

Board of Zoning Adjustment

Staff Report

January 11th, 2021



Case No:	20-VARIANCE-0162
Project Name:	Independence School Road Variance
Location:	10107 Independence School Road
Owner(s):	Lori Ann Jackson
Applicant:	Lori Ann Jackson
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Rachel Mandell, Planner I

REQUESTS:

Variance from Land Development Code Section 4.4.3.1.a.i to allow a proposed fence to exceed the maximum fence height of 48 inches in the front yard setback.

Location	Requirement	Request	Variance
Front Yard	48 in.	60 in.	12 in.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single-Family Residential in the Neighborhood Form District. The property has an existing single-family home and the lot is enclosed by the current owner's 27.8-acre horse farm on all sides, except for the front yard which is facing Independence School Road. The applicant is proposing to build a 60 inch (5 feet tall) four board horse fence.

STAFF FINDINGS

Staff finds that the requested variance to exceed the maximum fence height is adequately justified and meets all standards 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 from section 4.4.3.1.a.i to allow a fence within the front yard setback in the Neighborhood Form District to exceed 48 inches in height.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has received no formal comments.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.1.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 will not be a full privacy fence and is related to the surrounding agricultural use.

- (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 area contains large, rural lots with surrounding agricultural 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 comply with vision clearance requirements and will not obstruct site lines or create a hazard for motorists 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 slightly over the requirement.

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 in the same zone. It is possible that the property is exempt from zoning regulations due to the agricultural use of the surrounding farm, which is owned and maintained by the property owner. The applicant is pursuing the variance to ensure compliance.

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 create an unnecessary hardship for the applicant, as the surrounding farm land fronting Independence School Road will have a horse board fence of 60 inches due to agricultural exemption from zoning regulations, but she would need to reduce the height to 48 inches only in front of the residential property.

3. The circumstances are 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 prior to beginning construction of the fence.

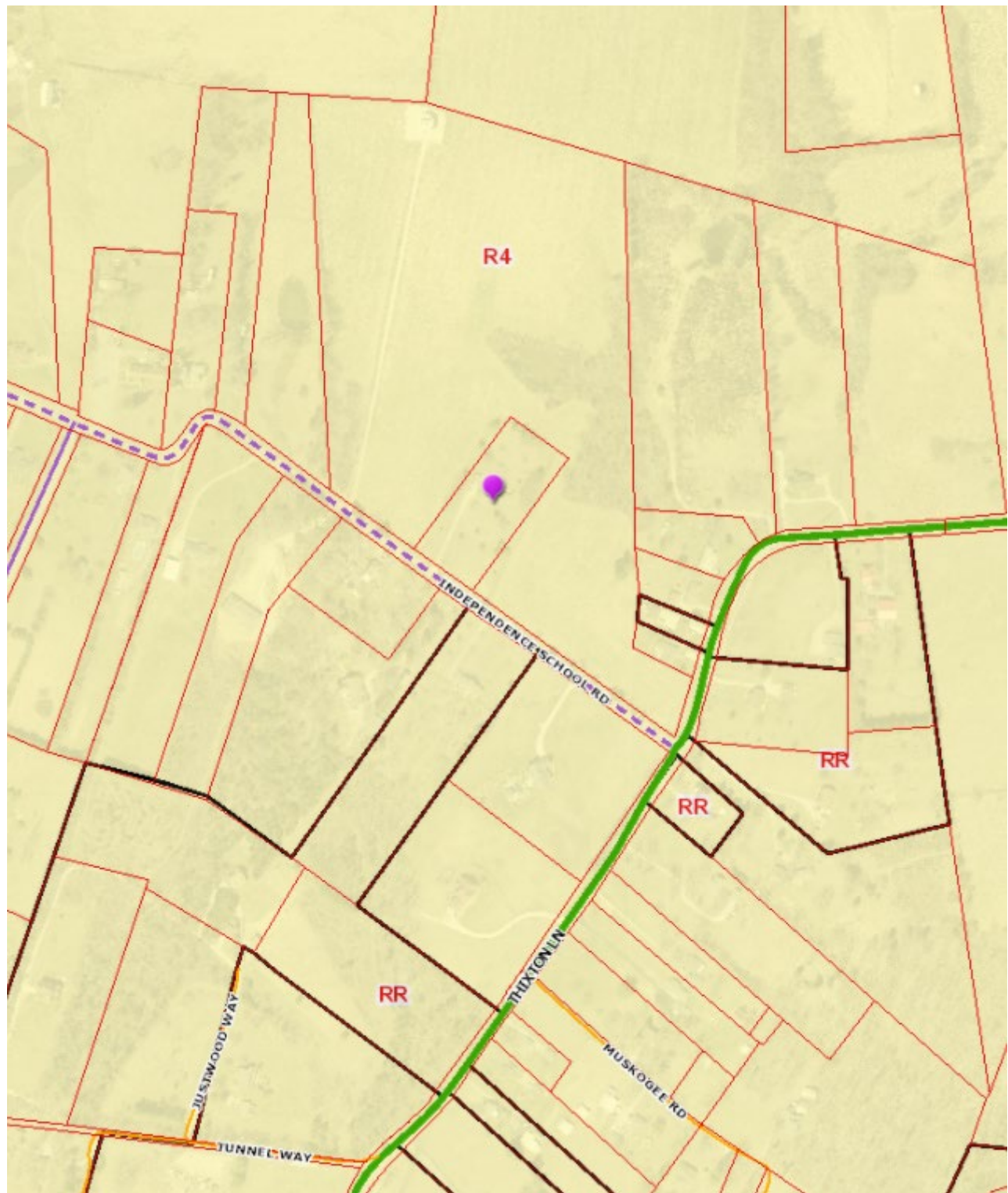
VARIANCE PLAN REQUIREMENT

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.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan

