

Board of Zoning Adjustment

Staff Report

May 18, 2026



Case No:	26-VARIANCE-0033
Project Name:	Tearose Dr Fence
Location:	6514 Tearose Dr
Applicant:	Jeffrey Gilbert
Representative:	Jeffrey Gilbert
Jurisdiction:	Louisville Metro
Council District:	14 – Crystal Bast
Case Manager:	Abby Bills, Planner I

REQUEST:

- **Variance** from Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front yard setback

Location	Requirement	Request	Variance
Front Yard Setback	48 in.	72 in.	24 in.

CASE SUMMARY

The subject site is approximately 0.2 acres in the R-4 Single Family Residential zoning district and Neighborhood form district. The site is located on the intersection of Tearose Dr and Connie Dr, west of Terry Rd. The applicant has an existing 6’ wood fence in the rear and side yards of the property, adjacent to the primary structure. The fence drops down to 4’ in the side yard in front of the primary structure. There is a portion of the 4’ fence that extends approximately 10 ft. into the Public Right of Way fronting Connie Dr.

The applicant is proposing to remove the entirety of the existing fence and replace it with a 6’ fence in the same location, excluding the portion located in the RoW. The proposed fence will be abutting the front property line; therefore, a variance is required to allow the fence to be 6’ in the front yard setback.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect public health, safety, or welfare, because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are several fences in the immediate vicinity that are similar in height and design located in front and street side yard setbacks.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone. The subject property is a corner lot with a unique orientation compared to the neighboring structures, as the front of the structure is facing the street side yard.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way and matches the existing character of the neighborhood.

5. The circumstances are the result of action 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 action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as work has not been completed on the fence for which the variance is being requested.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in the front yard setback.

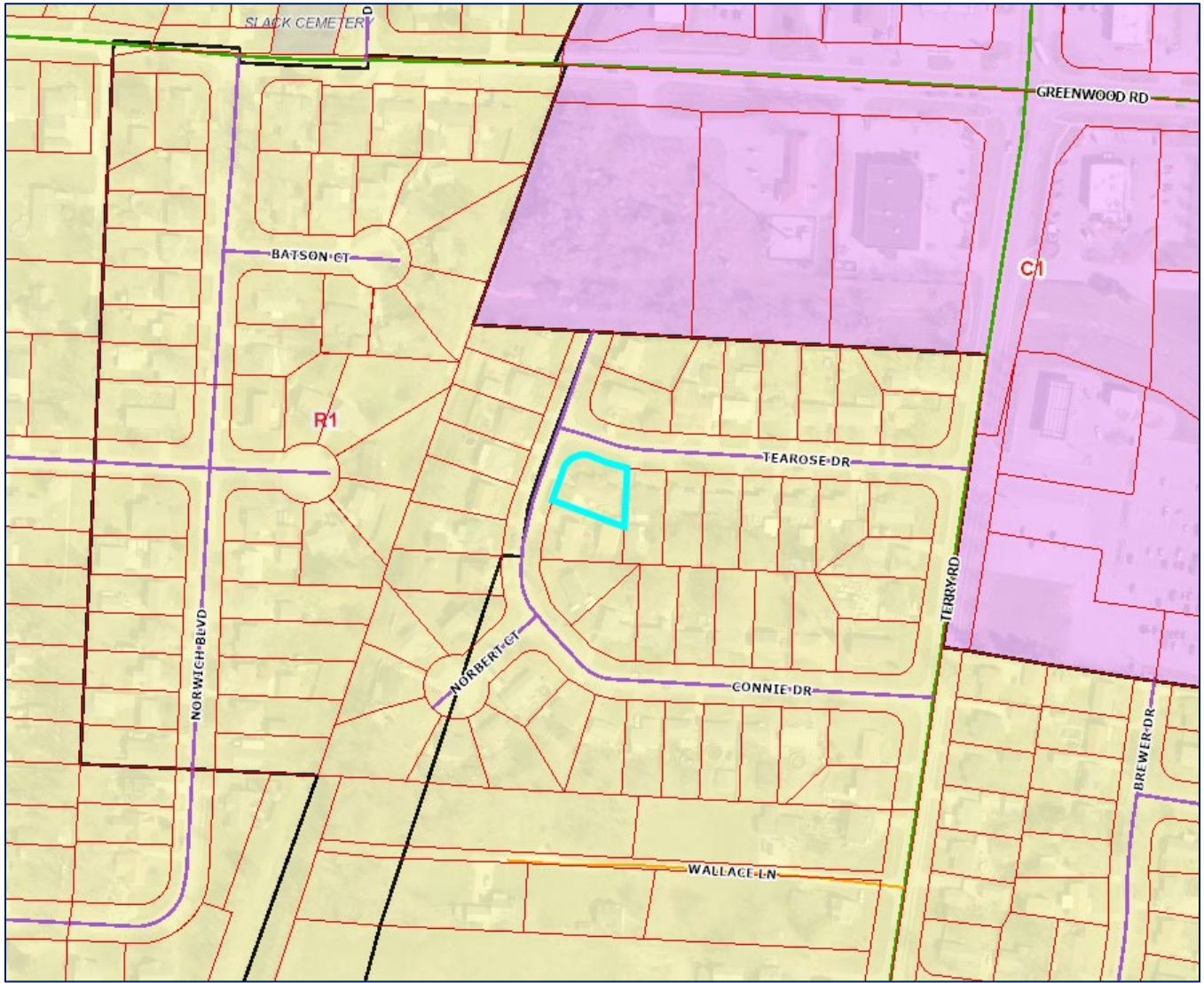
NOTIFICATION

Date	Purpose of Notice	Recipients
04/15/2026	Hearing before Board of Zoning Adjustment	1 st tier adjoining property owners and current residents
04/09/2026		Registered Neighborhood Groups in Council District 14

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

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2. Aerial Photograph

