

Board of Zoning Adjustment

Staff Report

January 25, 2021



Case No:	20-VARIANCE-0168
Project Name:	Keswick Boulevard Variance
Location:	1232 Keswick Boulevard
Owner/Applicant:	Barbara Schultz & Thomas Christian
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the front yard setback in a Traditional Neighborhood Form District to exceed 42 inches in height.

Location	Requirement	Request	Variance
Front Yard	42 inches	72 inches	30 inches

CASE SUMMARY/BACKGROUND

The subject property is in the Keswick subdivision on the south side of Keswick Boulevard in between Texas Avenue and Fetter Avenue. The applicant is proposing to construct a six foot privacy fence in the front yard setback along a portion of Keswick Boulevard. Staff received signatures from all first tier adjoining property owners for a non-public hearing; however, this request does not qualify for a non-public hearing according to the BOZA Bylaws.

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 Land Development Code section 4.4.3.A.1.a.i to allow a fence within the front yard setback in a Traditional Neighborhood Form District to exceed 42 inches in height.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

B-225-06 – Variance for a rear yard setback

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 would not obstruct vision clearance for motorists or pedestrians.

- (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 there are other privacy fences in front yard setbacks on the same 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 would not obstruct vision clearance 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 subject property is irregular in shape as compared to the surrounding properties.

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 as the property irregular in shape as compared to the surrounding properties.

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 as the height of the fence could be reduced to meet the requirement.

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 fence has not been constructed and the applicant is requesting the variance.

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.

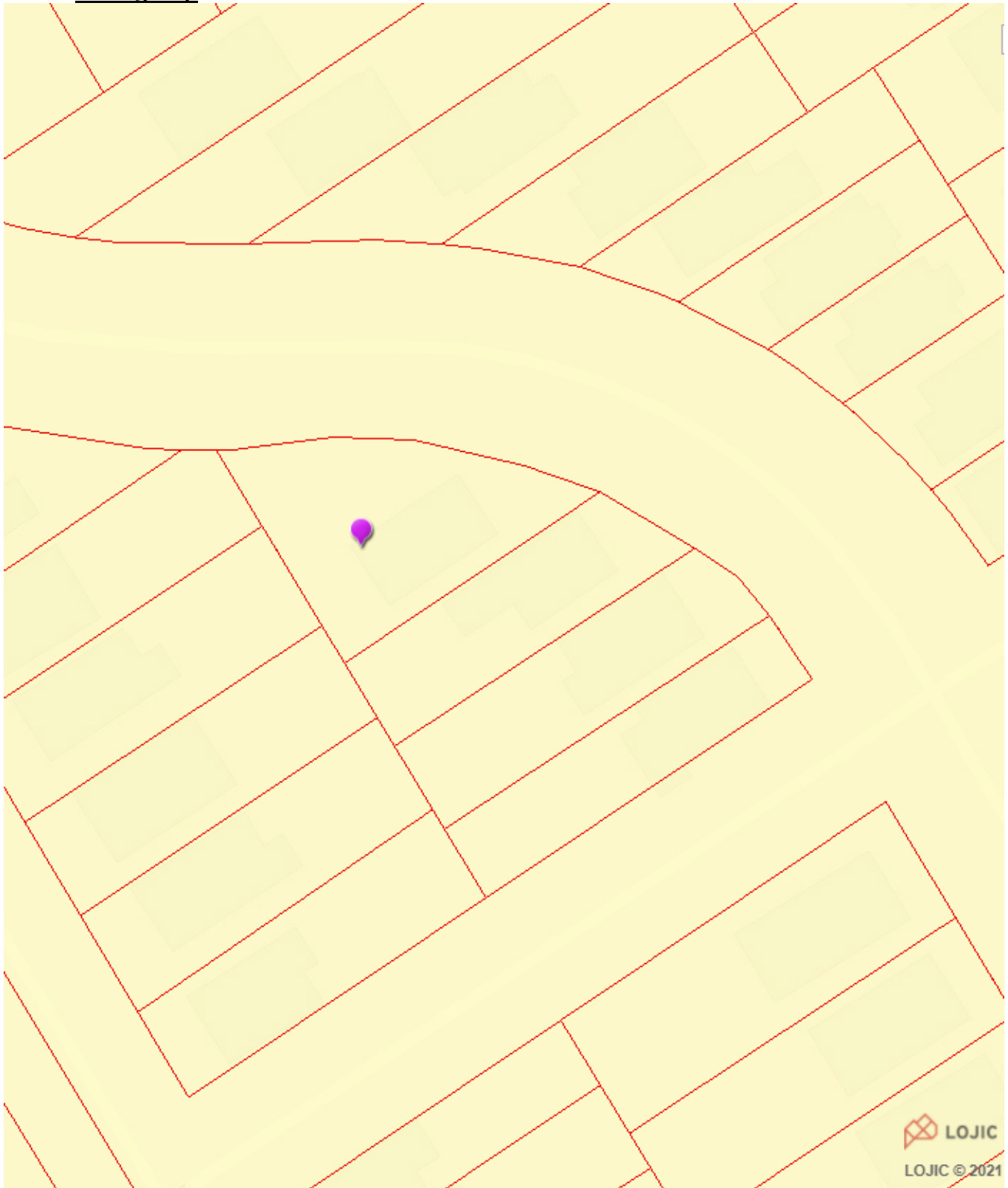
NOTIFICATION

Date	Purpose of Notice	Recipients
1/7/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
1/11/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. **Zoning Map**



2. **Aerial Photograph**



3. Site Plan

11/3/2020

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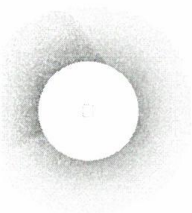
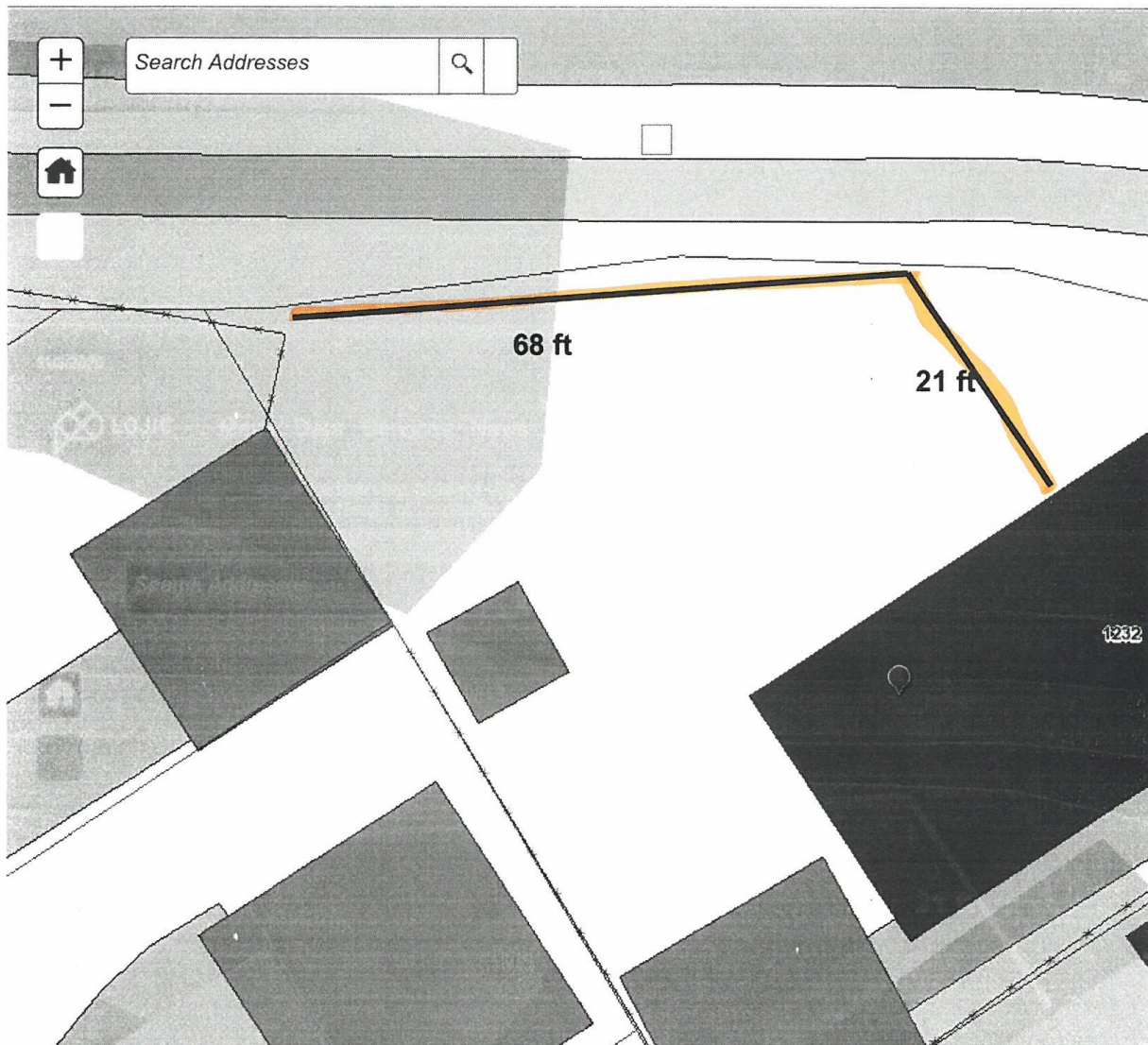


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RECEIVED

Site by Net Tang

DEC 11 2020

PLANNING & DESIGN
SERVICES

20 - VARIANCE - 0168

file:///192.168.0.10/Documents/Barb/Repair & Remodel/Privacy Fence/LOJIC Online _ LOJIC proposed fence.html

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4. **Site Photos**



Front of subject property.



Looking west down Keswick Boulevard.



Fence height variance area.



Looking east down Keswick Boulevard.



Location of proposed fence.



Location of fence.