



Variance Application

Louisville Metro Planning & Design Services

Case No.: 18VARIANCE1056 Intake Staff: HP

Date: 6/18/18 Fee: 120.50

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 S. 4. 1. D. 2 of the Land Development Code, to allow a reduction in PVA from 2113 SF to 1805 SF for a variance of 308 SF.

Primary Project Address: 1287 Evans Ave Louisville, KY 40204

Additional Address(es): _____

Primary Parcel ID: 0756-0042-0000

Additional Parcel ID(s): _____

Proposed Use: SF Existing Use: SF

Existing Zoning District: R-SB Existing Form District: TN

Deed Book(s) / Page Numbers²: 10719-0882

The subject property contains .1812 acres. Number of Adjoining Property Owners: 7

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 contactName: McCauley Adams

Name: _____

Company: _____

Company: _____

Address: 1287 Everett Ave.

Address: _____

City: Louisville State: KY Zip: 40204

City: _____ State: _____ Zip: _____

Primary Phone: 404.580.9411

Primary Phone: _____

Alternate Phone: 502.774.6750

Alternate Phone: _____

Email: mcc.w.adams@gmail.com

Email: _____

Owner Signature (required): [Signature]**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: _____

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/othercertify 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 porch will not be seen from the front or affect our neighbors in a negative way.

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

We are working with landmarks an architectural design.

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

It is in a secure & fenced in yard.

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

The location of the house to the street/alley creates a small backyard.

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).

We have a small backyard, but a large front yard.

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.

We're trying to create a more private backyard in an urban area.

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, no construction has occurred.

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: **\$ 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*)

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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.

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).

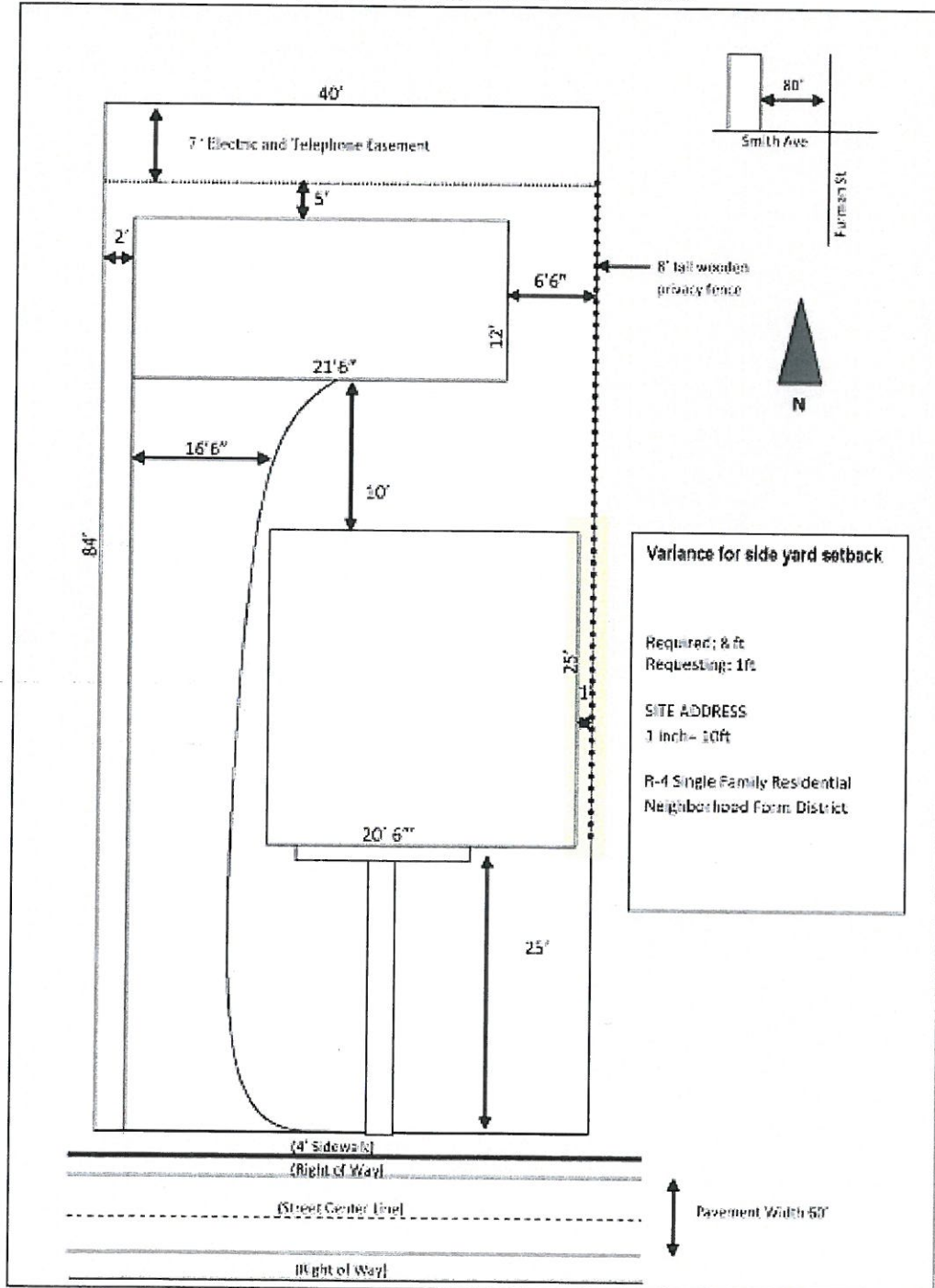
Signature: _____ Date: _____

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.

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



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Land Development Report

June 15, 2018 2:26 PM

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

Location

Parcel ID: 075G00420000
Parcel LRSN: 84779
Address: 1287 EVERETT AVE

Zoning

Zoning: R5B
Form District: TRADITIONAL NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: EASTERN PARKLAND CO.
Plat Book - Page: 01-065
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: CHEROKEE TRIANGLE
National Register District: CHEROKEE TRIANGLE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: NO
Historic Site: YES - MULTIPLE

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: 21111C0043E

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: CSO127 - Project(s) Value between \$.04 - \$1.5

Services

Municipality: LOUISVILLE
Council District: 8
Fire Protection District: LOUISVILLE #4
Urban Service District: YES

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Ronald Gregg ; Maureen McCall

1289 Everett Ave.

Louisville, KY 40204

Andrew ; Kristina Lowe

1283 Everett Ave.

Louisville, KY 40204

Linda Harris

1290 Everett Ave.

Louisville, KY 40204

Kimberly Farnsworth

1294 Everett Ave.

Louisville, KY 40204

Hunt ; Kay Helm

1286 Willow Ave.

Louisville, KY 40204

Lea Hardwick

1290 Willow Ave

Louisville, KY 40204

Margaret ; Robert Manke

1284 Willow Ave.

Louisville, KY 40204

~~1288~~ Gene ; Cheryl Beckman

1286 Everett Ave.

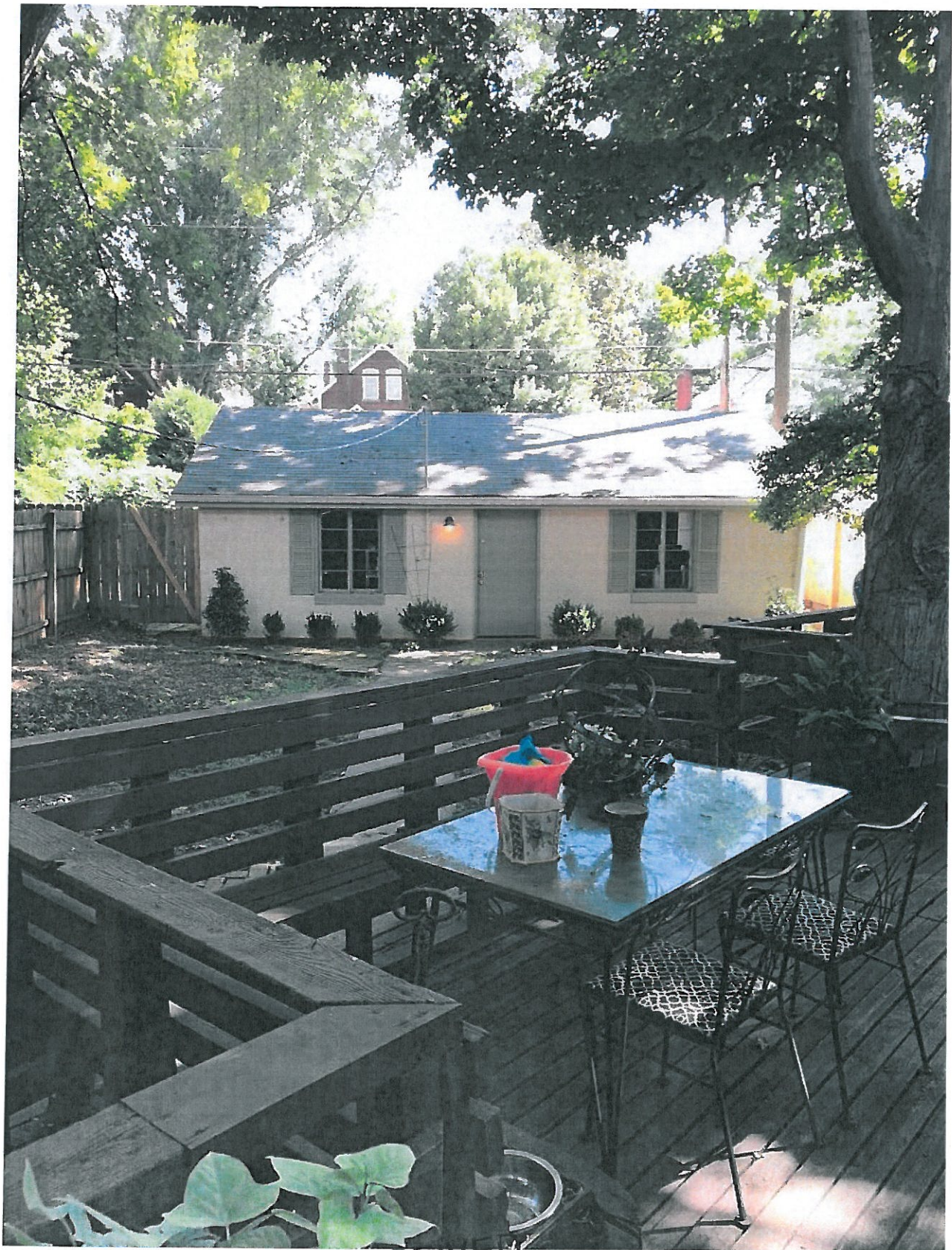
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RECORD AND RETURN TO:
 Charles L. Triplett, PSC
 2327 Lime Kiln Lane
 Louisville, Kentucky 40222
 File No. KY16-0866
 PIDN # 10-075G-0042-0000

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GENERAL WARRANTY DEED

THIS DEED is between **Summer Breeze Ventures, LLC**, a Florida Limited Liability Company, Grantor whose mailing address is 3001 Island Point Lane, #11, Stuart, Florida 34996; and **Grant McKay Adams and Ann McCauley Williams Adams, husband and wife**, Grantees, whose tax mailing address is: 1287 Everett Avenue, Louisville, Kentucky 40204.

WITNESSETH: That, for a valuable consideration in the amount of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00), the receipt of which is hereby acknowledged, **Summer Breeze Ventures, LLC**, Grantor hereby conveys unto **Grant McKay Adams and Ann McCauley Williams Adams**, Grantees, 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:

See Exhibit "A" Attached Hereto and Incorporated Herein.

Being the same property conveyed to Summer Breeze Ventures, LLC by deed dated May 19, 2015, of record in Deed Book 10406, Page 326, in the Office of the Clerk of Jefferson County, Kentucky.

Said estate is free from all encumbrances except restrictions and easements of record, zoning regulations and real estate taxes not yet due and payable.

Grantor and Grantees hereby state that the consideration stated 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 382.135.

IN WITNESS WHEREOF, the said Grantor/~~who hereby release their respective rights of power herein, if /~~ and the said Grantees, have hereunto set their hands this 26th day of September, 2016.

~~Signed and acknowledged in the presence of: /~~

SUMMER BREEZE VENTURES, LLC

By:

John V. Lococo, Manager
 John V. Lococo,

Ann McCauley Williams Adams AT F Grant McKay Adams
 Grant McKay Adams

By: Ann McCauley Williams Adams, Attorney-In-Fact
 Pursuant to Power of Attorney of record in Deed Book

10719, Page 879

Ann McCauley Williams Adams
 Ann McCauley Williams Adams

18VARIANCE1056



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 # 2016234756

BATCH # 43840

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$800.00

PRESENTED ON: 09-27-2016 6 12:55:29 PM

LODGED BY: CHARLES L TRIPLETT

RECORDED: 09-27-2016 12:55:29 PM

BOBBIE HOLSCLOW

CLERK

BY: SHERRI SCHULTZ

RECORDING CLERK

BK: D 10719

PG: 882-885

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527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700

Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

18 VARIANCE 1056

COMMONWEALTH OF KENTUCKY,

§§

COUNTY OF JEFFERSON

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this September 23, 2016 by John V. Lococo in his/her capacity as Member for and on behalf of Summer Breeze Ventures, LLC, Grantor.

Pamela M. Bray
 Notary Public
 State at Large, Kentucky

My Commission Expires: 10/16/2020

COMMONWEALTH OF KENTUCKY,

§§

COUNTY OF JEFFERSON

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this September 26, 2016 by Ann McCauley Williams Adams in her capacity as Attorney-In-Fact for and on behalf of Grant McKay Adams and Ann McCauley Williams Adams, Grantees.

Pamela M. Bray
 Notary Public
 State at Large, Kentucky

My Commission Expires: 10/16/2020

This instrument was prepared by:
 Charles L. Triplett, PSC
 2327 Lime Kiln Lane
 Louisville, Kentucky 40222

Triplett

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[8 VARIANCE LOSS]

**EXHIBIT A
LEGAL DESCRIPTION**

All that certain lot or parcel of land situated in the County of Jefferson, Commonwealth of Kentucky, and being more particularly described as follows:

BEGINNING at a point in the Northeasterly line of Everett Avenue, 80 feet Northwestwardly as measured along said line of Everett Avenue from the Northwesterly line of Longest Avenue; thence Northwestwardly along said line of Everett Avenue 40 feet; and extending back Northeastwardly of that width and between lines at right angles to Everett Avenue 180 feet, more or less to a 24 foot alley.

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