

**Board of Zoning Adjustment**  
**Staff Report**  
 November 4, 2019



<b>Case No:</b>	19-VARIANCE-0057
<b>Project Name:</b>	Douglass Boulevard Variance
<b>Location:</b>	2100 Douglass Boulevard
<b>Owner/Applicant:</b>	Cara & James Baribeau
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	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 in a Traditional Neighborhood Form District to exceed 42 inches in height.

Location	Requirement	Request	Variance
Fence in Front Yard	42 inches	54 inches	12 inches

**CASE SUMMARY/BACKGROUND**

The subject property is a corner lot located in the Highland subdivision, at the intersection of Douglass Boulevard and Dorothy Avenue. It is zoned R-5 in the Traditional Neighborhood Form District and currently contains a two-story single-family residence. The applicant is proposing a fence with 54-inch brick pillars connected by 48-inch black aluminum fencing. Land Development Code section 4.4.3.A.1.a.i allows a fence in the front yard in the Traditional Neighborhood Form District to be up to 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 to allow a fence in the front yard setback in a Traditional Neighborhood Form District to exceed 42 inches in height.

**TECHNICAL REVIEW**

- Public works made a site visit and approved the vision clearance for the proposed fence.

**RELATED CASES**

No related cases.

## **INTERESTED PARTY COMMENTS**

Staff has received multiple emails with concerns about and in opposition to the proposed fence. These comments were focused on the location of the fence in the front yard in general. Fences are permitted in front yard setbacks by right in the Traditional Neighborhood Form District if they are 42 inches or less.

### **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 has received approval from Public Works that there is adequate vision clearance for motorists and pedestrians.

- (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 in front yards and in street side yards over 42 inches in height in the area.

- (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 will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection.

- (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 42-inch fence would be permitted in the front yard by right. There is another fence in the area that exceeds the height requirement in a street side yard setback.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises 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 as the property was subdivided and does not provide any private yard area. The proposed fence would allow the property to have some enclosed open space.

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 create an unnecessary hardship on the applicant because they could construct a lower fence.

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 seeking the variance and has not begun construction.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/17/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
<b>10/18/2019</b>	Hearing before BOZA	Notice posted on property

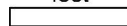
**ATTACHMENTS**

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

1. Zoning Map



2100 Douglass Boulevard  
feet



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Map Created: 10/29/2019

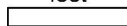


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2. Aerial Photograph



2100 Douglass Boulevard  
feet



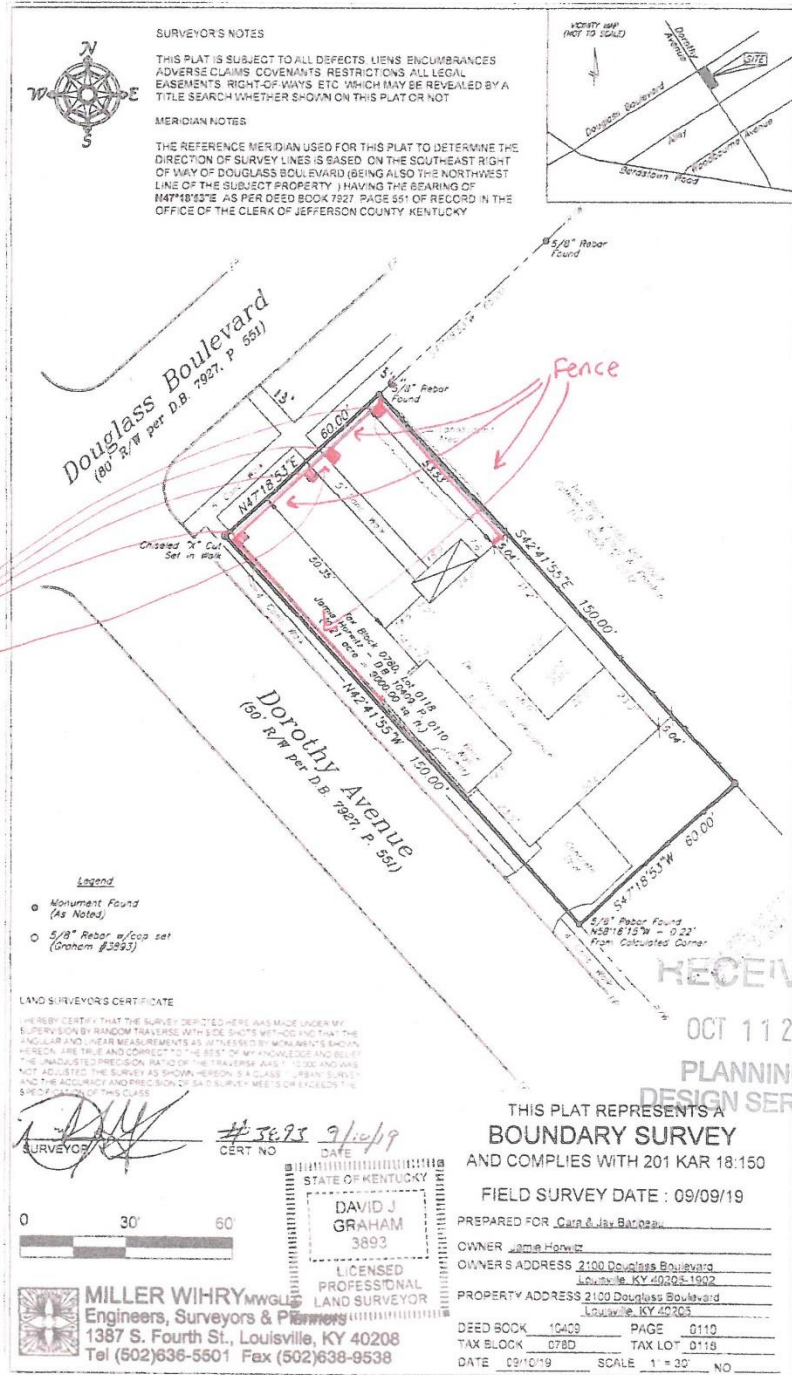
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Map Created: 10/29/2019



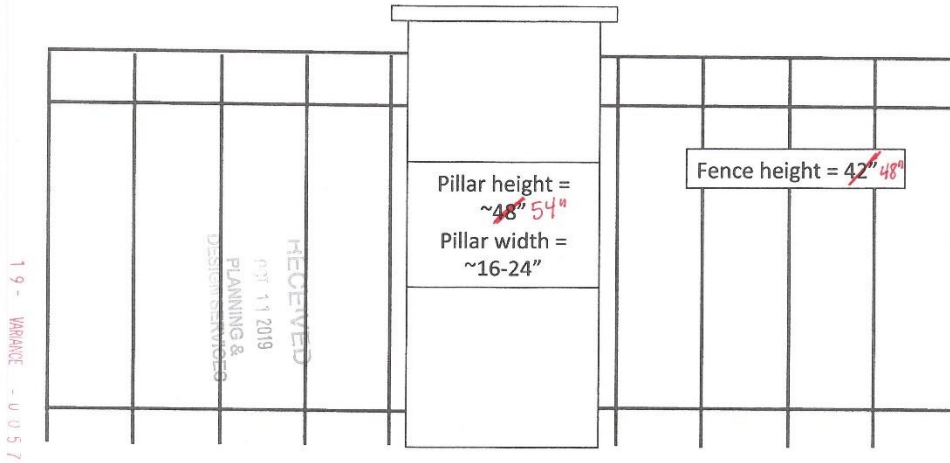
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3. Site Plan



4. Renderings

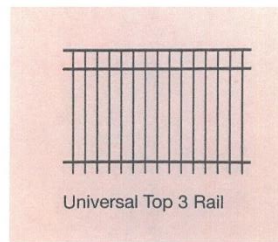
FENCE & PILLARS



SAMPLE IMAGES OF BRICK AND FENCE



Pillars will mimic color and style of the pillars on the front porch of home.



5. Site Photos



Subject property.





Property to the left.



Property to the right.



Properties across Douglass Boulevard.



Existing fence on subject property from Dorothy Avenue.



A 54-inch fence in the street side setback at the corner of Douglass Boulevard and Eleanor Avenue.