

Board of Zoning Adjustment
Staff Report
July 30, 2018



Case No:	18VARIANCE1055
Project Name:	S 3 rd Street Fence
Location:	4575 S 3 rd Street
Owner(s):	John Edward Blanford
Applicant:	John Blanford
Jurisdiction:	Louisville Metro
Council District:	21 – Vitalis Lanshima
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 in the street side yard setback to exceed 42 inches in height in the Traditional Neighborhood form district.

Location	Requirement	Request	Variance
Street Side Yard Fence	3.5 ft.	6 ft.	2.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Beechmont neighborhood and currently contains a 1 ½ story single family residence with a chain-link fence in the street side yard. The applicant proposes to replace the existing fence with a new six-foot wooden privacy fence. Land Development Code section 4.4.3.A.1.a.i restricts the height of fences in the street side yard to 42 inches in the Traditional Neighborhood form district. The applicant therefore requests a variance to exceed 42 inches in height.

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 to exceed 42 inches in 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 proposed fence will not extend to the corner and will not adversely affect 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 as the proposed fence will not be readily visible to S 3rd Street.

- (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 will not obstruct sight lines or create a hazard at the corner.

- (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 there are buildings with greater scale and mass than the proposed fence nearby, with the result that the fence will not be out of place.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 or the same zone because the lot is regular in shape and similar in size to other lots on the general vicinity.

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 requiring the applicant to lower the height of a standard fence to 42 inches.

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
06/26/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21
07/13/2018	Hearing before BOZA	Notice posted on property

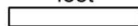
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. **Zoning Map**



4575 S 3rd Street
feet



Map Created: 7/18/2018

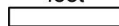


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2. Aerial Photograph



4575 S 3rd Street
feet

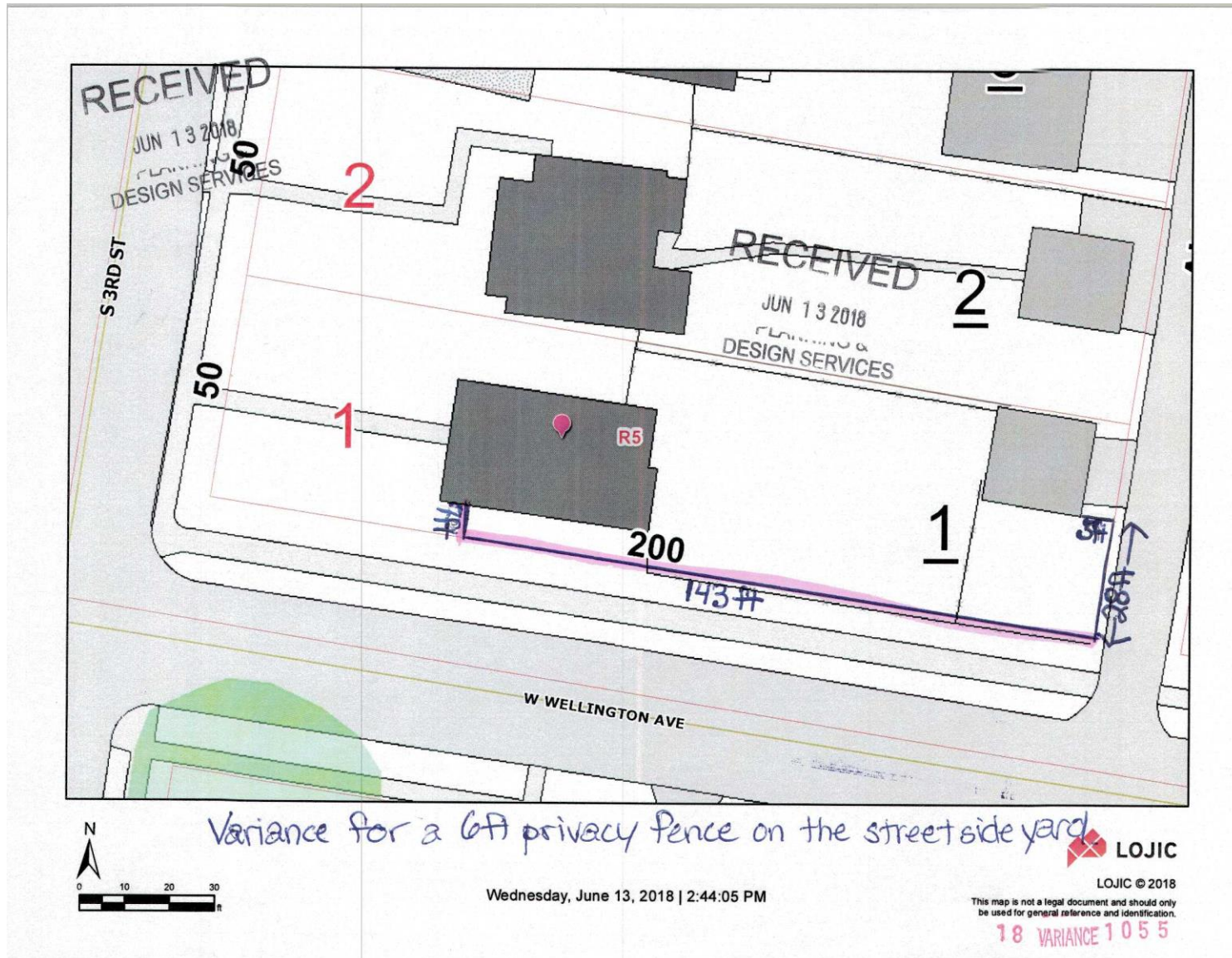


Map Created: 7/18/2018



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3. Site Plan



4. Elevation

x 5-1/2 in. x 6 ft. Pressure-Treated Pine Dog-Ear Fence Picket



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18 VARIANCE 1055

5. **Site Photos**



The front of the subject property.



The property to the left of the subject property.



The property across S 3rd Street.



The property to the left across W Wellington Avenue.



The existing fence to be replaced.



The existing fence to be replaced.