

Board of Zoning Adjustment
Staff Report
 April 29, 2019



Case No:	19VARIANCE1013
Project Name:	Caledonia Avenue Variance
Location:	4 Caledonia Avenue
Owner/Applicant:	Thomas Faversham
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the front yard setback to exceed 42 inches in height in the Traditional Neighborhood form district.

Location	Requirement	Request	Variance
Front Yard	3.5 ft.	8 ft.	4.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Crescent Hill neighborhood and currently contains a two-story single-family residence. The applicant proposes to construct a new eight-foot wooden privacy fence. Land Development Code section 4.4.3.A.1.a.i restricts the height of fences in the front yard to 42 inches in the Traditional Neighborhood form district. The applicant therefore requests a variance to exceed 42 inches in height.

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, 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 section 4.4.3.A.1.a.i to allow a fence in the front yard to exceed 42 inches in height.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

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

- (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 proposed fence will not extend to the right-of-way and will not adversely affect vehicular or pedestrian traffic.

- (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 other fences on the alley that are similar in height.

- (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 proposed fence will not obstruct sight lines or create a hazard on the dead-end street.

- (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 variance was approved previously to allow the primary structure to setback 67.5 feet from the front property line. If this variance had not been granted an eight-foot fence would be permitted in the same location.

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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape and size to other lots in the general vicinity.

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 would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could stagger the height of the fence to meet the height requirements.

3. The circumstances are not 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 of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

NOTIFICATION

Date	Purpose of Notice	Recipients
03/28/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
04/19/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. **Zoning Map**



4 Caledonia Avenue
feet

75

Map Created: 4/18/2019



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2. Aerial Photograph



4 Caledonia Avenue
feet


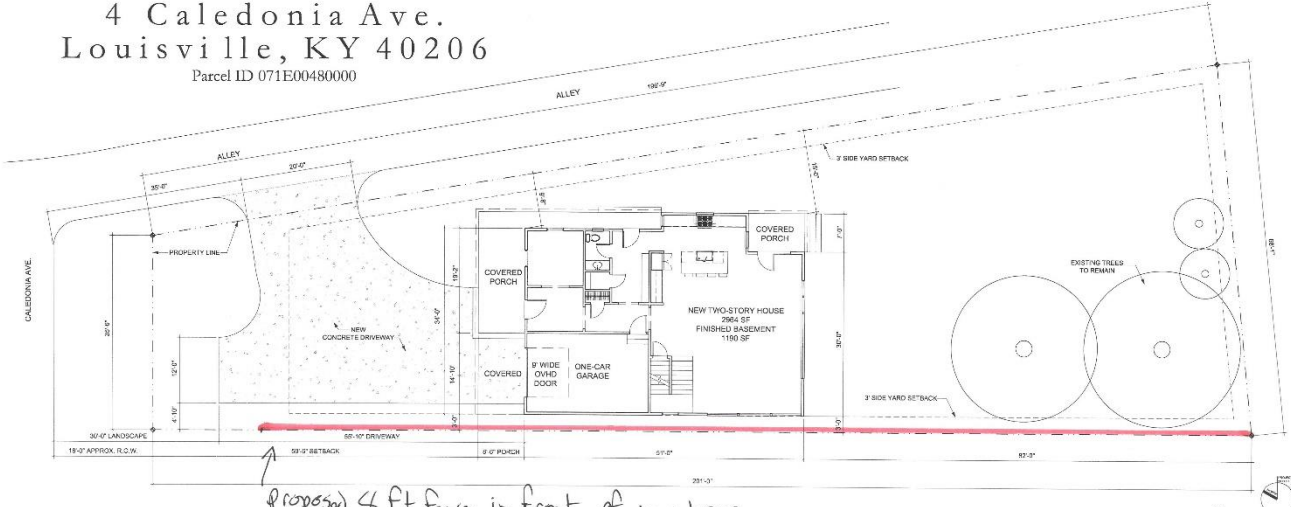
75

Map Created: 4/18/2019



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3. Site Plan

<p>1. THESE DRAWINGS WERE PREPARED FOR THE RESIDENCE AT 4 CALEDONIA AVE. LOUISVILLE, KY. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE UNAUTHORIZED USE OF THESE DRAWINGS AND SPECIFICATIONS.</p> <p>2. ALL WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL CITY CODES, JEFFERSON COUNTY CODES, KENTUCKY STATE CODES, AMENDMENTS, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPROVALS, ETC. THAT ARE REQUIRED BY GOVERNING AUTHORITIES. IN THE EVENT OF CONFLICT, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.</p> <p>3. ALL DIMENSIONS ARE TO FACE OF FRAMING UNLESS NOTED OTHERWISE. EXTERIOR DIMENSIONS ARE TO OUTSIDE OF SHEATHING. NOTIFY ARCHITECT OF ANY DISCREPANCIES OR CONFLICTS BETWEEN ARCHITECTURAL DRAWINGS PRIOR TO SUBSEQUENT WORK. ADDITIONALLY, NOTIFY ARCHITECT OF DISCREPANCIES OR CONFLICTS BETWEEN ARCHITECTURAL DRAWINGS AND SITE CONDITIONS OR CONSULTANTS' DRAWINGS AND SPECIFICATIONS PRIOR TO 4. SUBSEQUENT WORK.</p> <p>5. ARCHITECT IS NOT RESPONSIBLE FOR STRUCTURAL LOAD CALCULATIONS OR OTHER STRUCTURAL DESIGN CONSIDERATIONS.</p> <p>6. CONTRACTOR MUST FOLLOW MANUFACTURER'S GUIDELINES FOR USE AND INSTALLATION INSTRUCTIONS FOR ALL EQUIPMENT AND PRODUCTS IN USE FOR THE PROJECT.</p>	<p>ADDRESS: 4 CALEDONIA AVE. LOUISVILLE, KY 40206</p> <p>OWNER: TM FAVERSHAM 970.708.0383 tmccreecoulter@gmail.com</p> <p>PROJECT DESCRIPTION: NEW TWO STORY RESIDENCE 2964 S.F. BASEMENT 1190 S.F.</p>		<p>A0.1 COVER SHEET / SITE PLAN</p> <p>A1.1 FOUNDATION PLAN</p> <p>A1.2 FIRST FLOOR PLAN</p> <p>A1.3 SECOND FLOOR PLAN</p> <p>A2.1 EXTERIOR ELEVATIONS</p> <p>A2.2 EXTERIOR ELEVATIONS</p> <p>A2.3 EXTERIOR ELEVATIONS</p> <p style="text-align: center;">RECEIVED FEB 18 2019 PLANNING & DESIGN SERVICES</p>								
GENERAL NOTES	PROJECT INFORMATION	VICINITY MAP	INDEX OF DRAWINGS								
<p>- NEW RESIDENCE - 4 Caledonia Ave. Louisville, KY 40206 Parcel ID 071E00480000</p>  <p style="text-align: center;"><i>Proposed 6 ft fence in front of new home</i></p>											
<p>4 Caledonia Ave. - New Residence - Louisville, Kentucky 40206</p> <p>Cover Sheet / Site Plan</p> <table border="1" style="font-size: 8px;"> <tr><td>ISSUED</td><td>DATE</td></tr> <tr><td>VARIANCE</td><td>4/13/18</td></tr> <tr><td>REVISED</td><td>5/29/18</td></tr> <tr><td>REVISED</td><td>7/18/18</td></tr> </table> <p>SCALE: AS NOTED</p> <p style="font-size: 24px; font-weight: bold;">A0.1</p> <p style="color: red; font-weight: bold;">VARIANCE1013</p>				ISSUED	DATE	VARIANCE	4/13/18	REVISED	5/29/18	REVISED	7/18/18
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4. Elevation



5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property across the alley from the subject property.



The property across Caledonia Avenue from the subject property.



Location of the proposed fence.



Location of the proposed fence from the alley.