

Board of Zoning Adjustment

Staff Report

May 21, 2018



Case No:	18VARIANCE1036
Project Name:	Fence
Location:	2615 Virginia Avenue
Owner:	Everett Bradford Properties by Latonya Smith
Applicant:	Everett Bradford Properties by Latonya Smith
Jurisdiction:	Louisville Metro
Council District:	1- Jessica Green
Case Manager:	Steve Hendrix, Planning Coordinator

REQUEST

- **Variance** from the Land Development Code, Chapter 4.4.3.A.1.a.i. to allow an existing chain link fence to be 5 feet in the required front yard.

Location	Requirement	Request	Variance
Front Yard	42 inches	60 inches	18 inches

CASE SUMMARY/BACKGROUND

The subject property is located on the north side of Virginia Avenue adjacent to Porter Mortuary and just west of the South 26th Street intersection in the Parkland neighborhood. The property is zoned R-7 and is within a Traditional Neighborhood Form District. The minimum front yard setback is 15 feet. The five foot high chain link fence extends into the public right of way approximately 10 feet, but is still 12 feet from the Virginia Avenue pavement.

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 from

TECHNICAL REVIEW

- No technical comments.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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, since the fence is located approximately 12 feet from the Virginia Avenue pavement and will not create any type of sight distance concerns.

- (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, since there are several chain link fences along Virginia Avenue and Hale Avenue.

- (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, since the fence is approximately 12 feet from the Virginia Avenue pavement.

- (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, since the variance is only for 18 inches.

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 or the same zone since the owner is trying to limit theft and destruction, bring the yard back and allow the future residents a sense of security.

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 may create an unnecessary hardship on the applicant, since the fence might have to be lowered and/or removed.

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 applicant has stated that a contractor was hired to install the fence. The owner was not aware a permit was required for the fence.

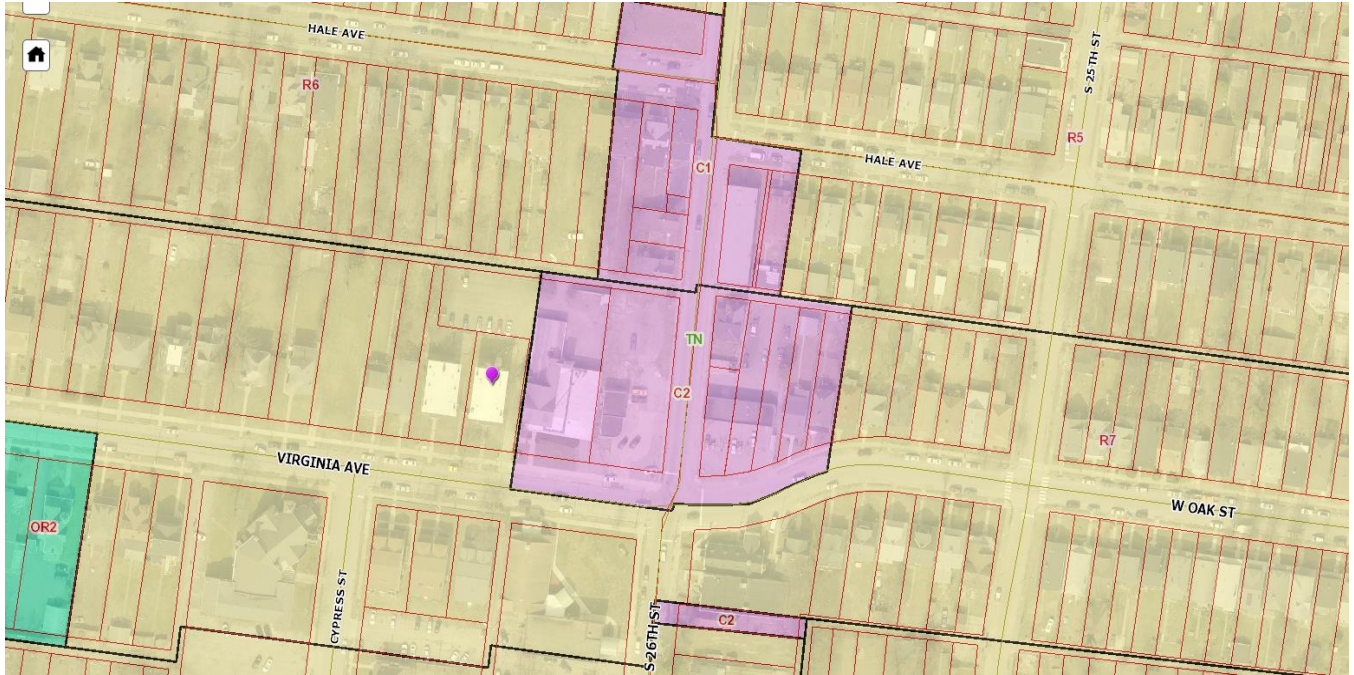
NOTIFICATION

Date	Purpose of Notice	Recipients
5/2/2108	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 3
5/4/2018	Hearing before BOZA	Notice posted on property

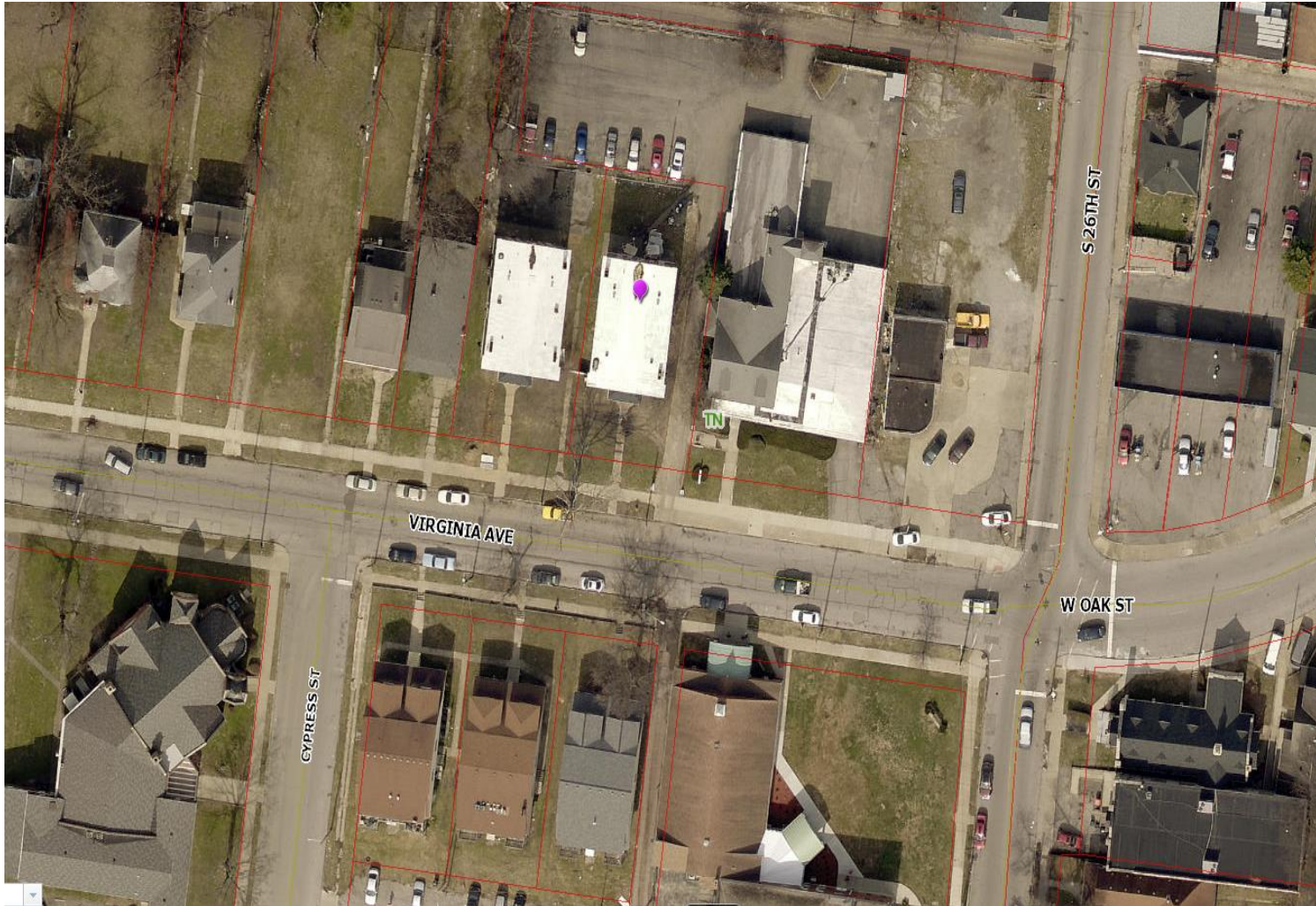
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos

1. Zoning Map



2. Aerial Photograph



3. Photos

Front



Front



Side View



Looking west from site.



Looking east toward the site.

