

# Board of Zoning Adjustment

## Staff Report

September 17, 2018



<b>Case No:</b>	18VARIANCE1068
<b>Project Name:</b>	Bay Pine Drive Fences, Deck & Pool
<b>Location:</b>	5900 Bay Pine Drive
<b>Owner(s):</b>	Teresa Ramey
<b>Applicant:</b>	Teresa Ramey
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – James Peden
<b>Case Manager:</b>	Dante St. Germain, 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 the Neighborhood form district to exceed 48 inches in height.
- **Variance** from Land Development Code section 4.4.10.A to allow a private swimming pool to encroach into the required street side yard setback.
- **Variance** from Land Development Code table 5.3.1 to allow a deck to encroach into the required street side yard setback.
- **Variance** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard in the Neighborhood form district to exceed 48 inches in height.

Location	Requirement	Request	Variance
Fence in Street Side Yard (1)	4 feet	6 feet	2 feet
Swimming Pool in Street Side Yard	30 feet	23 feet	7 feet
Deck	30 feet	18 feet	12 feet
Fence in Street Side Yard (2)	4 feet	9.5 feet	5.5 feet

**CASE SUMMARY**

The subject property is located at the corner of Bay Pine Drive and Michael Ray Drive, in the Highview neighborhood. The property currently contains a one-story, single-family residence. The applicant requests an after-the-fact variance for a six-foot fence in the street side yard setback. The applicant states that the first fence was constructed in 2007. The applicant also requests an after-the-fact variance for an above-ground pool to encroach into the required street side yard setback. The applicant states that the pool was also constructed in 2007.

A deck has been recently constructed around the pool, and it is not visible in the LOJIC 2016 aerial photograph. The deck also encroaches into the required street side yard setback, and requires an after-the-fact variance. There is a second fence constructed on top of the deck, reaching 9.5 feet in height at the highest point, which is also in the street side yard setback. This fence also requires an after-the-fact variance.

This case was heard by the Board of Zoning Adjustment on August 20, 2018, and was continued at that time to give the applicant time to produce a rendering to illustrate how the higher fence will look when completed. No rendering has been received from the applicant as of the date of this staff report. The applicant has planted five trees in the street side yard between the fences and the property line.

## **STAFF FINDING**

Staff finds that three of the requested variances are adequately justified and meet the standard of review. The fourth variance, for the pool deck fence, is not adequately justified and does not meet 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 from section 4.4.3.A.1.a.i to allow a fence in the street side yard to exceed 4 feet in height (two variances for two separate fences), from section 4.4.10.A to allow a private swimming pool to encroach into the required street side yard setback, and from table 5.3.1 to allow a deck to encroach into the required street side yard setback.

## **CASE BACKGROUND**

Enforcement case 18PM15386 is currently active on the property relating to the fence height and street side yard encroachments. This case is pending Board action on the present variance requests.

LOJIC aerial photographs show a fence on the street side yard setback line as early as 1997 with no pool. The pool and the fence which extends into the street side yard setback appear on aerial photographs beginning in 2009. The deck is not visible on the LOJIC 2016 aerial photograph, and has been constructed more recently than that photo.

The property is included in the Highview Neighborhood Plan, adopted in 2015. The neighborhood in which the property is located is designated as an existing residential area where commercial development should be restricted. The subject site is not otherwise defined, and the plan does not address residential design such as fences and pools.

No building permit is on file for the fence that exceeds 7 feet in height.

## **TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

Several interested party comments have been received from neighbors since the case was heard on August 20, 2018. They are all in opposition to the granting of the variance. Please see Attachment #5 for these comments. Comments that were received prior to the August 20, 2018 hearing are in Attachment #6. These comments were partially in favor and partially opposed.

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

- (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 fence does not extend to the corner and does not obstruct sight lines for drivers.

- (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 similar six-foot privacy fences in the general vicinity.

- (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 does not obstruct sight lines at the corner.

- (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 a fence is needed to protect a pool, and the six-foot height provides better deterrence to children compared with a four-foot height.

#### ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the property is regular in shape and similar in size to other nearby corner lots.

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 may create an unnecessary hardship on the applicant by requiring the applicant to reduce the height of an existing fence to 4 feet.

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 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 already been constructed.

#### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.10.A

- (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 pool is protected by an existing fence.

- (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 the pool is screened by an existing privacy fence.

- (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 pool has existed for approximately 11 years without causing a known hazard or nuisance.

- (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 a previously existing shed limits the possible location of a pool.

**ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise 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 because the property is regular in shape and similar in size to other nearby corner lots.

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 may create an unnecessary hardship on the applicant by requiring the applicant to relocate an existing pool.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the pool has already been constructed.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 deck is screened by an existing fence.

- (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 the deck is screened by an existing privacy fence.

- (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 deck does not obstruct sight lines or create a hazard at the corner.

- (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 placement of the deck is around a previously-existing pool

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 because the property is regular in shape and similar in size to other nearby corner lots.

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 may create an unnecessary hardship on the applicant by requiring the applicant to move the deck so as to be less useable around the pool.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the deck has already been constructed.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.A.1.a.i (2)**

- (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 fence does not extend to the corner and does not obstruct sight lines for drivers.

- (b) The requested variance will alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity as there is no similar 9.5 foot tall fence in the general vicinity.

- (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 does not obstruct sight lines at the corner.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance may allow an unreasonable circumvention of the zoning regulations as the deck is already screened by a previously-existing fence and access to the pool was already restricted by the six-foot fence.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the property is regular in shape and similar in size to other nearby corner lots.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the deck fence could be removed without adversely affecting the other structures.

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 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 already been constructed.

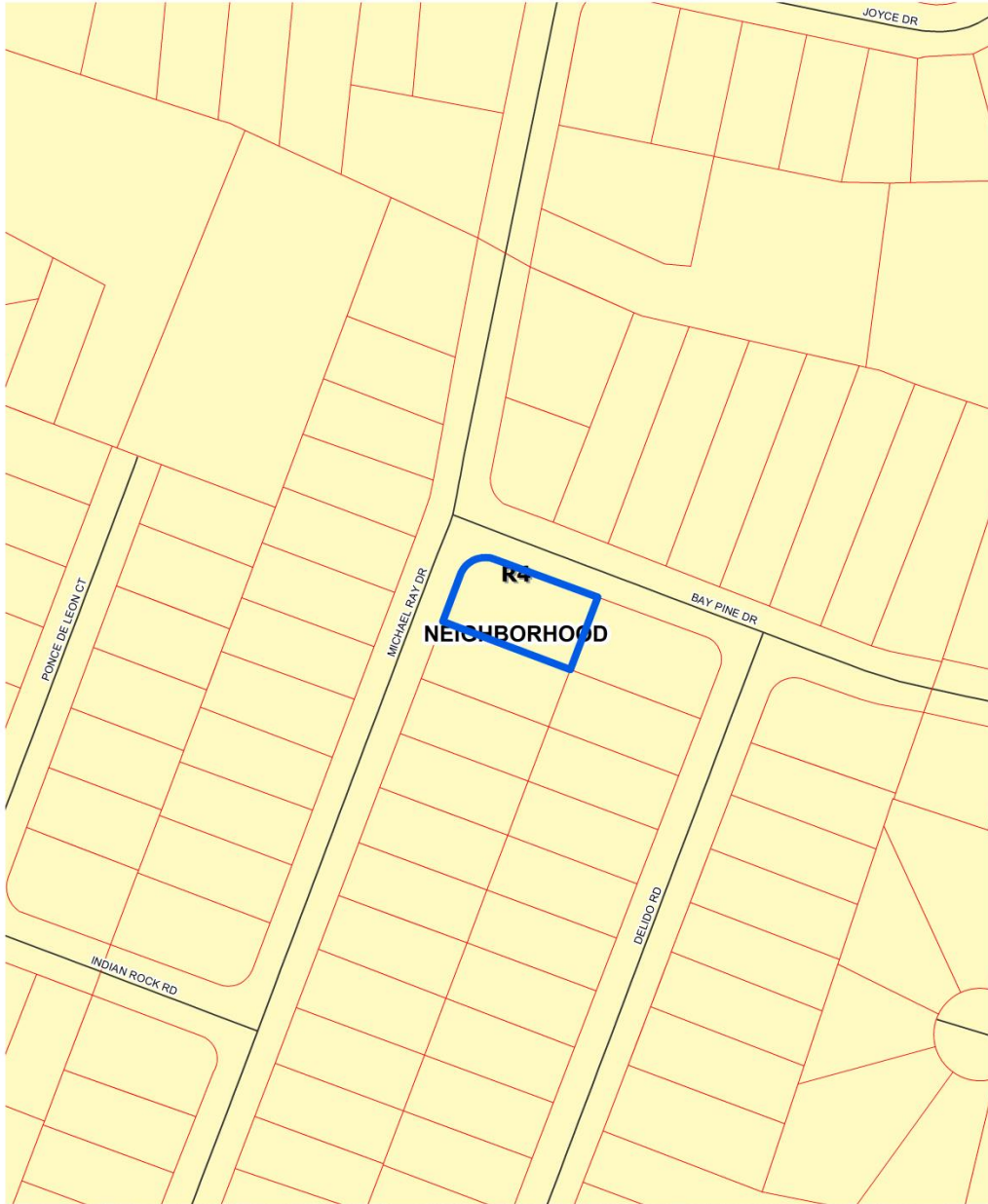
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>07/31/2018</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 23
<b>08/03/2018</b>	Hearing before BOZA	Notice posted on property

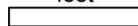
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Interested Party Comments Since August 20, 2018 Hearing
6. Interested Party Comments Prior to August 20, 2018 Hearing

1. **Zoning Map**



5900 Bay Pine Drive  
feet



140  
Map Created: 8/6/2018

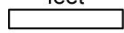


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2. Aerial Photograph



5900 Bay Pine Drive  
feet



50  
Map Created: 8/6/2018



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5900 Bay Pine Drive 2006 Aerial

feet

50

Map Created: 8/6/2018



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3. Site Plan



4. Site Photos



Five trees have been planted since the August 20, 2018 hearing.



The front of the subject property.



The property across Bay Pine Drive.



The properties across Michael Ray Drive.



The property behind the subject property along Bay Pine Drive with chain link fence on the street side yard setback line.



The street side yard of the subject site prior to the August 20, 2018 hearing..





The fences and the pool and deck visible behind the outer (perimeter) fence.



The street side yard of the subject site.



The street side yard of the subject site.



A nearby privacy fence similar to the perimeter fence of the subject site.



A nearby privacy fence similar to the perimeter fence of the subject site.

5. Interested Party Comments Since August 20, 2018 Hearing

**St. Germain, Dante**

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**From:** idreamofjeanie28@att.net  
**Sent:** Thursday, September 06, 2018 4:30 PM  
**To:** St. Germain, Dante  
**Cc:** bhy0148@gmail.com  
**Subject:** VARIANCE

Sept. 6, 2018

Dear Commisioner,

My name is Dick Hollenkamp. My wife and I have resided in Friendly Hills for over 44 years.

Before you, is Case # **18 VARIANCE 1068**, of which **WE ARE OPPOSED!**

The property at 5900 Bay Pine Drive has a fence that appears to be over nine feet high This property currently has a six foot high fence in their front yard, which does not meet our neighborhood restrictions. However, since the property only has one other house sharing the block, we have no problems with the 6 ft. fence where it is located.

We are concerned, though, that allowing a fence over 6 feet high would open the door for other residents to want to do the same thing.

Even though this variance is to be only for the property at 5900 Bay Pine, we live in a world of "fairness"and we are sure there will be others wanting to follow suit. This proposed variance will grant them merit for wanting to make more variances or other changes in our neighborhood.

We certainly don't want to see our residential area turn in to a "blockade" looking fort. I hate to envision how this neighborhood would look with 7, 8, 9, or even 10 foot high fences.

Thank you,

*Dick & Jeanie Hollenkamp*

## St. Germain, Dante

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**From:** hosseus@aol.com  
**Sent:** Thursday, September 06, 2018 9:10 PM  
**To:** St. Germain, Dante  
**Subject:** 5900 Bay Pine Variance

I understand that there is a hearing pertaining to a variance requesting concerning a fence located at 5900 Bay Pine Dr in the Friendly Hills Subdivision. I don't know if I am allowed to have any input into this matter, but I have friends and family in Friendly Hills. The subdivision is well kept, with low crime and as the name implies, "friendly". Everyone basically is respectful of their neighbors and tries to get along as well as follows the guidelines established by the neighborhood association.

However, the one notable exception is the aforementioned property. It stands out for the tall and, from all appearances, an unkempt fence which does not conform with other homes in the area. When I had a privacy fence installed, I was repeatedly "lectured" about the height restrictions by neighbors, the contractor, and some government officials (which, of course, was never an issue). When I spoke with IPO (on unrelated matter), I was again advised that there was a strict height requirement when it came to privacy fences. Of course, I complied as I intended to do, and other neighbors and friends who've installed privacy fences have as well. The height restriction still allows for privacy while at the same time, creates as more uniform appearance for the neighborhood.

The property in question stands out as an exception. The fence and its appearance reminds me of a rundown "fort", which distracts from the neighborhood. Accordingly, I would ask that the variance requested be rejected. After all, if granted, it would give the "green light" to others to put up similar fences; maybe installing fences--chain link or otherwise---around their yards or security lights which infringe on their neighbors, etc, and why not? What's fair for one is fair for all right? I'm sure you would agree that granting this variance could set a dangerous example for others, which would distract from the neighbor. Therefore, I request that the request be denied. Thank you.

Sincerely,

Paul Hosse'  
9217 Star Rest Circle  
Louisville, KY 40272

**St. Germain, Dante**

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**From:** taylorsbicky <taylorsbicky@twc.com>  
**Sent:** Thursday, September 06, 2018 9:20 PM  
**To:** St. Germain, Dante  
**Subject:** 18variance1068 5900 Bayonne drive. Louisville, my 40219

While I understand the homeowner's concern for her daughter, there should be other ways than building an unsightly fence. I am concerned others will also build 9 ft fences and turn their backyards into junkyards. I am against the variance.

Sent from my T-Mobile 4G LTE Device



**St. Germain, Dante**

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**From:** Stacey Doll <sndoll@yahoo.com>  
**Sent:** Friday, September 07, 2018 7:57 AM  
**To:** St. Germain, Dante  
**Cc:** Barbara #1 Yocum  
**Subject:** 18VARIANCE1068

----- Forwarded message -----

From: friendlyhillslouky <friendlyhillslouky@gmail.com>  
Date: Sep 7, 2018 7:51 AM  
Subject: 18VARIANCE1068  
To: Barbara Yocum <bhy0418@gmail.com>, Dante.St.Germain@louisvilleky.gov, "stacey. powell@jefferson.kyschools.us" <stacey.powell@jefferson.kyschools.us>  
Cc:

> Hello. I am writing in regards to 18VARIANCE1068 at 5900 BAY PINE. I would like to go on record to state that we are OPPOSED to the 9 1/2 foot fence variance at this property. This fence is in violation of code and it's Deed of Restrictions within the neighborhood.

>

> As I understand, no plans were submitted for this fence or permissions were granted prior to the construction of said fencing. It does not mesh with the continuity of the neighborhood. Unfortunately this neighborhood is of a "monkey see, monkey do" mentality and I am greatly concerned that this will open the doors for more houses to construct fences that are out of compliance. I fear that if code enforcement does not stand by the actual code you will no longer have a leg to stand on when other people erect fences and structures at will.

>

> The privacy fence that is erected in front of the property is already out of compliance. The slab that was poured in front of the home did not get a variance for and no plans were submitted prior to it's existence either. It is my understanding that this has been permitted to stay. Whereas, I see that this has already been decided on it is not worthy of our time to argue that point. I would like to focus on the nine and a half foot tall fence that surrounds the swimming pool.

>

> I asked that code enforcement stands by the code within the neighborhood and ensures that this fence is modified and stands by the code.

>

> If you have any questions or concerns please feel free to contact me at your convenience.

>

> Thank you.

>

> Best regards,

> Stacey Powell

> President, Friendly Hills Civic Association

>

> Sent from my MetroPCS 4G LTE Android device

Sent from Yahoo Mail on Android

## 6. Interested Party Comments Prior to August 20, 2018 Hearing

### **St. Germain, Dante**

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**From:** Mary Redden <mary@parts123.com>  
**Sent:** Thursday, August 02, 2018 10:29 AM  
**To:** St. Germain, Dante  
**Cc:** 'Alex Redden'  
**Subject:** RE: Where can I post a comment on the Zoning meeting for Aug 20?

Thank you for getting back to me so quickly!

Let me elaborate a bit for my official comment:

Teresa Ramey has been a model neighbor. Her property is always kept tidy and nice looking. Since her husband passed away suddenly 2 years ago she has done a remarkable job raising her children, working full time as an RN, and just generally being a great person. I know that has nothing to do with Zoning per se, but I wanted to provide some context.

We have lived at 8112 Michael Ray Drive for 22 years. I believe the fence and pool were erected more than 10 years ago. Neither of them has ever been an issue for the neighborhood as far as I know.

Our property is across the street from hers and I have NO PROBLEM whatsoever with the Variance she requests. There is no risk to health and/or safety caused by her fence or her pool placement. I have spoken to 4 of her other adjoining neighbors and we are all in agreement in the hope that the Variance will be granted.

Sincerely,

Alexander and Mary Redden  
[chesteralways@yahoo.com](mailto:chesteralways@yahoo.com)  
502-797-1462

**From:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Sent:** Thursday, August 2, 2018 9:58 AM  
**To:** Mary Redden <[mary@parts123.com](mailto:mary@parts123.com)>  
**Subject:** RE: Where can I post a comment on the Zoning meeting for Aug 20?

Ms. Redden,

To provide a comment, you just email to me. I will convey your support to the Board at the hearing. Thank you very much for your comment.

**Dante St. Germain**  
Planner I  
Planning & Design Services  
Department of Develop Louisville  
*LOUISVILLE FORWARD*  
444 South Fifth Street, Suite 300  
Louisville, KY 40202  
(502) 574-4388  
<https://louisvilleky.gov/government/planning-design>



DEVELOP  
LOUISVILLE  
LOUISVILLE FORWARD



**From:** Mary Redden [<mailto:mary@parts123.com>]  
**Sent:** Thursday, August 02, 2018 9:50 AM  
**To:** St. Germain, Dante  
**Subject:** Where can I post a comment on the Zoning meeting for Aug 20?

Dear Mr. / Ms. Germain,

I am a neighbor with adjoining property to Teresa Ramey, who is asking for a variance at the Zoning Board meeting on Aug 20<sup>th</sup>. I received a notice about the Public Hearing in yesterday's mail.

The notice says I can go to [www.louisvilleky.gov/PlanningDesign](http://www.louisvilleky.gov/PlanningDesign) for public comment opportunities. I went to that page, but I can't find any place to leave a comment.

I'm leaving town on vacation tomorrow, and I'd really like to leave a public comment in support of Ms. Ramey before I go.

Thank you in advance for your assistance.

Sincerely,

Mary Redden  
8112 Michael Ray Dr  
Louisville, KY 40219

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**St. Germain, Dante**

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**From:** Nevitt, Cretia S <cretia.nevitt@jefferson.kyschools.us>  
**Sent:** Friday, August 03, 2018 9:15 AM  
**To:** St. Germain, Dante  
**Subject:** request for variance 18PM15386

I am writing in support of Ms. Teresa Ramey at 5900 Bay Pine Drive, case number 18PM15386. I have lived in Friendly Hills for over 40 years. I have watched this subdivision grow and decline and now it is on a regrowth that is good for all. I have watched improvements begin and end. The aforementioned property has been well maintained for at least the last 11 years since the swimming pool and original fence were put in. When the neighborhood association was formed, the violations were grandfathered in within the neighborhood. I understand however, that this does still remain a county violation. Unfortunately, we seem to have a couple of vexatious litigants amongst us that are constantly on the lookout.

I am aware that Ms. Ramey has applied for a variance to allow her keep her pool and original fence. I have no problem with this issue and I do support granting this variance.

Should you need to or wish to contact me I am providing my information below.

Cretia Nevitt  
5907 Bocagrande Drive  
Louisville KY 40219  
502-417-6655  
[suzeqsez@aol.com](mailto:suzeqsez@aol.com)

*We are not prisoners of our past, but rather pioneers of an exciting future*

**St. Germain, Dante**

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**From:** Pam Colburn <xray.colburn@gmail.com>  
**Sent:** Friday, August 03, 2018 3:21 PM  
**To:** St. Germain, Dante  
**Subject:** Zone violation on Bay Pine Dr

I am emailing regarding the possible zoning violation at the home at the corner of Bay Pine and Michael Ray Drives. The pool and fence look fine to me and I see no reason to make the lady remove these items. The yard and house is one of the better kept houses in the neighborhood. Utter nonsense if you ask me. Leave the lady and her pool/fence alone. No one minds!

Pam Colburn  
5912 Santa Rosa Drive  
Lou, KY 40219

Sent from my iPhone

**St. Germain, Dante**

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**From:** private parts <starmaul@hotmail.com>  
**Sent:** Friday, August 03, 2018 3:40 PM  
**To:** St. Germain, Dante  
**Subject:** Home at Bay Pine and Michael Ray

My name is Michael Christensen, I am the owner and resident of 8219 Delido Road in the Friendly Hills 3 & 5 HOA. I am sending this email regarding the home at the Southeast corner of Bay Pine and Michael Ray. It is my understanding that they are looking for support for the fence and pool at this Location.

I have no issues with the location of the pool, or the location of the lower perimeter fence. I do think that the added privacy fence surrounding the pool and deck is too high for the location and out of character of the neighborhood. Thank you for your consideration in this matter.

Michael Christensen  
8219 Delido Road  
Louisville KY, 40219  
502-420-8807

**St. Germain, Dante**

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**From:** pattie huber <pattieduck2000@yahoo.com>  
**Sent:** Friday, August 03, 2018 6:47 PM  
**To:** St. Germain, Dante  
**Subject:** 5900 Baypine Drive.

I am NOT at all happy with the way this is being handled. This family has not followed the rules since day one. Check the public records. They do as they please they parked on the side walk along Michael Ray for years. They bought a home in a Deed restricted neighborhood with a HOA and refused to pay their dues, until taken to Court, when Judge Gina Calvert told them they had to pay and follow the rules. They put in a new extra wide concrete driveway, patio, above ground pool and fence NOT getting permits or checking on the rules." it is my land I can do what I want." They have now added another fence and a concrete parking pad to the front of the property AGAIN not getting permits.

Now she wants cry I am a widow and I have small children. The man has been dead 4 years and the small children DRIVING since before he died. If the fences stay up you the city of Louisville might as well just forget ANY rules. I for one will start to do what I want to my Property and cry wolf when authority tries to tell me no. I am sick of the entitlement allowed to only those who cry pitiful me the loudest. Rules are there to be followed. WHEN they are Blatantly ignored there should be consequences.

Sent from Yahoo Mail on Android

**St. Germain, Dante**

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**From:** Barbara Yocum <bhy0418@gmail.com>  
**Sent:** Saturday, August 04, 2018 12:53 PM  
**To:** St. Germain, Dante  
**Subject:** 5900 Bay Pine, 40219

The owners should have checked with permits and regulations prior to building. They did not get a building permit, if they had, they would have been told they could not place a 6' fence in their front yard, let alone a pool.

The issue here, is the new fence around the pool which extends 4' over the existing 6' privacy fence; giving the appearance of a 10' fence; on two sides, which is not in compliance with the subdivision, nor Codes and Regulations.

However, this should be an example for all these neighbors, Metro Codes and Regulations are in force for a reason.



**St. Germain, Dante**

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**From:** Sabrina Hulsman <sabrul@gmail.com>  
**Sent:** Sunday, August 05, 2018 9:51 AM  
**To:** St. Germain, Dante  
**Subject:** Bay pine dr hearing

Good morning,

I am emailing you concerning Teresa Ramey and her zoning hearing on aug 20th. She lives at the corner of bay pine dr and Michael Ray. I wanted to say that her fence poses no threat to the neighborhood and does not block line of sight of traffic. It does not bother me in the least and I'm asking for you to allow her to keep her fence. There is no reason to have her remove it.

Thank you

Sabrina Hulsman

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**Sabrina R. Hulsman**  
Independent Osborne Books and More Consultant  
(812) 661-2250

*"Nothing can stop the man with the right mental attitude from achieving his goal; nothing on earth can help the man with the wrong mental attitude." --Thomas Jefferson*

**St. Germain, Dante**

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**From:** verygrateful7 <verygrateful7@bellsouth.net>  
**Sent:** Monday, August 06, 2018 11:26 AM  
**To:** St. Germain, Dante  
**Subject:** Property at the corner of Baypine and Michael ray Dr.

I am a property owner here in the Freindly Hills subdivision. I drive by the property in question and I must say I wish everyone would take care of their property as well as these people do. Please allow them to continue as they are.

Sincerely  
John Cary  
5712 Indian Rock Rd

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

## St. Germain, Dante

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**From:** smiken@twc.com  
**Sent:** Monday, August 06, 2018 2:12 PM  
**To:** St. Germain, Dante  
**Subject:** Teresa Ramey

Good Afternoon Mr. Germain

I am writing on behalf of Teresa Ramey and the situation she has been put in from an individual in Friendly Hills. It is my understanding that Teresa's husband put the fence up 10-years ago for privacy reasons just like anyone else that has put one in place. This is a well maintained fence, yard and house that is in no way an eyesore to this neighborhood, unlike many houses and other fences. To pinpoint this one particular fence after the fact of being in place for as long as it has, is sending a subliminal message that really has nothing to do with the fencing. In my opinion, this is about a personal motive and gain rather than a nuisance. Before this fencing was erected this complaintive had a view of the individuals that swam in the pool, however, after his/her view was obstructed they suddenly had an issue because of no longer being able to see the individuals enjoying the pool! No one has ever complained about this until NOW, so the question to think about is...why now and not before? Since when is having privacy a crime or violation?

Every day individuals go to work and earn a living so that they can purchase personal items to not only survive, but, to enjoy which many consider to be a well deserved reward for their hard work. A way to relax and unwind away from the daily grind. So again, I ask why after all this time is this individual complaining about something so minute?! Teresa Ramey is a young widower that has had to raise and provide for her family alone and on one income due to the death of her husband three years ago. Everything Teresa has and owns is a part of her husband and has a great deal of sentimental value. Something that shouldn't have to be taken away just because of ONE individual that came out of the woodwork after 10-years to complain about a piece of property that is irrelevant to the real reason.

Please question the reasoning for the complaint that never was one until now. The main questions should be "WHY and WHAT FOR." If that individual is unable to give a straight forward answer of the "REAL" reason then there isn't an issue other than their own. One of the TEN Commandments states, "thou shalt not covenant another man's property." By allowing the complaintive to have Teresa's property taken away is allowing him/her to covenant that property. Lastly, think about and remember how it would feel if this was you or another family member dealing with a similar situation that worked very hard to have some of the finer things in life and someone suddenly wanted to take that away. If, Teresa Ramey is held accountable for her privacy than EVERYONE else should be made to take theirs away as well. What you do for one must be done for all.

Sincerely,

Susan L Henken, BSHRL

**St. Germain, Dante**

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**From:** Nancy Wright <teachkds@icloud.com>  
**Sent:** Wednesday, August 08, 2018 1:14 PM  
**To:** St. Germain, Dante  
**Subject:** Fence

I am writing to express my opinion on the fence and pool on the corner of Michael Ray and Bay Pine Dr. I think the owners did a nice job on the fence and that it is necessary to have a fence when there is a pool. The additional fence around the deck is important for privacy and I would want one if it was my pool. The fence is set back from the road and is not a hazard as there is plenty of space to see at the corner for drivers.

Richard and Nancy Wright  
6200 Bay Pine Drive  
Sent from my iPhone