

Board of Zoning Adjustment

Staff Report

December 3, 2018



Case No.	18VARIANCE1101
Project Name	Fence Height Variance
Location	911 S. Brook Street
Owner/Applicant	Salvation Army
Jurisdiction	Louisville Metro
Council District	4 – Barbara Sexton Smith
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit a fence to exceed the permitted height in a Traditional Neighborhood form district (LDC 4.4.3.A.1.a.i)

Location	Requirement	Request	Variance
Maximum front yard fence height	42 in	72 in	30 in

CASE SUMMARY / BACKGROUND

The site is located on the east side of S. Brook Street between E. Breckinridge Street and Ardella Court, bordered on the west by I-65. It and adjoining properties to the south are zoned OR-2 Office/Residential; properties to the north are zoned C-2 Commercial; properties to the east are zoned C-2 and C-M Commercial and M-2 Industrial. All are located within a Traditional Neighborhood form district. It is adjoined by properties in single- and multi-family residential, commercial and public uses, as well as vacant properties. The site is the former Male High School; it is currently occupied by the Salvation Army and includes an outdoor playground.

Although chain link fencing up to 6 ft high is permitted in side and rear yards on the site, it is limited to 42 in (3 ft 6 in) in the front yard. The additional height is requested to provide added security for the site and to tie into the existing permitted fencing elsewhere on the site.

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, 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 to permit a fence to exceed the permitted height in a Traditional Neighborhood form district (LDC 4.4.3.A.1.a.i).

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

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

STAFF: The added fence height does not affect public health, safety or welfare. It offers additional security for the site and does not interfere with sight lines for vehicles traveling on S. Brook Street.

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

STAFF: The requested fence height is in character with existing development on the site and in the vicinity.

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

STAFF: The fence height will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

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

STAFF: Permitting the proposed fencing is not an unreasonable circumvention of zoning regulations.

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 proposed fencing will tie into existing permitted fencing.

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 application of the regulation would create an unnecessary hardship in that it is not out of character for the site or the area.

3. The circumstances are 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 not the result of actions taken by the applicant.

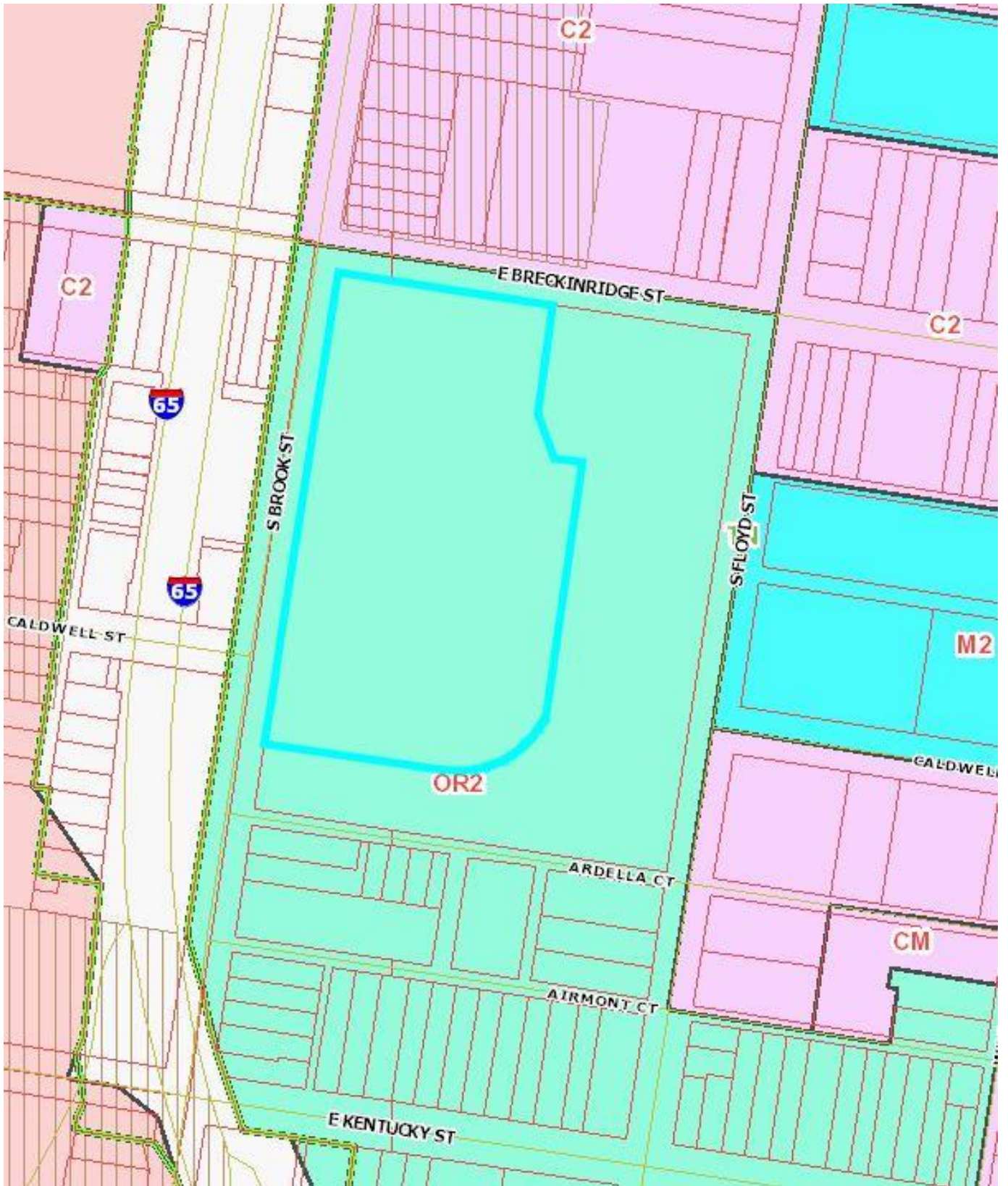
NOTIFICATION

Date	Purpose of Notice	Recipients
11/13/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9 Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



4. Site Plan

Variance Area

