



Variance Application

Louisville Metro Planning & Design Services

Case No.: 18 VARIANCE 1066 Intake Staff: NH

Date: 7/9/18 Fee: 137.50

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 5.3.1 of the Land Development Code, to allow Encroachment into front yard.

Primary Project Address: 521 Evergreen Place CT. **RECEIVED**
 Additional Address(es): _____ **JUL 09 2018**
 Primary Parcel ID: 258100220000 **PLANNING &**
 Additional Parcel ID(s): _____ **DESIGN SERVICES**

Proposed Use: Res Existing Use: Res.
 Existing Zoning District: R-4 Existing Form District: N
 Deed Book(s) / Page Numbers²: 08651 - Pg. 115
 The subject property contains 0.297 acres. Number of Adjoining Property Owners: 12

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: Mathew McCluggage

Name: Charles Penn

Company: _____

Company: Distinctive Design

Address: 521 Evergreen Place Dr

Address: 1052 Enterprise Dr, Ste #110

City: Lov. State: Ky Zip: 40223

City: Lex State: Ky Zip: 40510

Primary Phone: 502-797-0532

Primary Phone: 859-223-0539

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: Charles@ddrlexky.com

Owner Signature (required): *Mathew McCluggage*

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, C W Penn, in my capacity as Representative, hereby
representative/authorized agent/other

certify that Mathew McCluggage 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: *C W Penn* Date: 7/6/18

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 ^{Please} answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is acceptable.

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

THIS VARIANCE WILL IN NO WAY AFFECT ANY OF THE THREE

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

BY THE GARAGE MATCHING THE HOUSE IN TOTAL THE CHARACTER OF THE NEIGHBORHOOD WILL NOT BE ALTERED IN ANY FASHION, ESPECIALLY BEING LOCATED AT THE END OF THE COURT.

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

A NEW GARAGE MATCHING THE HOUSE WILL CERTAINLY NOT CAUSE A HAZARD OR NUISANCE.

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

THE REQUIREMENTS BECAME UNREASONABLE WHEN THE DEVELOPER WAS ALLOWED TO LAYOUT THE LOTS MAKING THIS LOT THE ONLY ONE ON THE COURT WITH THIS PROBLEM.

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 LAYOUT OF THIS LOT BY DEVELOPER MADE THIS THE ONLY ONE OF ITS KIND ON THE COURT AND ONLY ONE OF 2 IN THE ENTIRE AREA.

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.

BECAUSE OF THE DEFINING @ SIDE YARD AS FRONT AND THE SUBJECTIVE LABELING OF VARIOUS ZONES THE HOMEOWNERS WOULD NOT BE ALLOWED THE SAME PRIVILEGES AS THEIR NEIGHBORS

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

HOME OWNERS HAVE TAKEN "NO" ACTION TO CAUSE CIRCUMSTANCES

18 VARIANCE

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*)



Land Development Report

June 19, 2018 12:04 PM

About LDC

Location

Parcel ID: 258100220000
 Parcel LRSN: 58213
 Address: 521 EVERGREEN PLACE CT

Zoning

Zoning: R4
 Form District: NEIGHBORHOOD
 Plan Certain #: NONE
 Proposed Subdivision Name: NONE
 Proposed Subdivision Docket #: NONE
 Current Subdivision Name: EVERGREEN PLACE
 Plat Book - Page: 39-046
 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: A
 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: 21111C0033E

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: YES

Sewer & Drainage

MSD Property Service Connection: YES
 Sewer Recapture Fee Area: NO
 Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: MIDDLETOWN
 Council District: 19
 Fire Protection District: ANCHORAGE MIDDLETOWN
 Urban Service District: NO

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78 WINDY 10 16

DEED

THIS DEED, made and entered into this 30th day of June, 2005, by and between:

NELDA A. TAYLOR, Unmarried, Party of the First Part whose mailing address

is 90 10140 Linn Station Rd. Louisville KY 40223

AND

NATALIE R. MCCLUGGAGE and MATTHEW S. MCCLUGGAGE, Wife and Husband, Parties of the Second Part whose mailing address is 521 Evergreen Place Court, Louisville, Kentucky 40223

WITNESSETH: THAT, for a valuable consideration of \$254,900.00, the receipt of which is hereby acknowledged, the Party of the First Part hereby conveys unto the Parties of the Second Part, for and during their joint lives with the remainder in fee simple to the survivor of them, with covenant of GENERAL WARRANTY, the following described property in Jefferson County, Kentucky, to wit:

Being Lot 22, Evergreen Place, plat of which is of record in Plat and Subdivision Book 39, Page 46, in the office of the Clerk of the County Court of Jefferson County, Kentucky.

Being the same property conveyed to Nelda A. Taylor, unmarried by Deed dated February 22, 1999, and recorded in Deed Book 7193, Page 649, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

The Parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The grantees join this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

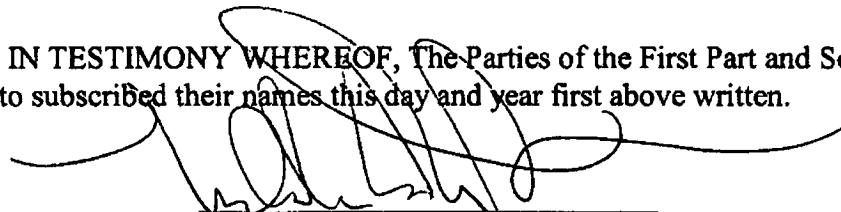
PARTY OF THE FIRST PART further covenants lawful seisin of the estate hereby conveyed, with full power to convey same, and that is free of all encumbrances except restrictions and easements of record and subject to taxes for the year 2005 and thereafter which the Parties of the Second Part hereby assume and agree to pay.

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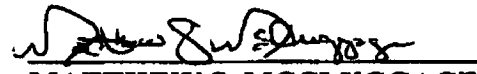
IN TESTIMONY WHEREOF, The Parties of the First Part and Second Part have hereunto subscribed their names this day and year first above written.



NELDA A. TAYLOR



NATALIE R. MCCLUGGAGE



MATTHEW S. MCCLUGGAGE

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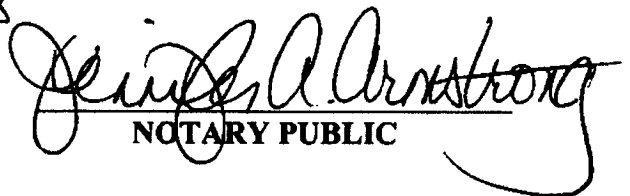
STATE OF KENTUCKY
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public within and for the State and County aforesaid, do hereby certify that on this day the foregoing Deed was produced to me in said County and was acknowledged before me by Nelda A. Taylor, Party of the First Part, and Natalie R. McCluggage and Matthew S. McCluggage, Parties of the Second Part, Parties thereto, to be their act and deed.

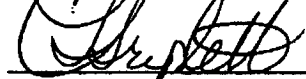
WITNESS My hand this 30th day of June, 2005.

My commission expires:

9/10/2008


NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:


CHARLES L. TRIPLETT, ATTORNEY
2327 Lime Kiln Lane
Louisville, Kentucky 40222
(502) 426-7900
FILE #50474

Document No.: DN2005106793
Lodged By: triplett
Recorded On: 07/05/2005 11:00:4
Total Fees: 267.00
Transfer Tax: 255.00
County Clerk: BOBBIE HOLSLAW-JEFF CO
Deputy Clerk: YOLLO62

END OF DOCUMENT

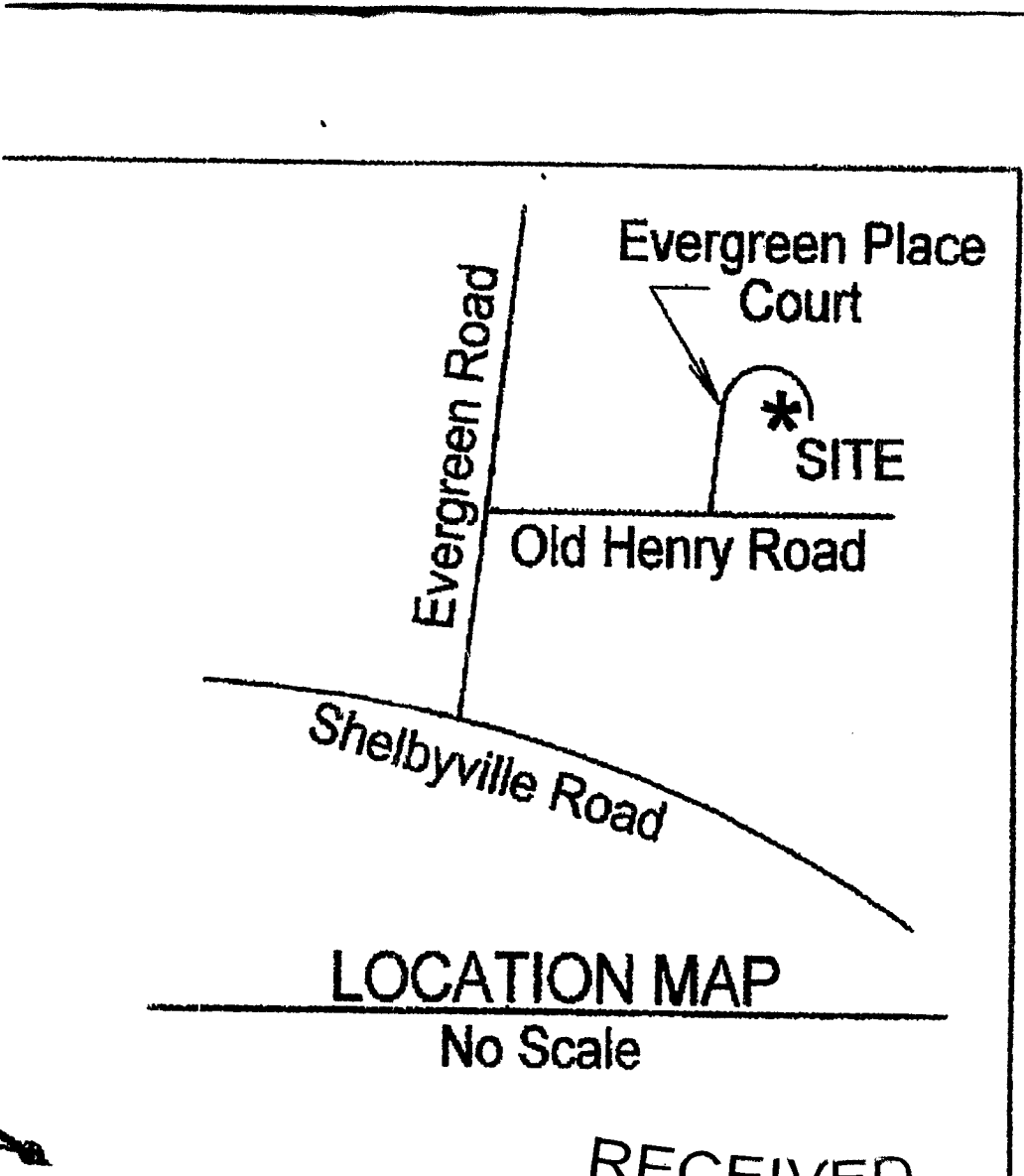


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LOCATION MAP

No Scale

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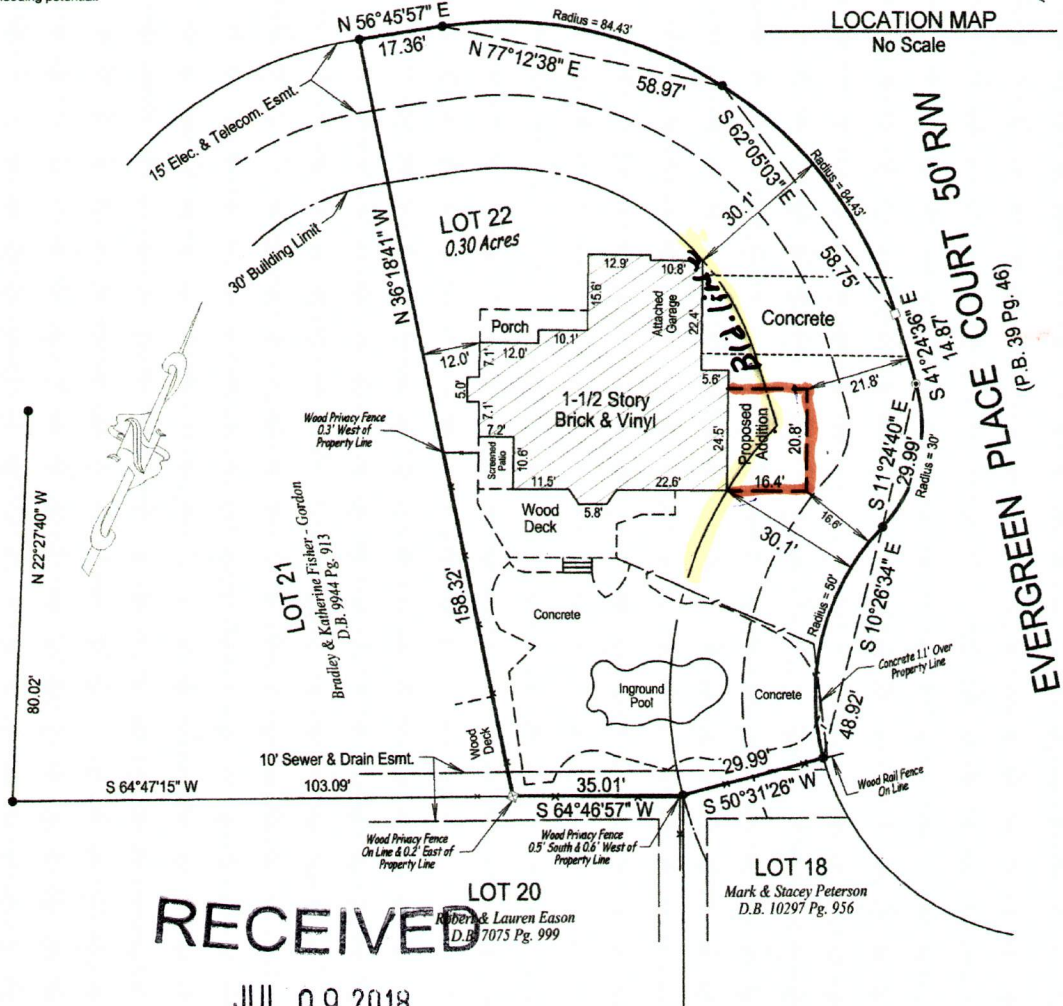
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NOTES:

1. Site is subject to all right-of-ways, easements and restrictions of record or implied.
2. The surveyor did not make a search for easements, encumbrances, restrictions, ownership title evidence or other records that a complete and accurate title search may disclose.
3. The certification of this survey is made of this date and is subject to any future facts that more accurately describe or establish the boundary shown herein.
4. Surrounding owner information is shown per PVA records.
5. The basis of bearing was taken from the record plat.
6. Unless otherwise shown, structures shown are the footprint only.
7. This site is located in Zone X per Firm Map 21111C0033 E dated December 5, 2006 and is not located within a 100 year flood plain (0.1% chance). Flood Plain Certification is restricted to a review of the firm and shall not be construed as a confirmation or denial of flooding potential.

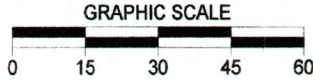
Being Lot 22, Sect. 1
Evergreen Place Subdivision
Plat Book 39, Page 46



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STATE OF KENTUCKY
WILLIAM D. SCHROLL, III
3570
LICENSED PROFESSIONAL LAND SURVEYOR

- LEGEND**
- = Existing 1/2" Rebar
 - * = Set 1/2" Rebar with cap stamped "SCHROLL 3570"
 - ◇ = Corner calculated but not set
 - ⊠ = Corner inaccessible

BOUNDARY SURVEY
This Survey complies with KAR 18:150

Survey of: 521 Evergreen Place Court
Louisville, Ky. 40223
Owner: Matthew S. & Natalie R. McCluggage
521 Evergreen Place Court, Louisville, Ky. 40223
Source of Title: D.B. 8651 Pg. 115
For: Matthew S. & Natalie R. McCluggage
521 Evergreen Place Court, Louisville, Ky. 40223
Ordered By: Matthew S. McCluggage
Scale: 1" = 30' Job No: 2454/18
Drawn Date: 07/03/18 Drawn By: Todd Stayton

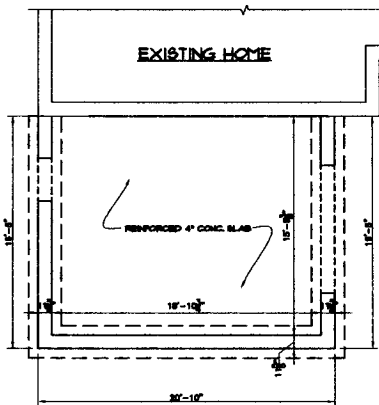
LAND SURVEYORS CERTIFICATE

I hereby certify that the survey depicted by this plat was done by me or by persons under my direct supervision on July 2, 2018 by the method of random traverse. The unadjusted precision ratio of the survey is 1:45,447 and was not adjusted. The survey as shown hereon is an "Urban" Survey and the accuracy and precision of said survey meets all the specifications of this class.

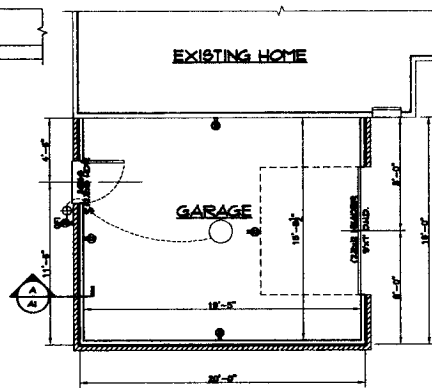
William D. Schroll III 7-6-17
Date
Professional Land Surveyor, Kentucky Registration No. 3570

SCHROLL LAND SURVEYING LLC.
5450 Southview Dr., LOUISVILLE, KY. 40214
Phone: 502-367-7660
Mobile: 502-594-6773

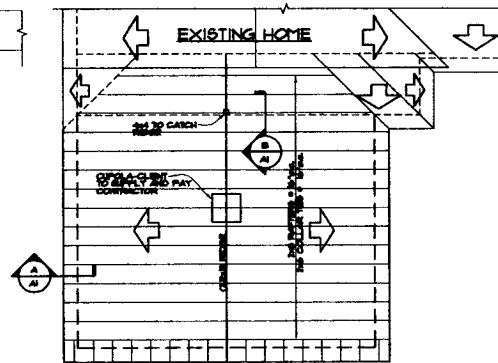
78 VARIANCE 7066



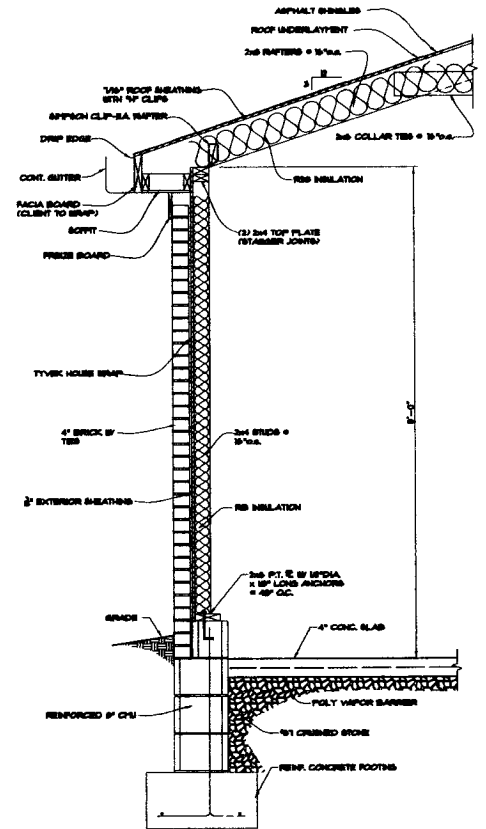
GARAGE FOUNDATION PLAN
1/4"=1'-0" □ - INDICATES EXISTING



GARAGE FLOOR PLAN
1/4"=1'-0" □ - INDICATES EXISTING



ROOF PLAN
1/4"=1'-0" □ - INDICATES EXISTING

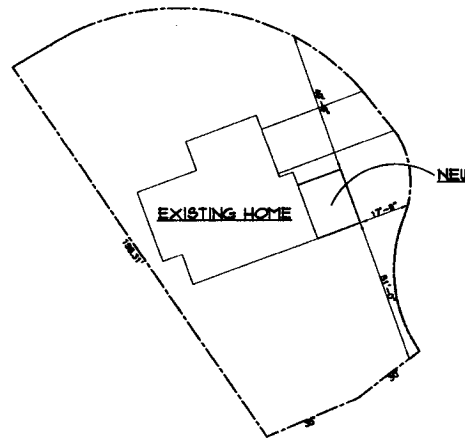


WALL SECTION A

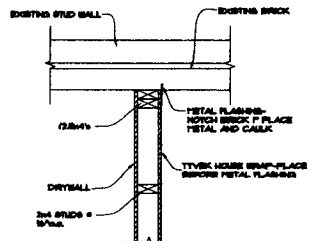
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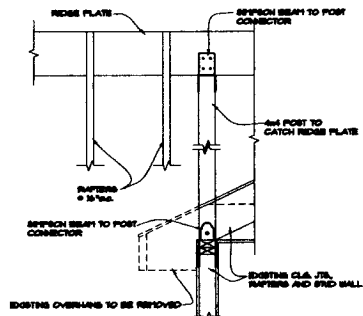
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SITE PLAN
N



FLASHING SECTION AT EXISTING WALL



SECTION B

| SQUARE FOOTAGE | |
|----------------|-------------|
| GARAGE | 542 sq. ft. |

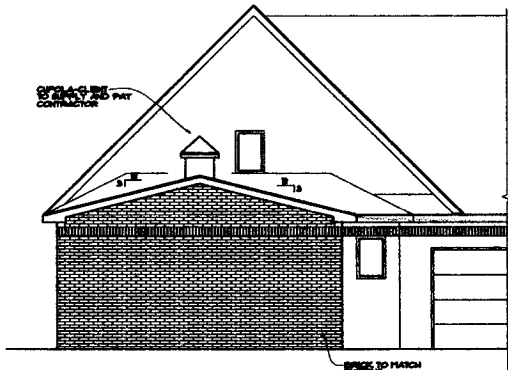
| DOOR SIZE NOTES | |
|-----------------|--------------------|
| DOOR EXAMPLE | 3'-0" x 7'-6" x 8" |

Distinctive Design Remodeling
McCluggage
801 Evergreen Pl. Cl.
Louisville, Ky

New Garage

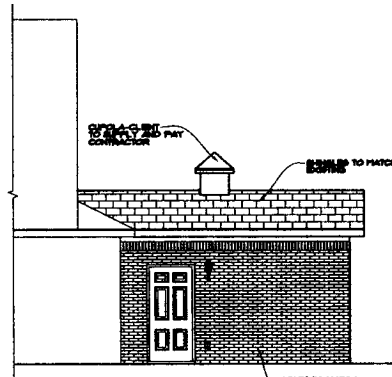
date: 6-5-18
job: 1738001

A-1



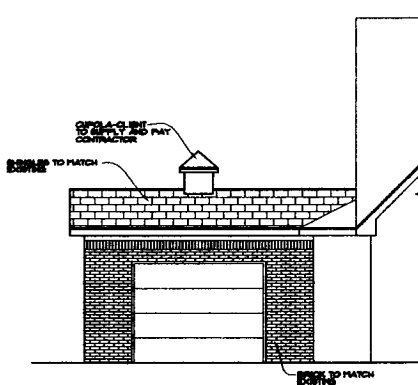
FRONT ELEVATION

1/4" = 1'-0" - INDICATES EXISTING



LEFT ELEVATION

1/4" = 1'-0" - INDICATES EXISTING



RIGHT ELEVATION

1/4" = 1'-0" - INDICATES EXISTING

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Distinctive
Design
Remodeling
McChuggage
801 Evergreen PL. Ct.
Louisville, KY

New Garage

date 6-8-18

no. 1732081

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