



Variance Application

Louisville Metro Planning & Design Services

Case No. 18VARIANCE1063 Intake Staff: NH

Date: 6/29/18 Fee: 120.50

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 4.4.3 of the Land Development Code, to allow 6' privacy fence around back & side yard.

Primary Project Address: 504 Mt. Holly Rd.

Additional Address(es): _____

Primary Parcel ID: 112100340004

Additional Parcel ID(s): _____

Proposed Use: Residential Existing Use: Residential

Existing Zoning District: R4 Existing Form District: VC

Deed Book(s) / Page Numbers²: Book 10901, pg 261

The subject property contains 0.45 acres. Number of Adjoining Property Owners: 6

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: Cecil Comstock

Name: Cecil Comstock

Company: _____

Company: _____

Address: 504 Mt. Holly Rd

Address: 504 Mt. Holly Rd

City: Fairdale State: KY Zip: 40118

City: Fairdale State: KY Zip: 40118

Primary Phone: 502 303 0455

Primary Phone: 502 303 0455

Alternate Phone: _____

Alternate Phone: _____

Email: Cecil.comstock@twc.com

Email: Cecil.comstock@twc.com

Owner Signature (required): *Cecil J Comstock*

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, _____, 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.

not going to intersection

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 6' fence will not affect public health, safety or welfare because it simply offers security for our property. We have an above ground pool, so this offers added safety to the public. We have 2 indoor dogs that are outside from time to time. In addition, the fence will be about 100' from the intersection.

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

Our lot is a corner lot, and is on the backside of our home. There will be no fence on the front side (Mt. Holly Rd side). It is similar, in fact, to the "fence row" formed by trees/bushes across the street from our home. The fence will be well-kept and maintained.

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

The variance will not cause a hazard or nuisance to the public because it is several feet from the side road, and will not impede or hinder the neighbors and community from any of their normal activities. Again, the fence will be about 100' from the main entrance / intersection.

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

The height of a fence on the side roads is set at 4'. However, in this case the home was built on the combination of a corner lot and an adjoining lot. The back lot away from the front road we are simply asking for the height to be increased to 6' to make the back yard more secure.

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).

We purchased 2 adjoining lots, which form a "corner" lot. The side road of our back yard is separated by an easement with a drainage ditch that we maintain.

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.

The strict application of the provisions of the regulation "could" deprive us the safety and security of our animals and our personal property, including the pool and its supplies, outside tools, etc..

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

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Certificate of Land Use Restriction

Name and Address of Property Owners

Cecil and Amanda Comstock
504 Mt. Holly Rd
FAIRDALE, KY 40118

Address of Property

504 Mt. Holly Rd
FAIRDALE, KY 40118

Name of Subdivision or Development (if applicable)

Bryant Subdivision

Deed Book and Page of Last Recording:

Tax Block and Lot number:

PARCEL ID: 112100340004

Planning Commission Docket Number:

Type of Restriction

Zoning Map amendment

Development Plan

Variance

Other _____
Specify

Conditional Zoning Condition

Subdivision Plan

Conditional Use Permit

Name and address of Planning Commission, Board of Zoning Adjustment, Legislative body, or Fiscal court which maintains the original records containing the restrictions.

Louisville Metro Planning and Design Services
444 South Fifth Street, Suite 300
Louisville, Kentucky 40202

Stephen A Lutz, AICP
Planning Supervisor

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Please submit the completed application along with the following items:

Project application and description

- Land Development Report¹ *LOJIC pg 9*
- 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 *from the deed*
- Completed Land Use Restrictions form *p. 4*

Site plan, drawings, and photographs

- One elevation drawing for new construction (including home additions, garage additions, and fences) *N/A*
- 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. N/A*
 - 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) *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

- 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)

- Application Fee: **\$ 95** for Single-Family Uses
\$ 240 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
\$ 600 for All Other Uses
- Clerk's Fee: **\$ 25.50**

\$ 120.50



Land Development Report

June 29, 2018 10:58 AM

About LDC

Location

Parcel ID: 112100340004
Parcel LRSN: 259139
Address: 504 MOUNT HOLLY RD

Zoning

Zoning: R4
Form District: VILLAGE CENTER
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: BRYANTS SUBDIVISION
Plat Book - Page: 05-069
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
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: 21111C0108E

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: FAIRDALE
Urban Service District: NO

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18 JAGAN



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 # 2018002116

BATCH # 111092

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$250.00

PRESENTED ON: 01-03-2018 8 10:59:18 AM

LODGED BY: PROMINENT TITLE AGENCY LLC

RECORDED: 01-03-2018 10:59:18 AM

BOBBIE HOLSCRAW

CLERK

BY: CARRIE HARRISON

RECORDING CLERK

BK: D 11059

PG: 848-851

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

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

RETURN TO:
PROMINENT TITLE AGENCY, LLC
7305 E. KEMPER RD. SUITE B
CINCINNATI, OH 45249

General Warranty Deed


KNOW ALL MEN BY THESE PRESENTS, that **Precision Built Homes, Inc.**, a Kentucky corporation ("Grantor"), address is 504 Mount Holly Rd., Fairdale, KY 40118, for and in consideration of Two Hundred Forty Nine Thousand Six Hundred Seventy and 00/100 Dollars (\$249,670.00), do hereby grant, bargain, and convey with General warranty covenants to the said **Cecil J. Comstock and Amanda K. Comstock**, as joint tenants remainder to the survivor of them ("Grantee"), whose address shall be 504 Mount Holly Rd., Fairdale, KY 40118, and tax mailing address shall be 504 Mount Holly Rd., Fairdale, KY 40118, for the following described real estate:

EXHIBIT "A" IS ATTACHED HERETO AND MADE A PART HEREOF
Prior Deed Reference: Book 10901 Page 261 of the Jefferson County, Kentucky Records
PIDN: 24-1121-0034-0004
Property Address: 504 Mount Holly Rd., Fairdale, KY 40118

Certificate

We, Grantor and Grantee, do hereby certify pursuant to KRS Chapter 382.135 that the above stated consideration of \$249,670.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sales price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

The said Grantor has hereunto set their hands this 22 day of December, 2017.
Precision Built Homes, Inc.

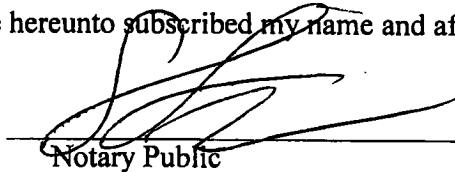

By: Joseph K. Hobbs, President (title)

STATE OF KY, COUNTY OF Jefferson, SS:

SUBSCRIBED AND SWORN TO BEFORE ME, on this 22 day of December, 2017, before me, the subscriber, a Notary Public, in and for said State, personally came **Joseph K. Hobbs**, President (title) of **Precision Built Homes, Inc.**, who under the penalty of perjury represented to me to be the said persons, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

STEPHANIE L. HORNE
Notary Public, State at Large, KY
My commission expires Aug. 31, 2019


Notary Public

(Grantee signature and acknowledgment on following page)

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The said Grantee has hereunto set her hands to the foregoing Deed and Certificate this ___ day of December, 2017.

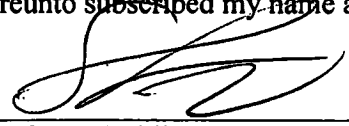
Cecil J. Comstock
Cecil J. Comstock

Amanda K. Comstock
Amanda K. Comstock

STATE OF KY, COUNTY OF Jefferson, SS:

SUBSCRIBED AND SWORN TO BEFORE ME, on this 22nd day of December, 2017, before me, the subscriber, a Notary Public, in and for said State, personally came **Cecil J. Comstock and Amanda K. Comstock** who under the penalty of perjury represented to me to be the said persons, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Notary Public

This instrument was prepared by:
Robert A. Calabrese
Robert A. Calabrese Esq.
7365 East Kemper Rd.
Cincinnati, OH 45249

STEPHANIE L. HORNE
Notary Public, State at Large, KY
My commission expires Aug. 31, 2019

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EXHIBIT A

The following described real estate located in Jefferson County, Kentucky:

BEING Lot Numbered 4, of Bryant's Subdivision, Fairdale, Jefferson County, Kentucky, plat of which is record in Plat and Subdivision Book 5, Page 69, in the Office of the Clerk of Jefferson County, Kentucky.

And being the same property conveyed to Ⓟ, dated 6-2-17 in Book 10901 Page 261, or as Instrument No./Document No. _____ in the Office of the Clerk of Jefferson County, Kentucky.

Parcel No: 24112100340004 Ⓟ PRECISION BUILT HOMES, INC.

The tax parcel identification number listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.

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18160^{TM/AC}

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

Go to avery.com/templates
Use Avery Template 18160

Kenneth Hester
500 Mt. Holly Road
Fairdale, KY 40118

Justin Owens
10006 Morgan Avenue
Fairdale, KY 40118

Edward G Tewell
10005 Morgan Avenue
Fairdale, KY 40118

Cleo G Jones
506 Mt. Holly Road
Fairdale, KY 40118

CashSaver
ATTN: Daniel Mason
501 Mt. Holly Road
Fairdale, KY 40118

Family Dollar
ATTN: Vicki Sowder
503 Mt. Holly Road
Fairdale, KY 40118

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18 VARIANCE



Search Addresses

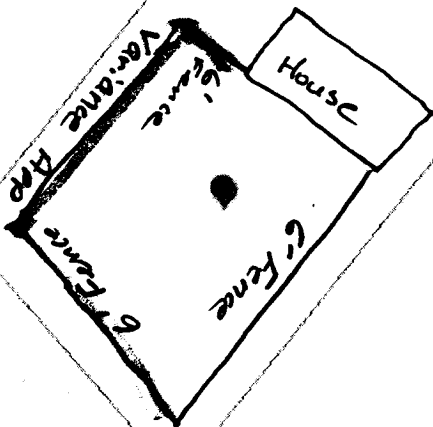
Gray Basic Aerial Base Labels

LOJIC Reporting Tools

Parcel Report

Property Address: 504 MOUNT HOLLY RD
 Owner: COMSTOCK, CECIL J
 Parcel ID: 112100340004
 Assessed Value: \$201,910.00
 Acres: 0.44550
 Neighborhood: 509105

18 VARIANCE 7053

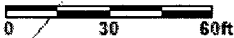


MORGAN AVE

MORGAN AVE

MOUNT HOLLY RD

MOUNT HOLLY RD



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