



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 20-WAIVER-0032 Intake Staff: JM

Date: 04-19-2021 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/Planning-Design>.

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 _____

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: 10.2.3 Waiver to eliminate 15 ft landscape buffer area along property line adjoining residential zoned properties.

Primary Project Address: 835 E Main Street

Additional Address(es): See attached list for complete list of addresses/parcel numbers

Primary Parcel ID: See attached list for complete list of addresses/parcel numbers

Additional Parcel ID(s): See attached list for complete list of addresses/parcel numbers

Proposed Use: Apartments/Retail Existing Use: Vacant/Commercial

Existing Zoning District: CM Existing Form District: Traditional Marketplace Corridor

Deed Book(s) / Page Numbers²: 11432, 132

The subject property contains 1.041 acres. Number of Adjoining Property Owners: _____

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:

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Docket/Case #: _____ Docket/Case #: _____

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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?

See attached Justification.

2. Will the waiver violate the Comprehensive Plan?

See attached Justification.

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

See attached Justification.

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?

See attached Justification.

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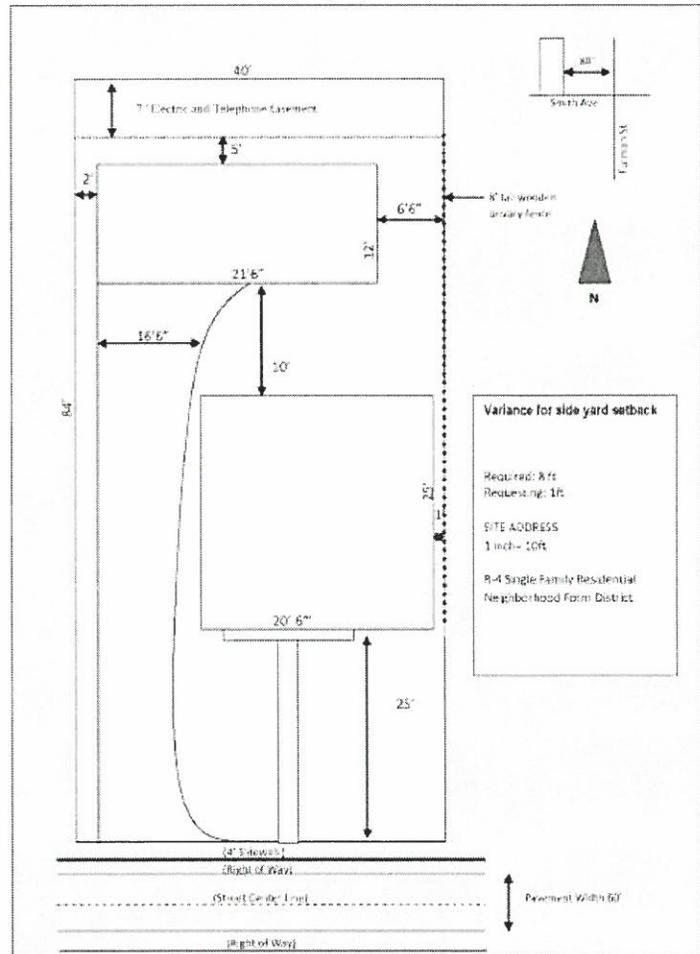
Please submit the completed application along with the following items:

- Land Development Report¹
- Three 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: 1st tier Adjoining Property Owners (APOs)³; 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
- \$225 Application Fee (Cash, charge or check made payable to Planning & Design Services)**

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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WAIVER JUSTIFICATION

Nulu East Main, LLC

835 E. Main St.

The proposed waiver of the 15' landscape buffering requirements along the north property line adjacent to the neighboring residential uses will not adversely affect the adjacent property owners. The applicant will provide sufficient screening, including landscaping, along the portion of the property adjacent to the residential properties along E. Washington St. The Applicant will provide screening between the rear property lines of the adjacent residences and the proposed building.

The proposed waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to provide adequate screening to the neighboring residential uses while also creating a new mixed-use development that will link Nulu and Butchertown. The Applicant will work with adjoining property owners on the details of the screening adjacent to their rear property lines. The proposed development has been modified to remove activity from the area near the residences to the north, as well.

The extent of the proposed waiver is the minimum necessary to afford relief to the Applicant. The proposed waiver will permit the applicant to fully utilize this cornerstone property along Main Street in the quickly developing Butchertown neighborhood while still providing adequate screening to adjacent residences.

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land and would create an unnecessary hardship on the Applicant as it would require the Applicant to reduce the size of its proposed development and offer fewer neighborhood-serving amenities.

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