

Board of Zoning Adjustment
Staff Report
 August 19, 2019



Case No:	19-VARIANCE-0009
Project Name:	Melda Lane Variance
Location:	3910 Melda Lane
Owner(s):	Willie & Glenna Steele
Applicant:	Sammie Taylor – Taylor Fencing
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard in a Neighborhood Form District to exceed 48 inches in height.

Location	Requirement	Request	Variance
Fence in Street Side Yard	48 inches	72 inches	24 inches

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located in the Beverly Manor Section 1C subdivision, at the intersection of Melda Lane and Jeanine Drive. It currently contains a single-family residence. The applicant has constructed a vinyl fence 72 inches in height. Land Development Code section 4.4.3.A.1.a.i allows a fence in the street side yard in the Neighborhood Form District to be up to 48 inches in height. The fence, which is in the street side yard setback along Jeanine Drive, is 72 inches in height. The applicant therefore requests a variance to allow the higher fence.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code to allow a fence in the street side yard setback in a Neighborhood Form District to exceed 48 inches in height.

TECHNICAL REVIEW

- No technical review was undertaken.

RELATED CASES

There is an open enforcement case for the fence height in the street side yard (19PM5378-ZM).

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.A.1.a.i

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the existing fence is not within the sight triangle and there is adequate vision clearance for motorists and pedestrians.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are a number of fences over 48 inches in height in front and street side yards in the area.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence is needed to provide privacy in the rear yard of a corner lot.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is a corner lot.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to construct a lower fence.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the fence has been constructed and the applicant is requesting the variance.

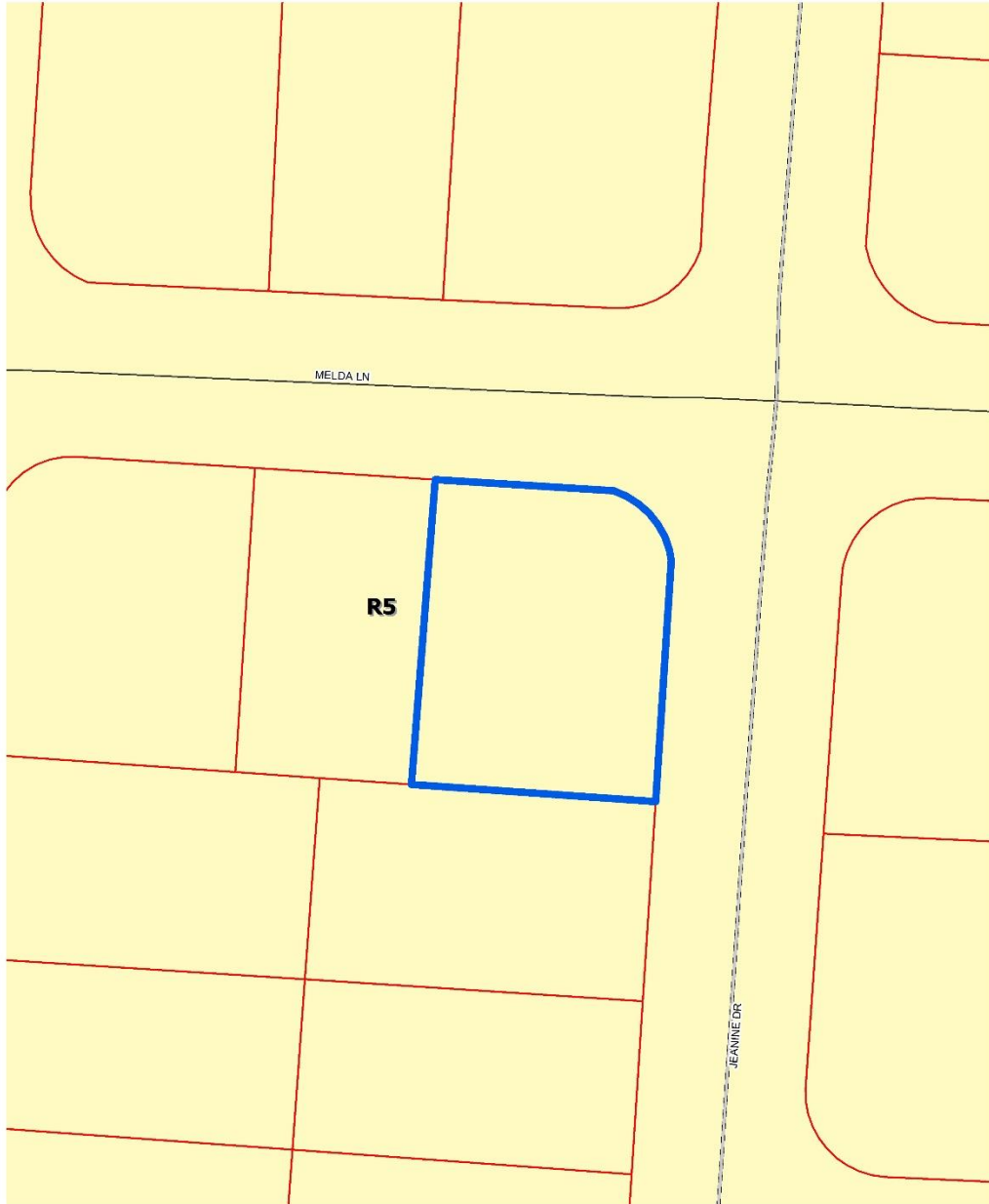
NOTIFICATION

Date	Purpose of Notice	Recipients
08/01/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
08/02/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



3910 Melda Lane
feet



40
Map Created: 8/14/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



3910 Melda Lane
feet

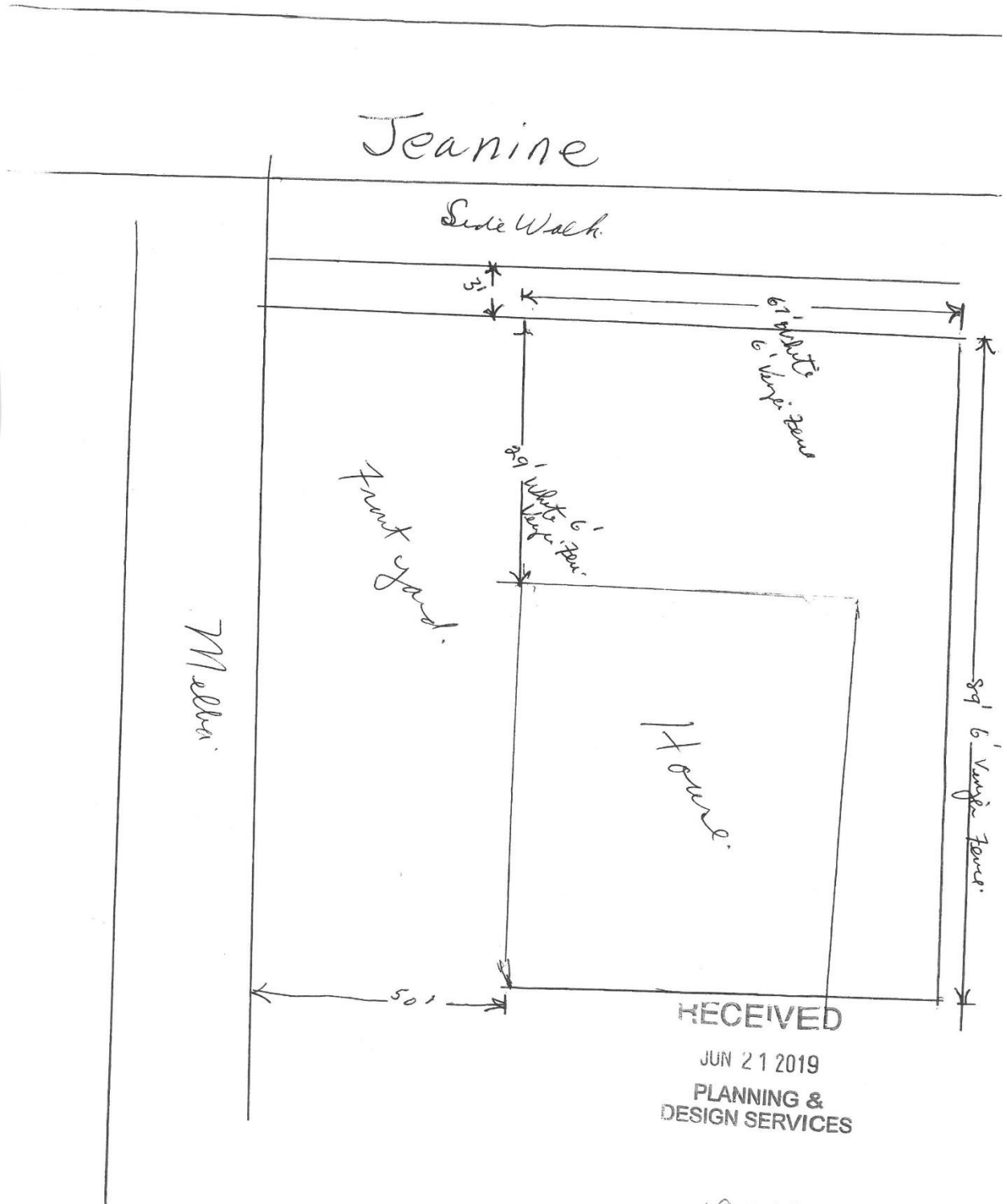
40

Map Created: 8/14/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan



4. Site Photos



Subject property.



Property to the right.



Property to the left on Jeanine Drive.



Property across Melda Lane.



Fence from Jeanine Drive (street side yard).



Fence from Jeanine Drive (street side yard).