



Variance Application

Louisville Metro Planning & Design Services

Case No: 18VARIANCE10413 Intake Staff: NH

Date: 4/30/18 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 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 Section 5.1.10 F and Table 5.5.2 of the Land Development Code, to allow Building of an addition that is 3-feet from neighbor's adjoining property line.

Primary Project Address: 912 Mulberry Street

Additional Address(es): _____

Primary Parcel ID: _____

026B00250000

Additional Parcel ID(s): _____

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Proposed Use: _____

Residential

Existing Use: _____

Residential

Existing Zoning District: _____

R-6

Existing Form District: _____

Traditional Neighborhood

Deed Book(s) / Page Numbers²: BK: D 10934 / PG: 355-357

The subject property contains 0.1 acres. Number of Adjoining Property Owners: 2

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 #: _____

Contact Information:

Owner: ☒ Check if primary contact

Applicant: ☒ Check if primary contact

Name: Nicholas A. Spalding

Name: _____

Company: N/A

Company: _____

Address: 912 Mulberry St.

Address: _____

City: Louisville State: KY Zip: 40217

City: _____ State: _____ Zip: _____

Primary Phone: 502-220-5709

Primary Phone: _____

Alternate Phone: 502 899 5978

Alternate Phone: _____

Email: spaldingnick@yahoo.com

Email: _____

Owner Signature (required): Nicholas Spalding

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, _____, 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: _____

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 improvements sought will be built according to all applicable building codes and required permits will be obtained. The exterior wall of the addition closest to the neighbor will be a one-hour fire-rated exterior wall. Then improvements will not obstruct any view of traffic for pedestrians or drivers.

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

For the addition, the exterior siding will match the existing house, which is similar to other houses in the area.

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

The improvements sought will be built according to all applicable building codes and required permits will be obtained. The exterior wall of the addition, closest to the neighbor, will be a one-hour fire-rated exterior wall. The addition is essentially not visible from the street.

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

In the Germantown/Schnitzleburg area, and specifically on Mulberry St., many house appear to be within approximately 3-feet of the adjoining property lines. The addition I am wanting to build will be no closer to my neighbor's property than the existing house.

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).

There are no special circumstances, other than to cite that many houses in the area do not appear to be in conformance with the current side yard set-back rule, apparently having been built prior to the rule.

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.

I need additional storage space (the addition will include a closet), and the addition will allow access to the 2nd-story living space that is currently only accessible from the outside.

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 improvements will be initiated until this variance is granted and permits are obtained.

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Certificate of Land Use Restriction

Name and Address of Property Owners

Address of Property

Name of Subdivision or Development (if applicable)

912 Mulberry St. Louisville, Ky 40217

Deed Book and Page of Last Recording:

Tax Block and Lot number:

Planning Commission Docket Number:

Type of Restriction

☐ Zoning Map amendment

☐ Development Plan

☒ Variance

☐ Other _____
Specify

☐ Conditional Zoning Condition

☐ Subdivision Plan

☐ Conditional Use Permit

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Name and address of Planning Commission, Board of Zoning Adjustment, Legislative body, or Fiscal court which maintains the original records containing the restrictions.

Louisville Metro Planning and Design Services
444 South Fifth Street, Suite 300
Louisville, Kentucky 40202

Stephen A Lutz, AICP
Planning Supervisor

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
- ☐ Completed Land Use Restrictions form

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 Multi-Family Uses, 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**

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(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. Residential, non-corner parcels only.
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: 4/30/2018

I (We), NICHOLAS SPALDING, 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 resolution of February 15, 1982 have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: NICHOLAS SPALDING Signature of Owner: Nicholas Spalding
Print Name: _____ Signature of Owner: _____

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NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S) Part 2

Date: 4/30/2018

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: 910 Mulberry St.
Owner Name: Ray Gerlach Signature: [Signature]
Owner Name: RAY GERLACH Signature: [Signature]
2. Address: 914 Mulberry St.
Owner Name: Suzanne V. Steiger Signature: Suzanne V. Steiger
Owner Name: _____ Signature: _____
3. Address: 911 Lydia St
Owner Name: Mary Jeanne Korson Signature: Mary Jeanne Korson
Owner Name: _____ Signature: _____
4. Address: 915 Mulberry St
Owner Name: Daniel Ruel Signature: Daniel Ruel
Owner Name: _____ Signature: _____

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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.

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

Signature: _____ Date: _____

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 12/25/2017

We have seen a drawing of the proposed (e.g. garage, addition) Addition
to be constructed at (address) 912 Mulberry St. Louisville, KY

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: 917 Mulberry Street

Owner Name: Lynn Summerfield Signature: [Signature]

Owner Name: _____ Signature: _____

2. Address: 913 Lydia Owner recently deceased.

Owner Name: _____ Signature: House Vacant

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: _____ Date: _____



Land Development Report

November 11, 2017 10:09 AM

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

Location

Parcel ID: 026B00250000
Parcel LRSN: 104205
Address: 912 MULBERRY ST

Zoning

Zoning: R6
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
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

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Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0042E
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: CSO174 - Project(s) Value between \$.04 - \$1.5

Services

Municipality: LOUISVILLE
Council District: 10
Fire Protection District: LOUISVILLE #4
Urban Service District: YES

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2X

20172566

AFTER RECORDING RETURN TO
BORDERS & BORDERS, ATTORNEYS
920 DUPONT ROAD
LOUISVILLE, KY 40207

WARRANTY DEED

THIS DEED, made this the 17th day of July, 2017, by and between Jameson Holdings, LLC, a Kentucky limited liability company, Party; of the First Part whose mailing address is 912 Mulberry Drive, Louisville, KY 40217; and Nicholas Spalding, unmarried, Party of the Second Part, **whose mailing address and in-care-of address, for tax purposes**, 912 Mulberry Drive, Louisville, KY 40217;

WITNESSETH: That, for a valuable consideration in the amount of \$115,000.00, the receipt of which is hereby acknowledged, the Party of the First Part hereby convey unto the Party of the Second Part, in fee simple, with covenant of GENERAL WARRANTY, the following described property located in Jefferson County, Kentucky, to-wit:

Beginning in the Southwesterly line of Mulberry Street at a point 195.5 feet Southeastwardly from McHenry Street, running thence Southeastwardly along the Southwesterly line of Mulberry Street, 30 feet, and thence extending back Southwestwardly between lines parallel with McHenry Street 144 feet to an alley, being Lot 15 in Block 11 in Meriwether's Subdivision.

Being the same property conveyed to the Party of the First Part, by Deed dated 06/23/2017, and recorded in Deed Book 10918, Page 688, in the office of the Clerk aforesaid.

Any spouse of the Party of the First Part, who is not an owner (i.e, not on the title to the property) is signing only for the purpose of releasing his or her Dower or Curtesy interest in the property and makes no warranties or representations to any Party of the Second Part.

The Party of the First Part further covenant lawful seizin of the estate hereby conveyed, with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, and State, County and School taxes due and payable in 2017 and all subsequent taxes which Party of the Second Part do hereby assume and agree to pay.

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

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20172566

Jameson Holdings, LLC, a Kentucky limited liability company

Nicholas Spalding
Nicholas Spalding

By: Mason Smith
As: Managers

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State of Kentucky
County of Jefferson

I hereby certify that the foregoing deed and consideration certificate were acknowledged and sworn to before me this the 17th day of July, 2017, by Mason Smith as Managers for Jameson Holdings, LLC, a Kentucky limited liability company, and Nicholas Spalding, unmarried, Parties thereto to be their act and deed.

[Signature]
Notary Public Kentucky State at Large

Print Name _____

My Commission Expires: 9/16/2019

This Instrument Prepared By:

[Signature]
Borders & Borders, PLC
920 Dupont Road
Louisville, KY 40207
(502) 894-9200

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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 # 2017158680

BATCH # 85261

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$115.00

PRESENTED ON: 07-18-2017 7 01:08:48 PM

LODGED BY: BORDERS & BORDERS

RECORDED: 07-18-2017 01:08:48 PM

BOBBIE HOLSCLOW
CLERK

BY: TERESA HIGGS
RECORDING CLERK

BK: D 10934

PG: 355-357

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Legal Description of Property:

912 Mulberry Street, Jefferson County, Kentucky

Beginning in the Southwesterly line of Mulberry Street at a point 195.5 feet Southeastwardly from McHenry Street, and running Southeastwardly along the Southwestwardly line of Mulberry Street, 30 feet and thence extending back Southwestwardly between lines parallel with McHenry Street 144 feet an alley, being Lot 15 in Block 11 in the Meriwether's Subdivision.

Being the same property conveyed to borrower by Deed dated 7/18/2017 of record in Deed Book 10934, Pages 355-377, in the office of Clerk of Jefferson County Court, Kentucky.

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