

Board of Zoning Adjustment
Staff Report
 November 16, 2020



Case No:	20-VARIANCE-0132
Project Name:	Vaughn Mill Variance
Location:	7511 Vaughn Mill Rd
Owner/Applicant:	Greg and Mary Stickler
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the front side yard in a Neighborhood Form District to exceed 48 inches in height.

Location	Requirement	Request	Variance
Fence in Street Side Yard	48 in.	72 in.	24 in.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single-Family Residential in the Neighborhood Form District. The subject site is the vacant lot adjacent to the property owner’s primary residence. The applicant is requesting a variance for a proposed 6 ft wooden and metal privacy fence located along Outer Loop. The fence in its entirety will enclose most of the subject property.

STAFF FINDINGS

Staff finds that the requested variance meets standards (a) and (c), but staff is concerned that the variance request does not meet standards (b) and (d) because the proposed fence will not be compatible with the area. Additionally, the lot is large enough for the applicant to construct the fence out of the front yard setback at the height that they desire.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must also determine if the proposal meets the standards for granting a variance to allow a fence in the street side yard setback in a Neighborhood Form District to exceed 48 inches in height.

TECHNICAL REVIEW

None.

INTERESTED PARTY COMMENTS

Staff has received one call from a neighbor regarding this proposal.

RELATED CASES

None.

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 not within the sight triangle and does not interfere with vision clearance at either intersection.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity as there are no similar fences in the surrounding area. However, this area has a mix of residential and commercial uses.

- (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 fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as there is enough space on the lot for the applicant to meet the required setback.

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 does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone. The property is an expansion of the side yard of the property owner's primary residence and has frontage on Outer Loop and Sticker Place.

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 would not create an unnecessary hardship on the applicant since the lot is vacant and there is room for the fence to be constructed out of the setback.

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 before construction of the fence has begun.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

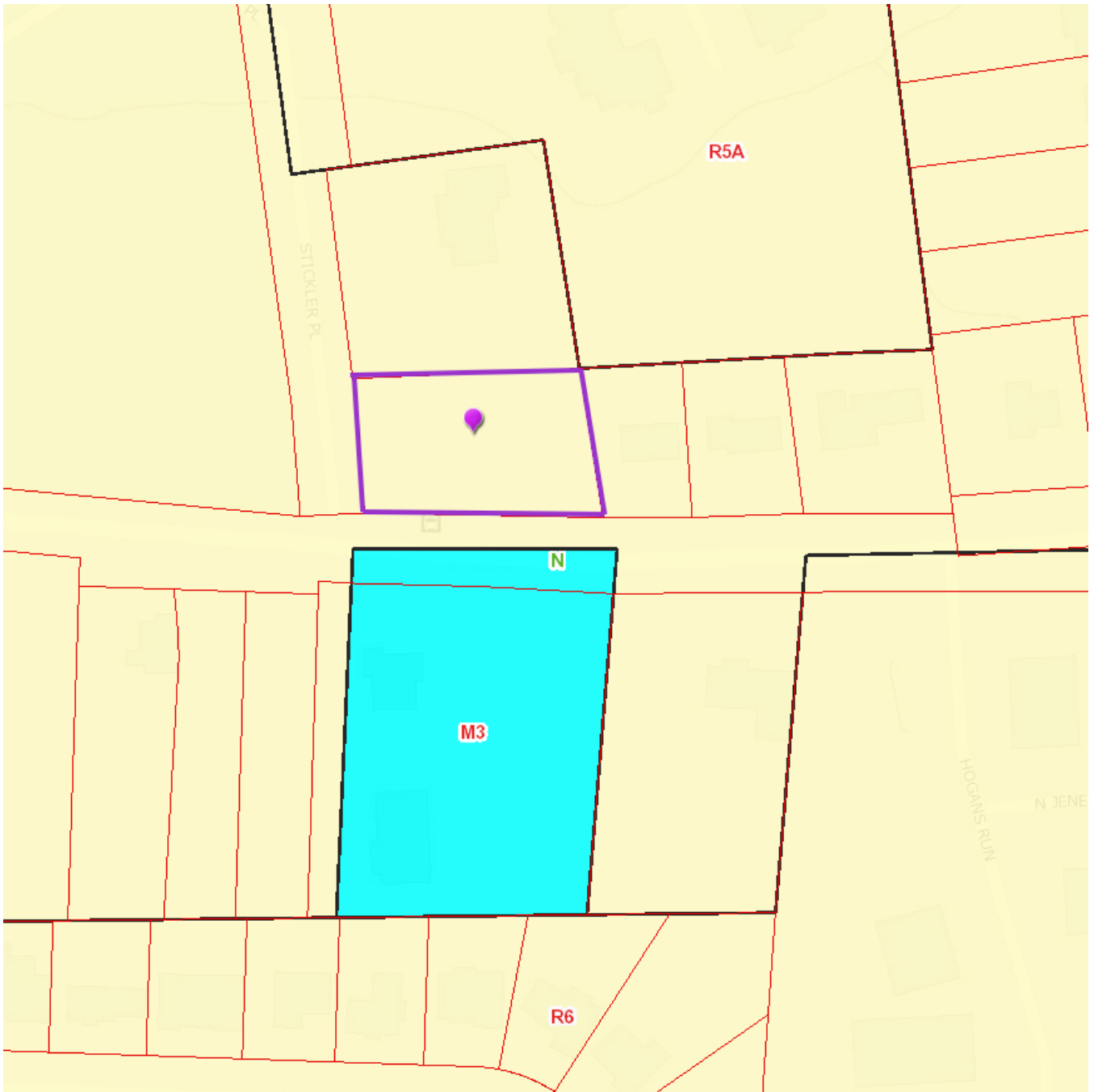
NOTIFICATION

Date	Purpose of Notice	Recipients
10/29/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23
11/2/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. **Zoning Map**



2. Aerial Photograph



3. Site Plan

