



# Variance Application

Louisville Metro Planning & Design Services

21-VARIANCE-0138

Case No.: \_\_\_\_\_

Intake Staff: CS

Date: 09/10/2021

Fee: \$160.00

OFFICE USE ONLY ABOVE THIS LINE

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:

This is a variance from Section 4.4.3 of the Land Development Code, to allow a 6 ft fence on a street side yard.

Primary Project Address: 8401 Carmil Dr, Louisville, KY 40291

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

Primary Parcel ID<sup>1</sup>: 090800370000

Additional Parcel ID(s)<sup>1</sup>: \_\_\_\_\_

Proposed Use: Fence Existing Use: Fence

Existing Zoning District<sup>1</sup>: R4 Existing Form District<sup>1</sup>: Neighborhood

Deed Book(s) / Page Numbers<sup>2</sup>: 11530 page 421

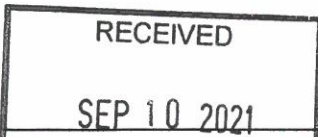
The subject property contains 0.2925 acres<sup>1</sup>. Number of Adjoining Property Owners<sup>1</sup>: \_\_\_\_\_

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 #: \_\_\_\_\_



21 - VARIANCE - 0138

**Contact Information:**

**Owner:**  Check if primary contact

**Applicant:**  Check if primary contact

Name: Yenny Lamazares

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

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

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

Address: 8401 Carmil Drive

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

City: Louisville State: KY Zip: 40291

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

Primary Phone: 5024084443


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

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

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

Email: ylamazares86@icloud.com

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

**Owner Signature (required):** 

**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: \_\_\_\_\_

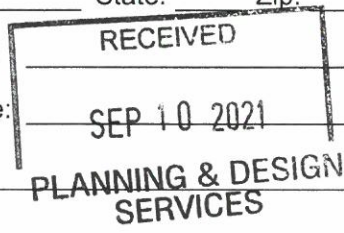
Primary Phone: \_\_\_\_\_

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.

21 - VARIANCE - 0138

**Variance Justification:**

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

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

The proposed variance would allow the property owner to replace their current fence to add more safety not only to the owner's children but all other kids from the neighborhood. We recently had teenagers jumping from the branches of three of the trees that are currently outside of the fence but within our property line. The same teenagers even threatened to kill our dog and shoot my husband while we were trying to get them to leave our property. We also had intruders in our backyard as it is completely exposed on the side. With this new fence at a 6 ft height we will be able to stay away from this situations and eliminate the hazard of a kid falling, robbery, etc. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is locattd.  
We have solicited and received a support letter from four (4) adjacent neighbors and a few others within 300 ft. of the property.

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

We believe our fence would still be in character with the surrounding homes along Carmil drive, Analisa drive, Kimberly way, Carmil ct and Marylee Ln. You can observe at least 5 houses on our neighborhood on the same type of corner lot that have currently 6 ft fences on the sides.

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

There is no record of a nuisance created by the original fence or contributions to vehicle crashes or cited offenses. The replacement fence would not cause a nuisance to the adjacent property, provided they follow all other regulations.

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

The requested variance will allow us to enclose the patio for safety and will be in harmony with the purpose and intend of this zoning regulation and will not be injurious to the neighborhood or the general welfare.

*Additional consideration:*

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

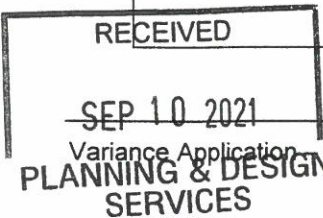
Having three trees exposed attracts trespassers, and vandalism. We also have many new neighbors due to new constructions and many walkers around our yard.

**2. 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.**

Approval of the variance would not confer a special privilege, it would not have any negative effect on the adjacent properties and the surrounding neighborhood. Rather, will have a positive effect on the property in both aesthetic improvement and value as a modern appealing addition. Denial of this variance would pose an additional burden on the owner to remove the existing partial side fence, it would result in undue hardship as the cost already invested in materials and labor is of significant cost. We purchase this home in grand part because of the rear outdoor space and upon moving in and recent events that even involved creating a police case report we started plans to build a safer more private fence. As mentioned other properties in the immediate area have similar fences on the same type of corner lot.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

We were unaware of the regulations regarding the fencing on our corner lot.



21 - VARIANCE - 0138

## Checklist:

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

#### Project application and description

- A copy of the current recorded deed<sup>2</sup> (must show "End of Document" stamp on last page)
- Legal description on a separate 8.5 x 11" sheet of paper

#### Site plan, drawings, and photographs

- One elevation drawing for new construction (including home additions, garage additions, and fences)
- One copy of the site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. *See site plan example on the last page.*
  - 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

#### Supplemental documentation

- A copy of Refusal Letter from citing official, if applicable (**required** if a STOP WORK ORDER or CITATION has been received)
- If the proposed structure encroaches into an easement (MSD, LG&E, or Bell South), then the applicant must submit written documentation from the utility company indicating approval for the encroachment

#### Mailing labels to notify Adjoining Property Owners (APOs)<sup>3</sup>

- One set of legible mailing label sheets for: 1<sup>st</sup> tier APOs and those listed on the application
- One copy of the APO mailing label sheets

#### 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 general public are not taken during this process.

- Non-Hearing Affidavit form (see pages 5-6)
- Photographs of the subject area from all angles

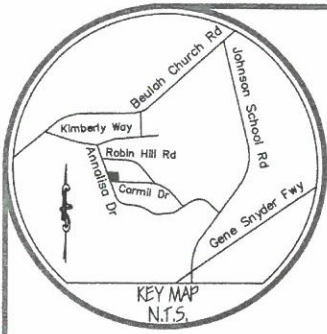
#### Fee (cash, charge or check made payable to Planning & Design Services)

- Application Fee: **\$100** for Single-Family Uses (for one lot only)  
**\$300** for 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 Single-Family Uses as multiple lots within a Subdivision)
- Clerk's Fee: **+ \$60**  
(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)



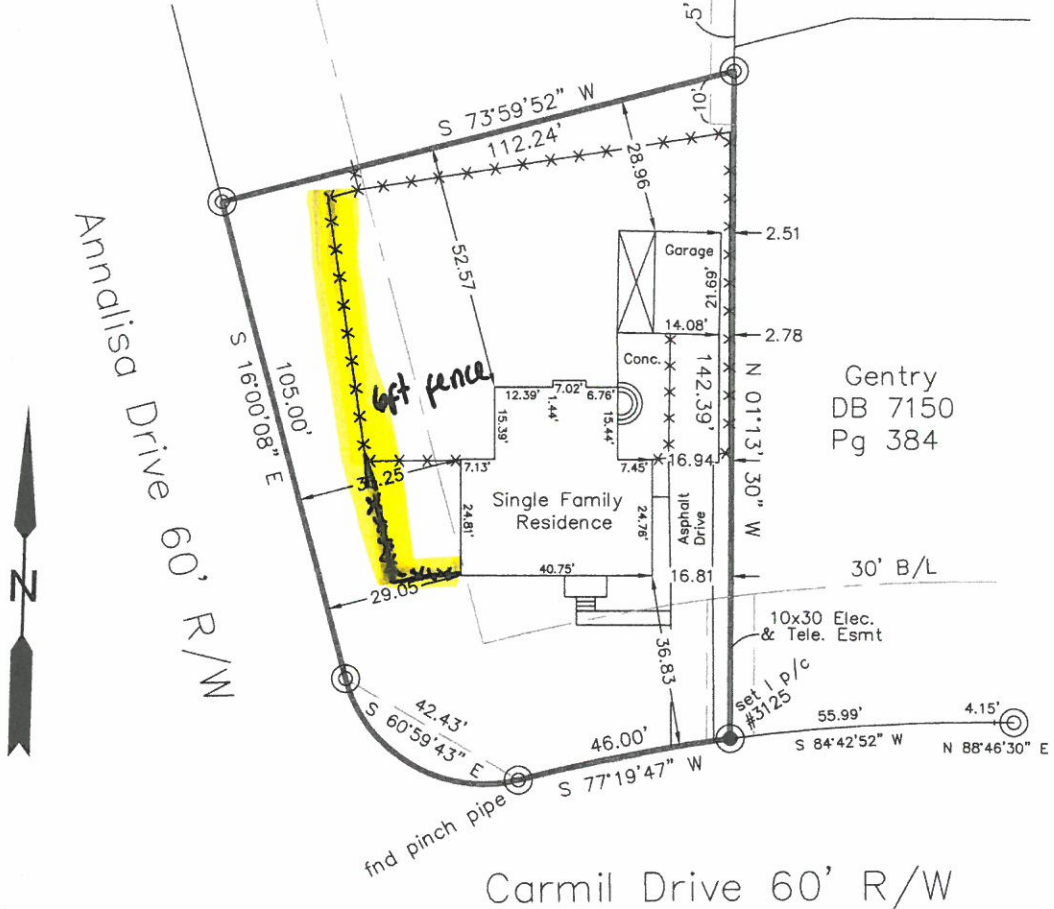
21 - VARIANCE - 0138

# Site plan 8401 Carmil Dr Louisville KY 40291

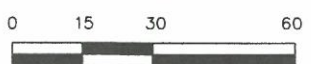


Hartson  
DB 7803  
Pg 546

Gentry  
DB 7150  
Pg 384



⊙ = fnd l pipe  
(unless noted otherwise)



### LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my direct supervision on 4-15-21 and that the angular and linear measurements, as witnessed by monuments, shown hereon, are true and correct to the best of my knowledge and belief.

SURVEY CLASS "Urban" -  
This survey meets or exceeds the minimum standards of governing authorities.

RECEIVED  
SEP 10 2021  
PLANNING & DESIGN SERVICES

*Michael D. Seely*  
Licensed Land Surveyor #3125



Note: A Title Exam was not provided. This plat is subject to all easements whether shown or not.

**MIKE SEELY & ASSOCIATES**  
P.O. BOX 18768  
LOUISVILLE, KY. 40261  
(502) 643-1785

### - BOUNDARY SURVEY -

FOR: Yenny Lamazares  
LOCATION: 8401 Carmil Drive  
Louisville, KY 40291  
RECORD SOURCES: Lot 37 Hillsborough  
PB 18 Pg 53  
DB 11530 Pg 421  
COUNTY: JEFFERSON  
SCALE: 1=30 DATE: 4-21-21

21 - VARIANCE - 0138



**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 # 2019238785**

**BATCH # 201784**

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$200.00

PRESENTED ON: 10-15-2019 9 10:11:08 AM

LODGED BY: MATTINGLY FORD TITLE SERVICES LLC

RECORDED: 10-15-2019 10:11:08 AM

BOBBIE HOLSCRAW  
CLERK

BY: TERESA HIGGS  
RECORDING CLERK

**BK: D 11530**

**PG: 421-424**

RECEIVED

SEP 10 2021

PLANNING & DESIGN  
SERVICES

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)

21 - VARIANCE - 0138

3+

1909162

**GENERAL WARRANTY DEED**

THIS DEED, made and entered into this 10th day of October, 2019, by and between

Angela Devine-Ash and Michele Devine Walden and Amy Louise Austin,  
all as Co-Executrixes of the Estate of Sondra Ann Devine, a/k/a Sondra A. Devine, deceased,  
of 219 Briarwood Court, Mt. Washington, KY 40047,

Party of the First Part,

and

Yenny Lamazares, unmarried,

with a mailing address of and an in-care-of address for the 2019 property tax bill of

8401 Carmil Drive, Louisville, KY 40291,

Party of the Second Part.

WITNESSETH: That, for a valuable consideration in the amount of \$199,900.00, the receipt of which is hereby acknowledged, the Party of the First Part hereby conveys unto the Party of the Second Part, in fee simple, with covenant of General Warranty, the following described property located in Jefferson County, Kentucky, to-wit:

Being Lot #37, Hillsborough Subdivision, plat of which is of record in Plat and Subdivision Book 18, Page 53, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

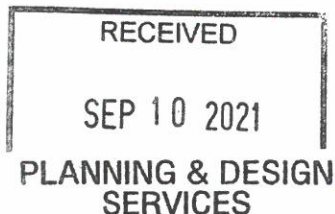
Being the same property conveyed to Sondra A. Devine, a/k/a Sondra Ann Devine, by Deed dated August 29, 1972, of record in Deed Book 4549, Page 309, and by Deed dated December 10, 1979, of record in Deed Book 5140, Page 17, both in the Office of the Clerk of Jefferson County, Kentucky. Sondra Ann Devine died testate on March 2, 2019 leaving Last Will and Testament of record in Will Book 710, Page 671. Angela Devine-Ash and Michele Devine Walden and Amy Louise Austin were all appointed Co-Executrixes of the Estate of Sondra Ann Devine with full power to sell according to the terms of said will.

The Parties hereto certify that the full consideration for the conveyance is the sum of \$199,900.00.

This conveyance by Angela Devine-Ash and Michele Devine Walden and Amy Louise Austin, all as Co-Executrixes of the Estate of Sondra Ann Devine, a/k/a Sondra A. Devine, acting in their capacity as Co-Executrixes only and they shall not be liable in their individual capacity for any breach of any covenants contained herein further than to the extent of the assets of said estate in their hands at the time of notice of such breach.

The Party of the First Part further covenants lawful seisin 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, the 2019 State, County and School taxes and taxes thereafter, which the Second Party hereby assumes and agrees to pay.

As used in this Deed words in the singular shall mean and include the plural and vice versa.



IN TESTIMONY WHEREOF, WITNESS the signatures of the Party of the First and Second Parts.

Estate of Sondra Ann Devine

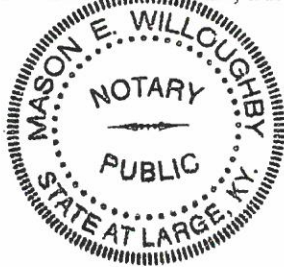
Angela M. Devine-Ash  
By: Angela Devine-Ash, Co-Executrix  
Party of the First Part

Michele Devine Walden  
By: Michele Devine Walden, Co-Executrix  
Party of the First Part

Yenny Lamazares  
Yenny Lamazares  
Party of the Second Part

STATE OF KENTUCKY )  
COUNTY OF JEFFERSON )

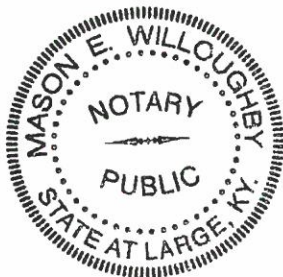
I hereby certify that the foregoing deed was acknowledged and the consideration statement was sworn to before me this 10th day of October, 2019, by Angela Devine-Ash and Michele Devine Walden, Co-Executrices of the Estate of Sondra Ann Devine, a/k/a Sondra A. Devine, Party of the First Part.



Mason E. Willoughby  
Notary Public  
Jefferson County, Kentucky  
My Commission Expires: 8/25/2020

STATE OF KENTUCKY )  
COUNTY OF JEFFERSON )

I hereby certify that the foregoing deed was acknowledged and the consideration statement was sworn to before me this 10th day of October, 2019, by Yenny Lamazares, unmarried, Party of the Second Part.



Mason E. Willoughby  
Notary Public  
Jefferson County, Kentucky  
My Commission Expires: 8/25/2020

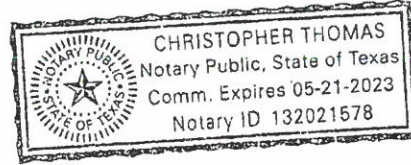




Estate of Sondra Ann Devine

*Amy Louise Austin*

By: Amy Louise Austin, Co-Executrix  
Party of the First Part



STATE OF TEXAS )

COUNTY OF DALLAS )

I hereby certify that the foregoing deed was acknowledged and the consideration statement was sworn to before me this 10th day of October, 2019, by Amy Louise Austin, Co-Executrix of the Estate of Sondra Ann Devine, a/k/a Sondra A. Devine, Party of the First Part.

*Christopher Thomas*  
Notary Public  
TEXAS County, DALLAS  
My Commission Expires: 5/21/2023

Prepared by:

*Russell D. Ford*  
Russell D. Ford, Attorney  
MATTINGLY-FORD, P.S.C.  
1650 UPS Drive, Suite 102  
LOUISVILLE, KY 40223  
(502) 212-7000

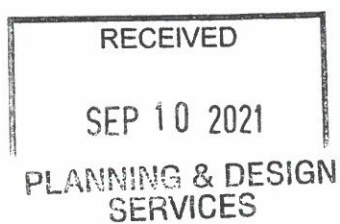


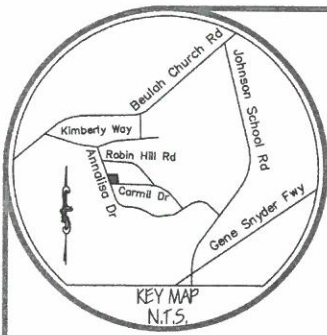
END OF DOCUMENT

Leceal description 8401 Carmil Dr Louisville  
KY 40291

Being Lot #37, Hillsborough Subdivision, plat of which is  
of record in Plat and Subdivision

Book 18, Page 53, in the Office of the Clerk of the  
County Court of Jefferson County, Kentucky.





Hartson  
DB 7803  
Pg 546

Gentry  
DB 7150  
Pg 384



Annalsis Drive 60' R/W

S 16°00'08" E  
105.00'

Carmil Drive 60' R/W

⊙ = fnd l pipe  
(unless noted otherwise)



GRAPHIC SCALE 1=30

**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that this plat and survey were made under my direct supervision on 4-15-21 and that the angular and linear measurements, as with these documents, shown hereon, are true and correct to the best of my knowledge and belief.  
- SURVEY CLASS "Urban" -  
This survey meets or exceeds the minimum standards of accuracy of 2007 cities.

**PLANNING & DESIGN SERVICES**

*Michael D. Seely*  
Licensed Land Surveyor #3125



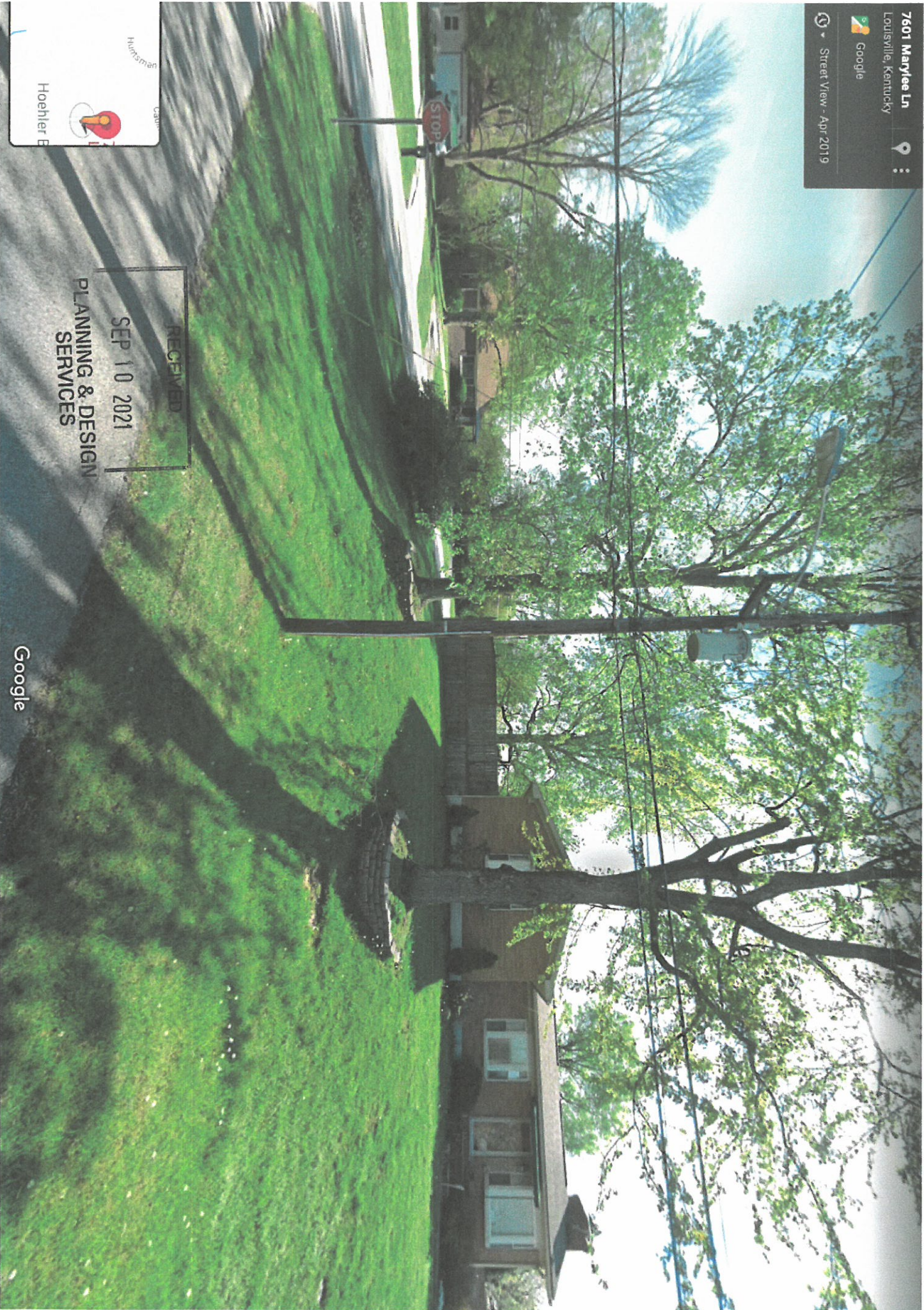
Note: A Title Exam was not provided. This plat is subject to all easements whether shown or not.

**MIKE SEELY & ASSOCIATES**  
P.O. BOX 18788  
LOUISVILLE, KY. 40261  
(502) 643-1785

**- BOUNDARY SURVEY -**

FOR: Yenny Lamazares  
LOCATION: 8401 Carmil Drive  
Louisville, KY 40291  
RECORD SOURCES: Lot 37 Hillsborough  
PB 18 Pg 53  
DB 11530 Pg 421  
COUNTY: JEFFERSON  
SCALE: 1=30 DATE: 4-21-21

21 - VARIANCE - 0138

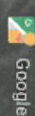


RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google

8407 Beulah Church Rd

Louisville, Kentucky



Street View - Apr 2019



RECEIVED

SEP 10 2021

PLANNING & DESIGN  
SERVICES

Google



Hochler B

Huntsman  
Center

21 - VARIANCE - 0138



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

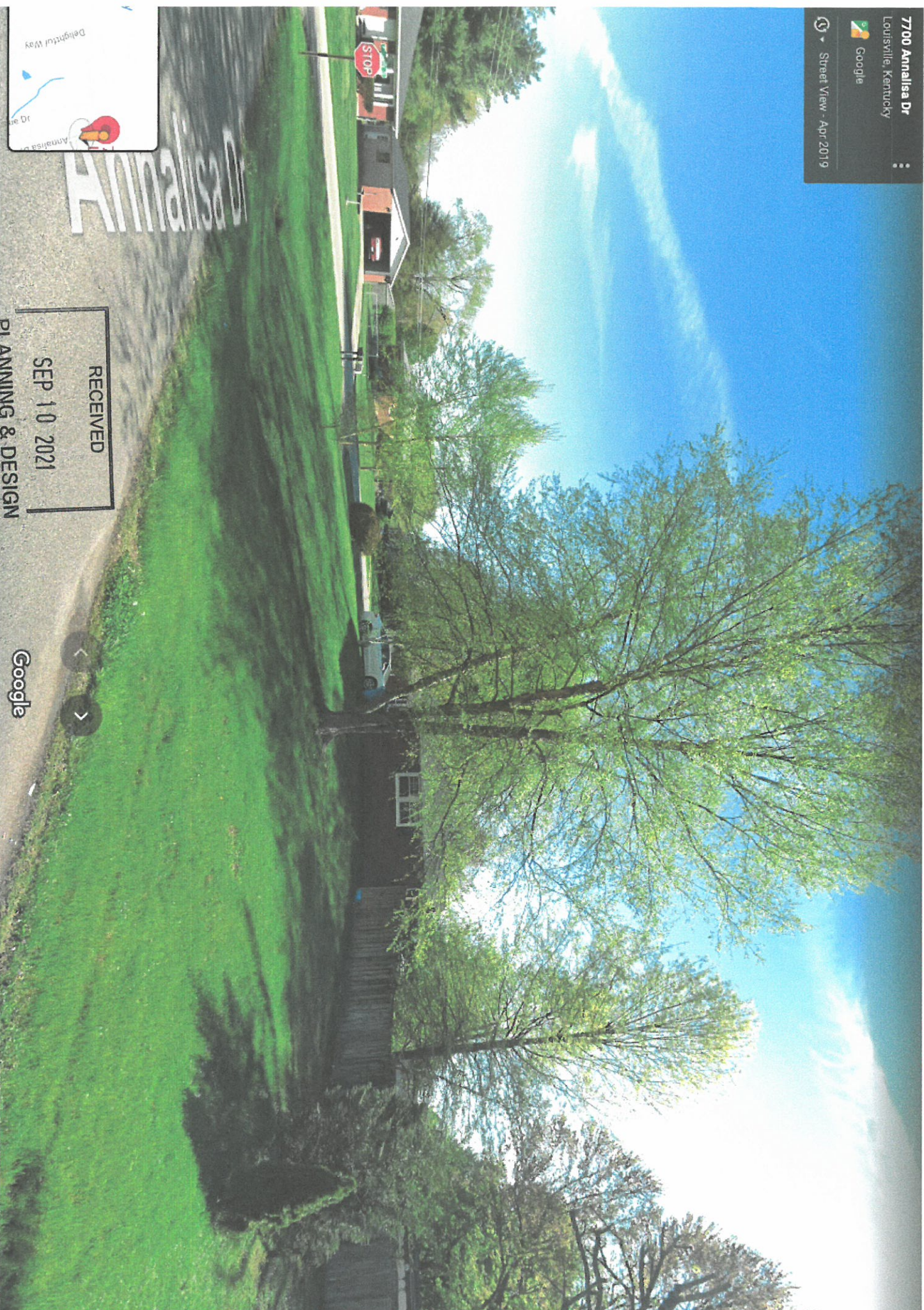
Google



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google





RECEIVED  
SEP 10 2021

PLANNING & DESIGN  
SERVICES



21 - VARIANCE - 0138

8506 Carmil Dr  
Louisville, Kentucky  
Google  
Street View - Apr 2019



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google



21 - VARIANCE - 0138



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google



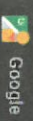
RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google

21 - VARIANCE - 0138

8511 Carnill Dr

Louisville, Kentucky



Street View - Sep 2017

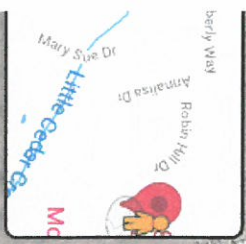


RECEIVED

SEP 10 2021

PLANNING & DESIGN  
SERVICES

Google

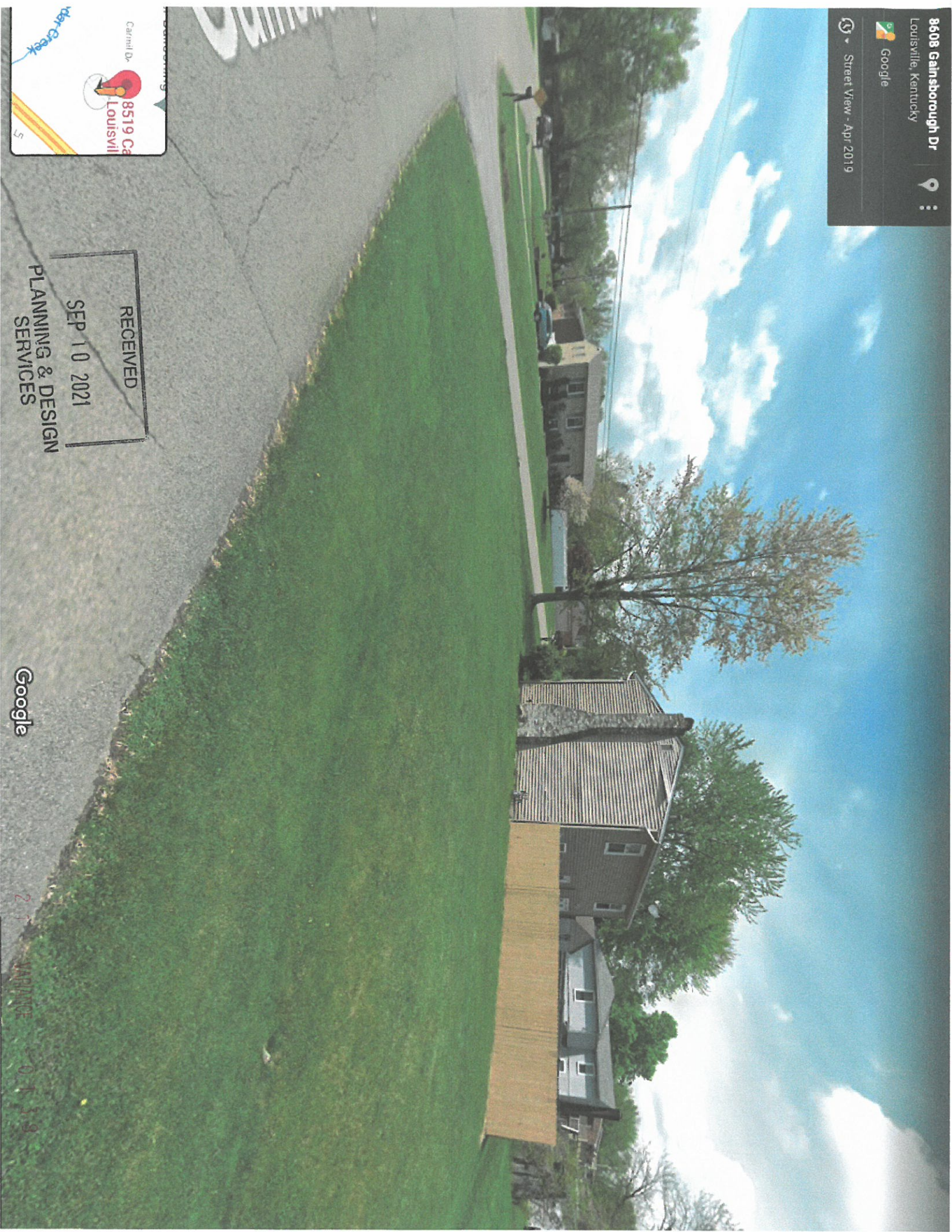


21 - VARIANCE - 0138

8608 Gainstorough Dr  
Louisville, Kentucky

Google

Street View - Apr 2019



8519 Ca  
Louisvill



Carroll Dr



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

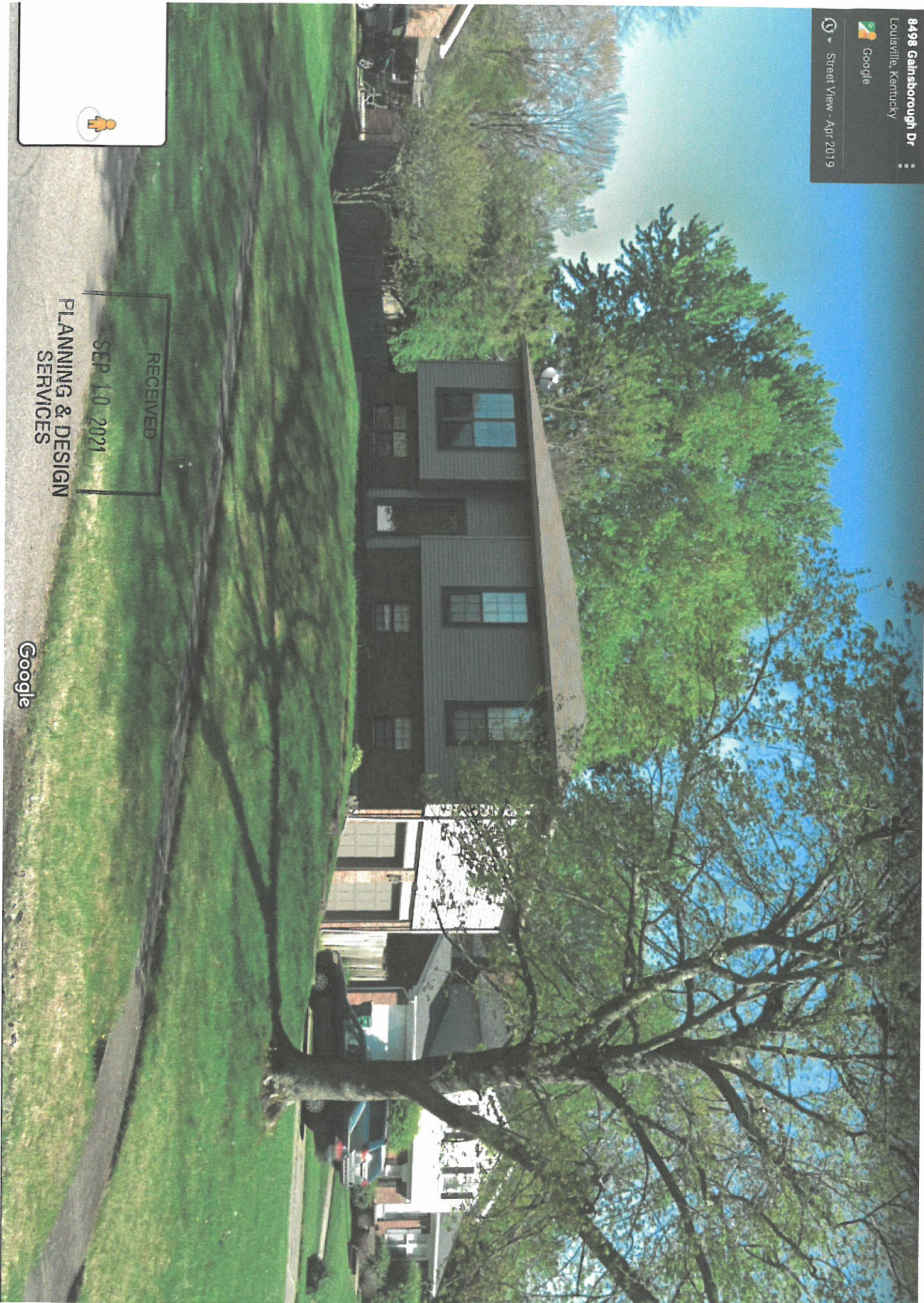
Google

2.1 VARIANCE 0.1.1.9

8498 Gainsborough Dr  
Louisville, Kentucky



Street View - Apr 2019



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google

21 - VARIANCE - 0138



RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Ballooning  
Central Dr.  
Cedar Heights  
Mobile Home Park

Google





RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

Google



To the members of the Board:

09/09/2021

The purpose of this letter is to support our neighbors at 8401 Carmil Dr Louisville, KY 40291. We are aware of their desire to have a more private and safer backyard and therefore their intent to build their side fence to a 6 ft height. We believe the addition will not cause any inconveniences or discomforts to the neighborhood. Overall, we support their request for a variance on the height of their fence.

Deborah Gray 8403 Carmil Dr



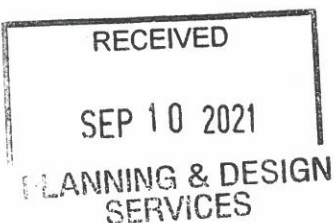
21 - VARIANCE - 0138

To the members of the Board:

09/09/2021

The purpose of this letter is to support our neighbors at 8401 Carmil Dr Louisville, KY 40291. We are aware of their desire to have a more private and safer backyard and therefore their intent to build their side fence to a 6 ft height. We believe the addition will not cause any inconveniences or discomforts to the neighborhood. Overall, we support their request for a variance on the height of their fence.

*Sherry Maxon 7704 Analesia Dr.*



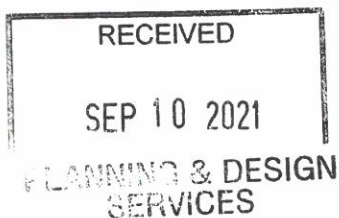
27 - VARIANCE - 0138

To the members of the Board:

09/09/2021

The purpose of this letter is to support our neighbors at 8401 Carmil Dr Louisville, KY 40291. We are aware of their desire to have a more private and safer backyard and therefore their intent to build their side fence to a 6 ft height. We believe the addition will not cause any inconveniences or discomforts to the neighborhood. Overall, we support their request for a variance on the height of their fence.

7716 Annalisa



21 - VARIANCE - 0138

To the members of the Board:

09/09/2021

The purpose of this letter is to support our neighbors at 8401 Carmil Dr Louisville, KY 40291. We are aware of their desire to have a more private and safer backyard and therefore their intent to build their side fence to a 6 ft height. We believe the addition will not cause any inconveniences or discomforts to the neighborhood. Overall, we support their request for a variance on the height of their fence.

*Robert Felth*  
8400 CARMIL DR

RECEIVED  
SEP 10 2021  
PLANNING & DESIGN  
SERVICES

21 - VARIANCE - 0138

Nancy Gentry  
8403 Carmil Dr  
Louisville, KY 40291

Charles M. Hartson  
Kristina L. Hartson  
7709 Annalisa Dr.  
Louisville, KY 40291

Logan D Metry  
7712 Annalisa Dr.  
Louisville, KY 40291

Richard C. Felts  
8400 Carmil Dr  
Louisville, KY 40291

Patricia Lane  
7802 Annalisa Dr.  
Louisville, KY 40291

Mark S. Little  
Cristi Powley  
7714 Annalisa Dr.  
Louisville, KY 40291