

# CITY OF BLOOMINGTON



MAY 23, 2013 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL



**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT  
Location: 704 W. Country Club Drive**

**CASE #: UV/V-20-13  
DATE: May 23, 2013**

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**PETITIONER: Michael and Jan Lamm  
1912 S. Montclair Ave, Bloomington, IN**

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**REQUEST:** The petitioners are requesting use variances to allow an expansion of a lawful non-conforming multifamily use within a Residential Single Family (RS) zoning district. Also requested is a variance from parking requirements to allow an existing crushed stone drive to remain.

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**SUMMARY:** The petitioners' property is located on the north side of W. Country Club Drive approximately 300 feet west of its intersection with S. Milton Drive. The property has been developed in the past with 5 single unit structures. The property is also zoned for single family use and is therefore considered lawfully non-conforming. The petitioner is seeking an approval to remodel the southernmost structure along Country Club Drive and create additional finished space and an additional bedroom in an area that is currently an attached garage. They have also proposed to add a small deck to the structure.

To allow this expansion, the petitioners must receive a use variance from the Board of Zoning Appeals. The petitioners have proposed that one of the existing structures, a mobile home structure, be removed in conjunction with the modifications to the southern structure. The square footages of the additional area and the mobile home to be removed are similar in scale with the mobile home being 470 square feet and the garage area measuring 416 square feet. They have also requested that a small deck area be allowed to add a small amount of decking to one of the remaining structures in the future to replace the square footage that would be removed with the mobile home.

With this request, the petitioners would be required to pave the entire crushed stone drive that serves all of the existing structures. As this property has more than one unit, it is treated as multi-family in terms of paved parking requirements. If these structures were on their own properties, they would be permitted to utilize a stone drive. Due to the relatively small scope of work, the petitioners are seeking a variance to allow the existing drive and parking to remain unpaved.

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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 use variance request. An approval would not result in any net increase in the number of bedrooms and would result in one less structure. The use of the property will not change with this request.

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

**Staff Finding:** Staff finds no negative impacts. Again, the number of bedrooms and use is not changing with this request. The number of permitted occupants will actually decrease with this petition.

- (3) *The need for the use variance arises from some condition peculiar to the subject property itself; and*

**Staff Finding:** Staff finds peculiar condition in the combination of the long-standing history of these structures on this property, the large size of the parcel, and the proximity of several other properties with multiple single unit structures on an individual property. In addition, the proposal would not increase the number of bedrooms and would remove one of the lawful non-conforming structures.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and*

**Staff Finding:** Strict application of the UDO would not allow any individual building to add any bedrooms or new footprint. Although one structure is being proposed to remodel garage space into new living area, the increase is proposed to be offset by the removal of an existing mobile home structure. Staff finds this to be a more desirable proposal than the existing nature of the site.

- (5) *The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.*

**Staff Finding:** The GPP designates this property as “Urban Residential”. The fundamental goal of these areas is to “encourage the maintenance of residential desirability and stability.” Regarding infill development, the GPP states that it should be “consistent and compatible with preexisting developments.” Although the primary land use in this land use category is single family, multi-family housing is appropriate in some areas if designed to be compatible with preexisting developments.

The subject property has been used as residential units in the past. One of the structures has been remodeled and is currently occupied. A second structure is proposed to be remodeled with this request. A third structure would be removed with this request, while the remaining two structures would be remodeled in the future. With this request, staff would recommend that any future changes or expansions to the site would have to seek a new use variance approval.

The structures are all permitted to be remodeled. The Plan Commission found that the removal of one of the structures better meets the goals of the GPP than to not permit the remodeling of the existing garage area. This approval will allow continued improvement to a depressed property.

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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 variance request. An approval would not result in any net increase in the number of bedrooms and would result in one less structure. The stone drive and parking areas have existed for many years without any known safety issues.

- 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. The petitioners purchase these vacant structures that had fallen in disrepair and are proceeding to rehab the existing structures. This, in combination with the removal of an older mobile home structure, should not affect the surrounding properties in an adverse manner.

- 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 combination of the long-standing history of these structures on this property, the large size of the parcel, and the proximity of several other properties with multiple single unit structures on an individual property. In addition, the proposal would not increase the number of bedrooms and would remove one of the lawful non-conforming structures. Furthermore, staff finds that requiring the drive and parking areas to be paved would prohibit the proposal to move forward due to the economy of scale. The large amount of paving that would be required is not feasible for the minor changes that are proposed.

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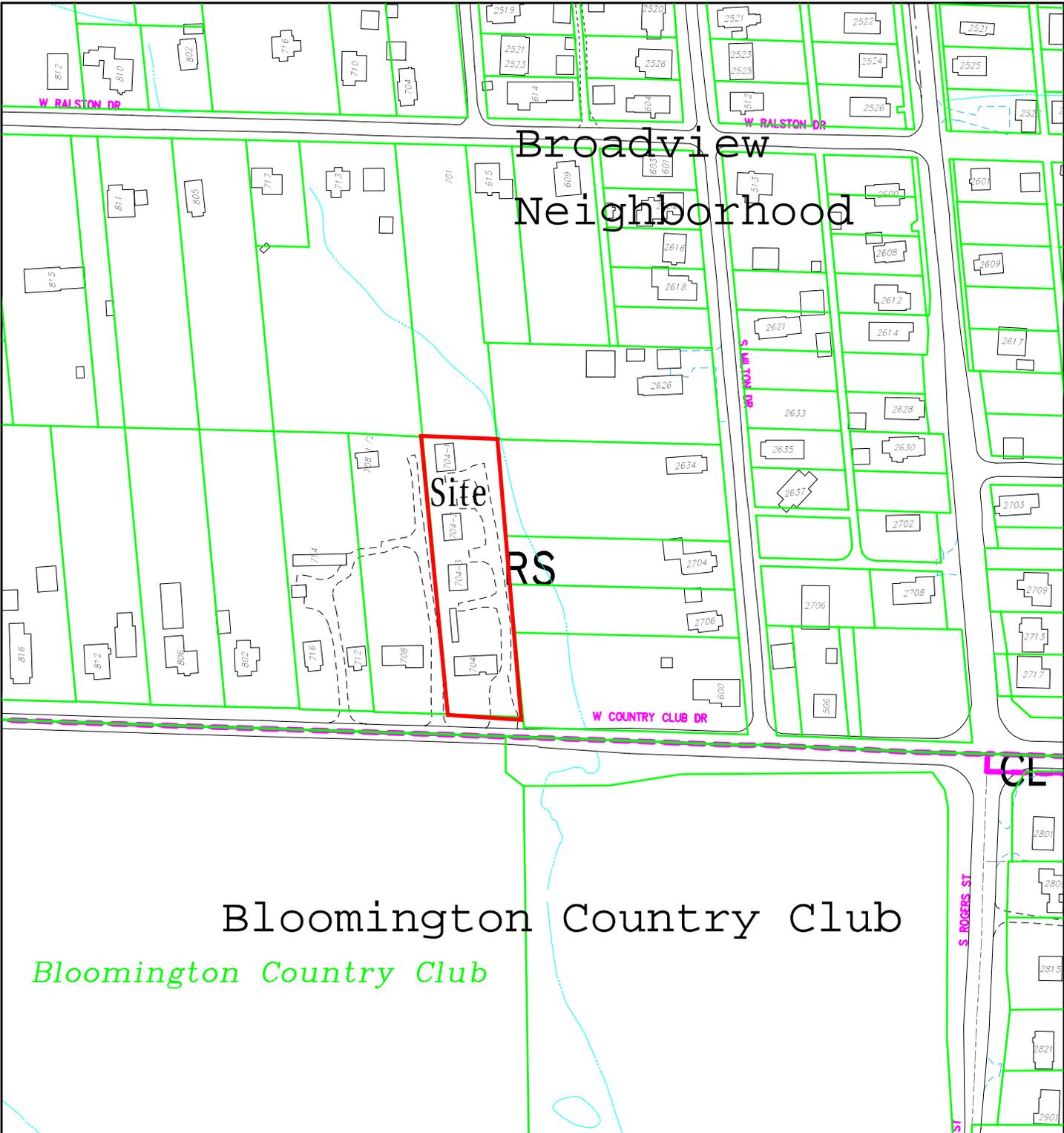
**PLAN COMMISSION RECOMMENDATION:** The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive

recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan and furthered many of the guiding principles.

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**RECOMMENDATION:** Based on the written findings of this report, staff recommends approval of UV/V-20-13 with the following condition:

1. Prior to receiving any building permits, the petitioner must record a deed commitment stating that the occupancy of all structures on the property is restricted to a maximum of 3 unrelated adults.
2. This approval does not allow for any additional expansions or enlargements of the existing structures. Any future expansions must receive a subsequent use variance approval.



Site

RS

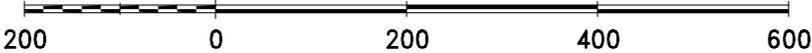
CL

Bloomington Country Club

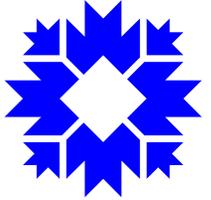
*Bloomington Country Club*

UVV-20-13 Michael and Jan Lamm  
 704 W. Country Club Drive  
 Location/Zoning/Land Use map

By: greulice  
 15 Apr 13



City of Bloomington  
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

**Petitioner's Statement:**

Joint ownership: Michael & Jan Lamm, Nicholas Lamm (son) Cynthia Cross (daughter).

Petition to reconstruct garage space into heated living space at house # 1 which is located at: 704 West Countryclub Drive.

Petition to exchange the mobile home (house # 2) for permission to reconstruct garage of house # 1 into living space.

Square footage of mobile home is 470

Square footage of garage is 416

Owners will permanently remove the mobile home from the lot and thereby reduce the occupancy load. Owners are requesting the right to use the square footage of the mobile home's decking on house # 1, 3, 4 or 5 to be determined at a later date.

**Size of lot:** 0.96 acres

**Location:** 704 W. Countryclub Drive, Broadview Park, lot number 217

**Surrounding Land Uses:** Residential, walking trail, golf course

**Current use:** House # 1 in process of reconstruction for joint owner occupation.

Mobile Home (house # 2) unoccupied.

House # 3 reconstructed and occupied by joint owner.

House # 4 unoccupied, to be reconstructed

House # 5 unoccupied, to be reconstructed

**Proposed use:** Occupation of house # 1 by Cynthia Cross, Occupation of house # 3 by Nicholas Lamm, future rental of houses 4 & 5 to special needs adults.

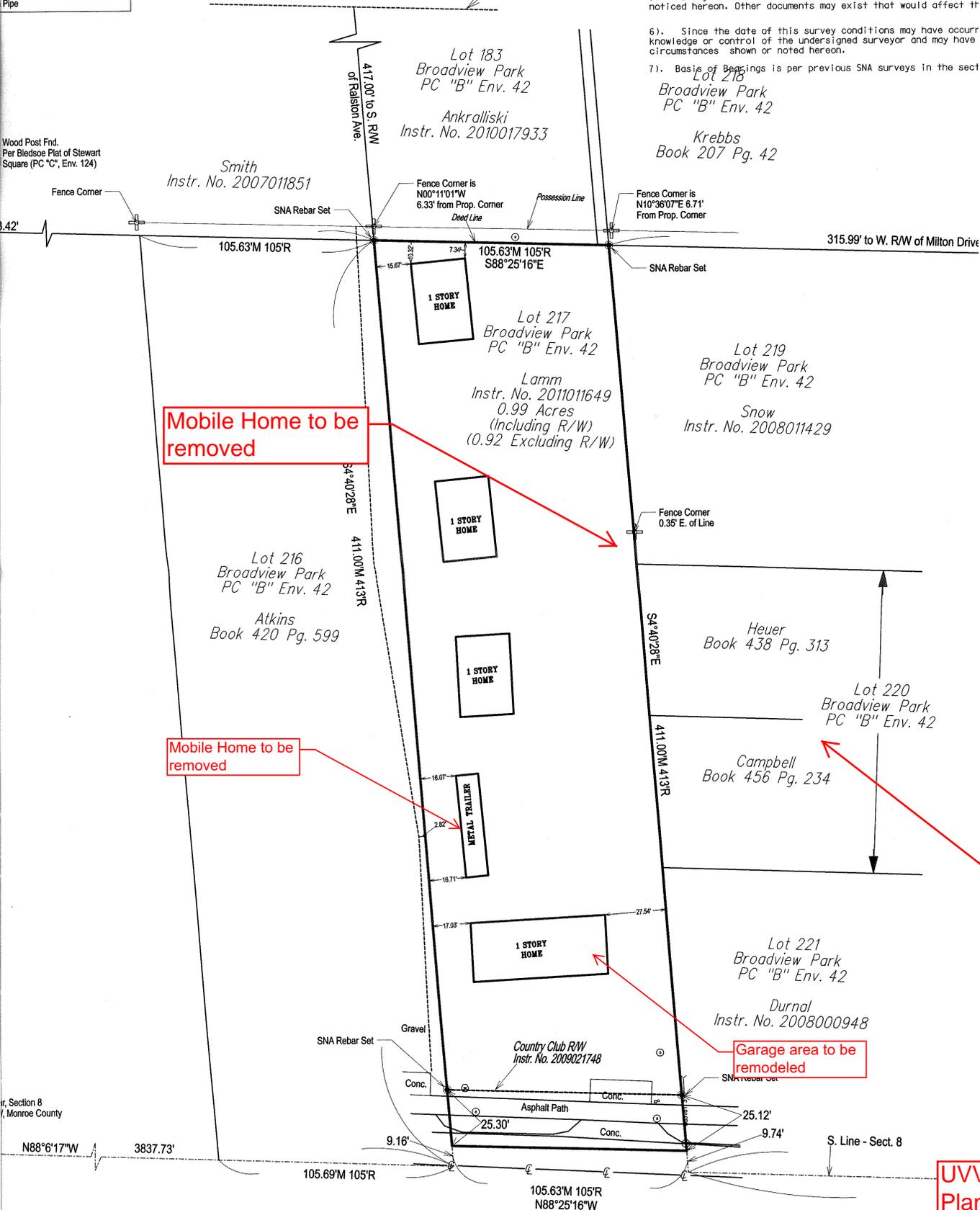
**Proposed lot use** to be accomplished in as natural and chemical free approach as possible. Our family chooses an organic lifestyle when at all possible. Planting of cross pollinating, semi dwarf fruit trees and organic vegetable garden beds are planned for 2013. Planned clean-up of the creek, which will then be planted with Indiana native wildflowers and other non invasive plants. Planting of ornamental and non fruit bearing trees is in progress. Improvements to the gravel driveway are in progress.

**Vehicular Access:** Gravel driveways & parking onsite

**Environmental Issues:** Old septic tank systems were converted to city sewer by the owners.

**ID**  
 R = Per Record Deed  
 Utility MH  
 Spike  
 Nail  
 Bar-Plastic Cap  
 Meter  
 Gas Corner  
 Road  
 Pipe

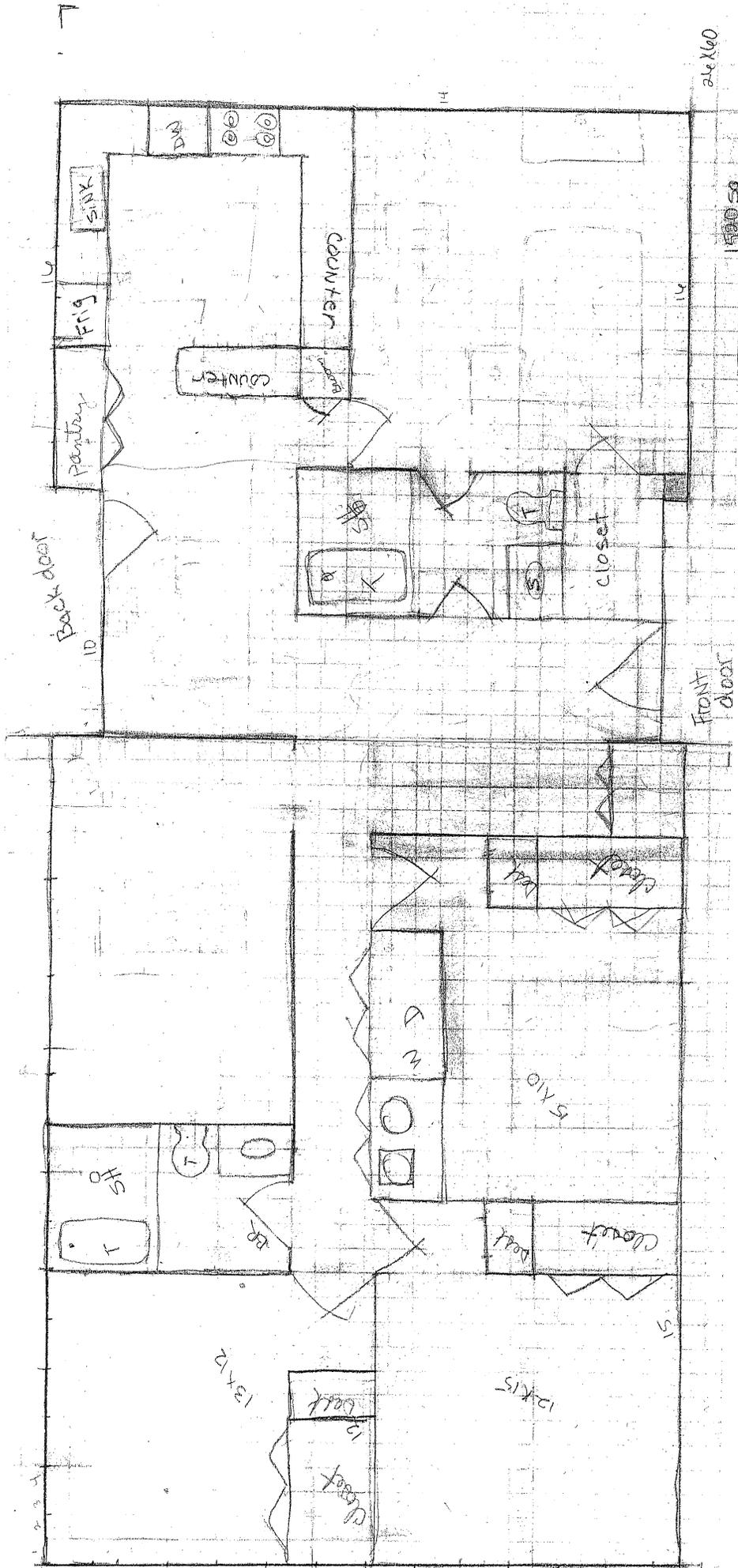
- SURVEY NOTES:**
- 1). Fieldwork for this survey was completed October 19, 2011.
  - 2). Indiana Underground was not contacted for a utility locat
  - 3). Subsurface and environmental conditions were not examined of this survey. No statement is made concerning the existence c containers facilities that may affect the use or development c
  - 4). No excavations were made during the course of this surve utilities and/or structures.
  - 5). Every document of record reviewed and considered as a pc noticed hereon. Other documents may exist that would affect th
  - 6). Since the date of this survey conditions may have occurr knowledge or control of the undersigned surveyor and may have circumstances shown or noted hereon.
  - 7). Basis of Bearings is per previous SNA surveys in the sect



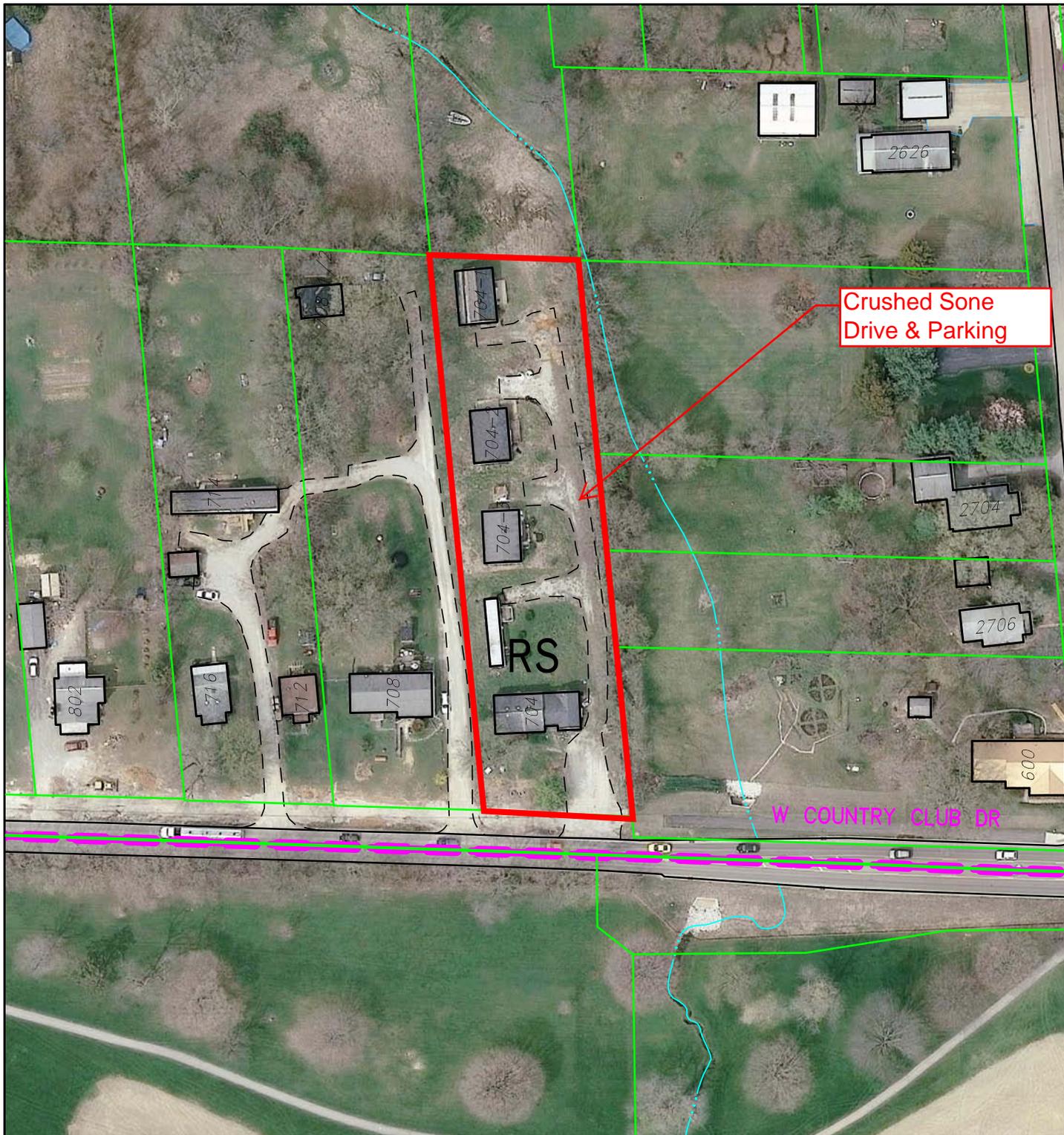
Section 8  
 Monroe County

**UVV-20-13 S  
 Plan**

**UVV-20-13 Site  
 Plan**

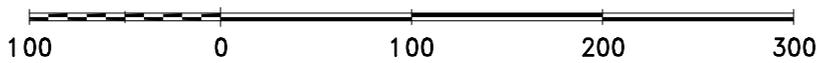


UVV-20-13  
Floor plan



UVV-20-13  
Aerial Photo

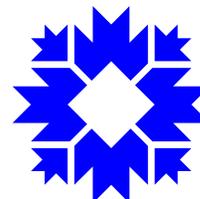
By: greulice  
15 Apr 13



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 100'

**BLOOMINGTON BOARD OF ZONING APPEAL  
STAFF REPORT  
LOCATION: 817 W. 8<sup>th</sup> Street**

**CASE#: CU/V-21-13  
DATE: May 23, 2013**

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**PETITIONER:** Michael and Erin Lee  
828 W. 7<sup>th</sup> Street, Bloomington

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**REQUEST:** The petitioners are requesting conditional use approval to allow a photography studio as a home occupation. Also requested are variances from home occupation standards.

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**REPORT SUMMARY:** The property is located on the south side of W. 8<sup>th</sup> Street between N. Waldron Street and N. Maple Street. It is zoned Residential Core (RC) and has been developed with a single family residence. The property is surrounded by single family residential uses on all sides. The petitioners intend to purchase the house and wish to operate a photography studio from the residence and a detached garage.

The petitioners currently operate a photography business as an exempt home occupation from their home on 7<sup>th</sup> Street. From this location they do not bring any clients to the house. At the proposed location, they intend to expand the scope of their business and begin to offer portrait sittings. They intend to conduct much of the business from an existing 672 square foot detached garage. The garage includes a partitioned room where there would be meeting space, a bathroom and a changing room for the photography studio. General computer and office use would take place in the house. The car parking area of the garage would be a shared use space. Most of the time, this space would be used for parking the petitioners' car. When a customer would like to have a portrait taken, the petitioners would remove their car, lower a backdrop, and set up lights for the photographs.

In addition to the conditional use required for the home occupation, the petitioners are also requesting variances from the requirements that a home occupation not take place in a detached structure and a variance from maximum home occupation square footage to account for the shared use space of the car parking area. The UDO prohibits a home occupation to account for more than 15% of the square footage of the house. The maximum for this house is 233 square feet. With the use of the car parking area of the garage for occasional portraits, the square footage increases to the entire 672 square feet of the garage.

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

1. Operator Residency Required: The petitioners will live in the home.
2. Maximum Number of Nonresident Employees: The petitioners are aware that only one (1) employee who does not reside in the house is permitted.
3. Maximum Floor Area: The house is approximately 1,500 square feet. The petitioner plans to use 115 square feet of the garage exclusively for the home occupation and the remaining 557 square feet for occasional use. A variance is requested to use more than 233 square feet for the home occupation.

4. Multiple Home Occupations: Only one home occupation is planned.
5. Residential Character: The petitioners will not be making any changes to the exterior of the residence for this request.
6. Location and Entrance: A variance from this standard is being requested
7. Outdoor Display and Storage: No outdoor display is planned.
8. Sales: No direct sales are planned.
9. Signage: The petitioners are aware of the signage requirements. A single, 2 square foot sign is permitted on the wall of the house.
10. Off-street Parking and Loading: No additional driveway is planned. There is adequate parking on the existing driveway off of the alley.
11. Hours of Operation: The petitioners are aware of the limitation on hours of operation, 8:00 AM to 8:00 PM.
12. Commercially Licensed Vehicles: No commercial vehicles are proposed.
13. Deliveries: The petitioners are aware of limitations on deliveries being conducted by typical residential delivery services.

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## Criteria and Findings for Conditional Use Permits

### 20.05.023(b) Conditional Use; General Standards

No Conditional Use approval shall be granted pursuant to *Chapter 20.09: Processes, Permits, and Fees* 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;*

**STAFF FINDING:** The Growth Policies Plan identifies this area as “Core Residential” and lists single family residential development as the primary land use with some additional uses, including home occupations.

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

**STAFF FINDING:** No additional lighting will be required for this proposed home occupation. Staff finds no concerns regarding noise, smoke, odors, vibrations, or lighting.

- 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 FINDING:** Staff finds no adverse impact from this use. The house will continue to function as a single family home and will not change in appearance. There is adequate parking on the driveway and attached garage to provide parking

needs for the residence and customers.

- 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 FINDING:** This use requires no additional infrastructure service improvements.

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

**STAFF FINDING:** The use is a low traffic generator and will not draw significant amounts of traffic through the neighborhood streets.

- 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 FINDING:** No exterior changes are being proposed with this home occupation.

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

**STAFF FINDING:** No special lighting or unusual hours of operation are proposed with this request. The business will not operate after 8 PM.

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

**STAFF FINDING:** Signage for a home occupation is limited to a maximum of two square feet [BMC 20.05.051(e)(9)] which is in keeping with the residential character.

- 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 FINDING:** There are no additional conditions for home occupations.

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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.

- 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 petitioners have presented numerous letters of support from immediately adjacent neighbors and the Near West Side neighborhood association. The home occupation will not create any impacts different than a complying home occupation.

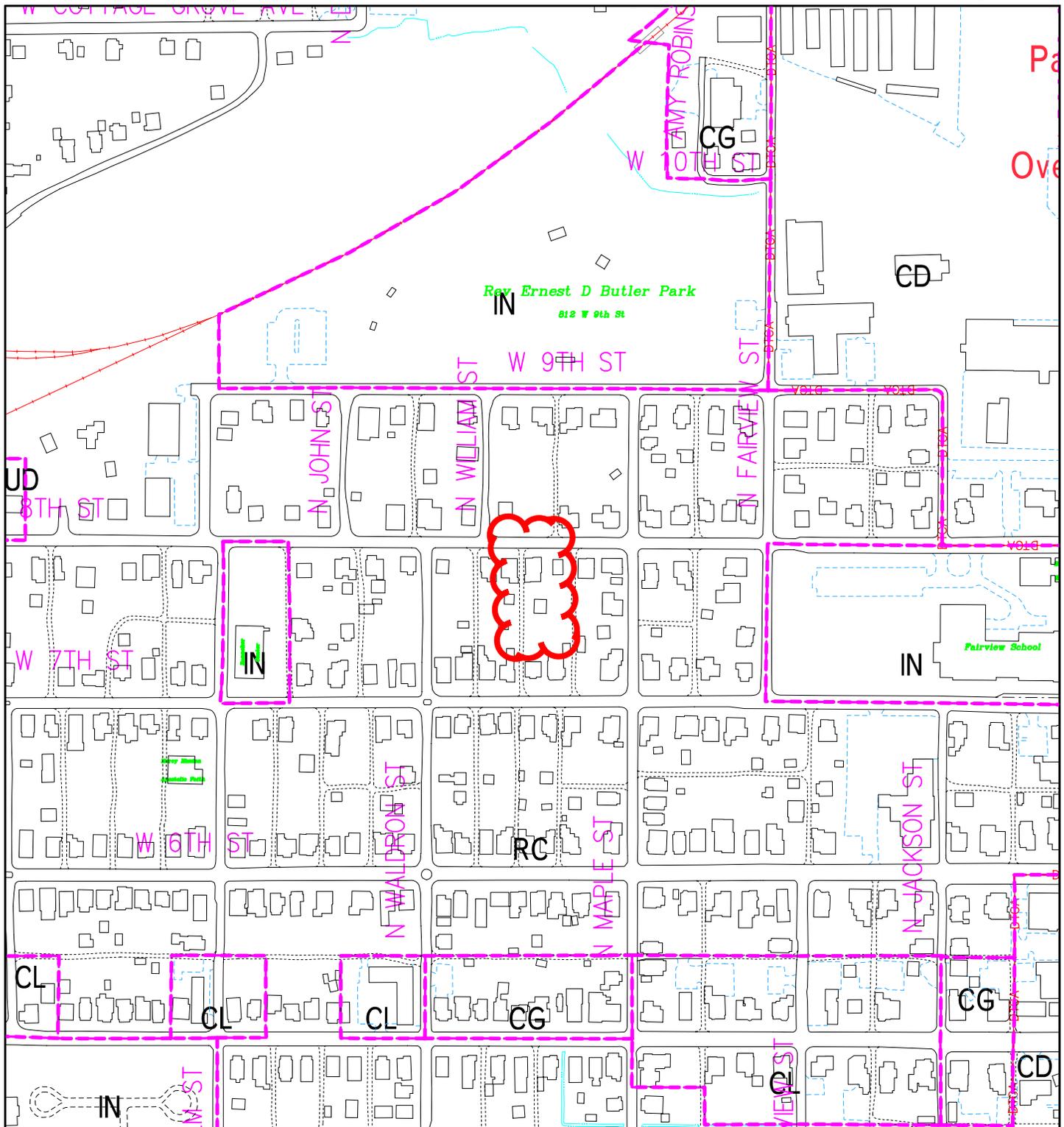
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in that the existing house contains small rooms with low ceilings that will not permit the appropriate space necessary for portraits in one of the rooms inside the house. The intent of prohibiting detached structures from being used for home occupations is to limit the scale of the home occupation and to prohibit the construction or remodeling of a freestanding structure specifically for a commercial use. Peculiar condition is found in the uniqueness of this request and the fact that the garage will only be used intermittently for the home occupation and would otherwise continue to be used for a residential garage. Staff finds practical difficulty in not permitting the shared use of the garage. It will continue to be used as a garage and would not permit the independent use of this structure as a commercial use. This particular style of home occupation has specific space needs that can not be accommodated in the house. It is unlikely that any home in the near west side would have rooms with the appropriate size and ceiling height necessary for portrait photography.

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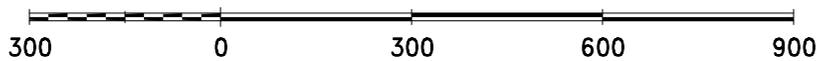
**RECOMMENDATION:** Based on the written findings above, staff recommends approval of this petition with the following conditions:

1. Any future signage must receive a sign permit.
2. Petitioners must provide complying bicycle parking.
3. The variances apply only to the proposed photography studio. Any future home occupation must meet the home occupation standards in effect at the time of approval.
4. No changes may be made to the garage to prohibit the continued use for parking of a car.

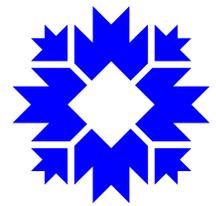


CU/V-21-13  
Location Map

By: roachja  
7 May 13



City of Bloomington  
Planning



Scale: 1" = 300'

**Proposal Letter to Planning Department Requesting a Variance for a Home Occupation Allowing Home Purchaser to Use a Portion of the Home's Detached Garage for a Photography Studio**

Michael and Erin Lee  
Currently of 828 W 7<sup>th</sup> St., Bloomington, IN 47404  
For the property at 817 W 8<sup>th</sup> St, Bloomington IN 47404

Bloomington Planning Department  
c/o Jim Roach  
PO Box 100  
401 N. Morton St., Suite 160, City Hall  
Bloomington, IN 47402

April 17, 2013

Dear Bloomington Planning Department

This proposal letter is to request a variance from a traditional home occupation so that we are able to use the detached garage of 817 W. 8<sup>th</sup> St. as a workspace and studio for our photography business upon moving.

**Background:**

We are primarily location photographers (weddings, portraits, and events) but would like to be able to take a few portraits in a studio based at our home. Our on-site volume would be very low, as we estimate no more than one or two clients per week as an average. While, during the year, this number could vary slightly, we would never take more than four or five clients on any given week because of our off-site workload. We intend to remain location photographers but desire this ability to build our business based on the demands and requests of community members and to enjoy a reasonable financial return on our potential property.

**Support of Favorable Findings:**

In our opinion, the detached garage is the most effective space for this task. First and foremost, operating from the garage would cause no disturbance to neighbors, would not change the spirit of the neighborhood, nor infringe on a neighboring property owner's rights, use, or enjoyment of their own land. Our small, on-site client volume and nature of the work (one person headshots, primarily) would put no strain on parking as we only have one car and there is space for at least two cars off the street and on the paved parking lot attached to the garage and home (see attached site plan). We would not be creating any noise or other negative environmental impact. We would necessitate no signage or advertising on the property.

### Studio Needs:

Below, we explain why our specific needs demonstrate the peculiar conditions of the property that necessitate a variance for this garage that, when built, was not allowed to be attached to the home because of this historic district zoning. (Please see attached site plan for reference)

1. Creative photography necessitates a space that has ample room, angles, convertibility, and lighting options.
  - a. Ideally, we would have at least one useable space that has at least 25' of length and 14' of width. This length would allow us to use a variety of lens lengths to achieve full-length portraits (with no distortion) and compressed headshots (for example, by using a 200mm lens). This width would allow us to use a 9' paper roll with portable lights and modifiers placed on both sides.
  - b. Ideally, we would be able to use at least three walls of the studio room to allow optimal options for natural lighting, angles, and convertibility.
  - c. Ideally, there would be a private space including a bathroom for clients to change clothes and prepare for a portrait session.
  - d. Ideally, this space would be separated from our living space so that clients would not need to maneuver through our personal effects and spaces.
  
2. Existing rooms in the home
  - a. No room in the house, proper, satisfies the needs for a studio space for the following reasons:
    - i. No room satisfies the minimum length requirement.
    - ii. All rooms in the home, proper, are accessible only by steps that would prevent disabled clients from access without the addition of an unsightly ramp given the historic nature of the home and neighborhood.
    - iii. While not satisfying length requirements or accessibility issues, the two most logical room options that have their own exterior doors (the dining/sun room and the bedroom/office) pose additional problems. For example:
      1. The Dining/Sun Room has an exposed beam through the center of the room that would prevent appropriate lighting and angles. Natural light only comes from one side.
      2. The Bedroom/Office has a short, vaulted ceiling that would prevent proper placement of a paper roll. Natural light only comes from one side.
  
3. The Existing Garage
  - a. The garage is broken into four rooms (Please see attached site plan)

- b. The "Garage" space provides appropriate ceiling height (9'), total length (28') and total width (15'5") for a studio space.
- c. Ideally, we would use the extra room, the "Work Space" in the garage as a meeting room and a place to securely store equipment. In this room, there is also a small "Bathroom" where clients could change clothes and check makeup, etc.
- d. We could continue to use the "Garage" side as a garage except for the few times a week when we could roll down the backdrop and position lights for the few portrait sessions.
- e. The garage building is level to the ground with no steps leading into it. If a client were disabled, the access through the main garage door or even the existing garage door would be easy and accessible.
- f. There is plenty of room for the inclusion of an inverted U-shaped bicycle rack in concrete in the parking lot of the garage.

#### **Neighbors and Neighborhood Association Support:**

We have explained the above to every adjacent neighbor of 817 W 8<sup>th</sup> St. and have subsequently received his or her verbal and written support in letters/emails directed to Jim Roach of the Bloomington City Planning Department and us (please see attached).

1. Burhan Elturun, 810 W. 7<sup>th</sup>
2. Linda Handelsman, 814 W. 7<sup>th</sup>
3. Wayne and Mary Young, 822 W. 7<sup>th</sup>
4. Cassaundra Huskey, 826 W. 7<sup>th</sup>
5. Leia Fanelli, 823 W 8<sup>th</sup>
6. Margaret Key, 811 W 8<sup>th</sup>
7. Marti Crouch, 824 W 8<sup>th</sup>

We have also spoken at the most recent meeting of the Near West Side Neighborhood Association on April 16, 2013 at which Katie Bannon from Bloomington City Planning also attended. At this meeting, we received the verbal support in the form of a vote by all board members and attendees present. Subsequently, on April 17, 2013, we received the written support of the association in an email from the secretary of the association, Steven Janowiecki, directed to Jim Roach and us (please see attached)

#### **Best Solution:**

The garage, as it stands currently, is an optimal place that would not be any more of an impact than a complying home occupation. It would create no burden on neighbors and would, in fact, prevent over- or non-ideal use of specific rooms in the house, proper. It would also allow us to conduct a more effective and simple business operation that's beneficial to community members in line with the type of artistic/creative endeavor that the Near West Side neighborhood supports and

encourages. Any other improvements made to the home, allowing us to have a smaller-than-desirable studio in it would, in fact, cause more of an invasion, inconvenience, environmental impact, and unnecessary change to the current, quality setting and structure of the property. For example, the addition of a ramp to the home, proper, would similarly create an unnecessary change whereas the garage is currently on the ground level immediately adjacent to parking spaces. The addition of a breezeway to attach the garage to the home would create an eyesore that would not be in accord with the neighborhood's historic nature.

Ultimately, this low use request would simply allow us to continue growing an artistic business in an arts-supporting community and neighborhood while not adversely impacting neighbors or the neighborhood in any possible way. The support of all adjacent neighbors and the neighborhood association suggests that we are welcome and encouraged to proceed with this plan.

Respectfully submitted,

Michael and Erin Lee, Petitioners  
828 W 7<sup>th</sup> St.  
Bloomington, IN  
47404  
540.746.6453

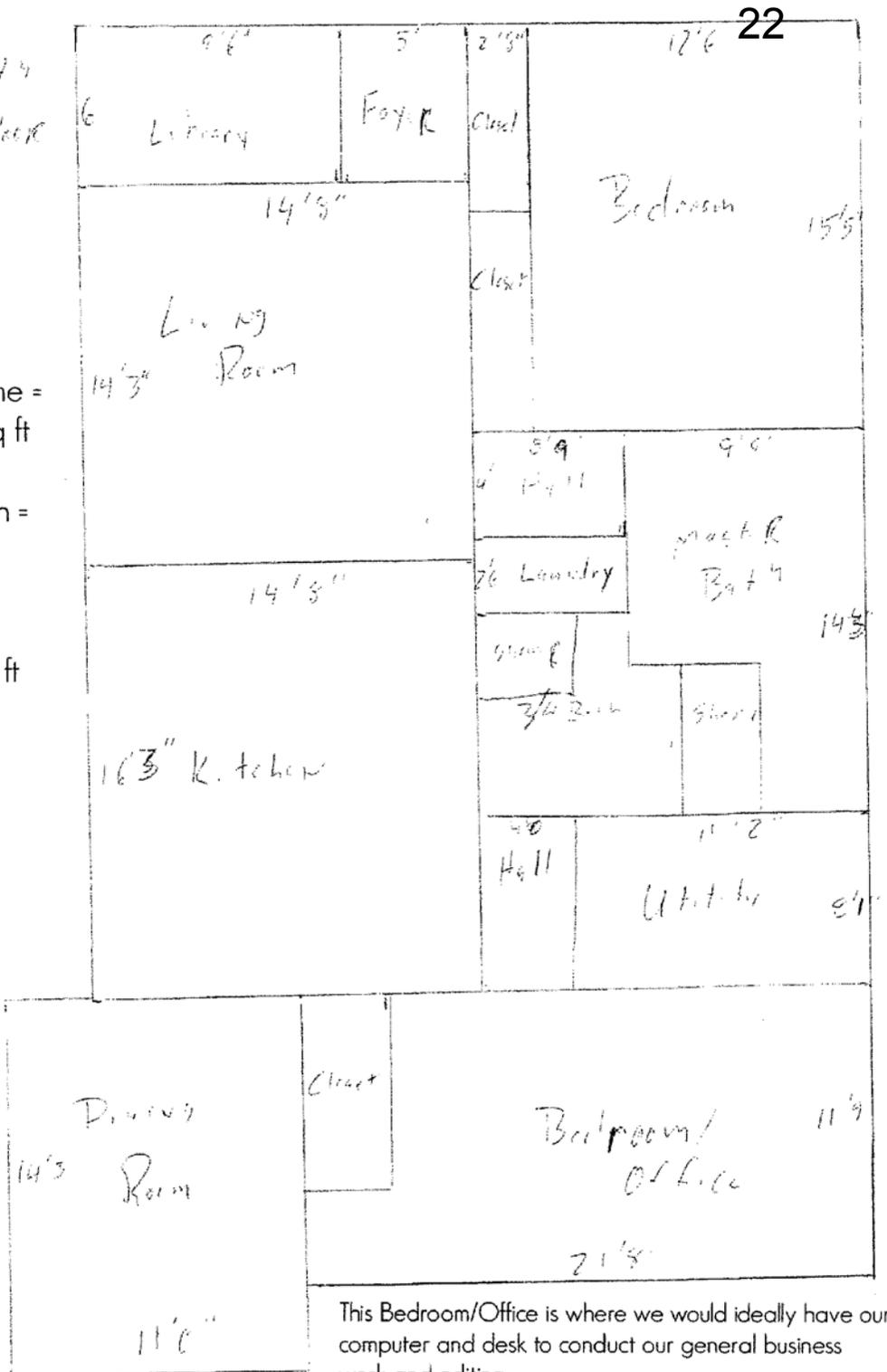


817 W 8th  
House Floor  
Plan

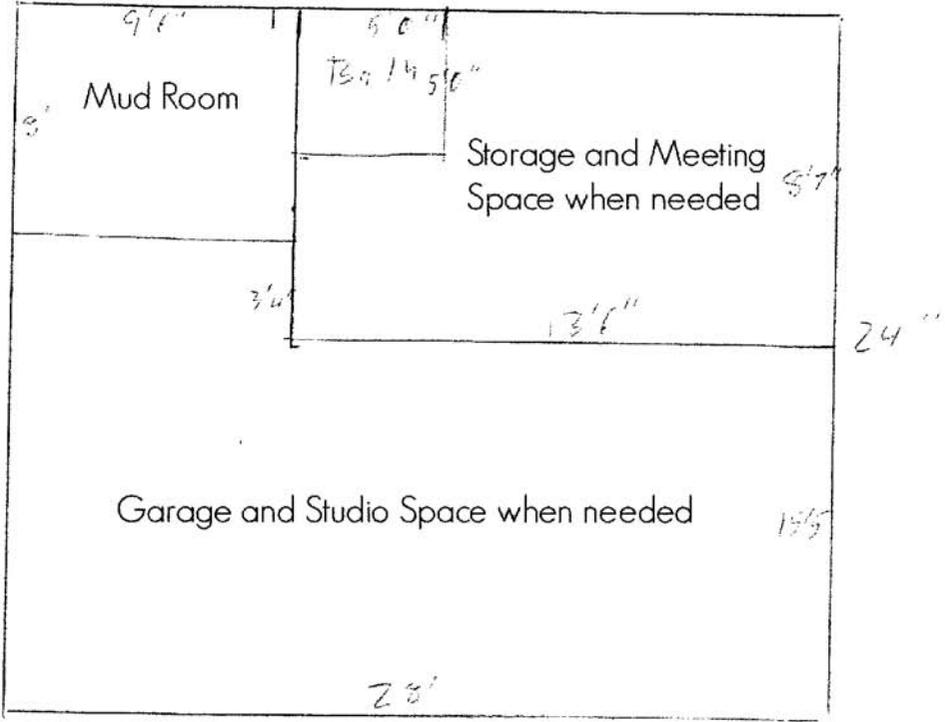
Main Home =  
1619.49 sq ft

Front Porch =  
75 sq ft

Deck =  
249.65 sq ft



This Bedroom/Office is where we would ideally have our computer and desk to conduct our general business work and editing.



§17 W §<sup>th</sup>

Garage Floor Plan

672 sq ft total

Note

Attic Storage Space  
 5' x 28' with 6' ceiling

Steven Janowiecki  
Secretary, NWSNA

April 17, 2013

To:  
City of Bloomington Planning Department  
401 N. Morton Street Suite 160  
Bloomington, Indiana 47402

To whom it may concern:

At the most recent Near West Side Neighborhood Association meeting (16 April 2013), a resolution was passed to express our enthusiastic support for Erin and Mike Lee's planned photography studio business at 817 W 8th. Their business will be a wonderful addition to the neighborhood, and we will be lucky to have them.

Sincerely,

Steven Janowiecki  
(419) 889-1781  
sjanowie@astro.indiana.edu  
Secretary, Near West Side  
Neighborhood Association



Photo by Tall & Small Photography

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## 817 w. 8th

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Wayne Young <wayne1732@comcast.net>

Wed, Apr 3, 2013 at 4:57 PM

To: "roachja@bloomington.in.gov" <roachja@bloomington.in.gov>

Cc: "info@tallandsmallphotography.com" <info@tallandsmallphotography.com>

Hi Jim,

817 is the address that Mike and Erin Lee want to use as a home based business. I share the alley with 817 at 822 w. 7th and so would probably be affected any major traffic concerns on the alley. My wife and I support their plan to have a photography studio in the garage and we hope you will permit it.

Wayne Young  
8123365912

Sent from my iPad

CU-V-21-13, Letter of support



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**variance - 817 W 8th St**

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Leia Fanelli <lfanelli@yahoo.com>

Tue, Apr 2, 2013 at 9:05 AM

Reply-To: Leia Fanelli <lfanelli@yahoo.com>

To: "roachja@bloomington.in.gov" <roachja@bloomington.in.gov>

Cc: "info@tallandsmallphotography.com" <info@tallandsmallphotography.com>, Leia <lfanelli@yahoo.com>

Mr. Roach,

I am writing in regards to a property at 817 W 8th St. adjacent to my own. Potential new home owners of 817 W 8th St., Mike and Erin Lee, are photographers. I have no issue with their intent to utilize the detached garage on this property as part of their business operation. They have assured me that since they are mostly location photographers the actual amount of business traffic at 817 W 8th St. would be minimal. As long as this declaration is maintained, I have no issue with the activity and their intended use of the property.

Regards,

Leia Fanelli

(owner, resident at 823 W 8th St.)

CU-V-21-13, Letter of support



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## 817 W. 8th Street

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Cassandra <chuskey@gmail.com>

Fri, Mar 29, 2013 at 7:15 PM

To: roachja@bloomington.in.gov

Cc: info@tallandsmallphotography.com

Hello. I'm neighbors with Erin & Mike Lee- beside their current location at 828 W. 7th and behind their planned new location at 817 W. 8th Street. They have explained that they'd like to use the detached garage as an occasional portrait studio. I am in support of that use, and look forward to having them as neighbors for many years to come.

Feel free to give me a call if you have any questions or require other documentation.

Sincerely,

Cassandra Huskey  
826 W. 7th Street  
Bloomington, IN 47404  
[812-345-8354](tel:812-345-8354)

CU-V-21-13, Letter of support



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## 817 W 8th

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Linda Handelsman <ibake@comcast.net>

Thu, Mar 28, 2013 at 10:09 AM

To: roachja@bloomington.in.gov

Cc: info@tallandsmallphotography.com

Dear Mr Roach,

I am writing to give my support to the request by Erin and Mike Lee to receive a zoning variance to operate a photography studio in the garage of 817 W 8th St, which they intend to purchase.

I reside at 814 W 7th St, and my backyard faces theirs directly north. There are no trees or shrubs between our yards, and their garage and home-to-be are in direct view out my kitchen windows and immediately beyond my vegetable garden, where I spend a lot of time in the summer. I would not be negatively impacted by one or two vehicles being parked in the space in front of the garage, (and in fact this would not differ at all from the parking by other neighbors along our alley on this block) and their proposed use would not create any noise or odors or any other perceivable nuisance. They have been very proactive in reaching out to the neighbors and initiating dialogue, and I believe they will do everything possible to keep the neighbors happy.

Sincerely,  
Linda Handelsman

CU-V-21-13, Letter of support



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**RE: photography business at 817 W. 8th St.**

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Key, Margaret Susan <mskey@iu.edu>

Wed, Mar 27, 2013 at 3:39 PM

To: James Roach <roachja@bloomington.in.gov>

Cc: "info@tallandsmallphotography.com" <info@tallandsmallphotography.com>

Dear Mr. Roach,

Thank you for your reply. According to their letter to me, Erin and Mike expect to have 1-2 customers at their house per week. That's fine with me.

Margaret Key

**From:** James Roach [mailto:roachja@bloomington.in.gov]

**Sent:** Wednesday, March 27, 2013 11:07 AM

**To:** Key, Margaret Susan

**Subject:** Re: photography business at 817 W. 8th St.

Thank you for the e-mail, Ms. Key.

The Lees would like to purchase the house at 817 W. 8th street and live there. They would also like to operate a home business from the property. Home businesses are permitted in neighborhoods if they meet certain very specific conditions about their operation.

They intend to use the house to conduct business on the phone and the Internet and occasional see clients. The vast majority of their work is wedding and events away from the house. They would also like to use as existing detached garage as a part time portrait studio. They anticipate they may see 3-5 portrait customers coming to the house in a typical week.

Unfortunately, 2 parts of their plan does not meet the City's conditions for home businesses. They plan to conduct part of the business from the detached garage, however City code requires that all activity take place in the main house They also plan to use a larger percentage of the floor area of the house/garage for the business than would normally be permitted.

A meeting has not been scheduled yet to discuss this, but it will most likely be heard by the Board of Zoning Appeals on Thursday, May 23rd. It will also likely be heard at the April 16th Near West Side neighborhood association meeting.

Please let me know if you have any other questions or concerns.

Jim

CU-V-21-13, Letter of support

On Wed, Mar 27, 2013 at 9:47 AM, Key, Margaret Susan <mskey@iu.edu> wrote:

Dear Mr. Roach,

I live next door to 817 W. 8<sup>th</sup> St. Last night I received a letter from Erin and Mike Lee, who will soon be moving into 817 W. 8<sup>th</sup> St., asking that I e-mail you my approval of running their photography business from the detached garage on their future property.

<snip>

Is there some information that you can provide me?

Thanks in advance,

Margaret Key

811 W. 8<sup>th</sup> St.

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James C. Roach, AICP  
Senior Zoning Planner

401 N. Morton Street, Suite 160  
PO Box 100  
Bloomington, IN 47402

Phone: 812-349-3423  
Fax: 812-349-3535

CU-V-21-13, Letter of support



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## I would be your adjacent neighbor (when and if you buy this property) and have a question...

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**Elturan, Burhan** <belturan@indiana.edu>  
To: TALL+small Photography <info@tallandsmallphotography.com>

Thu, Mar 28, 2013 at 4:26 PM

Thanks neighbors for further information.

And welcome to your new home and studio.

I will support your business and encourage others in NWSNA to do so.

Best,

Burhan

**From:** TALL+small Photography [mailto:[info@tallandsmallphotography.com](mailto:info@tallandsmallphotography.com)]

**Sent:** Tuesday, March 26, 2013 4:36 PM

**To:** Elturan, Burhan

**Subject:** Re: I would be your adjacent neighbor (when and if you buy this property) and have a question...

[Quoted text hidden]

CU-V-21-13, Letter of support



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## variance for using garage as photo studio

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**Martha Crouch** <marticrouch@sbcglobal.net>  
To: roachja@bloomington.in.gov  
Cc: Mike Lee <info@tallandsmallphotography.com>

Wed, Mar 27, 2013 at 8:57 AM

Dear Jim and Bloomington Planning Department,

I live right across the street from the house that Mike and Erin Lee are planning to purchase. I am at 824 W 8th, and the house in question is at 817 W 8th.

I support their request for a variance to use the free-standing garage there as a studio for photography, including occasional portraits.

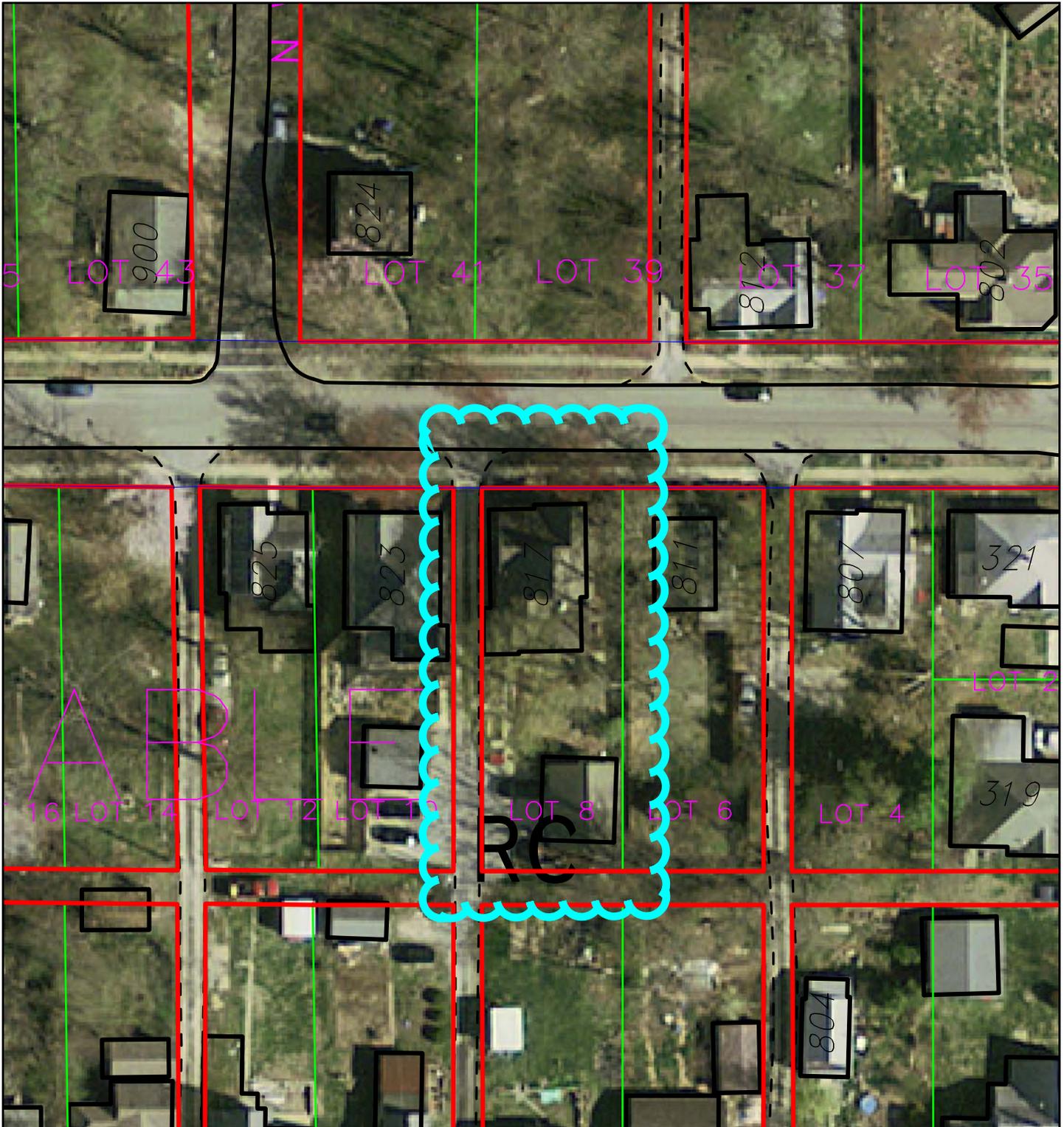
This garage has been used as an office for a home maintenance business for most of the time I've lived here - over 25 years - with a few vehicles coming and going during the day and some related parking in front of my house. This has been fine with me. In fact, I like having small businesses in the neighborhood as long as they are fairly quiet. It makes the area feel more lively and friendly during the day, in my opinion. Certainly, the proposed use as a photography studio is likely to have less traffic and parking impacts than the previous business use.

So you have my blessing to approve the variance.

Sincerely,

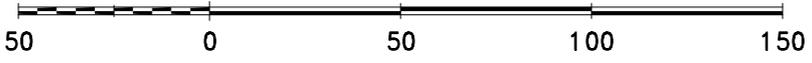
Martha (Marti) Crouch

CU-V-21-13, Letter of support

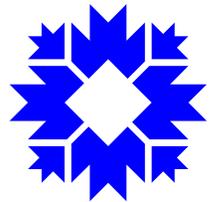


CU-V-21-13  
2011 Aerial Photo

By: roachja  
7 May 13



City of Bloomington  
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**LOCATION: 4293 E. Janet Drive**

**CASE#: CU-23-13**  
**DATE: May 23, 2013**

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**PETITIONER:** Brett Rorem  
4293 E. Janet Drive

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**REQUEST:** The petitioner is requesting conditional use approval to allow a Federal Type 1 Firearms License as a home occupation.

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**REPORT SUMMARY:** The property is located on the north side of E. Janet Drive. Janet Drive is a dead-end street that connects to S. SR 446 to the east. It is zoned Single family Residential (RS) and has been developed with a single family residence. The property is surrounded by single family residential uses to the east, west and south and multi-family uses to the north. The petitioner would like to obtain a Federal Type 1 Firearms License and operate as a firearms dealer from the residence.

The petitioner is a law enforcement officer with the Bloomington Police Department. He has applied for a Federal Type 1 Firearms License. He intends to operate as a local dealer for law enforcement officers and members of the public. The petitioner will custom order firearms for customers. His home will be used as a location to fill out required background check documents and where the sales will take place. Firearms would be shipped to the residence through regular residential delivery services. The petitioner will not maintain an inventory of firearms. Staff has been in contact with the Bureau of Alcohol, Tobacco, Firearms and Explosives. While the ATF has not completed the petitioner's license application, they have no doubts he will be approved. Local zoning approval is required prior to completion of the license.

There would not be any changes to the exterior of the house as part of this proposal. The petitioner would use approximately 64 sq. ft. of the basement in the 1,800 sq. ft. house for the business. In addition, the petitioner's personal computer and firearms safe would also be used in connection with the home occupation. There is an existing paved driveway that will be used for customers. The petitioner will operate by appointment only and will only have one customer at a time. A 5-foot wide concrete sidewalk is also required along Janet Drive and will be installed as required.

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

1. Operator Residency Required: The petitioner lives in the home.
2. Maximum Number of Nonresident Employees: The petitioner is aware that only one (1) employee who does not reside in the house is permitted.
3. Maximum Floor Area: The house is approximately 1,800 square feet. The petitioner plans to use 64 square feet for the home occupation. This meets the restriction for no more than 15% of the interior square footage.
4. Multiple Home Occupations: Only one home occupation is planned.
5. Residential Character: The petitioner will not be making any changes to the exterior

- of the residence for this request.
6. Location and Entrance: The home occupation will take place entirely within the house.
  7. Outdoor Display and Storage: No outdoor display is planned.
  8. Sales: No direct sales are planned. Sales take place as special orders only.
  9. Signage: The petitioner is aware of the signage requirements. A single, 2 square foot sign is permitted on the wall of the house. No signage is currently anticipated.
  10. Off-street Parking and Loading: No additional driveway is planned. There is adequate parking on the existing driveway.
  11. Hours of Operation: The petitioner is aware of the limitation on hours of operation, 8:00 AM to 8:00 PM.
  12. Commercially Licensed Vehicles: No commercial vehicles are proposed.
  13. Deliveries: The petitioner is aware of limitations on deliveries being conducted by typical residential delivery services.

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## Criteria and Findings for Conditional Use Permits

### 20.05.023(b) Conditional Use; General Standards

No Conditional Use approval shall be granted pursuant to *Chapter 20.09: Processes, Permits, and Fees* 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;*

**STAFF FINDING:** The Growth Policies Plan identifies this area as “Urban Residential” and lists single family residential development as the primary land use with some additional uses, including home occupations.

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

**STAFF FINDING:** No additional lighting will be required for this proposed home occupation. Staff finds no concerns regarding noise, smoke, odors, vibrations, or lighting.

- 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 FINDING:** Staff finds no adverse impact from this use. The house will continue to function as a single family home and will not change in appearance. There is adequate parking on the driveway and attached garage to provide parking needs for the residence and customers. The petitioner is a professional law

enforcement officer. All firearms will be stored in a safe. The petitioner does not plan to have a large inventory of firearms. All sales will be by appointment only.

- 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 FINDING:** This use requires no additional infrastructure service improvements.

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

**STAFF FINDING:** The use is a low traffic generator. Since Janet Drive is a dead-end street, no through traffic would take place. Janet provides easy access to S. SR 446, which is classified as a Primary Arterial.

- 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 FINDING:** No exterior changes are being proposed with this home occupation.

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

**STAFF FINDING:** No special lighting or unusual hours of operation are proposed with this request. The business will not operate after 8 PM.

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

**STAFF FINDING:** Signage for a home occupation is limited to a maximum of two square feet [BMC 20.05.051(e)(9)] which is in keeping with the residential character. No signage is anticipated.

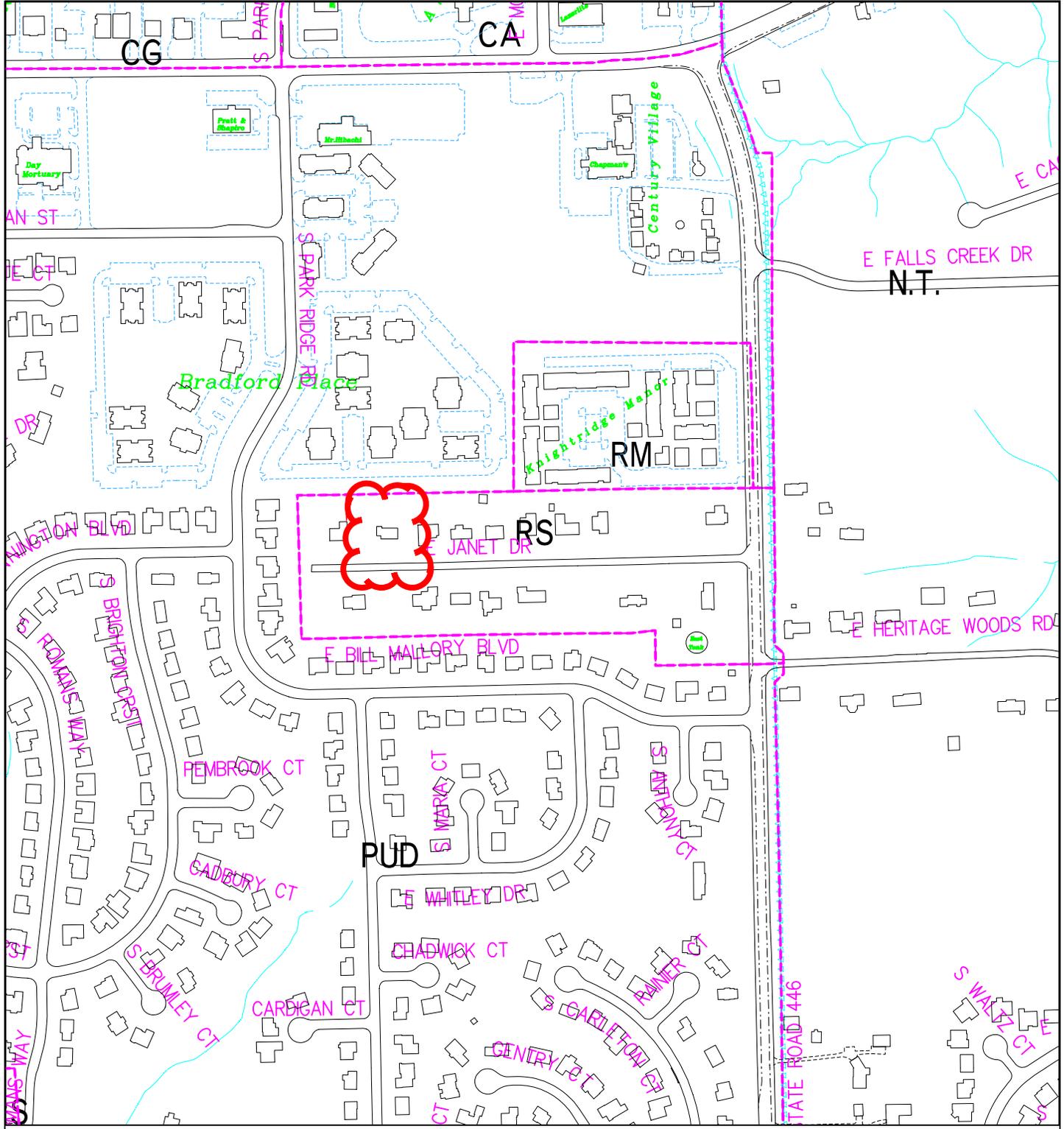
- 9) *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; §CU: Conditional Use Standards.*

**STAFF FINDING:** There are no additional conditions for home occupations.

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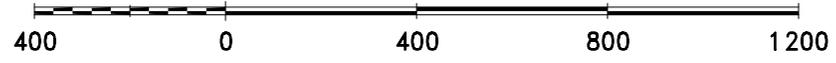
**RECOMMENDATION:** Based on the written findings above, staff recommends approval of this petition with the following condition:

1. A 5-foot wide concrete sidewalk is required.
2. Petitioner must provide complying bicycle parking.

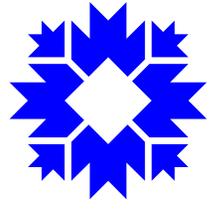


CU-23-13  
Location Map

By: roachja  
13 May 13



City of Bloomington  
Planning



Scale: 1" = 400'

For reference only; map information NOT warranted.

April 30, 2013

Planning Department  
401 N. Morton Street, Suite 160  
Bloomington, Indiana 47402

Dear Commissioners:

My name is Brett Rorem. I am a senior law enforcement officer for the Bloomington Police Department and a property owner in the city of Bloomington. My intention for this letter is to gain approval for starting my own small business. First, please allow me to tell the commission a little more about myself.

I grew up in a military family so we moved often. Some of my early childhood was spent in North Carolina. Soon we moved to a small town in Illinois, a small town that my dad always called "a good place to raise children." While I was a kid I went shooting often with my sisters, dad, and grandfather. As such, gun safety was an important part of my upbringing. As I matured, I developed an interest in law enforcement and firearms so I secured a job at a county jail in my home county. Then I went to college at Indiana University-Bloomington, where I earned a B.A. in Criminal Justice while serving in IUPD. After graduation, I moved to Decatur, IL where I worked as a city police officer for 2 years. I missed Bloomington, and really wanted to come back. I was excited when a job opportunity became available in January 2008 at the Bloomington Police Department. I took the job and moved back to Bloomington, IN. I have been an officer at BPD for 5 years now and currently serve on the SWAT team and various other positions within the department.

I have wanted to become a small business owner for a couple of years now. I have begun the process of getting my Federal Firearms License to be able to sell firearms. My plan is to run a small business that mostly sells to other police officers and people I know. I have a very large gun safe in my home with new steel fireproof doors and an alarm security system. I have expressed my desire to start up this small business with my closest neighbors, and it is important to note that I have their approval. I do not expect this business to bring large profits as it will consist primarily of sales to local members of the city and county police departments. I know this will encourage other Bloomington officers to buy their firearms locally and contribute to the local commerce. I anticipate profiting about \$800.00 per year with this small business. That is only if I do really well.

The location for my small business will be in the basement of my house at 4293 East Janet Drive. It will primarily be an Internet business requiring that customers only come to my residence to complete federal government paper work. Customers will look for what they want to purchase online, and I will provide the service of purchasing the item for them at a cheaper price due to eliminating higher retail costs. The area for my business will be very small, and little inventory will be kept on hand. I will not be placing any signs in my yard nor will I need any additional parking since customers will just be coming to my residence to pick up their purchased item.

Thank you for your time and consideration.

Sincerely,



Brett M. Rorem  
4293 East Janet Drive  
Bloomington, IN 47401

CU-23-13  
Petitioner's Statement



LOT 9

LOT 12

LOT 15

LOT 14

LOT 13

LOT 16

LOT 17

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

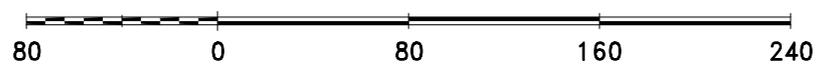
LOT 6

E JANET DR

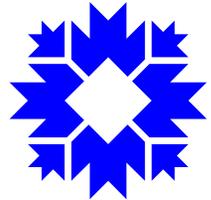
MCELHINNE

CU-23-13  
2011 Aerial photo

By: roachja  
13 May 13



City of Bloomington  
Planning



Scale: 1" = 80'

For reference only; map information NOT warranted.