

Letter of Explanation

June 22, 2026

Louisville Metro Government
Department of Codes & Regulations
Zoning Enforcement Division

**Re: Notice of Violation – Case No. ENF-ZON-25-000862-1 | 1536 Goddard Avenue |
Appeal of Violation ZV_032**

To whom it may concern,

We are writing in response to the Notice of Violation dated June 10, 2025, issued to 22 Level LLC regarding the property at 1536 Goddard Avenue, Louisville, KY 40204. The Notice of Violation was received after the fence had already been completed. Construction had concluded by the time any concern was communicated to us. We respectfully appeal the cited violation (ZV_032 – Unlawful or Noncompliant Fence) and request a review of the following grounds.

Response to Alleyway Sight-Triangle Concern

The Notice references an alleyway sight-triangle issue at the rear corner of the fence where the service road meets Baxter Avenue. We respectfully submit that this concern does not apply in the present circumstances for the following reasons.

The service road in question is used by residents and by utility vehicles, it does not constitute a standard traffic intersection requiring a sight-triangle clearance. Vehicle traffic visibility from the fence line is not a concern. Baxter Avenue features a dedicated parking lane that provides approximately 5 additional feet of clearance between moving traffic and the curbside. This parking lane is normally unoccupied, further enhancing sightlines for drivers, except during occasional neighborhood special events. In addition, the end of the wood fence is 4 feet (48 inches) away from the sidewalk of the service road which provides sufficient visibility of pedestrians walking on Baxter Avenue.

We believe that the Department of Codes and Regulations has approved a variance or waiver for the setback requirement in the past since the residence at 1537 Rosewood Avenue (behind 1536 Goddard Avenue) has a wooden fence that is at least 6 feet high and has a set back of 32 inches from the sidewalk.

Notwithstanding the above, and as a good-faith gesture toward resolution, we are willing to modify the length or height of the last section of fence towards the service road to the dimension that the Department determines reasonable. A targeted limited adjustment would address any residual pedestrian visibility concern while preserving the integrity and purpose of the remainder of the fence.

Reasons for the Appeal to the height and setback limits

1. **Fence Placement Follows the previous fence line.** The new wooden fence was constructed along the exact same line as the previous chain-link fence that it replaced. The prior chain-link fence maintained a 24-inch setback from the sidewalk and had existed in that location for years without any recorded violation. The new fence follows that same established boundary.

2. **Standard Residential Fence Height.** The new fence stands at 72 inches (6 feet), which is the standard height for new residential privacy fences in the

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Louisville metro area. This height is widely accepted and permitted in residential zones where privacy and security are primary concerns.

3. **Privacy, Safety, and Security Necessity.** The property at 1536 Goddard Avenue is situated adjacent to Baxter Avenue, a high-traffic corridor with significant vehicle and pedestrian activity. The fence was constructed specifically to provide privacy, safety, and security for the back yard, which is directly exposed to this busy street. This need is further heightened by the scheduled demolition and redevelopment of Mid City Mall, located directly across the street. The resulting increase in construction crew activity and foot traffic in the area makes it particularly important to maintain the full 72-inch fence height in order to protect the privacy and security of the property and the goods stored within.
4. **Documented History of Trespassing.** The previous chain-link fence repeatedly failed to prevent unauthorized access. Homeless individuals trespassed onto the property and were found sleeping in the backyard on multiple occasions, generating complaints from neighboring residents. A more secure and solid fence is a reasonable and necessary response to this documented safety concern.
5. **Prior Fence Was Damaged Beyond Repair.** The old chain-link fence sustained repeated structural damage from vehicle accidents and falling tree limbs, rendering it inadequate and unsafe. Replacing it with a sturdier, solid-panel fence was necessary to restore security and protect the property.
6. **Screening of Trash Receptacles.** The fence also serves the practical purpose of screening trash and refuse containers from public view along Baxter Avenue, which is consistent with the intent of the Land Development Code to maintain neighborhood aesthetics.
7. **Positive Community Reception.** Since the completion of the new wood fence, neighboring residents have expressed positive feedback regarding its design and the improvement it brings to the overall curb appeal of the property and the surrounding neighborhood. Far from being a detriment, the fence has been welcomed as an aesthetic enhancement to the community.

We believe the fence as constructed serves legitimate safety, security, and aesthetic purposes and respectfully request that this violation be reconsidered in light of the above. We are fully willing to cooperate with your office, provide any additional documentation, or arrange an on-site meeting to discuss a mutually agreeable resolution.

Thank you for your time and consideration.

Sincerely,


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