

Board of Zoning Adjustment

Staff Report

October 2, 2017



Case No:	17CUP1065
Project Name:	Tandoori Fusion
Location:	4600 Chamberlain Lane
Owner(s):	Purna Veer
Applicant:	Purna Veer
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

- Modification of an approved Conditional Use Permit to allow the addition of awning over a portion of the outdoor dining area.

CASE SUMMARY/BACKGROUND

A Conditional Use Permit was approved to allow the sale and consumption of alcohol beverages on an existing patio area adjacent to the prior Zeggz Amazing Eggs restaurant. The outdoor area is 3,600 square feet and allowed up to 40 patrons.

A new occupant of the property, Tandoori Fusion, an upscale, fine dining Indian restaurant, is wishing to construct an awning over the existing and currently approved patio space for its restaurant. The restaurant plans to have outdoor seating for up to 34 people and wishes to upgrade the patio area and provided a covered area which will protect the diners from the weather and extend the usage of the patio into colder weather by utilizing heaters.

STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan and there are eight specific standards required to obtain the conditional use permit requested. There are eight requirements and five items will be met which are items A., C., E., F., and G. Items B., and D. do not apply. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for a modified conditional use permit.

Related Cases

15CUP1027

A Conditional Use Permit to allow outdoor sales and consumption in a C-1 zoning district. This request was approved September 21, 2015.

9-21-05PWVW

A change in zoning from R-4 Single Family Residential, OR-3 Office Residential to C-1 Commercial on property located at 9702, 9706, and 9708 Brownsboro Road and 4606 Chamberlain Lane, containing 3.31 acres and being in Louisville Metro. This plan was approved on January 27, 2006.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

Staff received a letter from the Old Brownsboro Garden Association, Inc. in support. A neighborhood meeting was not required for this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

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, appearance, etc?

STAFF: The proposal is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance.

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

STAFF: The proposal has been reviewed by MSD and Transportation Planning and both have approved the plan. The Jeffersontown Fire Protection District did not comment on the proposal.

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

Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements. There are three requirements and all will be met.

A. All buildings shall be located at least 30 feet from any property line.

B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.

C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

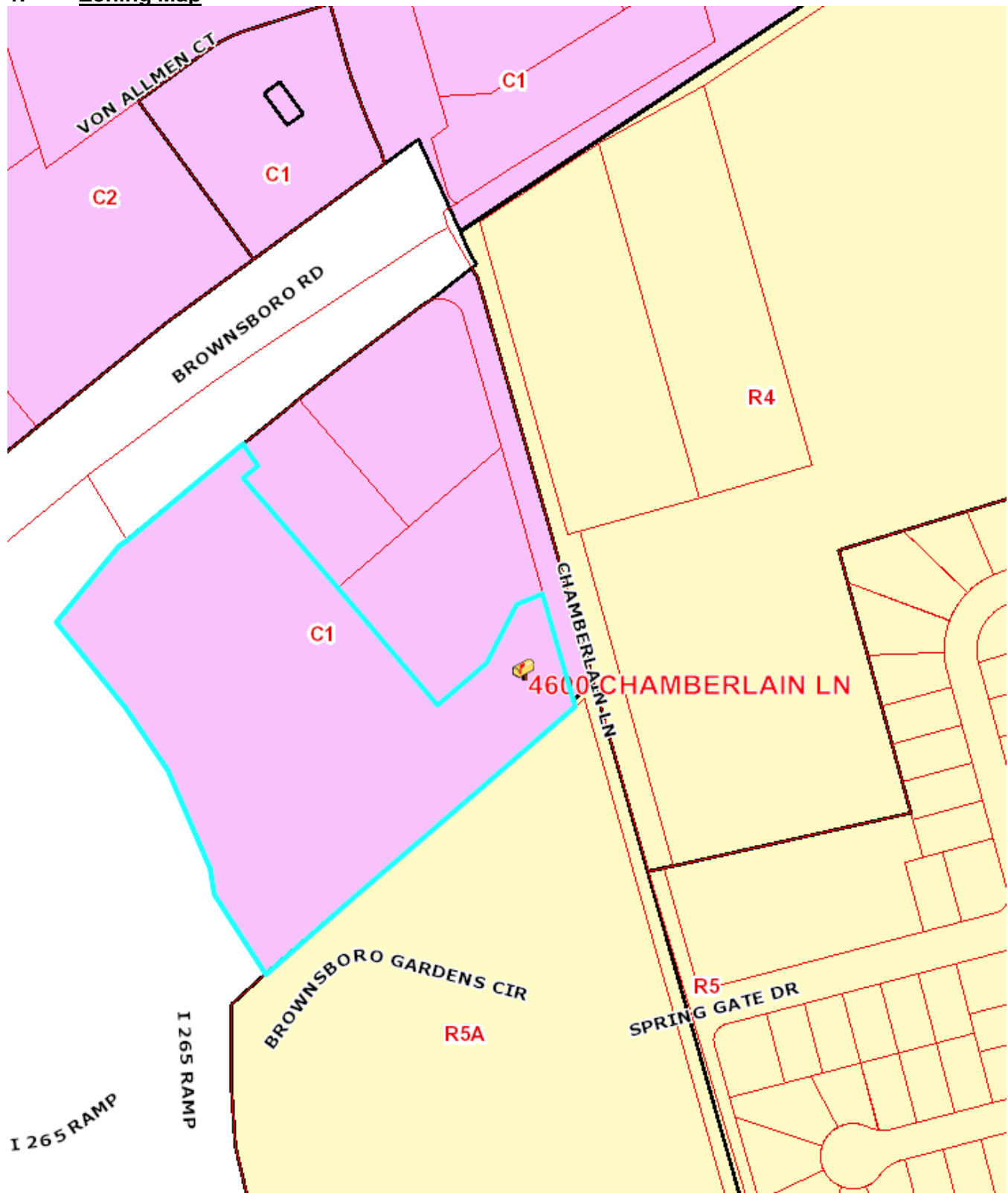
NOTIFICATION

Date	Purpose of Notice	Recipients
09/26/17	Business Session before BOZA	Registered Neighborhood Groups and subscribers in Council District 20

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing 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 and approval by the Board.
2. The 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 outdoor alcohol sales and consumption without further review and approval by the Board.