

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.

This is a variant application for the fence on the Western side of my property to be 10 feet (a portion is 10 feet, while another is about 9). This fence is not visible from the front street (Wainwright Avenue). It is used to cover sighting of my neighbor's garage and fence (in poor conditions on 544 Wainwright avenue) and it directly abuts and is no higher than my neighbor's structures. It does not adversely affect public health, safety or welfare.

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

My fence is not visible from the street (Wainwright Avenue), it doesn't affect the neighborhood or general vicinity's essential character. In fact, it is barely visible from the rear of the property either.

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

This is a fence that abuts my neighbor's garage and fence. My neighbor (544 Wainwright Avenue) has a garage at 10 feet (in poor conditions) and a fence about 9 feet (has a variant permit). All other neighbors cannot see the height of the fence therefore it is not a nuisance or hazard.

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

This is an application to allow my fence to stand at or below 10 feet. The sole purpose of the fence is to cover the neighbor's garage (at 10 feet) and the neighbor's fence (about 9 feet), to which they have a variant permit. I am simply doing the same as what my neighbor does. In fact, the reason why my fence was built to 10 feet was because my neighbor obtained a variant permit.

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).

The neighbor at 544 Wainwright Avenue obtained a variant permit to build their fence 9 feet, and their garage (in poor conditions) is at 10 feet. The fence is used to cover sighting of my neighbor's property and maintain privacy of my yard. Had their variant permit not been granted and their fence not built so high, there wouldn't be a need for mine to be this high either. Had their shed not be in such poor conditions I would not need to build a fence to cover sighting of it either. It is indeed a special circumstance and all I am doing is reactionary to the neighbor's variant permit.

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.

If not granting the variant application, I would feel reasonable hardship and in addition would feel discriminated against. My neighbor was granted a variant permit years ago to build a fence at 9 feet and a poorly maintained garage at 10 feet that I am simply covering the sighting of. Their fence and garage are old and in reasonably poor conditions. I believe it would be fair for me to be granted ability to keep my fence at or below 10 feet..

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

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Weilun Wang
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Dear members of the board,

My name is Weilun Wang, and I am the owner of 546 Wainwright Avenue, Louisville, KY, 40217. I am applying for the fence to the western side of my property to be maintained at their current height (10 feet and 9 feet), illustrated in the drawing and photos I submitted with the application.

The fence is located at the rear (yard portion) of my property. One segment measure about 379" in length and 9 feet in height in one section; and the other segment measure about 205" in length and 10 feet in height.

I purchased this property on May 29th 2020, when I moved to Louisville to be a medicine trainee at University of Louisville Hospital, with the aim of treating the underserved population in this city. The same fence was already standing when purchase of this property was finalized.

1. From my best understanding, the 9 feet portion of the fence was constructed because my neighbor at 544 Wainwright Avenue (Mr. David Rice) has a variant permit to construct his fence at 9 feet. Due to lack of maintenance on his fence, the builders chose to build a fence abutting his fence to cover his fence.
2. From my best understanding, the 10 feet portion of the fence was constructed because my neighbor at 544 Wainwright Avenue (Mr. David Rice) has a garage of the same height (10 feet). Due to lack of maintenance on his garage, the builders chose to build a fence abutting his garage to cover his garage.
3. The fence is barely visible from front street (Wainwright Ave), and visible from the back (unnamed alley) but abuts an already standing structure that is in poor conditions.
4. It is my belief that the fence dose not in any way adversely affect public health, safety or welfare. It does not alter the essential character of the general vicinity. It is not a nuisance to the public.
5. I believe it is a reasonable circumvention of the zoning regulations; as the fences do not reasonably bring any harm in any way to the public, and it will bring reasonable benefit to overall the overall aesthetics and livability of my property.

I really appreciate your review of this variant application, and I look forward to hearing back from you.

Sincerely,
Weilun Wang



21-VARIANCE-0144

Photo 1 (yard view): the front portion of the fence is 9 feet tall (abuts the neighbor's fence at 9 feet), the back portion of the fence is 10 feet tall (abuts the neighbor's garage at 10 feet).



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Photo 2 (side view): my neighbor at 544 Wainwright Ave- Mr. David Rice has a variant permit to build his fence at 9 feet tall. The 9 feet portion of my fence is built to cover sighting of his fence, which is in a relative state of disrepair.



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Photo 3 (Rear alley view): My neighbor at 544 Wainwright- Mr. David Rice has a garage at 10 feet tall. The 10 feet portion of my fence is built to cover sighting of his fence, which is in a relative in a state of disrepair. I would argue my fence is making the neighborhood more beautiful here.



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Photo 4 (Front Wainwright Avenue view): my fence is barely visible from the front of the property and does not affect street aesthetics. In fact, Mr. Rice's fence is much more visible.



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