

Board of Zoning Adjustment
Staff Report
 November 19, 2018



Case No:	18VARIANCE1094
Project Name:	Fence Height
Location:	4720 Idle Hour Drive
Owner/Applicant:	Ignacio Lopez Gutierrez
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 a proposed six (6) foot wooden privacy fence in the required Idle Hour Drive street side yard.

Location	Requirement	Request	Variance
Street Side Yard	4 feet	6 feet	2 feet

CASE SUMMARY/BACKGROUND

The 0.32 acre site is located on the northwest corner of the Lees Lane/Idle Hour Drive intersection. Single family residences are located on three sides of the site with Farnsley Middle School located south across Lees Lane. The proposed 6 foot high wooden privacy fence will be approximately 21 feet from the Idle Hour Drive pavement and 91 feet from stop line on Idle Hour Drive at the intersection. The applicant has stated that they intend to install a pool and want the fence for safety reasons and for privacy, since a lot of people park along this side of the street for functions at the school. The applicant has stated that the fence will match the color scheme of the house.

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, Chapter 4.4.4.A.1.a.i. to allow the proposed six foot high wooden privacy fence in the street side yard.

TECHNICAL REVIEW

- No technical comments.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Chapter 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 since the new wooden privacy fence 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 wooden privacy fences are common 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, since it will be located approximately 21 feet from the existing Idle Hour Drive 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, but will provide some privacy to the backyard and ensure safety for the proposed pool.

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, due to the shape and size of the lot and the location of the house.

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 create an unnecessary hardship on the applicant, since the applicant would not have the privacy or pool safety as requested.

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, but are a result of the shape and size of the lot and the location of the house.

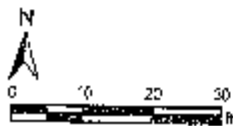
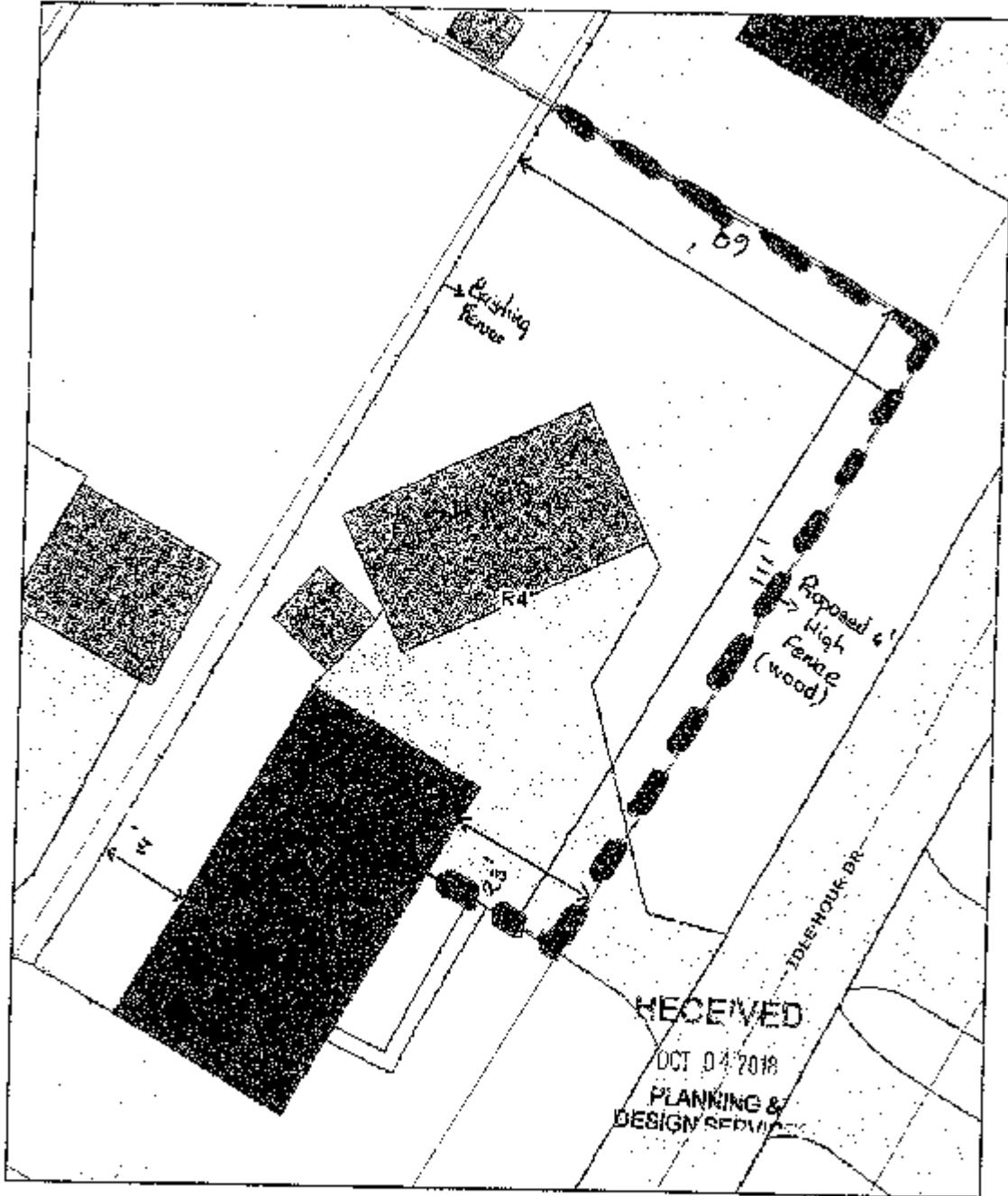
NOTIFICATION

Date	Purpose of Notice	Recipients
10/26/2018	Hearing before BOZA	1 st tier adjoining property owners
11/12/2018		Registered Neighborhood Groups in Council District 1
11/02/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

Site Plan



4720 Idle Hour Dr.

Thursday, October 4, 2018 1:23:09 PM

R-4 Residential District
Neighborhood Form District

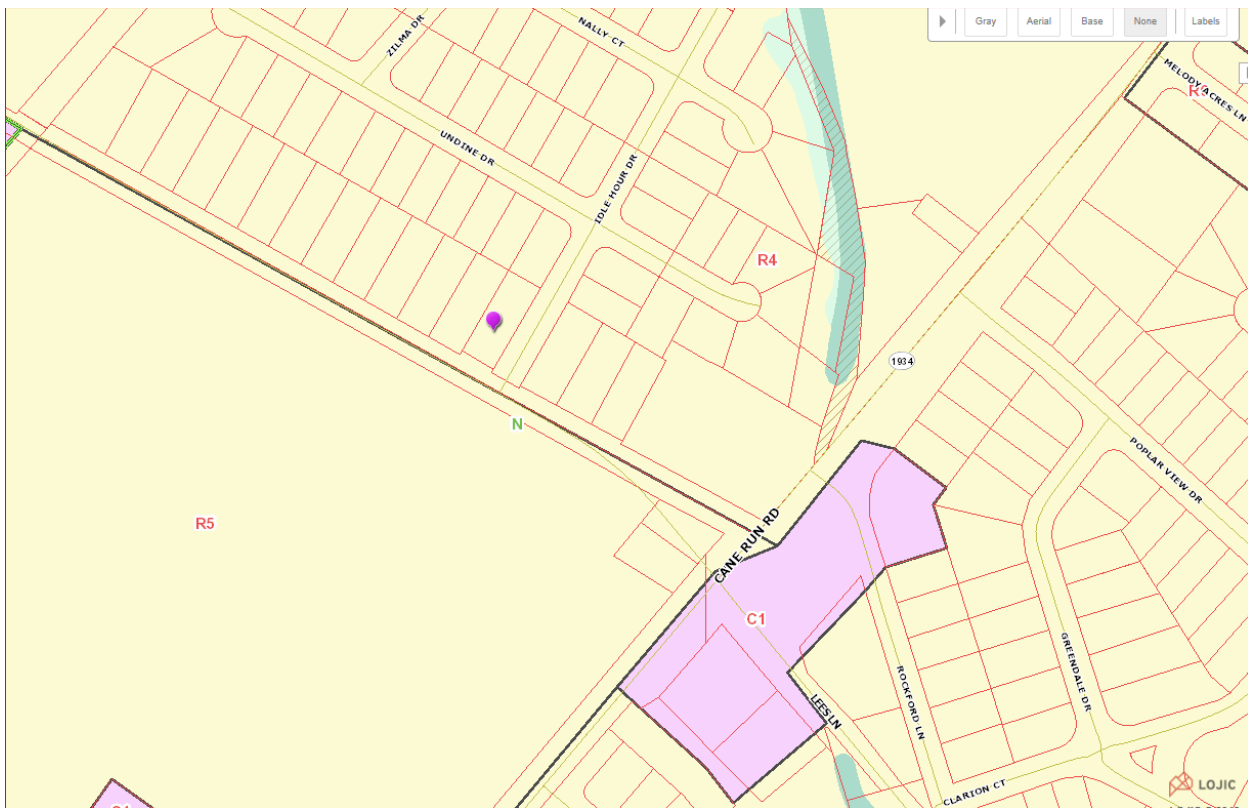


L&J.C. © 2015

This map is not a legal document and should not be used for legal purposes without proper verification.

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Zoning Map



Aerial Map

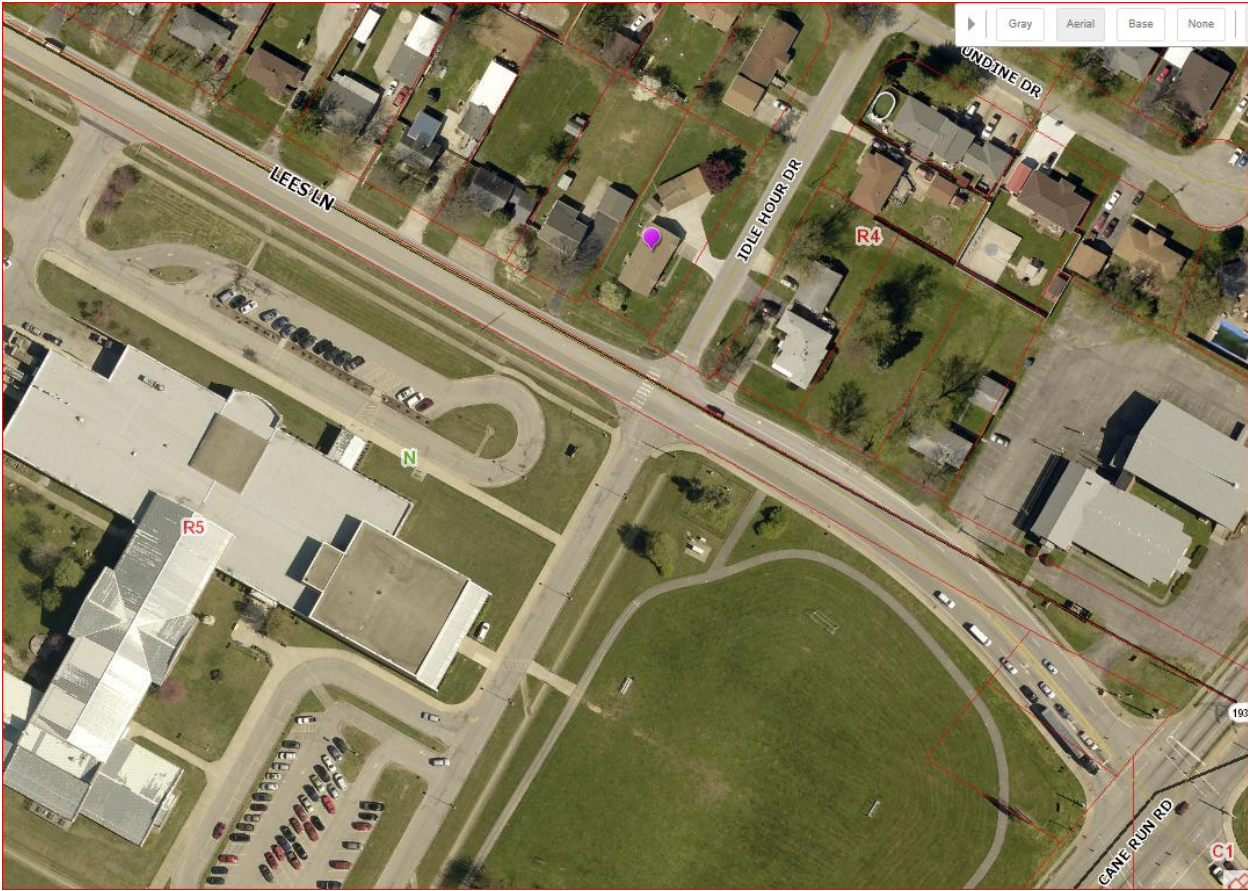


Photo
(From along Idle Hour Drive looking towards Lees Lane).

