

18VARIANCE1026/18WAIVER1008

12400 Old Henry Road



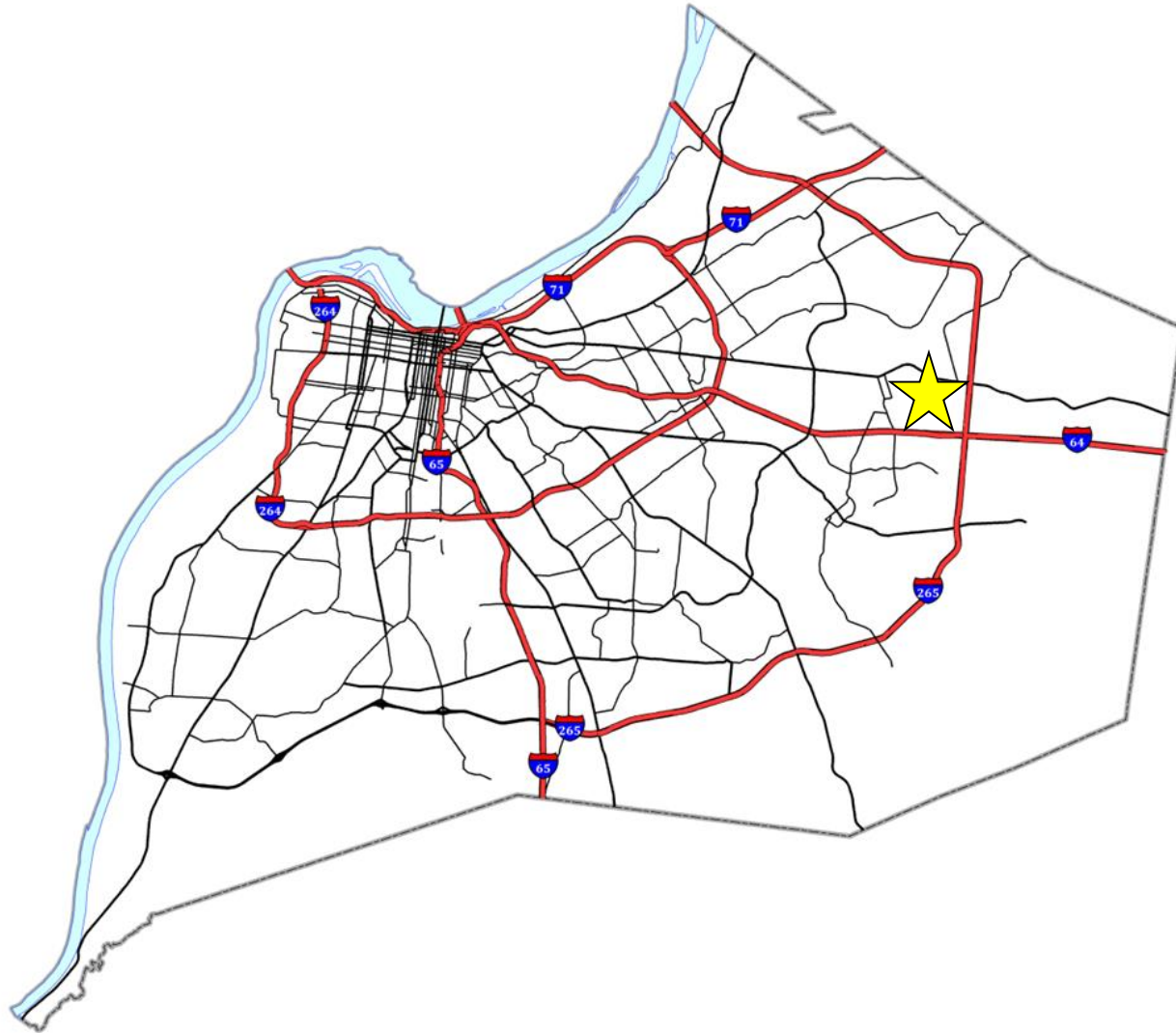
Louisville Metro Board of Zoning Adjustment

Public Hearing

Ross Allen, Planner I

August 6, 2018

Site Location



Requests

- **Variance (18VARIANCE1026)**: from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory use) fence to exceed the maximum height of four feet on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by six feet for a total of 10 ft. in height.

Location	Requirement	Request	Variance
Fence Height in the Front Setback	4 ft.	10 ft.	6 ft.

Requests

- **WAIVER #1 (18WAIVER1008):** from Middletown LDC (March 2006) 5.8.1.B to not provide a sidewalk in the public right of way along Old Henry Road for an approximate length of 620 ft.
- **WAIVER #2 (18WAIVER1008):** from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach approximately 42 ft. into the 50 ft. required Scenic Corridor required setback along Old Henry Road.

Case Summary / Background

- Owner/Applicant is proposing to construct a 7,308 sq. ft. tennis court with a 10 ft. tall fence.
- The fence for the tennis court exceeds the height allowable within the 25 ft. Front yard setback, 48 inches is allowable.
- The tennis court will encroach by approximately 42 ft. within the 50 ft. Old Henry Road Scenic Corridor required setback.
- 244-05 - minor subdivision plat indicates that “sidewalks will be installed in connection with the issuance of a building permit for the property.” (DB 08735 PG 0180) Applicant request a sidewalk waiver.

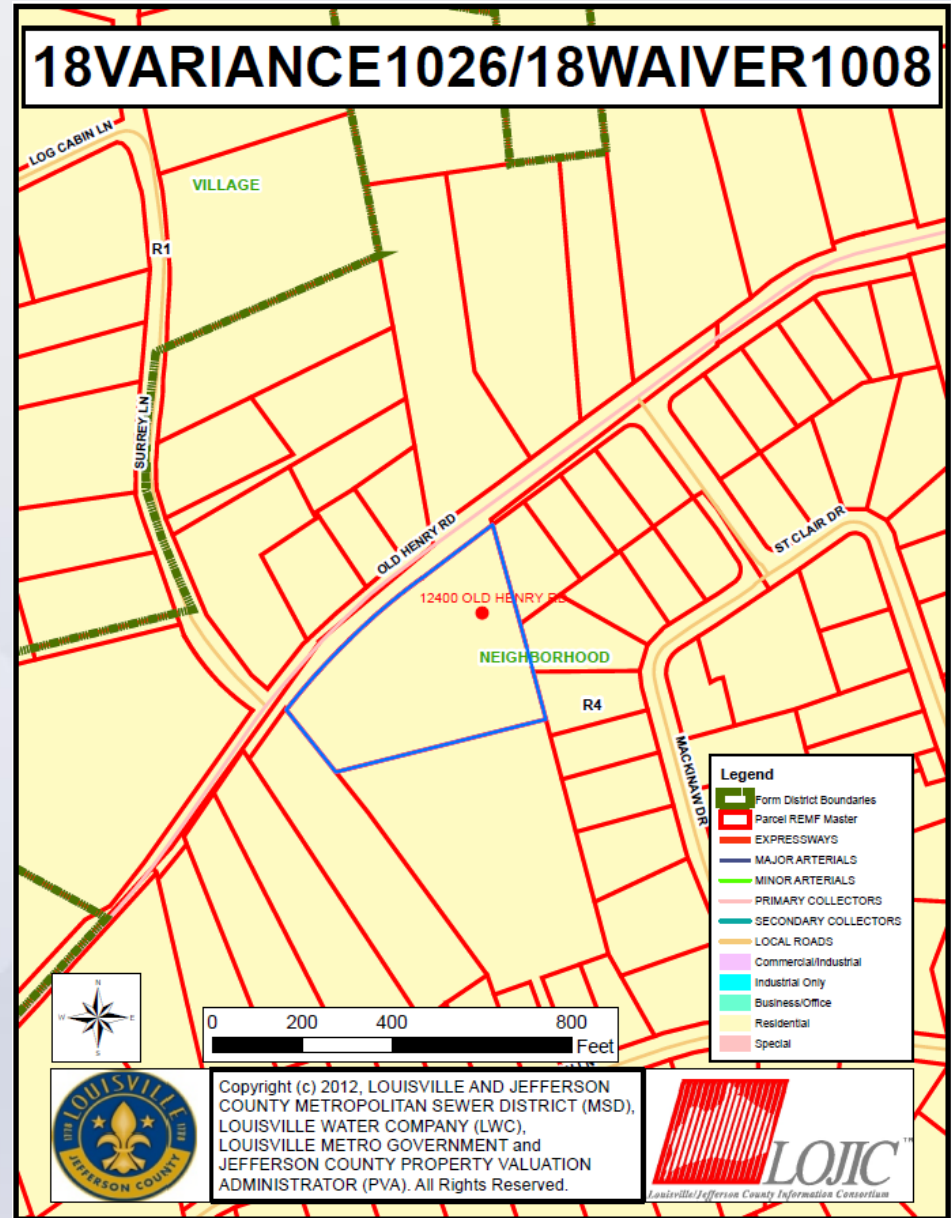
Zoning/Form Districts

Subject Property:

- Existing: R-4/Neighborhood
- Proposed: R-4/Neighborhood

Adjacent Properties:

- North: R-4/Neighborhood
- South: R-4/Neighborhood
- East: R-4/Neighborhood
- West: R-4/Neighborhood



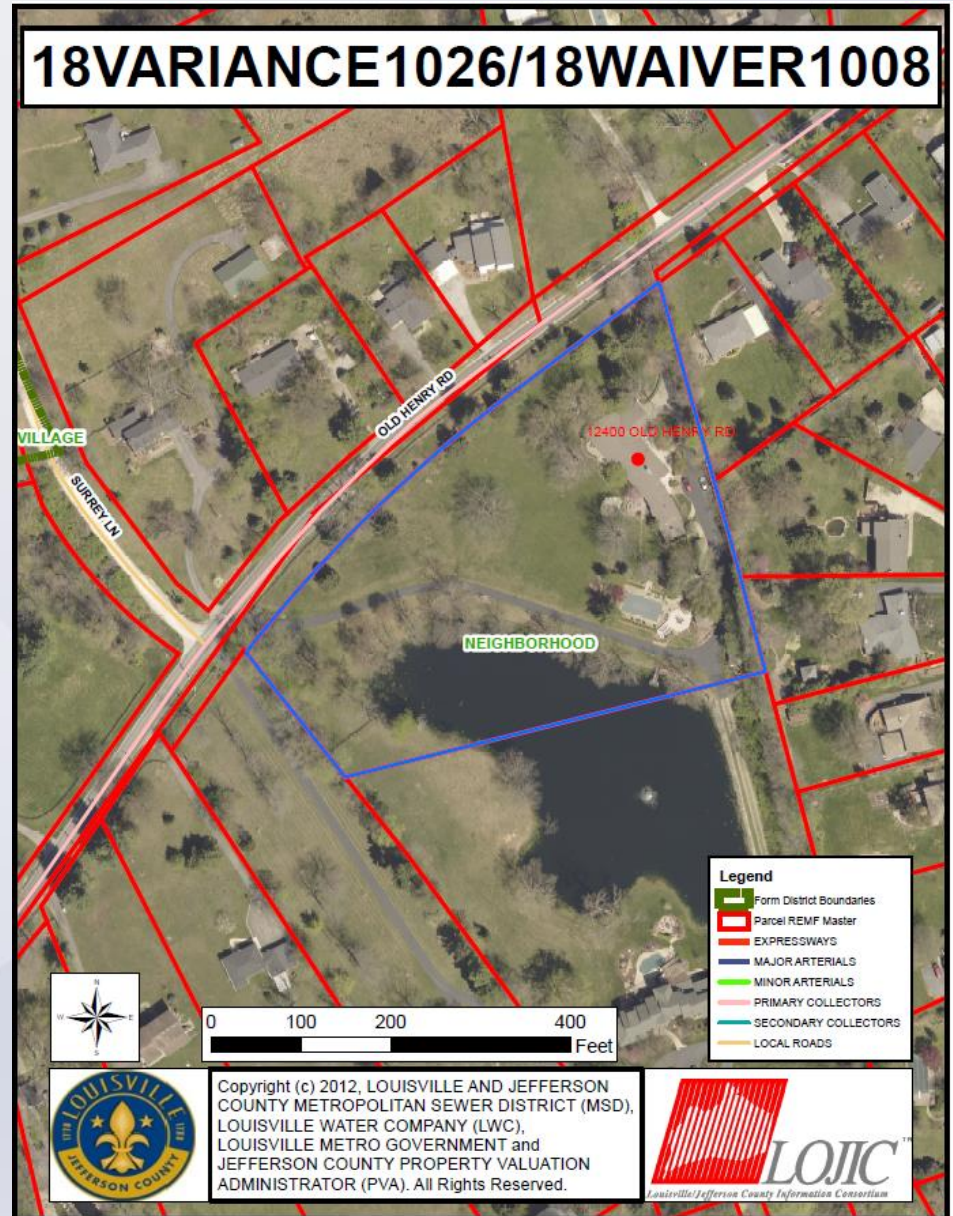
Aerial Photo/Land Use

Subject Property:

- Existing: Single Family Residential
- Proposed: Single Family Residential

Adjacent Properties:

- North: Single Family Residential
- South: Single Family Residential
- East: Single Family Residential
- West: Single Family Residential



Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



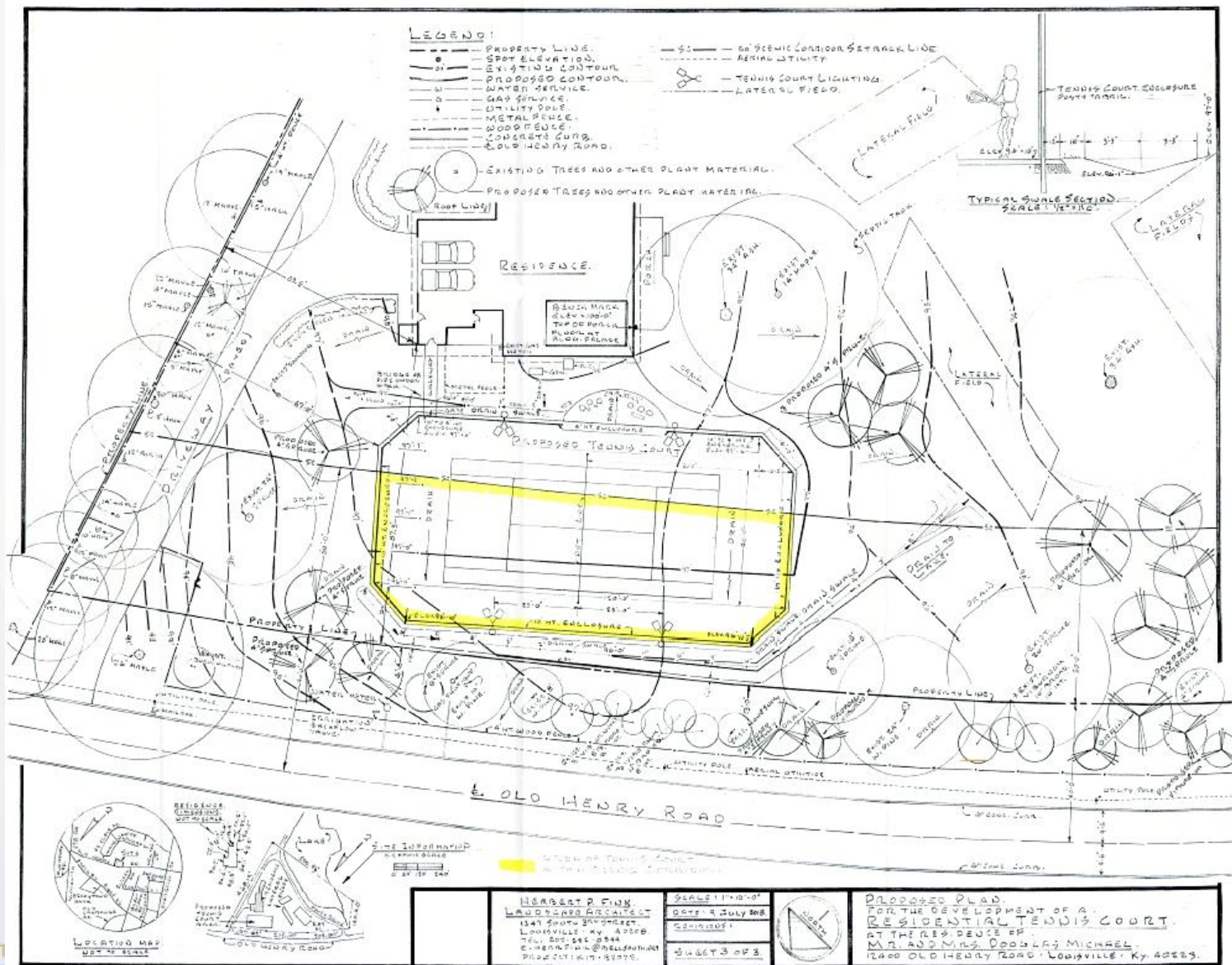
Looking southwest at the residence on the subject property.

The driveway entrance to the left in the photo. The proposed tennis court would be to the right.

Site Photos-Subject Property



Site Plan



Conclusions

- The variance request to allow a 10 ft. fence in the front setback appears to be adequately justified and meets the standard of review.
- The waiver to allow encroachment of the tennis court into the Scenic Corridor Setback is justifiable.
- The sidewalk waiver is justifiable with a portion of the frontage used as a culvert and the remaining portion of frontage having LG&E overhead power lines with a slight grade towards Old Henry Rd.
- BOZA will need to determine if the proposal meets the standard of review for granting a variance and associated waivers.

Required Actions

- Approve/Deny Variance (18VARIANCE1026): from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory use) fence to exceed the maximum height of four feet on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by six feet for a total of 10 ft. in height.

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- Approve/Deny WAIVER #2 (18WAIVER1008): from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach approximately 42 ft. into the 50 ft. required Scenic Corridor required setback along Old Henry Road. (Recommendation to the City of Middletown)