



Variance Application

Louisville Metro Planning & Design Services

Case No.: 18VACFAVE1067 Intake Staff: HP

Date: 7/11/18 Fee: 650.50

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 Table 8.3.2 of the Land Development Code, to allow Sign sq. Footage to be greater than what is allowed.

Primary Project Address: 6621 Southside Drive

Additional Address(es): _____

Primary Parcel ID: 059F00090000

Additional Parcel ID(s): _____

Proposed Use: _____ Existing Use: _____

Existing Zoning District: C1 Existing Form District: Traditional Neighborhood Place

Deed Book(s) / Page Numbers²: 7257 0807

The subject property contains 2.75 acres. Number of Adjoining Property Owners: 11

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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18 SEP 11 2018

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Representative: Lenny Lipari

Name: Family Dollar

Company: Family Dollar Stores of Kentucky LP

Company: Family Dollar Stores of Kentucky LP

Address: 500 Volvo Parkway

Address: 6621 Southside Drive

City: Chesapeake State: VA Zip: 23320

City: Louisville State: KY Zip: 40214

Primary Phone: 757-321-5000

Primary Phone: (502) 375-0605

Alternate Phone: _____

Alternate Phone: _____

Email: llipari@dollartree.com

Email: _____

Owner Signature (required): _____

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Stacey Martin

Company: _____

Company: Commonwealth Sign Company

Address: _____

Address: 1824 Berry Blvd.

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40215

Primary Phone: _____

Primary Phone: (502) 368-7554

Alternate Phone: _____

Alternate Phone: (502) 595-7725

Email: _____

Email: Smartin@commonwealthsign.com

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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, Lenny Lipari, in my capacity as Project Manager, hereby representative/authorized agent/other

certify that Family Dollar Stores of Kentucky LP 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: 3/23/2018

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 New Re Branding look is a fresh more modernized looking sign. This alone adds value & not a eye sore for surrounding neighbors. It would have a positive effect.

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

The sign has been designed to complement existing architecture and color schemes that share it's environment. Considering existing sign is larger than 60 sq. ft, visual look will be the same.

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

The existing signage that is there now, prior to rebranding is larger than 60 sq. ft. No issues or problematic occurrences was ever an issue.

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

There is plenty of store frontage @ this location. The existing sign we will be replacing is larger than 60 sq. ft. By increasing sq. ft. of both elevations, again would only enhance the look of the neighborhood.

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).

Property is not different, existing signage there is larger than 60 sq. ft. Existing sign is non-conforming & out dated that will be replaced with modernized sign.

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.

A smaller sign area would be a visibility challenge that could adversely affect the center. Increasing the sq. ft. would ~~help~~ alleviate a sight challenge & increase traffic flow.

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. Location & existing geography/neighbors would only benefit from a new modern sign.

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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

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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*)

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: _____

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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, Lenny Lipaci, in my capacity as Project Manager, hereby
representative/authorized agent/other

certify that Family Dollar Stores of Kentucky LP 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: 3/23/18

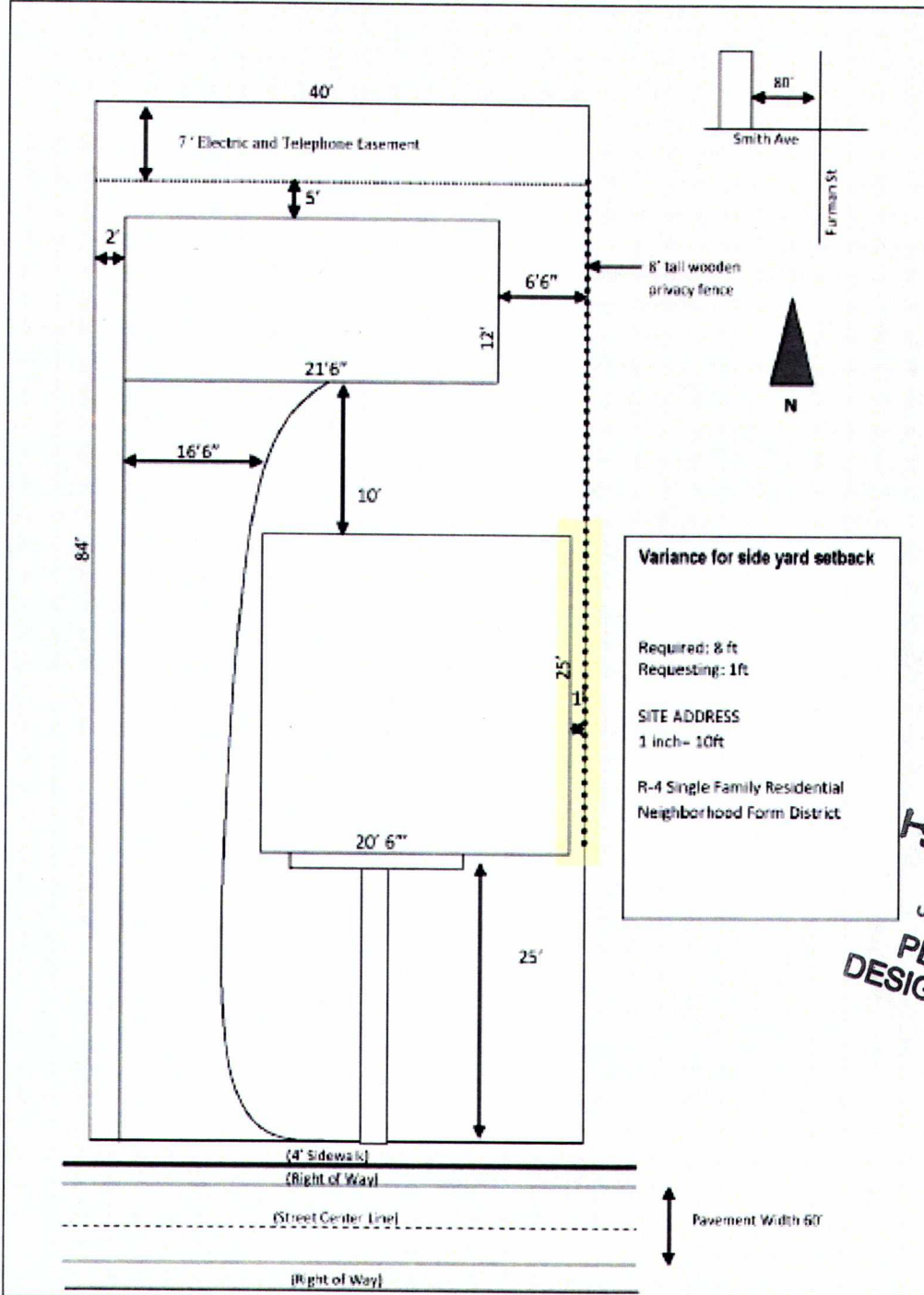
I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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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





Land Development Report

July 11, 2018 12:34 PM

About LDC

Location

Parcel ID: 059F00090000
Parcel LRSN: 8006538
Address: MULTIPLE ADDRESSES

Zoning

Zoning: C1
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: SOUTHLAND PARK
Plat Book - Page: 09-046
Related Cases: 17CUP1043

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: 21111C0074E

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: CSO015 - Project(s) Value between \$.04 - \$1.5

Services

Municipality: LOUISVILLE
Council District: 21
Fire Protection District: LOUISVILLE #3
Urban Service District: YES

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VARIANCE # 0002



Central Missouri Pizza Co.
201 Chesterfield Business Parkway
Chesterfield, MO 63005-1241

Dung Tran Thanh & Le Trieu My
4903 Southside Drive
Louisville, KY 40214-2307

Alasai Mohammed
6700 Strawberry Lane
Louisville, KY 40214

Thomas N Thompson Jr Living
Trust
4314 S. Church Way
Louisville, KY 40207

Veal Enterprises LLC
4300 Wooded Bend Way
Louisville, KY 40245

Goldie & Frank Kustes
321 N. Lakeview Dr.
Louisville, KY 40109-5227

Thai Trung
508 Willow Stone Way
Louisville, KY 40223

Roddy D. McDowell
104 Seneca Trail N
Louisville, KY 40214

Southside LLC
7822 Edsel Drive
Louisville, KY 40291

PS Southeast One Inc.
701 Western Ave.
Glendale, CA 91201

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Thomas N Thompson Jr Living Trust
4314 S. Church Way
Louisville, KY 40207

Alasai Mohammed
6700 Strawberry Lane
Louisville, KY 40214-3036

Dung Tran Thanh & Le Trieu My
4903 Southside Drive
Louisville, KY 40214-2307

Central Missouri Pizza Co
201 Chesterfield Business Parkway
Chesterfield, MO 63005-1241

PS Southeast One Inc.
701 Western Ave.
Glendale, CA 91201-2349

Thai Trung
508 Willow Stone Way
Louisville, KY 40223-5568

Goldie & Frank Kustes
321 N. Lakeview Drive
Louisville, KY 40109-5227

Veal Enterprises LLC
4300 Wooded Bend Way
Louisville, KY 40245

Southside LLC
7822 Edsel Drive
Louisville, KY 40291-5227

Roddy D. McDowell
104 Seneca Trail N
Louisville, KY 40214

Legal Description

DB07257PG0807

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DEED

THIS DEED made this 4th day of June, 1999, between **IROQUOIS BUILDERS, INC. (f/k/a IROQUOIS BUILDERS, INCORPORATED)**, a Kentucky corporation, having a principal office located at 5280 Hardee Road, Coral Gables, Florida 33146, Party of the First Part, and **SOUTHSIDE, LLC**, a Kentucky limited liability company, having a principal address of 7288 Edsel Lane, Louisville, Kentucky 40291, Party of the Second Part;

WITNESSETH:

That for a valuable consideration paid in the amount of \$600,000.00, the receipt of which is hereby acknowledged, the Party of the First Part hereby sells and conveys unto the Party of the Second Part in fee simple, with covenant of General Warranty, the following described real estate situated in Jefferson County, Kentucky, to-wit:

BEING Tract 2 consisting of 2.75 acres, more or less, as shown on Minor Subdivision Plat Docket No. 109-83(1) approved by the Louisville and Jefferson County Planning Commission May 20, 1983, and attached to and made part of that Deed dated May 5, 1984 of record in Deed Book 5422, Page 877 in the office of the Clerk of Jefferson County, Kentucky.

BEING the same property acquired by Party of the First Party by Deed dated May 21, 1947, of record in Deed Book 2242, Page 408 and by Deed dated June 27, 1975, of record in Deed Book 4795, Page 763 and as to improvements by Deed dated August 21, 1984, of record in Deed Book 5449, Page 2 all in the office of the Clerk of Jefferson County, Kentucky.

First Party covenants that it is lawfully seized of the property herein conveyed and has full right and power to convey same; that said conveyance is made free of encumbrances except City of Louisville taxes and State, County and School taxes due and payable in 1999 and all subsequent taxes which the Party of the Second Part hereby assumes and agrees to pay.

PROVIDED, HOWEVER, there is excepted any restrictions, stipulations, and easements of record affecting said property and applicable zoning regulations imposed by the Louisville and Jefferson County Planning and Zoning Commission.

DEED

THIS DEED made this 4th day of June, 1999, between **IROQUOIS BUILDERS, INC. (f/k/a IROQUOIS BUILDERS, INCORPORATED)**, a Kentucky corporation, having a principal office located at 5280 Hardee Road, Coral Gables, Florida 33146, Party of the First Part, and **SOUTHSIDE, LLC**, a Kentucky limited liability company, having a principal address of 7288 Edsel Lane, Louisville, Kentucky 40291, Party of the Second Part;

WITNESSETH:

That for a valuable consideration paid in the amount of \$600,000.00, the receipt of which is hereby acknowledged, the Party of the First Part hereby sells and conveys unto the Party of the Second Part in fee simple, with covenant of General Warranty, the following described real estate situated in Jefferson County, Kentucky, to-wit:

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BEING the same property acquired by Party of the First Party by Deed dated May 21, 1947, of record in Deed Book 2242, Page 408 and by Deed dated June 27, 1975, of record in Deed Book 4795, Page 763 and as to improvements by Deed dated August 21, 1984, of record in Deed Book 5449, Page 2 all in the office of the Clerk of Jefferson County, Kentucky.

First Party covenants that it is lawfully seized of the property herein conveyed and has full right and power to convey same; that said conveyance is made free of encumbrances except City of Louisville taxes and State, County and School taxes due and payable in 1999 and all subsequent taxes which the Party of the Second Part hereby assumes and agrees to pay.

PROVIDED, HOWEVER, there is excepted any restrictions, stipulations, and easements of record affecting said property and applicable zoning regulations imposed by the Louisville and Jefferson County Planning and Zoning Commission.

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IN TESTIMONY WHEREOF, witness the signature of the Party of the First Part this day and year first above written.

IROQUOIS BUILDERS, INC.

By: Elizabeth M Muraro

Title: President

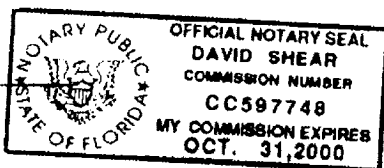
STATE OF FLORIDA :

COUNTY OF Miami-Dade :

The foregoing instrument was acknowledged before me this ³⁰⁰ 4th day of June, 1999, by ELIZABETH M. MURARO as PRASIDENT of IROQUOIS BUILDERS, INC., a Kentucky corporation, on behalf of the corporation.

My Commission Expires: ~~September 18, 2000~~

[Handwritten Signature]



NOTARY PUBLIC STATE OF FLORIDA
~~KENTUCKY STATE-AT-LARGE~~

CONSIDERATION CERTIFICATE

Grantor and Grantee certify that the consideration stated in the foregoing Deed is the true, correct and full consideration paid for the property therein conveyed.

GRANTOR:

IROQUOIS BUILDERS, INC.

By: Elizabeth M Muraro, President
Elizabeth M. Muraro, President

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GRANTEE:

SOUTHSIDE, LLC

By: Carlie Joe Orange
Carlie Joe Orange, President

STATE OF FLORIDA :

COUNTY OF Miami-Dade :

The foregoing Consideration Certificate was sworn to and acknowledged before me this ^{3rd} day of June, 1999, by Elizabeth M. Muraro, President of IROQUOIS BUILDERS, INC., a Kentucky corporation, on behalf of the corporation.

My commission expires: ~~September 18, 2002~~.



David Shear

NOTARY PUBLIC
~~FLORIDA~~, STATE AT LARGE

STATE OF KENTUCKY :

COUNTY OF JEFFERSON :

The foregoing Consideration Certificate was sworn to and acknowledged before me this 4th day of June, 1999, by Carlie Joe Orange as President of SOUTHSIDE, LLC, a Kentucky limited liability company, on behalf of the company.

My Commission Expires: September 18, 2002.

David Shear

NOTARY PUBLIC
KENTUCKY STATE-AT-LARGE

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DB07257PG0810

THIS INSTRUMENT PREPARED BY:

MORGAN & POTTINGER, P.S.C.



M. DEANE STEWART
601 West Main Street
Louisville, Kentucky 40202
(502) 589-2780

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END OF DOCUMENT

Document No.: DN1999094242
Lodged By: MORGAN & POTTINGER
Recorded On: 06/04/1999 03:14:08
Total Fees: 614.00
Transfer Tax: 600.00
County Clerk: Bobbie Holsclaw
Deputy Clerk: DIAROB