



Variance Application

Louisville Metro Planning & Design Services

Case No: 23-VARIANCE-0099

Intake Staff: SF

Date: 7/14/2023

Fee: _____

STAFF USE ONLY ABOVE THIS LINE

Applications are due on Mondays at 2:00 p.m. 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/government/Planning-Design>.

Much of the property information below can be found on the Land Development Report via **the LOJIC Online Map tool**: <https://www.lojic.org/lojic-online>. After searching the address in LOJIC, click the to view the Land Development Report.

PROJECT INFORMATION

This is a variance from Section 4.4.3 of the Land Development Code, *The Land Development Code can be found at: <https://louisvilleky.gov/government/planning-design/land-development-code>*

to allow a fence exceeding maxium height

Primary Project Address / Parcel ID: 2503 North Western Parkway

Additional Address(es) / Parcel ID(s): _____

Proposed Use: Residential

Current Use: Residential

Current Zoning District: UN

Current Form District: Traditional

Deed Book(s) / Page Numbers: 58240637

Deeds are available online at: <https://search.jeffersondeeds.com>

Acreage of subject property: .37

Number of Adjoining Properties: _____

Use the LOJIC Online Map tool: <https://www.lojic.org/lojic-online>. Search the subject site's address and count the number of adjoining properties.

Adjoining properties - properties that are next to and across the street from the subject site.

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Has the property been the subject of a previous development proposal? Yes No

Note: This information can be found on the Land Development Report (Related Cases)

If yes, please list the Docket / Case Number(s): _____

Contact Information

Print and use a second copy of this page if additional contacts are needed.

Owner:

Name: Billy Simpson

Company: _____

Address: 2503 North Western Parkway

City: Louisville State: KY Zip: 40212

Primary Phone: 502-548-9113

Alternate Phone: _____

Email: dashbeller95@gmail.com

Applicant / Contact:

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Alternate Phone: _____

Email: _____

Owner Signature (required):

Billy E Simpson

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 _____ 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 materially 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.

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03 - COMPLIANCE 0099

JUSTIFICATION

To justify approval of any variance, the Planning Commission considers the following criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or n/a** will **not** be accepted.

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

The fence does impact the flow of traffic, on the street or sidewalk. Does not block any visuals when walking or driving.

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

There are several fences very simialiar in the area, as well as on the same street.

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

The fence has been in place for 30 years with no hazard or nuisance to the public. The fence does not affect any issues with public safety.

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

The home is located on a large property with large frontage, the fence assist with keeping the homeowners, pets and vehicles safe.

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

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.

Homeowners are on a fixed income have already paid application fees once.

Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

Yes, fence was already constructed 30 years ago.

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CHECKLIST

Please submit the completed application along with the following documents

➔ Applications ***will not*** be accepted without the following items:

- Deed:** Provide a copy of the current recorded deed (must show "End of Document" stamp on last page). Deeds are available online at: <https://search.jeffersondeeds.com>
- Elevations:** Provide an elevation drawing for new construction (including home additions, garage additions, and fences)
- Site Plan:** Provide a site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. Note: ask customer service for a SITE PLAN GUIDE for reference.
 - ✓ 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
- Mailing Labels:** You are required to notify the OWNERS *and* RESIDENTS of neighboring properties of this application. If the owner does not occupy the property, you must also send notice addressed to the "current resident" at the property address. You must create mailing labels of 1st tier adjoining property RESIDENTS and OWNERS, and to your Case Manager (ask customer service for the "HOW-TO: USER GUIDE" for instructions). Applicant is responsible for mailing.
- Copy of Mailing Labels:** Make a copy of the mailing label sheet(s) mentioned above.
- Fee: Application Fee:** **\$100** - Single-Family Uses (one lot only)
\$300 - 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 multiple single-family lots within a subdivision)
Clerk's Fee: + \$60 - Note: If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required. *Note: Please make checks payable to "Louisville Metro Government"
- Refusal Letter (if applicable):** Required if a STOP WORK ORDER or CITATION has been received - provide a copy of the refusal letter from citing official.
- Utility Approval (if applicable):** Required if the proposed structure encroaches into an easement (MSD, LG&E, or Bell South) - submit written documentation from the utility company indicating approval for the encroachment

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 public are not taken during this process)

- Non-Hearing Affidavit form** (see pages 8-9)
- Photographs:** Take photos of the subject area from all angles

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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 Number _____ states as follows: It is hereby requested that the application for variance under Case Number _____ 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.

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

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I, _____, in my capacity as _____
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).

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Signature: _____ **Date:** JUL 14 2023

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 materially false statement or knowingly 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.

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2023-07-14 09:29

July 13, 2023

To Whom It May Concern,

I am writing this letter to request a waiver for additional application fees. We are on a fixed income, and this fence was constructed 30 years ago, with no issues from neighbors, or impact to public safety.

I appreciate any consideration in this matter.

Thank you,

Billy Simpson

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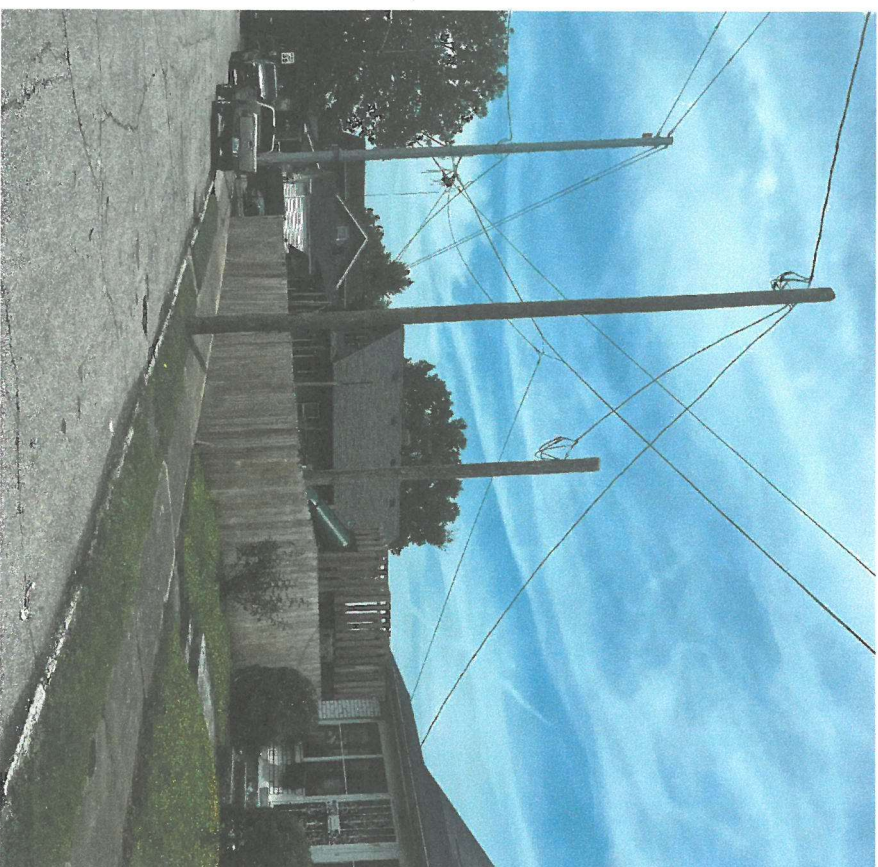
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02-VARIANCE 0019

Other local properties with approved fencing:

2405 North Western Parkway



2734 Bank Street



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23-VARIANCE-0099

LOUISVILLE/JEF, COUNTY METRO GOV
527 W JEFFERSON ST
LOUISVILLE, KY, 40202-2814

SIMPSON, BILLY E & VIOLET M
2503 NORTHWESTERN PKWY
LOUISVILLE, KY, 40212-1027

GOODMAN, ERIC T
665 N 25TH ST
LOUISVILLE, KY, 40212-1070

Current Resident
669 N. 25th St
Louisville KY 40212

PERRY, JOANN (DECEASED)
3324 BANK ST
LOUISVILLE, KY, 40212-212

Current Resident
654 N. 25th St
Louisville KY 40212

MERIDETH, RANZEL LEE III & MIKAL
2510 NORTHWESTERN PKWY
LOUISVILLE, KY, 40212-1028

Current Resident
2507 Cornwall St
Louisville KY 40212

NICKELS, DONNA K
2511 NORTHWESTERN PKWY
LOUISVILLE, KY, 40212-1027

Amy Brooks
444 S. 5th St., Ste 300
Louisville KY 40202