



Variance Application

Louisville Metro Planning & Design Services

Case No.: 21-VARIANCE-0089 Intake Staff: CS

Date: 06/21/2021 Fee: \$760.00

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 5.2.2 of the Land Development Code, to allow Building Setback

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

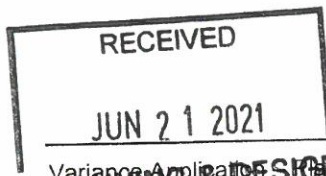
The subject property contains 1.041 acres. Number of Adjoining Property Owners: _____

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:

Docket/Case #: 20-Variance-0040 (3.24.20) Docket/Case #: _____

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



PLANNING & DESIGN SERVICES

21 - VARIANCE - 0089

Contact Information:

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

Name: _____ Name: Same as owner

Company: NuLu East Main, LLC Company: _____

Address: 10602 Timberwood Circle #9 Address: _____

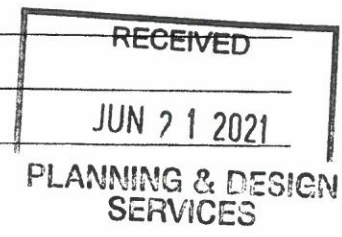
City: Louisville State: KY Zip: 40223 City: _____ State: _____ Zip: _____

Primary Phone: _____ Primary Phone: _____

Alternate Phone: _____ Alternate Phone: _____

Email: _____ Email: _____

Owner Signature (required): 



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

Name: Clifford Ashburner Name: Michael Kersting

Company: Dinsmore & Shohl, LLP Company: Work Design & Architecture

Address: 101 S Fifth Street, Suite 2500 Address: 1122 Rogers Street

City: Louisville State: KY Zip: 40202 City: Louisville State: KY Zip: 40204

Primary Phone: 502-540-2300 Primary Phone: 502-632-3232

Alternate Phone: _____ Alternate Phone: _____

Email: clifford.ashburner@dinsmore.com 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, Earl Winebrenner, in my capacity as Managing Member, hereby
representative/authorized agent/other

certify that NuLu East Main, 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: 3-17-2020

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.**

See attached justification.

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

See attached justification.

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

See attached justification.

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

See attached justification.

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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).**

See attached justification.

- 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.**

See attached justification.

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

See attached justification.

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

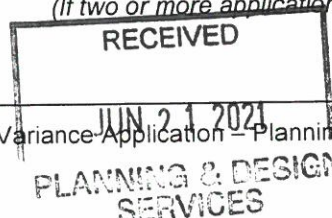
Requirements for Non-Public Hearing Applications Only

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)



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: _____



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: _____

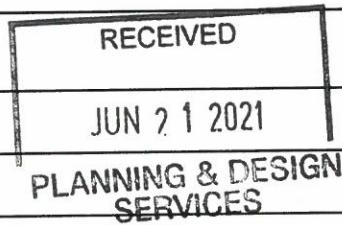
Owner Name: _____ Signature: _____

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).

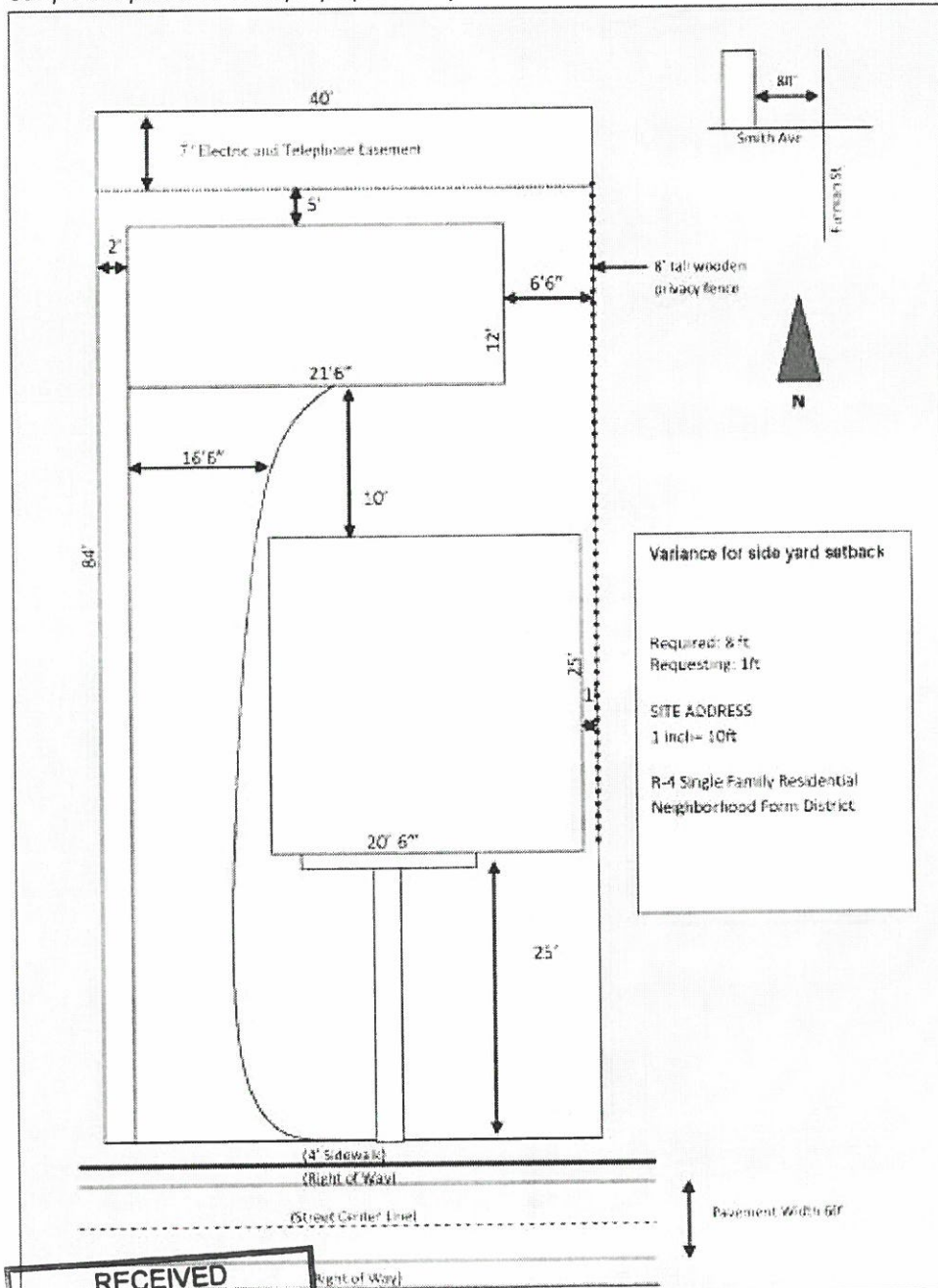
Signature: _____ Date: _____

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: <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

March 15, 2020 3:52 PM

About LDC

Location

Parcel ID: 019F00370000
Parcel LRSN: 8002618
Address: MULTIPLE ADDRESSES

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
System Development District: NO
Historic Site: NO

Environmental Constraints

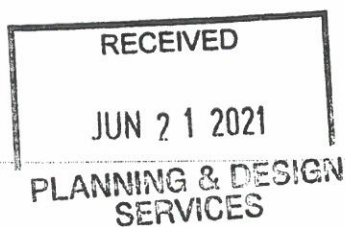
Flood Prone Area
FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or
Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0026E
Protected Waterways
Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO
Slopes & Soils
Potential Steep Slope: NO
Unstable Soil: NO
Geology
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:47 PM

About LDC

Location

Parcel ID: 019F00300000
Parcel LRSN: 8002611
Address: 817 E MAIN ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

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: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - " VARIANCE - 0089



Land Development Report

March 15, 2020 3:49 PM

About LDC

Location

Parcel ID: 019F01530000
Parcel LRSN: 50396
Address: NONE

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

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: NO

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:49 PM

About LDC

Location

Parcel ID: 019F00310000
Parcel LRSN: 8002612
Address: 823 E MAIN ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

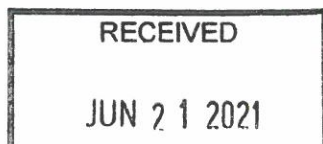
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



PLANNING & DESIGN
SERVICES

21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:50 PM

About LDC

Location

Parcel ID: 019F00320000
Parcel LRSN: 8002613
Address: 825 E MAIN ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

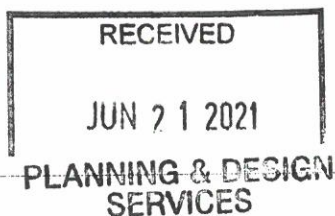
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:50 PM

About LDC

Location

Parcel ID: 019F00330000
Parcel LRSN: 8002614
Address: 827 E MAIN ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

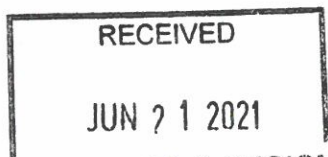
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



PLANNING & DESIGN SERVICES

21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:51 PM

About LDC

Location

Parcel ID: 019F00340000
Parcel LRSN: 8002615
Address: 829 E MAIN ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

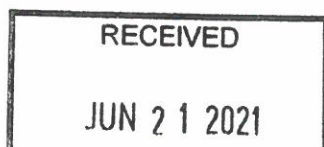
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



PLANNING & DESIGN
SERVICES

21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:54 PM

About LDC

Location

Parcel ID: 019F00390000
Parcel LRSN: 8002620
Address: NONE

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

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: NO

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:55 PM

About LDC

Location

Parcel ID: 019F00550000
 Parcel LRSN: 8002623
 Address: NONE

Zoning

Zoning: CM
 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: NO
 Historic Preservation District: BUTCHERTOWN
 National Register District: BUTCHERTOWN
 Urban Renewal: NO
 Enterprise Zone: YES
 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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
 Streams (Approximate): NO
 Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
 Unstable Soil: NO

Geology

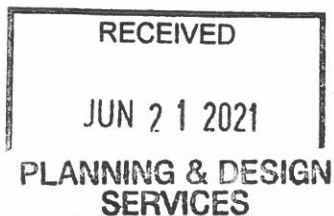
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: NO
 Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
 Council District: 4
 Fire Protection District: LOUISVILLE #2
 Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:55 PM

About LDC

Location

Parcel ID: 019F01140000
Parcel LRSN: 8002643
Address: 836 E WASHINGTON ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

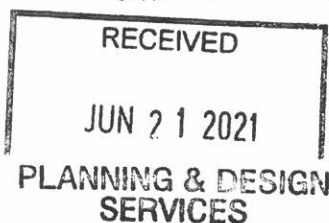
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 15, 2020 3:57 PM

About LDC

Location

Parcel ID: 019F00540000
Parcel LRSN: 8002622
Address: NONE

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

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: NO

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



21 - VARIANCE - 0089



Land Development Report

March 23, 2020 9:06 AM

About LDC

Location

Parcel ID: 019F00530000
Parcel LRSN: 8002621
Address: 834 E WASHINGTON ST

Zoning

Zoning: CM
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: NO
Historic Preservation District: BUTCHERTOWN
National Register District: BUTCHERTOWN
Urban Renewal: NO
Enterprise Zone: YES
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: 21111C0026E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

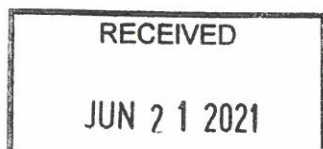
Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES



PLANNING & DESIGN
SERVICES

21 - VARIANCE - 0089



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 # 2019137062

BATCH # 183856

JEFFERSON CO, KY FEE \$26.00

STATE OF KY DEED TAX \$4,250.00

PRESENTED ON: 06-14-2019 9 01:48:19 PM

LODGED BY: TITLE AGENCY SUPPORT LLC

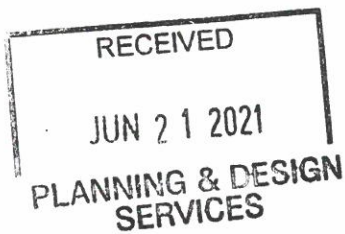
RECORDED: 06-14-2019 01:48:19 PM

BOBBIE HOLSCLAW
CLERK

BY: KAREN MESSICK
INDEXING CLERK

BK: D 11432

PG: 123-129



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

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

21 - VARIANCE - 0089

SPECIAL WARRANTY DEED

THIS DEED is made and entered into as of June 14, 2019, from

EBLP, LLC,
a Kentucky limited liability company
5511 Apache Road
Louisville, Kentucky 40207 ("Grantor")

to

NULU EAST MAIN LLC
a Delaware limited liability company
c/o Winebrenner Capital Management, LLC
10602 Timberwood Circle, Suite 13
Louisville, Kentucky 40223 ("Grantee")

WITNESSETH

For a total consideration of FOUR MILLION TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$4,250,000.00), the receipt and sufficiency of which are acknowledged, Grantor grants and conveys to Grantee in fee simple, absolute with covenant of special warranty, the real property located at 835 East Main in Louisville, Jefferson County, Kentucky, and more particularly described on **EXHIBIT A** attached hereto and made a part hereof (the "Property").

Grantor covenants, warrants and represents that Grantor is lawfully seized of the Property, has full right, power and authority to convey the Property, and that the Property is free and clear of all taxes, liens and encumbrances except (i) easements, restrictions and stipulations of record, (ii) governmental laws, ordinances and regulations affecting the Property, (iii) liens for real property taxes and assessments due and payable in 2019 and thereafter, which Grantee assumes and agrees to pay, and rights of tenants and other parties in possession of the Property.

For purposes of KRS 382.135, Grantor and Grantee, by execution of this Deed, certify that the consideration reflected in this Deed is the full consideration paid for the Property.

For purposes of KRS 382.135, the in-care-of address to which the property tax bill for 2019 may be sent to is: c/o Winebrenner Capital Management, LLC, 10602 Timberwood Circle, Suite 13, Louisville, Kentucky 40223.



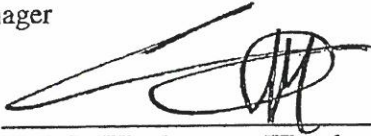
Exhibit K-1

21 - VARIANCE - 0089

GRANTEE:

NULU EAST MAIN LLC,
a Delaware limited liability company


Winebrenner Property Management, LLC, sole
manager

By: 
Earl G. Winebrenner, III, sole member and
manager

Date: 6-14, 2019

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing Deed, including the consideration certificate contained therein, was sworn to and acknowledged before me on June 14, 2019 by Earl G. Winebrenner, III as Manager of Winebrenner Property Management, LLC, the sole manager of NULU EAST MAIN LLC, a Delaware limited liability company, on behalf of the company.


Notary Public

My Commission Expires: 10/11/21

This Deed Prepared By:
Tanner Nichols
FROST BROWN TODD LLC
400 W. Market Street - Suite 3200
Louisville, Kentucky 40202-3363



Record and Return to:
Title Agency Support, LLC
10600 Timberwood Circle, Suite 11
Louisville, KY 40223

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JUN 21 2021
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EXHIBIT A

835 East Main Street, Louisville, Jefferson County, Kentucky

Tract 1

Beginning on the North side of Main Street, 210 feet West of Campbell Street running thence West along the North side of Main Street 35 feet and extending back North of same width between lines parallel with Campbell Street, 108 feet.

Tract 2

Beginning in the North side of Main Street, 245 feet West of Campbell Street at the Southwest corner of lot of land conveyed to Catherine M. Schwind, by Deed dated April 1, 1921, of record in Deed Book 969, Page 621, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, running thence West along the North side of Main Street, 10 feet and extending back North of that width throughout, the East line being coincident with the West line of the property conveyed to Catherine M. Schwind, by Deed aforesaid, 102 feet.

Tract 3

Beginning at a point in the North line of Main Street, 218 feet 9 inches East of Shelby Street, running thence Eastwardly with the North line of Main Street, 51 feet 3 inches, thence Northwardly and parallel with Campbell Street 102 feet, thence Westwardly parallel with Main Street, 20 feet, thence Northwardly 3 feet 6 inches, thence Westwardly parallel with Main Street, 31.13 feet, thence Southwardly with Shelby Street 105 feet 6 inches to the point of beginning.

Tract 4

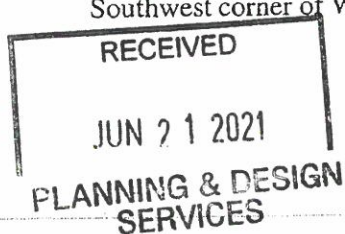
Beginning at the Southwest corner of Washington and Campbell Streets, running thence Westwardly along the South side of Washington Street, 43 feet, and extending back Southwardly of the same width throughout, the East line of said lot being coincident with the West line of Campbell Street, 102 feet.

Tract 5

Beginning at a point on the South line of Washington Street, 43 feet West of the Southwest corner of Washington and Campbell Streets, thence running west along the South line of Washington Street, 26 feet 9 inches and extending back South of that width throughout between lines parallel with Campbell Street, 102 feet.

Tract 6

Beginning at a point on the South line of Washington Street 69 feet 9 inches West of the Southwest corner of Washington and Campbell Streets, thence running West along the South line



21 - VARIANCE - 0089

of Washington Street, 27 feet 3 inches and extending back South of that width throughout between lines parallel with Campbell Street, 102 feet.

Tract 7

Beginning on the South side of Washington Street, 97 feet West of Campbell Street, running thence Westwardly along the South side of Washington Street, 39-1/2 feet, and extending back Southwardly of the same width between lines parallel with Campbell Street, 102 feet.

Tract 8

Beginning at the Northwest corner of Campbell and Main Streets, thence Westwardly with the North line of Main Street 30 feet and extending back Northwardly between parallel lines 102 feet, the Easterly line being coincident with the West line of Campbell Street.

Tract 9

Beginning on the North side of Main Street, 30 feet West of Campbell Street, running thence Westwardly along the North side of Main Street 32 feet and extending back Northwardly of that same width throughout, between line parallel with Campbell Street, 102 feet.

Tract 10

Beginning on the North side of Main Street at a point 62 feet West of Campbell Street, running thence West along the North line of Main Street 38 feet, thence back North between parallel lines and lines parallel with Campbell Street the same width throughout 102 feet.

Tract 11

Beginning on the North side of Main Street, 100 feet West of Campbell Street, running thence West along the North line of Main Street, 19 feet and extending back North between parallel lines and lines parallel with Campbell Street, of the same width throughout, 102 feet, and being part of Lot 7, Block 188, on plat of the City Assessor of Louisville.

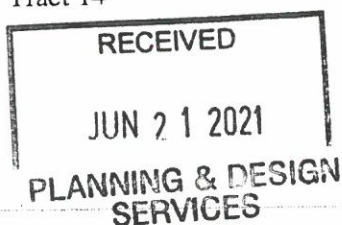
Tract 12

Beginning at a point of the North side of Main Street, 119 feet West of Campbell Street, running thence West with the North line of Main Street, 24 feet, and extending back North of the same width throughout, between lines parallel with Campbell Street, 102 feet.

Tract 13

Beginning on the North side of Main Street, 143 feet West of Campbell Street, running thence Westwardly along the North side of Main Street, 25 feet, and extending back Northwardly of the same width throughout, and in lines parallel with Campbell Street, 102 feet.

Tract 14



Beginning on the North side of Main Street, 168 feet West of Campbell Street, running thence Westwardly along the North side of Main Street, 22 feet, and extending back Northwardly of that width throughout between lines parallel with Campbell Street 102 feet.

Tract 15

Beginning at a point in the North line of Main Street, 190 feet West of the Northwest corner of Campbell and Main Streets, running thence Westwardly along the North line of Main Street 20 feet, and extending back Northwardly of that width throughout between lines parallel with Campbell Street, 102 feet.

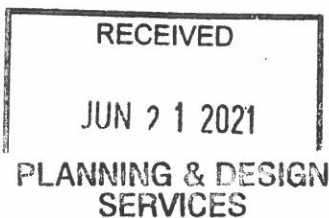
Being a part of the same property conveyed to EBLP, LLC, a Kentucky Limited Liability Company, by Deed dated August 10, 2006, of record in Deed Book 8884, Page 325, in the Office of the Clerk of Jefferson County, Kentucky.

TRACTS 9-12 now being described as:

BEGINNING at the intersection of the North side of East Main Street and the West side of North Campbell Street; thence N 81°25'10" W, 30.00 feet to the TRUE Point of Beginning; thence N 81°25'10" feet; thence N 08°34'50" E, 102.00 feet; thence S 81°25'10" E, 113.00 feet; thence S 08°34'50" W, 102.00 feet to the True Point of Beginning containing 11,526 S.F+/-.

Being the same property conveyed to EBLP, LLC, a Kentucky Limited Liability Company, by Deed of Consolidation dated October 4, 2011, of record in Deed Book 9781, Page 424, in the Office of the Clerk of Jefferson County of Jefferson County, Kentucky.

BT09468.0719991 4846-1743-1189v2



END OF DOCUMENT

21 - VARIANCE - 0089

Owner: NuLu East Main, LLC

Subject Properties →

835 E. Main Street

**1st Tier
Adjoining Property
Owners →**

PIZZONIA ALFRED JR
4757 ROCKFORD PLZ
LOUISVILLE, KY 40216-2630
Parcel ID019F00500000.

ROSS SHERRY
814 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00470000.

HUGHES CHARLES F
8305 EAGLE CREEK DR,
LOUISVILLE, KY 40222-3956
Parcel ID017E01460000.

COUNCIL OF NULU LOFTS
CONDOMINIUMS I
5151 JEFFERSON BLVD STE 103,
LOUISVILLE, KY 40219-3210
Parcel ID017E01540000.

TITZER BRAD &
REGAN ATKINSON
915 E WASHINGTON ST
LOUISVILLE, KY 40206-1633
Parcel ID019G00780000.

PULLEN GRAHAM & WILSON
CARRIE D
835 E WASHINGTON ST
LOUISVILLE, KY 40206-1631
Parcel ID019F00940000.

MOTAMEDI NADER M & SALAS
VANESSA
828 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00520000.

BENNETT COURTNEY L
820 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00490000.

MCCRARY BROUKE LURA &
HOFMANN DANIEL JUDE
812 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00460000.

ZAX PROPERTIES LLC
1284 CHEROKEE RD
LOUISVILLE, KY 40204-2205
Parcel ID017E01480000.

E MAIN INSPIRED LLC
1205 E WASHINGTON ST
STE 115
LOUISVILLE, KY 40206-1881
Parcel ID017E01860000.

VAN GOAT LLC
1613 ROSEWOOD AVE
LOUISVILLE, KY 40204-1327
Parcel ID019F00960000.

HENNEY HOMES LLC
5409 MEADOW STREAM WAY
CRESTWOOD, KY 40014-8545
019F00930000;019F00920000

GUTHRIE JASON & HAAN KAR
824 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00510000.

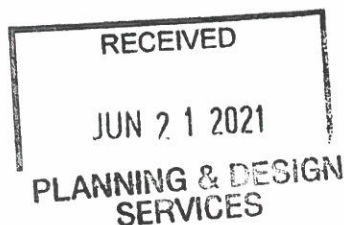
JONES GREGORY R
818 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
Parcel ID019F00480000.

813 PROPERTIES GROUP LLC
813 E MAIN ST
LOUISVILLE, KY 40206-1623
Parcel ID019F00270000.

NULU COMMONS LLC
9100 MARKSFIELD RD STE 100
LOUISVILLE, KY 40222-5383
Parcel ID017E01520000.

POHL LIVING TRUST
15205 BRUSH RUN RD
LOUISVILLE, KY 40299-5366
Parcel ID019G00010000; 019G00180000

J5E LLC
6404 MISTFLOWER CIR
PROSPECT, KY 40059-6605
Parcel ID019F00950000.



21 - VARIANCE - 0089

Others →

NuLu East Main, LLC
10602 Timberwood Circle, #9
Louisville, KY 40223

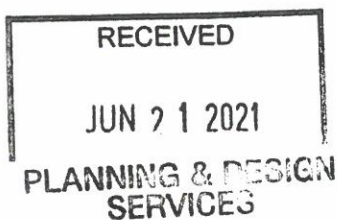
Case Manager: Julia Williams
Louisville Metro Planning & Design
444 S 5th Street
Louisville, Kentucky 40202

Clifford H. Ashburner
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202

Work Design Architecture
1122 Rogers Street
Louisville, KY 40204

Shannon E. Johnson
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202

Barbara Sexton Smith
Metro Council District 4
601 W. Jefferson Street
Louisville, KY 40202



21 - VARIANCE - 0089

Owner: NuLu East Main, LLC

Subject Properties →

835 E. Main Street

**1st Tier
Adjoining Property
Owners →**

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828 E WASHINGTON ST
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BENNETT COURTNEY L
820 E WASHINGTON ST
LOUISVILLE, KY 40206-1632
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MCCRARY BROUKE LURA &
HOFMANN DANIEL JUDE
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E MAIN INSPIRED LLC
1205 E WASHINGTON ST
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1613 ROSEWOOD AVE
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HENNEY HOMES LLC
5409 MEADOW STREAM WAY
CRESTWOOD, KY 40014-8545
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PROSPECT, KY 40059-6605
Parcel ID019F00950000.

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10602 Timberwood Circle, #9
Louisville, KY 40223

Case Manager: Julia Williams
Louisville Metro Planning & Design
444 S 5th Street
Louisville, Kentucky 40202

Work Design Architecture
1122 Rogers Street
Louisville, KY 40204

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Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202

Shannon E. Johnson
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202

VARIANCE JUSTIFICATION STATEMENT

Nulu East Main, LLC

835 E. Main St.

Case No.

The proposed variance, which will permit the applicant to encroach into the required 15' setback on the northern boundary of the property will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into a multi-story mix-used commercial and residential building. The proposal includes a "green wall" of screening between it and the surrounding properties.

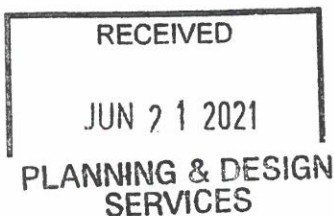
The variance will not alter the essential character of the general vicinity, as setbacks of this nature are typical of the area, with many homes only a few feet from one another. The encroachment into the building setback along the northern boundary is also consistent with the urban character of the subject property, which sits in the Butchertown neighborhood on the transitional eastern edge of downtown Louisville.

The variance will not cause a hazard or nuisance to the public. The proposed variance will permit the proposed use to be built as proposed, including dense screening with evergreen plantings. As stated above, the requested variance will permit the applicant to construct a mixed-use building that will activate the corner of Campbell and Main Streets. The encroachment into the setbacks will permit efficient use of the property consistent with the neighborhood's urban character. Additional screening measures will be utilized to mitigate any effects that encroaching into the setback may have.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposed development will bring additional commercial and residential development to Butchertown while retaining the urban character of the neighborhood and surrounding area. The impacts from the proposed encroachment into the required setbacks will be minimized by the proposed "green wall" planting screen.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposal is to redevelop an existing property that currently contains a building listed as non-contributing in the Butchertown Preservation District into a mixed-use development with apartments, retail and restaurant space. Unlike many blocks in Butchertown, this block does not have an alley separating the north and south sides of the block. Accordingly, the variance requested arises from special circumstances that do not generally apply to land in the vicinity.

The strict application of the regulations would create an unnecessary hardship because it would require the applicant to substantially reduce the number of off street parking spaces that can be provided within the proposed internal parking structure. The upper floors are not affected by the variance request, only the two that contain the parking structure. Strict application of the



21 - VARIANCE - 0089

regulations would force the applicant to potentially shrink the size of the proposed development to accommodate setbacks that will not provide any additional public benefit.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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21 - VARIANCE - 0089