



Variance Application

Louisville Metro Planning & Design Services

Case No.: _____ Intake Staff: _____

Date: _____ Fee: _____

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/PlanningDesign>.

Project Information:

This is a variance from Section 8.3 Table 8.3.2 of the Land Development Code, to allow For greater than three signs per façade.

Primary Project Address: 7100 Raggard Rd, Louisville, KY 40216

Additional Address(es): _____

Primary Parcel ID: 386400010000

Additional Parcel ID(s): _____

Proposed Use: Mercantile Existing Use: Mercantile

Existing Zoning District: C2 Existing Form District: SW

Deed Book(s) / Page Numbers²: _____

The subject property contains 29.141 acres. Number of Adjoining Property Owners: 17

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 #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Walmart Real Estate Business Trust

Name: Brittany Lewis

Company: Walmart

Company: Harrison French and Associates

Address: 2001 SE 10th St

Address: 1705 S. Walton Blvd, Suite 3

City: Bentonville State: AR Zip: 72716

City: Bentonville State: AR Zip: 72712

Primary Phone: 479-273-4000

Primary Phone: 479-273-7780 ext 281

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: brittany.lewis@hfa-ae.com

Owner Signature (required): _____

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Bogue Ebbrecht

Company: _____

Company: Harrison French and Associates

Address: _____

Address: 1705 S. Walton Blvd, STE 3

City: _____ State: _____ Zip: _____

City: Bentonville State: AR Zip: 72712

Primary Phone: _____

Primary Phone: 479-273-7780

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: Bo.ebbrecht@hfa-ae.com

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, Kodi Jo Pratt, in my capacity as representative, hereby *representative/authorized agent/other*

certify that Walmart Real Estate Business Trust 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: 3/2/15

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.

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.

Two additional signs on the front façade of the building will actually increase public safety by allowing the public to identify which side of the store they need to enter or drive around to limit their time in the parking lot.

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

The proposed and existing signage are the same wall mounted chanel letters and a panel in a site sign. No alterations to the character of the signage or vicinity will take place.

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

None of the proposed signs will flash, emit excessive light, or resemble safety signage.

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

The request for additional signage is due to the size of the building and the multiple entrances. For the safety of the patrons, the additional signs are necessary.

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).

Most of the structures in the general vicinity appear to be either residential, smaller commercial, or shopping centers with individual tenants. Our building is a larger retailer with multiple services as well as tenants.

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.

Without the signage over each individual entrance or pointing patrons to the correct side of the building for the entrance for their specific need, the patrons are in danger of potentially spending unnecessary time/distance in the parking lot or driving around the store into the truck area.

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

This information is unknown, but also unlikely. Multiple entrances to this store are necessary for fire safety exits as well as general ease of use by the patrons.

Please submit the completed application along with the following items:

Project application and description

- X Land Development Report¹
- X A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- X Legal description on a separate 8.5 x 11" sheet of paper

Site plan, drawings, and photographs

- N/A One elevation drawing for new construction (including home additions, garage additions, and fences)
- X Five copies 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.*
 - X Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - X Vicinity map that shows the distance from the property to the nearest intersecting street
 - X North arrow
 - X Street name(s) abutting the site
 - X Property address, parcel ID, and dimensions
 - X Building limit lines
 - ETR Electric, telephone, drainage easements with dimensions
 - ETR Existing and proposed structures with dimensions and distance from property lines
 - X Highlight (in yellow) the location of the variances

Supplemental documentation

- N/A A copy of Refusal Letter from citing official, if applicable (**required** if a STOP WORK ORDER or CITATION has been received)
- N/A 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)³

- X One set of legible mailing label sheets for: 1st tier APOs and those listed on the application
- X 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.

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

Fee (cash, charge or check made payable to the Department of Codes & Regulations)

- X Application Fee: **\$ 70** for Single-Family Uses
\$ 180 for Multi-Family Uses, 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
\$ 450 for All Other Uses
- X Clerk's Fee: **\$ 25.50**

(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)

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

Qualifications for a Non-Public Hearing include:

1. Residential, non-corner parcels only.
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: _____

I (We), _____, 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 resolution of February 15, 1982 have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: _____ Signature of Owner: _____

Print Name: _____ Signature of Owner: _____

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

Date: _____

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) _____.

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: _____

Owner Name: _____ 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.

Resources:

1. Detailed instructions to obtain a Land Development Report are available online at: <http://www.louisvilleky.gov/PlanningDesign/IWantTo/Find+a+Zoning+District.htm>
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: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504. Instructions to obtain APO information: <http://www.louisvilleky.gov/PlanningDesign/APO>

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



