



# Variance Application

Louisville Metro Planning & Design Services

Case No.: 20-VARIANCE-0041

Intake Staff: (Signature)

Date: 3/30/20

Fee: \_\_\_\_\_

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 5<sup>th</sup> 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 4.8.3 of the Land Development Code, to allow Encroachment of the vehicular use area into the 75' stream side buffer.

Primary Project Address: 5208 Chathamwood Court

Additional Address(es): 5204 & 5200 Chathamwood Court

Primary Parcel ID: 09570081

Additional Parcel ID(s): 09570080; 09570079

Proposed Use: Apartments Existing Use: Vacant

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 11398, Page 013

The subject property contains 1.92 acres. Number of Adjoining Property Owners: 90

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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 257-96 Docket/Case #: 17ZONE1030

Docket/Case #: 16MINORPLAT1040 Docket/Case #: \_\_\_\_\_

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**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: Doug White

Name: Kendall Cogan

Company: Chathamwood, LLC.

Company: Property Services Group, LLC.

Address: P. O. Box 5893

Address: P. O. Box 5895

City: Louisville State: KY Zip: 40255

City: Louisville State: KY Zip: 40255

Primary Phone: (502) 664-2859

Primary Phone: (502) 409-1790

Alternate Phone: \_\_\_\_\_

Alternate Phone: 305) 776-4008

Email: RealDevLouisville@gmail.com

Email: kendall@kendallcogan.com

\* Owner Signature (required): Doug White

Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: \_\_\_\_\_

Name: Chris Crumpton

Company: \_\_\_\_\_

Company: BlueStone Engineers, PLLC

Address: \_\_\_\_\_

Address: 3703 Taylorsville Road #205

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: Louisville State: KY Zip: 40220

Primary Phone: \_\_\_\_\_

Primary Phone: (502) 292-9288

Alternate Phone: \_\_\_\_\_

Alternate Phone: (502) 298-2272

Email: \_\_\_\_\_

Email: chris@bluestoneengineers.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, Doug White, in my capacity as MANAGER, hereby representative/authorized agent/other

certify that CHATHAMWOOD 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: Doug White Date: 10/24/19

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.**

The variance will not affect the public health, safety or welfare because the proposed vehicular use area will sit well above the stream elevation and out of the floodplain.

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

The variance will not alter the essential character of the vicinity because there was already an existing access drive to the treatment facility in the protected waterway buffer.

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

The variance will not cause a hazard or a nuisance to the public because the construction of the vehicular use area will be out of the floodplain keeping the existing stream buffer in place.

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

Approval of the variance will not allow an unreasonable circumvention of the requirements by allowing construction of the vehicular use area on this property while keeping the existing tree/stream buffer in place.

*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).**

These three original parcels of land were not originally built upon when platted and pre-date the creation of the protected waterway buffer.

**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 would deprive the applicant from developing the land and would create an unnecessary hardship in the value of the land.

**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. The circumstances are not the result of actions the applicant has taken subsequently. The circumstances are the result of creation of the protected waterway buffer after these original lots were created.

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**Please submit the completed application along with the following items:**

**Project application and description**

- Land Development Report<sup>1</sup>
- A copy of the current recorded deed<sup>2</sup> (*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**

- N/A  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)<sup>3</sup>**

- One set of legible mailing label sheets for: 1<sup>st</sup> 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: **\$100** for Single-Family Uses  
**\$300** 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  
**\$700** for All Other Uses
- Clerk's Fee: **\$25**

*(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: \_\_\_\_\_

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.

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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.

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is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

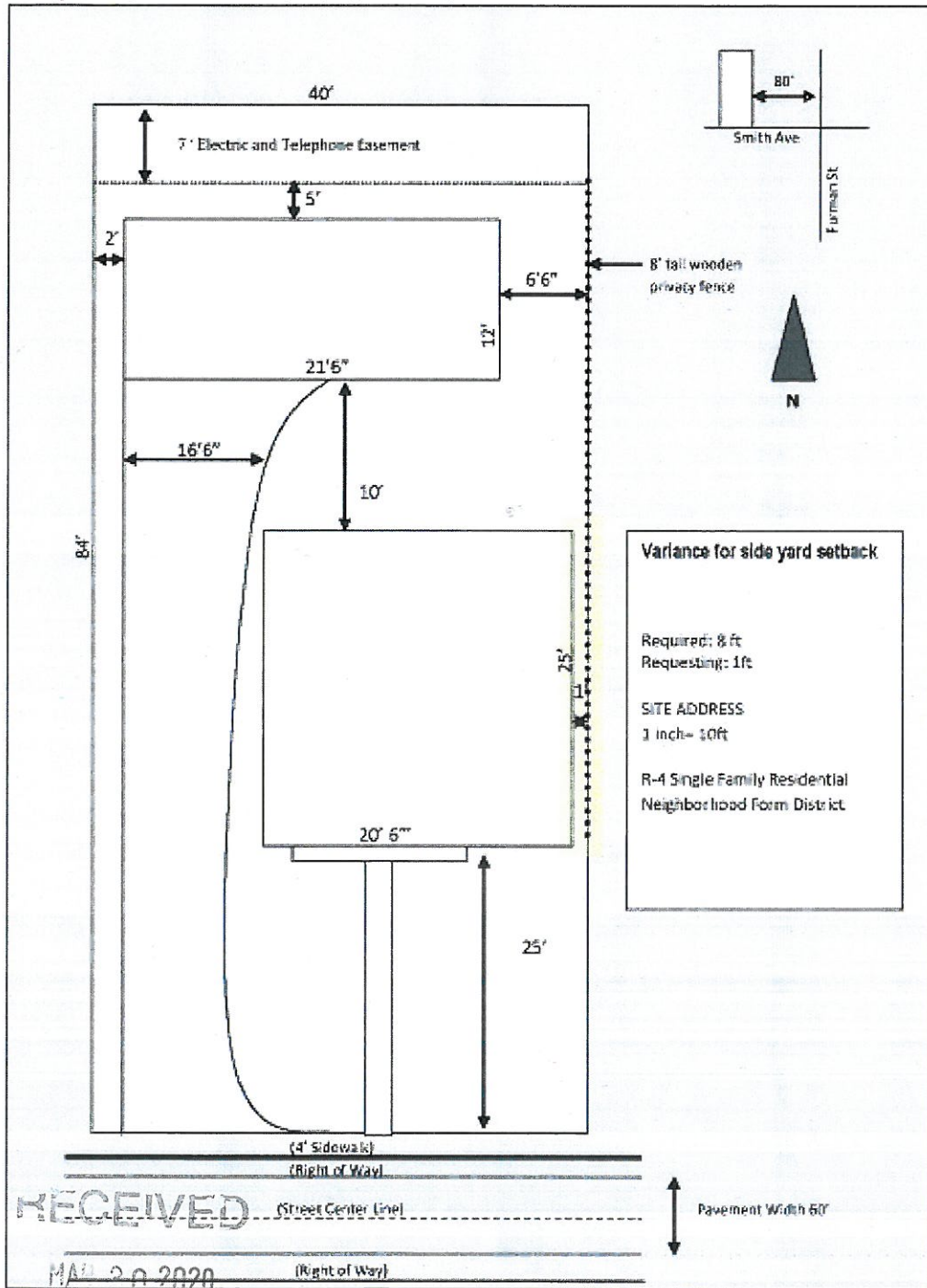
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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 2<sup>nd</sup> 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>

Sample site plan is for example purposes only and not drawn to scale



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# Land Development Report

December 6, 2019 8:24 AM

About LDC

## Location

**Parcel ID:** 095700790000  
**Parcel LRSN:** 8107685  
**Address:** 5200 CHATHAMWOOD CT

## Zoning

**Zoning:** R4  
**Form District:** NEIGHBORHOOD  
**Plan Certain #:** NONE  
**Proposed Subdivision Name:** NONE  
**Proposed Subdivision Docket #:** NONE  
**Current Subdivision Name:** CHARLESWOOD VILLAGE  
**Plat Book - Page:** 21-099  
**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:** D  
**Historic Site:** NO

## Environmental Constraints

### Flood Prone Area

**FEMA Floodplain Review Zone:** YES  
**FEMA Floodway Review Zone:** YES  
**Local Regulatory Floodplain Zone or Combined Sewer Floodprone Area:** YES  
**Local Regulatory Conveyance Zone:** YES  
**FEMA FIRM Panel:** 21111C0111E

### Protected Waterways

**Potential Wetland (Hydric Soil):** NO  
**Streams (Approximate):** YES  
**Surface Water (Approximate):** NO

### Slopes & Soils

**Potential Steep Slope:** NO  
**Unstable Soil:** NO

### Geology

**Karst Terrain:** YES

## Sewer & Drainage

**MSD Property Service Connection:** NO  
**Sewer Recapture Fee Area:** NO

## Services

**Municipality:** LOUISVILLE  
**Council District:** 23  
**Fire Protection District:** OKOLONA  
**Urban Service District:** NO

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# Land Development Report

December 6, 2019 8:25 AM

About LDC

## Location

Parcel ID: 095700800000  
 Parcel LRSN: 8107686  
 Address: 5204 CHATHAMWOOD CT

## Zoning

Zoning: R4  
 Form District: NEIGHBORHOOD  
 Plan Certain #: NONE  
 Proposed Subdivision Name: NONE  
 Proposed Subdivision Docket #: NONE  
 Current Subdivision Name: CHARLESWOOD VILLAGE  
 Plat Book - Page: 21-099  
 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: D  
 Historic Site: NO

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### Flood Prone Area

FEMA Floodplain Review Zone: YES  
 FEMA Floodway Review Zone: YES  
 Local Regulatory Floodplain Zone or  
 Combined Sewer Floodprone Area: YES  
 Local Regulatory Conveyance Zone: YES  
 FEMA FIRM Panel: 21111C0111E

### Protected Waterways

Potential Wetland (Hydric Soil): NO  
 Streams (Approximate): YES  
 Surface Water (Approximate): NO

### Slopes & Soils

Potential Steep Slope: NO  
 Unstable Soil: NO

### Geology

Karst Terrain: YES

## Sewer & Drainage

MSD Property Service Connection: NO  
 Sewer Recapture Fee Area: NO

## Services

Municipality: LOUISVILLE  
 Council District: 23  
 Fire Protection District: OKOLONA  
 Urban Service District: NO

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# Land Development Report

December 6, 2019 8:25 AM

About LDC

## Location

Parcel ID: 095700810000  
 Parcel LRSN: 8107687  
 Address: 5208 CHATHAMWOOD CT

## Zoning

Zoning: R4  
 Form District: NEIGHBORHOOD  
 Plan Certain #: NONE  
 Proposed Subdivision Name: NONE  
 Proposed Subdivision Docket #: NONE  
 Current Subdivision Name: CHARLESWOOD VILLAGE  
 Plat Book - Page: 21-099  
 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: D  
 Historic Site: NO

## Environmental Constraints

### Flood Prone Area

FEMA Floodplain Review Zone: NO  
 FEMA Floodway Review Zone: YES  
 Local Regulatory Floodplain Zone or  
 Combined Sewer Floodprone Area: YES  
 Local Regulatory Conveyance Zone: YES  
 FEMA FIRM Panel: 21111C0111E

### Protected Waterways

Potential Wetland (Hydric Soil): NO  
 Streams (Approximate): YES  
 Surface Water (Approximate): NO

### Slopes & Soils

Potential Steep Slope: NO  
 Unstable Soil: NO

### Geology

Karst Terrain: YES

## Sewer & Drainage

MSD Property Service Connection: NO  
 Sewer Recapture Fee Area: NO

## Services

Municipality: LOUISVILLE  
 Council District: 23  
 Fire Protection District: OKOLONA  
 Urban Service District: NO

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## WRITTEN DESCRIPTION

5208, 5204 & 5200 Chathamwood Court  
LOUISVILLE, KY 40219  
DB 10622 PG 0081  
Parcel ID: 0957-0081, 0957-0080 & 0957-0079

Being three tracts of land located on the south side of Charleswood Road at the end of Chathamwood Court, lying in Jefferson County, Kentucky being Tax Block 0957 Lot 0081, Tax Block 0957 Lot 0080, and Tax Block 0957 Lot 0079, recorded in Deed Book 10622, Page 0081 and being more particularly described as follows:

Beginning at a point in the southern right-of-way of Charleswood Road at the northern corner of the property; running thence along said right-of-way S58°23'52"E 40 feet to a point in said right-of-way; thence leaving said right-of-way with a curve to the left having a radius of 160 feet and a chord bearing S15°52'57"W 86.70 feet to a point; thence S49°29'05"E 65.69 feet to a point; thence with the Community Park of Charleswood Village Section 5 in Plat Book 36 Page 28 S22°30'13"W 145 feet to a point; thence S84°06'54"W 150 feet to a point; thence S74°10'49"W 203.04 feet to a point along the north property line of the Charleswood Village Section 2 Community Area Plat Book 23 Page 81; thence along the east property line of Hershel & Patricia Cos Deed Book 7718 Page 239 N05°53'06"W 235.03 feet to a point in the south property line of Charleswood Village Section 1 Community Park Plat Book 21 Page 99; thence N84°06'54"E 337.18 feet to a point; thence along a curve to the right having a radius of 200 feet and a chord bearing N18°51'47"E 88.10 feet to the point of beginning and containing 1.92 Acres more or less.

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# Chathamwood Apartment Homes

## Rezoning R4 to R6 ~ Case#17ZONE1030



CHATHAMWOOD APARTMENT HOMES

5200, 5204 & 5208 CHATHAMWOOD CT  
LOUISVILLE, KY 40219

BLUESTONE ENGINEERS  
ONE WORLD ARCHITECTURE

**Chathamwood, LLC**  
OWNER/DEVELOPER

Doug White

**CHRIS CRUMPTON, P.E.**

CIVIL ENGINEER

(502) 292-9288



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# Chathamwood Apartments – Example Facade



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# Chathamwood Apartments – Example Facade

