

# CITY OF BLOOMINGTON



June 21, 2012 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: April 26, 2012

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PETITIONS:

- UV-17-12 **Patricia Coleman**  
725 W. Kirkwood Ave.  
Request: Use variance to allow Farmer's Market and outdoor merchandising.  
*Case Manager: Katie Bannon*
  
- V-18-12 **William Itter**  
817 E. 2<sup>nd</sup> St.  
Request: Variance from accessory structure standards.  
*Case Manager: Katie Bannon*
  
- CU/V-19-12 **Hartzell Martel (Hartzell Ice Cream)**  
1122 S. Morton St.  
Request: Conditional use to allow food production/processing within the Industrial General (IG) zoning district. Also requested is a variance from maximum parking standards.  
*Case Manager: Patrick Shay*
  
- V-20-12 **Site Enhancement Services, Inc. (SES)**  
2617 E. 3<sup>rd</sup> St.  
Request: Variance from sign standards.  
*Case Manager: Katie Bannon*
  
- CU/V-21-12 **Keegan White**  
3412 N. Kingsley Dr.  
Request: Conditional use to allow a home occupation to permit short-term home rental. Also requested is a variance from home occupation standards.  
*Case Manager: Patrick Shay*

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 725 W. Kirkwood Ave.**

**CASE #: UV-17-12**  
**DATE: June 21, 2012**

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**PETITIONER:** Patricia C. Coleman (Patricia’s Wellness Arts Café and Quilter’s Comfort Teas)  
725 W. Kirkwood Ave.

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**REQUEST:** The petitioner is requesting a use variance to allow a farmer’s market and outdoor merchandising within a Commercial Limited (CL) zoning district.

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<b>Zoning:</b>	CL
<b>GPP Designation:</b>	Core Residential
<b>Existing Land Use:</b>	Mixed-Use
<b>Proposed Land Use:</b>	Mixed-Use with Outdoor Merchandising and Farmer’s Market
<b>Surrounding Uses:</b>	East – Single Family South – Single Family West – Single Family North – Multi-Family, Office, and Commercial

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**REPORT:** The property is located on the southeast corner of W. Kirkwood Avenue and S. Maple Street and is zoned Commercial Limited (CL). It has been developed with a mixed-use building. The building is primarily a one-story structure, but portions of the building are two-story. Surrounding uses are multi-family, commercial, and office uses to the north and primarily single family houses to the west, south, and east. The building is also located within the Prospect Hill Conservation District.

The existing building currently contains one multi-family unit and three commercial uses: an antique store, Time Flies Antique Gallery; a dog grooming shop, Dog Do; and an art and tea retail shop, Patricia’s Wellness Arts Café and Quilter’s Comfort Teas. The petitioner owns Patricia’s Wellness Arts Café and Quilter’s Comfort Teas and would like to sell merchandise outside her business. Additionally, she would like to invite gardeners and farmers to sell produce outside her store. Musicians, poets, and storytellers may also be invited to participate.

The Unified Development Ordinance (UDO) does not allow outdoor merchandising within the CL district. Additionally, the UDO does not have a defined farmer’s market use. Temporary farm produce sales are allowed for a maximum of 60 consecutive days with a Temporary Use Permit in some districts, but the petitioner is proposing produce sales that are not temporary and sales in a district that does not allow temporary uses.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed this use variance request at their June 11, 2012 meeting and voted unanimously to forward it to the Board of Zoning Appeals with a positive recommendation.

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**20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:**

**Findings of Fact:** Pursuant to IC 36-7-4-918.4, the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

*(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

**Staff Finding:** Staff finds no injury with this request. The outdoor sale of merchandise and produce will be small in scale and located entirely outside of City right-of-way.

*(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

**Staff Finding:** Staff finds no adverse impacts to the surrounding properties with this request. The adjacent antique store also located within this building has grandfathered outdoor merchandising with no known negative impacts. The Prospect Hill Neighborhood Association voted unanimously to support the variance.

*(3) The need for the variance arises from some condition peculiar to the property involved; and*

**Staff Finding:** This site is unique in that it is located on W. Kirkwood Ave, a Primary Arterial street with high volumes of automobile traffic while still being pedestrian scaled and one lane in either direction. The antique store in the same building has conducted outdoor merchandising at this location for some time, and this site was identified for neighborhood-serving commercial use by the Plan for West Kirkwood.

*(4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

**Staff Finding:** Staff finds hardship in the strict application of the UDO. The proposed farmer's market use is not a permitted use within any zoning district. Although the site is zoned CL, its location on an arterial street makes small scale outdoor merchandising and a farmer's market use appropriate for this site. Furthermore, the petitioner's proposal will help to achieve the City's desire to encourage local food production and sales.

*(5) The approval does not interfere substantially with the Growth Policies Plan (GPP).*

**Staff Finding:** The GPP designates this property as "Core Residential (CR)". The fundamental goal of these areas is to protect and enhance "the unique character, urban form, and land use pattern of the near-downtown residential areas." With respect to commercial uses in the CR, the GPP states "neighborhood-serving commercial uses... may be most appropriate at the edge of Core Residential areas that front arterial street

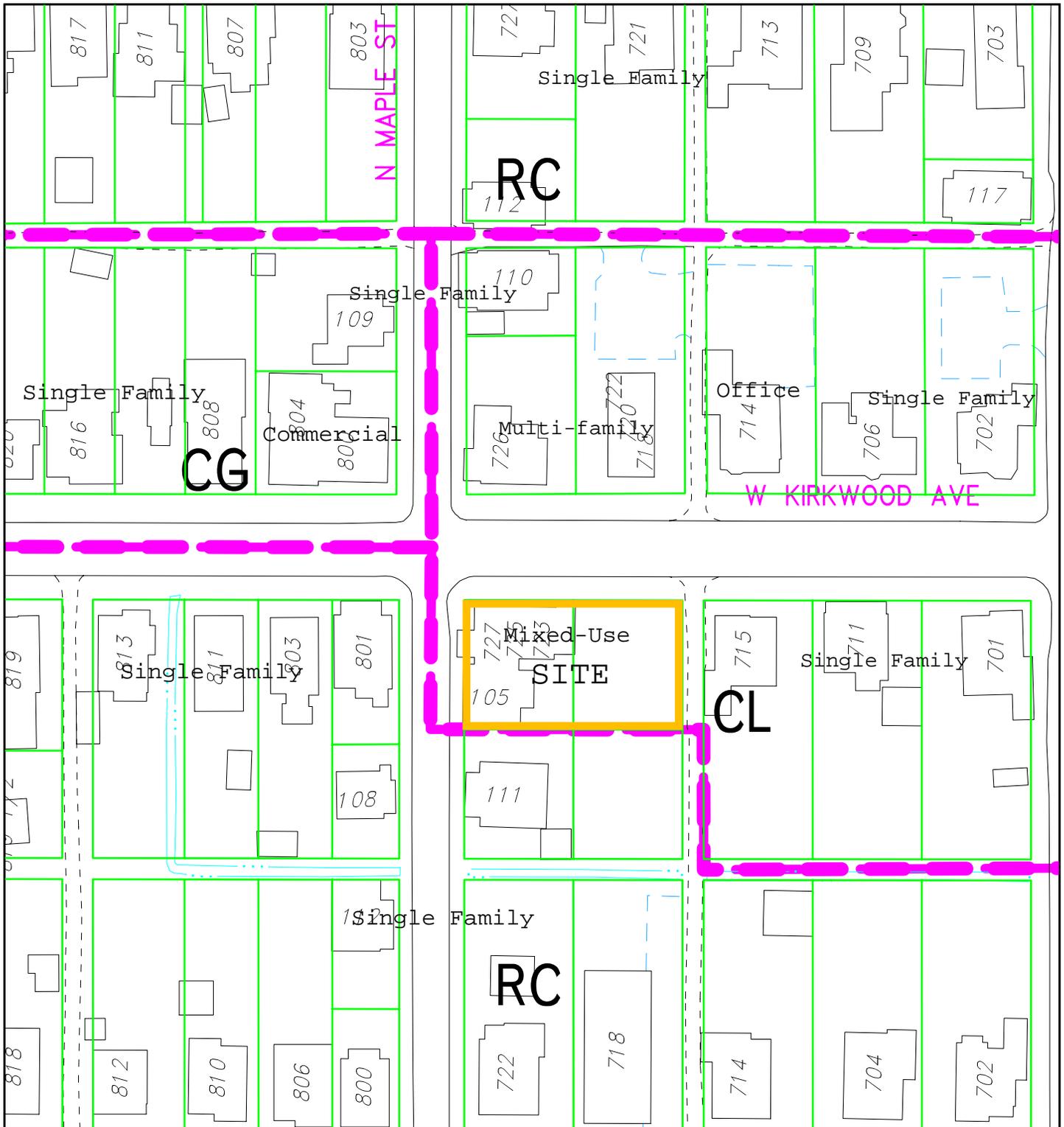
locations.” This property is located on W. Kirkwood Avenue, a street designated by the Master Thoroughfare Plan as a Primary Arterial. It is also on the edge of a single family district.

The Plan for West Kirkwood recommends expanding the uses allowed on W. Kirkwood to create additional commercial development opportunities. A charrette conducted as part of the plan development asked participants to choose new uses that would be welcome on W. Kirkwood. The proposed farmer’s market use is similar to some uses that most participants believed would fit in well on W. Kirkwood, including delis, cafes, small groceries, and art galleries. The Plan Commission found that the proposed use did not substantially interfere with the GPP.

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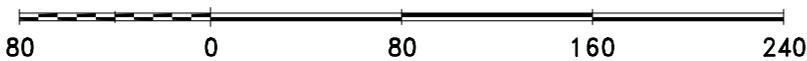
**RECOMMENDATION:** Staff recommends approval of this use variance request with the following condition:

1. Outdoor merchandising and the farmer’s market may not be conducted within the parking lot or within City right-of-way.



UV-17-12  
 725 W. Kirkwood Ave.  
 Patricia Coleman  
 Surrounding Land Use and Zoning

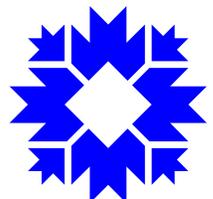
By: bannok  
 4 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 80'

Dear Planning Commission,

I am Patricia C. Coleman, owner of Patricia's Wellness Arts Café and Quilter's Comfort Teas, located at 725 West Kirkwood Avenue between Dog Do and Time Flies Antiques on the South Side of the street near Maple St. and is listed as parcel L18 – 62.00' X 147.00". It is adjacent to L16 (equal size) a gravel parking area.

I am applying for a use variance for the establishment of a farmer's market and for outdoor merchandising. I will also seek permissions to establish an indoor tea bar. To create accessibility into the shop I would put in a ramp and level the area between door seal and shop floor. I will work with the Office of Accessibility to achieve compliance in accordance with government guidelines and regulations. The Morning Market would take place mornings, Tuesday through Saturday (Monday when we begin opening on Mondays) with an evening market on Thursday. The morning market will feature tea, coffee, pastries, etc. of local food artisans, and may include garden/farm producers. Local producers are being invited and artist artisans participating in the Thursday evening market will be invited to do demonstrations or presentations. There may also be musicians, poets and storytellers. The morning hours will be set between 7:30 and 11:00AM; Thursday evening market hours will be set for a time between 4:00 PM and 7:00 PM.

I will use the area in front of my shop and have been given permission to use that in front of Dog Do and Time Flies Antiques and am inviting there participation. The area of use does not encroach upon the public sidewalk.

Buildings in the surrounding area are private homes, rental homes, apartments, legal offices, the antique store and dog washing business mentioned above, a community garden and Kirkwood Café.

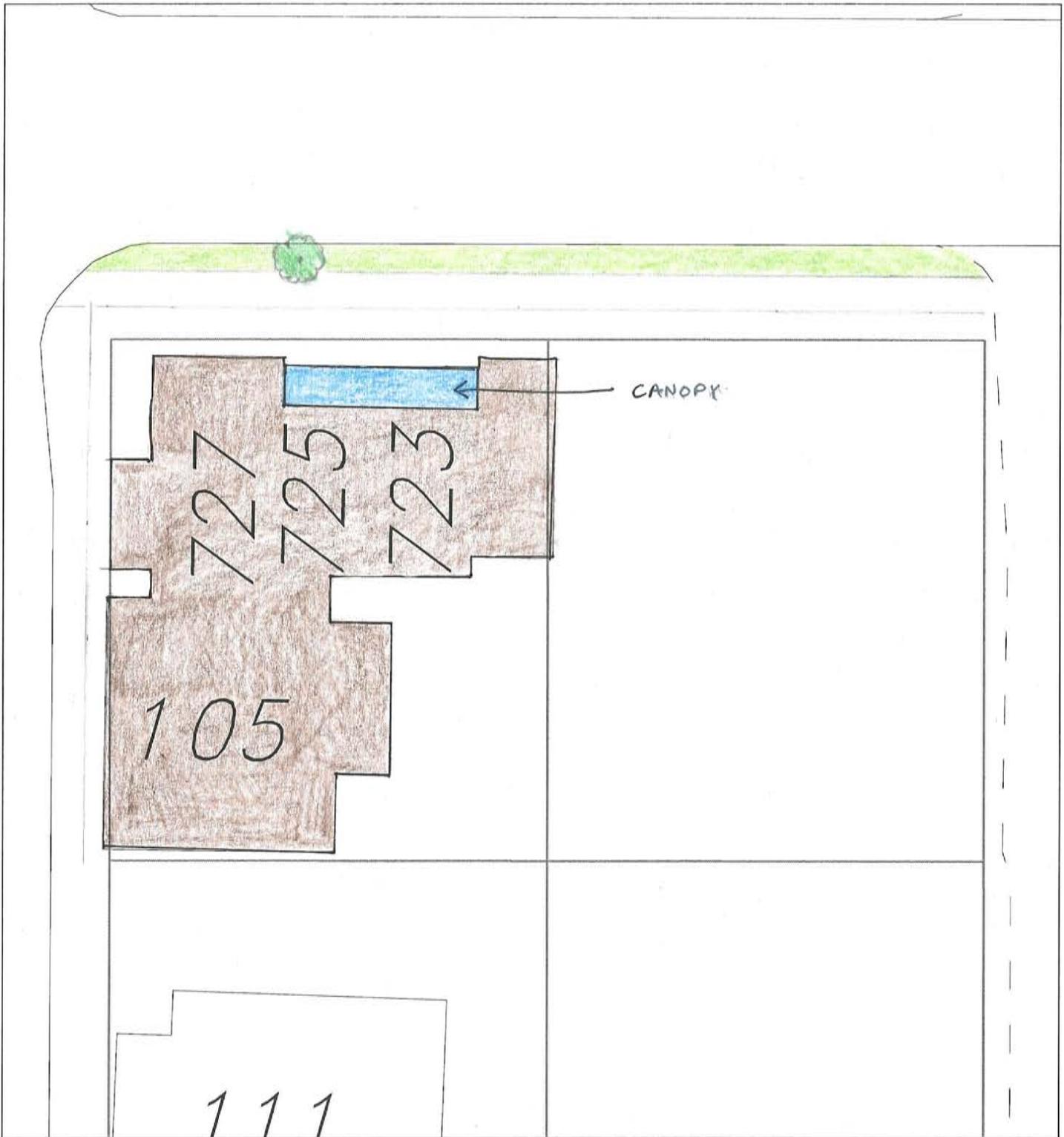
There will be a small table with chairs or a bench for visitors seating. This seating is in an area in front of my store and does not encroach on the city walk. Many of my visitors will be on foot or bicycle; others will be in cars already traveling by. We will use recyclable cups and napkins, and encourage our clients to bring their own to-go cups and containers. Besides the parking lot adjacent to the shops, there is on street parking and city transportation. We will gather recyclables and trash.

Thank you.

Sincerely,

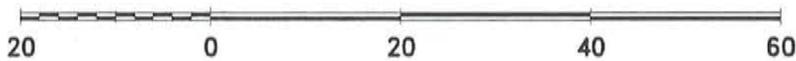
Patricia

Patricia C. Coleman  
Patricia's Wellness Arts Café and Quilter's Comfort Teas  
725 West Kirkwood Avenue  
Bloomington, Indiana 47404  
812-334-8155



UV-17-12  
 725 W Kirkwood  
 Patricia Coleman  
 Site Plan

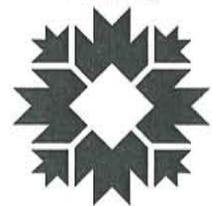
By: bannonk  
 1 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 20'

735



Pumpkin

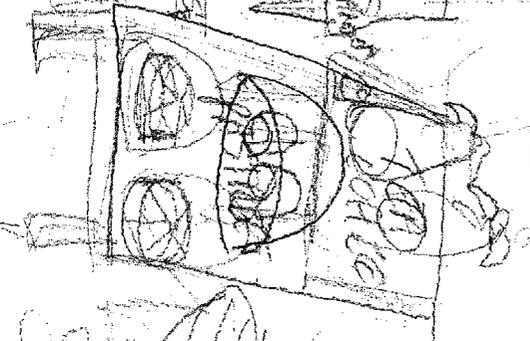
CLEVER  
OPEN

PUMP

TEA  
COFFEE  
HOT DRINKS  
MILKSHAKES

CAFE ARTS  
ARTIST'S  
GOODS

TEA  
COFFEE  
HOT DRINKS



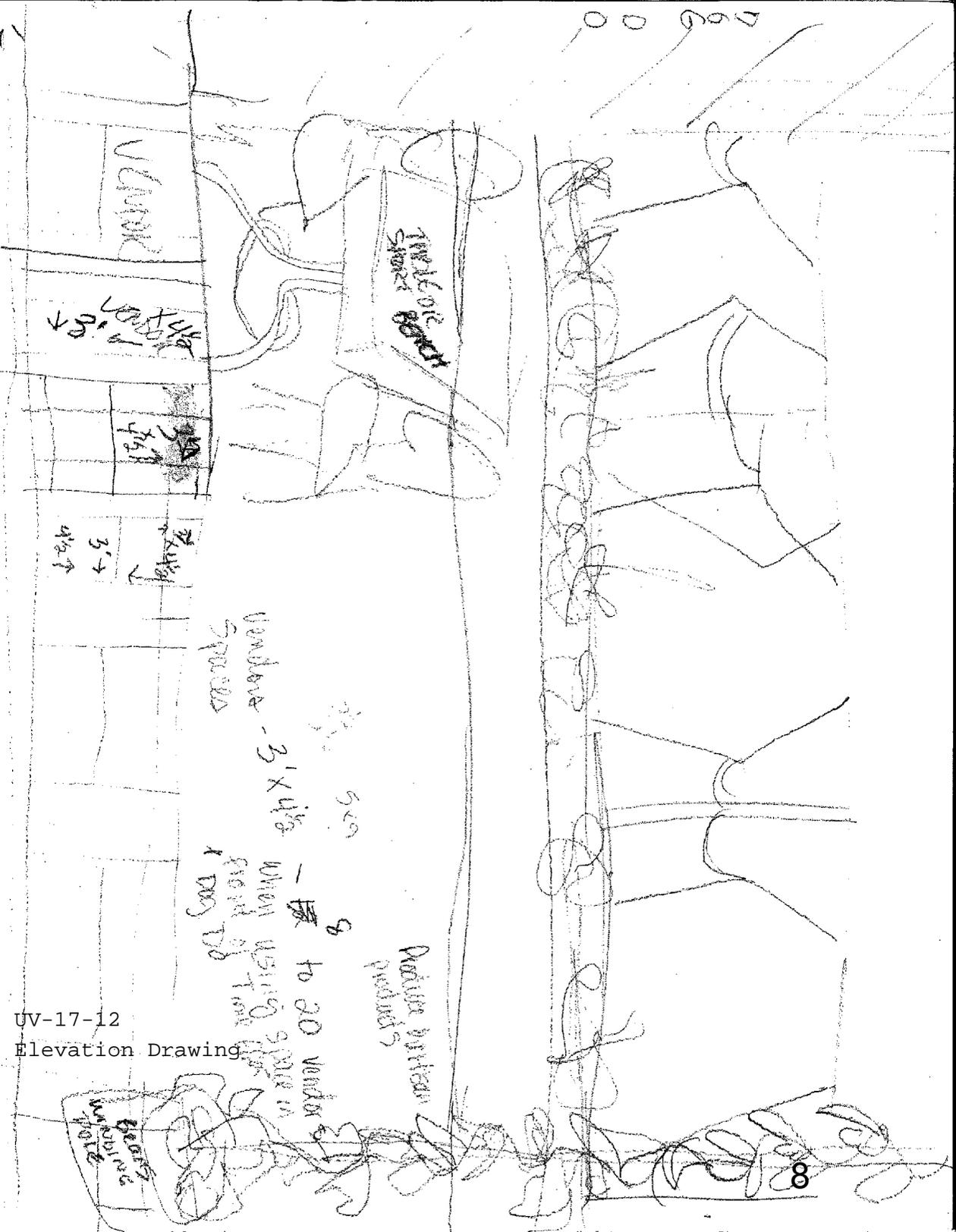
ARTIST'S  
GOODS

TIME PLACES  
ARTIST'S  
7

1 1/2 spaces

PUBLIC BUNK

UV-17-12  
Elevation Drawing



Vendor

TABLE OR  
Spaced Bench

4 1/2' x 3'

3' x 4 1/2'

4 1/2' x 3'

Vendor Spaces  
3' x 4 1/2'

8 to 30 Vendor  
When using space in  
front of Table

Produce or clean  
products

Greenhouse  
window gate

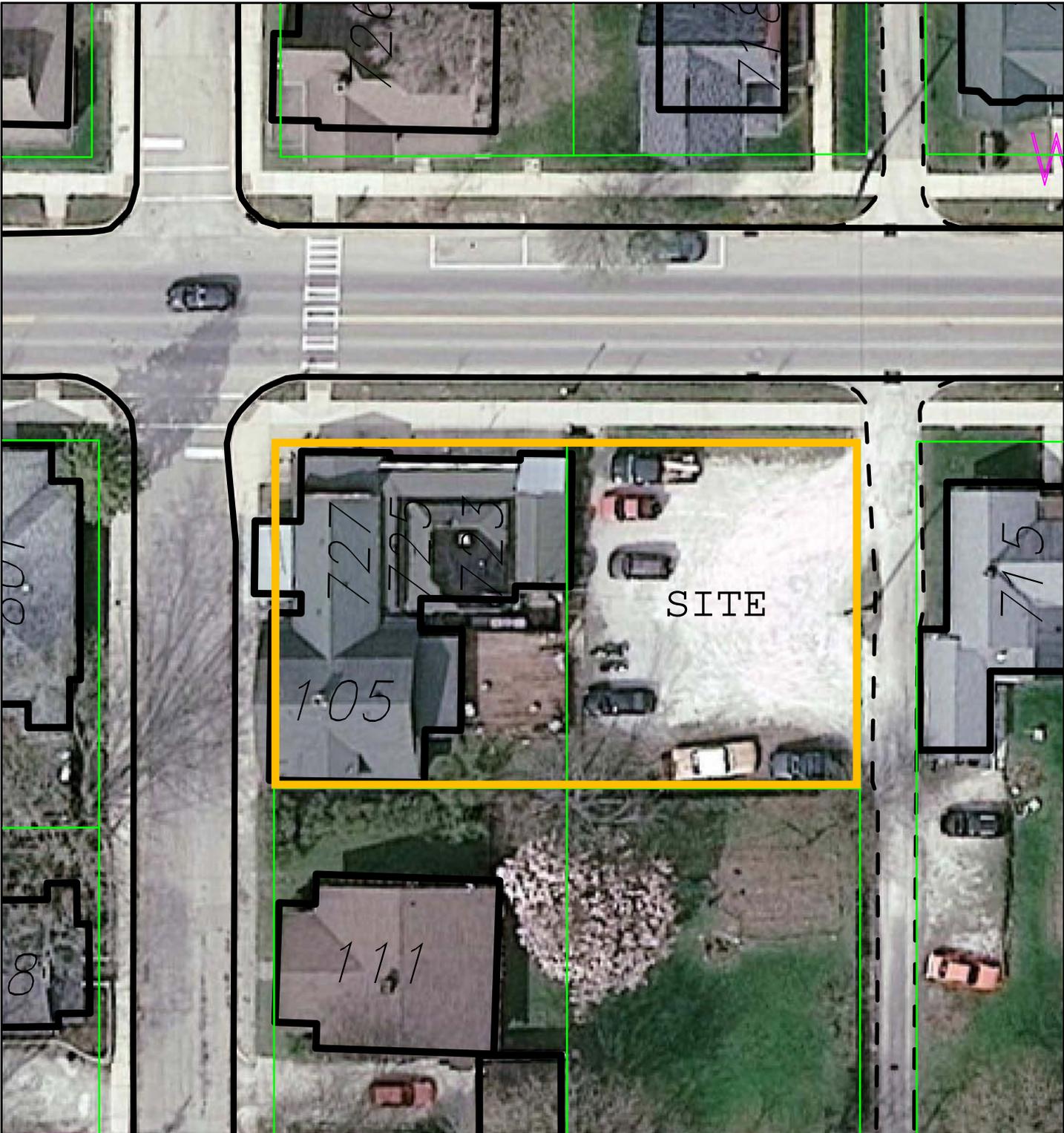
UV-17-12  
Elevation Drawing



UV-17-12  
Front Elevation

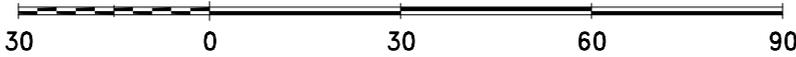






UV-17-12  
 725 W. Kirkwood Ave.  
 Patricia Coleman  
 2010 Aerial Photo

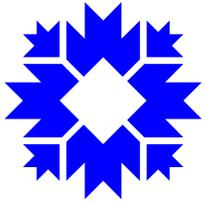
By: bannok  
 4 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 30'



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**use variance proposal presented at Prospect Hill Neighborhood association meeting**

1 message

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Dear Patricia,

Katie Bannon, City Planner and PHN neighbor, presented Patricia Coleman's request for a use variance for Patricia's business at 725 W Kirkwood. A motion to support Patricia's request, as described in Patricia's letter to City Planning, was approved unanimously without condition.

Sounds like a great addition to the neighborhood, Patricia. Good luck.

Cynthia  
Cynthia Brethem, MS, NCMT, LMT  
President of PHNA  
[www.cynthiabrethem.com](http://www.cynthiabrethem.com)  
812.333.8858

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**PETITIONER:** William M. Itter  
817 E. 2<sup>nd</sup> St., Bloomington, IN

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**REQUEST:** The petitioner is requesting a variance from the maximum cumulative area of enclosed accessory structures to build a 936 square foot accessory structure.

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**REPORT SUMMARY:** The subject property is located at 817 E. 2<sup>nd</sup> St. within the Elm Heights Neighborhood. It is zoned Residential Core (RC) and has been developed with a two-story single family house and a detached garage. The properties to the west, south, and east are zoned RC and have been developed with a mix of single family houses, some with grandfathered occupancy, and single family houses that have been converted to multi-family. The properties to the north are zoned Residential High Density (RH) and have been developed with multi-family apartments and single family houses.

The petitioner is proposing a new one-story 936 square foot accessory structure to be built to the rear of the existing house and detached garage. The property is located within the proposed Elm Heights Local Historic District under Interim Protection. It received a Certificate of Appropriateness from the Bloomington Historic Preservation Commission at their June 14, 2012 meeting.

In RC zoning districts, the Unified Development Ordinance (UDO) limits the cumulative area of enclosed accessory structure to 580 square feet. The petitioner is proposing a new 936 square foot accessory structure in addition to the existing 336 square foot detached garage for a cumulative area of 1,272 square feet of accessory structures. The petitioner would like to use the accessory structure as an artist studio. There would be space for painting, drawing, constructing stretcher frames, making frames for works, and storing art and art supplies. A lavatory and sink are also proposed.

The Elm Heights Neighborhood voted to support the variance, with one vote of dissent. One letter of opposition was received from the property owner of the apartments to the northwest of the site, who is concerned about commercial use of the site, parking, and illegal dumping.

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## **CRITERIA AND FINDINGS**

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**STAFF FINDING:** Staff finds that the variance will not negatively affect the public health, safety, morals, or general welfare of the community. The structure is proposed to be used as an artist studio and will not be used as a dwelling unit or commercially.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

**STAFF FINDING:** Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. The lot is about 7,675 square feet larger than the average size of all other lots on the block. It is also about 4,679 square feet larger than the next largest lot on the block. The accessory structure will be placed on the rear of the lot and will be well screened by the many existing trees on the property. The lot is separated on the west and north from adjacent properties by alleys. The Elm Heights Neighborhood Association voted to support the variance.

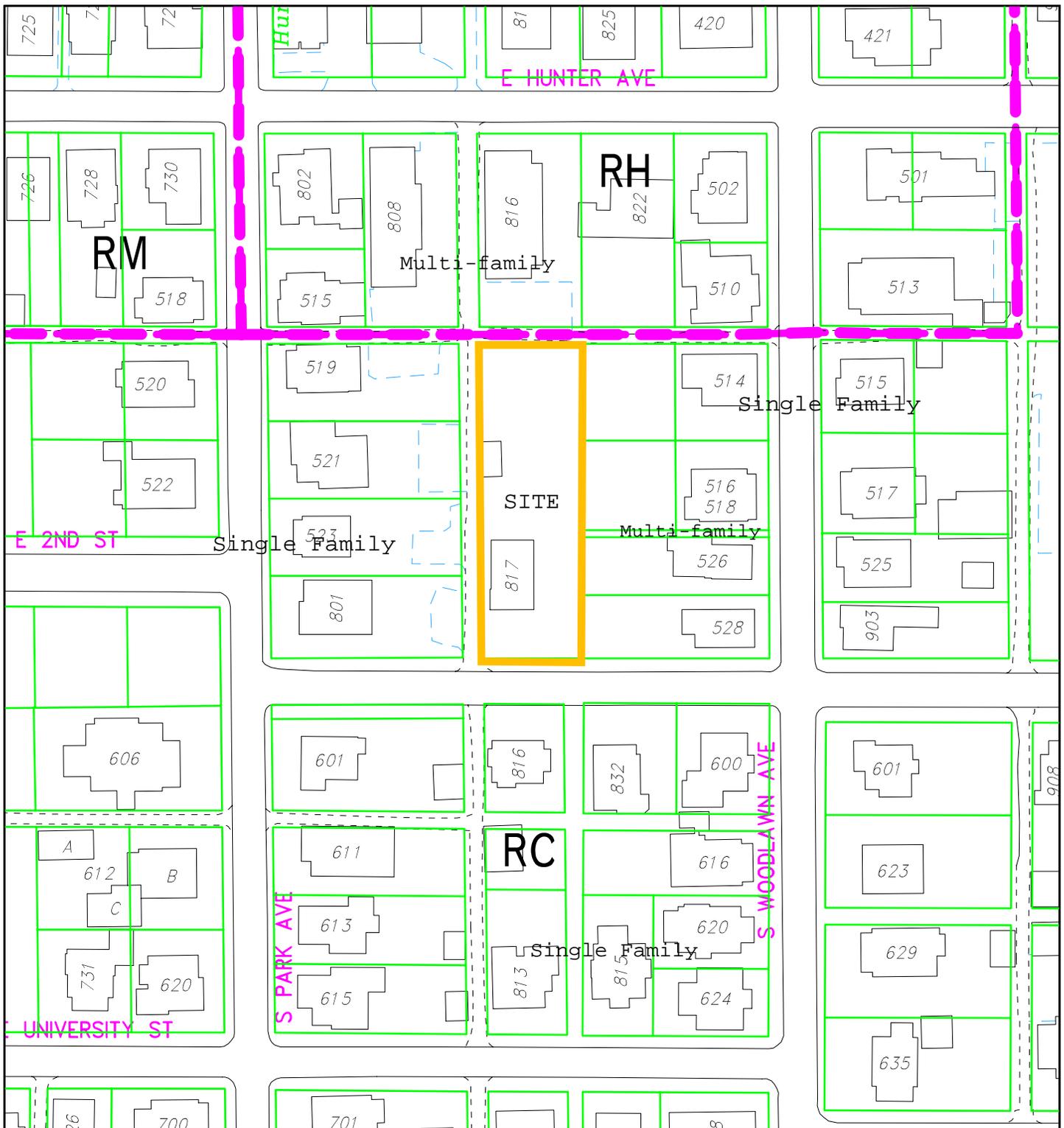
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in the size of the lot and in that the accessory structure will not be out of scale with the adjacent residential structures to the north. Additionally, although an addition of this size to the rear of the house would be allowed, a large (46" diameter) oak tree behind the house presents a practical difficulty. Building an addition to the rear of the house would require removal of this large tree.

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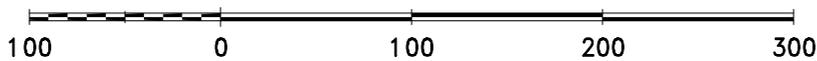
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of this petition with the following conditions of approval:

1. A commitment must be recorded on the deed stating that neither accessory structure may be used as living space or commercially.

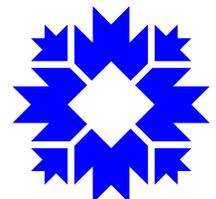


V-18-12  
 817 E. 2nd St.  
 William Itter  
 Surrounding Land Use and Zoning

By: bannok  
 14 Jun 12



City of Bloomington  
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

TO: City of Bloomington Planning Department, Board of Zoning Appeals, and  
Elm Heights Neighborhood Association  
SUBJ: Petitioner's Statement  
FROM: William Itter, Home owner at 817 E 2<sup>ND</sup> Street, Bloomington  
Date: May 12, 2012

I write as petitioner to the City of Bloomington in application of a request to build a studio-workshop building on my property at 817 E 2<sup>ND</sup> Street. This statement also serves to inform residents of Elm Heights neighborhood of my proposal. Currently, my home and detached garage are the two buildings situated on ground between S Woodlawn Ave. and S Park Ave. on the east and west and, between E 2<sup>nd</sup> St. and E Hunter Ave. on the South and north, respectively. The building I propose would be built as a second detached accessory structure on the northern end of my property set back and along west and north alley borders.

817 E 2<sup>ND</sup> Street is an RC (Residential Core) zoned property approximately 66 feet, east to west by 223.5 feet, south to north. My Queen Ann style house -- built in 1912, is a single family two story wood frame dwelling 27 feet by 46 feet, about 43 feet north of the 2<sup>nd</sup> Street sidewalk border and set back 9 feet from an alley on the west side of the property. I have lived in this house since 1972, renting it until 1989, when I purchased it from owner Ms. Halene Visser. A single accessory detached covered garage built in 1950 is 14 feet by 24 feet @ 336 sq.ft., located approximately 47 feet behind the house and adjacent to a south to north alley on the west -- between E 2<sup>ND</sup> and East Hunter Streets. The rear wall of the garage to the north end of the property is about 72 feet to a north property line adjacent to an east to west alley, between S. Woodlawn Avenue and S. Park Avenue. It is this 72' x 66' garden area of lawn, mixed volunteer trees and low vegetation growth behind the garage that is the proposed location of the studio building. The studio exterior footprint dimension is 26 feet x 36 feet (approx. 27' x 37' w/roof overhang). Its location sits approximately 17 feet from the west alley, 23 feet from the north alley, and 21 feet from the east property line.

I would like to point out that my property is a unique space in the Elm Heights neighborhood; it is almost four times longer than it is wide -- about 1/3 of an acre; it is bounded on the west by four houses whose frontage is on S Park Ave., and on the east by four houses whose frontage is on S Woodlawn Ave. The south border line is E 2<sup>ND</sup> St., and the north property line is bounded by a multi-residence apartment building with frontage at 816 E Hunter Avenue. My property is platted lot No. 5, neatly centered in the area known as "Poling's Addition." My property is an "island" surrounded by seven out of eight multi-family dwelling student rental homes. The properties west of my lot have backyards which each include parking areas for five vehicles (often more), and the rear of the apartment north of my lot has space for 8 vehicles. Thus, my property on the west and north is surrounded by five parking areas for 25 to 30 vehicles which travel through alleys bordering my west and north property lines. On the east and south property lines, back yards of mixed volunteer shrubbery growth and small regularly cut lawns run the south to north length of my lot.

My single story studio design proposes an interior working space having walls 10 ft. high and a floor area approximately 25' x 35' @ 875 sq.ft. The overall area of the building, combined with the 336 square footage of the garage, equals 1211 sq.ft., and exceeds the

City of Bloomington 558 sq. ft. standard for RC Accessory Structure limits by 653 sq.ft. The height of the proposed structure is 19 feet 3 inches.

Consequently, this requires a petition by me as the home owner, for a variance to be granted by the City of Bloomington Planning Department, as one of several conditions leading to the approval of a Monroe County Building Department Residential Building Permit. A second preliminary review will be considered upon my application for a granting of a Certificate of Appropriateness from the Department of Housing and Neighborhood Development.

During my 40 years (since May 1972) of occupancy at 817 E 2<sup>nd</sup>, I have honored the historic quality of my home, by maintaining its original appearance and upgrading utilities as needed. I have debated building a studio addition to the house for years, but always decided against altering its original design while also having to cut down a large red oak tree between house and garage. I have planted and transplanted naturalized and cultivated flowering plants, shrubs, and trees mostly along the borders of the yard with grass areas in-between. Two red oaks present in 1972 now shade two-thirds of the property.

I retired in 2006 as a Professor Emeritus of Fine Arts. With many thanks to Indiana University and the Henry Radford Hope School of Fine Arts, I directed and taught Introductory Color design and Drawing since 1969, I was able to continue professional art activity through all of my teaching years in a university provided studio until last December 2011. I am temporarily renting a two car garage space two miles east from the bypass on St.Rd. 45. It is too small to contain my working and storage artist needs.

My decision to build a studio comes now. As a fine artist I seek to construct a space that allows me to continue making paintings and drawings for exhibition. Tall wide expansive wall surfaces are essential for painting against and viewing work. This studio would also include space to construct stretcher frames large and small, make frames of works for exhibition, and be able to store completed works on canvas or paper and various tools and art supplies. I propose to include a small lavatory and sink, gas heating and air conditioning. Sewer and water will connect to my house lines. Electric lines may either connect to home or from lead-ins at the alley crossing behind the studio. A small space behind the garage off the alley will provide a short term parking area for loading and unloading large items into the studio entrance located on the west side of the studio. The location in the back portion of my yard for my proposed studio is necessary to preserve a specimen red oak tree with a trunk base circumference of 12 feet (46" dia.) -- a neighborhood landmark that is between the house and garage. Described above, I cannot build onto my house given the spread of the tree canopy and root system relative to the house location and I would like to preserve the historic and aesthetic identity of one of the older houses in the neighborhood. I believe an addition to my house would be unbecoming to the general layout of my property and surrounding properties, appearing squeezed in if built between the existing house and separate garage. The studio location behind the garage at the rear of the property (illustrated on the site plan) provides ample surrounding space to property lines while creating a backyard enclosure between the house and studio.

Therefore, I am seeking a recommendation and permit to build a detached studio building in the yard area behind and north of the garage described above. Thank you for your and concern pending approval.

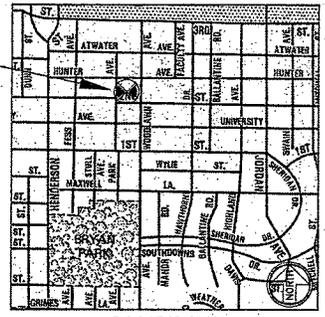
Sincerely,

William Itter

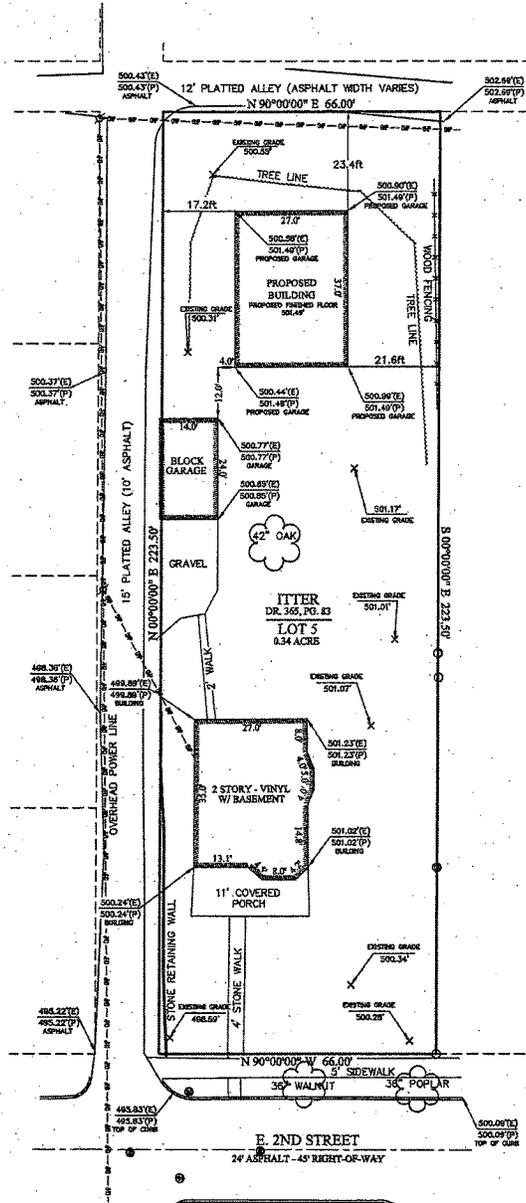


**SITE PLAN**  
**LOT NUMBER FIVE (5) IN POLING'S ADDITION TO**  
**THE CITY OF BLOOMINGTON**  
**MONROE COUNTY, INDIANA**

PROJECT LOCATION



LOCATION MAP



**NOTES:**

- 1) Rebar will be set at all property corners.
- 2) Fieldwork completed May 2012.
- 3) Basis of Bearing (Assumed), Elevations assumed.
- 4) Sources of title blow or Formarty owned by William M. and Diane H. Itter as found in Deed Record 345, Page 83 in the office of the Monroe County Recorder.
- 5) Reference is made to the plat of Poling's Addition as found in Plat Cabinet 29, Envelope 31 in the office of the Monroe County Recorder.
- 6) I affirm, under penalty for perjury, that I have taken responsible care to reduce each Social Security Number in this document, unless required by law.  
 -ERIC L. DECKARD

BLOOMINGTON TWP.  
 TOWNSHIP 9 N  
 RANGE 1 W  
 DEVELOPER, APPLICANT & OWNER  
 WILLIAM M. & DIANE H. ITTER  
 DR. 365, PG. 83

**LEGEND**

- These standard symbols will be found in the drawing.
- REBAR SET
  - STONE FOUND
  - ◆ FLAG POLE
  - MAG NAIL
  - ✕ RR SPIKE FOUND
  - IRON PIN FOUND
  - ⊕ FIRE HYDRANT
  - ⊥ SIGN
  - POWER POLE
  - UTILITY POLE
  - ⊖ DRAIN
  - REBAR FOUND
  - CALCULATED
  - △ MAG SPIKE SET

- ⊖ CATCH BASIN
- GUY WIRE
- ⊖ MAIL BOX
- ⊖ ELECTRIC METER
- ⊖ GAS VALVE
- PINE TREES
- WATER METER
- RECORD
- (M) MEASURED
- SANITARY SEWER
- TREE LINE
- FENCE
- RETAINING WALL
- OVERHEAD POWER LINE
- MANHOLE
- ⊕ PROPOSED
- ⊖ EXISTING

**CERTIFICATION**

This drawing was prepared in the office without the benefit of a field survey and examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination of a field survey might disclose.

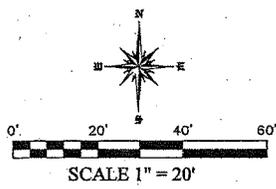
Certified this 18 day of May, 2012.

*Eric L. Deckard*  
 Eric L. Deckard  
 Registered Surveyor LS29900012  
 State of Indiana



**RECORD DESCRIPTION**

Lot Number Five (5) in POLING'S ADDITION to the City of Bloomington, Indiana.



BNDY.SHT	DATE 5/19/12	SCALE 1" = 20'	REVISED BY DATE	JOB TITLE <b>WILLIAM M. ITTER</b> SITE PLAN LOT 5 IN POLING'S ADDITION		<b>DECKARD</b> LAND SURVEYING 1504 S. KENDRICK AVENUE BLOOMINGTON, IN 47401 TEL: 317.336.8128 FAX: 317.336.8225 300 KENDRICK AVENUE, SUITE 100
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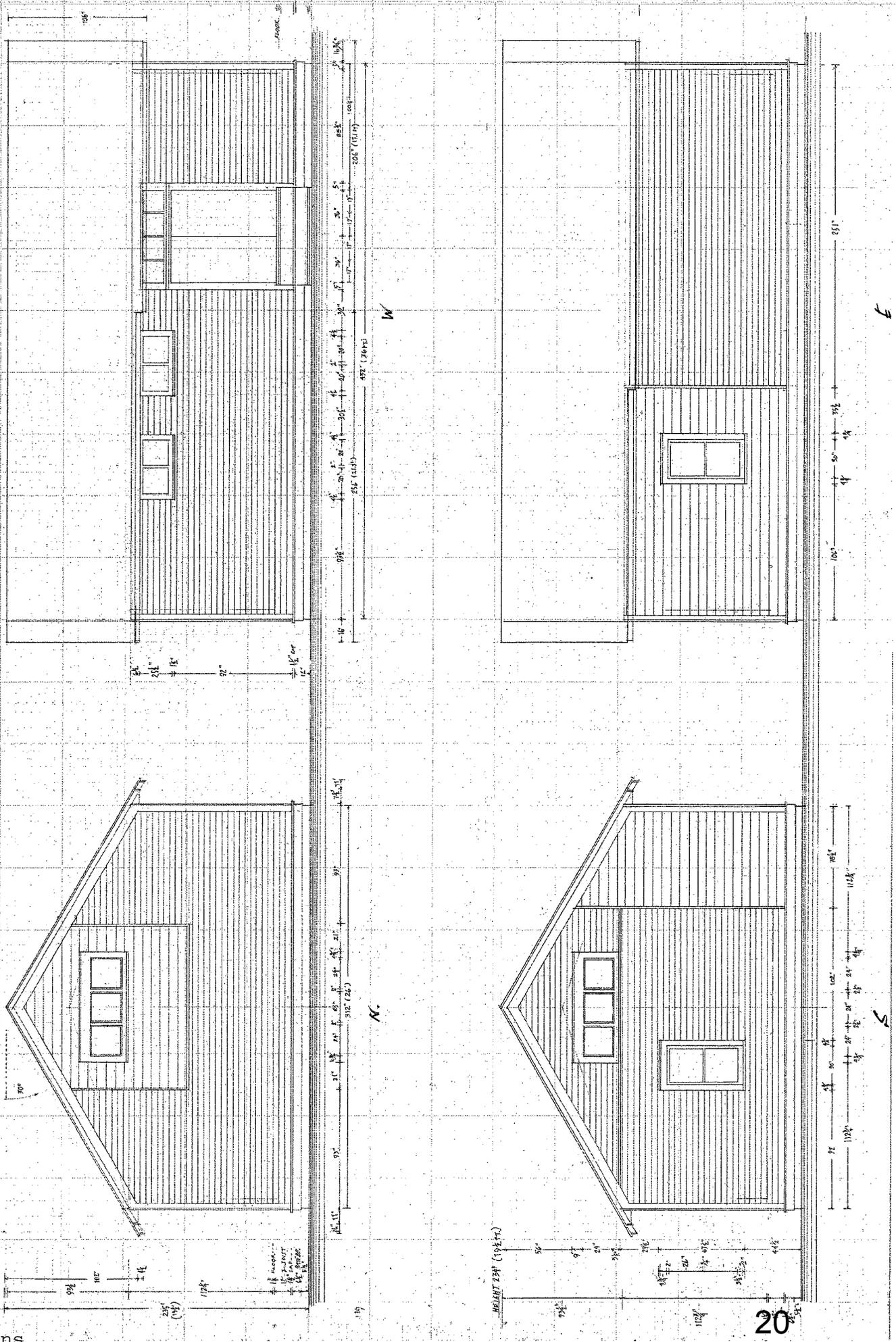
WILLIAM M. ITTER 817 E 2ND ST. BLOOMINGTON IN 47401 ELEVATIONS - proposed studio bldg.

V-18-12 Elevations

11/24/2017

11/24/2017

V-18-12 Elevations



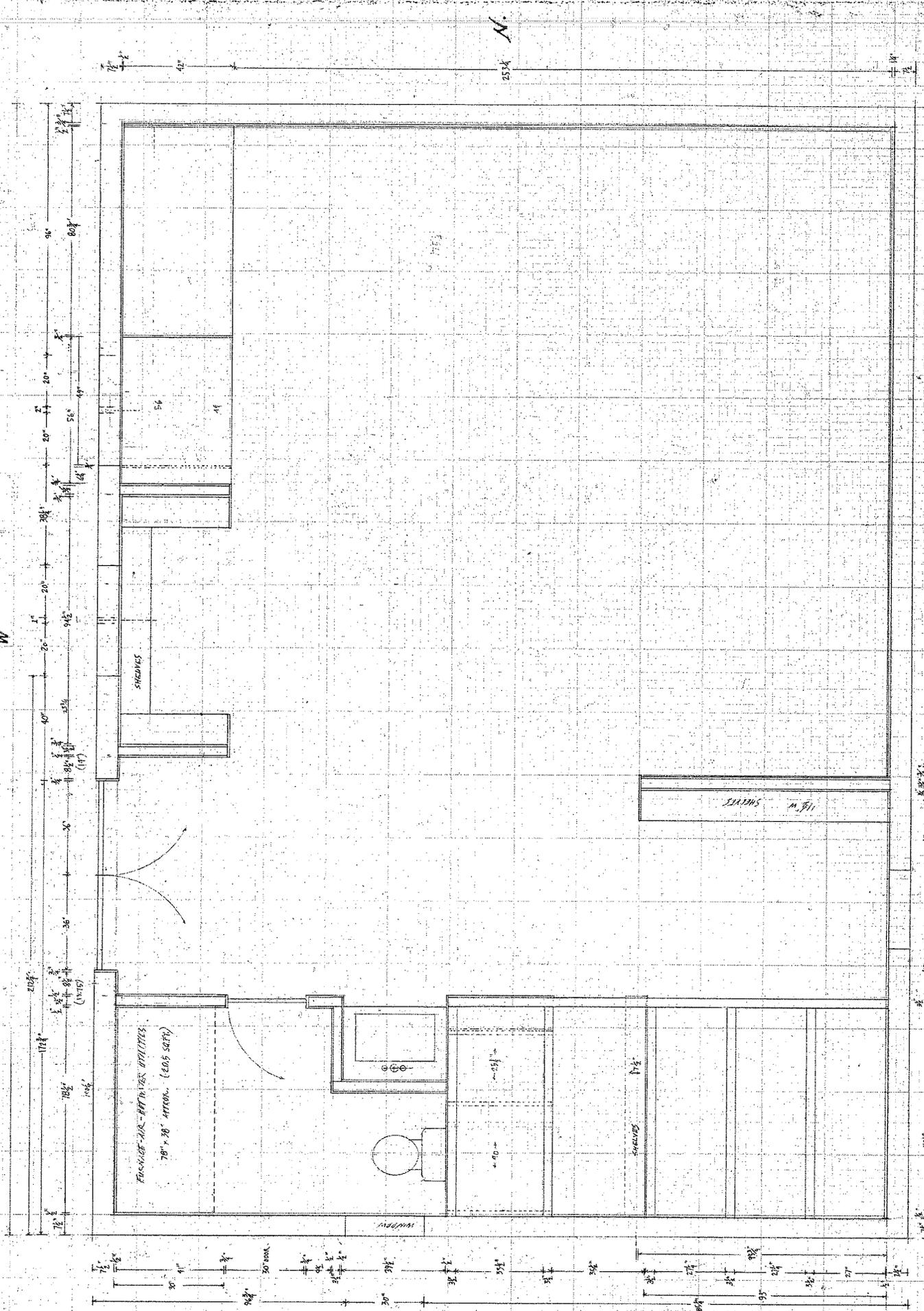
Floor Plan

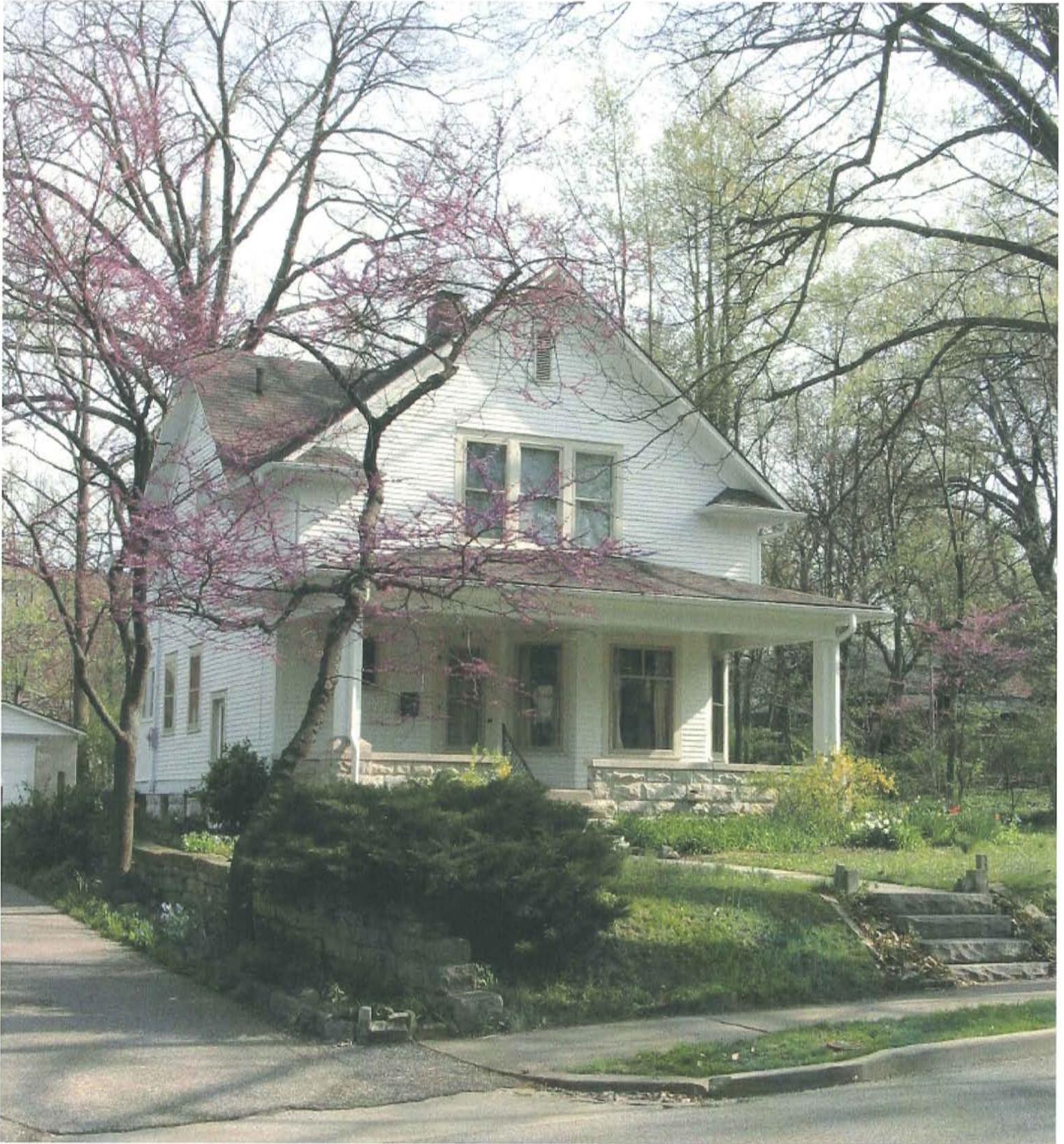
WILLIAM JETER 817 E. 200 St. Bloomington, IL 618 339-4922

SCALE: 1/8" = 1 FT.

INTERIOR - 416" (344 FT) X 294" (244 FT)  
EXTERIOR FOOTPRINT - 512" (42 FT) X 452" (36 FT)

V-18-12  
Floor Plan





V-18-12

Front South House Elevation

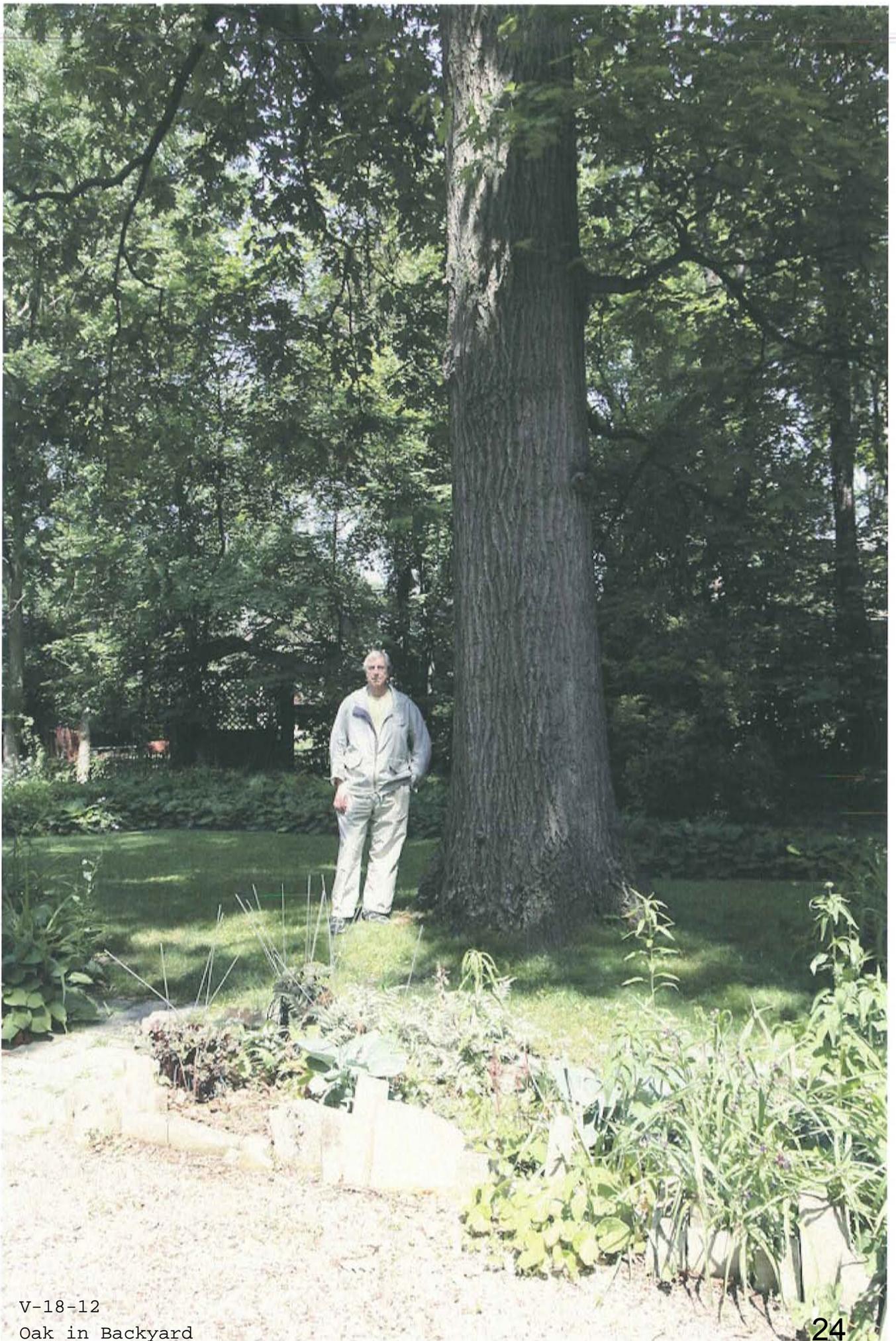
**WILLIAM M. ITTER**  
817 E 2ND ST  
BLOOMINGTON IN 47401



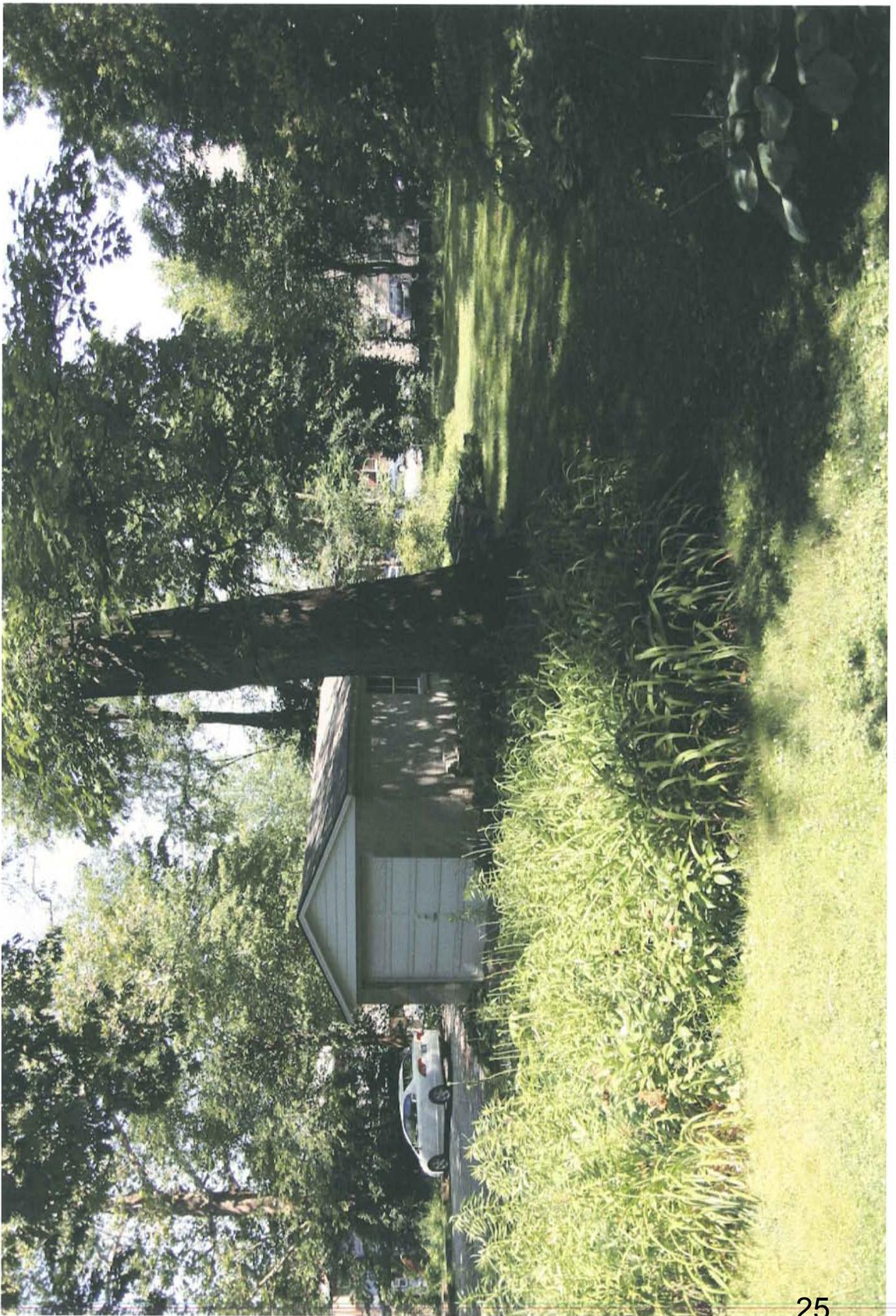
V-18-12 Alley West of Property

WILLIAM M. IFFER  
817 E 2ND ST  
BLOOMINGTON IN 47401

WILLIAM M. ITTER  
817 E 2ND ST  
BLOOMINGTON IN 47401



V-18-12  
Oak in Backyard



WILLIAM M. IFFER  
817 E 2ND ST  
BLOOMINGTON IN 47401

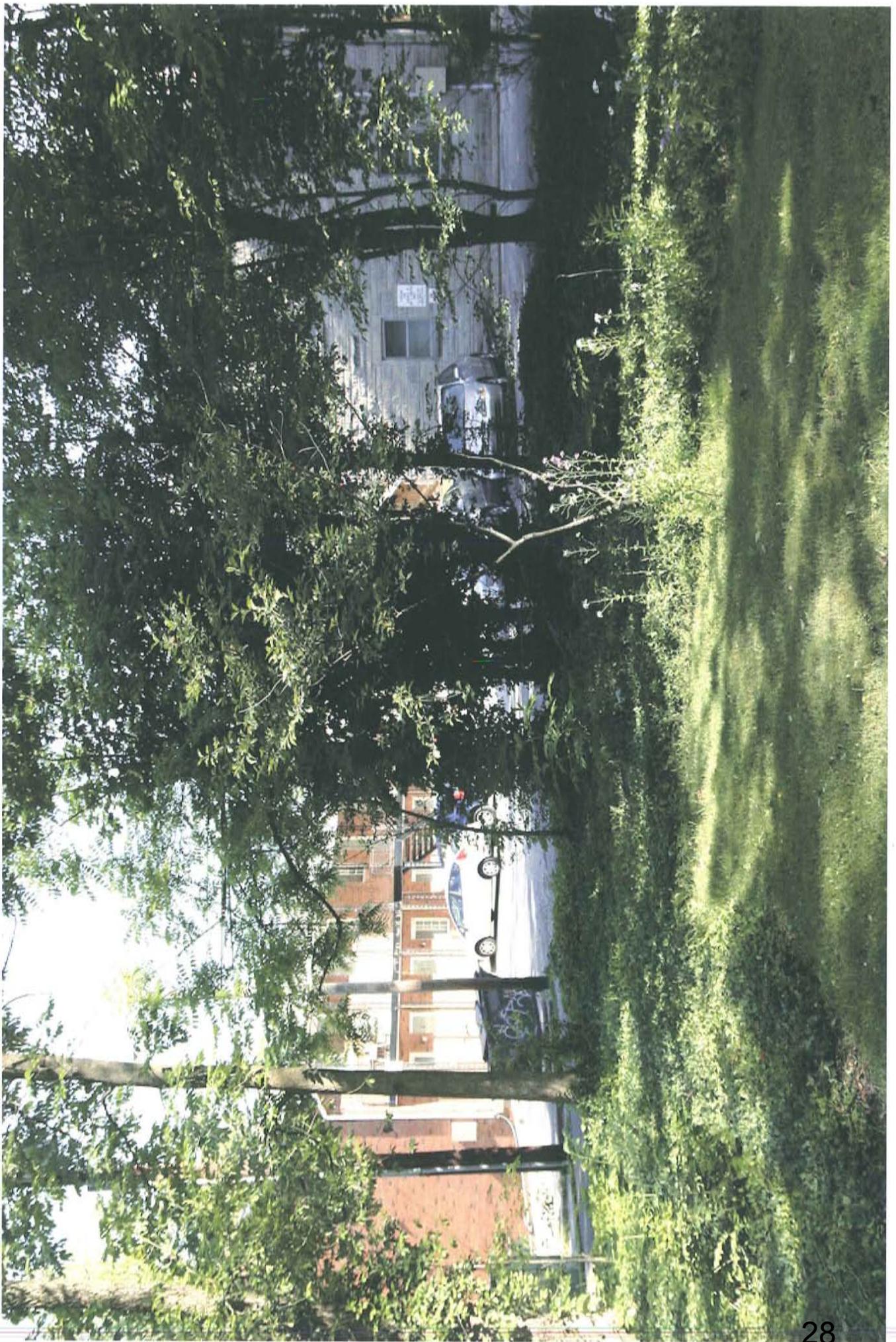
V-18-12, Existing Detached Garage Looking Northwest



V-18-12, Alley West of Property

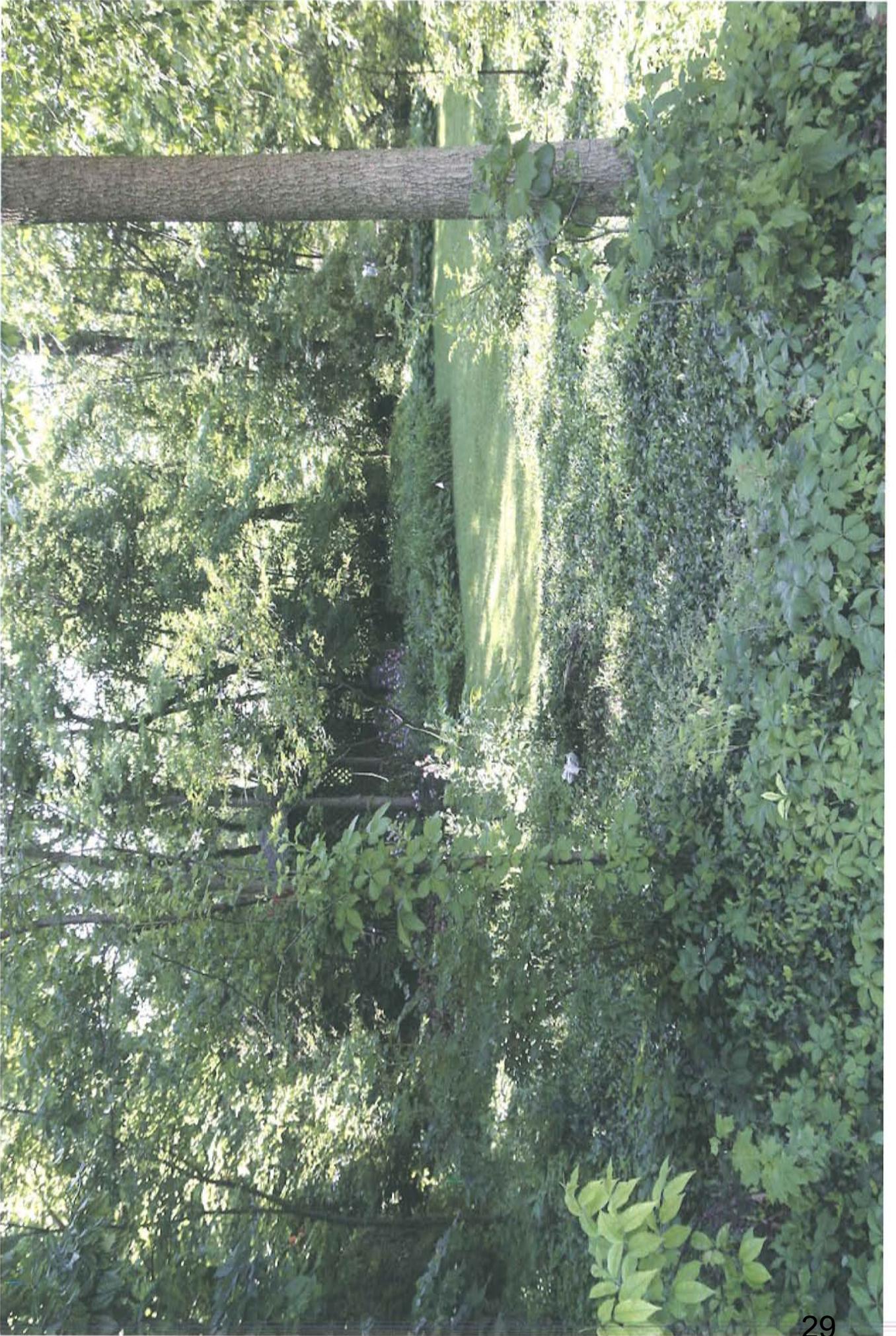


WILLIAM M. IFFER  
817 E 2ND ST  
BLOOMINGTON IN 47401



WILLIAM M. IITTE  
817 E 2ND ST  
BLOOMINGTON IN 47401

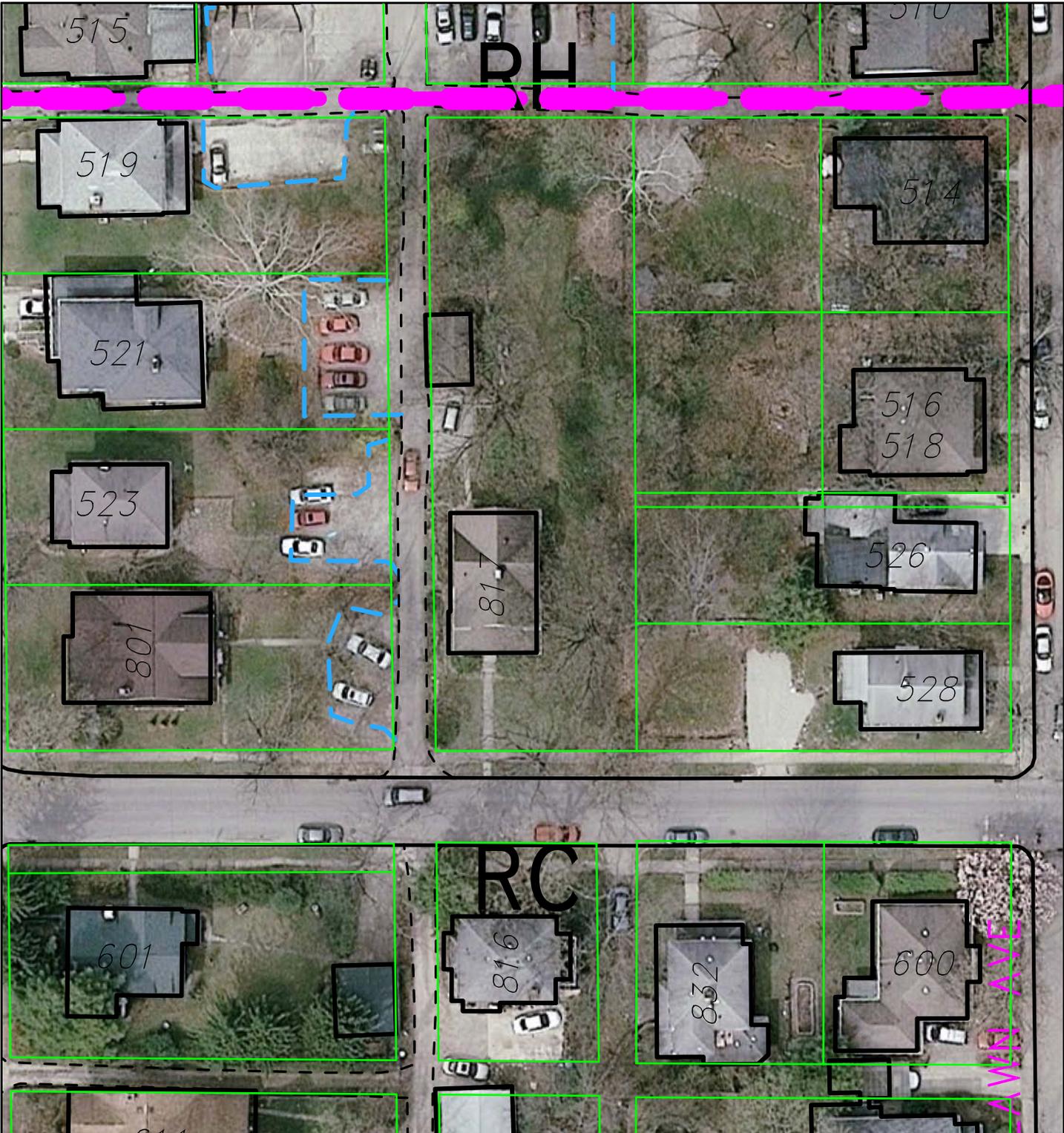
V-18-12, Looking North



**WILLIAM M. IITER  
817 E 2ND ST  
BLOOMINGTON IN 47401**

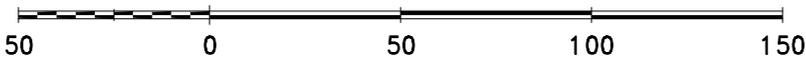


WILLIAM M. ITTER  
817 E 2ND ST  
BLOOMINGTON IN 47401

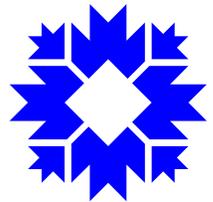


V-18-12  
 817 E. 2nd St.  
 William Itter  
 2010 Aerial Photograph

By: bannok  
 14 Jun 12



City of Bloomington  
 Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

To the Board of Zoning Appeals:

The Board of Directors of the Elm Heights Neighborhood Association, with one dissent, urges the Board to approve the petition of William Itter for a variance to allow a detached art studio behind his home at 817 E. 2nd. We understand the rationale for the size maximum for accessory buildings and appreciate the regulation.

However, we also recognize that this is an unusual situation. Bill Itter is to be commended for hanging on as an owner occupant almost surrounded by rentals, and for his maintenance of this fine old house and its garden setting. The variance should be granted because it allows him to do in a better way what he could do by right without variance. He is not restricted from putting an addition of the same size on the house. However, such an addition would interfere fatally with the root system within the drip line of his grandfather oak, as well as detract from the architecture of the house, which has been nicely preserved.

His choice of location will have negligible impact on the character of his property or on surrounding residents. Because of the exceptional depth of the lot, it will be barely visible from the street, and will not diminish the park-like character of the yard. It will help to buffer Bill's proximity to the apartment buildings and parking lots to the rear, and to the high occupancy houses and parked up yards across the alley to the West. In the event that future change in ownership causes issues regarding re-use of the studio, we are confident that an acceptable use can be found in this transitional spot at the interface between high density apartments and predominantly rental single family. As always, we appreciate being kept in the loop for cases in our neighborhood, and having an opportunity to comment.

From the Board of Directors of the Elm Heights Neighborhood Association

Beth Baxter

Sarah Clevenger

Julie Lawson

Suzann Mitten Owen

Tim Mueller

Daniel Roussos

Jenny Southern

Lynn Struve

Jodi Wintsch

# Burnham Rentals

444 E. Third St., Suite #1

Bloomington, IN 47401

Phone: (812) 339-8300 Toll-Free: (888) 339-8301 Fax: (812) 332-1905

www.burnhamrentals.com

info@burnhamrentals.com

June 14, 2012

TO: Board of Zoning Appeals  
City Planning Department

RE: Petition from William Itter  
817 E. 2<sup>nd</sup> Street Bloomington Indiana  
Maximum Cumulative Area Variance

I own the apartment complex which is located to the Northwest corner of Mr. Itter's property. I built and have owned this property since 1967. At the time of building the area was zoned for apartments which could be noted as a commercial venture. That has changed over the years and the Elms Heights Neighborhood Association has fought anything of this nature in recent years. One of my sons owns the property at 519 S. Park Street that backs up to Mr. Itter's property on the West side. This property has been in our family since 1977. I mention these dates only because Mr. Itter is not the only one who has owned property in the area for many years.

His request for a detached artist studio that will allow painting of large murals or paintings and displaying of said murals or paintings speaks of selling said items. Selling denotes a commercial venture. Mr. Itter already has a garage on his property, which I believe counts as cumulative area, and is now requesting another free standing structure in excess of 900 square feet which according to tax records exceeds the square footage of the first floor of his house. Parking is an issue within the area since it is Zone 1 and restricted to residents and a permit for visiting guests. If you look at the proposed layout it appears that there is apparently space for 4-5 cars to the North of the proposed structure off of the alley running East and West but nothing is mentioned about this area being converted to parking which is a logical move to allow clients or proposed clients to come in and review works completed.

The dumpster and the parking lot located on my property at 808 E. Hunter during the school year is always the target of illegal dumping and illegal parking. Adding another commercial venture adjacent to it will only compound the problems.

Regretfully I will be out of town on June 21 and cannot be at the hearing but would voice my opposition to this request.

Respectfully,



John S. Burnham

---

**PETITIONER: Hartzell Martel  
PO Box 7973, Bloomington**

---

**REQUEST:** The petitioner is requesting conditional use approval to allow food production/processing within an Industrial General zoning district. Also requested is a variance from the maximum parking standards.

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**REPORT:** The property in question is located along the west side of S. Morton Street, north of its intersection with W. Grimes Avenue. It is part of an Industrial General (IG) zoning district that incorporates several properties along both sides of the adjacent B-Line Trail which is located immediately east of the subject property. These properties include a range of industrial type uses including warehouse and salvage/scrap yard. Bloomington Transit Operations is also located to the east. The McDoel Gardens single family neighborhood is located to the west of this IG district.

The site has been developed in the past with a one-story building of just under 2500 square feet. The building was most recently used by Twisted Limb Paper Company. The petitioner owns a local ice cream store and is proposing to reuse the building to assist in his ice cream production. There would be no exterior changes that would take place to the building. Only slight internal remodeling will be necessary. Food production/processing is a conditional use within the IG district. The petitioner is requesting an approval to allow ice cream production to begin at this site. He also intends to seek a future use variance approval to allow the front of the store to have a small retail component.

Staff has found the proposed use to be a very low impact use. There would only be one or two employees, the hours of operation would be 10 AM to 9 PM, and there are no known negative impacts to the adjacent neighborhood. With the limited impacts of this use to the adjacent core neighborhood and the industrial nature of the surrounding area, staff finds this proposal to be appropriate.

Due to the very low employee count, the Unified Development Ordinance (UDO) would require the petitioner to remove all parking spaces over the number of employees on the largest shift. With only one or two employees, this would require the petitioner to reduce the number of spaces from 5 to 2. Staff finds that if the building were to be reused in the future, or if the petitioner receives approval to place a small retail area to the store, the additional 3 parking spaces would most likely be permitted. The petitioner is seeking a variance from the maximum 2 parking spaces to allow the existing parking lot to remain. Staff finds this variance to meet the criteria for variance and is supportive of the request.

---

**Criteria and Findings for Conditional Use Permits**

**20.05.023 Standards for Conditional Use Permits**

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**STAFF FINDING:** The Growth Policies Plan (GPP) designates this property as Employment Center. Although this category generally applies to larger tracts of land attempting to attract large-scale employment uses, it has also been placed on smaller existing industrial areas. Staff finds that the proposed food production does not conflict with the goals and objectives of the GPP and the employment center designation. Furthermore, staff finds that this use is an appropriate opportunity to encourage desired local food production.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

**Staff's Finding:** The proposed addition will not create a nuisance. The impacts from noise, smoke, odors, vibrations, and lighting are less than other uses specifically permitted within the IG zoning district.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

**Staff's Finding:** Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. Again, the impacts of the proposed use is less than other surrounding uses and other uses permitted in the district. Staff has not received any negative concerns regarding this petition.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

**Staff's Finding:** This site is adequately served by all public facilities.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Staff's Finding:** Although the site is located adjacent to a core neighborhood, the site does not share street access with the neighborhood and provides for direct access to Morton St.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

**Staff's Finding:** There is no new construction proposed with this request. Staff finds that there will be no loss of any of these features.

- 7. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

**Staff's Finding:** The hours of operation will be from 10 AM to 9 PM. No exterior trash collection is anticipated with the proposed use. No hazard, hardship, or nuisance to the adjacent neighborhood is found.

- 8. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

**Staff's Finding:** No specific signage has been proposed at this time. Any future signage will be placed in compliance with current UDO sign standards.

- 9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**Staff's Findings:** There are no additional standards for food production/processing.

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## **CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**STAFF FINDING:** Staff finds no injury in allowing the existing parking to be retained. The parking lot is limited in size.

- 2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

**STAFF FINDING:** Staff finds no negative effects from this proposal on the areas adjacent to the property. The surrounding properties have similar parking areas.

- 3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

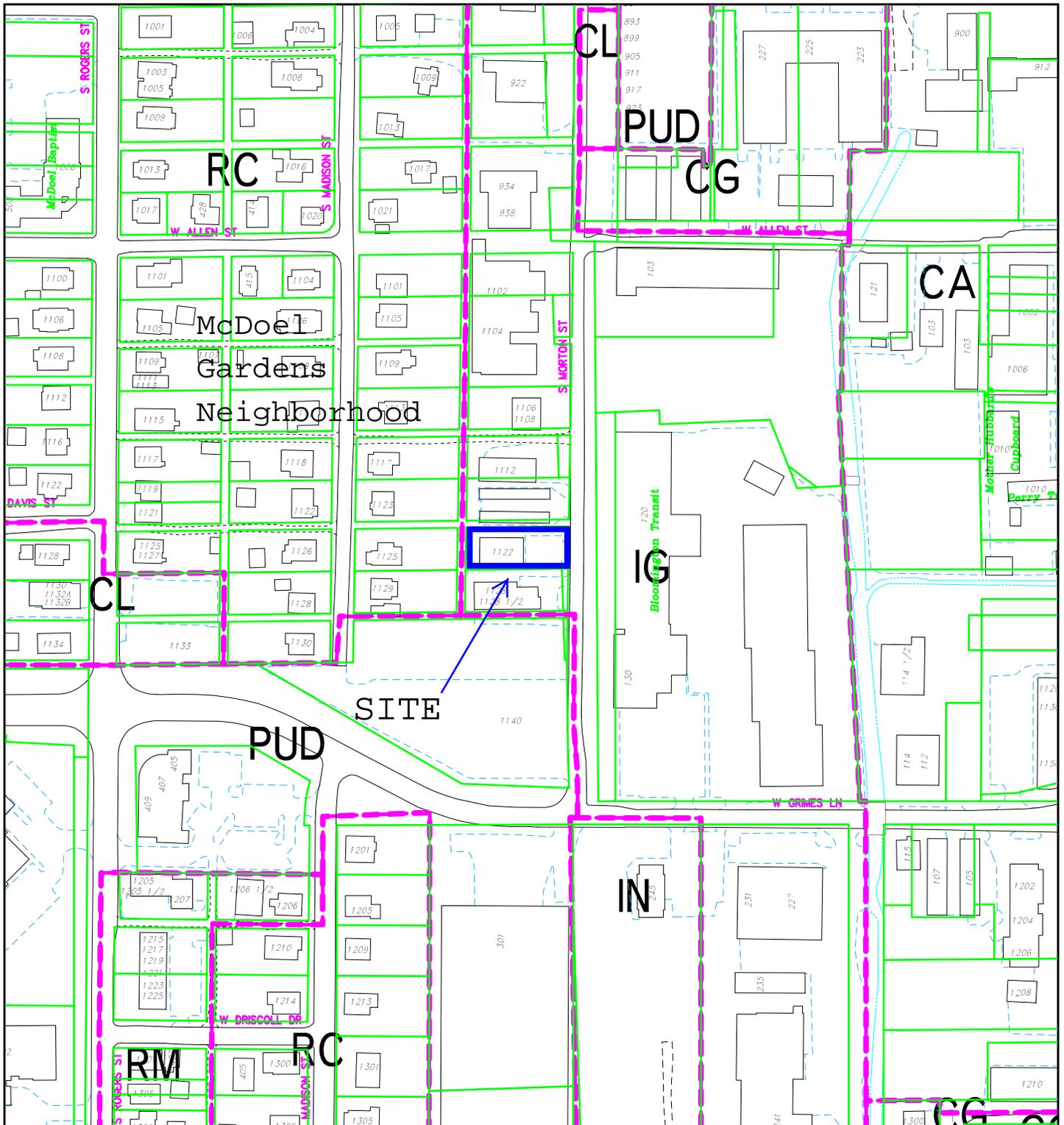
**STAFF FINDING:** Staff finds peculiar condition in the potential future reuse of the property. While the proposed use of the building has a very low parking

maximum of 2 parking spaces, most uses permitted within this building would have a higher parking allowance. Staff finds practical difficulty in requiring 3 parking spaces to be removed as most future uses would desire the parking to be reinstalled in the future. Furthermore, staff does not find 5 parking spaces to be excessive for a nearly 2500 square foot building. If a future retail component is added to the site, 2 parking spaces would potentially create spillover parking issues on adjacent properties.

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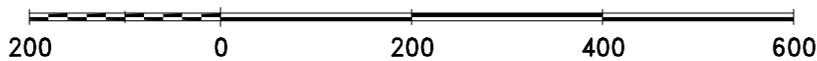
**RECOMMENDATION:** Staff recommends approval with the following conditions:

1. The parking lot must be striped in accordance with the Unified Development Ordinance.
2. Any future signage must receive a sign permit.



CU/V-19-12 Hartzell Martel  
 1122 S. Morton Street  
 Location/Zoning/Land Use Map  
 Board of Zoning Appeals

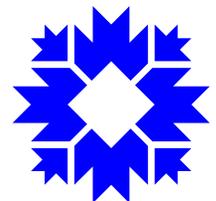
By: shayp  
 15 Jun 12



For reference only; map information NOT warranted.



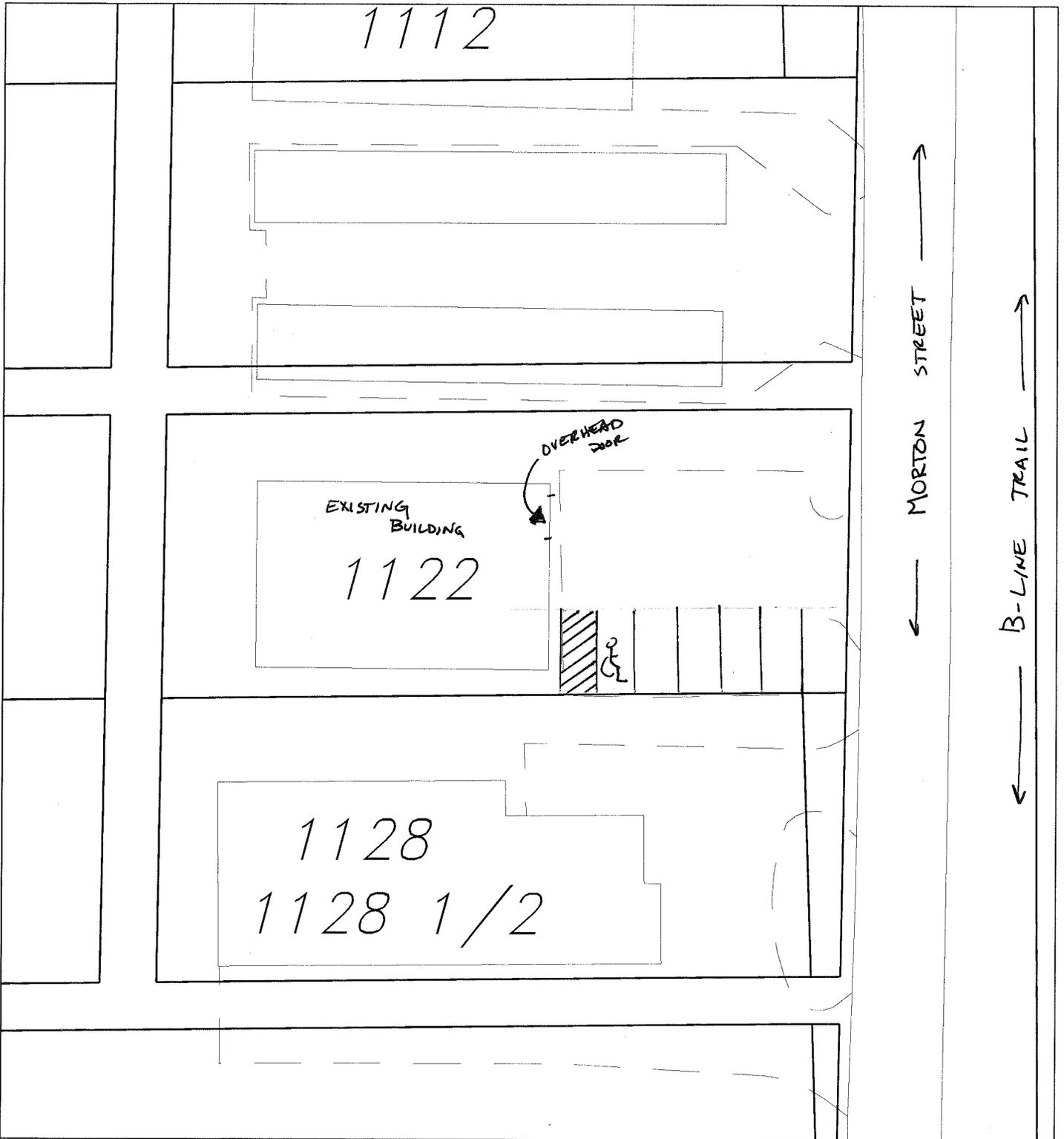
City of Bloomington  
 Planning



Scale: 1" = 200'

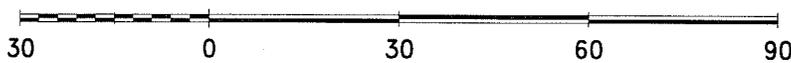
We are asking for a Conditional Use Zoning change for the property located at 1122 S. Morton Street. We would like to use this 2100 sq ft building as a location for ice cream production to supply our local retail store, Hartzell's Ice Cream. Previously this building was used as a paper processing facility for Twisted Limb Paper Company, it currently sits vacant. This property is located next to a storage warehouse and several buildings on the block appear to be vacant and are poorly maintained. We do not want to change anything structural with the building, only minor interior remodeling will need to be done. We will keep the property well maintained with landscaping. Our production requires weekday hours from 10am-9pm and will not require any additional trash removal. We are confident that there are no issues in meeting any of the Conditional Use Standards and that this is beneficial for the area. With this property being located along the B-Line trail we hope to add to this very significant economic development in our city. As frequent users of the B-Line we look forward to an opportunity to add a fresh look, feel and use to the area. In the future as the area develops we hope to petition to be able to also function as a retail operation.

CJ/V-19-12  
PETITIONER'S  
STATEMENT



CU/V-19-12  
SITE PLAN

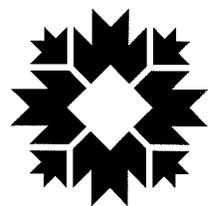
By: shayp  
22 May 12



For reference only; map information NOT warranted.

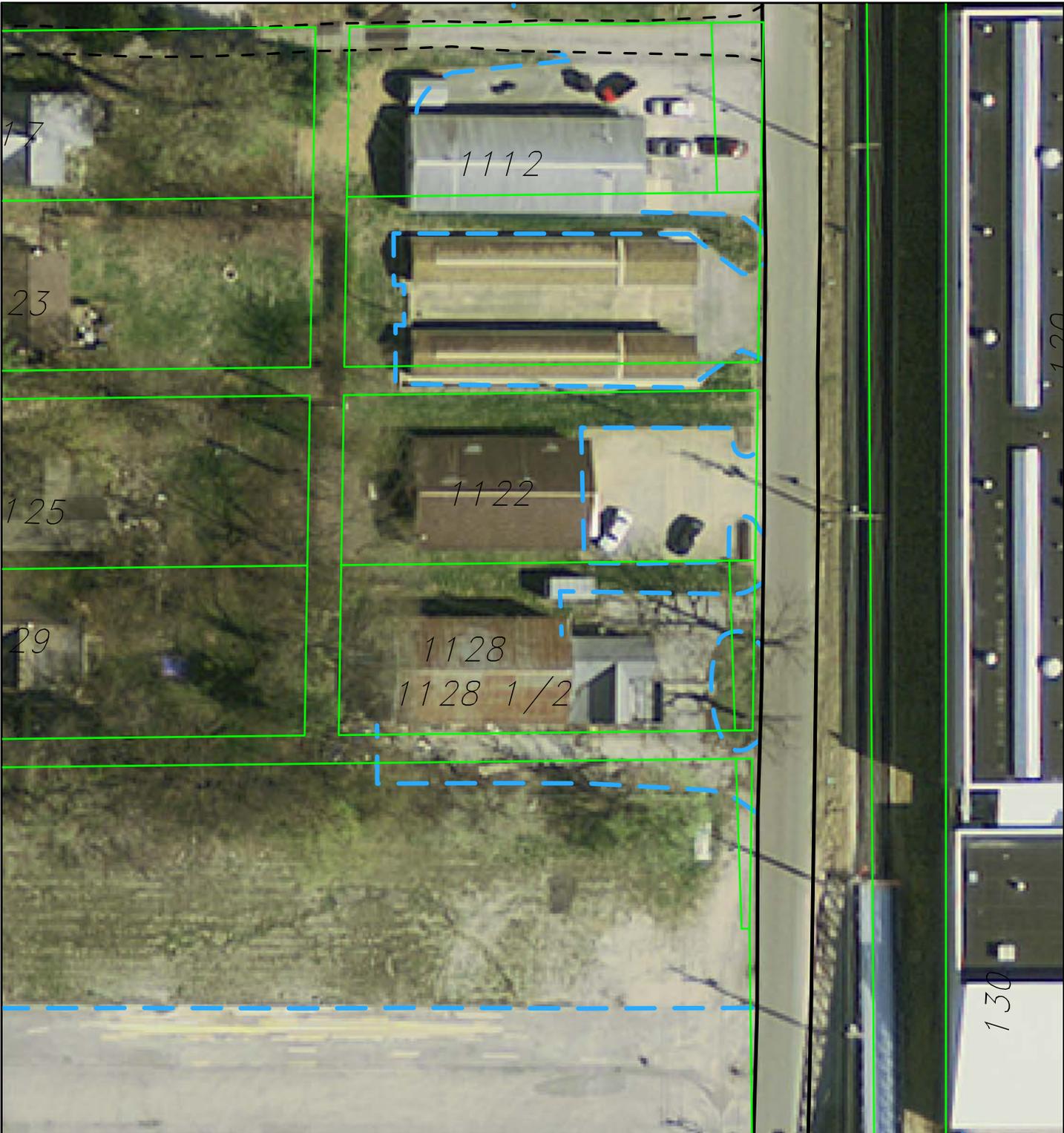


City of Bloomington



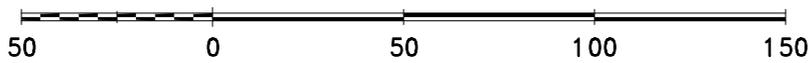
Scale: 1" = 30'





CU/V-19-12 HARTZELL MARTEL  
 AERIAL PHOTO

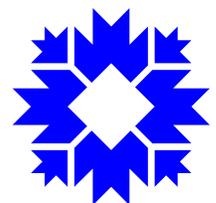
By: shayp  
 15 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 50'

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**PETITIONER:** Darden Restaurants (GMRI, Inc.)  
1000 Darden Center Drive, Orlando, FL

**CONSULTANT:** Site Enhancement Services  
6001 Nimtz Pkwy., South Bend, IN

---

**REQUEST:** The petitioner is requesting a variance from sign standards to allow for two 16' tall freestanding signs.

---

**REPORT SUMMARY:** The subject property is located at 2617 E. 3<sup>rd</sup> Street on the northwest corner of State Road 46 (the Bypass) and E. 3<sup>rd</sup> St. The area is zoned Commercial Arterial (CA) and has been developed with a one-story commercial building, a two-story hotel, an auto repair shop, and a shared parking lot. Single family houses, zoned Residential Core (RC), are located northwest of the site. All other surrounding properties have been developed with commercial buildings and are zoned CA.

The petitioner is proposing two new 16 foot tall freestanding pole signs, each with a sign area of 39.39 square feet, for the existing Red Lobster restaurant on the site.

In the CA zoning district, the Unified Development Ordinance (UDO) allows a maximum height of six feet for freestanding signs. The petitioner is requesting a variance from the maximum sign height of 6 feet.

---

## **CRITERIA AND FINDINGS**

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**STAFF FINDING:** Staff finds that the increased sign height will negatively affect the general welfare of the community. As a result of the City's Scenic and Gateway sign ordinance adopted in 1998, as well as current regulations in the UDO, the community has a clear policy to improve community aesthetics and reduce sign clutter. Shorter freestanding signs are part of that policy and decrease visual distractions for motorists, improving the overall safety of community streets. Shorter signs also create a more pedestrian scaled environment, which encourages walking and biking. Allowing this variance contrary to such a long established policy would be injurious to the community's general welfare as expressed in the UDO.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

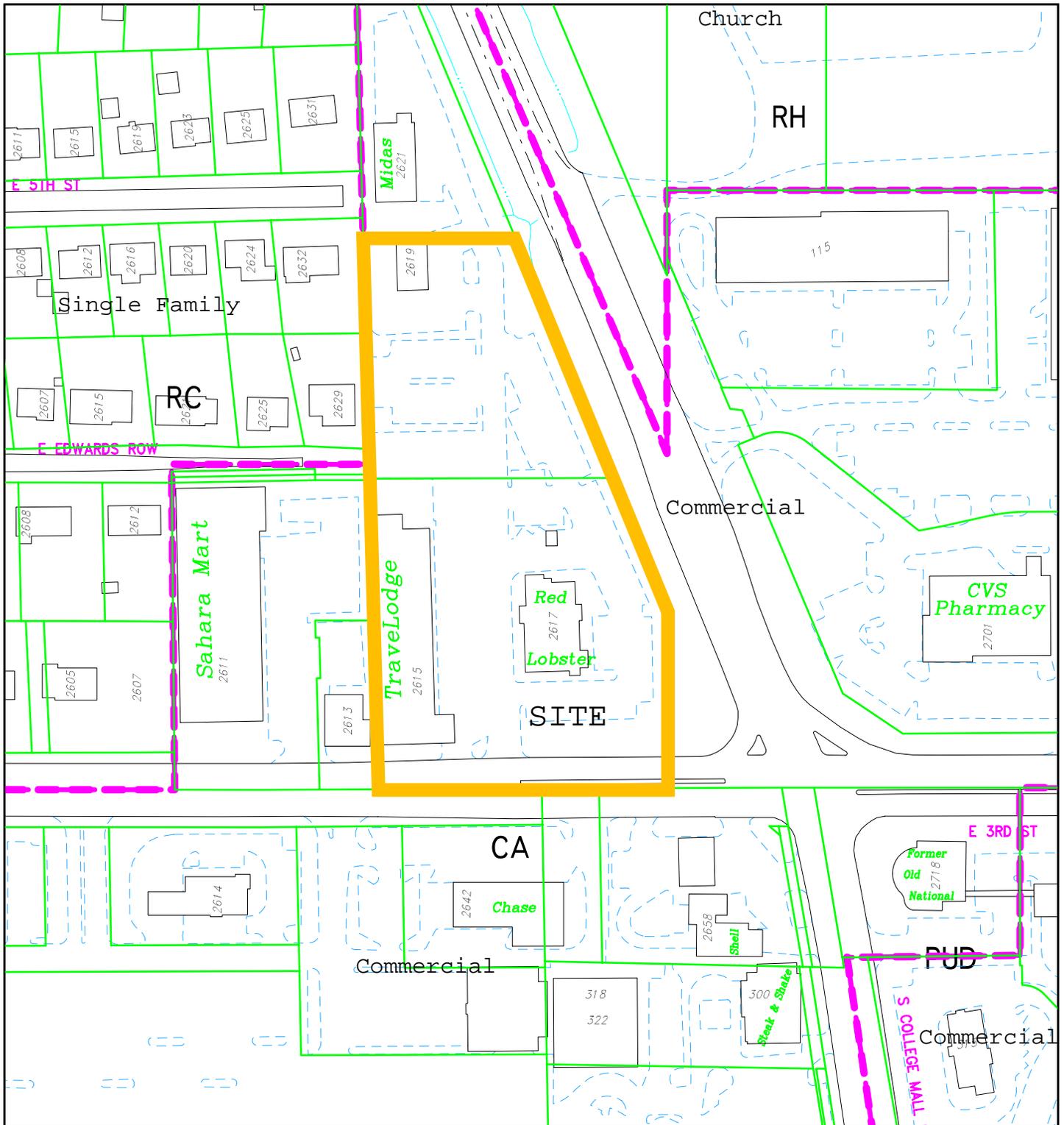
**STAFF FINDING:** Staff finds adverse impacts to the use and value of the surrounding area associated with the proposed variance. Several other businesses in the area have complied with the lower sign height required by the UDO. Allowing the petitioner to erect taller freestanding signs could create an unnecessary inequity between the petitioner's property and surrounding businesses that have erected complying signs.

3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds no practical difficulty in installing freestanding signs that would meet the maximum sign height requirements of the UDO. Other surrounding properties have installed complying signs without any known practical difficulties. The property in question has no unusual shape or topographic conditions that would make complying signs difficult to install or be viewed.

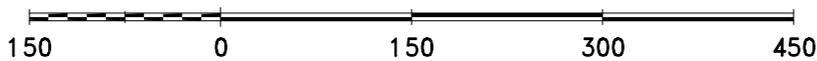
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**RECOMMENDATION:** Based upon the written findings above, staff recommends denial of this petition.



V-20-12  
 2617 E. 3rd St.  
 Darden Restaurants (Site Enhancement Services)  
 Land Use and Zoning Map

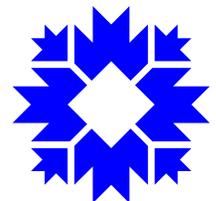
By: bannok  
 14 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 150'



May 22, 2012

City of Bloomington  
Planning Department  
401 N. Morton St., Ste. 160  
Bloomington, IN 47404

Zoning Board of Appeals | Application for Variance  
Red Lobster | 2617 E. 3<sup>rd</sup> Street, Bloomington, IN 47401

Petitioner's Statement of Request:

Site Enhancement Services, contract agent for GMRI, Inc. (Darden Restaurants) is requesting a sign variance for Red Lobster located at 2617 E. 3<sup>rd</sup> Street. The subject property is zoned Commercial Arterial (CA). The property is located in Bloomington Township and is 2.25 acres. The property is in a commercial area/corridor, with residential properties to the northwest of the property.

The request is to provide relief from section 20.05.083(b)(3)(A) of the City of Bloomington Sign Standards to allow for two (2) Pylon signs at sixteen (16) feet in overall height along E. 3<sup>rd</sup> Street and S. College Mall Rd. The proposed signs satisfy the square footage restriction of 45 square feet. The existing signs currently measure 47 square feet and 17'-6" in overall height. The proposed signs will reduce each sign by 7 square feet and 1'-6" in height.

The pylon signs at this Red Lobster property currently provide visibility to motorists traveling along E. 3<sup>rd</sup> Street and S. College Mall Dr. These signs not only provide optimum branding and name recognition for the restaurant, but also serve as an important way-finding device for driver's wishing to enter the premise. The signs enhance the safety of the commercial area by providing motorists with enough visibility to safely make necessary maneuvers to enter onto the property.

6001 NIMTZ PARKWAY, SOUTH BEND, INDIANA 46628  
TEL. 1.888.860.1298 FAX 574.237.6166

Reducing the signs from 17'-6" to 6' in height will significantly reduce the visibility the signs provide and will no longer accommodate for motorists' safe navigation onto the property. Visibility to code-compliant monument signs is hindered by the existing topographical conditions of the land adjacent both street frontages. Thus, the safety of motorists is compromised. The request for an additional 10' of height will overcome this safety issue and compensate for lost visibility.

Approval of the request, if given, will in no way negatively impact the environment, surrounding properties, or the general character of the area. Rather, the request is intended to enhance the overall safety of the commercial area through more efficient vehicular access to the property. In addition, Red Lobster's new federally registered trademark will serve to enhance the aesthetic quality and beautification of the commercial area.

Regards,



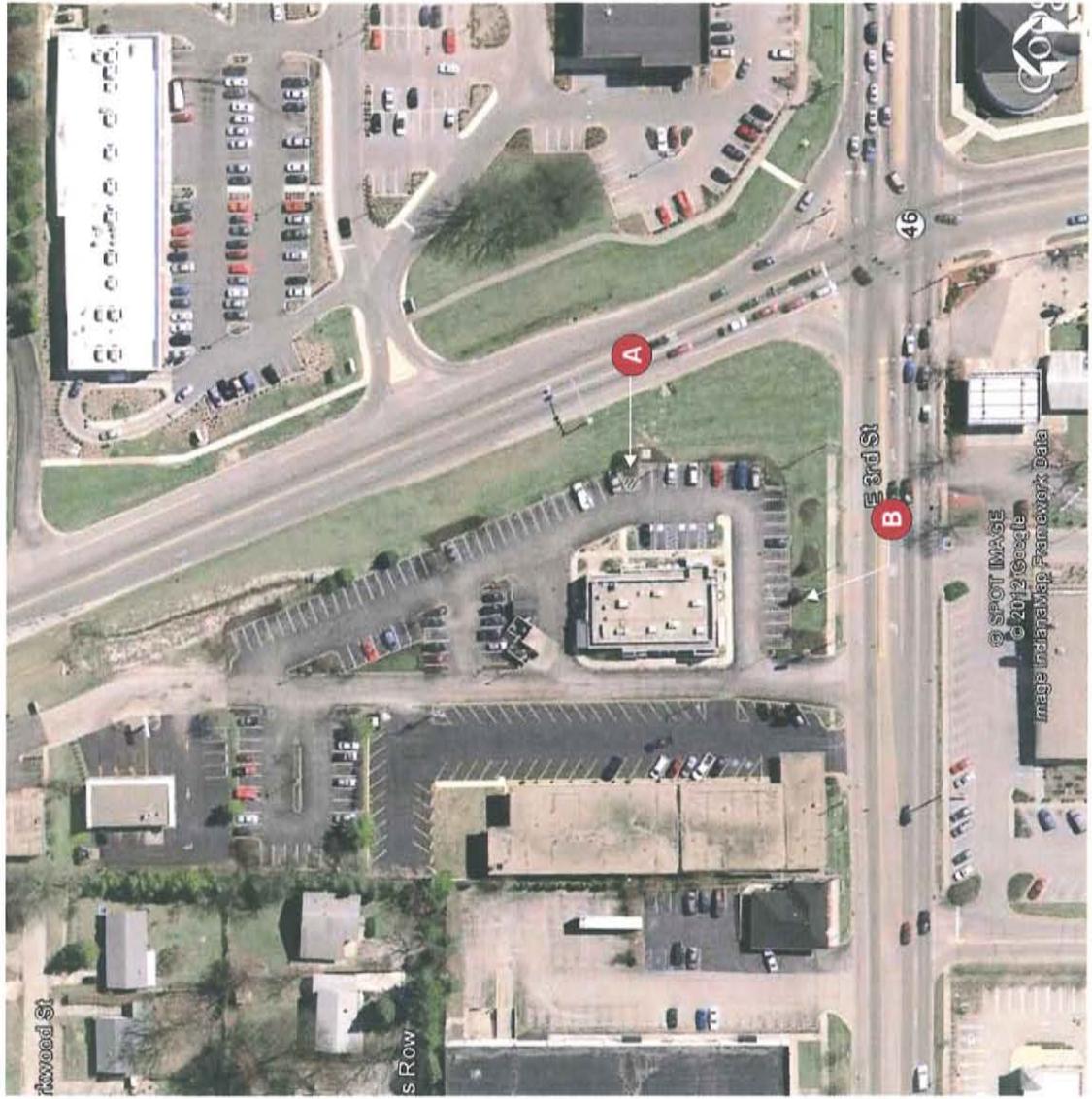
Ty Robbins | Site Enhancement Services | (574) 232-4474

6001 NIMTZ PARKWAY, SOUTH BEND, INDIANA 46628  
TEL. 1.888.860.1298 FAX 574.237.6166

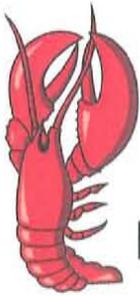


**Site Plan**  
Store #0878

- A** Existing: 4'-6" x 10'-6" Pylon at 17'-6" OAH: 47.25 SF  
Proposed: 3'-10 1/2" x 10'-2" Pylon at 16'-0" OAH: 39.39 SF
- B** Existing: 4'-6" x 10'-6" Pylon at 17'-6" OAH: 47.25 SF  
Proposed: 3'-10 1/2" x 10'-2" Pylon at 16'-0" OAH: 39.39 SF



V-20-12  
Elevation



**RED LOBSTER**<sup>SM</sup>  
FRESH FISH • LIVE LOBSTER



2617 E. 3rd Street  
Bloomington, IN 47401

Store #0878

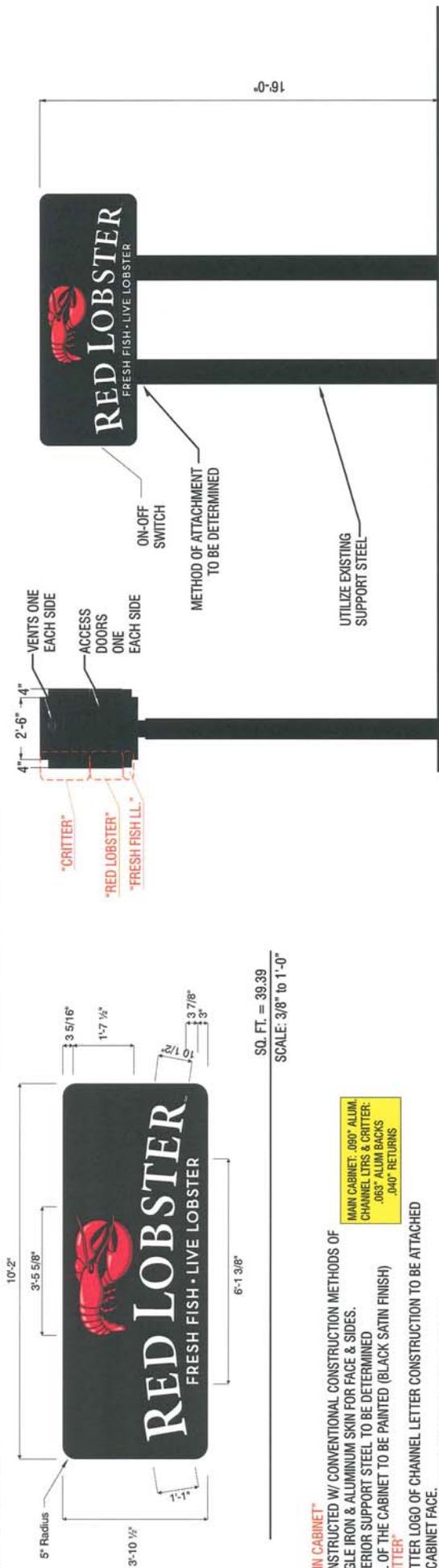
April 24, 2012 - Permit



Ph: 1 . 800 . 599 . 7696  
Fax: 1 . 574 . 237 . 6166  
[www.siteenhancementservices.com](http://www.siteenhancementservices.com)

RL-SIG-P40-PPCL-LED

illumination details required from sign manufacturer.



**\*MAIN CABINET\***

CONSTRUCTED W/ CONVENTIONAL CONSTRUCTION METHODS OF ANGLE IRON & ALUMINUM SKIN FOR FACE & SIDES. INTERIOR SUPPORT STEEL TO BE DETERMINED ALL OF THE CABINET TO BE PAINTED (BLACK SATIN FINISH) **\*CRITTER\***

CRITTER LOGO OF CHANNEL LETTER CONSTRUCTION TO BE ATTACHED TO CABINET FACE.

CRITTER FACE OF CLEAR IMPACT MODIFIED ACRYLIC W/ 1st SURFACE DIGITAL GRAPHIC APPLIED.

TO HAVE A 1" BLACK TRIM CAP ADDED.

INTERIOR ILLUMINATION OF WHITE G.E. MINI MAX WHITE L.E.D.'s W/ POWER SUPPLY

EXTERIOR TO BE PRECOAT MATTE BLACK INTERIOR WHITE.

**\*RED LOBSTER\***

"RED LOBSTER" OF CHANNEL LETTER CONSTRUCTION TO BE ATTACHED TO CABINET FACE.

FACE OF #2447 WHITE .177 ACRYLIC

TO HAVE A 1" BLACK TRIM CAP ADDED.

INTERIOR ILLUMINATION OF G.E. WHITE MINI MAX L.E.D. MODULES W/ POWER SUPPLY

EXTERIOR TO BE PRECOAT MATTE BLACK INTERIOR WHITE.

**\*FRESH FISH - LIVE LOBSTER\***

"FRESH FISH - LIVE LOBSTER" PILL BOX STYLE CABINET 4" DEEP TO BE ATTACHED TO CABINET FACE.

RETURN OF .063 ALUM. & FACE TO BE OF .125 ALUM COPY IS ROUTED OUT AND BACKED W/ #2447 WHITE .177 ACRYLIC, THIS FACE TO ATTACH TO THE RETURNS "SHOE BOX INSERT STYLE, AND USE C.S. SCREWS THRU THE RETURNS & INTO INTERIOR WELDED 1" LIP ON BACK OF FACE.

(FOR SERVICE)

ILLUMINATION W/ GE WHITE MINI MAX L.E.D.'s. W/ POWER SUPPLIES. EXTERIOR PAINT TO MATCH PRECOAT MATTE BLACK INTERIOR WHITE.

NO BAFFLES IN ANY OF THE LETTERS.

51

SIDE VIEW

ELEVATION

SCALE: 1/4" to 1'-0"

ELECTRICAL REQUIREMENTS

Total: 5.2 Amps  
1 - 120V, 20A Circuit Breaker  
ALL BRANCH ELECTRICAL SERVICES & FINAL CONNECTION TO EACH SIGN (WITHIN 5 FT) TO BE BY CERTIFIED ELECTRICAL CONTRACTOR. ALL BRANCH CIRCUITS FOR SIGNS MUST BE INSTALLED IN RIGID CONDUIT INCLUDING EDUCATED GROUND AND DEPENDENT WIRING PER NEC. Properly sized ground wire that can be traced back to the transfer panel must be provided.  
D. Number and size of circuits for each sign to meet Federal Health Sign requirements.  
Any deviation from the above recommendations may result in:  
1. Damage to or improper operation of the sign(s).  
2. Damage to or improper operation of the supply.

STANDARD INSTALL IS TO BE DIRECT PIPE EMBEDMENT INTO CONCRETE FOOTING PER FH DIMENSIONING SPECS.

**MANUFACTURING WILL PROVIDE A STUD PIPE WITH SIGN CABINET ONLY IF O.K. (CABINET + STUD PIPE) DOES NOT EXCEED 6-7" MAXIMUM SHIPPING HEIGHT RESTRICTIONS.**  
ALL CONNECTIONS WITH MANUFACTURING SIGN PIPE & SIGN RETURNS WITH CABINET TO BE SHIPPED TO INSTALLATION SITE BY A SOURCE SUPPLIER OR BY THE INSTALLATION CONTRACTOR, AS DETERMINED BY PROJECT MANAGEMENT.

COLOR KEY  
DIGITAL GRAPHICS  
SUPPLIED BY: MIRATEC  
(COLOR FORMULAS BY OTHERS)

- (WHITE)-WHITE-177 ACRYLIC #2447
- BLACK (SPRAYLAT - JET BLACK RAL 9005 SATIN)



NOTE: DIGITAL GRAPHIC WILL ALWAYS HAVE THE BLACK BORDER AROUND COMPLETE LOGO ANY TIME PRINTED.

NOTE: UPON CUSTOMER ACCEPTANCE, FEDERAL HEALTH ENGINEERING DEPT. WILL PROVIDE FABRICATION DRAWINGS AND ENGINEERED SEAL DRAWINGS IF REQUIRED.

**THIS DRAWING IS FOR PRESENTATION ONLY.**

RL-SIG-P40-PPCL-LED

**Pylon Overlay**  
Store #0878

**A**

**Existing:** 4'-6" x 10'-6" Pylon at 17'-6" OAH: 47.25 SF



**Proposed:** 3'-10 1/2" x 10'-2" Pylon at 16'-0" OAH: 39.39 SF  
7.86 SF smaller and 1'-6" shorter than existing



# Pylon Overlay

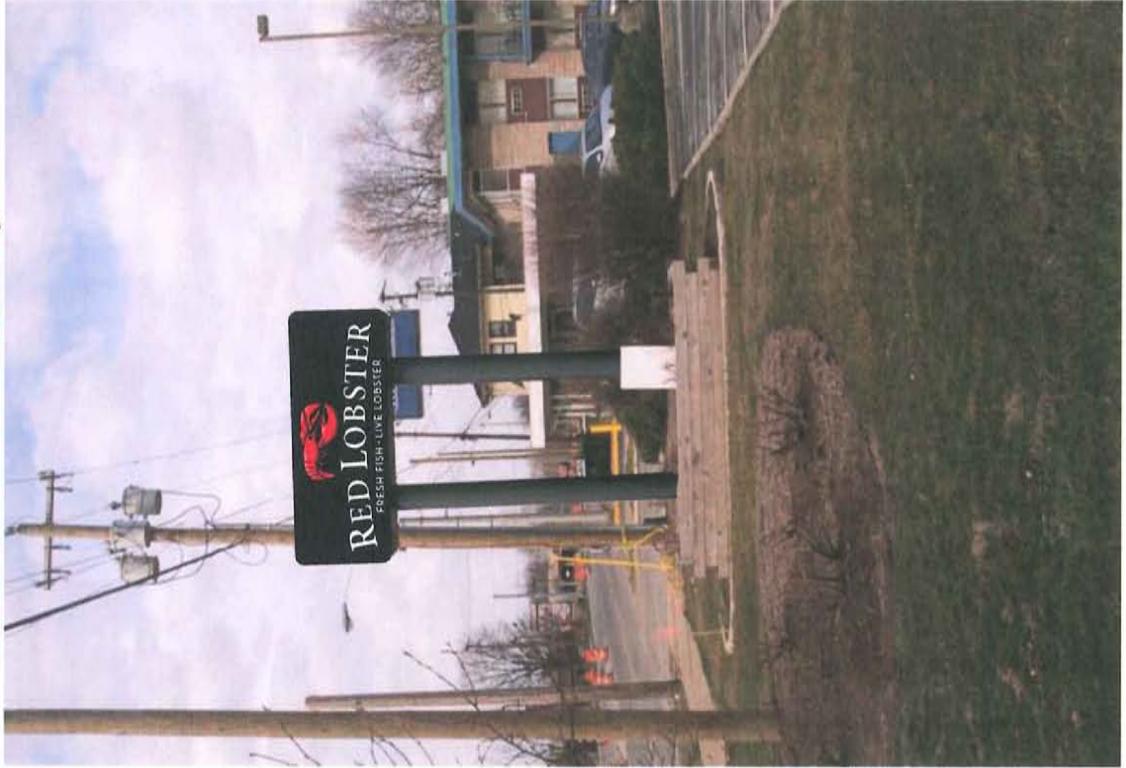
Store #0878

**B**

Existing: 4'-6" x 10'-6" Pylon at 17'-6" OAH: 47.25 SF



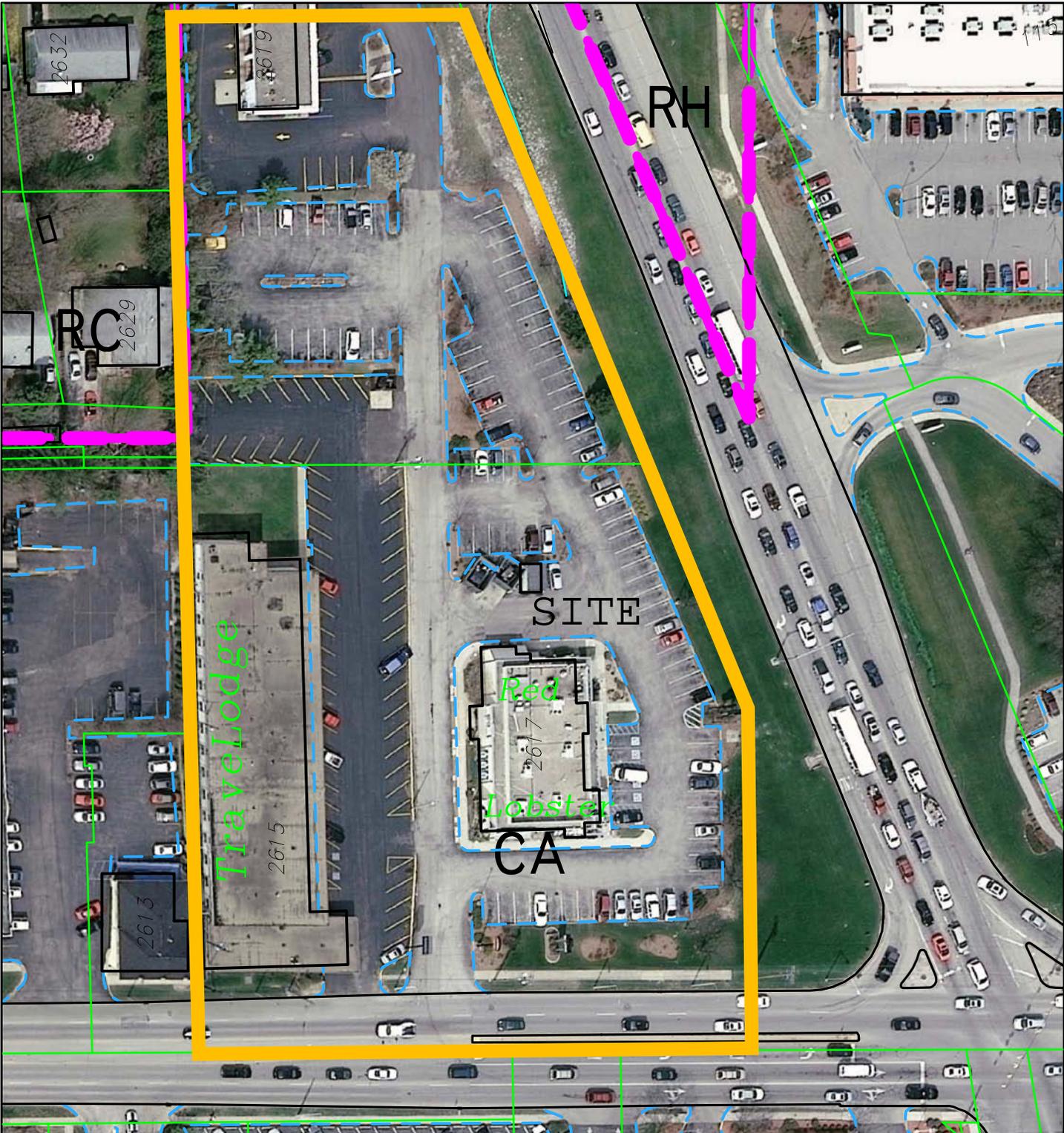
Proposed: 3'-10 1/2" x 10'-2" Pylon at 16'-0" OAH: 39.39 SF  
7.86 SF smaller and 1'-6" shorter than existing





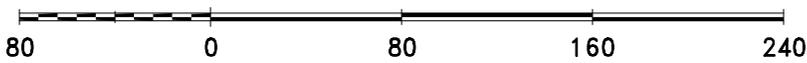
V-20-12  
Area Freestanding Signs





V-20-12  
 2617 E. 3rd St.  
 Darden Restaurants (Site Enhancement Services)  
 2010 Aerial Photograph

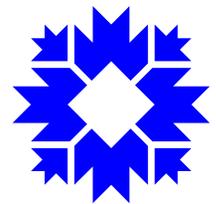
By: bannok  
 14 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 80'

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**PETITIONER: Keegan White  
3412 N. Kingsley Drive, Bloomington**

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**REQUEST:** The petitioner is requesting conditional use approval to allow short-term home rental as a home occupation. Also requested is a variance from home occupation standards.

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**REPORT:** The petitioner owns a single family home within the Fritz Terrace neighborhood. This neighborhood is zoned Residential Single-family (RS). The petitioner's home is located on the east side of N. Kingsley Drive, one property north of its intersection with W. Winding Way.

The petitioner recently placed his home on a website called Airbnb. This website markets existing single family homes around the country for short term stays. When this was identified by staff, the petitioner ceased any new bookings. The proposed use does not clearly fit within any of the Unified Development Ordinance's use categories. The primary use of the property will remain a single family home with the petitioner occupying the structure a large majority of the time. The home would be rented to visitors a maximum of 40 days a year. Some of these visitors may utilize the whole house while some might share the structure with the petitioner. These stays are usually only from 2-4 days.

Staff has determined that the proposed use is best classified as a home occupation. Since the use is not a traditional home occupation, it does not meet two of the specific standards associated with a home occupation. The temporary use of the structure inherently conflicts with the allowable hours of operation and size limitations for home occupations. Since guests stay overnight and rent the entire structure, they exceed the maximum 200 square feet and 8 AM to 9 PM limitations. The petitioner is seeking variance from these two standards.

The petitioner is also seeking variance from the normal home occupation requirement to place sidewalks. The UDO requires the construction of sidewalks with home occupation requests. Although sidewalks are physically possible, staff finds sidewalk placement on this lot to be impractical. This subdivision is 100% built-out with no sidewalks except along N. Kinser Pike. Staff finds that the placement of sidewalk along one lot that will not tie into an existing pedestrian system is not warranted with the addition of a home occupation. This variance is from the home occupation standard and would not apply to the property if the existing home is razed and replaced with a new home.

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### **Criteria and Findings for Conditional Use Permits**

#### **20.05.023 Standards for Conditional Use Permits**

No Conditional Use approval shall be granted unless the petitioner shall establish

that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**Staff Finding:** The Growth Policies Plan (GPP) designates this property as Urban Residential and lists single family residential development as the primary land use with some additional uses, including home occupations. Staff finds that the proposed use will not conflict with the GPP.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

**Staff's Finding:** Staff finds the proposed use will not create nuisance. The rental of the home is very limited in scale and is not a full time hotel type unit. It will remain a single family home.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

**Staff's Finding:** Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. Prior to filing, staff had the petitioner contact all of the surrounding neighbors to discuss his request. Staff has not received any concerns from neighbors regarding the petitioner's request.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

**Staff's Finding:** This site is adequately served by all public facilities.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Staff's Finding:** All traffic associated with this use is residential in nature and will be that normally associated with a single family home.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

**Staff's Finding:** There is no new construction proposed with this request. Staff finds that there will be no loss of any of these features.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

**Staff's Finding:** The petitioner is seeking a variance from the hours of operation standard for home occupations.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

**Staff's Finding:** No specific signage has been proposed at this time. Any future signage will be placed in compliance with current home occupation sign standards.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**OPERATIONS STANDARDS:** BMC 20.05.051(e) lays out the following thirteen specific operations standards for home occupations:

- a) *Operator Residency Required:* The operator of the home occupation shall reside in the dwelling unit.

**Staff Finding:** The operator of the home occupation resides in the dwelling unit.

- b) *Maximum Number of Nonresident Employees:* Any home occupation shall be permitted a maximum of one (1) employee who does not reside in the dwelling unit.

**Staff Finding:** There are no additional employees.

- c) *Maximum Floor Area:* A maximum of fifteen percent (15%) of the total interior floor area of the dwelling unit shall be used in connection with the home occupation. However, no home occupation shall be limited to less than two hundred (200) square feet, nor shall the area of a home occupation exceed five hundred (500) square feet. If there is more than one (1) home occupation being conducted within a dwelling unit, then all home occupations within the dwelling unit shall cumulatively use no more than fifteen percent (15%) or five hundred (500) square feet of the dwelling unit, whichever is less. Area used for storage of materials or products used in the home occupation shall be included in this calculation.

**Staff Finding:** The petitioner is seeking a variance from this standard.

- d) *Multiple Home Occupations:* More than one (1) home occupation may be permitted within an individual dwelling unit. Where multiple home occupations are conducted within an individual dwelling unit, the operations standards of *Subsection 20.05.051(e): Operations Standards* shall be applied to the combined total of all home occupation activities, not to each home occupation individually.

**Staff Finding:** Only one home occupation is taking place within the dwelling unit.

- e) *Residential Character*: There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit within which the home occupation operates.

**Staff Finding:** The house's residential character will be maintained.

- f) *Location and Entrance*: The home occupation shall be conducted entirely within the primary structure or attached garage. The use of an attached garage for a home occupation shall not interfere with the provision of any required off-street parking.

**Staff Finding:** The home occupation would be conducted within the structure.

- g) *Outdoor Display and Storage*: Outdoor display of goods, materials, supplies, or equipment shall be prohibited.

**Staff Finding:** No outdoor display is associated with this request.

- h) *Sales*: Direct sales and/or rentals of products shall be prohibited. Incidental sales of products related to the home occupation are permitted. Mail and/or telephone sales activities are permitted.

**Staff Finding:** Direct sales and/or rentals of products will not take place in conjunction with the home occupation.

- i) *Signage*: A home occupation shall be permitted to display one (1) sign, attached to the wall of the building, of a maximum size of two (2) square feet. All other advertising, signs, displays, or other indications of a home occupation in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit shall be prohibited.

**Staff Finding:** No signage is proposed as part of this home occupation.

- j) *Off-street Parking and Loading*: No additional driveway to serve the home occupation shall be permitted. No off-street parking or loading facilities, other than requirements of the applicable zoning district, shall be permitted.

**Staff Finding:** No additional driveways, off-street parking, or loading facilities are proposed.

- k) *Hours of Operation*: Customer visitation in association with the home occupation shall be limited to between 8:00 a.m. and 8:00 p.m. The hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.

**Staff Finding:** The petitioner is seeking a variance from this standard due to the nature of the proposed use.

- l) *Commercially Licensed Vehicles:* No vehicles requiring the operator to have a Commercial Drivers License shall be allowed in conjunction with any Home Occupation.

**Staff Finding:** No vehicles requiring the operator to have a Commercial Drivers License are proposed.

- m) *Deliveries:* Deliveries to the property shall not be permitted, except those by typical residential delivery services.

**Staff Finding:** No deliveries other than typical residential delivery services are proposed.

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## CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**Staff Finding:** Staff finds no injury with this request. The hours of operation and use of the entire structure are inherent to the proposed short term rental nature of the request. Furthermore, staff finds no injury in not requiring one section of sidewalk within the interior of a fully constructed subdivision. This variance will only run with the proposed home occupation.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

**Staff Finding:** Staff finds no negative effects from the proposed variances. The impacts of the proposed short term rental are less than many other home occupations. There will also be no negative impacts by not requiring the installation of one small section of sidewalk.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

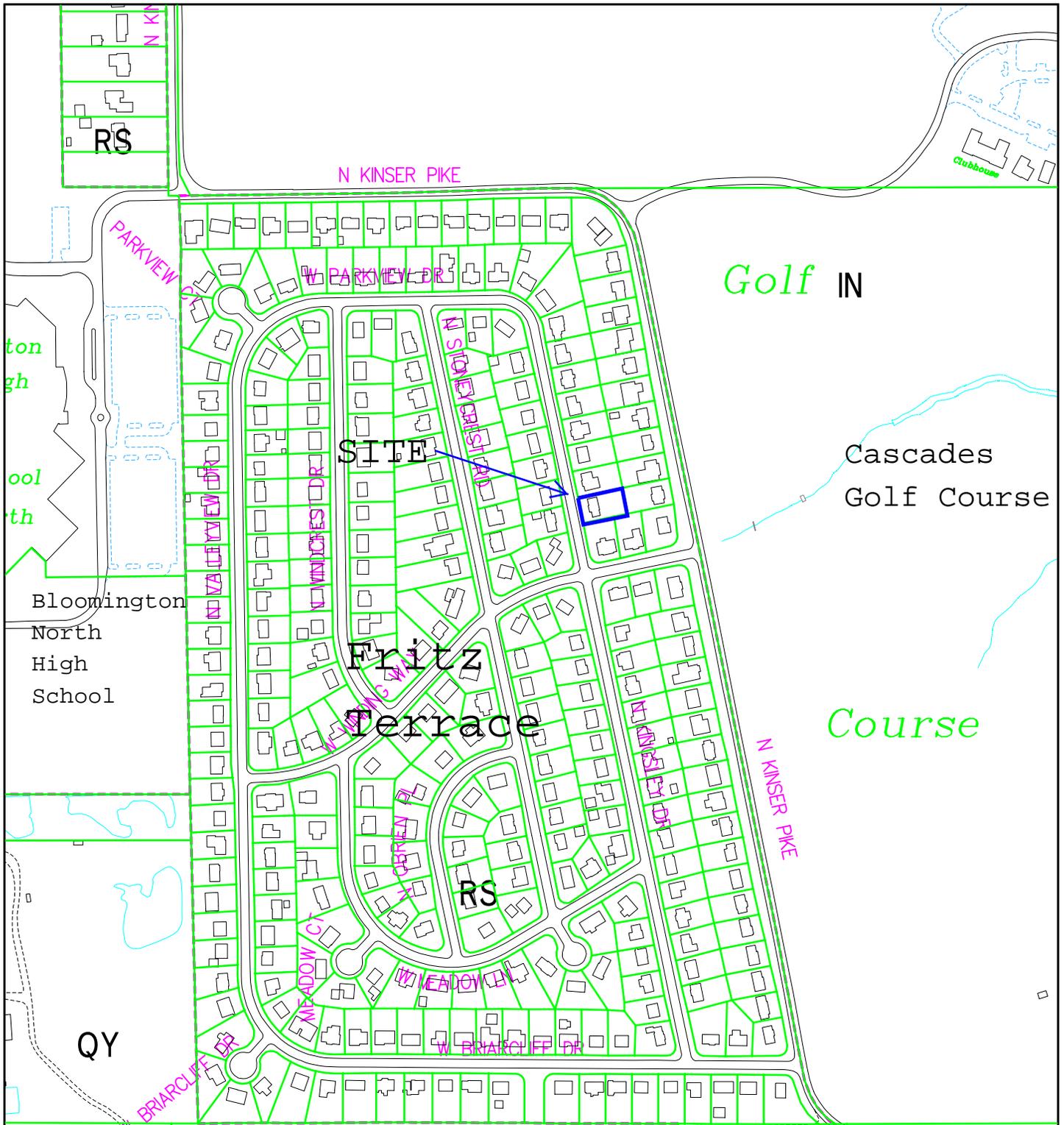
**Staff Finding:** Staff finds peculiar condition and practical difficulty with this request. The proposed variances from the hours of operation and area limitations were not created with a short term rental in mind. This is a unique use and situation that does not fit perfectly into the home occupation requirements of the UDO. Without variance, the proposed use would not be allowed at all. Regarding the home occupation requirement to place sidewalks, staff finds peculiar condition in the location of this site due to the combination of the lot being found

within a fully developed subdivision with no sidewalks and the lack of connection to an existing pedestrian network. The placement of sidewalk will not increase the pedestrian nature of the area.

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**RECOMMENDATION:** Staff recommends approval of CU/V-21-12 with the following conditions:

1. This approval only runs with the proposed home occupation.
2. The short term rental of the structure is limited to a maximum of 40 days per year.

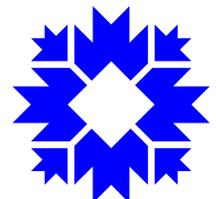


CU/V-21-12 KEEGAN WHITE  
 3412 N. KINGSLEY DRIVE  
 LOCATION/ZONING/LAND-USE MAP  
 BOARD OF ZONING APPEALS

By: shayp  
 15 Jun 12



City of Bloomington  
 Planning



Scale: 1" = 400'

For reference only; map information NOT warranted.

To the Board:

My name is Keegan White, and I am the owner and occupant of 3412 Kingsley Dr, a 925 square foot single-family home on a 9750 square foot lot in Fritz Terrace, a Single Family Residential Zone between Cascades Golf Course and Bloomington HS North. The home is currently used as a single family dwelling, but I am writing to appeal a zoning violation at this site that would allow me to host paying guests. As part of the appeal, I will also request a variance from the home occupation standards, and request conditional use to allow short-term home occupation.

**Proposed Use:**

To occasionally host guests using a new and exciting space-sharing website called [www.Airbnb.com](http://www.Airbnb.com). This website allows homeowners to host guests in their home, similar to [Couchsurfing.org](http://Couchsurfing.org), but with the structure and quality control of a bed & breakfast. All of my guests must complete a profile, including photographs, recommendations, reviews, and have their information verified through the website. All money exchange occurs through the website's secure server, and any income is automatically reported to the IRS (I receive a 1098 form each year).

**Site Occupancy:**

Guests must be over the age of 21 to book through the site, and my maximum occupancy is 4 people. I am still the primary occupant, and Airbnb is primarily a hobby and small supplemental income. I expect I will be hosting guests on weekends and holidays for 2-4 days at a time, and for no more than 40 days a year.

**Request for Variance from Home Occupation Standards 3 and 11:**

Standard 3: Maximum floor area of 15% will need to be exceeded, because this is not a home office situation. Instead, guests will be occupying nearly 85% of the home in order for them to have access to the bathroom, kitchen, and living facilities in addition to the bedroom. This is a necessity of hosting houseguests.

Standard 11: Because this is not a traditional business model, customers will be coming and going outside of the 8am-8pm hours mandated by the Home Occupation Standards. I would argue that this type of business necessitates 24-hour visitation, similar to a private gym or gas station. It is only reasonable to houseguests to come-and-go as they please.

**Demonstration of Compliance with Conditional Use Standards:**

Standards 1-4: Because the Building Use will be identical to that of its intended use, and that of the many other single-family dwellings in the vicinity, there will be no additional health or safety concerns, utility demands, or noise and light pollution. The guests are fellow travelers, are committed to the values of Airbnb, and therefore are respectful of the

neighbors, property, and neighborhood etiquette. Therefore, the character of the neighborhood will not be adversely affected, and the neighbors will not be bothered.

Standard 5: Because I limit the number of guests, and because they will have access to the driveway and garage, there will be no additional traffic or parked cars on the street. The city planner also noted the need for bicycle storage, which the over-sized garage will easily accommodate.

Standard 7-8: Hours of operation, lighting, and trash will all be in-line with a normal residential living situation, and there will be no signage beyond the normal house numbers. The listing of my home on Airbnb will not change the appearance, activity, or daily use of my property.

### **Why Airbnb Hosting is good for Bloomington:**

My home is more valuable, safer, and has better curb appeal thanks to hosting Airbnb guests. Not only can I host interesting visitors to Bloomington and supplement my teacher salary, but my participation in Airbnb also contributes to my strong sense of pride in my home. Now, more than ever, I keep my property clean and attractive year-round. I invest my Airbnb income into home improvements such as HVAC maintenance to ensure my home's safety, and modern, energy-efficient doors and windows. Because I'm so interested in attracting guests, I have the perfect incentive to take great care of my property and ensure that it represents the City of Bloomington well.

Before I close, let me tell you about two of my recent guests. First, Tom and his wife stayed in my home during IU's Parent Weekend last fall. Their daughter had just started at IU, and staying in my home enabled them to make the visit more affordable. They found a comfortable place to stay, with a kitchen to cook their meals and a cozy place to call their own for the weekend. They enjoyed their stay so much that Tom has already inquired about coming again this fall. The second guest was Alan, a 50-something businessman with a dog and a love for Bloomington. He stayed in my spare room so he could enjoy the town he loves, and I had a great time getting to know him. Without Airbnb, he may not have been able to stay here in town with his dog, and he certainly wouldn't have had such an enjoyable visit. I feel lucky to be able to share our wonderful town with gracious guests like Tom and Alan, and I hope I may continue to do so.

Sincerely,  


Here's what my listing looks like on the site (<http://www.airbnb.com/rooms/106572>):

## Private home with updated kitchen ★

House - Entire home/apt - N Kingsley Dr, Bloomington, IN 47404, United States

[Guidebook](#) [Reviews](#) 10

Photos
Maps
Calendar



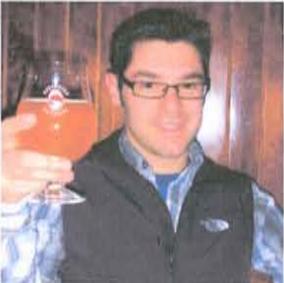
View from street

From **\$89** Per Night

Check in  Check out  Guests

Subtotal

Book it!



Keegan

Contact Me

Description
Amenities
House Rules

**Description**

My newly updated home is available weekends year-round, and longer during school holidays and summer. I have a very comfortable queen bed, as well as a guest bedroom with a comfy twin bed. The guest bedroom is also available for let (\$45/night) when I am living at home - please inquire for dates and details. My quaint 3-bedroom ranch is in a safe neighborhood near Bloomington High School North. My backyard is very private, and the patio well-stocked for a BBQ. Indiana University, downtown, restaurants, shopping, and recreation are all within a 10-minute drive. There is free street parking, and a bus route is only 1 block away. Brand new appliances in my fully-stocked kitchen. Free Wi-Fi and HD TV with BluRay player. Willing to accommodate 3, with room for 1 more on a couch or air mattress for \$15 extra. I don't have pets, but well-trained, friendly dogs are welcome. I am allergic to cats.

**Room type:** Entire home/apt

**Bed type:** Real Bed

**Accommodates:** 3

**Bedrooms:** 2

**Bathrooms:** 1

**Extra people:** \$15 / night after 2 guests

**Minimum Stay:** 2 nights

**Weekly Price:** \$599 /week

**Monthly Price:** \$1299 /month

**Security Deposit:** \$150

**Country:** United States

**Size:** 1000ft<sup>2</sup> / 93m<sup>2</sup>

**Cancellation:** Flexible

More about the host

**100%**  
Response Rate

**within a day**  
Response Time

**yesterday**  
Calendar Updated

Similar Listings

2.2mi away

\$45 per night

Reviews (10)
Friends (2)

**OVERALL GUEST SATISFACTION**

★★★★★

**ACCURACY** ★★★★★

**CLEANLINESS** ★★★★★

**CHECK IN** ★★★★★

**COMMUNICATION** ★★★★★

**LOCATION** ★★★★★

**VALUE** ★★★★★

## These are a couple of reviews left by my guests:



Hope

It was a just-right treat for my family and me to have Keegan's home to stay in while visiting my brother over Christmas. Keegan's house is simple but comfortable, with gorgeous red cardinals in the back yard and a grocery store nearby for cooking your own meals in his clean, cozy, light-filled kitchen. I loved the "vibe" of his home. I also loved that Keegan monitored Bloomington weather from his own trip and texted me mid-stay to let us know where the snow shovel was, just in case we needed it! I would like to stay in Keegan's home again some time.

December 2011



Mary Iec

We had a tremendous stay in Bloomington thanks to Keegan opening his house to us. We would definitely choose to do this again. It was great to have the use of a kitchen and the location worked well.

## Here are a few reviews I wrote of my guests:



### Review for Jennifer

Jennifer was a wonderful guest! She went above and beyond the duties of a guest, including washing the sheets and taking out the garbage. Her dogs didn't leave a trace! I would welcome them back any time!



### Review for Craig

Craig was a great guest - he was very neat and respectful of my space, and was a very friendly, trustworthy guy. I definitely recommend him as a guest or host!



### Review for Lucy

Lucy and her husband were very clean, respectful guests. They were very gracious, and were kind enough to strip the beds and put the sheets in the laundry for me. Highly recommended!



### Review for Larry

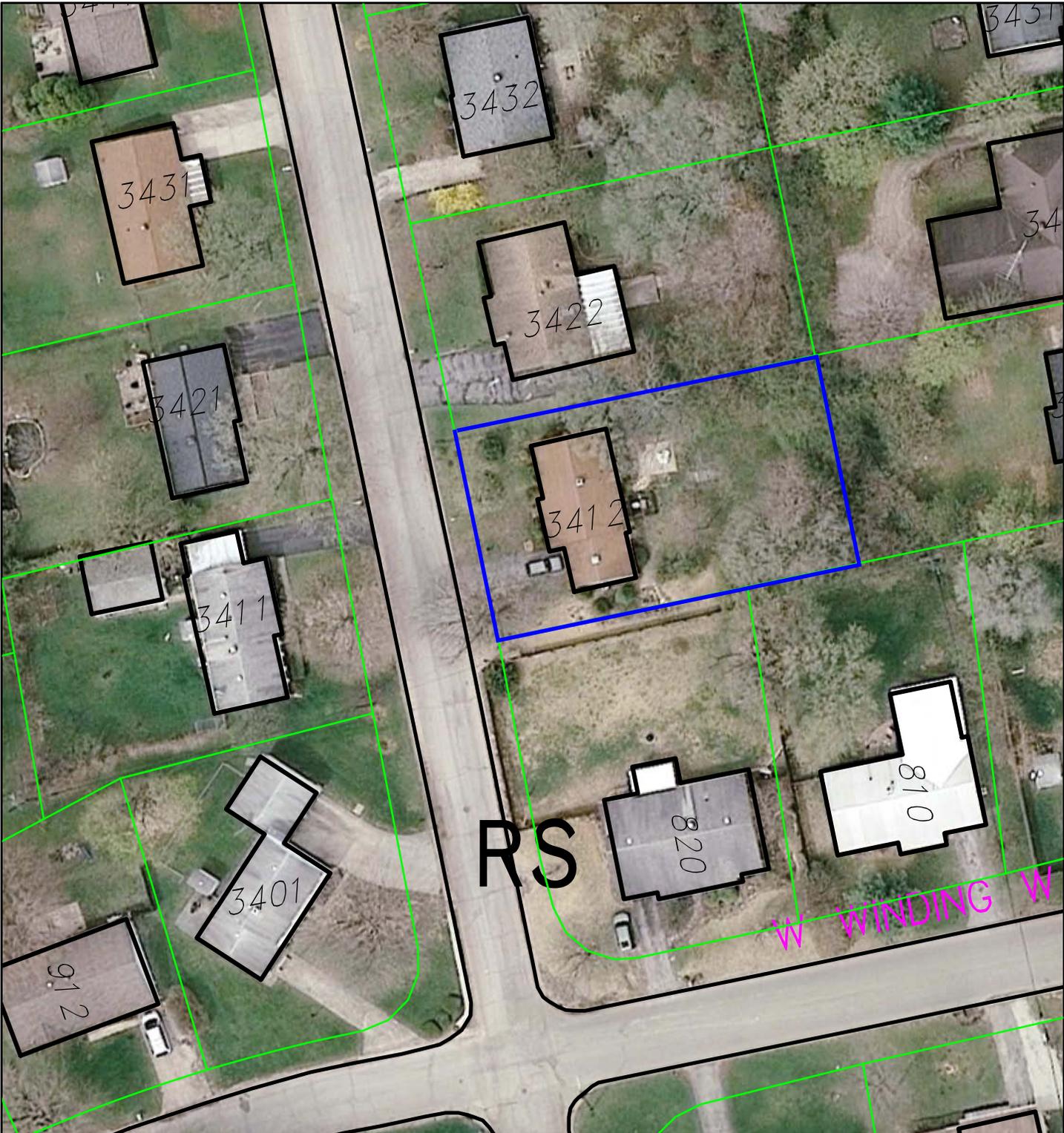
Larry was thoughtful and appreciative of my place. Left things tidy, cleaned dishes, and stripped the sheets before he left. He was easy-going, and overall was a great guest!



### Review for Jack

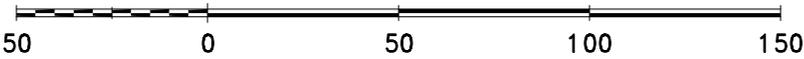
Jack and his family were great guests! My home was just as clean as I left it. They even washed the sheets and towels and started the dishwasher before they left!

**My House Rules for guests:** You are welcome to use the appliances and kitchen supplies, but please do not use excessive amounts of water or electricity. Please clean up any messes in the kitchen and return things to where you found them. Do not worry about cleaning the bathroom, linens, towels, or floors unless you have made a mess. There is no smoking in my home, and please refrain from hosting additional guests. There are picnic facilities less than a mile away at Cascades park, and plenty of great bars and restaurants nearby at which you can gather. You may park on the street, but please be courteous of my neighbors, and use the driveway first. Help yourself to my food, but please be sure to replace it before you leave.



CU/V-21-12 KEEGAN WHITE  
 AERIAL PHOTO

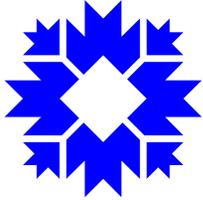
By: shayp  
 15 Jun 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 50'