



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

From: Elizabeth Fields, AICP, Planner

Meeting Date: December 8, 2025

BZA 25-06 125 N. River Street – Variance Requests to Construct a 6-foot Chain Link Fence in the Front Yard

Property Information: Location: 125 N. River Street (Parcel: 0432326010)
 Zoning: I-1 Light Industrial District
 Property Use: Atlas Roofing

Variance Request: The applicant, Matthew Preston, is requesting variances from the following section of the City’s Unified Development Ordinance (UDO):

Section 1107.11(j)(2)(A)(i)(1): Fences and walls located in any front yard shall be a maximum height of four feet and contain a minimum of 40 percent transparency, unless specifically authorized herein. Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved by the Zoning Official or their designee.

Comments: The proposed fence in the front yard is 6 feet.

Section 1107.11(j)(2)(A)(i)(4): Chain link fences, construction fences, wire fencing (not including Kentucky Board fencing), and pallets are not permitted in the front yard.

Comments: The proposed fence in the front yard is chain link.

Project Overview:

The applicant, Matthew Preston is requesting variances from the accessory use standards for fences and walls in order to construct a 6-foot chain link fence in the front yard. The fence is intended to provide security for the Atlas Roofing plant facility located at 125 N. River Street in the I-1 Light Industrial District.

The applicant has stated that the proposed variances are to facilitate the replacement of current chain link fencing along Jackson Street which is in a state of disrepair and is overgrown with vegetation. In total, approximately 83 feet of fence is proposed to be replaced.

Comments:

Variance General Standards for Approval:

Standards for Approval: Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variances shall only be granted if the Appeals Board finds that all of the following standards are met:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.).
The property is irregularly shaped and as such has three front yards along Van Horne Avenue, River Street, and Jackson Street respectively.
2. The special conditions or circumstances that exist did not result from the actions of the applicant.
The special conditions did not result from the actions of the applicant.
3. There cannot be any beneficial use of the property without the variance.
Without the variance, the applicant maintains the ability to install a four-foot fence of a permitted material. However, the intended purpose of the proposed fence is for security of the property. The requested additional two feet in height would allow for increased security.
4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.
The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land.
5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

A variance is the minimum relief necessary to allow for the 6-foot fence.

6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance.

The essential character of the neighborhood will not be substantially impacted.

7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

Governmental services will not be impacted.

8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

Granting the variance will be in harmony with the general purpose and intent of the zoning requirement.

9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

Granting the variance will not allow a special privilege to be conferred upon the applicant.