

# Board of Zoning Adjustment

## Staff Report

May 18, 2026



<b>Case No:</b>	26-APPEAL-0003
<b>Project Name:</b>	Appeal of Registration Revocation
<b>Location:</b>	3004 Cleveland Blvd
<b>Owner(s):</b>	Osman Sufi
<b>Representative:</b>	Osman Sufi
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Andrew Owen
<b>Case Manager:</b>	Jay Lockett, AICP, Planning Supervisor

**REQUEST(S)**

- **Appeal** of administrative action to revoke a registration for an owner-occupied Short-Term Rental

**CASE SUMMARY**

The Planning Director issued a letter on February 5, 2026 formally revoking the Short Term Rental registration for the property at 3004 Cleveland Blvd. The letter found that the property was subject to the following substantiated complaints/violations between February 5, 2025 and February 5, 2026:

2-5-25	Citation	ENF-PMNT-25-001269-1	High weeds/grass, illegal parking, damaged siding/paint, pooling/stagnant water, loose hand rails on porch
4-14-25	Citation	ENF-PMNT-25-001269-3	High weeds/grass, illegal parking, damaged siding/paint, pooling/stagnant water, loose hand rails on porch
4-24-25	Citation	ENF-PMNT-25-001269-4	High weeds/grass, damaged siding/paint, pooling/stagnant water, loose hand rails on porch
2-4-26	Citation	ENF-ZON-26-000142-1	Renting Short-Term rental to more than one contract at a time

The property is zoned R-5 in the Neighborhood form district and was registered as an owner-occupied short-term rental, with an active license issued on 8-11-25. (LIC-STL-25-00834).

The Appellant filed an appeal of the citation issued on February 4, 2026. The appeal was filed within 30 days of issuance of the citation therefore, it is a timely appeal.

Only complaints that had been substantiated within the 12 month period (between February 6, 2025 and February 5, 2026) were cited in the revocation letter. Other violations may have occurred prior to or after this date range. In addition to the citations issued by Louisville Metro Government that are described in this report, several complaints and incident detail reports are on file with the Louisville Metro Police

Department. Some of the incident detail reports detail incidents or complaints that have not been substantiated or were apparently filed by the owner in response to the alleged behavior of a neighbor. While not fully substantiated as of the date of the letter, one complaint on November 27, 2025 involved an alleged unlawful party or gathering on the property. Notes indicate that the stay was revoked by the owner and the occupants left without issues.

## **STAFF ANALYSIS/FINDINGS**

### **LDC 4.3.23 Short Term Rentals**

Short Term Rentals may be permitted in a dwelling that is the primary residence of the owner in accordance with this section. LDC 4.3.23.1 states:

If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period related to the short-term rental or condition of the property or building on which it is located, the Planning Director shall revoke the registration. When the Planning Director revokes a registration under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31st) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

### **Appellant's Basis of Appeal:**

The Appellant's appeal includes the following statements in support of overturning the citation:

#### I. April 2025 Property Maintenance Citations (Tall Grass)

In April 2025, I received two separate citations for tall grass. These citations were issued during a period of severe flooding in Louisville. During that time, Zorn Avenue - the primary access route to the property - was flooded for an extended period and was impassable. Because access to the property was obstructed, I was unable to have the grass cut despite reasonable efforts to do so.

Additionally, the citations were issued by two separate zoning officers within approximately ten days of one another for the same condition. Given the weather-related emergency and the access restrictions, this did not allow a reasonable opportunity to correct the condition before the second citation was issued. The circumstances were temporary, unavoidable, and not due to neglect or disregard of property maintenance obligations.

*Staff Response:* The citation was for several property maintenance issues beyond just the grass issues.

#### II. Improper Notice and Mailing Error

I did not initially appeal these citations because I did not receive timely notice of them. The Office mailed the citations to 5811 Hillwood Dr, which is not my residence or my registered owner-occupied address.

I reside at the property located at 3004 Cleveland Blvd, which is also the address listed for ownership and occupancy in the Jefferson County PVA records and the STR registration. Because the notices were mailed to an incorrect address, I was deprived of a meaningful opportunity to respond within the standard appeal period.

After explaining the mailing error, I was granted an exception to appeal. Prior to the scheduled appeal date, I was informed that the citations had been dismissed. I later learned they had only been conditionally discharged and would still be used as a basis for revocation. I was never clearly informed that these citations remained active for revocation purposes. Had I known this, I would have pursued the appeal differently and provided additional documentation.

These two citations therefore should not be relied upon because:

1. Proper notice was not provided, and
2. I was informed they were dismissed, which reasonably led me to believe they would not be used against my registration.

*Staff Response:* The property owner did successfully submit an appeal for the property maintenance violations. They ultimately accepted a conditional discharge of fines, admitting guilt and agreeing to remedy the issues.

### III. Airbnb "Shared Areas" Citation

The most recent citation appears to be based on references within Airbnb reviews mentioning shared areas of the home.

I applied for and operate under an owner-occupied STR registration. By definition, this means the owner resides in the dwelling. Guests sometimes rent a private room while I am present in the home, which naturally results in shared common areas such as a kitchen or living space.

The listing occasionally offers the entire home when permissible, but the majority of bookings involve a room rental while I occupy the residence.

Therefore, guest reviews referencing shared spaces are not evidence of a violation - they are consistent with and confirm owner occupancy, which is specifically allowed under the owner-occupied STR registration category.

*Staff Response:* This citation has been appealed, under 26-APPEAL-0001 which was to be heard immediately before this case. The outcome of that appeal could be considered for this request.

### IV. Due Process Concerns

The first three of the four citations were materially affected by incorrect mailing and notice. Because the notices were sent to the wrong address, I was restricted in my ability to timely appeal or correct the record: Due process requires proper notice and an opportunity to be heard before significant property rights - such as the ability to operate a permitted STR – are revoked.

The reliance on citations that I could not properly contest, combined with being told they were dismissed, created substantial prejudice.

*Staff Response:* The property owner did successfully submit appeals for the property maintenance violations as well as the latest citation for multiple contracts. Fines were conditionally discharged for the property maintenance issues, but the citations were held valid.

**STANDARD OF REVIEW**

Pursuant to LDC 11.7.3 and KRS 100.257, the BOZA shall have the power to hear and decide cases where it is alleged by the applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

The Board must determine if an error was made in the issuance of the revocation dated February 5, 2026.

**STAFF CONCLUSIONS**

LMCO and the LDC do not provide the Planning Director with any discretion in respect to revocation short term rental registrations. Per the ordinance “If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period related to the short-term rental or condition of the property or building on which it is located, **the Planning Director shall revoke the registration.**”

As the property has been the subject of more than 2 substantiated civil complaints in the 12 month period from February 4, 2025 to February 4, 2026, the Planning Director was required by ordinance to revoke the registration.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
5-7-26	Hearing before BOZA	Legal Advertisement

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

# 1. Zoning Map



## 2. Aerial Photograph

