



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: \_\_\_\_\_ Intake Staff: \_\_\_\_\_

Date: \_\_\_\_\_ 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 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

## Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.5.1.A.3.a

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: Allow parking in front of the building

Primary Project Address: 821 S.17th Street

Additional Address(es): Also listed as 822 S. 15th Street

Primary Parcel ID: 036J00030000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Industrial Existing Use: Industrial

Existing Zoning District: EZ-1 Existing Form District: EZ-1

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 6886 Page 881

The subject property contains 8.453 acres. Number of Adjoining Property Owners: 27

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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

## **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

### **1. Will the waiver adversely affect adjacent property owners?**

No. The front-of-building parking will be partially screened by the landscape buffer area along 17th Street. The existing buildings along 17th Street have loading and unloading areas facing the street. Also, the existing building on the east side of the property as well as other facilities nearby have parking in front of the building.

### **2. Will the waiver violate the Comprehensive Plan?**

No. The Plan's parking objectives seeks to ensure the appropriate location, linkages, quality, and quantity of off-street and on-street parking and loading facilities. The existing warehouse building abuts the back of the property next to the rail line and does not provide an opportunity for parking. Given this fact, any designate parking on this site would require this waiver request.

### **3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. Given building limitations described above, the amount of parking in the front of the building is necessary and accomodates a full shift change of the employees. Overflow parking is available on Maple Street with access provided on the sidewalks along the former 16th Street and from 17th Street.

### **4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

To not allow parking in front of the building would deprive the applicant of reasonable use of the land. With this being a corner lot, two sides of the lot have street frontage. The proposed subdivision of the property does not create enough space for parking along the east side because of existing structures spanning the full lot. The existing structure has a rail spur which does not allow for parking behind the building. To not allow this waiver, would require the existing structure to be moved or significantly altered.

**Contact Information:**

**Owner:**  *Check if primary contact*

**Applicant:**  *Check if primary contact*

Name: William Heumann

Name: Steve Estes

Company: Heumann, LLC

Company: Jefferson AD II, LLC

Address: 4750 New Middle Road

Address: 7860 W Jefferson Blvd, Suite D

City: New Albany State: IN Zip: 47130

City: Fort Wayne State: IN Zip: 46804

Primary Phone: 502-396-4297

Primary Phone: 260-694-6240

Alternate Phone: 502-292-0063

Alternate Phone: \_\_\_\_\_

Email: bheumann@gmail.com

Email: sestes@stardistributedenergy.com

**Owner Signature (required):** \_\_\_\_\_

**Attorney:**  *Check if primary contact*

**Plan prepared by:**  *Check if primary contact*

Name: Brian Zoeller

Name: Ashley Bartley

Company: Bingham Greenebaum Doll LLP

Company: Qk4, Inc.

Address: 101 S. 5th Street

Address: 1046 E. Chestnut Street

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40202

Primary Phone: 502-587-3732

Primary Phone: 502-585-2222

Alternate Phone: 502-386-9492

Alternate Phone: \_\_\_\_\_

Email: bzoeller@bgdlegal.com

Email: abartley@qk4.com

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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, William Heumann, in my capacity as Manager, hereby *representative/authorized agent/other*

certify that Heumann, 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: \_\_\_\_\_

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.

**Please submit the completed application along with the following items:**

- Land Development Report<sup>1</sup>
- Five copies of the site plan or building rendering (whichever is applicable), including the following elements. *See site plan example below.*
  - 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 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 waivers
- One set of mailing label sheets for: 1<sup>st</sup> tier Adjoining Property Owners (APOs)<sup>3</sup>; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous public hearing regarding the site
- One copy of the APO mailing label sheets
- \$160 Application Fee + \$1 per mailing label (*Cash, charge or check made payable to the Department of Codes & Regulations*)

**Resources:**

1. Detailed instructions to obtain a Land Development Report are available online at: <http://www.louisvilleky.gov/PlanningDesign/IWantTo/Find+a+Zoning+District.htm>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2<sup>nd</sup> 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. Property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504. Instructions to obtain APO information: <http://www.louisvilleky.gov/PlanningDesign/APO>

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

