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Oldham County
AUG 04 26
Planning & Development

Board of Adjustments and Appeals
Oldham County Planning and Development Services
Application for Variance

For Staff Use Only:
Date: _____ Docket No: 06-26-025 Staff: JH Fee: \$800

This application must be submitted in person at the Planning and Zoning Office.

OK# 8053

General Information: (A separate application must be submitted for each Board of Adjustments request.)

Name of Applicant(s): Maria and Spencer Merwin

Project Name: Minimal Lot Width Variance

Project Address: 5201 18 Mile Creek Road

City: Westport Is the project within the incorporated city limits? No

Subdivision Name: N/A Current Land Use: Residential

Parcel ID: 27-00-00-3A & 3C Current Zoning: AG-1 & CO-1 Lot Size: 11.4

Please explain/describe the requested Variance: Minimal Lot Width Variance for Proposed Residential Tract

Are there any past or present related Planning and Zoning cases on this property? If yes, please list the cases:

Yes. PZ-26-011

Signatures:

Owner(s):

Name: Maria Merwin Spencer Merwin Signature: Maria Merwin Spencer Merwin

Address: 5201 18 Mile Creek Road, Westport, KY 40077

Phone: [REDACTED] Email Address: [REDACTED]

Applicant(s): (if other than owner)

Name: _____ Signature: _____

Address: _____

Phone: _____ Email Address: _____

Contact:

Name: K. O'Neil Salyer Signature: _____

Address: 401 W. Jefferson Street, LaGrange, KY 40031

Phone: [REDACTED] Email Address: [REDACTED]

100 West Jefferson Street ~ LaGrange, Kentucky

Board of Adjustments and Appeals

Application for Variance

(Page 3)

Submittal Checklist:

- _____ 1. Complete Oldham County Planning and Zoning Variance Application. (Owner's signature is required.)
- Justification Section:
1. Examples of specific conditions include size of property, location of existing structure, topography, etc.
 2. What will happen if the Variance is not granted?
 3. Did the applicant create the need for the Variance? If not, please explain why this is not the case.
 4. Will the Variance harm the surrounding properties? Are there similar situations in other parts of the community?
- _____ 2. Required Variance Fee as listed below:
a.) Residential-Detached \$200.00 b.) Non-Residential: \$400.00 c.) Industrial: \$600.00
Residential-Attached \$300.00
- _____ 3. Notice fees equal to \$5.00 per adjoining property owner.
- ☒ 4. Mailing Labels for all adjoining property owners, including name and address of all 1st tier adjoining parcels. 1st tier adjoining parcels include all those that border the property, including those across streets. (*See note below for PVA directions)
- ☒ 5. Property information for the project location as listed by the Property Valuation Administration (PVA). (*See note below for PVA directions)
- ☒ 6. A copy of the current recorded deed along with any applicable easement deeds or maintenance agreements. Include any surveys of the property, if available.
- _____ 7. Eight copies of a plan showing existing conditions and including:
- ☒ Property Boundaries and easements with dimensions.
 - ☒ Location and exterior dimensions of existing structures.
 - ☒ Location and dimensions of any proposed structures.
 - ☒ Location and dimensions of any existing or proposed signs.
 - ☒ Location of any parking areas and/or driveways.
 - ☒ Distances between any existing and proposed structures to the property boundaries.
 - ☒ Current property zoning and neighboring property zoning.
 - ☒ Name and address of project property owner and all adjoining property owners.
 - ☒ Adjoining Streets with labels.
 - ☒ Vicinity Map showing location of property in relation to nearest major intersection.
 - ☒ North Arrow.
 - ☒ Highlight, in yellow, the location of the requested Variance.
 - ☒ Label the dimensions of the requested Variance.
- _____ 8. Photos and other supporting documents.

** Accessing PVA information: Property information may be accessed on the internet at www.oldhampva.com. In order to search for a property, users must select "Tax Payer Info" from the left column then select "Property Search". Once located, users may print the information using the print command on their internet browser. For adjoining property owners or further assistance contact PVA at 110 W. Jefferson Street in LaGrange or at (502)222-9320. Last Updated 8/30/2015*

Lot

Board of Adjustments and Appeals

Application for Variance

(Page 2)

Justification:

The Board of Adjustments and Appeals requires that each applicant respond to the following four questions (Please refer to the attached checklist for further explanation):

1. What are the specific conditions related to this request that are unique only to the applicant's land and do not exist on other land in the same general vicinity, or in the same zoning district?

The subject property consists of approximately 11.4 acres with a fixed and limited amount of lot width. The existing physical configuration of the parent tract prevents the property from being divided into the approved parcel. These conditions are unique to the configuration of this particular tract and are not the result of a general condition affecting other properties within the AG-1 Zoning District.

2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?

Absent this variance, the Applicants would be unable to utilize the property in the manner previously approved through the Minor Plat Subdivision Waiver. Denial of the variance would prevent implementation of a logical multi-generational family land plan despite the property's size and suitability for such use. Because of this property's unique configuration, strict application of the minimum lot width requirement would deprive the Applicants of a reasonable use of their property that is otherwise consistent with purposes of the AG-1 Zoning District.

3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?

No. The parent tract has existed in its current configuration for many years, and its limited road frontage and physical layout predate the Applicants' request. The requested variance arises from those existing characteristics of the property itself, not from any alteration or condition created by the Applicants. They are merely seeking the minimum dimensional relief necessary to allow reasonable use of the property consistent with its existing physical configuration.

4. How will the variance preserve, and not harm, the public safety and welfare of the public and maintain the essential character of the neighborhood?

Granting the requested variance will not adversely affect public safety or welfare. The proposed parcels remain consistent with surrounding agricultural and rural residential character of the area and do not require construction of new public roads or additional public infrastructure. The variance will preserve open space through the continued existence of a substantial Conservation/Residential tract while allowing the property to be used in a manner compatible with neighboring properties. The requested relief is limited to the minimal lot width necessary to accommodate the property's unique physical configuration and will not alter the essential character of the neighborhood or adversely impact adjoining landowners.



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General Information: *(A separate application must be submitted for each Board of Adjustments request.)*

Name of Applicant(s): Maria and Spencer Merwin

Project Name: Road Frontage Variance Request

Project Address: 5201 18 Mile Creek Road

City: Westport Is the project within the incorporated city limits? No

Subdivision Name: N/A Current Land Use: Residential

Parcel ID: 27-00-00-3A & 3C Current Zoning: AG-1 & CO-1 Lot Size: 11.4

Please explain/describe the requested Variance: Road Frontage Variance for each tract

Are there any past or present related Planning and Zoning cases on this property? If yes, please list the cases.

Yes. PZ-26-011

Signatures:

Owner(s):

Name: Maria Merwin Spencer Merwin Signature: Maria Merwin Spencer Merwin

Address: 5201 18 Mile Creek Road, Westport, KY 40077

Phone: 502.439.5766 Email Address: jgmerwin@aol.com

Applicant(s): *(if other than owner)*

Name: _____ Signature: _____

Address: _____

Phone: _____ Email Address: _____

Contact:

Name: K. O'Neil Salyer Signature: _____

Address: 401 W. Jefferson Street, LaGrange, KY 40031

Phone: 502.222.5996 Email Address: neil@brammelllaw.com

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The Board of Adjustments and Appeals requires that each applicant respond to the following four questions (Please refer to the attached checklist for further explanation):

1. What are the specific conditions related to this request that are unique only to the applicant's land and do not exist on other land in the same general vicinity, or in the same zoning district?

The subject property consists of approximately 11.4 acres with a fixed and limited amount of frontage along Eighteen Mile Creek Road. The existing physical configuration of the parent tract, including its shape and available road frontage, prevents the property from being divided into the approved parcels while simultaneously satisfying the minimum road frontage requirements of Section 020-020. These conditions are unique to the configuration of this particular tract and are not the result of a general condition affecting other properties within the AG-1 Zoning District.

2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?
Absent the requested variance, the Applicants would be unable to reasonably utilize the property in the manner previously approved through the Minor Plat Subdivision Waiver. Denial of the variance would effectively prevent implementation of a logical multi-generational family land plan despite the property's size and suitability for such use. Other similarly zoned properties are capable of being reasonably divided where sufficient frontage exists. Because of this property's unique configuration, strict application of the frontage requirement would deprive the Applicants of a reasonable use of their property that is otherwise consistent with the purposes of the AG-1 Zoning District.

3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?

No. The parent tract has existed in substantially its current configuration for many years, and its limited road frontage and physical layout predate the Applicants' request. The requested variance arises from those existing characteristics of the property itself, not from any alteration or condition created by the Applicants. The Applicants are merely seeking the minimum dimensional relief necessary to allow reasonable use of the property consistent with its existing physical configuration.

4. How will the variance preserve, and not harm, the public safety and welfare of the public and maintain the essential character of the neighborhood?

Granting the requested variance will not adversely affect public safety or welfare. The proposed parcels remain consistent with the surrounding agricultural and rural residential character of the area and do not require construction of new public roads or additional public infrastructure. The variance will preserve open space through the continued existence of a substantial Conservation/Residential tract while allowing the property to be used in a manner compatible with neighboring properties. The requested relief is limited to the minimum road frontage necessary to accommodate the property's unique physical configuration and will not alter the essential character of the neighborhood or adversely impact adjoining landowners.



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Project Address: 5201 18 Mile Creek Road

City: Westport Is the project within the incorporated city limits? No

Subdivision Name: N/A Current Land Use: Residential

Parcel ID: 27-00-00-3A & 3C Current Zoning: AG-1 & CO-1 Lot Size: 11.4

Please explain/describe the requested Variance: Road Frontage Variance for each tract

Are there any past or present related Planning and Zoning cases on this property? If yes, please list the cases.

Yes. PZ-26-011

Signatures:

Owner(s):

Name: Maria Merwin Spencer Merwin Signature: Maria Merwin Spencer Merwin

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2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?

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3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?

No. The parent tract has existed in substantially its current configuration for many years, and its limited road frontage and physical layout predate the Applicants' request. The requested variance arises from those existing characteristics of the property itself, not from any alteration or condition created by the Applicants. The Applicants are merely seeking the minimum dimensional relief necessary to allow reasonable use of the property consistent with its existing physical configuration.

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