

Board of Zoning Adjustment

Staff Report

May 21, 2018



Case No:	18VARIANCE1040
Project Name:	1259 Bassett Avenue Fence
Location:	1259 Bassett Avenue
Owner(s):	R Craig Strachan & Katharine Dobbins
Applicant:	Katharine Dobbins
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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 to exceed 3.5 feet in height in the street side yard setback.

Location	Requirement	Request	Variance
Fence	3.5 ft.	6 ft.	2.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Cherokee Triangle neighborhood, at the corner of Bassett Avenue and Ransdell Avenue. The front yard of the lot is the Bassett Avenue frontage, with the Ransdell Avenue frontage being the street side yard. The applicant proposes to construct a new 6-foot privacy fence in the street side yard setback, to replace an existing four-board horse fence. Land Development Code section 4.4.3.A.1.a.i limits fences in the street side yard setback in the Traditional Neighborhood form district to 42 inches in height. The applicant requests a variance to exceed this allowable height.

The requested fence received Historic Landmarks and Preservation Districts Commission staff approval on April 4, 2018, under case number 18COA1058. Please see Attachment #5 for the conditions of approval.

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 the allowable 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 and will not affect public health, safety or welfare for vehicles turning.

- (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 there are other, similar fences in the vicinity, and the fence has received a Certificate of Appropriateness.

- (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 proposed fence is not at the corner and will not create a hazard for vehicles or pedestrians.

- (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 needed to create privacy in the otherwise-exposed rear yard of a corner lot.

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 because the lot is a corner lot that is separated from the alley, with no alley access to this 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: 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 enjoying the use of a private rear yard.

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.

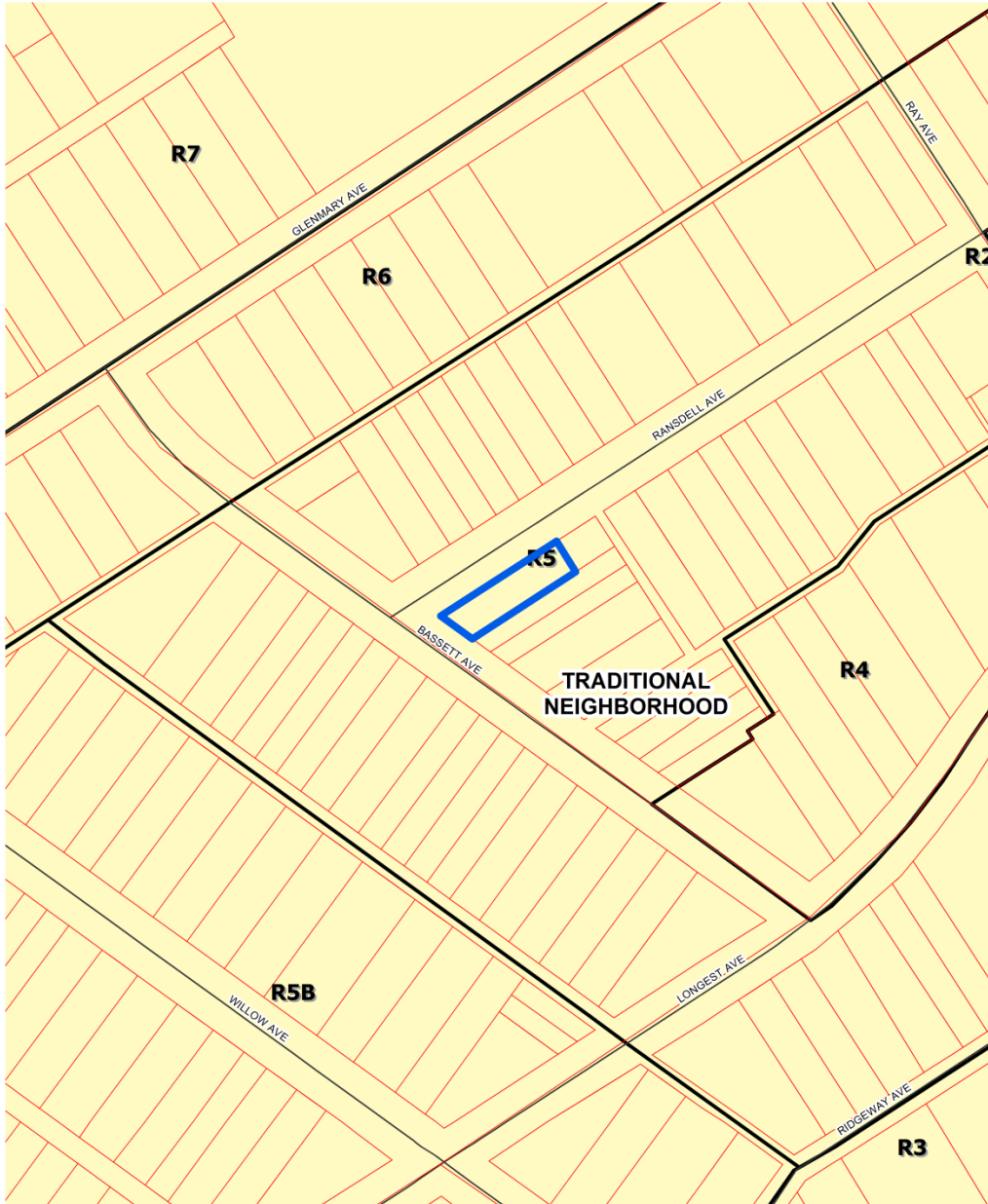
NOTIFICATION

Date	Purpose of Notice	Recipients
04/27/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
05/04/2018	Hearing before BOZA	Notice posted on property

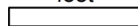
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Certificate of Appropriateness

1. Zoning Map



1259 Bassett Avenue
feet



140
Map Created: 5/8/2018

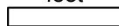


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2. Aerial Photograph



1259 Bassett Avenue
feet



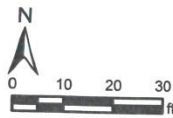
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Map Created: 5/8/2018



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3. Site Plan



1259 Bassett Avenue



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This map is not a legal document and should only be used for general reference and identification

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4. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property across Ransdell Avenue.



The properties across Bassett Avenue.



The street side yard where the variance is requested. The existing fence is visible at the corner.



Another view of the street side yard where the variance is requested.



The garage in the rear yard of the property, with neighbor's privacy fence to the left.

5. Certificate of Appropriateness



Historic Landmarks and Preservation Districts
Commission

Certificate of Appropriateness

To: Katharine R. Dobbins
Thru: Cynthia Elmore, Historic Preservation Officer
From: Zach Schwager, Associate Planner
Date: April 4, 2018

BBB

Case No: 18COA1058
Classification: Staff Review

GENERAL INFORMATION

Property Address: 1259 Bassett Avenue

Applicant/Owner: Katharine R. Dobbins
1259 Bassett Avenue
Louisville, Kentucky 40204
(502)836-4199
dobbinskr@gmail.com

Contractor: TBD

Estimated Project Cost: \$4700.00

Description of proposed exterior alteration:

The applicant requests approval for a wooden fence that ranges in height from 3' to 6'. The fence will be 3' in height from the side steps on the Ransdell Avenue side of the house to the edge of the back of the house. The fence will increase to 6' in height from the edge of the back of the house to the driveway. The fence will then continue across the private yard area where it will connect with the existing privacy fence along the southern property line. The fence will have three gates: one on each portion of the fence that connects the side of the fence to the house and one on the rear portion in order to allow access from the existing garage into the private yard area. The fence will be pressure treated pine.

Communications with Applicant, Completion of Application

The application was received on March 19, 2018 and determined to be complete and classified as requiring Staff Review on March 26, 2018.

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FINDINGS

Guidelines

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alteration: **Site**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

Site Context/ Background

The subject property is zoned R-5 Residential Single Family and is in the Traditional Neighborhood Form District. It is located on the east side of Bassett Avenue at the corner of Bassett Avenue and Ransdell Avenue. The building is a 2 ½ -story wooden single-family residence surrounded by other 2 to 3 story structures.

Conclusions


The fence generally meets the Cherokee Triangle Preservation District design guidelines for **Site**, with the condition below that the fence be painted or opaque stained.


Decision

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the conditions**:

1. All wood elements shall be opaque stained or painted within 9 months.
2. The fence shall comply with all Louisville Metro code, and in this case will require a variance for fence height on a street side yard (Ransdell Avenue).
3. If the design or scope of work changes the applicant shall contact staff for review and approval.

The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.


Zach Schwager
Associate Planner


Date

Attached Documents / Information

1. Staff Guideline Checklist