

Board of Zoning Adjustment
Staff Report
February 17, 2020



Case No:	20-VARIANCE-0008
Project Name:	Parkside at Mt. Washington
Location:	7101 Mt. Washington Road
Owner:	Ball Homes, LLC
Applicant:	Ball Homes, LLC
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUEST

- **Variance** from Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence in the street side yard in the Neighborhood Form District to exceed 4 feet in height.

Location	Requirement	Request	Variance
Parkside Vista Ln. Street Side Yard	4 feet	6 feet	2 feet

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located at the intersection of Mt. Washington Road and Parkside Vista Lane. There is a single-family residence on the site, which is owned by Ball Homes, LLC. The applicant plans to construct a 6-foot wooden privacy fence (or 72 inches) along the Parkside Vista Lane street side yard. The applicant has received approval from LG&E to allow the proposed fence in the 15-foot electric and telephone easement along the property line.

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 to allow a fence in the street side yard setback in a Neighborhood Form District to exceed 4 feet in height.

Staff proposes a condition of approval regarding the design of the fence.

TECHNICAL REVIEW

The applicant has received permission to construct the fence in the easement along the property to the right of Parkside Vista Lane.

RELATED CASES

There are no related cases.

INTERESTED PARTY COMMENTS

Staff received an email from an adjacent neighbor.

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 the intersection of Mt. Washington Road and Parkside Vista Lane.

- (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 is a signature entrance near the intersection of Mt. Washington Road and Parkside Vista Lane.

- (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 not allow an unreasonable circumvention of the zoning regulations as additional screening in front of the fence will help mitigate the height of the fence.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is a corner lot and property was purchased to allow increased entrance right-of-way width to preserve line of maple trees planted along Parkside Vista Lane opposite the subject property.

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 permit the property owner to provide substandard yard to the left of the existing home on site.

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 property was purchased to allow increased entrance right-of-way width to preserve line of maple trees planted along Parkside Vista Lane opposite the subject property.

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.

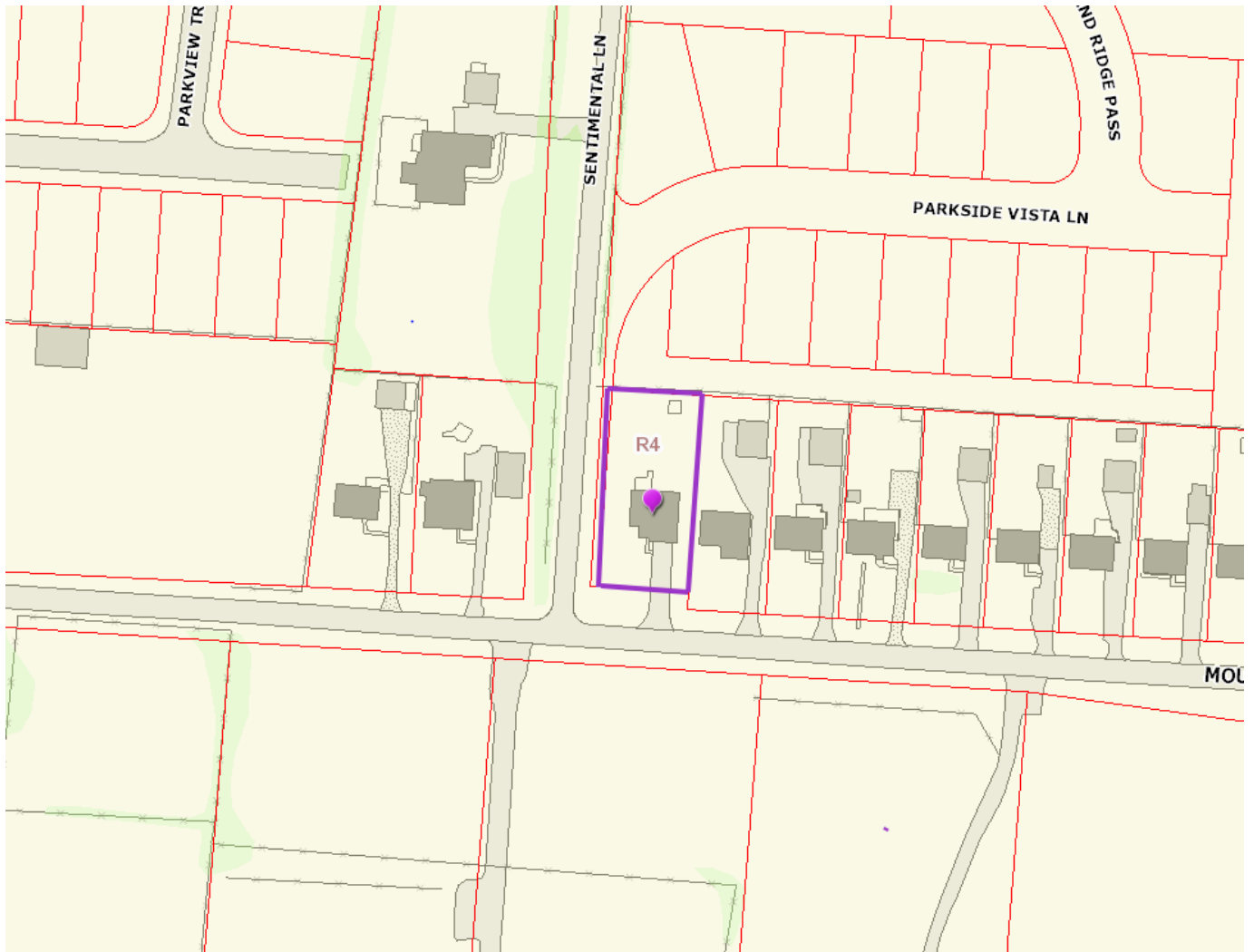
NOTIFICATION

Date	Purpose of Notice	Recipients
1/31/20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23
2/7/20	Hearing before BOZA	Notice posted on property

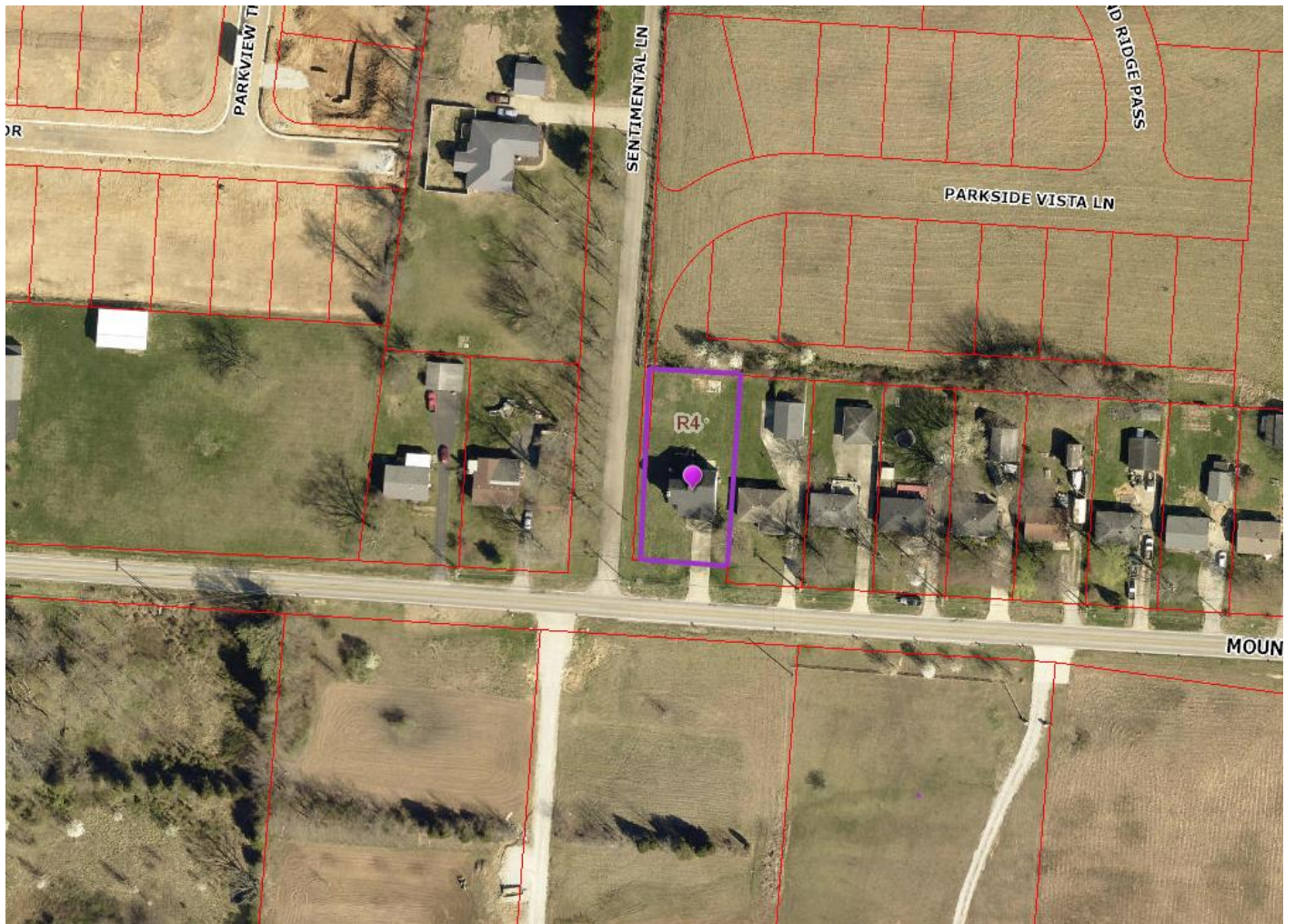
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Condition of Approval

1. **Zoning Map**



2. **Aerial Photograph**



3. **Condition of Approval**

The finished side of the fence shall face outwards from the subject property.