



# Variance Application

Louisville Metro Planning & Design Services

178  
179

Case No: 23-VARIANCE-0095

Intake Staff: OL

Date: 062323

Fee: \_\_\_\_\_

**STAFF USE ONLY ABOVE THIS LINE**

Applications are due on Mondays at 2:00 p.m. 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/government/Planning-Design>.

### PROJECT INFORMATION

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Much of the property information below can be found on the Land Development Report via **the LOJIC Online Map tool**: <https://www.lojic.org/lojic-online>. After searching the address in LOJIC, click the to view the Land Development Report.

This is a variance from Section 4.4.3 of the Land Development Code, *The Land Development Code can be found at: <https://louisvilleky.gov/government/planning-design/land-development-code>*

to allow 6 feet in the front yard and streetside yard setbacks

Primary Project Address / Parcel ID: 4000 heatherview road/278600180000

Additional Address(es) / Parcel ID(s): \_\_\_\_\_

Proposed Use: Residential privacy fence Current Use: Residential privacy fence

Current Zoning District: R4 Current Form District: Neighborhood

Deed Book(s) / Page Numbers: 11093 page no 247  
*Deeds are available online at: <https://search.jeffersondeeds.com>*

Acreeage of subject property: 0.2200 Number of Adjoining Properties: 5

Use the LOJIC Online Map tool: <https://www.lojic.org/lojic-online>. Search the subject site's address and count the number of adjoining properties.  
Adjoining properties - properties that are next to and across the street from the subject site.

Has the property been the subject of a previous development proposal?  Yes  No  
*Note: This information can be found on the Land Development Report (Related Cases)*

If yes, please list the Docket / Case Number(s): \_\_\_\_\_

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**Contact Information**

Print and use a second copy of this page if additional contacts are needed.

**Owner:**

Name: Sadak Mohammad sajid

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

Address: 4000 heatherview road

City: Louisville State: Ky Zip: 40218

Primary Phone: 502-510-2654

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

Email: Md82sajib@gmail.com

**Applicant / Contact:**

Name: Sadak Mohammad sajid

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

Address: 4000 heatherview road

City: Louisville State: Ky Zip: 40218

Primary Phone: 502-510-2654

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

Email: Md82sajib@gmail.com

**Owner Signature (required):** \_\_\_\_\_



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 \_\_\_\_\_ 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 materially 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.

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**JUSTIFICATION**

To justify approval of any variance, the Planning Commission considers the following criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or n/a** will **not** be accepted.

**Explain how the variance will not adversely affect the public health, safety, or welfare.**

The variance will not affect any of the above issues. The fence is located on the homeowners property and does not impede or present a health, safety or welfare by staying on property and being low enough to see over it so the view does not change for neighbors. It is clearly marked and lighted.

**Explain how the variance will not alter the essential character of the general vicinity.**

The variance will not alter the essential character due to the fact that it is inline with all other fences in the community. The location is safe and improves the character of the general vicinity by being well built and beautiful external side to public. This fence improves the look of the neighborhood.

**Explain how the variance will not cause a hazard or a nuisance to the public.**

The fence will not cause a hazard or nuisance because it is built off of the walkway giving enough space for walkers that walk around our neighborhood every evening. Several residents have complimented on look and quality of the fence.

**Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

It will not allow an unreasonable circumvention of the requirements of zoning due to the sheer number of fences in and outside of the community that circumvent of the same requirements. Please see attached pics of fences inside and outside of our community. If this is denied it will affect

**Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The variance is needed for special circumstances. The homeowner has a young son of 4 years of age and needs security and safety of a 6ft fence to prevent him from entering the roadway and getting hit by a car. 6ft fence is needed for security and making it harder for someone to reach over

**Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of his land due to the fact that 75% of his lot is located on the side that the variance is required for. Without the approval of the variance he will not have enough space for his son to play.

**Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?**

Yes, The Breckenridge Meadows HOA was not aware of this regulation and there are several other properties that have the same issues and would be a hardship to the home owners on several properties to comply with this code. There will be hardships for the surrounding communities to get up

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## CHECKLIST

Please submit the completed application along with the following documents

➔ Applications ***will not*** be accepted without the following items:

- Deed:** Provide a copy of the current recorded deed (must show "End of Document" stamp on last page). Deeds are available online at: <https://search.jeffersondeeds.com>
- Elevations:** Provide an elevation drawing for new construction (including home additions, garage additions, and fences)
- Site Plan:** Provide a site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. Note: ask customer service for a SITE PLAN GUIDE for reference.
  - ✓ 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 address, parcel ID, and 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
- Mailing Labels:** You are required to notify the OWNERS *and* RESIDENTS of neighboring properties of this application. If the owner does not occupy the property, you must also send notice addressed to the "current resident" at the property address. You must create mailing labels of 1<sup>st</sup> tier adjoining property RESIDENTS and OWNERS, and to your Case Manager (ask customer service for the "HOW-TO: USER GUIDE" for instructions). Applicant is responsible for mailing.
- Copy of Mailing Labels:** Make a copy of the mailing label sheet(s) mentioned above.
- Fee: Application Fee:** **\$100** - Single-Family Uses (one lot only)
  - \$300** - Churches, parish halls, temples, schools, and institutions of learning (except colleges, universities, trade, business, or industrial schools), not-for-profit uses, and clubs, private non-profit
  - \$700** - for All Other Uses (including multiple single-family lots within a subdivision)

**Clerk's Fee: + \$60** - Note: If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required. *\*Note: Please make checks payable to "Louisville Metro Government"*
- Refusal Letter (if applicable):** Required if a STOP WORK ORDER or CITATION has been received - provide a copy of the refusal letter from citing official.
- Utility Approval (if applicable):** Required if the proposed structure encroaches into an easement (MSD, LG&E, or Bell South) - submit written documentation from the utility company indicating approval for the encroachment

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**REQUIREMENTS FOR NON-PUBLIC HEARING APPLICATIONS ONLY** – (Eligible cases are heard in the Business Session of Board of Zoning Adjustments (BOZA) meetings. All APOs must sign the attached non-hearing affidavit indicating consent for the variance, as comments from the public are not taken during this process)

- Non-Hearing Affidavit form** (see pages 8-9)
- Photographs:** Take photos of the subject area from all angles

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**Bobbie Holsclaw**  
Jefferson County Clerk's Office

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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 # 2018046155**

**BATCH # 118003**

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$205.00

PRESENTED ON: 02-27-2018 8 08:06:40 AM

LODGED BY: EXECUTIVE TITLE CO

RECORDED: 02-27-2018 08:06:40 AM

BOBBIE HOLSCLAW

CLERK

BY: SHERRI SCHULTZ

RECORDING CLERK

**BK: D 11093**

**PG: 247-250**

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)

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3+  
20500

After recording, please return to:  
Executive Title Company  
9931 Corporate Campus Drive  
Suite 2400  
Louisville, KY 40223

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JUN 23 2018

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SPECIAL WARRANTY DEED

This Deed made this 16<sup>th</sup> day of February, 2018 by and between John Stephen Hardy, Executor for the Estate of Ovanna J. Hardy, whose address is 4000 Heatherview Road, Louisville, KY 40218; the Party of the First Part; and Sadak Mohammad Sajib and Rezwana Rahman, husband and wife, whose address is 4000 Heatherview Road, Louisville, KY 40218, the Parties of the Second Part; The IN-CARE-OF tax mailing address for the current tax year is: Sadak Mohammad Sajib and Rezwana Rahman, 4000 Heatherview Road, Louisville, KY 40218.

WITNESSETH: That, for valuable consideration in the amount of Two Hundred Five Thousand Dollars and No Cents (\$205,000.00) the receipt of which is hereby acknowledged, the Party of the First Part does hereby sell, grant and convey unto the Parties of the Second Part, with covenant of SPECIAL WARRANTY, in fee simple, for and during their joint lives with remainder to the survivor of them, the following described property located in Jefferson County, Kentucky and further described to-wit:

**BEING** Lot 18, Breckenridge Meadow, Section 1, plat of which is of record in Plat and Subdivision Book 41, Page 40, as said Lot 18 is revised by the Minor Subdivision Plat attached to and made a part of Deed of Correction recorded in Deed Book 6845, Page 930, and re-recorded in Deed Book 6849, Page 78, which Minor Subdivision Plat was approved by the Louisville and Jefferson County Planning Commission on February 4, 1997, Docket No. 350-96, all documents being of record in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

**BEING** the same property conveyed to John J. Hardy and Ovanna J. Hardy, husband and wife, by Deed dated March 17, 2000, of record in Deed Book 7416, Page 540, in the Office of the Clerk of Jefferson County, Kentucky. **THEREAFTER;** the said Ovanna June Hardy having died testate on 06/02/2017 with a Will of record in Will Book 668, Page 862, in the Office of the Clerk aforesaid. She is pre-deceased in death by her husband, John J. Hardy. The Court appoints John Stephen Hardy as the Executor of her Estate.

The Party of the First Part covenants that it is lawfully seized of the property conveyed, has full right and power to convey the same, and that the property is free and clear of all encumbrances except planning and zoning regulations, easements and restrictions of record, and all taxes due and payable in 2018, and all subsequent taxes which the Parties of the Second Part do hereby assume and agree to pay.

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Robert C. Reves  
4002 Heatherview road,  
Louisville, KY 40218

This letter is to notify the BMHOA of the construction of two fences. One is located at 4000 Heatherview road and the other is 4002 Heatherview road.

The fences are 6ft in height and are inside of the property lines. I have attached the surveys and BUD conformations for both properties. As per the BMHOA declarations Article II Section 5 (b) we are requesting a waiver for the fence at 4000 Heatherview road. The lot at 4000 Heatherview road was constructed in a way that 75% of the lot is on the side and front of the lot. Due to the age of his child we needed to construct a fence in this area and at a height of 6ft to ensure the security and safety of his 5-year-old son.

Please find attached.

- Surveys for 4000 and 4002
- Property fence proposal and actual for 4000
- BUD info for both properties.
- Please let me know if any member has a requirement for more information on the project.

Also, please reply to this request by email for approval and any other questions.

Thank you for your time and consideration.



Robert C. Reves

Vice President BMHOA

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# Fence and Wall Heights

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The following regulations shall apply to fence and wall heights in the following zone districts: R-R, R E, R 1, R 2, R 3, R 4, R 5, PRD, U-N, R 5A, R 5B, TNZD, R 6, R 7, R 8A, OR, OR 1, OR 2, OR 3 and OTF Districts:

FENCE LOCATION	MAXIMUM HEIGHT
Required front and street side yards	4 feet
Required side and rear yards	8 feet when constructed of solid materials; 6 feet when constructed of chainlink materials

In all other zoning districts, fences and walls shall be restricted by the maximum building height of that zoning district except when abutting an R-R, R E, R 1, R 2, R 3, R 4, R 5, PRD, U-N, R 5A, R 5B, TNZD, R 6, R 7, R 8A, OR, OR 1, OR 2, OR 3 or OTF district, in which case the above standards shall apply.

Fences and walls not located within a required yard shall be restricted by the maximum building height of that form district.

Fences and walls are required for swimming pools. They shall be a minimum height of 4 feet above grade and have a self-closing, self-latching lockable gate.

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FUENTES, PENA YULIET  
7104 MEADOW RIDGE DR  
LOUISVILLE KY 40218

BLUM, FAMILY INTER GENERATION  
7106 MEADOW RIDGE DR  
LOUISVILLE KY 40218

JEFFREY R NISS  
4001 HEATHERVIEW RD  
LOUISVILLE KY 40218

AYDIN KASIMOV  
7109 MEADOW RIDGE DR  
LOUISVILLE KY 40218

ROBERT REVES  
4002 HEATHERVIEW RD  
LOUISVILLE KY 40218

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FUENTES, PENA YULIET  
7104 MEADOW RIDGE DR  
LOUISVILLE KY 40218

BLUM, FAMILY INTER GENERATION  
7106 MEADOW RIDGE DR  
LOUISVILLE KY 40218

JEFFREY R NISS  
4001 HEATHERVIEW RD  
LOUISVILLE KY 40218

AYDIN KASIMOV  
7109 MEADOW RIDGE DR  
LOUISVILLE KY 40218

ROBERT REVES  
4002 HEATHERVIEW RD  
LOUISVILLE KY 40218