

18VARIANCE1068

**Bay Pine Drive Fences, Deck &
Pool**



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

**Dante St. Germain, Planner II
September 17, 2018**

Request

- **Variance:** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard setback to exceed 4 feet in height.
- **Variance:** from Land Development Code section 4.4.10.A to allow a private swimming pool to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Fence (1)	4 feet	6 feet	2 feet
Swimming Pool	30 feet	23 feet	7 feet

Request

- **Variance**: from Land Development Code table 5.3.1 to allow a deck to encroach into the required street side yard setback.
- **Variance**: from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard setback to exceed 4 feet in height.

Location	Requirement	Request	Variance
Deck	30 feet	18 feet	12 feet
Fence (2)	4 feet	9.5 feet	5.5 feet

Case Summary / Background

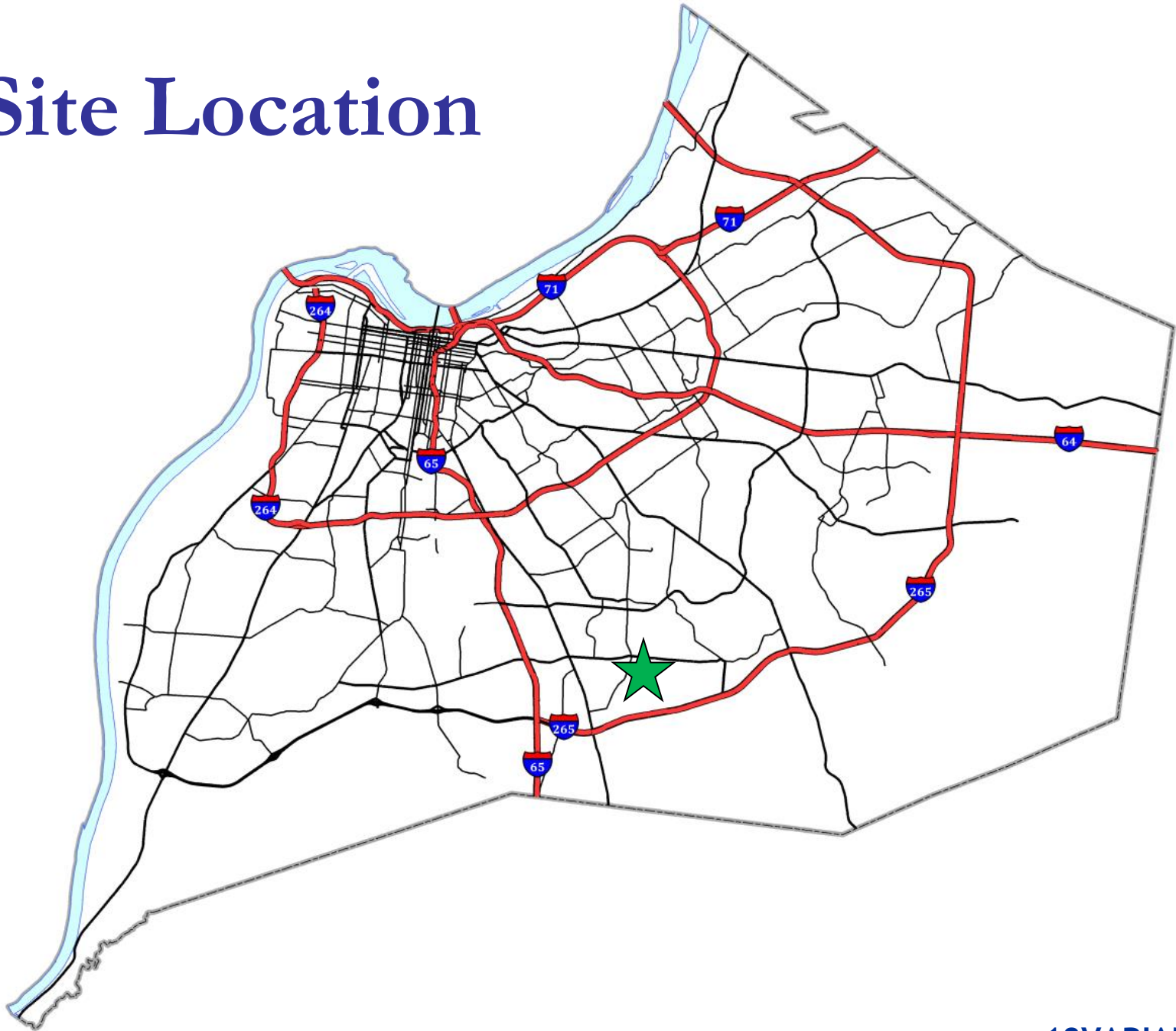
- The subject property is located in the Highview neighborhood.
- The applicant requests after-the-fact variances for a six-foot privacy fence, an above-ground private swimming pool, a deck around the swimming pool, and a second 9.5-foot tall privacy fence around the deck, all located in the street side yard setback.
- Fences are allowed to be up to 4 feet in height and both fences exceed this height.

Case Summary / Background

Previous Cases on Site

- 18PM15386 - Enforcement case related to the height of the fences in the street side yard setback and the pool encroachment.

Site Location



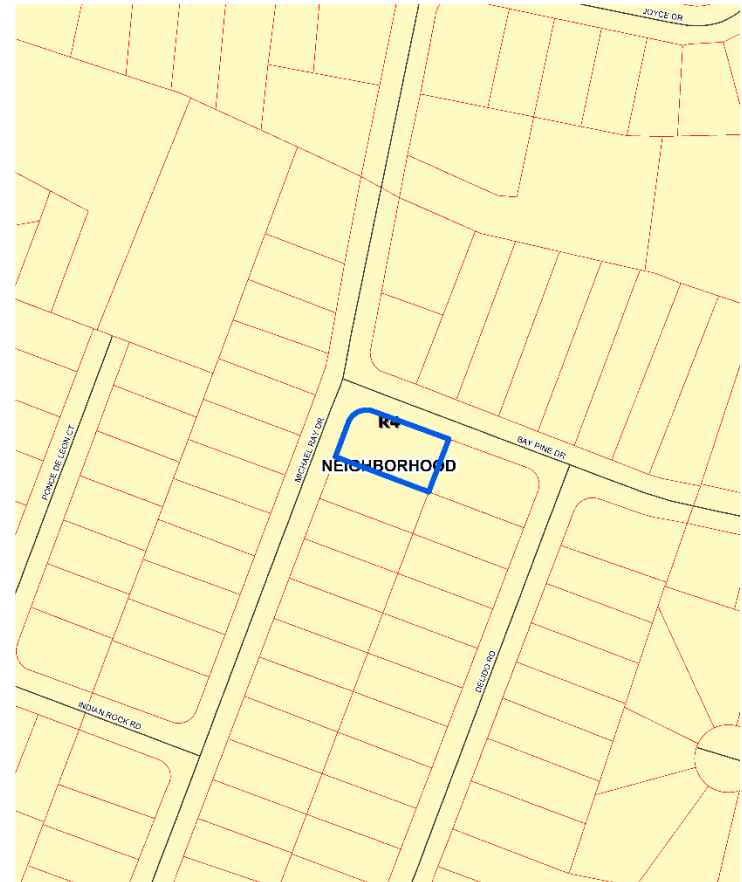
Zoning/Form Districts

Subject Property:

- Existing: R-4/Neighborhood

Adjacent Properties:

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



5900 Bay Pine Drive
feet



Map Created: 8/6/2018



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Aerial Photo/Land Use

Subject Property:

- Existing: Single Family Residential

Adjacent Properties:

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



5900 Bay Pine Drive
feet

50

Map Created: 8/6/2018



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Site Photos-Subject Property



The current street side yard of the subject property.

Site Photos-Subject Property



The front of the subject property.

Site Photos-Subject Property



The properties across Michael Ray Drive.

Site Photos-Subject Property



The property across Bay Pine Drive.

Site Photos-Subject Property



The chain link fence is on the street side yard setback line.

Site Photos-Subject Property



The street side yard setback of the subject property prior to August 20, 2018.

Site Photos-Subject Property



The street side yard setback of the subject property prior to August 20, 2018.

Site Photos-Subject Property



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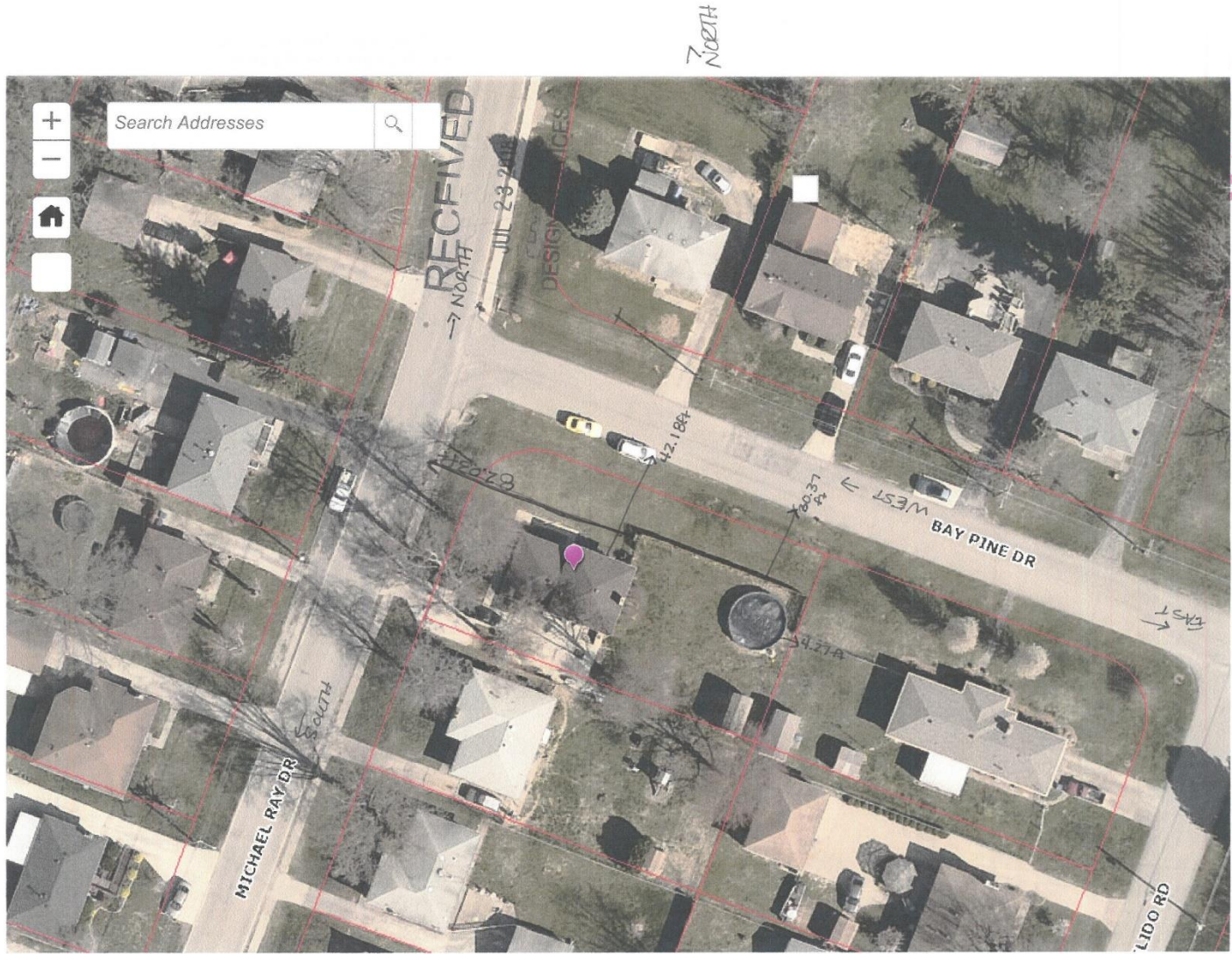
A nearby fence.

Site Photos-Subject Property



A nearby fence.

Site Plan



Conclusions

- The first fence variance request appears to be adequately justified and meets the standard of review.
- The swimming pool and deck variances appear to be adequately justified and meet the standard of review.

Conclusions

- The second fence variance does not appear to be adequately justified and does not meet the standard of review.
- This variance does not meet the following standards of review:
 - b (will alter the essential character of the general vicinity)
 - d (will allow an unreasonable circumvention of the zoning regulations)
 - additional considerations 1, 2 and 3

Required Actions

- **Variance:** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard setback to exceed 4 feet in height. Approve/Deny
- **Variance:** from Land Development Code section 4.4.10.A to allow a private swimming pool to encroach into the required street side yard setback. Approve/Deny

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