

# BOARD OF ZONING ADJUSTMENT

## Staff Report

2/1/2016



<b>Case No:</b>	15VARIANCE1086
<b>Project Name:</b>	233 South Hubbards Lane
<b>Location:</b>	233 South Hubbards Lane
<b>Owner:</b>	Scott Redding
<b>Applicant:</b>	Scott Redding
<b>Representative:</b>	Scott Redding
<b>Project Area/Size:</b>	.185 acres
<b>Existing Zoning District:</b>	Residential Single Family (R5)
<b>Existing Form District:</b>	Residential Single Family (R5)
<b>Jurisdiction:</b>	St. Matthews
<b>Council District:</b>	26 – Brent T. Ackerson
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- Variance from section 9.1 of the “DEVELOPMENT CODE” for a fence along the Front, Side Street and Back Yard.

Location	Requirement	Request	Variance
Front, Side and Rear Yard	4' ft.	6' ft.	2' ft.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Variance from the Development Code (St. Matthews) to allow a proposed fence to exceed the maximum height for the street side yard.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	R5	Neighborhood (N)
<b>Proposed</b>	Residential Single Family	R5	Neighborhood (N)
<b>Surrounding Properties</b>			
<b>North</b>	Residential Single Family	R5	Neighborhood (N)
<b>South</b>	Residential Single Family	R4, R5	Neighborhood (N)
<b>East</b>	Residential Single Family	R5	Neighborhood (N)
<b>West</b>	Residential Single Family	R5	Neighborhood (N)

### PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

No comments received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Development Code (as used by St. Matthews)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 proposed fence height (6 ft. max.) would not obstruct views for vehicular or pedestrian traffic.

- (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 applicant currently has an existing fence on the property.

- (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 proposed fence would be outside of the Vision Clearance as determined by the Development Code (St. Matthews).

- (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 applicant currently has an existing white picket fence on a corner lot and is proposing a fence that allows for more privacy that is located outside of the vision triangle.

### 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 does not arise from special circumstances which do not generally apply to land in the general vicinity of the same zone since the residence is located on a corner lot.

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: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and/or create an unnecessary hardship on the applicant since the applicant is requesting privacy from a busy intersection along Hubbards Lane.

3. The circumstances are 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 since the applicant is requesting to construct a fence that allows for greater privacy.

### TECHNICAL REVIEW

- See agency comments for development plan review comments.

### STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting Variance established in the Land Development Code.

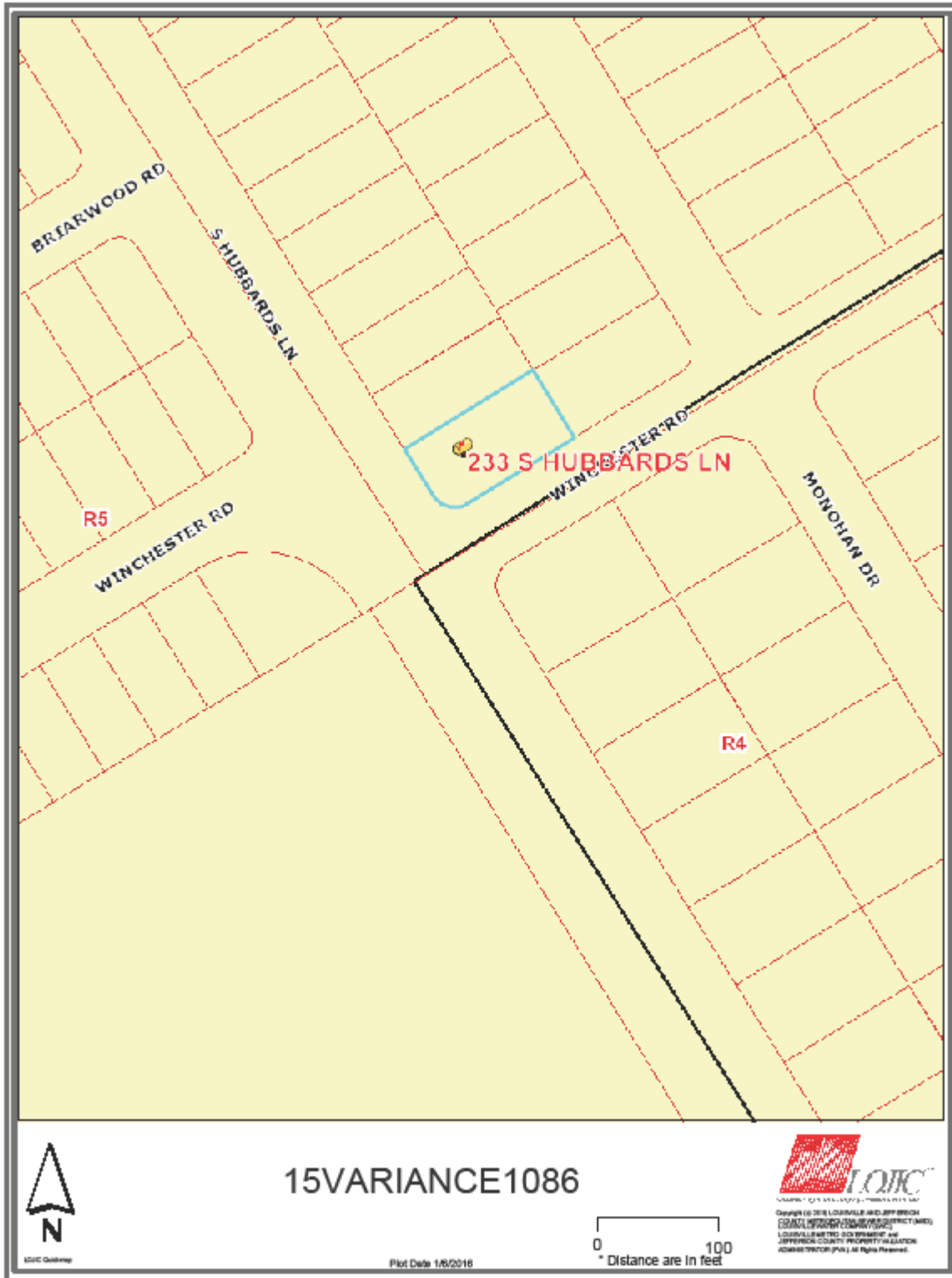
### NOTIFICATION

Date	Purpose of Notice	Recipients
1/15/2016	APO Notice	1 <sup>st</sup> tier adjoining property owners Neighborhood notification recipients
1/15/2016	Sign Posting on property	

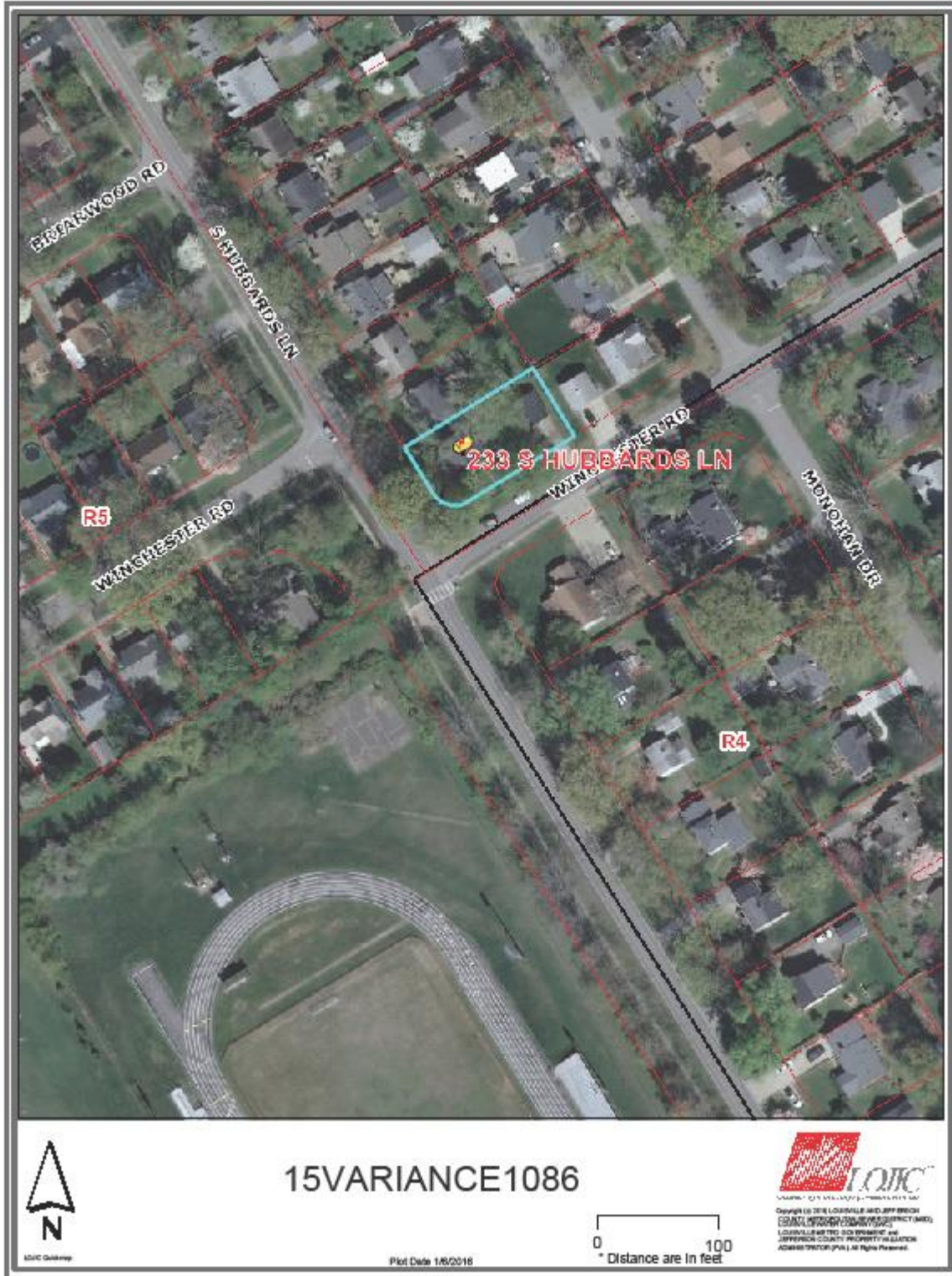
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Inspection Report

1. Zoning Map



2. Aerial Photograph



3. Site Inspection Report



Looking directly North at Front and Street Side Yard of 233 South Hubbards Lane.



Looking Northwest across Winchester Ave. at the Street Side Yard of 233 South Hubbards Lane.