



# Sidewalk Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18DEVPLAN1004 Intake Staff: NH  
Date: 2/26/18 Fee: 0

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/PlanningDesign>.

### Project Information:

Explanation of Waiver: Waiver of LDC Section 5.8.1.B to not provide sidewalks along Knopp Ave., Melton Ave., and Rowe Street. Also, waiver of 5.9.2.A.1.b.i to not provide pedestrian connection from the building entrance to the street.

Primary Project Address: 4612 Knopp Avenue

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 0807 0047 0000

Additional Parcel ID(s): \_\_\_\_\_

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Proposed Use: Heavy Truck Repair/Storage Existing Use: Heavy Truck Repair/Storage

Existing Zoning District: EZ-1 Existing Form District: Suburban Workplace

Deed Book(s) / Page Numbers<sup>2</sup>: 10325 x 12

The subject property contains 3.41 acres. Number of Adjoining Property Owners: 16

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 #: 15MISC1006 Docket/Case #: 18DEVPLAN1004

Docket/Case #: 15LSCAPE1165 Docket/Case #: 18LSCAPE1016

**Sidewalk Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

The existing industrial site is located in an existing EZ-1 zoned area, surrounded by other industrial uses. The existing industrial area lacks public sidewalks to connect to, with neighboring properties to the east and west without existing sidewalks. Additionally, there are no transit stops in the vicinity of this property.

**2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

The Comprehensive Plan allows for waivers in difficult or inappropriate conditions. Along the frontage of the site, there are topographic issues, including the newly constructed MSD sewer/drainage project, which constructed a new paved ditch and storm drainage system along the frontage of the lot. The location of the ditch and existing utilities make construction of a new sidewalk difficult. Additionally, there are no existing sidewalks nor any transit stops in the vicinity of the site.

**3. What impacts will granting of the waiver have on adjacent property owners?**

Granting of the waiver would have no impact on adjacent property owners, since there are no existing sidewalks and all surrounding properties are of an industrial nature. Additionally, there no transit stops near the site. The existing conditions and constraints are the same as they were for the same waivers approved under Case No. 15MISC1006.

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**4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

Strict application of the regulations would create an unnecessary hardship on the applicant due to construction of approximately 800 lineal feet of concrete sidewalk along the frontage of Knopp Ave, Melton Ave, and Rowe Street, as well as possible reconstruction of the newly constructed MSD drainage improvements. The existing conditions and limitations created by these drainage improvements are not conducive to construction of a sidewalk along the street frontages.

**Contact Information:**

**Owner:**  Check if primary contact

**Applicant:**  Check if primary contact

Name: George P. Charmoli

Name: Mr. Chris Guffey

Company: Charmoli-Knopp Properties, LLC

Company: Allegiant Construction, LLC

Address: 3519 Hedgewick Place

Address: 15505 Crystal Valley Way

City: Louisville State: KY Zip: 40245

City: Louisville State: KY Zip: 40299

Primary Phone: 502-589-5150

Primary Phone: 502-609-2071

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

Alternate Phone: 502-873-5551

Email: PCharmoli@CommercialKentucky.com

Email: chris@thinkallegiant.com

**Owner Signature (required)** 

**Attorney:**  Check if primary contact

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

Name: \_\_\_\_\_

Name: Jason L. Hall, P.E.

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

Company: Prism Engineering & Design Group, LLC

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

Address: 2309 Watterson Tr, Suite 200

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

City: Louisville State: KY Zip: 40299

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

Primary Phone: 502-491-8891 Ext. 1

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

Alternate Phone: 502-494-1317

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

Email: Jason@PEDGLLC.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.

I, George P. Charmoli, in my capacity as Member, hereby *representative/authorized agent/other*

certify that Charmoli-Knopp Properties, LLC 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:** 23 Feb 2018

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.

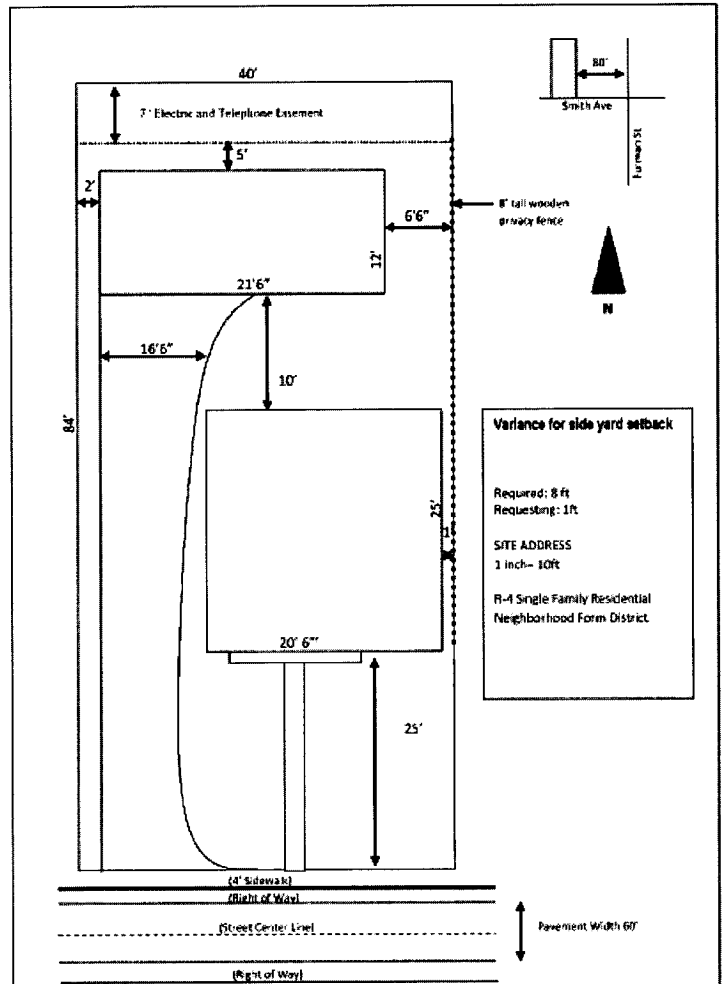
**Please submit the completed application along with the following items:**

- Land Development Report<sup>1</sup>
- Four 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
- \$215 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: <http://ags2.lojic.org/lojiconline/>
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: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
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/>
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.

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



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# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18DEVPLAN1004 Intake Staff: NH

Date: 2/26/18 Fee: 231.00

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## 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.*

Waiver of LDC 10.2.10 and Table 10.2.6 to allow existing parking/maneuvering area to encroach into the required 15' VUA LBAs along Knopp Avenue and Melton Avenue;

Waiver of LDC Section 10.2.10 and Table 10.2.6 to eliminate the required 15' LBA and plantings along the unimproved Rowe Street frontage.

Explanation of Waiver: \_\_\_\_\_

Primary Project Address: 4612 Knopp Avenue

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 0807 0047 0000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Heavy Truck Repair/Storage Existing Use: Heavy Truck Repair/Storage

Existing Zoning District: EZ-1 Existing Form District: Suburban Workplace

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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 #: 15MISC1006 Docket/Case #: 18DEVPLAN1004

Docket/Case #: 15LSCAPE1165 Docket/Case #: 18LSCAPE1016

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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?**

No, the requested waiver will not adversely affect adjacent property owners. The site currently functions as an industrial use, surrounded by similar industrial uses, in the existing EZ-1 zoning. Furthermore, the EZ-1 zoning is encompassed by existing M-3 zoning. The applicant proposes to add a building to the site, in a portion of the existing compacted gravel lot, with operation of the site to remain as an industrial use. Therefore, adjacent property owners will not experience any adverse effects as a result of the requested waiver.

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

As proposed by the Comprehensive Plan, industrial areas are discouraged in neighborhoods, traditional neighborhoods and villages. This site is located within an existing industrial area, with similar industrial uses encompassing the site, satisfying the form district uses. The current operation of the site, as well as the proposed building construction, will not create greater nuisance to adjacent properties, as all adjacent properties are industrial in nature, which conforms to the intent of the Comprehensive Plan.

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

The current operation of the site requires the full use of the entire property. Any loss of usable space would hinder site operation and hinder the use of the property, which is in conflict with the Comprehensive Plan. The requested waiver is the minimum necessary to afford relief to the applicant, since the existing parking/maneuvering areas are not being increased and existing site constraints remain as they were for the same waivers approved under Case No. 15MISC1006.

**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?**

Strict application of the provisions of the regulations will deprive the applicant of reasonable use of the land. The site currently operates in a manner that maximizes the use of the entire property. Any loss of usable space that would be necessary for the installation of the LDC specified landscape would deprive the applicant of reasonable use of the property and would create unnecessary hardship on the applicant. Existing conditions and constraints remain as they did for the same waivers approved under Case No. 15MISC1006.

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**Contact Information:**

**Owner:**  Check if primary contact

**Applicant:**  Check if primary contact

Name: George P. Charmoli

Name: Mr. Chris Guffey

Company: Charmoli-Knopp Properties, LLC

Company: Allegiant Construction, LLC

Address: 3519 Hedgewick Place

Address: 15505 Crystal Valley Way

City: Louisville State: KY Zip: 40245

City: Louisville State: KY Zip: 40299

Primary Phone: 502-589-5150

Primary Phone: 502-609-2071

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

Alternate Phone: 502-873-5551

Email: PCharmoli@CommercialKentucky.com

Email: chris@thinkallegiant.com

**Owner Signature (required):** 

**Attorney:**  Check if primary contact

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

Name: \_\_\_\_\_

Name: Jason L. Hall, P.E.

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

Company: Prism Engineering & Design Group, LLC

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

Address: 2309 Watterson Trail, Suite 200

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

City: Louisville State: KY Zip: 40299

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

Primary Phone: 502-491-8891 Ext 1

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

Alternate Phone: 502-494-1317

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

Email: Jason@PEDGLLC.com

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certify that Charmoli-Knopp Properties, LLC 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).

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**Date:** 23 Feb 2018

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# Land Development Report

February 23, 2018 1:46 PM

About LDC

## Location

Parcel ID: 080700470000  
Parcel LRSN: 8103225  
Address: MULTIPLE ADDRESSES

## Zoning

Zoning: EZ1  
Form District: SUBURBAN WORKPLACE  
Plan Certain #: NONE  
Proposed Subdivision Name: NONE  
Proposed Subdivision Docket #: NONE  
Current Subdivision Name: R.H. KNOPP SUBDIVISION  
Plat Book - Page: 07-121  
Related Cases: NONE

## Special Review Districts

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

## Environmental Constraints

### Flood Prone Area

FEMA Floodplain Review Zone: YES  
FEMA Floodway Review Zone: NO  
Local Regulatory Floodplain Zone: YES  
Local Regulatory Conveyance Zone: NO  
FEMA FIRM Panel: 21111C0092E

### 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: NO

## Sewer & Drainage

MSD Property Service Connection: YES  
Sewer Recapture Fee Area: NO  
Drainage Credit Program: MS4 (outside of incentive area)

## Services

Municipality: LOUISVILLE  
Council District: 13  
Fire Protection District: OKOLONA  
Urban Service District: NO

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BLS INVESTMENTS LLC  
3500 TEN BROECK WAY  
LOUISVILLE, KY, 40241-2434

A & G SYSTEMS LLC  
3025 E. END AVENUE  
SOUTH CHICAGO HEIGHTS, IL, 60411-5526

HURLEY, WILLIAM P Jr  
HURLEY HEATHER S  
PO BOX 217  
MEMPHIS, IN, 47143-0217

BROWDER, FERRELL & GLORIA G  
722 S 38TH ST  
LOUISVILLE, KY, 40211-2814

4615, KNOPP AVENUE LLC  
4615 KNOPP AVE  
LOUISVILLE, KY, 40213-3429

WIMSATT, PROPERTIES LLC  
10323 LINN STATION RD  
LOUISVILLE, KY, 40223-3816

ROWLETT, PAMELLA S.  
1045 BROOKS SCHOOL HOUSE RD  
BROOKS, KY, 40109-5119

DOUBLE, B TRIPLE LLC  
4651 MELTON AVE  
LOUISVILLE, KY, 40213-3433

XX EXPRESS LLC  
1419 TRUCKERS BLVD  
JEFFERSONVILLE, IN, 47130-9647

EMBRY, LARRY W  
7001 GRADE LN  
LOUISVILLE, KY, 40213-3421

ALLEGIANT CONSTRUCTION, LLC  
Attn: Chris Guffey  
15505 CRYSTAL VALLEY WAY  
LOUISVILLE, KY 40299

COX, CASEY CHRISTOPHER  
903 FLAT ROCK RD  
LOUISVILLE, KY, 40245-4313

PRISM ENGINEERING  
& DESIGN GROUP, LLC  
2309 WATTERSON TRAIL, SUITE 200  
LOUISVILLE, KENTUCKY 40299

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