

LOUISVILLE BOARD OF ZONING ADJUSTMENT MINUTES

SEPTEMBER 6, 1988

DOCKET NO. B-120-88

Applicant: Lawrence L. and Kathy E. Kovie

Subject: An application for variances from the Zoning District Regulations to permit existing and proposed fences to exceed the maximum allowed height in the required rear and side yards.

Premises affected: On property known as 120 Kennedy Avenue and being in the City of Louisville.

Appearances For Applicant:

Lawrence Kovie, 120 Kennedy Avenue, Louisville, Kentucky 40206, who submitted twelve 3½" x 5" color photographs and a petition with 4 signatures in support.

Appearances Against Applicant:

No One

On July 22, 1988, the City of Louisville Department of Inspections, Permits and Licenses issued a Notice of Violation and Order to Stop Use concerning the erection fences which exceed the height restrictions of the Development Code.

On July 27, 1988, Lawrence L. and Kathy E. Kovie filed an application for variation from the requirements of the Zoning District Regulations to permit existing and proposed fences to exceed the maximum allowed height in the required rear and side yards.

On September 6, 1988, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

A staff member read the staff report. See Addendum for staff report in full.

A map of the site and surrounding area was shown.

Rose Mary Kithcart, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Crawford, seconded by Member Janes, the following resolution was unanimously adopted:

LOUISVILLE BOARD OF ZONING ADJUSTMENT MINUTES

SEPTEMBER 6, 1988

DOCKET NO. B-120-88 (continued)

WHEREAS, the Board finds that the grade of the land, which is uneven, and need for screening a swimming pool are special circumstances which do not generally apply to land in the general vicinity or in the same zone, and

WHEREAS, the Board finds that the tallest portion of the fence is not excessive and removal of 9 inches from the fence would serve no useful purpose, therefore, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, and

WHEREAS, the Board finds the applicant is not responsible for the uneven grade of the land, therefore, such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

WHEREAS, the Board finds that the granting the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, but will increase the public health safety and welfare by prohibiting the public from gaining access to the pool without proper supervision or consent of the owner,

NOW, THEREFORE, BE IT RESOLVED, that the variances are hereby APPROVED.

The variance allows:

1. The existing and proposed fences in the required side yards to be a maximum height of 7 feet 9 inches tall, and
2. The existing fence in the required rear yard to be a maximum height of 7 feet 6 inches tall.