

Board of Zoning Adjustment

Staff Report

May 18, 2026



Case No:	25-VARIANCE-0118
Project Name:	Home Residential Fence
Location:	1833 Alfresco Pl
Owner:	Steven & Maria Hone
Applicant:	Maria Hone
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Tyler Pobiedzinski, Planner I

REQUEST

- **Variance** from Land Development Code Section 4.4.3 to allow a fence to exceed the maximum permitted height of 3.5 feet within the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard Setback	3 ft 6 in	8 ft 3 in	4 ft 9 in

CASE SUMMARY

The subject site is an approximately 0.18-acre corner lot zoned R-5 Single Family Residential, located within the Traditional Neighborhood Form District at the intersection of Rosedale Avenue and Alfresco Place, south of Bardstown Road. The applicant is requesting a variance to allow an existing fence to remain.

The existing wooden privacy fence measures approximately 5 feet 9 inches in height and is located on top of an existing retaining wall and berm combination that reaches approximately 2 feet 6 inches at its tallest point along the street-side yard setback adjacent to Rosedale Avenue. As a result, the combined height of the fence, retaining wall, and berm reaches approximately 8 feet 3 inches when measured from the adjacent sidewalk grade.

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 the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely impact public health, safety, or welfare, and will not create a hazard or nuisance to the public. The proposed fence will be located entirely within the subject property and will not impede the safe movement of vehicles or pedestrians

within the public right-of-way. Additionally, the fence will not encroach onto any adjacent properties and is constructed in compliance with all applicable requirements.

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 and does not represent an unreasonable circumvention of the zoning regulations. The fence is residential in character and compatible with surrounding development patterns in the area. The fence has existed since 2021 and is integrated into the existing site conditions created by the retaining wall and berm along the corner lot frontage.

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 not arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone since the property is similar in shape, size, and scale to properties in the general vicinity.

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

STAFF: Strict application of the zoning regulations would create an unnecessary hardship for the applicant, as the combined height of the existing fence, retaining wall, and berm results from the grade conditions along the street-side yard. Requiring the fence to be reduced to meet the maximum permitted height when measured from the adjacent sidewalk would significantly limit the effectiveness of the fence for privacy and screening purposes on the elevated corner lot.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of actions taken subsequent to the adoption of the zoning regulations, as the fence was constructed in 2021 and exceeds the maximum permitted fence height within the street-side yard setback. The applicant has stated that a fence contractor was hired to install the fence and that they were unaware a variance was required at the time of construction.

REQUIRED ACTION:

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 4.4.3 to allow a fence to exceed the maximum permitted height of 3.5 feet within the required street side yard setback.

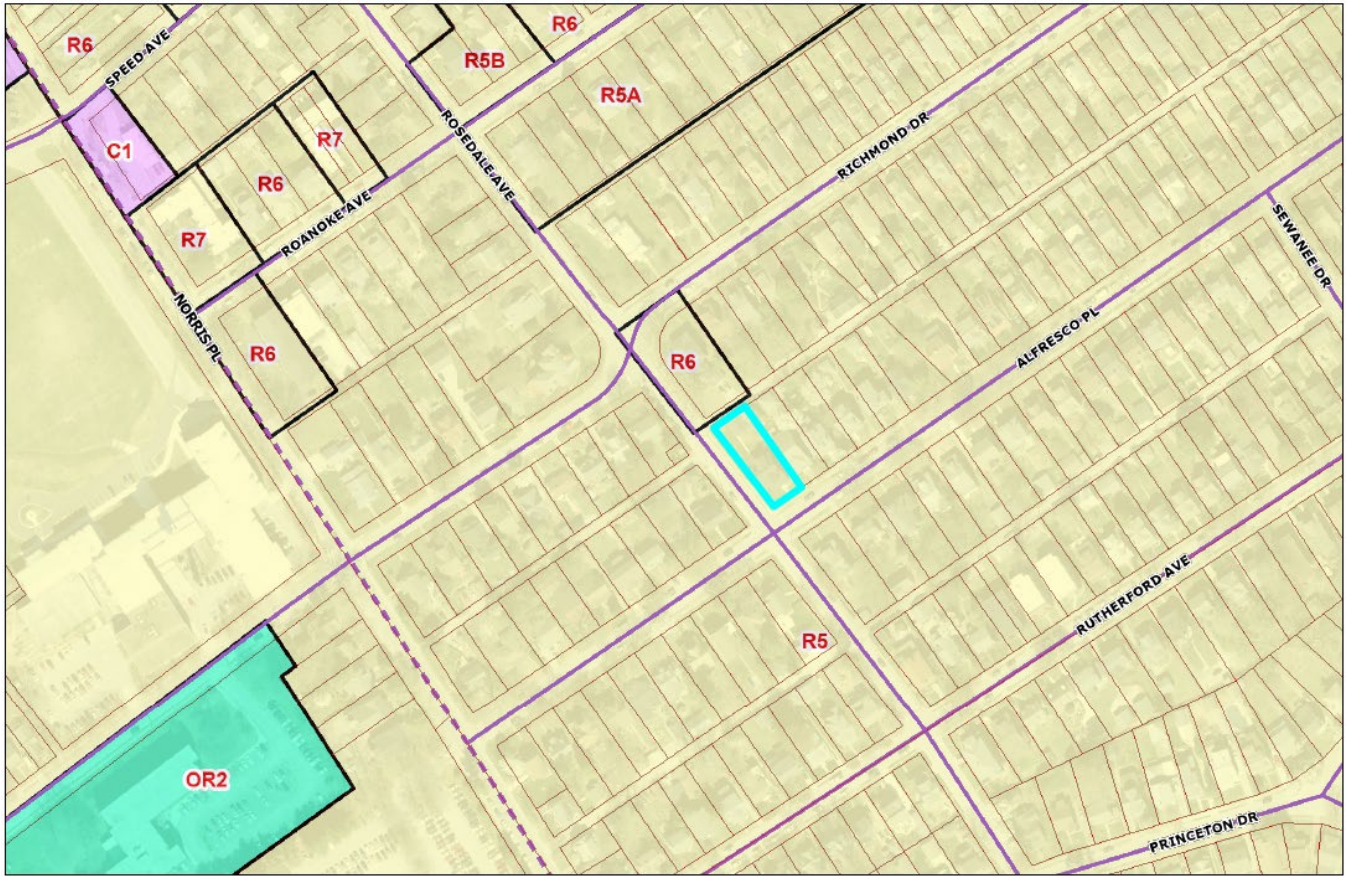
NOTIFICATION

Date	Purpose of Notice	Recipients
5/4/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 8
5/6/2026	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

