



Variance Application

Louisville Metro Planning & Design Services

Case No.: 18devplan1090 Intake Staff: MC

Date: 6/22/18 Fee: \$625.50

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 5.2.5.C.3.a and 5.2.5.C.3.d of the Land Development Code, to allow the proposed building addition to exceed the maximum setback and building height.

Primary Project Address: 945 South 15th Street

Additional Address(es): _____

Primary Parcel ID: 037B0157

Additional Parcel ID(s): _____

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Proposed Use: Industrial

Existing Use: Industrial

Existing Zoning District: EZ1

Existing Form District: TWFD

Deed Book(s) / Page Numbers²: 10882/420

The subject property contains 3.62+/- acres. Number of Adjoining Property Owners: 5

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 #: 18DEVPLAN1090

Docket/Case #: 2-20-15 & 2-44-09

Docket/Case #: 13415

Docket/Case #: 13697

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Contact Information:**Owner:** ☐ Check if primary contactName: James SchandleCompany: Epsilon Realty Co., L.P.Address: 1531 NW 12th AvenueCity: Pompano Bch State: FL Zip: 33069Primary Phone: 502-581-1800

Alternate Phone: _____

Email: jim@bjkflexiblepackaging.com**Owner Signature (required):** _____**Applicant:** ☐ Check if primary contactName: Joe WolfeCompany: Koetter ConstructionAddress: 7393 Pete Andres RoadCity: Floyds Knobs State: IN Zip: 47119Primary Phone: 812-923-9873

Alternate Phone: _____

Email: joe@thekoettergroup.com**RECEIVED**
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Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Alternate Phone: _____

Email: _____

Plan prepared by: ☒ Check if primary contactName: John CampbellCompany: Heritage Engineering, LLC.Address: 642 S. 4th Street, Suite 100City: Louisville State: KY Zip: 40202Primary Phone: 502-562-1412

Alternate Phone: _____

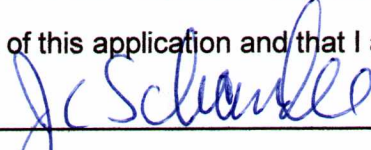
Email: jcampbell@heritageeng.com

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, James Schandle, in my capacity as other, hereby
representative/authorized agent/other

certify that Epsilon Realty Co., L.P. 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: 6/12/18

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.

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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 is compatible with both the setback and building height of the previous building expansions onsite.

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

The area is an existing industrial area and the proposed building addition will continue the established setback and building height of the existing structure onsite.

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

The public will not be impacted by the proposed building addition as it is located along a portion of Garland Avenue which already contains industrial uses and buildings of the same height on-site.

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

The site is currently designed with a structure shorter in height directly adjacent to 15th Street with the taller structure located toward the rear of the property along the existing railroad tracts and rail yard.

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 special circumstances for this site is due to the original industrial building placement and recent success of the company to continually expand at this location.

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.

Strict application of the requirements of the Land Development Code would limit the company's ability to grow at the current location.

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

Because the applicants continued growth and success in the marketplace could not have been predicted they did not foresee a need for a master plan for onsite expansion and was unable to avoid the needed variances.

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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: **\$ 95** for Single-Family Uses
\$ 240 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
\$ 600 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)

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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 # _____

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/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).

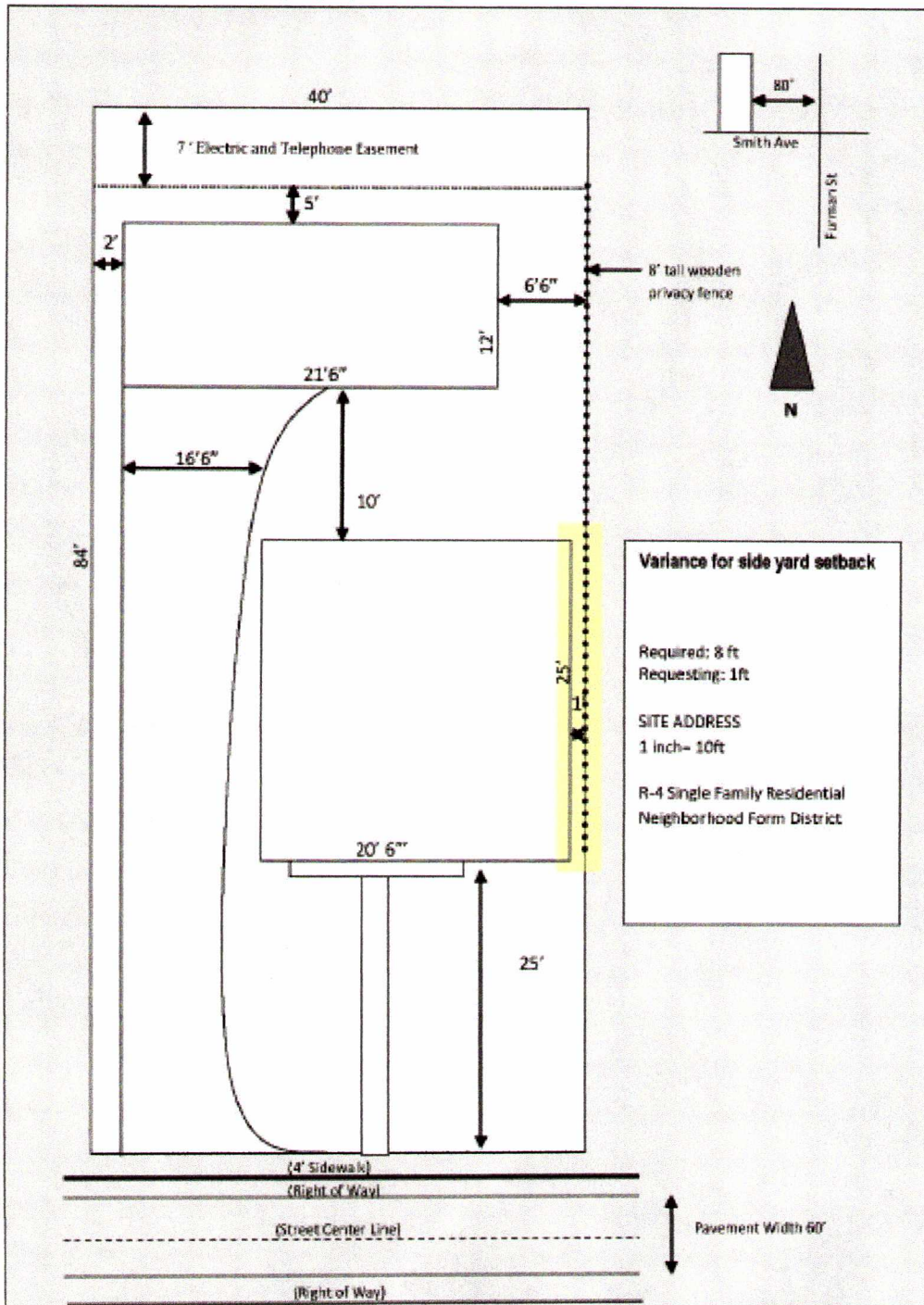
Signature: J. Schaefer N/A Date: 6/12/18 N/A

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: <http://ags2.lojic.org/lojiconline/>
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. 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/>
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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TIER ONE:
PROJECT # 18024

Consolidated, Grain & Barge CO
5130 Port Road
Jeffersonville, IN 47130-8423

APO 1

St Stephen Baptist Church
1018 S. 15th Street
Louisville, KY 40210-1321

APO 2

Garland Properties, Inc.
1405 Garland Ave.
Louisville, KY 40210-1340

APO 3

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OWNER/APPLICANT:

Epsilon Realty Co., L.P.
James Schandle
1531 NW 12th Ave
Pompano Beach, FL 33069-1730

Koetter Construction
Joe Wolfe
7393 Pete Andres Road
Floyds Knobs, IN 47119

ATTORNEY:
(If Applicable)

CONSULTANT:

John Campbell
Heritage Engineering
642 South 4th Street, Suite 100
Louisville, KY 40202

CASE MGR:

Metro Development Center
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

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