

# Board of Zoning Adjustment

## Staff Report

June 29, 2026



<b>Case No:</b>	26-VARIANCE-0062
<b>Project Name:</b>	Fence and Infill Setback Variance
<b>Location:</b>	4904 Hyde Park Dr
<b>Applicant:</b>	Maisy Avila
<b>Representative:</b>	Maisy Avila
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Jonathan Joseph
<b>Case Manager:</b>	Catherine Gomez, Planner I

**REQUESTS**

- **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a 6’ fence to exceed the maximum permitted height of 4’ in the required front yard setback.
- **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow an accessory structure to encroach into the required front yard setback.

Location	Requirement	Request	Variance
Front Yard Height	4 ft	6 ft	2 ft
Infill Setback	38 ft	26 ft	12 ft

**CASE SUMMARY**

The subject site is zoned R-4 Single Family Residential in the Neighborhood Form District and is located at the corner of Elmore Street and Hyde Park Drive. The applicant has an existing 6’ fence parallel to the front yard setback along Elmore Street, starting from the intersection of Elmore Street and Hyde Park Drive and extending to the rear property line. The applicant has an existing 10’ by 16’ accessory structure that is encroaching into the front yard setback as well. Both the fence and the accessory structure received a violation notice from zoning enforcement.

**STAFF FINDING**

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1**

1. The requested variance will not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed fence must be constructed to comply with all building codes and the Land Development Code except for the requested relief. The distance between the nearest edge of the pavement and the proposed fence is sufficient to not impede vision clearance or adversely impact the safe movement of vehicles.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as there are other corner lots within the neighborhood with fences that exceed the maximum height in the required street side yard.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area.

4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to maintain the already constructed fence.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after installing the fence.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2**

6. The requested variance will not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the accessory structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief.

7. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the applicant is simply requesting a small storage shed adjacent to the principal structure, which is not an uncommon request for residential land use.

8. The requested variance arises from circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity as the subject property is an abnormal shape on a corner lot that is constrained in size. The principal structure is facing Hyde Park Drive, which is considered a street side yard, and the technical front yard faces Elmore Street. Because of this configuration, the only reasonable space to have the storage shed would be in the front infill setback established by the Land Development Code.

9. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to maintain the already constructed storage shed.

10. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after installing the fence.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a 6’ fence to exceed the maximum permitted height of 4’ in the required front yard setback.
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow an accessory structure to encroach into the required front yard setback.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
6/12/2026	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 12
6/12/2026	Hearing before BOZA	Sign Posting on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

