

Board of Zoning Adjustment
Staff Report
 May 7, 2018



Case No:	18VARIANCE1034
Project Name:	6647 Sylvania Road Fence
Location:	6647 Sylvania Road
Owner(s):	Jesus Alvarez
Applicant:	Jesus Alvarez
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Dante St. Germain, Planner I

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.

Location	Requirement	Request	Variance
Fence	4 ft.	6 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in Pleasure Ridge Park, at the intersection of Sylvania Road and Sylvania 4 Road, and currently contains a one-story single-family residence. The applicant proposes to construct a new wooden privacy fence in the street side yard setback, to be 6 feet in height. Land Development Code section 4.4.3.A.1.a.i restricts fences in Suburban form districts to 4 feet in height in the street side yard setback. The applicant requests a variance to allow the fence to be taller than 4 feet.

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 section 4.4.3.A.1.a.i to allow a fence in the street side yard setback to exceed 4 feet in height.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

No interested party comments were received.

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 fence is set back from the corner at the intersection and will not obstruct sight lines for turning vehicles.

- (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 another, similar fence was recently approved by the Board for the immediate vicinity, making the proposed fence in-character with the existing nearby fence.

- (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 is set back from the corner, and will not create a hazardous situation for turning vehicles.

- (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 the fence is not proposed to extend into the front yard of the property.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and similar in configuration to other corner lots in the vicinity.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the applicant from obtaining privacy in the rear yard of the property.

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 requesting the variance and has not begun construction.

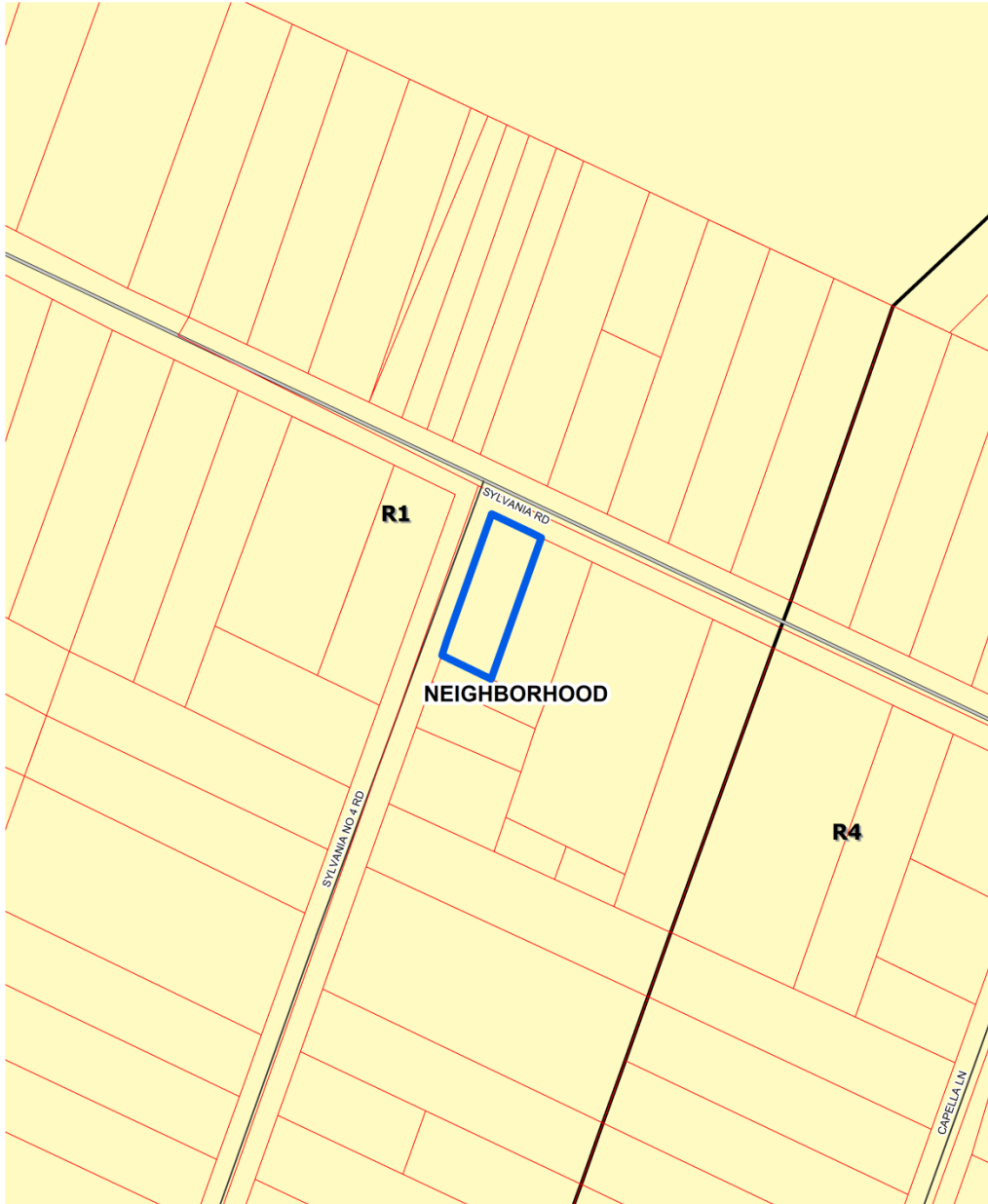
NOTIFICATION

Date	Purpose of Notice	Recipients
04/20/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 12
04/19/2018	Hearing before BOZA	Notice posted on property

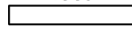
ATTACHMENTS

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

1. Zoning Map



6647 Sylvania Road
feet



110

Map Created: 4/24/2018

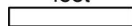


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2. Aerial Photograph



6647 Sylvania Road
feet



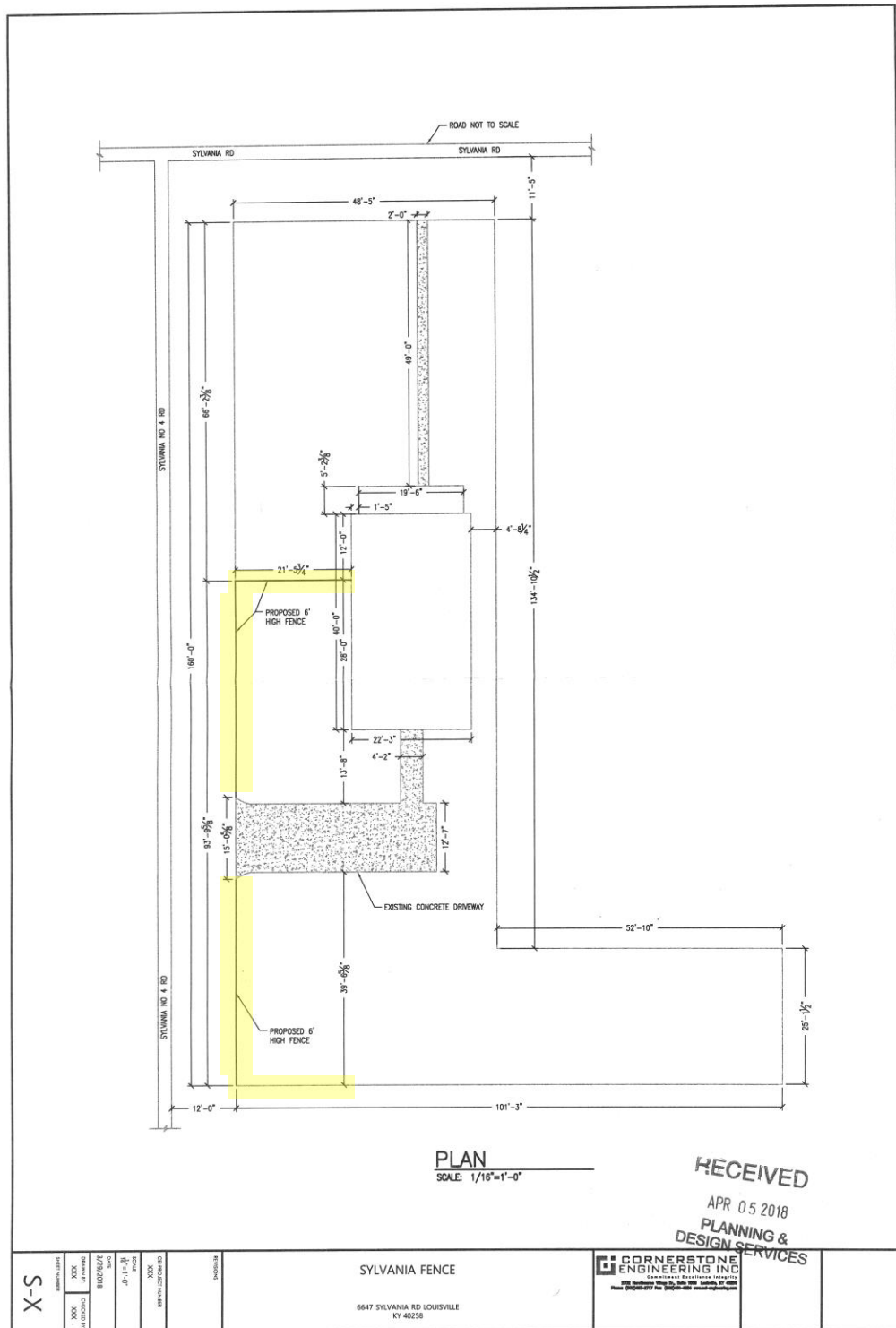
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Map Created: 4/24/2018



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3. Site Plan



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4. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property across Sylvania 4 Road.



The properties across Sylvania Road.



The location of the requested variance.