

Board of Zoning Adjustment
Staff Report
 September 4, 2018



Case No:	18VARIANCE1070
Project Name:	Fence Height
Location:	1709 Lytle Street
Owner/Applicant:	Ritchie Gypsy
Jurisdiction:	Louisville Metro
Council District:	5---Cheri Bryant Hamilton
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 chain link fence to be 76" at the highest point (includes the pole caps) in the required front yard.

Location	Requirement	Request	Variance
Front Yard	42 inches	76 inches	34 inches

CASE SUMMARY/BACKGROUND

The subject property is located on the northeast side of Lytle Street between North 17th and North 18th streets in the Portland neighborhood. The proposal will replace an existing livestock type fence and chain link fence. This section of Lytle Street serves more like an alley. Wooden privacy fences and chain link fences are adjacent to the property. The proposed fence will be placed behind the existing rose bushes. The pavement width is approximately 20 feet wide and has overgrowth of trees and weeds along some properties. The proposed fence will be placed approximately 5 feet from the pavement. Transportation has approved the proposal. The applicant has stated that the new fence will have a commercial gauge to ensure the safety of his property and to contain his dogs.

B-232-02

On November 18, 2002, the Board of Zoning Adjustment approved a variance request to allow a proposed enclosed porch to be located zero feet from the front property line.

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 a proposed chain link fence to have a height of 76 inches at its highest point in the required front yard.

TECHNICAL REVIEW

- No technical comments.

INTERESTED PARTY COMMENTS

No interested party comments were 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 chain link fence will not create any type of sight distance concerns, the new fence will provide a sense of security to the property owner and will contain the dogs.

- (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 the new chain link fence will be replacing an existing livestock type fence and chain link fence . Wooden privacy fences and chain link fences are adjacent to the subject site. The new fence will be placed behind the existing rose bushes.

- (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, but will provide a type of security to the applicant as well as the public.

- (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 this section of Lytle Street serves more like an alley.

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 placement of the house does not face Lytle Street and this portion of the property serves as a side yard.

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 height of the new fence would have to be reduced and would not be as effective as the proposed one.

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.

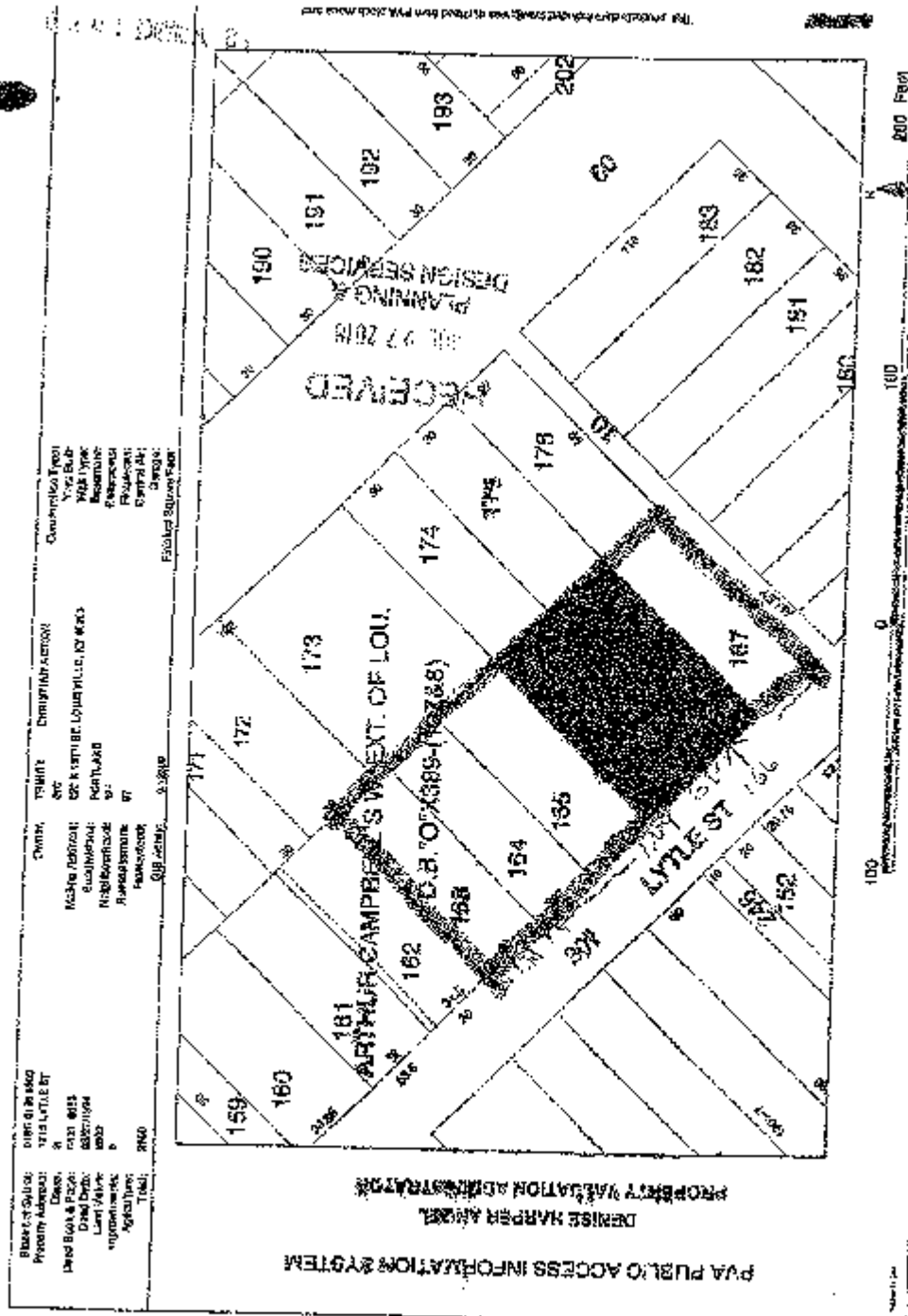
STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, the applicant has constructed the new fence along the rear and a portion of the west side of the property, but not the “required front yard”.

NOTIFICATION

Date	Purpose of Notice	Recipients
8.16.2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 3
8.24.2108	Hearing before BOZA	Notice posted on property

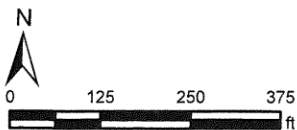
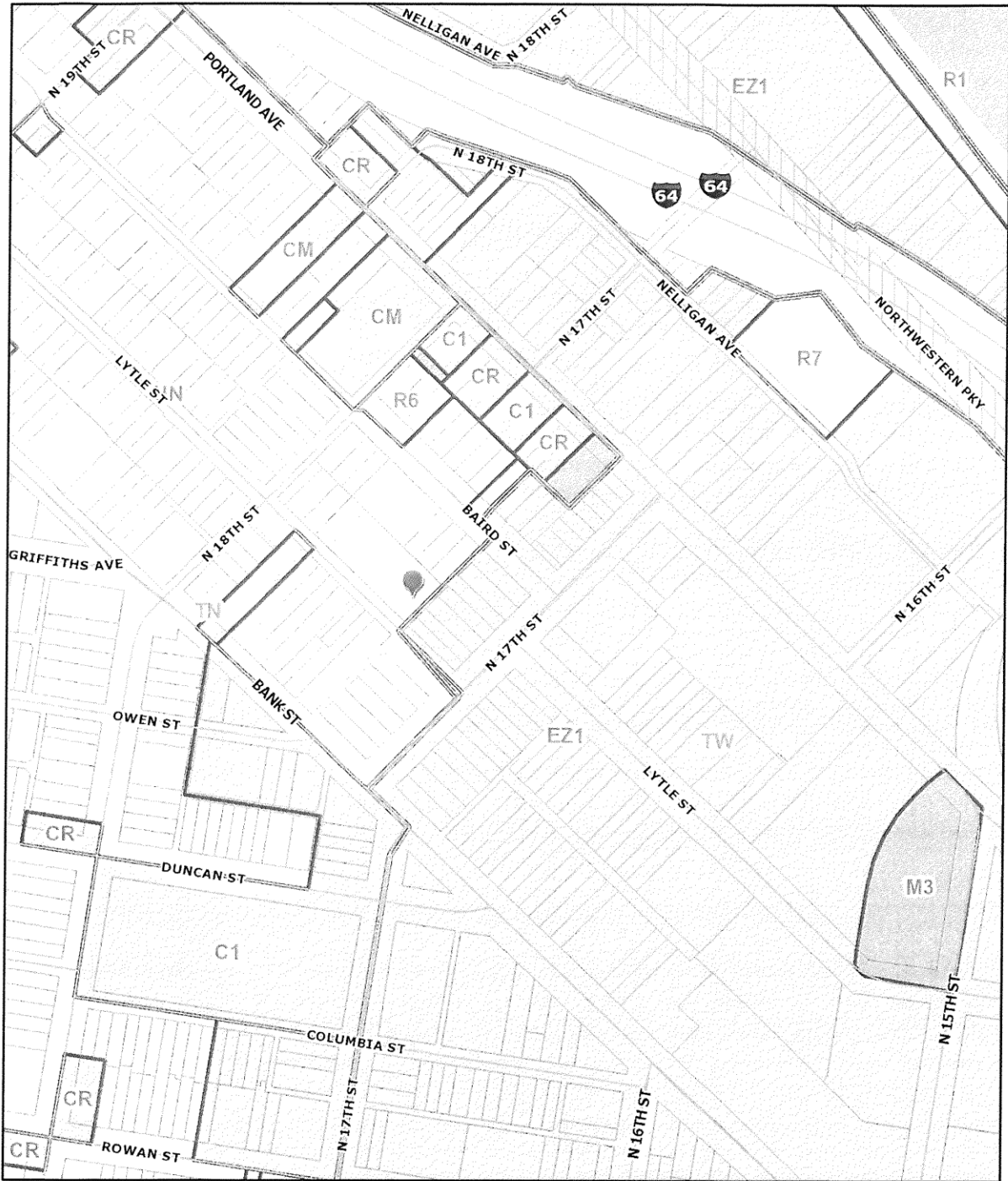
ATTACHMENTS

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



2 3/8 Terminal Poles 74" Above Ground
 72" Fence 9 Gangs
 1/8" Lines Poles 74" Above Ground
 1 3/8" Both Top and Bottom 2.0

Not 164/1702 by 6.57
 Fence used up report
 However 1702 by 6.57 hot 11



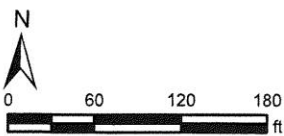
1709 Lytle Street

Monday, August 27, 2018 | 12:35:31 PM



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1709 Lytle Street

Monday, August 27, 2018 | 2:00:27 PM



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View from near 18th Street looking east.
Site is opposite of the van.



View from 17th Street toward the west.
Site is right of the pavement.



New fence at the rear and portion of the west side of property.
White tags identify the plants below.

