continued operation of an unpermitted land use on the Offending Property while willfully not pursuing compliance with applicable zoning laws. Indeed, given that Chabad was knowledgeable enough of the applicable development approval process to file its CUP pre-application and subsequently hold the required neighborhood meeting, it is reasonable to then believe that Chabad also understood it was required to file its formal CUP application no later than ninety (90) days from when it held its CUP neighborhood meeting. (LDC Chapter 11.5.A.3.B) Chabad has failed to do so, however. Thus, it appears Chabad's continued unlawful use of the Offending Property can be attributed to Chabad playing a run-until-tackled strategy. Not only did Chabad initially attempt to establish an unpermitted, non-

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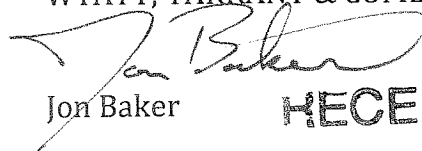
residential land use in a small single-family neighborhood without first notifying any of the neighborhood's existing residents or Louisville Metro, Chabad today, after being informed of its need to comply with the LDC, continues to operate on the Offending Property and is not exercising good faith while seeking compliance with Louisville Metro's zoning regulations. Chabad's actions here are unfair to the Property Owners and are against applicable Louisville Metro ordinances.

Despite Chabad's timeline of misleading actions/inactions involving its use of the Offending Property, the Property Owners of Transylvania Avenue and Mason Boulevard welcome with open arms the owners/operators of Chabad to be a part of their neighborhood as residents. The operation of a non-residential use on the Offending Property, however, leaves the Property Owners no alternative option but to defend the character of its single-family neighborhood. Therefore, the Property Owners will oppose any land use, including a misplaced religious institution, that threatens to erode the nature and stability of their single-family neighborhood. Consequently, the Property Owners respectfully request Louisville Metro Code Enforcement initiate enforcement actions to resolve this Chabad's continuing indifference to the LDC, the neighborhood, and the Property Owners.

Please let me know if you have questions, need any additional information on this issue, or would like to schedule a time to have further discussions involving the Property Owners who are being negatively impacted by Chabad's unpermitted use of 6900 Transylvania Avenue.

Sincerely,

WYATT, TARRANT & COMBS, LLP



Jon Baker

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Enclosures

cc: Councilman Scott Reed, Louisville Metro Council District 16
Craig Potts, Executive Director, Ky Heritage Council

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Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Jefferson County Clerk's Office.

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INST # 2018081220

BATCH # 124244

JEFFERSON CO, KY FEE \$26.00

PRESENTED ON: 04-06-2018 8 02:54:42 PM

LODGED BY: WEBER & ROSE

RECORDED: 04-06-2018 02:54:42 PM

BOBBIE HOLSCLAW

CLERK

BY: JOLENE CARDWELL

RECORDING CLERK

BK: D 11124

PG: 461-467

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE made and entered into this 30th day of March, 2018, by and between the **COMMONWEALTH OF KENTUCKY**, by William M. Landrum, III, Secretary of the Finance and Administration Cabinet, 702 Capital Ave., Frankfort, Kentucky 40601, on behalf of the **TRANSPORTATION CABINET**, Department of Highways, 200 Mero Street, Frankfort, Kentucky 40622, Grantor, and **CHABAD OF PROSPECT INC**, a Kentucky corporation, 1654 Al Mara Circle, Louisville, KY 40205 the Grantee, (whose in-care-of tax mailing address for the current tax year is 1654 Al Mara Circle, Louisville, KY 40205).

WITNESSETH:

WHEREAS, the Finance and Administration Cabinet, pursuant to the provisions of KRS Chapters 45A and 56, has found that the hereinafter described real estate is not needed for a public purpose; and

WHEREAS, the Finance and Administration Cabinet deems it in the best interests of the Commonwealth of Kentucky to sell and convey said property unto the Grantee.

NOW THEREFORE, for and in consideration of **FOUR HUNDRED THOUSAND ONE DOLLAR AND ONE CENT (\$400,001.01)**, cash in hand paid, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby grant and convey unto the Grantee, Chabad of Prospect Inc, its successors and assigns forever, the following described real property located in Jefferson County, Kentucky, and being more particularly described as follows:

**Jefferson County
LSIORB- Section 4
Rosewell
Transylvania Avenue
Parcel 100**

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Being Lot 2 of the Roswell Subdivision lying in Jefferson County in Prospect Kentucky as depicted on the plat recorded in plat book 41 page 17, in the office of the Clerk of Jefferson County, Kentucky and being more particularly described as follows:

Beginning at a point, said point being 439.36 feet right of KY 841 centerline station 165+20.57; thence N 61°42'087" W a distance of 671.16 feet to a point, said point being 210.03 feet right of KY 841 centerline station 171+51.00; thence N 29°36'42" E a distance of 304.00 feet to a point, said point being 498.04 feet right

of KY 841 centerline station 172+48.62; thence S 61'42'37" E a distance of 593.05 feet to a point, said point being 700.75 feet right of KY 841 centerline station 166+91.29; thence S 2'57'39" W a distance of 146.64 feet to a point, said point being 597.64 feet right of KY 841 centerline station 165+87.03; thence S 31'36'55" W a distance of 79.76 feet to a point, said point being 521.23 feet right of KY 841 centerline station 165+64.16; thence S 58'31'08" E a distance of 20.29 feet to a point, said point being 527.09 feet right of KY 841 centerline station 165+44.74; thence S 32'52'25" W a distance of 91.00 feet to a point, said point being 439.36 feet right of KY 841 centerline station 165+20.57 and the POINT OF BEGINNING.

The above described parcel contains 4.526 +/- acres.

BEING the same property acquired by the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, from David Baughman, single and Sue Baughman, single, by deed dated November 30, 2005, and being recorded in Deed Book 8743, Page 131, in the office of the Jefferson County Clerk, Louisville, Kentucky.

Parcel 125 Tract C
Jacqueline H. Evans and Gregory C. Evans (Wife and Husband)
6906 Transylvania Avenue
Excess Parcel Description

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Being a portion of Lot 3 of the Roswell Subdivision lying in Jefferson County in Prospect Kentucky as depicted on the plat recorded in plat book 41 page 17 and being approximately 1700 feet from the intersection of River Road and Transylvania Avenue, and more particularly described as follows: Beginning at a point, said point being 273.47 feet right of KY 841 centerline station 166+74.87; thence with the proposed right of way and controlled access line S88'21'15"W a distance of 124.26 feet to a point, said point being 100.00 feet right of KY 841 centerline station 171+00.00; thence with the proposed right of way and controlled access line N41'43'21"W a distance of 14.16 feet to a point, said point being 100.00 feet right of KY 841 centerline station 171+14.16; thence with the western property line N29'36'42"E a distance of 116.14 feet to the northwest property corner, said corner being 210.03 feet right of KY 841 centerline station 171+51.33; thence with the northern property line S61'42'08"E a distance of 671.16 feet to the northeast property corner of 6906 Transylvania Avenue and being 439.36 feet right of KY 841 centerline station 165+20.57; thence with eastern property line S32'52'33"W a distance of 172.07 feet to the POINT OF BEGINNING.

The above described parcel contains 56,674.93 sq. ft. (1.30 acres).

BEING a part of the same property acquired by the Commonwealth of Kentucky, Kentucky Transportation Cabinet, Department of Highways, by virtue of an

Interagency Quitclaim Deed of Conveyance dated July 31, 2017, and recorded in Deed Book 10945, Page 358, in the Office of the Clerk of the County Court of Jefferson County, Kentucky. See also Interagency Quitclaim Deed of Conveyance dated March 27, 2015, and recorded in Deed Book 10413, Page 315, in the Office of the Clerk aforesaid. See also Deed dated July 21, 2011, and recorded in Deed Book 9750, Page 401, in the Office of the Clerk aforesaid.

IT IS AGREED AND UNDERSTOOD that the conveyance is subject to any and all utility or other easements of record in or upon the above-described property and to any and all rights of others recognized and/or permitted by the Grantor for the presence of utilities, (i.e. electric, gas, water, telephone, cable TV, etc.), in or upon the property, and in respect to such utility rights, where no easement exists, this conveyance is subject to the Grantee's agreement to dedicate or convey permanent easements to the owner(s) of said utilities for the perpetual maintenance thereof.

IT IS ALSO AGREED AND UNDERSTOOD that the erection and/or maintenance of off-premise advertising devices, including but not necessarily limited to billboards, upon the above-described property is prohibited.

IT IS FURTHERMORE AGREED AND UNDERSTOOD that the above-described property is subject to the terms and conditions set forth within a **Historic Preservation and Conservation Easement**, being of record in Deed Book 10394, Page 591, in the office of the Jefferson County Clerk, Louisville, Kentucky.

TO HAVE AND TO HOLD unto the Grantee, Chabad of Prospect Inc, a Kentucky corporation, its successors and assigns forever, in fee simple with a covenant of Special Warranty.

CONSIDERATION CERTIFICATE OF GRANTOR

The Grantor herein, hereby certifies that the consideration reflected in this deed, as set forth hereinabove, is the full consideration paid for the property hereby conveyed.

IN TESTIMONY WHEREOF, the Commonwealth of Kentucky has executed this Deed of Conveyance by William M. Landrum, Secretary of the Finance and Administration Cabinet of the Commonwealth of Kentucky, this the day and date first hereinabove written.

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GRANTOR

Approved as to form and legality:

Commonwealth of Kentucky, by:

Fabrick M. Gu

Attorney
Finance and Administration Cabinet

William M. Landrum III

William M. Landrum, III, Secretary
Finance and Administration Cabinet

Examined:

This deed of conveyance is hereby approved:

Matthew Bevin

Counsel to Governor 3-22-18

Matthew Bevin

Matthew Bevin, Governor
Commonwealth of Kentucky

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CERTIFICATE OF ACKNOWLEDGMENT

COMMONWEALTH OF KENTUCKY

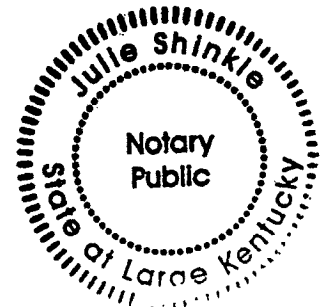
COUNTY OF FRANKLIN

The foregoing Deed of Conveyance from the Commonwealth of Kentucky to Chabad Of Prospect Inc, including the Consideration Certificate of Grantor, was acknowledged and sworn before me this 20th day of March, 2018, by William M. Landrum, III, Secretary of the Finance and Administration Cabinet of the Commonwealth of Kentucky, on behalf of the Commonwealth of Kentucky.

Julie Shinkle #591360

Notary Public, State at Large

My Commission expires: 12/7/2021



CONSIDERATION CERTIFICATE OF GRANTEE

The undersigned Grantees herein, do hereby certify that the consideration reflected in this deed, as set forth hereinabove, is the full consideration paid for the property hereby conveyed.

In witness whereof, the undersigned has executed this Consideration Certificate this 30th day of March, 2018.

GRANTEE

Chabad of Prospect Inc, a Kentucky corporation by:



Boruch Susman, Director

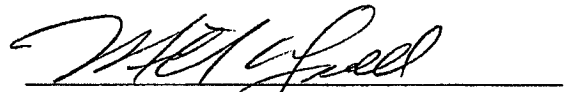
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CERTIFICATE OF ACKNOWLEDGMENT

COMMONWEALTH OF KENTUCKY

COUNTY OF JEFFERSON

The foregoing Consideration Certificate of Grantee was subscribed and sworn before me this 30th day of March, 20 18, by Boruch Susman, director, Chabad of Prospect Inc, a Kentucky corporation.


Notary Public, State at Large, Kentucky

My Commission expires: 12/28/2019

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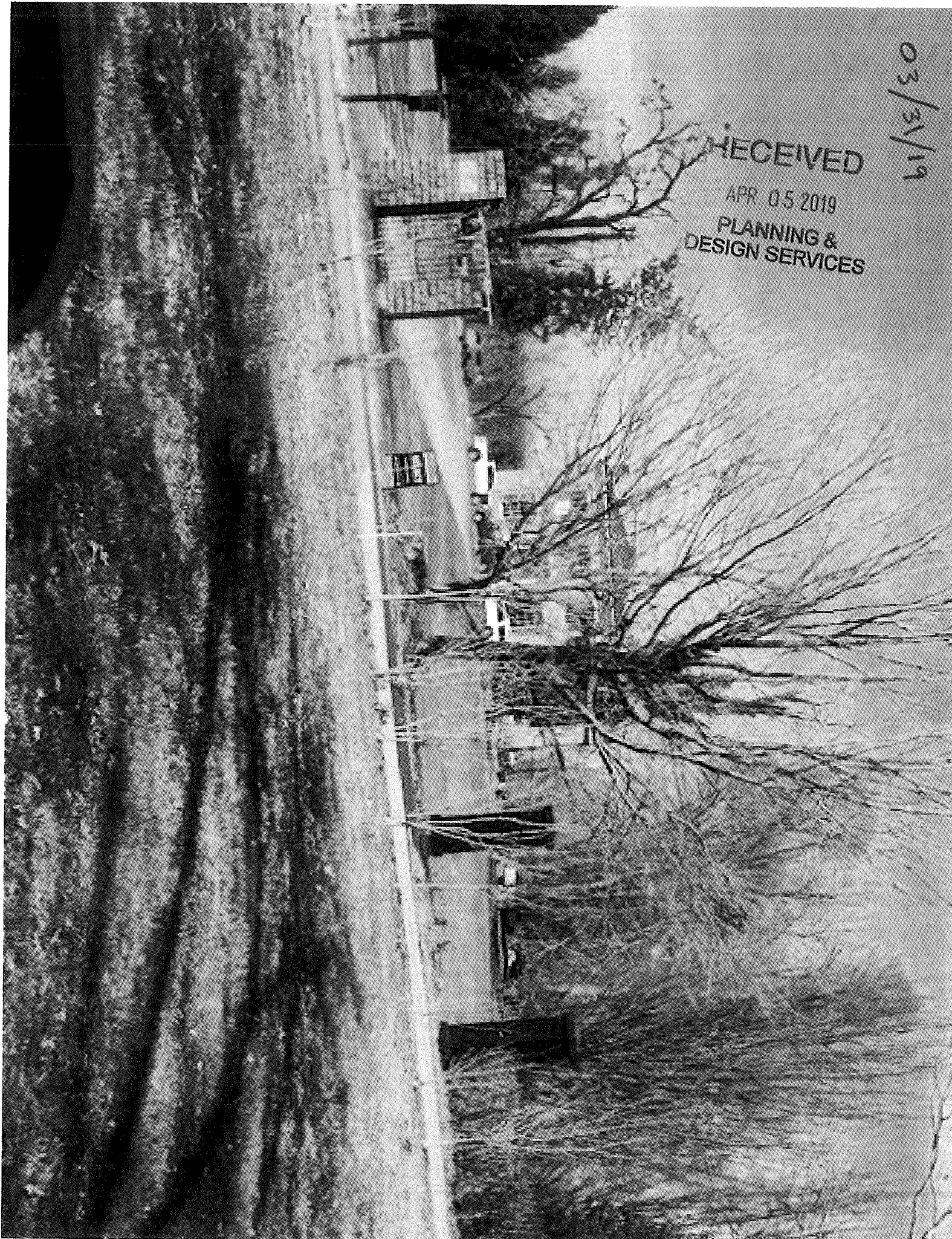
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03/31/19

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12-11-19

Chabad Chai Center
















Address: *same*
Phone: 502-994-9233

Personnel »

- * Rabbi Boruch Susman 
- * Mrs. Chaya Susman 

Services »

- | | |
|--|---|
|  Chabad House |  Adult Education |
|  Judaica/Gift Shop |  Synagogue |
|  After School Programs |  Early Childhood Center /
Preschool |
|  Teen Club |  Children's Club |
|  Bar/Bat Mitzvah Instruction |  Bat Mitzvah Club |
|  Holiday Awareness Programs |  Communal Lectures |
|  Mezuzah and Tefillin Checking |  Mommy and Me |
|  One-on-One Study |  Hands-on Holiday
Programming |
|  Religious Instruction for P.S.
Students |  Anti-Cult & Missionary |
|  Kitchen Koshering |  Circumcision |
|  Hospital Visitation |  Prison Visitation |
|  Hospital Chaplaincy |  Military Chaplaincy |
|  Prison Chaplaincy |  Regular Classes |
|  Seniors Visitation |  Marriage Prep |
|  Funeral Services |  Humanitarian Aid |
|  Publications |  Mezuzah Loans/Service |
|  Shabbat/Holiday Hospitality |  Weddings |
|  Bar Mitzvah Club |  Young Professionals |
|  Men's Club | |

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Camp Gan Israel

Address: *same*

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Address bar: www.chabadchai.org

Search:

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CHABAD CHAI CENTER

Navigation: About Us, Youth, Adults, Upcoming Events, Synagogue, Support Us, Photos

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Camp Gan Israel Fun forever!

Home, About, Parents, Photos, Register

About

Camp Gan Israel is a place where children make memories! The friendships they make last throughout the year! Staff waits for summer excited to spend time learning, creating and exploring together in a safe, loving and exciting atmosphere.

Campers enjoy swimming, arts & crafts, baking, baking challah, hikes and races, painting, wood working, gardening and much more! Some of our exciting trips have been to gymnastics, Squire Boone Cave, Puzzles Fun Dome, Kart Kountry, Louisville Zoo, Kentucky Science Center, Henry's Ark, fruit picking at Huber's Orchard, Bowling, Arcades and many more exciting places. Campers want to come back week after week!

For more information please call Chaya @ 502-4141-CGI

Camp updates
REGISTRATION IS OPEN!

Upcoming Events

Camp Dates
Summer 2019
June 24th - July 19th

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Hebrew School - Chaba X

www.chabadchai.org

Educate your child... educate a generation!

HOME



Welcome
Inspiring Jewish Pride and Identity and Jewish children - the future of Judaism.

Updates
COMING SOON

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ABOUT

Through Hebrew School's award-winning programs offered on the Chofetz Chaim campus, we have created a stimulating and friendly environment where children experience their Jewish roots and gain a deep understanding of their Jewish identity and the values of their Jewish heritage.

Children gain the ability to acquire a broad knowledge of Judaism through stimulating and challenging means. Our students gain an appreciation for the joys, values and traditions of our heritage as it is vividly brought to life by the dedicated and enthusiastic teachers, whose creativity and enthusiasm make every lesson a unique and exciting experience.

Through our goal-oriented, we train our students to love Judaism in an intelligent, relevant and appealing way. By participating along with the Aish HaTorah, Holiday Learning and Hebrew Learning, you will help your child gain a deep love and appreciation for their Jewish heritage, providing them with a solid foundation of pride and purpose.

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Chabad of Prospect - Louisville, KY USA

JEWISH PRACTICE LEARNING & VALUES COMMUNITY & FAMILY INSPIRATION & ENTERTAINMENT

Chabad of Prospect

Louisville, KY USA

6600 Transylvania Avenue
Louisville, KY 40059 USA
Phone: 502-954-9233
Local Time: 1:40 PM (GMT -4)
www.chabadchc.org

Personnel »

- Rabbi Boruch Susman, Co-director
- Mrs. Chaya Susman, Co-director

Services »

- Jewish Community Center
- Anti-Cult & Missionary
- Mitzvah Tanis
- Hospital Chaplaincy
- Regular Classes
- Funeral Services
- Publications
- Weddings
- Young Professionals
- Synagogue
- Teen Club
- Bar/Bat Mitzvah Instruction
- Mommy and Me
- Hands-on Holiday Programming
- Kashon Koshering
- Hospital Visitation
- Military Chaplaincy
- Seniors Visitation
- Women's Group
- Mezuzan
- Loans/Services
- Guest Accommodations
- Men's Cius
- After School Programs
- Children's Club
- Holiday Awareness Programs
- One-on-One Study
- Religious Instruction for P.S. Students
- Circumcision
- Prison Visitation
- Prison Chaplaincy
- Marriage Prep
- Humanitarian Aid
- Shabbat/Holiday Hospitality
- Mitzvah Mobile
- Adult Education
- Early Childhood Center / Preschool
- N'Shei Chabad
- Communal Lectures
- Wheelchair Accessible

Bar Mitzvah

- Global Directory
- North America
- Central & South America
- Europe
- Middle East
- Africa
- Asia
- Australia & New Zealand
- Event Directory
- Campus Directory
- Hebrew Schools
- Camp Directory
- Bar Mitzvah Services
- Find a Bat Mitzvah Club
- Advanced Search

Chabad Locator

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Chabad Chai Center - H X

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Chabad Chai Center

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Photos

5.0 5 out of 5 Based on the opinion of 13 people

Community See All

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TGIS (Thank G-d It's Shabbat) X

www.chabadchai.org


CHABAD OF PROSPECT
CHABAD CHAI CENTER

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Synagogue

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TGIS (Thank G-d It's Shabbat)



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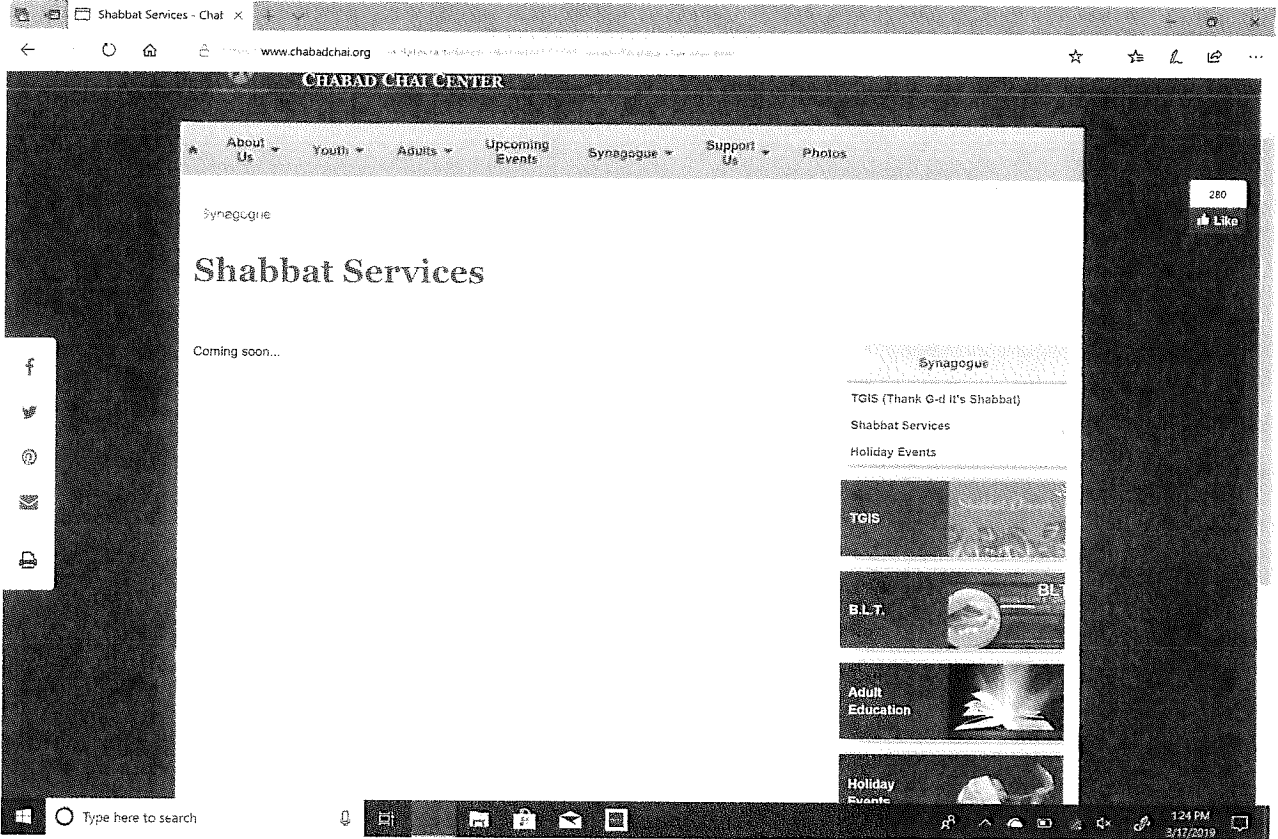
Dates coming soon

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Upcoming Events - Cha x

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Upcoming Events

Here is what is happening at Chabad of Prospect!

Delicious SHABBAT

Tofu Shabbat - Deli Style
11:30am - 3 pm

Wild Zucchini
Potato Knishes
Chicken Noodle Soup

[Click Here](#) to RSVP for Deli Shabbat

TGIS

B.L.T.

Adult Education

Holiday Events

Hebrew School

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