



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18W AIVER1029 Intake Staff: HP

Date: 7/16/18 Fee: \$232.00

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 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/Planning-Design>.

## Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section \_\_\_\_\_

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: 1. Waive the encroachment of proposed parking spaces into the south property line 15 ft. LBA . 2. Reduce north prop line 50 ft LBA to 15 ft and eliminate the reg'd 6 ft berm

Primary Project Address: 2008 Blankenbaker Road

Additional Address(es): 2010 Blankenbaker Road

Primary Parcel ID: 003901600000

Additional Parcel ID(s): 003901770000 & 003904420000

Proposed Use: Office warehouse Existing Use: undeveloped

Existing Zoning District: PEC Existing Form District: SW

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. 11174, Pg. 678

The subject property contains 2 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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

The waiver to reduce the 50 ft LBA to 15 ft and eliminate the 6 ft berm will not affect the adjacent residential property to the north because the proposed use of office warehouse is more commercial than industrial and the building orientation with the rear of the bldg adjacent to the residential use will provide a buffer from the parking lot and activity area of the development. The waiver to permit the encroachment of the proposed parking area into the south property line 15 ft LBA will not affect the adjacent properties because the reqd. landscaping will be provided and the PEC 15 ft LBA adj to side & rear prop. lines was intended to provide buffers on large parcel development not for small lots

**2. Will the waiver violate the Comprehensive Plan?**

The Comprehensive Plan will not be violated because the intent of the requirements is being met through landscaping.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

It is because the landscape buffer areas are being provided where possible and all the required landscaping will be provided.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use.

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**Contact Information:**

**Owner:**  Check if primary contact

**Applicant:**  Check if primary contact

Name: Matthew and Jana Miller

Name: Same as owner

Company: NA

Company: \_\_\_\_\_

Address: 920 DuPont Road

Address: \_\_\_\_\_

City: Lou State: KY Zip: 40207

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: \_\_\_\_\_


Primary Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Owner Signature (required):** X 

**Attorney:**  Check if primary contact

**Plan prepared by:**  Check if primary contact

Name: NA

Name: Ann Richard RLA

Company: \_\_\_\_\_

Company: Land Design and Development Inc

Address: \_\_\_\_\_

Address: 503 Washburn Ave

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: Lou State: KY Zip: 40222

Primary Phone: \_\_\_\_\_

Primary Phone: 502 426-9374

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: richard@lidd-inc.com

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**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.

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I, Matt Miller, in my capacity as owner, hereby representative/authorized agent/other

certify that Matthew and Jana Miller 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: X  Date: 7-16-18

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.

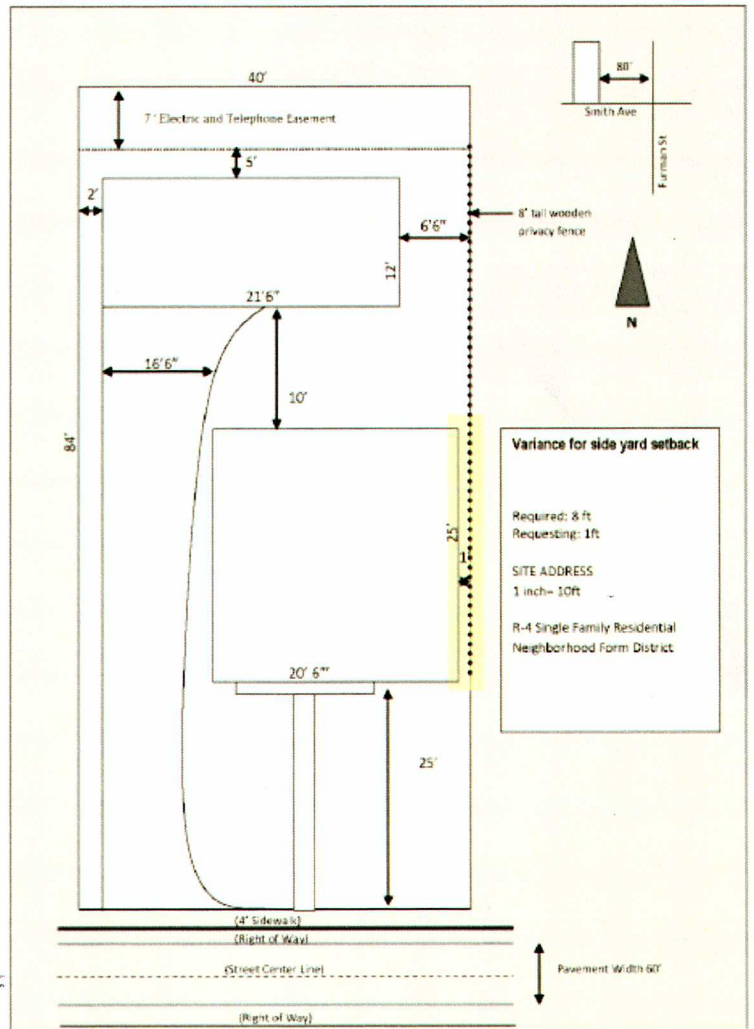
**Please submit the completed application along with the following items:**

- Land Development Report<sup>1</sup>
- Three 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 waivers
- One set of mailing label sheets for: 1<sup>st</sup> tier Adjoining Property Owners (APOs)<sup>3</sup>; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous public hearing regarding the site
- One copy of the APO mailing label sheets
- \$225 Application Fee + \$1 per mailing label (*Cash, charge or check made payable to Planning & Design Services*)

**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 2<sup>nd</sup> 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>

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



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4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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# Land Development Report

July 16, 2018 8:26 AM

About LDC

## Location

Parcel ID: 003901770000  
 Parcel LRSN: 127984  
 Address: NONE

## Zoning

Zoning: PEC  
 Form District: SUBURBAN WORKPLACE  
 Plan Certain #: NONE  
 Proposed Subdivision Name: NONE  
 Proposed Subdivision Docket #: NONE  
 Current Subdivision Name: MIDWAY FARM SUBDIVISION  
 Plat Book - Page: 07-151  
 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: 21111C0064E

### 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: NO  
 Sewer Recapture Fee Area: NO  
 Drainage Credit Program: MS4 (outside of incentive area)

## Services

Municipality: JEFFERSONTOWN  
 Council District: 11  
 Fire Protection District: JEFFERSONTOWN  
 Urban Service District: NO

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# Land Development Report

July 16, 2018 8:25 AM

About LDC

## Location

Parcel ID: 003904420000  
Parcel LRSN: 127948  
Address: NONE

## Zoning

Zoning: PEC  
Form District: SUBURBAN WORKPLACE  
Plan Certain #: NONE  
Proposed Subdivision Name: NONE  
Proposed Subdivision Docket #: NONE  
Current Subdivision Name: MIDWAY FARM SUBDIVISION  
Plat Book - Page: 07-151  
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: 21111C0064E

### 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: NO  
Sewer Recapture Fee Area: NO  
Drainage Credit Program: MS4 (outside of incentive area)

## Services

Municipality: JEFFERSONTOWN  
Council District: 11  
Fire Protection District: JEFFERSONTOWN  
Urban Service District: NO

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# Land Development Report

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About LDC

## Location

Parcel ID: 003901600000  
 Parcel LRSN: 127636  
 Address: 2008 BLANKENBAKER RD

## Zoning

Zoning: PEC  
 Form District: SUBURBAN WORKPLACE  
 Plan Certain #: NONE  
 Proposed Subdivision Name: NONE  
 Proposed Subdivision Docket #: NONE  
 Current Subdivision Name: MIDWAY FARM SUBDIVISION  
 Plat Book - Page: 07-151  
 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  
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 Local Regulatory Conveyance Zone: NO  
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### Protected Waterways

Potential Wetland (Hydric Soil): NO  
 Streams (Approximate): NO  
 Surface Water (Approximate): NO

### Slopes & Soils

Potential Steep Slope: NO  
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### Geology

Karst Terrain: YES

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 Fire Protection District: JEFFERSONTOWN  
 Urban Service District: NO

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**LAND DESIGN & DEVELOPMENT, INC.**  
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
503 Washburn Avenue, Suite 101  
Louisville, Kentucky 40222  
(502) 426-9374 FAX (502)426-9375

**Letter of Explanation  
Proposed Office/Warehouse  
2008 and 2010 Blankenbaker Road  
Jeffersontown, KY. 40299**

The Applicant is proposing to construct two office/warehouse buildings at 2008 and 2010 Blankenbaker Road. The subject site is located in the City of Jeffersontown and is not Plan Certain. A Category 2B Plan with waiver requests is being submitted to Louisville Planning and Design Services and the City of Jeffersontown. The City of Jeffersontown will process the Category 2B Plan.

The subject sites are zoned PEC and are located in the Suburban Marketplace Form District. A right-of-way dedication to Blankenbaker Road is part of the proposal. The three existing tracts of land will be consolidated in conjunction with the development of the property.

A waiver is requested from Section 10.2.4.B.8 of the Land Development Code to waive the encroachment of the proposed parking area into the south property line's 15 ft. Landscape Buffer Area. The waiver will not affect the adjacent properties because the PEC zoning envisioned large tracts of land developed for industrial or large office use which would benefit from a large parcel providing 15 ft Landscape Buffer Areas adjacent to the side and rear property lines. The subject site is a small parcel, 1.9 acres with the right-of-way dedication, and to provide the 15 ft Landscape Buffer Areas on all side and rear property lines significantly reduces the developable area of the site. The 15 ft Landscape Buffer Areas are being provided on the opposite side property line and the rear property line. The majority of the 15 ft. Landscape Buffer Area will be provided for the south property line and the required trees will be provided.

A waiver is requested from Section 5.5.4.B.1 to waive the 50 ft. Landscape Buffer Area and berm adjacent to the north property line. The waiver will not adversely impact the adjacent PEC zoned, residentially used property because the PEC 15 ft Landscape Buffer Area will be provided with the required trees additionally the rear of the proposed buildings face the property and the active area of the development is located on the opposite side of the proposed buildings. The proposed buildings shield and buffer the adjacent property from the proposed development.

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18 WAIVER 1029



**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 # 2018138600**

**BATCH # 134553**

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$135.00

PRESENTED ON: 06-14-2018 8 11:42:16 AM

LODGED BY: BORDERS & BORDERS

RECORDED: 06-14-2018 11:42:16 AM

BOBBIE HOLSCRAW

CLERK

BY: CARRIE HARRISON

RECORDING CLERK

**BK: D 11174**

**PG: 678-681**

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527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700

Website: [www.jeffersoncountyclerk.org](http://www.jeffersoncountyclerk.org) | Email: [countyclerk@jeffersoncountyclerk.org](mailto:countyclerk@jeffersoncountyclerk.org)

18 WAIVER 1029

20181681

AFTER RECORDING RETURN TO  
BORDERS & BORDERS, ATTORNEYS  
920 DUPONT ROAD  
LOUISVILLE, KY 40207

**WARRANTY DEED**

THIS DEED, made this the 13th day of June, 2018, by and between Michael Cissell, unmarried, Sara Cissell, unmarried, and Ronald Cissell, unmarried, Parties; of the First Part whose mailing address is 5702 Mt Washington Rd, \*; and Exchange Professionals, LLC, a Kentucky limited liability company, Qualified Intermediary for Matthew Miller and Jana Miller, husband and wife, Parties of the Second Part, **whose mailing address and in-care-of address, for tax purposes, 920 Dupont Rd., Louisville, KY 40207;** \* Louisville, KY 40229

WITNESSETH: That, for a valuable consideration in the amount of \$135,000.00, the receipt of which is hereby acknowledged, the Parties of the First Part hereby convey unto the Parties of the Second Part, in fee simple, with covenant of GENERAL WARRANTY, the following described property located in Jefferson County, Kentucky, to-wit:

See Attached Exhibit "A" which is incorporated herein and made a part hereof by reference.

Being the same property conveyed to Diana I. Cissell by Deed dated 04/24/1992, and recorded in Deed Book 6173, Page 109 in the office of the Clerk aforesaid. The said Diana I. Cissell having died intestate on 02/14/2016 and Michael Cissell, Sara Cissell and Ronald Cissell being the sole heirs for the Estate of Diana I. Cissell pursuant to Affidavit of Descent dated 02/16/2018 of record in Deed Book 11088, Page 837 in the office aforesaid.

Any spouse of the Party of the First Part, who is not an owner (i.e, not on the title to the property) is signing only for the purpose of releasing his or her Dower or Curtesy interest in the property and makes no warranties or representations to any Party of the Second Part.

The Parties of the First Part further covenant lawful seizin of the estate hereby conveyed, with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, and State, County and School taxes due and payable in 2018 and all subsequent taxes which Parties of the Second Part do hereby assume and agree to pay.

The Parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The Parties of the Second Part join in this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

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18 WAIVER 10.29

20181681

Exchange Professionals, LLC, a Kentucky limited liability company, Qualified Intermediary for Matthew Miller and Jana Miller

[Signature]  
Michael Cissell

By: \_\_\_\_\_

[Signature]  
Sara Cissell

as: Stanley J Sims

[Signature]  
Ronald Cissell

State of Kentucky  
County of Jefferson

I hereby certify that the foregoing deed and consideration certificate were acknowledged and sworn to before me this the 13th day of June, 2018, by Michael Cissell, unmarried, Sara Cissell, unmarried, and Ronald Cissell, unmarried, Parties thereto to be their act and deed.



[Signature]  
Notary Public Kentucky State at Large  
Print Name Laura M. Kazlauskas  
My Commission Expires: 8-22-2019

State of Kentucky  
County of Jefferson

I hereby certify that the foregoing deed and consideration certificate were acknowledged and sworn to before me this the 13th day of June, 2018, by by Stanley J Sims as Member for Exchange Professionals, LLC, a Kentucky limited liability company, Qualified Intermediary for Matthew Miller and Jana Miller, husband and wife, Parties thereto to be their act and deed.

[Signature]  
Notary Public Kentucky State at Large  
Print Name \_\_\_\_\_  
My Commission Expires: 9/16/19

PREPARED BY  
[Signature]  
**BORDERS & BORDERS ATTORNEYS**  
930 DUPONT RD.  
LOUISVILLE, KY 40207  
(502) 894-9200

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18. WAIVER 1029

Exhibit "A"

BEING TRACT 1, consisting of approximately 1.43 acres, as shown on the minor subdivision plat attached to and made a part of the Deed of record in Deed Book 5554, Page 547, in the Office of the County Clerk of Jefferson County, Kentucky.

BEING TRACT 2, consisting of approximately 1102.05 square feet, as shown on the minor subdivision plat attached to and made a part of the Deed of record in Deed Book 5554, Page 547, in the Office of the County Clerk of Jefferson County, Kentucky.

There is also included in this conveyance the right to use a passway for ingress and egress along the northerly line of Tract 1 as shown on the aforesaid minor subdivision plat, and being described as follows:

"A passway, beginning at a point in the easterly line of Tract 2, which point is S 20° 30' E and 12 feet from an existing fence, thence N 20° 30' W to the line common to lots 6 and 7 as shown on the plat of Midway Farms Subdivision, recorded in Plat and Subdivision Book 7, Page 151, in the Office of the Clerk aforesaid; thence N 69° 30' E to the West right of way line of Blankenbaker Road, thence Southwestwardly with the west right of way line of Blankenbaker Road 12 feet to a point, thence S 68° 31' 36" W to the point of beginning, said southerly line being 12 feet south of and parallel with the aforesaid existing fence."

BEING TRACT 3, consisting of approximately 0.51 acre, as shown on the minor subdivision plat attached to and made a part of the Deed of record in Deed Book 5554, Page 547, in the Office of the County Clerk of Jefferson County, Kentucky.

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Ann Richard  
Land Design & Development  
503 Washburn Avenue  
Louisville, KY 40222

Matthew & Jana Miller  
920 Dupont Rd  
Louisville, KY 40207

Timothy & Carol Wright  
2108 Blankenbaker Road  
Louisville, KY 40299

Gary & Jo Ann Hedges  
3600 Trail Creek Pl  
Louisville, KY 40241

Rodd Jones  
2206 Blankenbaker Rd  
Jeffersontown, KY 40299

Matthew & Jane Miller  
8607 Holston Rd  
Louisville, KY 40222

John Cox & Ida Bernice  
2006 Blankenbaker Rd  
Jeffersontown, KY 40299

Grays Commonwealth  
11600 Commonwealth Dr  
Louisville, KY 40299

Alibro Properties  
11610 Commonwealth Dr  
Jeffersontown, KY 40299

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