

**MINUTES
LOUISVILLE ZONING BOARD OF APPEALS
DECEMBER 12, 2006**

Louisville Zoning Board of Appeals met in regular session with Vice-Chairman Grosswiller presiding. The meeting was called to order at 6:30 P.M.

MEMBERS PRESENT

John Phillippi
William Ferrell
Ken Grosswiller
Guy Guidone

MEMBER ABSENT

John Campbell, Chairman

CITY PERSONNEL PRESENT

E. Thomas Ault, City Manager
Sue Mendenhall, Deputy City Clerk
Deborah Sanborn, Director of Planning & Development

MINUTES OF THE NOVEMBER 14, 2006 MEETING

The minutes of the November 14, 2006 meeting were approved as presented by unanimous consent.

NEW BUSINESS

AB 06-03 JACK & MELODYE SCHWAB, OWNERS, 1579 CALIFORNIA AVE,
VARIANCE OF SECTION 1161.04(D) TO LOCATE A FENCE TALLER THAN 2 FT. IN
THE REQUIRED SIDE/FRONT YARD (4 FT. PROPOSED).

Director of Planning & Development, Deborah L. Sanborn presented the following staff report recommending approving the variance as requested.

EXISTING CONDITION

Single-Family Residence

BACKGROUND INFORMATION AND ZONING REQUIREMENTS

- The subject lot is located at the corner of California Ave and Walsh Street
- The subject lot is 150 ft X 110 ft
- For the purposes of setbacks, corner lots are considered to have two front yards both requiring a 40 ft setback
- Section 1161.04(d) states that fences in front yards shall not exceed two feet in

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height

- The applicant proposes to install a 4 ft high fence 28 ft from the property line on Walsh Street approximately in line with the north end of the house and a concrete pad/patio

DISCUSSION

It is common for cities to regulate front yard obstructions as a means of promoting safety, security and visibility. On corner lots the issue of visibility is of particular concern due to the street intersection. As noted above, section 1161.04 (d) of the Louisville Zoning Code limits fences in front yards to two feet. In the case of corner lots, this restriction also applies to the corner side yard.

Section 1151.14 of the Code also addresses visibility at corner lots. It states that “no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty feet from the intersection of the street lines ... so as not to obstruct clear view of motor vehicle drivers.” The “vision triangle” concept is a common method of ensuring clear visibility. In this case the fence would run between the house and the rear lot line and not interfere with the vision triangle.

STAFF RECOMMENDATION

Staff finds:

- The current condition at the subject property does not preclude compliance with the fence height requirement – it is possible to erect a 2 ft fence; and
- Staff finds that the placement of a 4 ft fence 28 ft in from the lot line (in the rear of the lot) in line with the house and outside of the vision triangle does not impede visibility.

Jack Schwab, applicant, stated that he is actually requesting 19 ft from the property line rather than the 28 ft shown on the site plan. He stated the patio is 10 X 12 and they want the fence located along the edge of the patio.

MEMBER GUIDONE MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to approve a modification of the request for a 4 ft fence 19 ft from the north property line. The vote: all yea.

Having no further business, the meeting was adjourned at 6:40 P.M.

Respectfully submitted,

Sue Mendenhall
Deputy City Clerk