



Variance Application

Louisville Metro Planning & Design Services

Case No.: 22-VARIANCE-0039 Intake Staff: M

Date: 3-14-22 Fee: \$760

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 5.5.1.A.2 of the Land Development Code, to allow The building to be more than 5 feet from the ROW.

Primary Project Address: 1904 Frankfort Ave

Additional Address(es): _____

Primary Parcel ID: T.B. 69H, Lot 2

Additional Parcel ID(s): _____

Proposed Use: Liquor/Convenience Existing Use: Liquor/Convenience

Existing Zoning District: C-1 Existing Form District: TNFD

Deed Book(s) / Page Numbers²: D.B. 10684, Pg. 684

The subject property contains 0.384 acres. Number of Adjoining Property Owners: 1

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 #: _____

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Chirag D. Patel

Name: _____

Company: Shree Hari Gopal 1007, LLC

Company: _____

Address: 1904 Frankfort Ave

Address: _____

City: Louisville State: KY Zip: 40206

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Missy Legel

Company: _____

Company: Civil Design, Inc.

Address: _____

Address: 9400 Bunsen Pkwy., Ste. 150

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40220

Primary Phone: _____

Primary Phone: 502-242-9061

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: mlegel@civildesigninc.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.

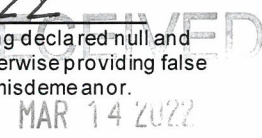
I, Chirag D. Patel, in my capacity as Member, hereby
representative/authorized agent/other

certify that Shree Hari Gopal 1007, 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: Chirag D. Patel Date: 3-10-22

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.

The requested variance will not adversely affect the public health, safety or welfare, as the proposed structure will not encroach into the ROW, sidewalks, or vehicle sight lines and will be sufficiently setback at 92.3 ft from the Frankfort Ave., and 5 ft from the Haldeman Ave.

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

This variance will not alter the essential character of the general vicinity as the addition will be built in line with the existing structure, and green space will be added on-site to the front of the property adding environmental and visual impact value to Frankfort Ave.

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

The requested variance will not cause a hazard to the public as the structure must comply with all building codes. The proposed location provides ample setback to prevent any traffic hazards, or visual nuisances for the community.

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

The property's main structure is already 92.3 ft. from the ROW allowing the addition be built aesthetically in-line with the existing structure which will have positive visual and environmental benefits to the existing and proposed added green space to the property.

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).

The properties main structure exists at a setback of 92.3 ft from the ROW which was established prior to the current zoning setback regulations.

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.

With the existing building setback location, the applicant would be unable to add an in-line addition to the business within current ROW setback limits as this would be an impossibility to move the main building.

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

No. This variance request is the result of updated zoning regulations for the vicinity.

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Please submit the completed application along with the following items:

Project application and description

- Land Development Report¹
- A copy of the current recorded deed² (*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)
- Six 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.*
 - 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)³

- One set of legible mailing label sheets for: 1st 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
\$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
- Clerk's Fee: **\$60**
(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)

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8110



Civil Design, Inc.

9400 Bunsen Pkwy, Suite 150 | Louisville, KY 40220 | 502.671.0060

WWW.CIVILDESIGNINC.COM

March 14, 2022

Planning & Design Services
444 S. 5th Street
Louisville, KY 40202

RE: 1904 Frankfort Ave. Liquor Store

Dear Case Manager,

Shree Hari Gopal 1007, LLC is the owner of the property located at 1904 Frankfort Ave. at the intersection of Haldeman Ave. & Frankfort Ave. The existing building was built in 1965, per PVA records and was originally a convenience store. The current use of the building is a liquor/convenience store.

The owner is proposing a building addition of 1,413 sqft, on the west side of the existing building, along Haldeman Ave. The existing building is 3,000 sq.ft., resulting in an overall building size of 4,413 sq.ft. The exterior of the existing building will be updated and a parapet roof will be added to accommodate the HVAC system.

The proposed building addition is a Category 2B review under the TNFD regulations. The site will require a variance from LDC 5.5.1.A.2 to allow the building to be more than five feet from the right of way along Frankfort Ave. The site will also require a waiver from LDC 5.5.1.A.3.a to allow the parking to be located in front of the building; and a waiver from LDC 5.5.1.A.3.b to waive the vehicular and parking access to the site from the existing alley.

Along with the proposed building addition the site will also revise the parking layout to include green space and landscape islands along Frankfort Ave.; a cross walk will be added across the parking lot adjacent to the TARC stop in Frankfort Ave.; the entrance/exit at Haldeman Ave. will be revised. Trees and bushes will be planted on site to meet Chapter 10 requirements.

Sincerely


Missy Legel

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Land Development Report

March 11, 2022 12:15 PM

[About LDC](#)

Location

Parcel ID: 069H00020000
Parcel LRSN: 8007285
Address: MULTIPLE ADDRESSES

Zoning

Zoning: C1
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: CLIFTON
National Register District: CLIFTON
Urban Renewal: NO
Enterprise Zone: YES
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: YES
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0027F

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: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 9
Fire Protection District: LOUISVILLE #4
Urban Service District: YES

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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 # 2016190665

BATCH # 36759

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$400.00

PRESENTED ON: 08-11-2016 6 09:10:10 AM

LODGED BY: FIRST CITIZENS BANK

RECORDED: 08-11-2016 09:10:10 AM

BOBBIE HOLSCRAW
CLERK

BY: TERESA HIGGS
RECORDING CLERK

BK: D 10684

PG: 684-687

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

Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

3x

Munir Chaudhry and Saima Chaudhry

TO

Shree Hari Gopal 1007, LLC

MAP I.D. #05-069H-0002-0000

SALE PRICE: \$400,000.00

PROPERTY ADDRESS: 1904 Frankfort Avenue, Louisville, KY 40206

THIS DEED made and entered into this the 3 day of August, 2016, by and between MUNIR CHAUDHRY and SAIMA CHAUDHRY, husband and wife, of 5002 Cronin Drive Louisville KY 40245, parties of the first part, and SHREE HARI GOPAL 1007, LLC, a Kentucky limited liability company, party of the second part, whose mailing address and the address where the property tax bill should be sent is: 1904 Frankfort Avenue, Louisville, KY 40206.

W I T N E S S E T H :

THAT FOR AND IN CONSIDERATION of \$400,000.00, the receipt of which is hereby acknowledged, the first parties have sold and do hereby convey to second party, to be held by it as hereinafter set out, real estate located in Jefferson County, Kentucky, described as follows:

Beginning at the Southeast corner of Frankfort Avenue (formerly Shelbyville Pike) and Haldeman Avenue; running thence Eastwardly with the South line of Frankfort Avenue 90 feet and extending back Southwardly between parallel lines 166 feet more or less to an alley, the West line being coincident with the East line of Haldeman Avenue.

Being the same property conveyed to Munir Chaudhry by Deed dated March 29, 2007, of record in Deed Book 9010, Page 847, in the office of the Jefferson County Court Clerk.

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TO HAVE AND TO HOLD the same with all the appurtenances thereunto belonging unto the second party, its successors and assigns in fee simple. The first parties warrant the title to said land generally, except as against all recorded restrictions, easements and limitations as to use, and except as against all existing zoning regulations, and this conveyance is made subject thereto.

This Deed is executed by DINESHBHAI PATEL and CHIRAG D. PATEL as Members of SHREE HARI GOPAL 1007, LLC, pursuant to an operating agreement.

PURSUANT TO KRS CHAPTER 382, THE FIRST PARTIES AND SECOND PARTY HERETO CERTIFY THAT THE CONSIDERATION REFLECTED IN THIS DEED IS THE TRUE, CORRECT AND FULL CONSIDERATION PAID FOR THE PROPERTY HEREIN CONVEYED. FIRST PARTIES AND SECOND PARTY FURTHER CERTIFY THEIR UNDERSTANDING THAT FALSIFICATION OF THE STATED CONSIDERATION OF THE PROPERTY IS A CLASS D FELONY, SUBJECT TO ONE TO FIVE YEARS IMPRISONMENT AND FINES UP TO \$10,000.00.

WITNESS the hand of the parties on the date first above stated.

Munir Chaudhry
MUNIR CHAUDHRY, First Party
Saima Chaudhry
SAIMA CHAUDHRY, First Party

SHREE HARI GOPAL 1007, LLC

D. K. Patel
By: DINESHBHAI PATEL, Member

Chirag D. Patel
By: CHIRAG D. PATEL, Member

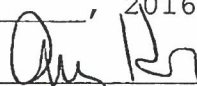
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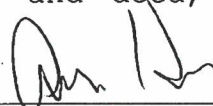
STATE OF KENTUCKY
COUNTY OF HARDIN

The foregoing DEED and CONSIDERATION CERTIFICATE was subscribed, sworn to and acknowledged before me by Munir Chaudhry and Saima Chaudhry, husband and wife, First Parties herein, this the 3 day of August, 2016.

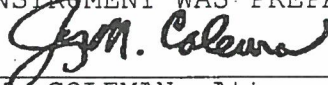

NOTARY PUBLIC
Notary I.D. # 540414 9/15/19
My commission expires: 9/15/19 NMLS#825223

STATE OF KENTUCKY
COUNTY OF HARDIN

The foregoing CONSIDERATION CERTIFICATE was subscribed, sworn to and acknowledged before me by Dineshbhai Patel and Chirag D. Patel as Members of Shree Hari Gopal 1007, LLC, a Kentucky limited liability company, Second Party herein, for and on behalf of said company to be its free act and deed, this the 3 day of August, 2016.


NOTARY PUBLIC
Notary I.D. # 540414 9/15/19
My commission expires: 9/15/19 NMLS#825223

THIS INSTRUMENT WAS PREPARED BY:


JERRY M. COLEMAN, Attorney at Law
QUICK & COLEMAN, PLLC
128 West Dixie Avenue
Elizabethtown, KY 42701
(270) 765-4112

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Jasifer Properties, LLC
200 Hillcrest Ave.
Louisville, KY 40206
T.B. 69H, LOT 3

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Jasifer Properties, LLC
200 Hillcrest Ave.
Louisville, KY 40206
T.B. 69H, LOT 3

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Utilisez le Gabarit Avery 5160

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Use Avery Template 5160

Easy Peel Address Labels
Bend along line to expose Pop-up Edge

5160

