



Variance Application

Louisville Metro Planning & Design Services

Case No.: 22-VARIANCE-0042 Intake Staff: M
Date: 3-21-22 Fee: \$160

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 New Garage to be constructed in same location as Existing Garage that is out of compliance with side yard setback.

Primary Project Address: 3708 Nanz Avenue, Louisville, KY 40207

Additional Address(es): _____

Primary Parcel ID: 041700150000

Additional Parcel ID(s): _____

Proposed Use: Single-Family Residential Garage Existing Use: Single-Family Residential Garage

Existing Zoning District: R4 Existing Form District: NEIGHBORHOOD

Deed Book(s) / Page Numbers²: Deed Book 10623, Page 522

The subject property contains .2186 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 #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

RECEIVED

MAR 21 2022

**PLANNING & DESIGN
SERVICES**

Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☒ Check if primary contact

Name: Alexandra P. Huff

Name: Scott A. Huff

Company: _____

Company: _____

Address: 3708 Nanz Ave.

Address: 3708 Nanz Ave.

City: Louisville State: KY Zip: 40207

City: Louisville State: KY Zip: 40207

Primary Phone: 773-820-2600

Primary Phone: 502-656-4971

Alternate Phone: _____

Alternate Phone: _____

Email: ola1009@hotmail.com

Email: scott@eldridgecompany.com

Owner Signature (required): Alexandra Huff

Attorney: ☐ Check if primary contact

Plan prepared by: ☒ Check if primary contact

Name: _____

Name: Scott A. Huff

Company: _____

Company: _____

Address: _____

Address: 3708 Nanz Ave.

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40207

Primary Phone: _____

Primary Phone: 502-656-4971

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: scott@eldridgecompany.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, _____, 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: _____

Date: _____

RECEIVED

MAR 21 2022

**PLANNING & DESIGN
SERVICES**

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.

RECEIVED

MAR 21 2022

**PLANNING & DESIGN
SERVICES**

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.

Proposal to replace existing, dilapidated garage with new garage using existing concrete slab/footprint. The new garage will improve public safety and welfare since it will replace an existing structure in extremely poor condition rife with rot, termite damage, and water damage.

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

Proposal to replace existing, dilapidated garage with new garage using existing concrete slab/footprint. The new garage will be in the same location as, and maintain the architectural character of, the existing garage, and, therefore, will not alter the essential character of the general

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

Proposal to replace existing, dilapidated garage with new garage using existing concrete slab/footprint. The new garage will be in the same location as the existing garage, and, therefore, will not cause a hazard or a nuisance to the public.

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

Proposal to replace existing, dilapidated garage with new garage using existing concrete slab/footprint. The new garage will be in the same location that the existing garage has been for many years, and will not alter existing usable square footage/acreage for owners or neighbors.

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 new garage will be constructed on the same slab/footprint as the existing garage. Owner/applicant believes that it is unnecessary/unreasonable to demolish existing concrete slab, pour new concrete footers and slab, and alter route of existing driveway to accommodate a new

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.

Owner/applicant believes that it is unnecessary/unreasonable to demolish existing concrete slab, pour new concrete footers and slab, and alter route of existing driveway to accommodate a new garage 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?

Owner/applicant believes that the location of the existing garage and proposed new garage was established long before the adoption of the regulation from which relief is sought.

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

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: **\$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 for-profit
\$700 for All Other Uses
- ☐ Clerk's Fee: **\$60**

RECEIVED

MAR 21 2022

PLANNING & DESIGN SERVICES

(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: _____

RECEIVED

MAR 21 2022

**PLANNING & DESIGN
SERVICES**

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.

RECEIVED
MAR 21 2022
PLANNING & DESIGN
SERVICES

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:

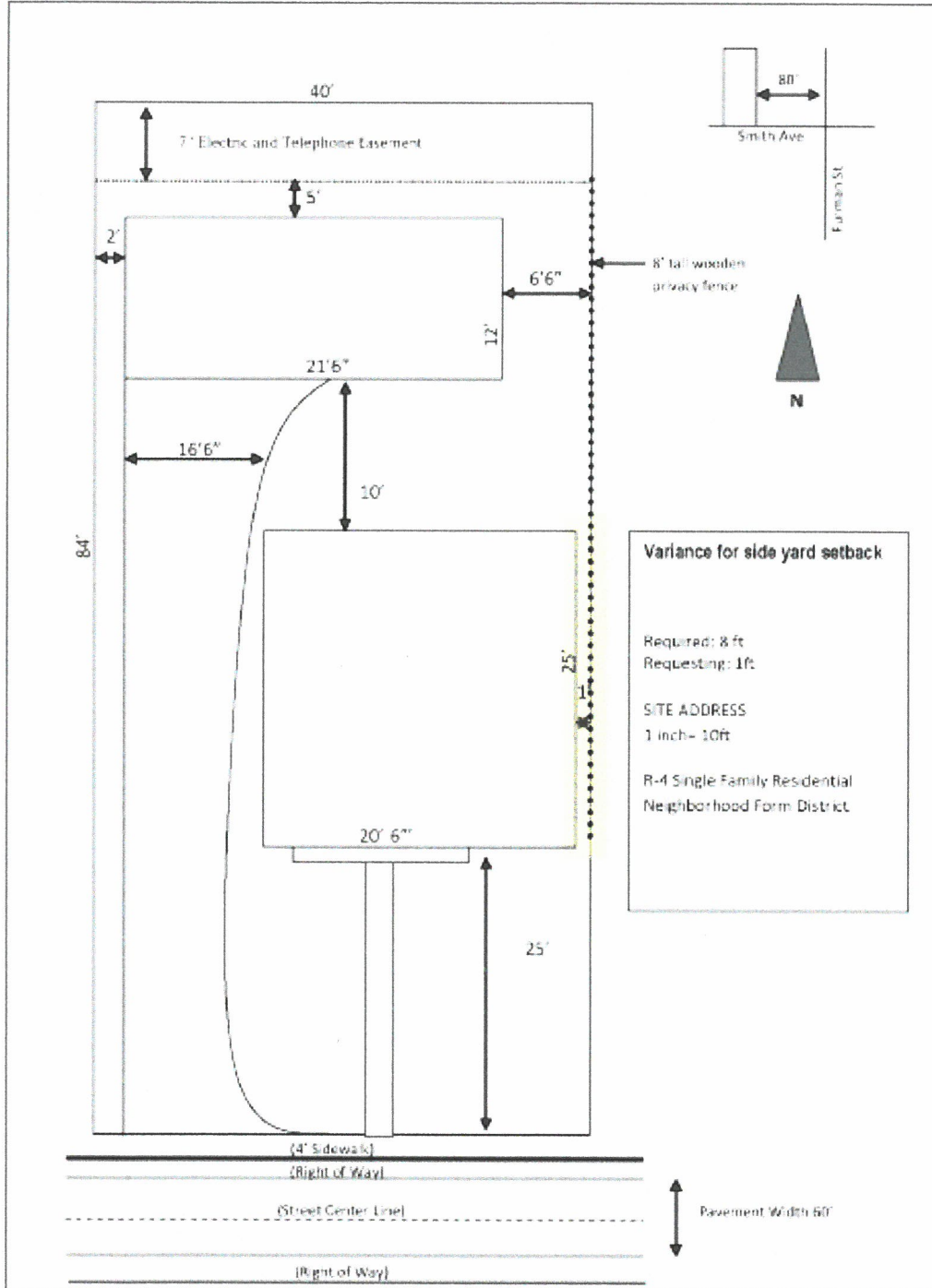
1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats 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>

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

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



RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

22 - VARIANCE - 0042



Land Development Report

March 17, 2022 9:01 AM

[About](#) [LDC](#)

Location

Parcel ID: 041700150000
Parcel LRSN: 66384
Address: 3708 NANZ AVE

Zoning

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: HERRISTON SUBDIVISION
Plat Book - Page: 04-006
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: 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: 21111C0045F

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

Services

Municipality: ST MATTHEWS
Council District: 9
Fire Protection District: ST MATTHEWS
Urban Service District: NO

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

22 - "VARIANCE" - 004



Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Jefferson County Clerk's Office.



INST # 2016120115

BATCH # 25062

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$310.00

PRESENTED ON: 05-23-2016 6 01:49:26 PM

LODGED BY: KEMP TITLE AGENCY LLC

RECORDED: 05-23-2016 01:49:26 PM

BOBBIE HOLSCLOW
CLERK

BY: TERESA HIGGS
RECORDING CLERK

BK: D 10623

PG: 522-524

RECEIVED

MAR 21 2022

527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700 **PLANNING & DESIGN SERVICES**
Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

22 - VARIANCE - 0042

2+

WARRANTY DEED

THIS DEED is made this 18th day of May, 2016, by and between **Nicholas Lawson, unmarried**, whose mailing address is 3708 Nanz Ave., Louisville, KY 40207, Grantor(s) and **Alexandra P. Huff and Scott A. Huff, wife and husband** whose mailing address is 3708 Nanz Ave., Louisville, KY 40207, Grantee(s);

WITNESSETH: That for a FULL AND VALUABLE CONSIDERATION in the amount of **Three Hundred Ten Thousand Dollars and No Cents (\$310,000.00)**, the receipt and sufficiency of which are hereby acknowledged, the Grantor(s) hereby convey a fee simple estate with covenants of GENERAL WARRANTY to the Grantee(s), to hold as joint tenants with remainder in fee simple to the survivor of them, in and to the following described real property, together with all improvements, located in Jefferson County, Kentucky:

BEING Lot 10, HERRISTON SUBDIVISION, a plat of which is of record in Plat and Subdivision Book 4, Page 6, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; and

Being the same property conveyed to Nicholas Lawson, unmarried, by Deed dated 06/30/2014 and recorded 07/10/2014, of record in Deed Book 10267 Page 206, in the Office of the Clerk of Jefferson County, Kentucky.

The Grantor(s) further covenant that each is lawfully seized of the estate hereby conveyed; with full right and power to convey same; and that said property is free and clear of all encumbrances.

PROVIDED, HOWEVER, there is excepted from the foregoing warranty and covenants of title, and this conveyance is made subject to, any existing stipulations, easements, restrictions of record, and zoning regulations for Jefferson County, Kentucky, affecting said property, and the 2016 state, county, school, special district and any city taxes, which taxes have been prorated between the parties, with the Grantee(s) to assume and pay all future tax bills.

The parties hereto swear and affirm, under penalties of perjury, that the consideration reflected in this deed is the full consideration paid for the property, and that their marital status is accurately stated above.

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

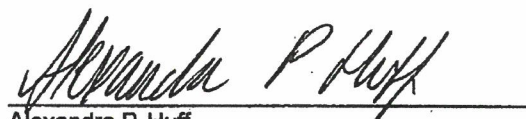
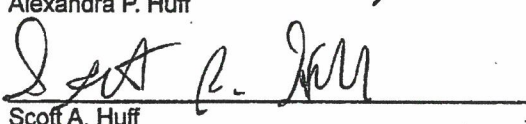
22 - "VARIANCE" - 0042

IN TESTIMONY WHEREOF, witness the signatures of Nicholas Lawson, Grantor(s) and Alexandra P. Huff and Scott A. Huff, Grantee(s).

Grantor(s):


Nicholas Lawson

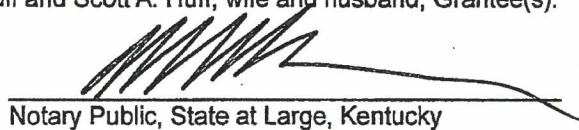
Grantee(s):


Alexandra P. Huff

Scott A. Huff

Commonwealth of Kentucky)
County of Jefferson)

This deed was acknowledged before me, a notary public, this 18th day of May, 2016, by Nicholas Lawson, unmarried, Grantor(s), and Alexandra P. Huff and Scott A. Huff, wife and husband, Grantee(s).

My Commission Expires: 10/14/2018


Notary Public, State at Large, Kentucky

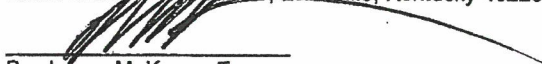
County of Residence: Jefferson County

Name Printed: David T. Green, Esq.

Pursuant to KRS 382.135(1)(c), please send all property tax bills for the 2016 tax year, and the "in-care-of address" for the Grantee is: 3708 Nanz Ave., Louisville, KY 40207.

When Recorded, Return To: Kemp Title Agency, LLC, 806 Stone Creek Pkwy, Suite 5, Louisville, Kentucky 40223, 502-491-6417, File #01390-10471

This instrument was prepared without title examination or other legal services by: Kemp Law Office, LLC, 806 Stone Creek Pkwy, Suite 5, Louisville, Kentucky 40223.


By: James M. Kemp, Esq.
David T. Green, Esq.

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

2.2 - VARIANCE - 0042

ROBERT M TYRRELL
3710 NANZ AVE
LOUISVILLE, KY 40207

FREDRICK P & KATHERINE GREGG
3706 NANZ AVE
LOUISVILLE, KY 40207

KYLE E PETERS
3707 GRANDVIEW AVE
LOUISVILLE, KY 40207

ANNE BAKER CHADY
3709 GRANDVIEW AVE
LOUISVILLE, KY 40207

CLAY COOKSEY
3711 GRANDVIEW AVE
LOUISVILLE, KY 40207

RHONDA ELAM
3709 NANZ AVE
LOUISVILLE, KY 40207

JENNIFER STIFF
3711 NANZ AVE
LOUISVILLE, KY 40207

CHARLES T ORMS
3713 NANZ AVE
LOUISVILLE, KY 40207

RECEIVED

MAR 21 2022

PLANNING & DESIGN
SERVICES

ROBERT M TYRRELL
3710 NANZ AVE
LOUISVILLE, KY 40207

FREDRICK P & KATHERINE GREGG
3706 NANZ AVE
LOUISVILLE, KY 40207

KYLE E PETERS
3707 GRANDVIEW AVE
LOUISVILLE, KY 40207

ANNE BAKER CHADY
3709 GRANDVIEW AVE
LOUISVILLE, KY 40207

CLAY COOKSEY
3711 GRANDVIEW AVE
LOUISVILLE, KY 40207

RHONDA ELAM
3709 NANZ AVE
LOUISVILLE, KY 40207

JENNIFER STIFF
3711 NANZ AVE
LOUISVILLE, KY 40207

CHARLES T ORMS
3713 NANZ AVE
LOUISVILLE, KY 40207



RECEIVED

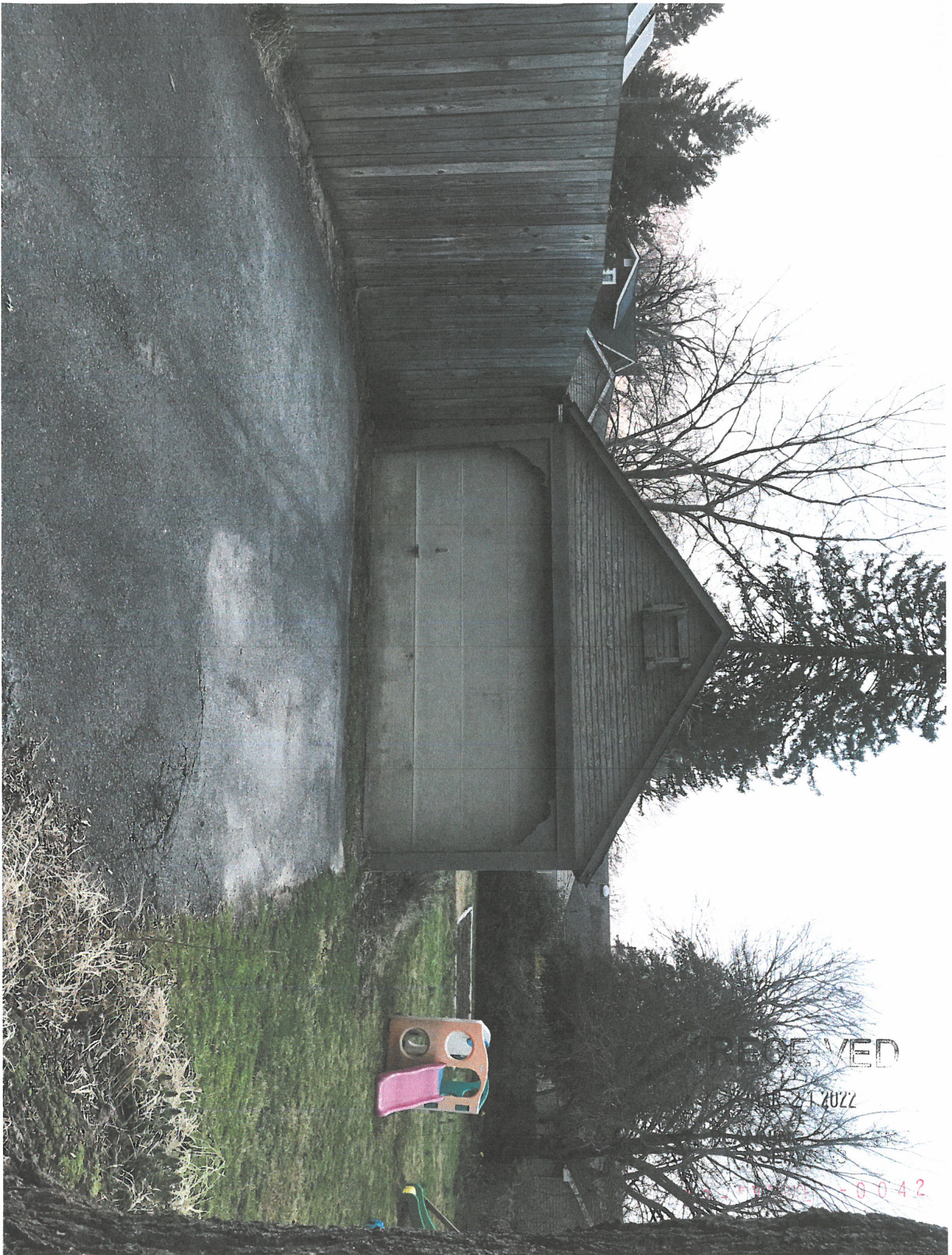
MAR 21 2022

PLANNING & DESIGN
SERVICES

22-1 VARIANCE - 0042



2011 VOICE - 004



RECEIVED

MAR 21 2022

11-0042