



Variance Application

Louisville Metro Planning & Design Services

Case No.: 18 ZONE 1014 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 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 5.3.3.C.2.c and 5.3.3.C.2.a of the Land Development Code, to allow an increase of the maximum allowed height of the building accessories (net poles) and from the 275' maximum setback for both Christian Way and Oxmoor Lane.

Primary Project Address: 7900 Shelbyville Road, Louisville, KY 40222

Additional Address(es): _____

Primary Parcel ID: 089M00510000

Additional Parcel ID(s): 089N00030000, 089M00500000

Proposed Use: Restaurant/Driving Range Existing Use: Parking area, Retail

Existing Zoning District: C1, C2, R4 Existing Form District: Regional Center

Deed Book(s) / Page Numbers²: 10972-183 and 10972 - 213

The subject property contains 22.47 acres. Number of Adjoining Property Owners: 225

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 #: Plan Certain Nos.: 09-050-80; 09-049-83; Docket/Case #: _____
09-015-02

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

Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: _____

Name: Tanner Micheli

Company: WMB 2, LLC and TWB Oxmoor 2, LLC

Company: Topgolf USA Louisville, LLC

Address: 500 W. Jefferson St., Suite 2800

Address: 8750 Central Expressway, Suite 1200

City: Louisville State: KY Zip: 40202

City: Dallas State: TX Zip: 75231

Primary Phone: _____

Primary Phone: 530-520-0238

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: Tanner.Micheli@topgolf.com

Owner Signature (required): **See attached signature page

Attorney: ☒ Check if primary contact

Plan prepared by: ☐ Check if primary contact

Name: Clifford H. Ashburner

Name: Kelli Jones

Company: Dinsmore & Shohl, LLP

Company: Sabak, Wilson & Lingo, Inc.

Address: 101 S Fifth Street, Suite 2500

Address: 608 S. Third Street

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40202

Primary Phone: 502-540-2300

Primary Phone: 502-584-6271

Alternate Phone: _____

Alternate Phone: _____

Email: clifford.ashburner@dinsmore.com

Email: Kelli.jones@swlinc.com

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: **See attached signature page 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.

Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: Same as above

Name: Charles Tapia

Company: _____

Company: GGP Inc

Address: _____

Address: 350 North Orleans, Suite 300

City: _____ State: _____ Zip: _____

City: Chicago State: IL Zip: 60654

Primary Phone: _____

Primary Phone: 312-960-5729

Alternate Phone: _____

Alternate Phone: 312-286-6156

Email: _____

Email: Charles.Tapia@ggp.com

Owner Signature (required): **See attached signature page

Attorney: ☐ Check if primary contact

Plan prepared by: ☐ Check if primary contact

Name: Timothy W. Martin

Name: Kelli Jones

Company: Frost Brown Todd

Company: Sabak, Wilson & Lingo, Inc.

Address: 400 W Market Street, Suite 3200

Address: 608 S. Third Street

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40202

Primary Phone: 502-589-5400

Primary Phone: 502-584-6271

Alternate Phone: 502-568-0274

Alternate Phone: _____

Email: tmartin@fbtlaw.com

Email: Kelli.jones@swlinc.com

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: **See attached signature page 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.

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 Statement.

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

See attached Justification Statement.

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

See attached Justification Statement.

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

See attached Justification Statement.

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 Statement.

- 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 Statement.

- 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 Statement.



Certificate of Land Use Restriction

Name and Address of Property Owners

WMB2, LLC and TWB Oxmoor 2, LLC
500 W Jefferson Street, Suite 2800
Louisville, KY 40202

Address of Property

7900 Shelbyville Road, Louisville, KY 40222

Name of Subdivision or Development (if applicable)

Deed Book and Page of Last Recording: 10972 183 and 10972 213

Tax Block and Lot number: 089M0051000, 089N003000, 089M00500000

Planning Commission Docket Number: 18Zone1014

Type of Restriction

_____ Zoning Map amendment

_____ Conditional Zoning Condition

_____ Development Plan

_____ Subdivision Plan

☒ Variance

_____ Conditional Use Permit

_____ Other _____
Specify

Name and address of Planning Commission, Board of Zoning Adjustment, Legislative body, or Fiscal court which maintains the original records containing the restrictions.

Louisville Metro Planning and Design Services
444 South Fifth Street, Suite 300
Louisville, Kentucky 40202

Stephen A Lutz, AICP
Planning Supervisor

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
- ☐ Completed Land Use Restrictions form

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: **\$ 95** for Single-Family Uses
\$ 240 for Multi-Family Uses, 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
\$ 600 for All Other Uses
- ☐ Clerk's Fee: **\$ 25.50**

(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. Residential, non-corner parcels only.*
- 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 resolution of February 15, 1982 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).

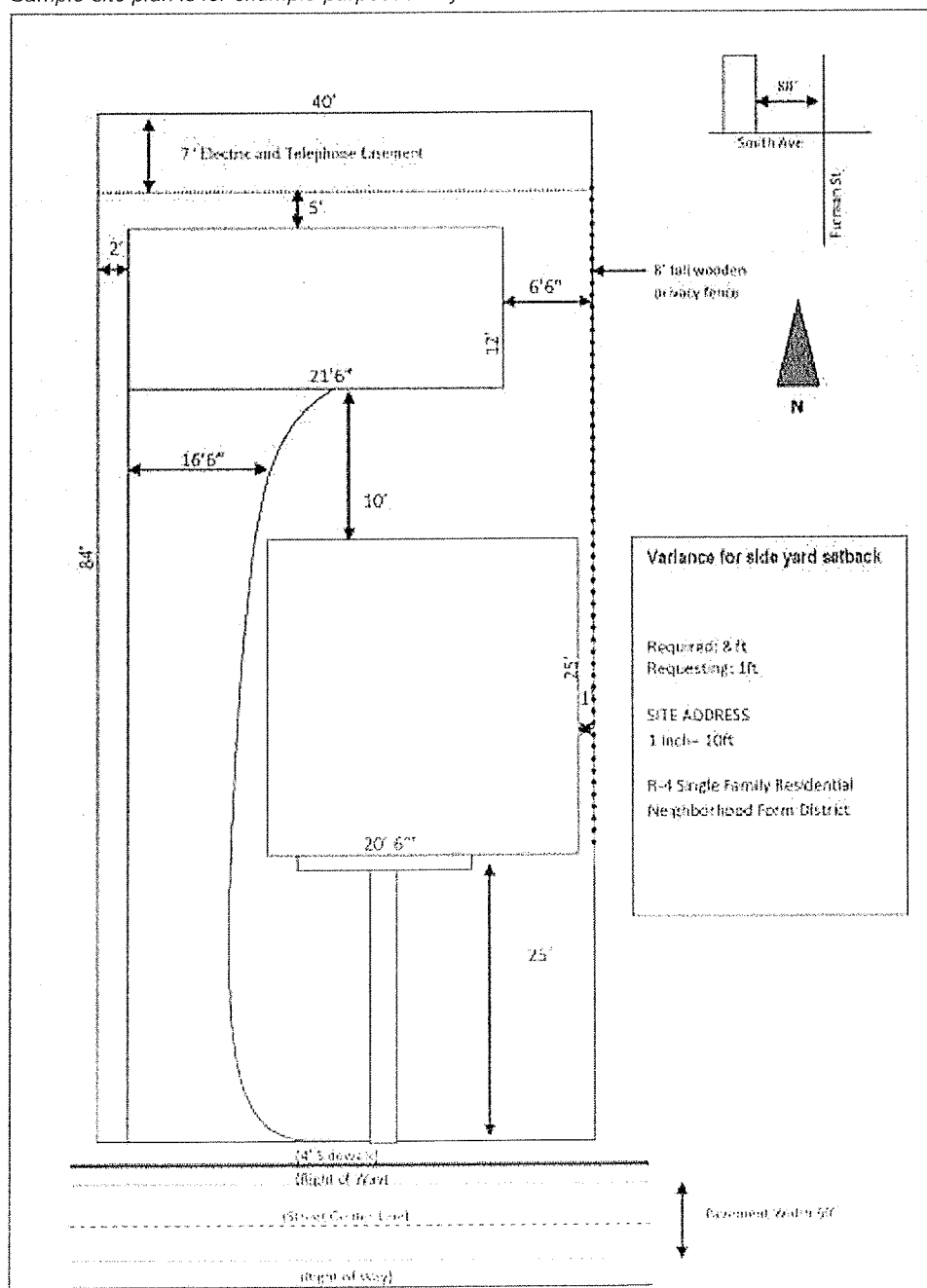
Signature: _____ Date: _____

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: <http://ags2.lojic.org/lojiconline/>
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: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
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/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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



Signature Page to Development Application of Topgolf USA Louisville, LLC

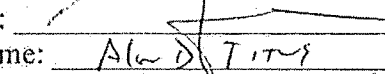
OWNERS:

WMB 2, LLC,
a Kentucky limited liability company

By: WMB Oxmoor Properties Holdings, LLC, a
Delaware limited liability company, as Sole
Member

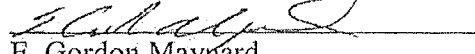
By: Trust under the Will of William Marshall
Bullitt, Deceased, as Manager

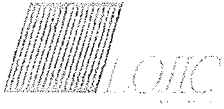
By: PNC Bank, National Association, solely
in its role as Trustee and not in its
corporate capacity

By: 
Name: Alan D. Tims
Its: Senior Vice President
Date: May 31, 2018

TWB OXMOOR 2, LLC,
a Delaware limited liability company

By: Stock Yards Bank & Trust Company, a Kentucky
banking corporation, its Manager

By: 
Name: E. Gordon Maynard
Title: Executive Vice President and Managing
Director
Date: May 30, 2018



Land Development Report

June 3, 2018 9:24 AM

About LDC

Location

Parcel ID:	089M00500000
Parcel LRSN:	91033785
Address:	NONE

Zoning

Zoning:	C1, C2
Form District:	REGIONAL CENTER
Plan Certain #:	09-050-80, 09-049-83, 09-050-80
Proposed Subdivision Name:	OXMOOR CENTER EXT
Proposed Subdivision Docket #:	10-009-80
Current Subdivision Name:	OXMOOR SHOPPING CENTER SECTION 1
Plat Book - Page:	26-089
Related Cases:	NONE

Special Review Districts

Overlay District:	NO
Historic Preservation District:	NONE
National Register District:	NONE
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:	YES
Local Regulatory Conveyance Zone:	NO
FEMA FIRM Panel:	21111C0046E

Protected Waterways

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

Slopes & Soils

Potential Steep Slope:	NO
Unstable Soil:	NO

Geology

Karst Terrain:	YES
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Sewer & Drainage

MSD Property Service Connection:	NO
Sewer Recapture Fee Area:	NO
Drainage Credit Program:	MS4 (outside of incentive area)

Services

Municipality:	LOUISVILLE
Council District:	18
Fire Protection District:	LOUISVILLE #4
Urban Service District:	YES



Land Development Report

June 3, 2018 9:24 AM

About LDC

Location

Parcel ID: 089M00510000
Parcel LRSN: 91033786
Address: NONE

Zoning

Zoning: C1, R4, C2
Form District: REGIONAL CENTER
Plan Certain #: 09-050-80, 09-015-02, 09-049-83, 09-050-80
Proposed Subdivision Name: OXMOOR CENTER EXT
Proposed Subdivision Docket #: 10-009-80
Current Subdivision Name: THE PARK AT OXMOOR, OXMOOR SHOPPING CENTER SECTION 1
Plat Book - Page: 44-005, 26-089
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
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: YES
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0046E

Protected Waterways

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

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

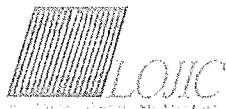
Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO
Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: LOUISVILLE
Council District: 18
Fire Protection District: LOUISVILLE #4
Urban Service District: YES



Land Development Report

June 3, 2018 9:25 AM

About LDC

Location

Parcel ID:	089N00030000
Parcel LRSN:	8009081
Address:	NONE

Zoning

Zoning:	C1, C1, C2
Form District:	REGIONAL CENTER
Plan Certain #:	09-050-80
Proposed Subdivision Name:	OXMOOR CENTER EXT
Proposed Subdivision Docket #:	10-009-80
Current Subdivision Name:	OXMOOR SHOPPING CENTER SECTION 1
Plat Book - Page:	26-089
Related Cases:	NONE

Special Review Districts

Overlay District:	NO
Historic Preservation District:	NONE
National Register District:	NONE
Urban Renewal:	NO
Enterprise Zone:	NO
System Development District:	NO
Historic Site:	NO

Environmental Constraints

Flood Prone Area	
FEMA Floodplain Review Zone:	YES
FEMA Floodway Review Zone:	YES
Local Regulatory Floodplain Zone:	YES
Local Regulatory Conveyance Zone:	NO
FEMA FIRM Panel:	21111C0046E
Protected Waterways	
Potential Wetland (Hydric Soil):	NO
Streams (Approximate):	YES
Surface Water (Approximate):	NO
Slopes & Soils	
Potential Steep Slope:	NO
Unstable Soil:	NO
Geology	
Karst Terrain:	YES

Sewer & Drainage

MSD Property Service Connection:	NO
Sewer Recapture Fee Area:	NO
Drainage Credit Program:	MS4 (outside of incentive area)

Services

Municipality:	LOUISVILLE
Council District:	18
Fire Protection District:	LOUISVILLE #4
Urban Service District:	YES

TOPGOLF USA LOUISVILLE, LLC

**7900 Shelbyville Road
18ZONE1014**

VARIANCE JUSTIFICATION

The proposed variance, which will allow the proposed redevelopment to be set back more than 275 feet from the property line along Christian Way and Oxmoor Lane, will not adversely affect the public health, safety or welfare. The proposed redevelopment will sit almost entirely within the existing footprint of the currently vacant Sears department store, which the applicant proposes to remove and redevelop into a Topgolf, a driving range/restaurant concept. The applicant proposes to reconfigure the existing parking lot that will surround the proposed redevelopment to improve traffic flow and ease of access to Christian Way and Oxmoor Lane, including creating a new dedicated driveway and sidewalk within the parking lot from the western access point at Oxmoor Lane to the facility. The proposal will bring the bulk of the southern half of the Oxmoor Center Mall into compliance with current design standards, including improved landscaping, tree canopy, and parking lot lighting.

The variance will not alter the essential character of the general vicinity as the proposed redevelopment will sit almost entirely within the existing footprint of the Sears department store. The Sears structure is currently approximately 385 feet from the western property line along Oxmoor Lane, and 750 feet from the eastern property line along Christian Way. The proposed building will retain a similar setback from both property lines, but the end of the proposed driving range outfield will be located 275 feet from Christian Way. Previous plans proposed placing the structure 200 feet further to the south and east, but the applicant revised its plans to move the proposed structure back closer to the southern end of Oxmoor Center Mall to reduce noise and lighting impacts.

The variance will not cause a hazard or nuisance to the public. The proposed building location will allow the applicant to create a more sensitive design that will result in no light or perceptible noise trespass within the Hurstbourne neighborhood. Setting the proposed redevelopment back as close as possible to the southern edge of Oxmoor Center Mall will reduce the light and noise impacts to the surrounding area. The applicant also proposes to create a new dedicated driveway and sidewalk within the western half of the parking lot, which will improve public safety for vehicles and pedestrians access the site from the access point at Oxmoor Lane.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal minimizes the light and noise impacts to the surrounding area while retaining essentially the same footprint as the existing Sears structure. The variance will allow the applicant to redevelop the existing parking lot to bring it into compliance with current design standards, which will improve pedestrian and vehicle safety through new lighting and parking design.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposal is to redevelop the existing Sears department store and surrounding parking lots at the Oxmoor Center Mall into a Topgolf, a driving range/restaurant

concept. The Oxmoor Center Mall site is unique, and the scale of the existing mall structure and the proposed redevelopment require large parking areas. To minimize noise and light impacts, the proposed redevelopment will sit almost entirely within the existing footprint of the Sears building, which will require the redevelopment to exceed the maximum setback requirements in the Land Development Code.

The strict application of the regulations would create an unnecessary hardship because the size and parking needs of the proposed redevelopment require that it be located more than 275 feet from the east and west property lines in the existing footprint of the Sears building. Strict application of the regulations would force the applicant to move the structure closer to either the east or west property lines, which could increase light and noise impacts to surrounding areas.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of misapplication of the maximum setback requirements to the unique Oxmoor Center Mall property. The scale of the existing mall structure and the proposed redevelopment require large parking areas, and thus variances from the maximum setback requirements. The proposed redevelopment will sit almost entirely within the footprint of the existing Sears structure, the best location for the proposed building.

TOPGOLF USA LOUISVILLE, LLC

**7900 Shelbyville Road
18ZONE1014**

VARIANCE JUSTIFICATION

The proposed variance, which will allow for net poles surrounding the applicant's proposed driving range to exceed the 150' maximum accessory building height by 20', will not adversely affect the public health, safety or welfare. In fact, the proposed net poles are a key safety feature of the proposed redevelopment. The proposal is for the net poles to completely encircle the proposed Topgolf outfield on the southern portion of the Oxmoor Center Mall property. The height of the net poles ensures that golf balls do not escape the top of the netting, thus ensuring the safety of pedestrians and vehicles in the parking lot that will surround the driving range.

The variance will not alter the essential character of the general vicinity, as the net poles are consistent with the commercial character of the subject property and surrounding area. The subject property sits on the southern portion of the Oxmoor Center Mall, which sits within a highly developed commercial corridor along Shelbyville Road designated Regional Center Form District, the most intense commercial form district outside of the Central Business District. Other commercial uses, including retail stores, car dealerships, shopping centers, and restaurants border the Oxmoor Center Mall to the north across Shelbyville Road, to the northeast across Christian Way, and to the northwest across Oxmoor Lane. Undeveloped properties zoned for future multi-family and commercial development surround the subject property to the south, southeast, and southwest. The net poles will not create undue visual impacts, as buildings are allowed a maximum height of 150' within the Regional Center Form District. The nearest residential uses will be a significant distance from the proposed redevelopment and screened by an existing tree line. More than 90 percent of the nearby City of Hurstbourne homes will be a half mile or farther from the subject property.

The variance will not cause a hazard or nuisance to the public. The proposed net poles are key safety features of the proposed redevelopment that are designed to ensure the safety of pedestrians and vehicles and in the parking lot that will surround the driving range. The applicant does not propose to place any lights or speakers on the net poles, minimizing visual and sound impacts, particularly at night. The applicant also proposes to paint the net poles so that they blend in with the surrounding area, further lessening the visual impact.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal balances the need to ensure the safety of pedestrians and vehicles in the surrounding parking lot with the compact nature of the proposed Topgolf. The 20' variance will allow for the construction of a unique, exciting, and family-friendly entertainment option on the former Sears department store site that is sorely in need of redevelopment.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the need to erect net poles to ensure the safety of pedestrians and vehicles in the surrounding parking lot near the proposed Topgolf structure. Topgolf is unique to the region. The applicant is not proposing to build a structure that exceeds the height requirements, but rather to build net poles that will serve as a key safety feature for the proposed redevelopment.

The strict application of the regulations would create an unnecessary hardship because the compact nature of the proposed driving range requires taller net poles to ensure that golf balls do not escape over the top of the netting. The proposed variance will permit the applicant to bring its unique driving range/restaurant concept to the region while ensuring the safety of pedestrians and vehicles nearby.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of misapplication of the accessory building height requirements the applicant's proposed net poles. The proposed net poles are not truly accessory buildings, but rather a safety feature of the proposed driving range. The applicant has taken steps to ensure that the poles do not have undue visual or noise impacts by agreeing not to place lights or speakers on the poles.

12970013v3

Owner & Property Info:

Topgolf
7900 Shelbyville Road
18ZONE1014

COPY

Subject Properties →

**1st & 2nd Tier
Adjoining Property
Owners →**

FARMER SERVICE LTD
PARTNERSHIP
8001 SHELBYVILLE RD
LOUISVILLE, KY 40222-5417
Parcel ID002100420000.

7913 SHELBYVILLE ROAD LLC
8001 SHELBYVILLE RD
LOUISVILLE, KY 40222-5417
Parcel ID002103860000.

CREW REBECCA L & STICH E C &
ETAL CO
1717 YALE DR
LOUISVILLE, KY 40205-2028
Parcel ID002900190000.

LOUISVILLE RETIREMENT
RESIDENCE LLC
PO BOX 128109
NASHVILLE, TN 37212-8109
Parcel ID089M00120000.

HAHN SANDRA & GREGORY
115 S WHIPPS MILL RD
LOUISVILLE, KY 40222-5425
Parcel ID183200100000.

PRATT BERNICE
8209 NOTTINGHAM PKWY
LOUISVILLE, KY 40222-5537
Parcel ID183200260000.

MCLAUGHLIN DAVID J & SHEILA
8203 NOTTINGHAM PKWY,
LOUISVILLE, KY 40222-5537
Parcel ID183200290000.

G C I CORP
PO BOX 7007
LOUISVILLE, KY 40257-0007
Parcel ID002100390000.

MONTGOMERY ROBERT K
3204 ALDEN DELL
LOUISVILLE, KY 40207-3615
Parcel ID002105820000.

WMB 2 LLC
130 S JEFFERSON ST
STE 300
CHICAGO, IL 60661-5763
Parcel ID089N00040000.

MCCLURE LISA FINDLEY
114 S WHIPPS MILL RD
LOUISVILLE, KY 40222-5423
Parcel ID183200090000.

REINHARDT CHARLES
8200 CAMBERLEY DR
LOUISVILLE, KY 40222-5535
Parcel ID183200110000.

MARTIN HARRY B
8207 NOTTINGHAM PKWY
LOUISVILLE, KY 40222-5537
Parcel ID183200270000.

Bryan Barber
PEGGY L BARBER REVOCABLE
LIVING TRUST
8201 NOTTINGHAM PKWY
LOUISVILLE, KY 40222-5537
Parcel ID183200300000.

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PO BOX 1073
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LAMAR VENTURES LLC &
GRONBACHER REAL
806 BEDFORDSHIRE RD
LOUISVILLE, KY 40222-5575
Parcel ID002103850000.

STICH EARL L & DOLORES M & STICH
JEFF
8001 SHELBYVILLE RD
LOUISVILLE, KY 40222-5417
Parcel ID089N00060000
ID002900070000.

LOUISVILLE GAS & ELECTRIC CO
220 W MAIN ST
LOUISVILLE, KY 40202-1395
Parcel ID089N00050000.

STRONG JENNIFER Z
112 S WHIPPS MILL RD
LOUISVILLE, KY 40222-5423
Parcel ID183200080000.

SCHRECKER CONSTANCE
11177 N ORACLE RD APT 6107
ORO VALLEY, AZ 85737-5632
Parcel ID183200250000.

GRONECK JASON C & BRITNEY N
8205 NOTTINGHAM PKWY
LOUISVILLE, KY 40222-5537
Parcel ID183200280000.

CULL HOUSE TRUST THE
4415 SILVERLEAF DR
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Parcel ID183200310000.

NICOLAS GERALD J & HELEN M
8202 PADDINGTON DR
LOUISVILLE, KY 40222-6900
Parcel ID183200320000.

MCKINNEY MARY M
8208 PADDINGTON DR
LOUISVILLE, KY 40222-5543
Parcel ID183200810000.

WPG FAMILY REALTY LLC
302 PADDINGTON CT
LOUISVILLE, KY 40222-5541
Parcel ID183200840000.

RENEE & WILLIAM C BARLOW
REVOCABLE
308 BUCKINGHAM TER,
LOUISVILLE, KY 40222-5533
Parcel ID183200920000.

WEST JULIANNE D
314 BUCKINGHAM TER
LOUISVILLE, KY 40222-5533
Parcel ID183200950000.

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500 W JEFFERSON ST,
LOUISVILLE, KY 40202-2823
Parcel ID089M00070000.

WMB OXMOOR PROPERTIES
HOLDINGS LLC & TWB OXMOOR 1 LLC
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089S0TR50000.

OXMOOR CEMETERY
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089R012A0000.

WMB 2 LLC
8001 SHELBYVILLE RD
LOUISVILLE, KY 40222-5417
Parcel ID089R00200000.

WMB 2 LLC
101 S 5TH ST
LOUISVILLE, KY 40202-3157
Parcel ID089R00210000.

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8204 PADDINGTON DR
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8210 PADDINGTON DR
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Parcel ID183200820000.

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13121 WILLOW FOREST DR
LOUISVILLE, KY 40245-1983
Parcel ID183200850000.

SHAW JAMES E & JEWELL A
8901 DENINGTON DR
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Parcel ID183200930000.

WMB 1 LLC & TWB OXMOOR 1 LLC
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089M00140000.

BULLITT THOMAS W & TWB
OXMOOR 1 LLC
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089S0TR70000.

WMB 2 LLC
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089R00110000.

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Parcel ID183200800000.

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MARTHA J
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Parcel ID183200830000.

KREGOR PHILIP JR & B
8225 WHIPPS MILL RD UNIT 119
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Parcel ID183200910000.

COOPER PHILIP & AMY
312 BUCKINGHAM TER
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Parcel ID183200940000.

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200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089M00150000.

OXMOOR CRA B1 LLC
50 S 16TH ST FL 35 STE 3575
PHILADELPHIA, PA 19102
Parcel ID089S0TR10000.

OXMOOR CEMETERY
200 S 5TH ST STE 500N
LOUISVILLE, KY 40202-3222
Parcel ID089R00120000.

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Parcel ID089R00190000.

WMB 2 LLC
8001 SHELBYVILLE RD
LOUISVILLE, KY 40222-5417
Parcel ID002900050000.

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WRIGHT
7300 NEW LA GRANGE RD
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Parcel ID025700030005.

HEH LLC
2600 JAMES THORNTON WAY
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Parcel ID025700020000.

TOM HELM INC
ADDRESS UNKNOWN
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Parcel ID174400K10000.

7601 LLC
3309 COLLINS LN
LOUISVILLE, KY 40245-1629
Parcel ID025700250001.

SCHMITT FRANK A & JANE F
8903 SWEET BAY PL
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Parcel ID025700260002.

EGW LOUISVILLE LC
4800 N FEDERAL HWY STE 201B
BOCA RATON, FL 33431-3408
Parcel ID025700270003.

PAM LLC
10717 SUN RIDGE RD
GOSHEN, KY 40026-9730
Parcel ID025700280004.

COMMUNITY TRUST BANK NA
TRUSTEE
100 E VINE ST STE 501
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Parcel ID025700290005.

THE STEPHEN LINKER COMPANY
LLC
5924 TIMBER RIDGE DR STE 101
PROSPECT, KY 40059-8150
Parcel ID025700300006.

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225 S HURSTBOURNE PKWY
LOUISVILLE, KY 40222-4929
Parcel ID025700310008.

HAYES BRENDA F
109 NORWOOD DR
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Parcel ID025700550009.

STENTON SHAWNA L & THOMAS J
7606 NORBOURNE AVE
LOUISVILLE, KY 40222-4820
Parcel ID025700540000.

CASTLEBERRY DONALD K
7608 NORBOURNE AVE
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Parcel ID025700320010.

DBLUKING LLC
1910 BRENTMOOR LN
LOUISVILLE, KY 40223-1015
Parcel ID025700500000.

CARTER ELIZABETH S
7612 NORBOURNE AVE
LOUISVILLE, KY 40222-4820
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Parcel ID025700830000

JETER LEIGH ANN
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LOUISVILLE, KY 40222-4820
Parcel ID025700510000.

PUCKETT BRITTA A
7700 NORBOURNE AVE
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Parcel ID025700480000.

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ANDREW ROBERT
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2606 BELLS MILL RD
SHEPHERDSVILLE, KY 40165-8903
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WILLIAMSON AMANDA
106 ARTERBURN DR
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LARENCE CHUCK V
2028 HOWARD RD
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SCHMITT ANDREW F &
HOLLOWAY MARY S
8308 REGENCY WOODS WAY
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Parcel ID025700380007.

ABLE DANIEL S & DECKER AMBER
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Parcel ID025700430006.

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BOYD RONALD L & PAMELA N
302 HIDDEN OAK WAY
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Parcel ID174800320000.

MONSOUR KEITH E & KEELY
300 HIDDEN OAK WAY
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Parcel ID174800310000.

KINGSOLVER JACQUELINE C
301 HIDDEN OAK WAY
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CHARLES C PENGVANICH REV
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201 HIDDEN OAK PL
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STEPHEN T
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Amy Crider
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Larry Anderson
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Louisville, KY 40222

Coty Young
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Brian Forrest
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Mary Ann Brumagen
Beverly Brumagen
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Pat and Earl Hubbuch
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Sandy and Parker Curtis
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Judy Clark
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