



Variance Application

Louisville Metro Planning & Design Services

Case No.: 19-VARIANCE 0026 Intake Staff: RM

Date: 7/23/19 Fee: \$125

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 S.2.2, TABLE S.2.2. of the Land Development Code, to allow THE PRINCIPLE STRUCTURE TO BE ON THE PROPERTY LINE.

Primary Project Address: 1023 E. CALDWELL ST LOUISVILLE KY 40204

Additional Address(es): _____

Primary Parcel ID: 022D00780000

Additional Parcel ID(s): _____

Proposed Use: SINGLE FAMILY Existing Use: SINGLE FAMILY

Existing Zoning District: RG Existing Form District: TRADITIONAL NEIGHBORHOOD

Deed Book(s) / Page Numbers²: 11420 / 211

The subject property contains 0.0933 acres. Number of Adjoining Property Owners: 8

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 #: RECEIVED

Docket/Case #: _____ Docket/Case #: JUL 23 2019

PLANNING & DESIGN SERVICES

Contact Information:

Owner: Check if primary contact Applicant: Check if primary contact

Name: DAVID A KLEMENZ Name: _____

Company: CAND D CONSTRUCTION LLC Company: _____

Address: 11000 FAIRWAY POINT DR Address: _____

City: LOUISVILLE State: KY Zip: 40241 City: _____ State: _____ Zip: _____

Primary Phone: 502 291 0136 Primary Phone: _____

Alternate Phone: _____ Alternate Phone: _____

Email: DAKCPA01@GMAIL.COM Email: _____

Owner Signature (required): *David A Klemenz*

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: _____

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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, DAVID A. KLEMENZ, in my capacity as REPRESENTATIVE, hereby
representative/authorized agent/other

certify that CAND D CONSTRUCTION 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: *David A Klemenz* Date: 7-23-19

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.

NO ONE SHOULD BE AFFECTED BY THE ISSUANCE OF THIS VARIANCE.

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

THE VARIANCE IS REQUESTED TO ADD ADDITIONAL SPACE ON THE 2ND FLOOR & THE RESULT OF THE ADDITIONAL WILL MAKE THE HOUSE SIMILAR TO OTHER HOMES IN THE AREA

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

THE VARIANCE ALLOWS FOR ADDITIONAL SPACE ON THE 2ND FLOOR OF AN EXISTING HOME. IT WILL HAVE NO EFFECT ON THE NEIGHBORS

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

THE RESULTING HOME WILL CONFORM VERY CLOSE TO THE NEIGHBORS HOMES AND WILL BLEND IN WITH THE NEIGHBORHOOD PERFECTLY.

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).

SEVERAL PROPERTIES HAVE ALREADY BEEN REMODELED OR HAD TOTAL 2ND FLOORS. THIS VARIANCE WILL ALLOW THIS HOME TO BLEND IN WITH NEIGHBORS

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.

I AM TRYING TO ADD A 2ND BATHROOM WHICH WILL ALLOW THE HOME TO BE COMPARABLE TO NEIGHBORS

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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, I JUST PURCHASED THE HOME AND WANT TO ADD THE NEW SPACE

JUL 23 2018

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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

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

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- Application Fee: **\$ 100** for Single-Family Uses
\$ 250 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
\$ 625 for All Other Uses
- Clerk's Fee: **\$ 25.50**
(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)
- Notice Fee: **\$ 1.00** per mailing label

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

Qualifications for a Non-Public Hearing include:

1. The Board of Zoning Adjustment may approve the following variances without a public hearing:
 - a. Side yard and rear yard variances to permit a detached garage which is accessory to a single-family residential use or any addition to a principal single-family structure;
 - b. Variances to permit a garage or building addition to cover more than 30% of the rear yard on property used for detached single-family residential use; (note, this provision applies to principle structures in the Neighborhood Form District (NFD) only. Accessory structures in the NFD can encroach up to 50% and cumulative encroachment of accessory and principal structures shall not exceed 50%. TNFD does not permit any encroachment into a rear yard.)
 - c. Variances to permit any building to be closer than the required minimum distance to another building on the same lot;
 - d. Variances to allow a reduction in the private yard area in the Traditional Neighborhood Form District;
 - e. Variances to allow the accessory structure/use area to exceed the maximum depth in the Traditional Neighborhood Form District.
 - f. A departure from a dimensional requirement of the Land Development Code of 10% or less.
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 bylaws 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: _____

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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: _____

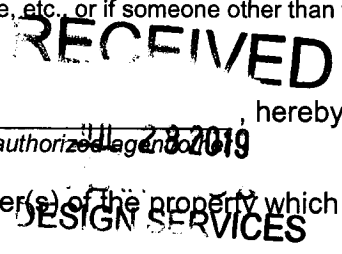
Owner Name: _____ Signature: _____

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

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).

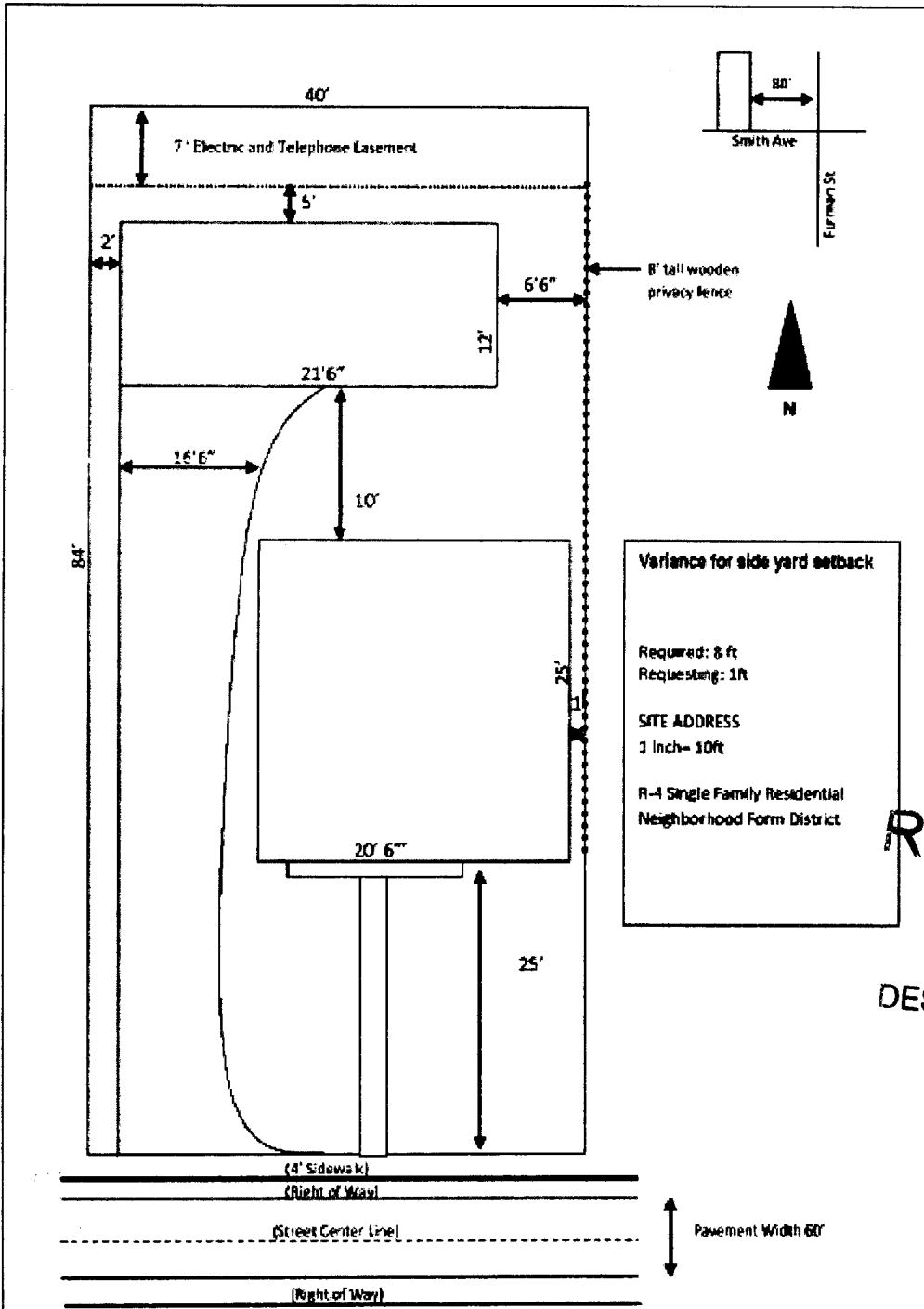
Signature: _____ Date: _____

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. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
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: <https://search.jeffersondeeds.com>
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/property-search>
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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Land Development Report

July 23, 2019 11:30 AM

About LDC

Location

Parcel ID: 022D00780000
Parcel LRSN: 81888
Address: 1023 CALDWELL ST

Zoning

Zoning: R6
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: SOUTHERN BAPTIST SEMINARY
Plat Book - Page: 01-048
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: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or
Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0042E

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

Services

Municipality: LOUISVILLE
Council District: 4
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 # 2019121741

BATCH # 181865

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$155.00

PRESENTED ON: 06-03-2019 9 08:04:33 AM

LODGED BY: PITT & FRANK, ATTORNEYS

RECORDED: 06-03-2019 08:04:33 AM

BOBBIE HOLSCLOW

CLERK

BY: RAY BENSON

LEGAL RECORDS

BK: D 11420

PG: 209-212

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**PITTS &
DESIGN SERVICES**

File No.: 130656TW
Office: Timberwood

Property Tax Bill In Care of Address:

11000 Fairway Pointe Drive
Louisville, KY 40241

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED (hereinafter referred to as the "Deed") is made and entered into this 29th day of May, 2019, by and between Marsha L. Mercer a/k/a Marsha Lynn Mercer, unmarried (hereinafter individually and/or collectively, as the case may be, referred to as the "Grantor(s)"), with a mailing address of PO Box 4074, Louisville, KY 40204; and C and D Construction LLC, a Kentucky Limited Liability Company (hereinafter individually and/or collectively, as the case may be, referred to as the "Grantee(s)"), with a mailing address of 11000 Fairway Pointe Drive, Louisville, KY 40241.

WITNESSETH: in exchange for the payment of One-hundred fifty-five thousand and 00/100 Dollars (\$155,000.00), the receipt and sufficiency of which is hereby acknowledged, Grantor(s) hereby convey to Grantee(s), in fee simple, with covenant of General Warranty, certain real property (hereinafter referred to as the "Subject Property") situated in Jefferson County, more fully described as follows:

Street Address: 1023 East Caldwell Street, Louisville, KY 40204

(Street Address is for informational purposes only, not intended to be part of the legal description)

Beginning in the North line of Caldwell Street at a point two hundred and Seventy Six (276) feet east of Underhill Street, n/k/a Swant Street and running thence East Twenty five (25) feet and extending back North between parallel lines and lines parallel with Underhill Street the same width throughout, a dept of one hundred and sixty feet to a twenty foot alley being the East 24 feet of Lot 11 and the West 1 foot of lot 10, in Block 14 in Guthrie's south Eastern Enlargement as shown by plat of record in Jefferson County Clerk's Office, Deed Book 147, Page 520.

Being the same property conveyed to Marsha L. Mercer, unmarried by Deed dated April 20, 2001 and of record in Deed Book 7641, Page 662, in the Office of the County Clerk of Jefferson County, Kentucky.

Grantor(s) covenants lawful seizin to the Subject Property with full power and authority to convey same.

Grantor(s) convey the Subject Property to Grantee(s) free and clear of any and all encumbrances except: Easements and restrictions of record; and state, county, city and/or school taxes due and payable in the current tax year, and any and all such taxes assessed thereafter; and any and all association dues and/or fees due and payable in the current year, whether calendar or fiscal.

Grantor(s) and Grantee(s) hereby certify the consideration set forth hereinabove is the full consideration paid for the Subject Property. Grantee(s) execute this Deed for the purpose of certifying the consideration pursuant to KRS Chapter 382.

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BROWN, LUCY
1020 E BRECKINRIDGE ST.
LOUISVILLE, KY 40204

KEVIN DIETSCH
1024 E BRECKINRIDGE ST.
LOUISVILLE, KY 40204

ANICA GENTRY
ANDREW COOPER
1025 CALDWELL ST
LOUISVILLE, KY 40204

KATHRYN BRANDT
ALAN CHEWNING
1021 E CALDWELL ST
LOUISVILLE, KY 40204

JOHN + MARY MULDER
125 BLANKENBAKER LN
LOUISVILLE, KY 40207

JUSTIN SKIPWORTH
1024 E CALDWELL ST.
LOUISVILLE, KY 40204

MICHAEL MCCOOL
1026 E CALDWELL
LOUISVILLE, KY 40204

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M. S. [Signature]