

## Pollock, Heather M.

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**From:** Reverman, Joe  
**Sent:** Monday, December 6, 2021 2:22 PM  
**To:** Brown, Jeffrey E; Ashburner, Clifford  
**Cc:** Andrews, Al J.; Pollock, Heather M.; Haberman, Joseph E; French, Christopher S.  
**Subject:** RE: survey 1314 Hoertz Ave

**Categories:** Print Email

Cliff, this is the last I have seen of this issue, which reads to me like Jeff believes all of this proposed deck would encroach into the site triangle. Heather, please have a clear answer on this prior to the next BOZA hearing.

Joe Reverman  
Planning & Design Services

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**From:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Sent:** Tuesday, November 23, 2021 7:34 AM  
**To:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>  
**Cc:** Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; Andrews, Al J. <[Al.Andrews@louisvilleky.gov](mailto:Al.Andrews@louisvilleky.gov)>  
**Subject:** RE: survey 1314 Hoertz Ave

The porch is an appendage to the primary structure so it would not be considered as an exception to the sight obstruction ordinance. Public Works cannot license the porch to encroach into the right-of-way because of the obstruction of the sight distance at the alley intersection.

This brings me no joy and I wish there were other options that could allow this to remain but we can't compromise public safety.

Jeffrey Brown, PE

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**From:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>  
**Sent:** Monday, November 22, 2021 4:33 PM  
**To:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Cc:** Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; Andrews, Al J. <[Al.Andrews@louisvilleky.gov](mailto:Al.Andrews@louisvilleky.gov)>  
**Subject:** RE: survey 1314 Hoertz Ave

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Jeff:

I haven't given up yet. There are a couple of areas I'd like to address before my client completely gives up. First, wouldn't the porch be considered a "permanent building" and, thus, exempt from the obstruction regulation you cite below? Second, the LDC has its own requirement that creates a smaller triangle, one that I calculate at a point 3' from

the alley and 15' from Hoertz. Could you all live with that triangle? That still leaves almost 15' from the alley to the edge of pavement on Hoertz. Here is the definition I'm looking at:

**Vision Clearance** - On corner lots (where a street intersects with another street) in all districts are required along the street frontage, no fence, wall, freestanding sign, structure or shrubbe be permitted that is over two (2) feet in height above the established elevation of the curb not clear of branches, in the case of plant material, from two (2) to six (6) feet above the esta elevation for a distance equal to the respective required yard, not to exceed thirty (30) feet, n the point of intersection of the intersecting lot lines and within the triangle formed by connec

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November 2020

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the respective distances.

Thanks for your time and consideration.

Cliff

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**From:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>

**Sent:** Monday, November 15, 2021 11:15 AM

**To:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>

**Cc:** Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; Andrews, Al J. <[Al.Andrews@louisvilleky.gov](mailto:Al.Andrews@louisvilleky.gov)>

**Subject:** RE: survey 1314 Hoertz Ave

Cliff,

I drew the sight distance triangle as described in ordinance 97.050 for streets intersecting an alley and everything currently within the right-of-way is within this triangle and can't be permitted.

### **OBSTRUCTIONS TO CROSS-VISIBILITY**

#### **§ 97.050 APPLICATION OF REGULATIONS.**

The following regulations shall apply to:

(A) Property which is located at corners formed by intersecting streets and which lies within the triangular area bounded by the property lines abutting such streets and a diagonal line joining points on the property lines 35 feet from the point of intersection of the property lines; and

(B) Property that is located at corners formed by the intersection of an alley or driveway with a street, and which also lies within the triangular area bounded by the property lines that abut such streets, alleys, or driveways, along with a diagonal line that joins points on the property lines that are 20 feet from the point of intersection of the property lines.

(1999 Lou. Code, § 93.20) (Lou. Ord. No. 102-1968, approved 4-24-1968; Lou. Metro Am. Ord. No. 195-2005, approved 11-16-2005)

**§ 97.051 MAINTENANCE OF OBSTRUCTION.**

Within this described area, except as provided in § [97.052](#), it shall be unlawful to install, set out, maintain, or allow the installation, setting out, or maintenance of any sign, hedge, shrubbery, tree, natural growth, or other obstruction of any kind which obstructs cross-visibility at a level between 24 inches and 72 inches above the level of the center of the adjacent intersection.

(1999 Lou. Code, § 93.21) (Lou. Ord. No. 102-1968, approved 4-24-1968; Lou. Metro Am. Ord. No. 195-2005, approved 11-16-2005) [Penalty, see § 97.999](#)

**§ 97.052 EXCEPTIONS.**

The provisions of § [97.051](#) shall not apply to the following:

(A) Permanent buildings.

(B) Existing grades which by reason of natural topography exceed 24 inches above the level of the center of the adjacent intersection, provided that no obstruction to cross-visibility not specifically excepted herefrom shall be installed, set out, or maintained on any existing grade which is more than 24 inches and less than 72 inches above the level of the center of the adjacent intersection.

(C) Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between 24 inches and 72 inches above the level of the center of the adjacent intersection.

(D) Fire hydrants, public utility poles, street markers, and traffic-control devices.

(1999 Lou. Code, § 93.22) (Lou. Ord. No. 102-1968, approved 4-24-1968; Lou. Metro Am. Ord. No. 195-2005, approved 11-16-2005)

Jeffrey Brown, PE

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**From:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>

**Sent:** Monday, November 15, 2021 9:59 AM

**To:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>

**Cc:** Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; Andrews, Al J. <[Al.Andrews@louisvilleky.gov](mailto:Al.Andrews@louisvilleky.gov)>

**Subject:** RE: survey 1314 Hoertz Ave

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Jeff,

Is there no way to keep the steps and the half of the porch that is opposite the alley? That would open the site triangle.

Let me know.

Thanks.

Cliff

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**From:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>

**Sent:** Monday, November 15, 2021 9:16 AM

**To:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>

Cc: Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; Andrews, Al J. <[Al.Andrews@louisvilleky.gov](mailto:Al.Andrews@louisvilleky.gov)>

Subject: RE: survey 1314 Hoertz Ave

Cliff,  
This porch encroaches into the sight distance triangle and is obstructing sight distance from the alley to Hoertz, Public Works will not be able to license any portion of the porch within the right-of-way.

Jeffrey Brown, PE

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**From:** Ashburner, Clifford <[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)>

**Sent:** Friday, November 12, 2021 10:39 AM

**To:** Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>

**Subject:** FW: survey

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Jeff:

Attached is the survey we had done on the property. You can see the encroachment as it sits today. As I said on the phone, I believe a lot of the right of way is sloped and unusable anyway. I hope you all will consider a license to allow Ms. Miller to keep as much of her porch as possible.

Best,

Cliff

Dinsmore

**Clifford H. Ashburner**

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