

Allen, Ross

From: Jack Ruf <jack.ruf@stmatthewsky.gov>
Sent: Tuesday, November 29, 2016 11:23 AM
To: Allen, Ross
Subject: fence variance 16VARIANCE1095 - 3935 Kennison Court

Ross,

Good morning. I just became aware of this application and want to give you some background on the site and my involvement.

I had received a complaint about the proposed fence being too high based upon the posts that were being installed (and currently are in place). I made a site inspection, at which time the applicant's husband, Peter Burkhart of St. Matthews Fence and Deck, was on site with a small crew working on the fence installation. Only the tall posts were in place at that time. When he advised me of the proposed height of the fence, I informed him that a fence higher than 7 feet was in violation of the St. Matthews zoning regulations on fence height. I verbally advised him to not exceed 7 feet in height for the fence without first obtaining a variance. I further advised him that, if the fence were constructed in excess of 7 feet in height without a variance having been granted, I would have no choice but to issue a formal, written violation notice.

At this time as well, Mr. Burkhart pointed out to me the existing fencing surrounding the back yard. I told him that I was not aware of that fence. He asked one of his workers to show me the fence so that I could see the materials to be used for the proposed fence. I measured the shortest portion of the fence to be 8 feet in height and observed that other portions exceeded that height. I advised Mr Burkhart that the existing fence was in violation of our fence height requirements as well and suggested that, if he were to file for a variance for the proposed fence, he could include a variance request for the existing fence at the same time.

I see from the application that the request includes only the proposed 12 foot tall section by the garage and the neighbor's addition. In my previous work for the Board of Zoning Adjustment, the staff was instructed to note any other variances that they observe to be needed on the property where an application had been filed. I do not know if this is current practice or not.

The City has not advised me of wanting to take a position on the requested variance. However, if the existing fence does not receive a variance, I will issue a Notice of Violation and Order to Stop Use to the property owners for the existing fence.

If the City decides to take a position on the variance(s), I will advise you of that position.

Please feel free to contact me if you have any questions or need additional information.

Jack Ruf, Zoning Enforcement Officer
City of St. Matthews