



Variance Application

Louisville Metro Planning & Design Services

Case No.: 21-VARIANCE-0025 Intake Staff: SP

Date: 3-15-2021 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 5.1.12 A. 2. a of the Land Development Code, to allow A new building on the property line at the sidewalk.

Primary Project Address: 1555 Bardstwon Rd Louisville KY 40205

Additional Address(es): _____

Primary Parcel ID: 077D00820000

Additional Parcel ID(s): _____

Proposed Use: Retail Existing Use: na

Existing Zoning District: C2 Existing Form District: Trad. Marketpl. Corridor

Deed Book(s) / Page Numbers²: Deed Book 11237 Page 168

The subject property contains 0.1231 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 #: MAR 15 2021

Docket/Case #: _____ Docket/Case #: PLANNING & DESIGN SERVICES

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21 - VARIANCE - 0025

Contact Information:**Owner:** ☐ Check if primary contact**Applicant:** ☒ Check if primary contactName: Eric CarricoName: Rachel HarmanCompany: Katy Fulton LLCCompany: Concept ArchitectsAddress: 8700 Oldbury PlaceAddress: 1621 Windsor PlCity: Louisville State: KY Zip: 40222City: Louisville State: KY Zip: 40204Primary Phone: 502-415-8529Primary Phone: 270-823-4647

Alternate Phone: _____

Alternate Phone: _____

Email: ericcarrico@gmail.comEmail: rachel@conceptsarcs.com**Owner Signature (required):** **Attorney:** ☐ Check if primary contact**Plan prepared by:** ☐ Check if primary contact

Name: _____

Name: _____

Company: _____

Company: Concept Architects

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, Rachel Harman, in my capacity as architect, hereby
representative/authorized agent/other

certify that Katy Fulton 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:  Date: 3/15/21

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 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 adversely affect the public health. The variance to place the building on the sidewalk is creating a condition similar to most properties on this block.

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 general vicinity in a negative way. The project will add to the character of Bardstown road and be visual stimulating and relevant.

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

The variance will not cause a nuisance to the public because is being designed for the benefit of the public. The project can be accessed from the sidewalk for walking pedestrians and the roof top creates a space for the public to stay and engage with Bardstown Rd.

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

The variance will not allow unreasonable circumvention of the requirements of the zoning regulations. This condition happens along the entire corridor of Bardstown Rd.

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 variance is needed to comply with infill standards. It just so happens that the two adjacent properties still maintain the original setback on Bardstown Rd although the rest on the block is built to the sidewalk.

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.

To deny the variance would deprive the owner of taking full advantage of the benefits of the Bardstown Rd corridor.

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

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

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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).

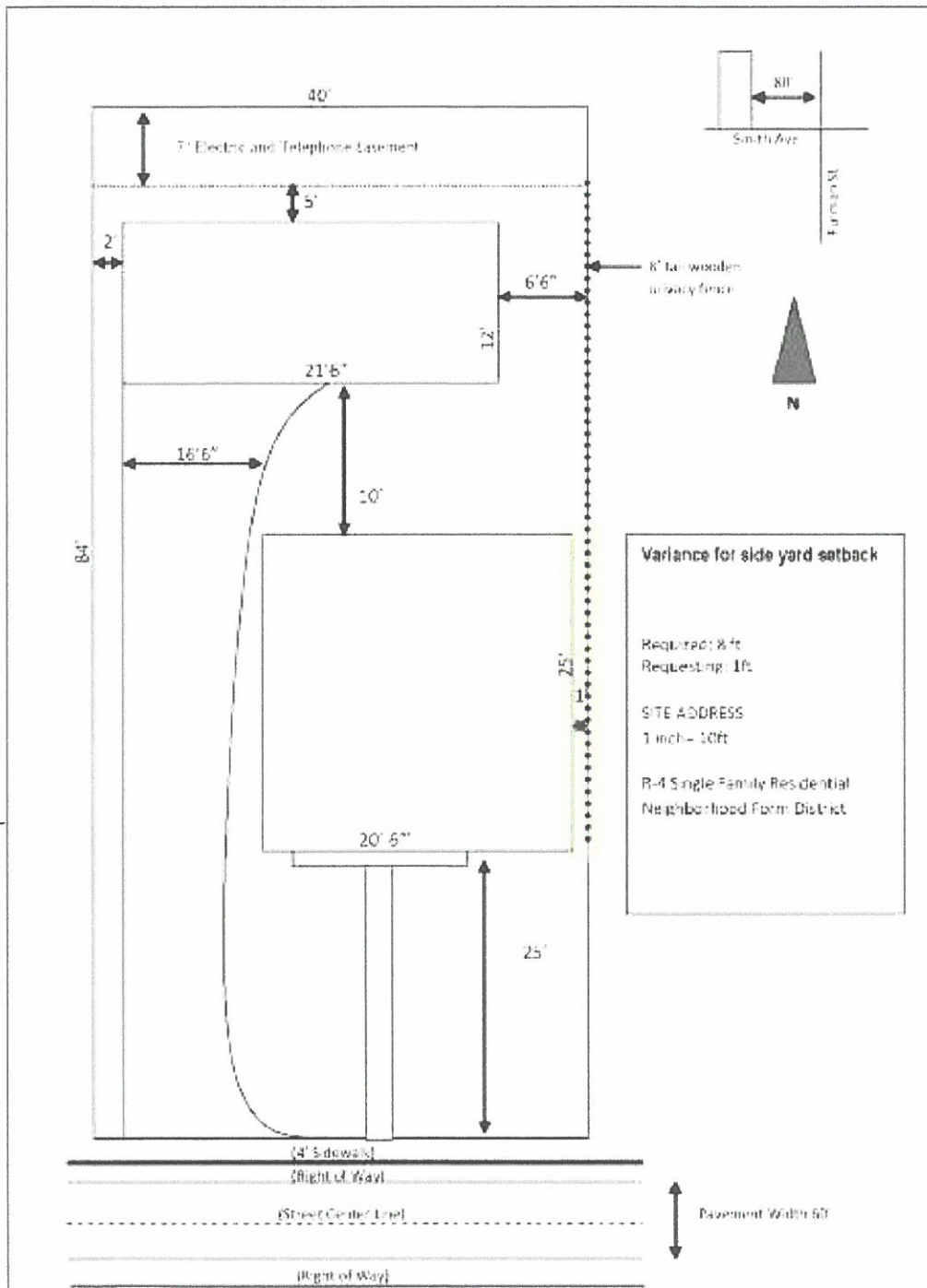
Signature: _____ Date: _____

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.

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>

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



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Land Development Report

January 15, 2021 12:04 PM

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

Location

Parcel ID: 077D00820000
Parcel LRSN: 8007855
Address: 1555 BARDSTOWN RD

Zoning

Zoning: (C2)
Form District: TRADITIONAL MARKETPLACE CORRIDOR
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: BARDSTOWN ROAD
Historic Preservation District: NONE
National Register District: HIGHLANDS
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: 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

Services

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

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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 # 2018210081

BATCH # 147147

JEFFERSON CO, KY FEE \$17.00

STATE OF KY DEED TAX \$240.00

PRESENTED ON: 09-05-2018 8 08:31:31 AM

LODGED BY: ENGLISH LAW GROUP

RECORDED: 09-05-2018 08:31:31 AM

**BOBBIE HOLSCLOW
CLERK**

**BY: CARRIE HARRISON
RECORDING CLERK**

BK: D 11237

PG: 168-170

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

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

Richard E. Young
Richard E. Young

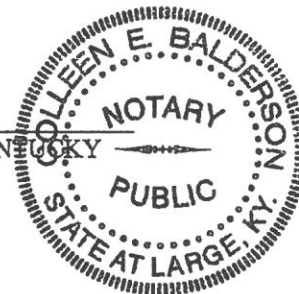
Carolyn T. Young
Carolyn T. Young

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on this 08/29/18, by Richard E. Young and Carolyn T. Young, husband and wife.

My commission expires: 10/9/2018

Colleen E. Balderson
NOTARY PUBLIC, STATE AT LARGE, KENTUCKY



CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that the consideration of \$240,000.00 reflected in the Deed is the full consideration paid for subject property.

GRANTOR(S)

Richard E. Young
Richard E. Young
Carolyn T. Young
Carolyn T. Young

GRANTEE

Katy Fulton, LLC
Katy Fulton, LLC

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STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing Consideration Certificate was acknowledged and sworn to before me this 08/29/18, by Richard E. Young and Carolyn T. Young, husband and wife, GRANTOR(S) and by Eric Carrico as member on behalf of Katy Fulton, LLC, a Kentucky Limited Liability Company, GRANTEE.

My commission expires: 10/9/2018

Colleen E. Balderson
NOTARY PUBLIC, STATE AT LARGE, KENTUCKY

THIS INSTRUMENT PREPARED BY

The English Law Group, PSC
Michael T. English, Attorney at Law
10213 Linn Station Road
Louisville, Kentucky 40223



END OF DOCUMENT

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Beginning at a point in the Northwardly line of Bardstown Road (formerly Baxter Avenue), 75 feet 7 inches Westwardly from the Northwestwardly corner of Bardstown Road and Alta Avenue; thence Westwardly with the Northwardly line of Bardstown Road, 35 feet 11-1/2 inches; and extending back between parallel lines to an alley; Being Lot 4, Block 1, in Caldwell and E.J. Norton's Subdivision, as shown on the Plat recorded in Road Route Book 2, Page 18, in the Office of the Clerk of Jefferson County, Kentucky.

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1553 BARDSTOWN RD LLC

156 N GALT AVE, LOUISVILLE, KY

40206-2310

BAUMGARDNER INVESTMENTS LLC

PO BOX 5129, LOUISVILLE, KY

40255-0129

GEORGE GATES CHEVRON

SERVICE INC

PO BOX 5460, LOUISVILLE, KY

40255-0460

SPECIAL PROPERTIES 1 LLC

204 WAKEFIELD TRCE, LOUISVILLE,

KY 40245-5143

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