



Modified Variance Application

Louisville Metro Planning & Design Services

Case No.: 23-MVARIANCE-0001 Intake Staff: KD

Date: 1/12/2023 Fee: \$160.00

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

Project Information:

This is a variance from Section 5.4.2.A.2.a of the Land Development Code, to allow an addition to a principal structure to encroach into the required rear yard setback.

Primary Project Address: 623 Rudy Lane

Additional Address(es): _____

Primary Parcel ID: 035500210008

Additional Parcel ID(s): _____

Proposed Use: Single-family Existing Use: Single-family

Existing Zoning District: R-3 Existing Form District: N

Deed Book(s) / Page Numbers²: 11950/682

The subject property contains 0.36 acres. Number of Adjoining Property Owners: 7

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

If yes, please list the docket/case numbers:

Docket/Case #: 19VARIANCE1023 Docket/Case #: _____

Docket/Case #: 19MINORPLAT1046 Docket/Case #: _____

RECEIVED

JAN 12 2023

PLANNING & DESIGN SERVICES

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Loretta & Kurt Showalter

Name: Zach Schwager

Company: _____

Company: _____

Address: 623 Rudy Lane

Address: 2704 Brownsboro Road

City: Louisville State: KY Zip: 40207

City: Louisville State: KY Zip: 40206

Primary Phone: (502)314-4505

Primary Phone: (502)797-2410

Alternate Phone: _____

Alternate Phone: _____

Email: Showalter.loretta@gmail.com

Email: zach@bhhsppw.com

Owner Signature (required): Loretta Showalter

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

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

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

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

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

Signature: _____

Date: _____

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

RECEIVED

JAN 12 2023

PLANNING & DESIGN SERVICES

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 1

Qualifications for a Non-Public Hearing include:

1. The Board of Zoning Adjustment may approve the following variances without a public hearing:
 - a. Side yard and rear yard variances to permit a detached garage which is accessory to a single-family residential use or any addition to a principal single-family structure;
 - b. Variances to permit a garage or building addition to cover more than 30% of the rear yard on property used for detached single-family residential use; (note, this provision applies to principle structures in the Neighborhood Form District (NFD) only. Accessory structures in the NFD can encroach up to 50% and cumulative encroachment of accessory and principal structures shall not exceed 50%. TNFD does not permit any encroachment into a rear yard.)
 - c. Variances to permit any building to be closer than the required minimum distance to another building on the same lot;
 - d. Variances to allow a reduction in the private yard area in the Traditional Neighborhood Form District;
 - e. Variances to allow the accessory structure/use area to exceed the maximum depth in the Traditional Neighborhood Form District.
 - f. A departure from a dimensional requirement of the Land Development Code of 10% or less.
2. All adjoining property owners must sign this affidavit. This includes all owners listed on the deed.
3. For each adjoining property that is held by a company, corporation, trust, etc. there must be a Certification Statement included with the affidavit.
4. All supporting documentation listed in the checklist must be included with the application.

Date: 1-9-23

I (We), Kurt + Loretta Showalter owner(s) of the subject property under Case # _____

states as follows: It is hereby requested that the application for variance under Case # _____ be considered by the Board in open executive session without holding a public hearing on the proposal.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's bylaws have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: KURT SHOWALTER Signature of Owner: [Signature]

Print Name: LORETTA SHOWALTER Signature of Owner: [Signature]

RECEIVED

JAN 12 2023

PLANNING & DESIGN SERVICES

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 1-9-23

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) 623 Rudy Lane Louisville, Ky 40207

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 701 Rudy Lane

Owner Name: Khin T Kyaw Signature: _____

Owner Name: Shin T Soe Signature: _____

2. Address: 700 Rudy Lane

Owner Name: Michael Skelton Signature: _____

Owner Name: Wendy Skelton Signature: _____

3. Address: 620 Rudy Lane

Owner Name: Jane Martin Signature: _____

Owner Name: _____ Signature: _____

4. Address: 618 Rudy Lane

Owner Name: James Graven Signature: _____

Owner Name: _____ Signature: _____

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

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

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

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

Signature: _____ Date: _____

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

RECEIVED
JAN 12 2023
PLANNING & DESIGN SERVICES
Page 6 of 7
23-MVARIANCE-0001

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 1-9-23

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) 623 Rudy Lane Louisville, Ky. 40207

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 610 SOUTHVIEW DR on other page
Owner Name: Brad Smith Signature: _____
Owner Name: _____ Signature: _____

2. Address: 612 Southview Dr
Owner Name: Judith B. Hoge Signature: JHoge
Owner Name: _____ Signature: _____

3. Address: 700 Merrifield Rd.
Owner Name: Keeva Brown Signature: Keep
Owner Name: _____ Signature: _____

4. Address: 621 Rudy Lane
Owner Name: Annamarie Greipel Signature: AGreipel
Owner Name: MICHAEL GREIPEL Signature: M Greipel

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

I, _____, in my capacity as _____, hereby
representative/authorized agent/other
certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.
is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

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

RECEIVED

JAN 12 2023

LANNING & DESIGN SERVICES

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 1-9-23

We have seen a drawing of the proposed (e.g. garage, addition) _____

to be constructed at (address) 123 Rudy Lane Louisville Ky. 40207

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 610 SOUTHVIEW DR

Owner Name: Brad Smith Signature: [Signature]

Owner Name: _____ Signature: _____

2. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

3. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

4. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

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

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

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

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

Signature: _____ Date: _____

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

RECEIVED
JAN 12 2023
PLANNING & DESIGN SERVICES

Please submit the completed application along with the following items:

- Land Development Report¹
 - A copy of the current recorded deed², if it has changed from the original submittal (*must show "End of Document" stamp on last page*)
 - Legal description on a separate 8.5 x 11" sheet of paper, if changed from original submittal
 - Letter of explanation for the modified variance
 - Five copies of the site plan or building rendering (whichever is applicable), including the following elements. See *site plan example below*.
 - Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - Vicinity map that shows the distance from the property to the nearest intersecting street
 - North arrow
 - Street name(s) abutting the site
 - Property dimensions
 - Building limit lines
 - Electric, telephone, drainage easements with dimensions
 - Existing and proposed structures with dimensions and distance from property lines
 - Highlight (in yellow) the location of the variances
 - One set of mailing label sheets for: 1st tier Adjoining Property Owners (APOs)³ and those listed on the application
 - One copy of the APO mailing label sheets
 - \$ 100** Application Fee
- \$ 60** Clerk's Fee (*If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required. Cash, charge or check made payable to Planning & Design Services*)

RECEIVED

JAN 12 2023

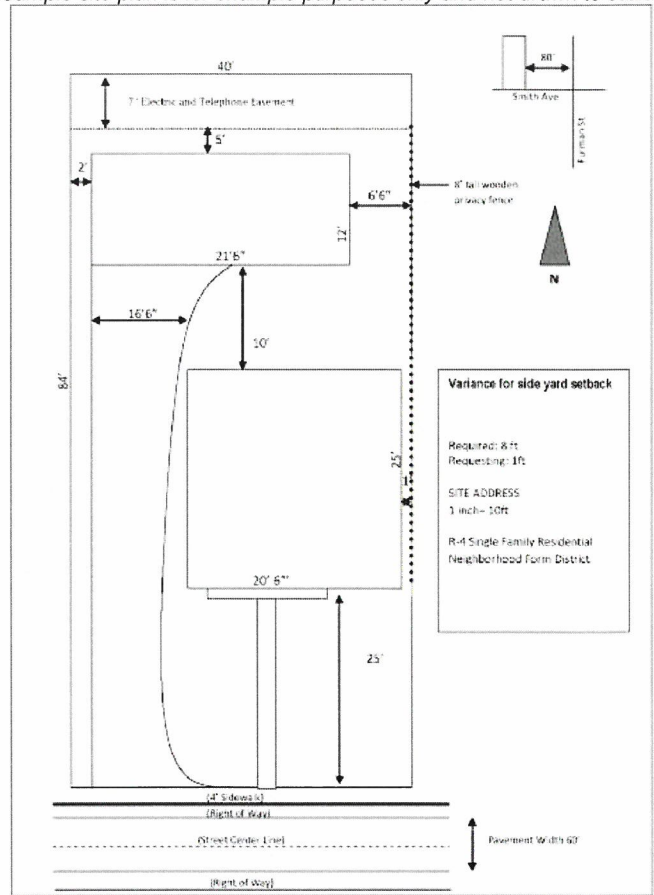
**PLANNING & DESIGN
SERVICES**

Page 3 of 4

Sample site plan is for example purposes only and not drawn to scale

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online/>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <https://search.jeffersondeeds.com>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/property-search>



RECEIVED
 JAN 12 2023
 PLANNING & DESIGN
 SERVICES



Land Development Report

January 12, 2023 10:40 AM

[About LDC](#)

Location

Parcel ID: 035500210008
Parcel LRSN: 20656
 Address: 623 RUDY LN

Zoning

Zoning: R3
 Form District: NEIGHBORHOOD
 Plan Certain #: NONE
 Proposed Subdivision Name: NONE
 Proposed Subdivision Docket #: NONE
 Current Subdivision Name: MERRIFIELD
 Plat Book - Page: 10-003
 Related Cases: NONE

Special Review Districts

Overlay District: NO
 Historic Preservation District: NONE
 National Register District: NONE
 Urban Renewal: NO
 Enterprise Zone: NO
 System Development District: NO
 Historic Site: NO

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
 FEMA Floodway Review Zone: NO
 Local Regulatory Floodplain Zone or
 Combined Sewer Floodprone Area: NO
 Local Regulatory Conveyance Zone: NO
 FEMA FIRM Panel: 21111C0029F
 Protected Waterways
 Potential Wetland (Hydric Soil): NO
 Streams (Approximate): NO
 Surface Water (Approximate): NO
 Slopes & Soils
 Potential Steep Slope: NO
 Unstable Soil: NO
 Geology
 Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: YES
 Sewer Recapture Fee Area: NO

Services

Municipality: WINDY HILLS
 Council District: 7
 Fire Protection District: ST MATTHEWS
 Urban Service District: NO

RECEIVED

JAN 12 2023

PLANNING & DESIGN SERVICES

23-MVARIANCE-0001



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.



INST # 2021054775

BATCH # 285727

JEFFERSON CO, KY FEE \$50.00

PRESENTED ON: 03-09-2021 1 09:43:57 AM

LODGED BY: LOWRY & LOWRY

RECORDED: 03-09-2021 09:43:57 AM

BOBBIE HOLSCRAW
CLERK

BY: ROXANN MCGAUGHEY
RECORDING CLERK

BK: D 11950

PG: 682-685

RECEIVED

JAN 12 2023

**PLANNING & DESIGN
SERVICES**

MAIL TAX STATEMENTS TO:

KURT W. SHOWALTER
623 Rudy Lane
Louisville, KY 40207

GENERAL WARRANTY DEED

Property conveyed:

623 Rudy Lane
Louisville, KY 40207

THIS DEED made the 2 day of March, 2021, between

KURT W. SHOWALTER and LORETTA S. SHOWALTER, husband and wife
623 Rudy Lane
Louisville, KY 40207, **First Party**

and

KURT W. SHOWALTER and LORETTA S. SHOWALTER, husband and wife
623 Rudy Lane
Louisville, KY 40207, **Second Party**

WITNESSETH:

For a valuable consideration, the receipt of which is hereby acknowledged, First Party hereby conveys with covenant of GENERAL WARRANTY, unto Second Party, for their joint lives with remainder in fee simple to the survivor of them, all of First Party's right, title, interest or claim in the following described real estate situated in Jefferson County, Kentucky:

Being Lot 8, in Block "C" as shown on the Plan of MERRIFIELD, which is recorded in Plat and Subdivision Book 10, Page 3, in the Office of the County Court Clerk of Jefferson County, Kentucky.

Being the same property acquired by First Party by Deed dated November 8, 2017, of record in Deed Book 11022, Page 881, and re-recorded in Deed Book 11389, Page 491, in the office of the County Clerk of Jefferson County, Kentucky.

First Party further covenants that First Party is lawfully seized of the estate hereby conveyed, has full right and power to convey the same, and that said estate is free from all

RECEIVED

JAN 12 2023

PLANNING & DESIGN SERVICES

23-MVARIANCE-0001

encumbrances except taxes for the year 2021 and thereafter which Second Party assumes and agrees to pay.

PROVIDED, HOWEVER, there is excepted any restrictions, stipulations and easements of record affecting said property.

NOTE TO RECORDER: There is no tax due on this transfer pursuant to KRS 142.050(7)(e) because it is between husband and wife.

The parties acknowledge that they did not request a title examination for the real estate conveyed, and no title examination was performed by Edwin J. Lowry, Jr. for the real estate conveyed and the parties provided all information to Edwin J. Lowry, Jr. for preparation of this deed.

CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that this transfer is by gift or for no or nominal consideration and that the estimated fair cash value of the property conveyed is \$265,000.00. Grantee joins in this deed for the sole purpose of executing this Consideration Certificate. Pursuant to KRS 382.990(8), the parties understand and acknowledge that a willful and fraudulent false statement as to the estimated fair cash value of the property conveyed herein would constitute a Class D felony.

IN TESTIMONY WHEREOF, witness the signature of the parties on the date first written above.



KURT W. SHOWALTER, First Party and Second Party



LORETTA S. SHOWALTER, First Party and Second Party

RECEIVED

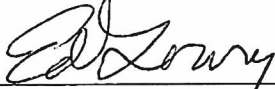
JAN 12 2023

**PLANNING & DESIGN
SERVICES**

STATE OF KENTUCKY

COUNTY OF JEFFERSON

I, a Notary Public, in and for the state and county aforesaid, do hereby certify that the foregoing Deed and Consideration Certificate was produced to me in said county and acknowledged and sworn to by KURT W. SHOWALTER, First Party and Second Party, this 2 day of March, 2021.



Edwin J. Lowry, Jr., Notary Public, State at Large

My Commission Number: 626439

My Commission Expires: August 7, 2023

STATE OF KENTUCKY

COUNTY OF JEFFERSON

I, a Notary Public, in and for the state and county aforesaid, do hereby certify that the foregoing Deed and Consideration Certificate was produced to me in said county and acknowledged and sworn to by LORETTA S. SHOWALTER, First Party and Second Party, this 2 day of March, 2021.



Edwin J. Lowry, Jr., Notary Public, State at Large

My Commission Number: 626439

My Commission Expires: August 7, 2023

Prepared by:



Edwin J. Lowry, Jr.
LOWRY & LOWRY, PLLC
Attorneys at Law
4175 Westport Road, Suite 106
Louisville, KY 40207
Phone: (502) 587-7754

RECEIVED

JAN 12 2023

PLANNING & DESIGN
SERVICES

Letter of Explanation

The original variance request (19VARIANCE1023) was approved for the principal structure to encroach into the required 25 ft. rear yard setback for a rear yard setback of 13 ft. (variance of 12 ft.) This original variance was required because the proposed addition would cause the structure to exceed 30% of the rear yard area. The modified variance is required because even though the proposed addition will be the same distance (13 ft.) from the rear property line as the original approval, it is being extended further toward the side property line. The request for the modified variance is for the same section of the Land Development Code and is necessary because the property owner had to modify the floor plan and created the need to extend the proposed addition 8.5 ft. further toward the side property line, which setback will still be met. The property owner has obtained all the required signatures from the adjoining property owners to have a non-public hearing.

RECEIVED

JAN 12 2023

**PLANNING & DESIGN
SERVICES**

23-MVARIANCE-0001