

**Board of Zoning Adjustment
Staff Report**
April 30, 2018



Case No.	18CUP1011
Project Name	Hazelnut Farm
Location	814 & 816 Eastwood Fisherville Road
Owner	Ranjit Brar
Applicant	Ranjit Brar
Representative	Bardenwerper Talbott & Roberts
Project Area	9.4 acres
Council District	19 – Julie Denton
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Modification of Conditional Use Permit for Private Proprietary Club in an R-4 zoning district (LDC 4.2.44) to change configuration of previously approved parking lot expansion

CASE SUMMARY / BACKGROUND

The applicant has received a CUP to operate a private proprietary club for use as an event facility (17CUP1058, approved 11/20/2017). The applicant has also received a modification to change the access drive, add parking spaces, correct data and make additions to the structure (18CUP1011, approved

The site consists of two adjoining parcels of similar size totaling 9.4 acres. Structures are found on both parcels and a pond spans the common boundary. The subject property and all surrounding properties are zoned R-4 in a Neighborhood form district. Development in the area is confined to single-family residences and/or agriculture outbuildings on large lots. Adjoining the site to the east, across Eastwood Fisherville Road, is a 224-acre undeveloped parcel. The site is located on Eastwood Fisherville Road, a primary collector and scenic corridor.

The northern parcel (814) is currently developed with a 5,304 sq ft barn and a concrete pad at the northern property boundary. A single-story, 960 sq ft addition at the north end of the barn was approved to accommodate restrooms and a kitchen. The addition of a garden wall, a connector walkway, a bridge to an island in the pond and several small garden spaces and a putting green were also approved. The southern parcel (816) is developed with a house, pool and patio. Approved development on the 816 parcel was limited to a new internal driveway to connect with the event space and the new parking. A waiver of sidewalk requirements along the property frontage and an associated internal pedestrian connection to it was approved.

The subject modification will change the configuration of the parking area to extend along the north property line toward the rear of the property rather than south toward the site entrance as previously approved.

STAFF FINDING

The previously approved CUPs and associated development of the property is compatible with surrounding land uses and meets all CUP requirements. The proposed modification will increase compatibility with the vicinity by placing parking further from the street frontage than previously proposed.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets standards as established by the Land Development Code for modifying the existing Conditional Use Permit.

TECHNICAL REVIEW

As stated in previous hearings regarding this site, the applicant has been informed that Metro Health & Wellness will require completion of an on-site evaluation to determine if a suitable on-site sewer system can be installed. The applicant is required to submit detailed floor plans including bathrooms, kitchens, maximum capacity and seating, both indoor and outdoor, as part of this evaluation process. The applicants understand that they proceed further with the modifications proposed herein at their own risk. Furthermore, should these CUP modifications be approved by BOZA at this hearing, until and unless the applicant can fulfill any and all Metro Health & Wellness requirements regarding an on-site sewer system, the project as modified may not proceed.

There are no additional technical review items to be addressed.

INTERESTED PARTY COMMENTS

No neighborhood meeting is required for CUP Modification requests. Staff has received no written comments regarding the proposal. The applicant has received written agreement to the proposal from the owner of the property adjoining to the north, who will be most directly affected by the proposed modification.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with Comprehensive Plan policies regarding setbacks, buffering and landscaping and preserves significant open space.

2. Is the proposal compatible with surrounding land uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposed modification will increase compatibility with the vicinity by placing parking further from the street frontage than previously proposed.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The site is not currently served by MSD; Louisville Metro Department of Public Health & Wellness review will be required prior to construction plan approval. Remaining public facilities are adequate to serve the site.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. All new buildings, structures and facilities shall be at least 30 feet from any property line.

STAFF: The existing CUP granted relief from this condition specifically to accommodate an existing concrete pad on the northern property line. Proposed modifications will not further impact this condition of use.

B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.

STAFF: The applicant has been informed of this requirement.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

STAFF: The applicant has been informed of this requirement.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

STAFF: The applicant has been informed of this requirement; a sign plan will be required as part of the construction plan approval process.

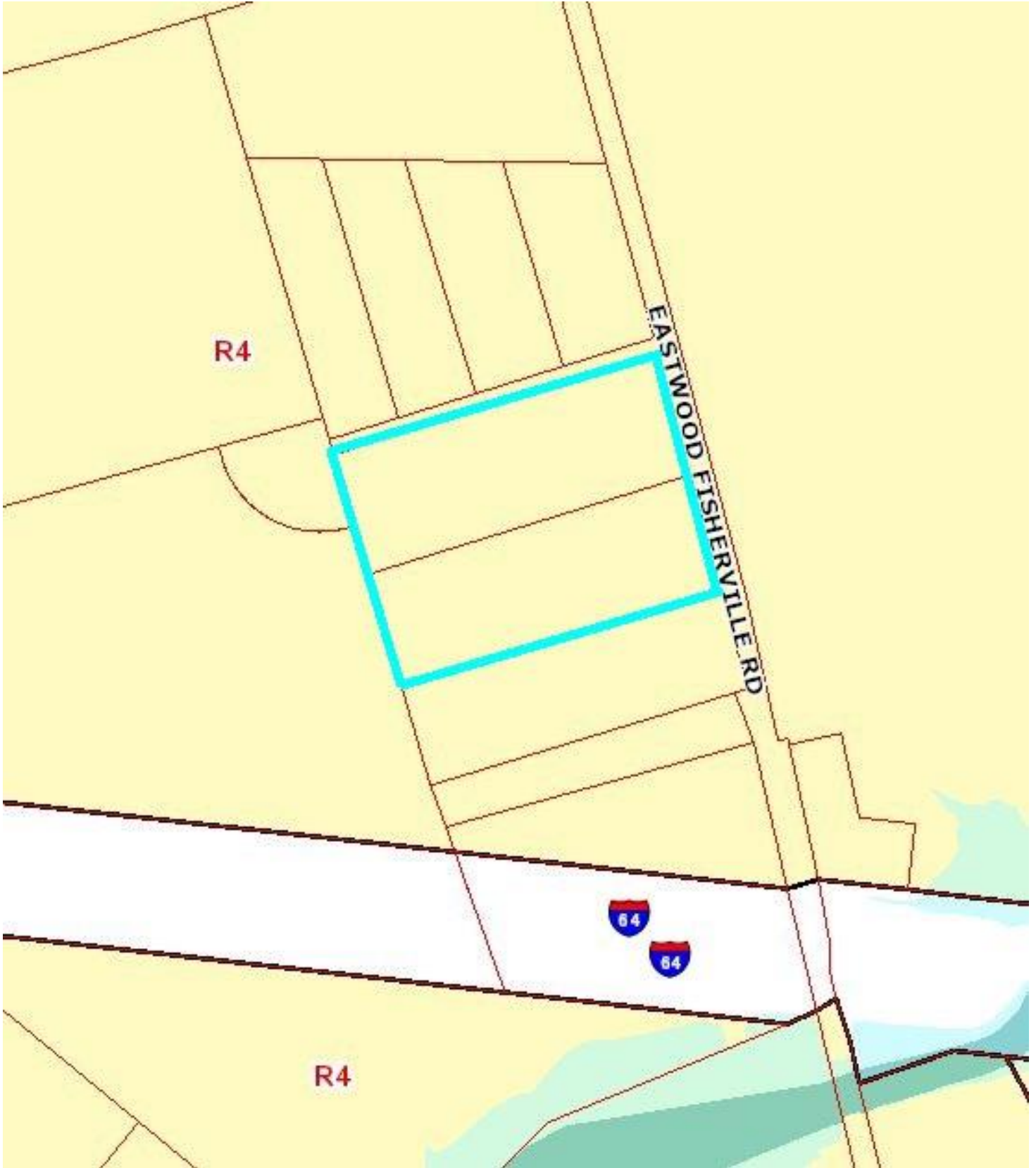
NOTIFICATION

Date	Purpose of Notice	Recipients
No Notice Required	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 19 Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan, including all notes thereon. No further development shall occur on the site without prior review by and approval of the Board.
2. The Modified Conditional Use Permit shall be exercised as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Private Proprietary Club without further review by and approval of the Board.
3. Louisville Metro Department of Public Health & Wellness requires completion of an on-site evaluation to determine if a suitable on-site sewer system can be installed. The applicant is required to submit detailed floor plans including bathrooms, kitchens, maximum capacity and seating, both indoor and outdoor, as part of this evaluation process. The applicants understand that they proceed further with the modifications proposed herein at their own risk. Furthermore, should these CUP modifications be approved by BOZA at this hearing, until and unless the applicant can fulfill any and all Louisville Metro Department of Public Health & Wellness requirements regarding an on-site sewer system, the project as modified may not proceed.
4. The applicant will be required to submit a revised plan document clarifying the details regarding proposed additions to the event building to bring them into agreement with the content as correctly stated in the staff report. These revisions must be approved by staff before plan is submitted for Construction Review.