



OFFICE OF PLANNING & DESIGN SERVICES  
DEVELOP LOUISVILLE

444 S 5<sup>th</sup> St., Suite 300  
Louisville, KY 40202  
(502) 574-6230

<https://louisvilleky.gov/government/planning-design>

**Variance Justification** **FENCE**

In accordance with KRS 100.241 through 251, and Chapter 11.5B.1 of the Land Development Code, the Board of Zoning Adjustment must consider, but is not limited to, 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.**

variance has no affect of public health or safety, improves safety for homeowner on busy street

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

other fences on neighboring properties that resemble character and nature of existing fence

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

existing... no nuisance to public

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

no unreasonable circumvention, fence provides privacy from busy street

**5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

busy street, numerous garages across from house that are higher and obtrusive to personal space

**6. 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.**

homeowner would be susceptible to privacy concerns from street, neighboring carriage houses and cost to remove and install new fence. Fence was already installed from a new construction build, homeowners purchased home recently

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

yes