

CITY OF BLOOMINGTON



**SEPTEMBER 26 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

ROLL CALL

MINUTES TO BE APPROVED: August 22, 2013

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION CONTINUED TO: October 24, 2013

- V-25-13 **Joseph Collison**
933 N. Walnut St.
Request: Variance from maximum parking standards.
Case Manager: Jim Roach
-

PETITION:

- CU/V-45-13 **Keith Romaine**
907 S. Madison St.
Request: Conditional Use approval for a Home Occupation to allow a home bakery. Also requested is a variance from Home Occupation standards to allow a limited amount of direct product sales.
Case Manager: Eric Greulich

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 907 S. Madison Street

CASE #: CU/V-45-13
DATE: September 26, 2013

PETITIONER: Keith Romaine
907 S. Madison St., Bloomington, IN

REQUEST: The petitioner is requesting conditional use approval to allow a bakery as a home occupation in the Residential Core (RC) district. Also requested is a variance to allow direct sales.

SITE DESCRIPTION: This property is located at 907 S. Madison St. and is zoned Residential Core (RC). The site lies within the McDoel Neighborhood Conservation District. Surrounding land uses are single family houses to the north, south, and west with several industrial uses to the east. The property has been developed with a single family residence that is owned by the petitioner.

The petitioner is proposing to construct an addition to the residence to add a new bedroom, an outdoor wood-fired bread oven, and an attached sanitary preparation area. The bedroom would be attached to the house and accessed strictly from an attached porch to the house. No separate exterior access is allowed to the new bedroom. Below the new bedroom would be a preparation area that would consist of a 3-hole sink, mop sink, hand wash sink, storage area for flour, a bread proofing cabinet, and work tables. The preparation area will also have a bathroom. As part of the proposed home occupation, the petitioner would be baking bread on the property in the exterior bread oven. The bread would then be delivered to customers as well as picked up on-site.

Home occupations are allowed in the RC district as conditional uses. The UDO prohibits the direct sales of products within home occupations. The petitioner is requesting a variance from this standard to allow the bread to be purchased from the property. The petitioner is required to install a concrete sidewalk along Madison Street. Two bicycle parking spaces are also required. These will be shown on the site plan submitted with the building permit for the addition.

The petitioner attended the September meeting of the McDoel Neighborhood Association and presented information regarding this proposal. In general the neighbors at the meeting had few concerns and offered support for this project. Staff has also received a letter of support from an adjacent neighbor.

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

1. Operator Residency Required: The petitioner will live in the house.
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 3000 square feet. The petitioner plans to use 216 square feet for the preparation area. This is approximately 7% of the house, which is less than the maximum allowed ratio of

- 15% of the house.
4. Multiple Home Occupations: Only one home occupation is planned.
 5. Residential Character: The addition has been designed to compliment the existing house and maintain a residential appearance.
 6. Location and Entrance: The portions of the business related to the home occupation will take place entirely within the primary structure.
 7. Outdoor Display and Storage: No outdoor display is planned.
 8. Sales: Direct sales are requested with this petition to allow for customers to come to the residence to pick up bread as well as to purchase from the site.
 9. Signage: The petitioner is aware of the signage restrictions for a home occupation.
 10. Off-street Parking and Loading: No additional driveway is planned. There is adequate parking in the existing parking area on the rear of the property.
 11. Hours of Operation: The petitioner is aware that hours of operation are limited to 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.

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 identifies this area as “Core Residential” and lists single family residential development as the primary land use with some additional uses being appropriate, 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: The proposed home occupation will not create a nuisance. While there will be a minor increase in smoke as result of the wood burning stove, the amount of smoke will be for a short period and not on a daily basis. The Neighborhood did not raise concerns regarding the smoke that would be associated with this project. Staff also 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 impacts to the adjacent properties or character of the area as a result of this petition. The petitioner met with the McDoel Neighborhood Association and received favorable comments and no concerns were expressed from adjacent owners.

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: The use requires no additional infrastructure services. There is adequate utility service in this area and no improvements are needed.

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 traffic into the neighborhood. The pick-up of bread at this location by customers will only be on a limited basis during the week and not on a daily basis.

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: The building is not on the historic survey, and there will be no significant natural features lost with this petition.

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 waste collection 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 that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

Staff Finding: No signage has been reviewed with this request.

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 this use.

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: The granting of the variance to allow direct sales will not be injurious to the public health, safety, or morals. This prohibition is to discourage more retail oriented businesses with high traffic generation. The business will have limited bread production with customers picking up orders rather than high levels of retail sales.

- 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.*

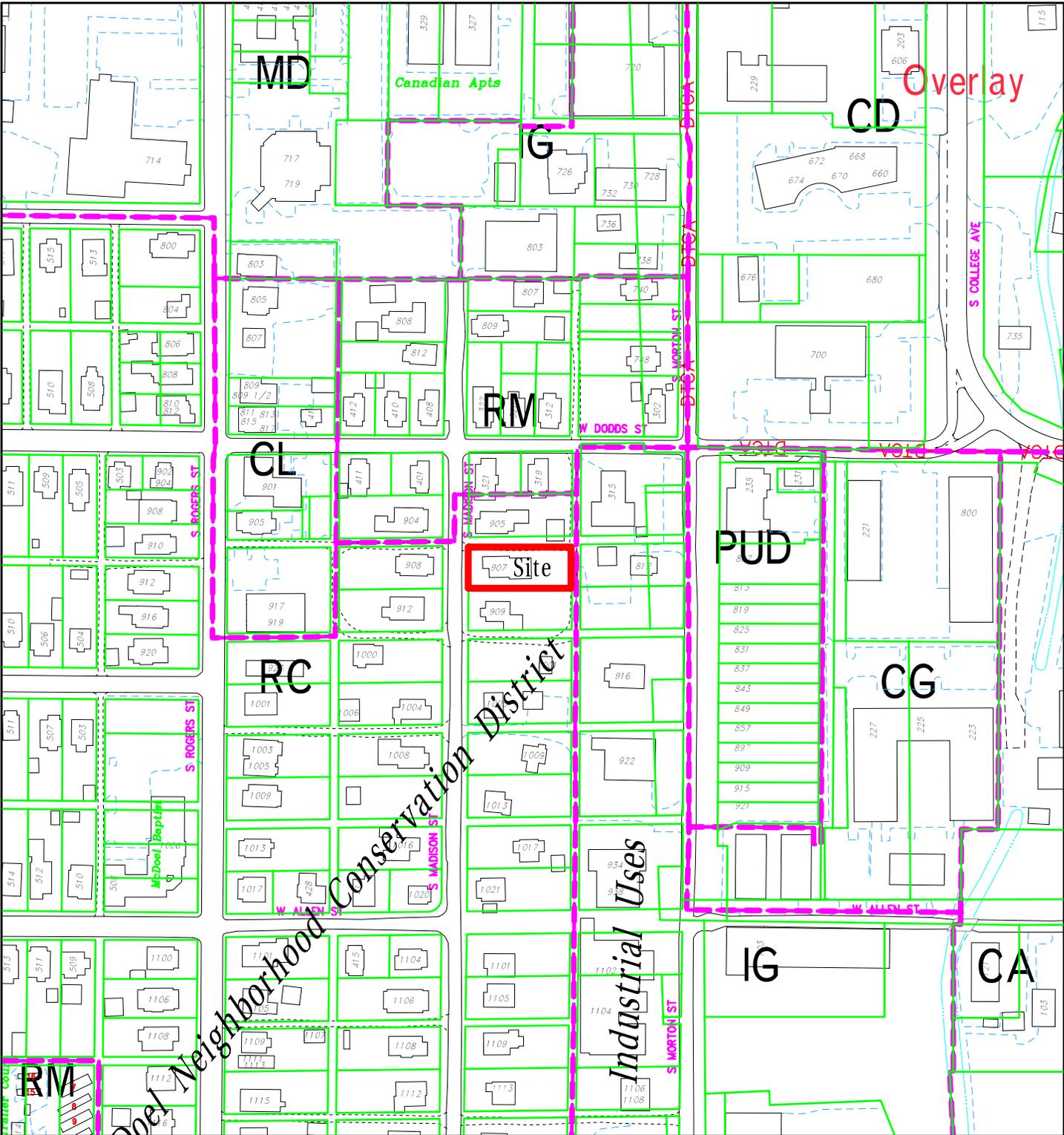
STAFF FINDING: Staff finds no negative effects from this proposal on the use and value of the areas adjacent to the property. The direct sales will be on a limited basis and not cause a noticeable increase of traffic to the residence. The Neighborhood Association did not express any concern with this aspect and did not find the proposal to have a negative impact.

- 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 that the strict application of the UDO will result in practical difficulty in that not allowing direct sales for this particular use would cause a hardship on the owner. The business will not specialize in direct sales and this aspect will have minimal noticeable impacts. Staff also finds peculiar condition in that there are several Industrial properties immediately to the west with more impacts to the single family residences than this proposed use.

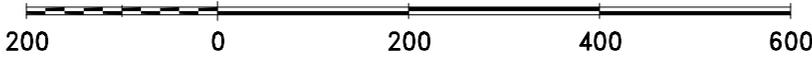
RECOMMENDATION: Staff recommends approval of CU/V-45-13 with the following conditions:

1. A recordable commitment is required prior to issuance of a building permit regarding the requirement that the new bedroom not be used as a separate dwelling unit. The property shall be limited to a maximum of 3 unrelated adults.
2. Two bicycle parking spaces are required to be installed.
3. Any future signage must receive a sign permit.
4. A 5' wide concrete sidewalk is required along the entire property frontage.

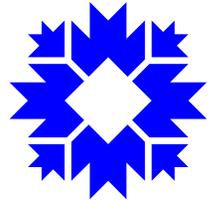


CU/V-45-13 Keith Romaine
 907 S Madison Street
 Board of Zoning Appeals
 Site Location, Zoning, Land Use, Parcels

By: greulice
 19 Sep 13

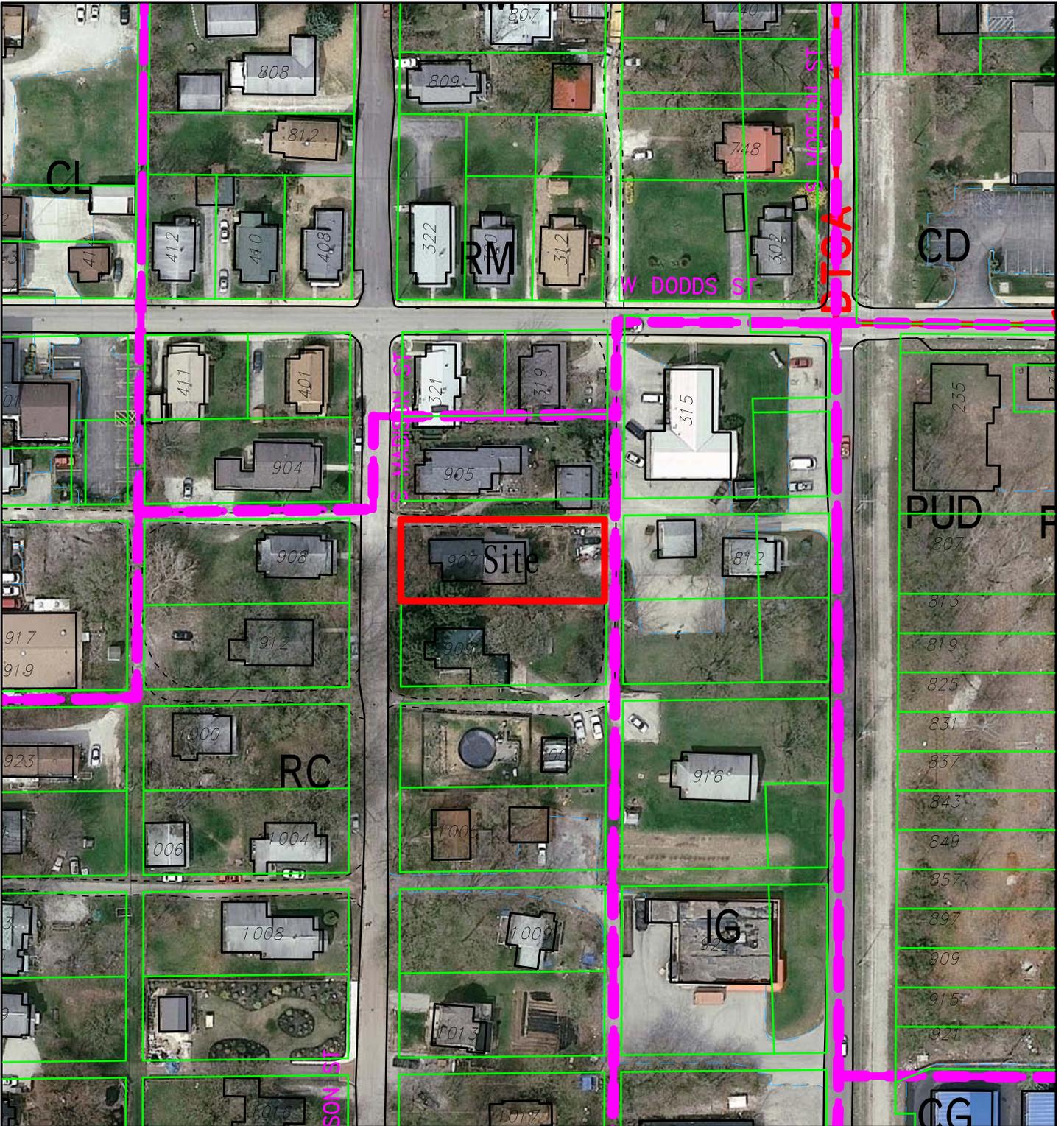


City of Bloomington
 Planning



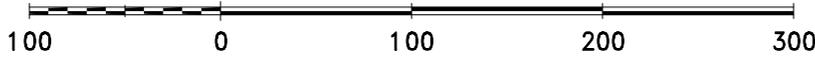
Scale: 1" = 200'

For reference only; map information NOT warranted.

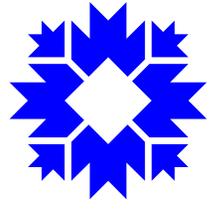


CU/V-45-13 Keith Romaine
 907 S Madison Street
 Board of Zoning Appeals
 2010 Aerial Photograph

By: greulice
 19 Sep 13



City of Bloomington
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

John Keith Romaine
907 South Madison Street
Bloomington IN
812-322-6101

PROPOSAL FOR VARIANCE

I am proposing to build a brick, wood-fired bread oven with a micro-bakery and bedroom for my ex-wife, Judi Romaine, in the McDoel Gardens neighborhood of Bloomington, Indiana.

I am asking for a variance to sell artisan bread from a location near the oven on my property (907 S Madison St.). The production of bread will never be on a commercial level. The term for this type of bakery is a "micro-bakery. We hope to be able to sell a minimum of 60 loaves per week in the following ways: 1. people pre-order, that is, a Community Supported Bakery (CSB); 2. with a cart or a stand at the Farmer's Market; 3. delivered to various locations in Bloomington; and 4. customers park on Madison St in front of my house or walk or bicycle up to the bread oven from the B-Line Trail. I want to encourage people to walk or bicycle.

The proposed addition includes four elements. 1. A wood fired masonry bread oven with an 8' x 17' metal-roofed area over the oven extending to the interior prep area. 2. A sanitary preparation area with a 3-hole sink, a mop sink, hand wash sink, storage area for flour, a bread proofing cabinet and work tables. In addition this area will contain a bathroom that is also accessible from the house. 3. A bedroom with a bathroom but not connected to the sanitary preparation area.

The structure housing the bedroom and prep area is (12'x18') and attached to the current house on the upper and lower levels. The bedroom is on the upper level and the prep area for the oven is on the ground level. The ground level will be cement block construction with a stucco exterior finish. The upper level will be finished with clapboard painted to match the existing arts and crafts style bungalow.

The oven will allow us to bake naturally leavened (sourdough) artisan style bread in a way that replicates European wood-fired bread ovens. **THE OVEN:** We are building an Ovenscrafters Artisan Oven. It is 42" x 48" on the hearth. Exterior dimensions/footprint are 6' 8" long by 6' 4" wide. The Artisan Oven has all the advantages of the larger commercial ovens, designed for commercial use and the very serious home baker. I am a very serious home baker and I have a group of neighbors who are interested in trying out various bread and pastry recipes.

Possible Concerns:

1. Smoke from the oven. When fired up, the oven will produce smoke for about 30 minutes and thereafter only clean heat coming from the chimney. It will produce less smoke than a barbecuing steaks or a wood-burning fireplace.

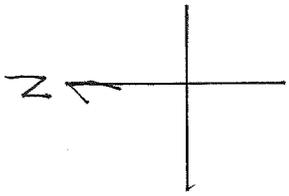
2. Traffic and Parking. I am asking customers to walk or bicycle to the bread oven/micro-bakery. Customers can also park in front of my house on Madison Street. The majority (80%) of the bread will be sold off the premises; using CSBs, a cart on the B-Line, selling at the Farmer's Market. I want people to drive by the oven using the alley to the north of my house.

CU/V-45-13
Petitioner's Statement

3. Gathering of people. I expect to have neighborhood parties near the oven about 2 times per year.

905

A.W.A. BAKER



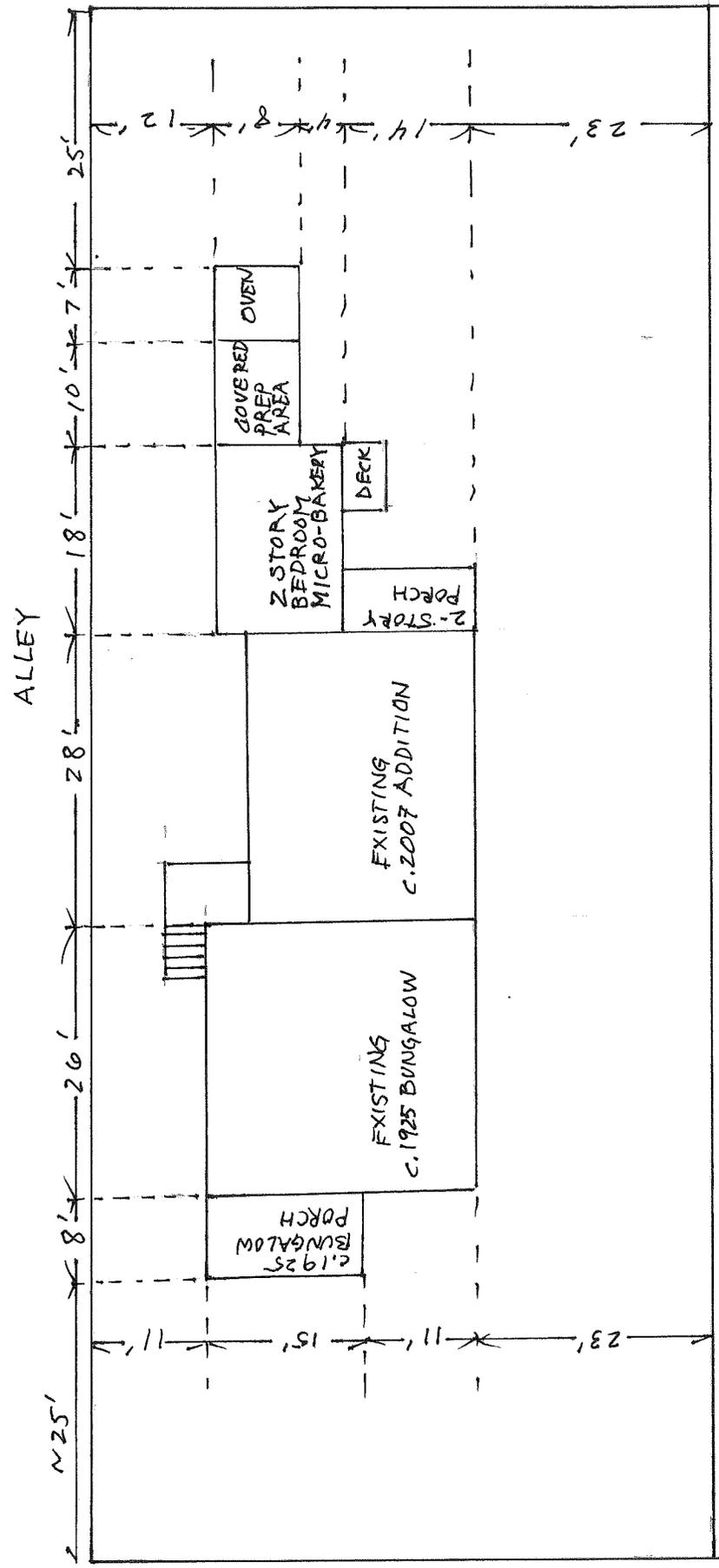
MADISON STREET

EXISTING PROPOSED

907

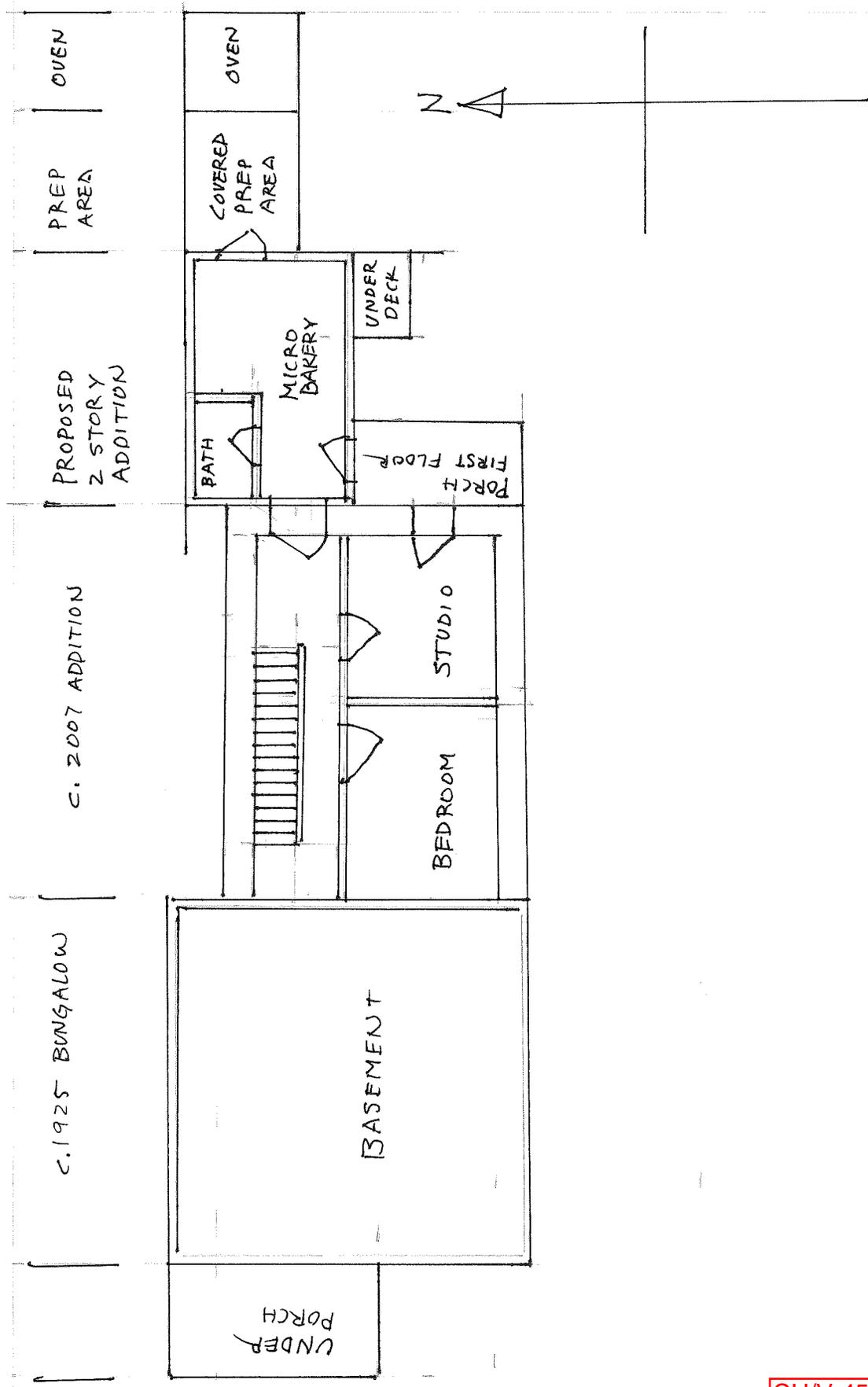
ALLEY

ALLEY



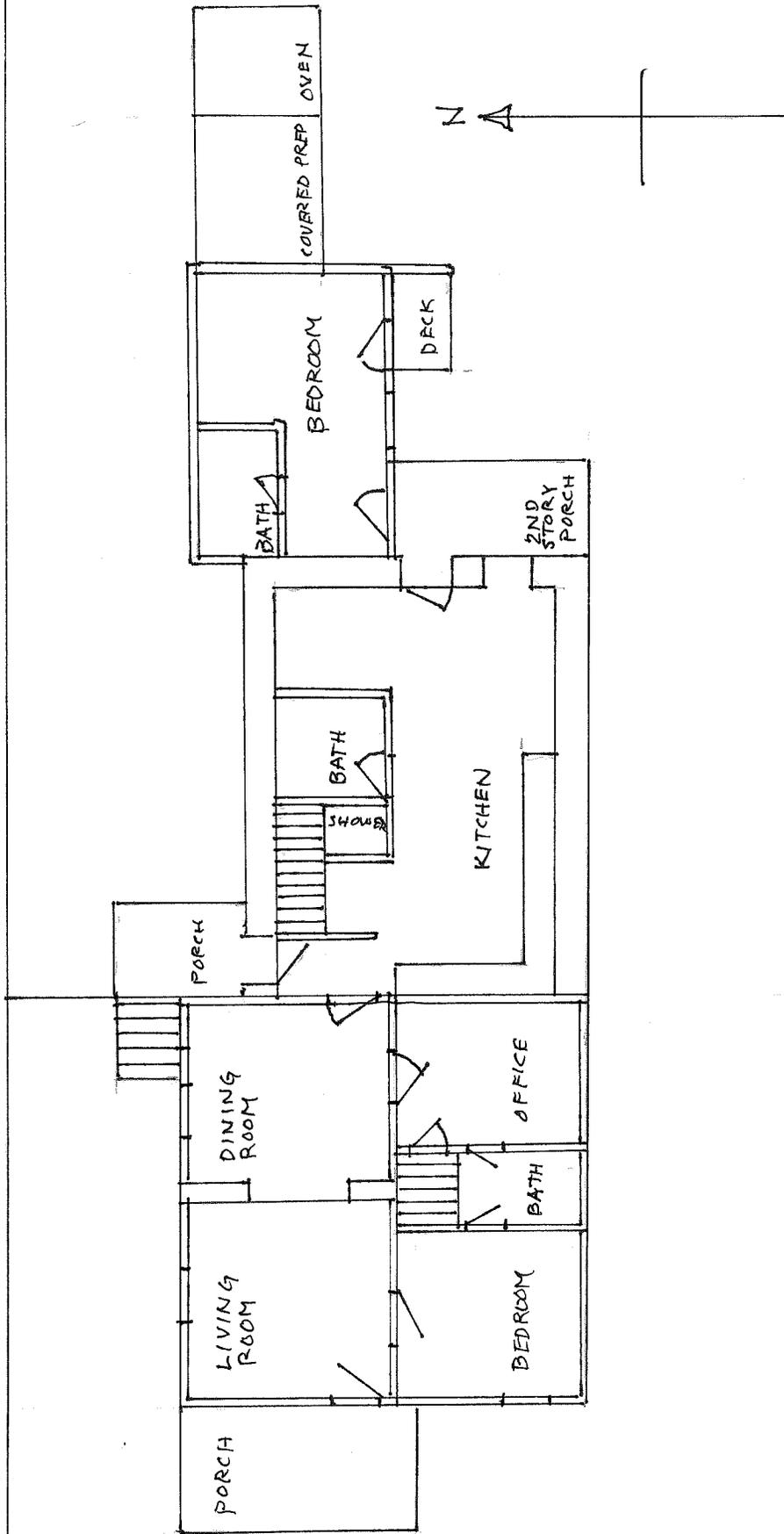
M. RAPER

CUV-45-13
Site Plan

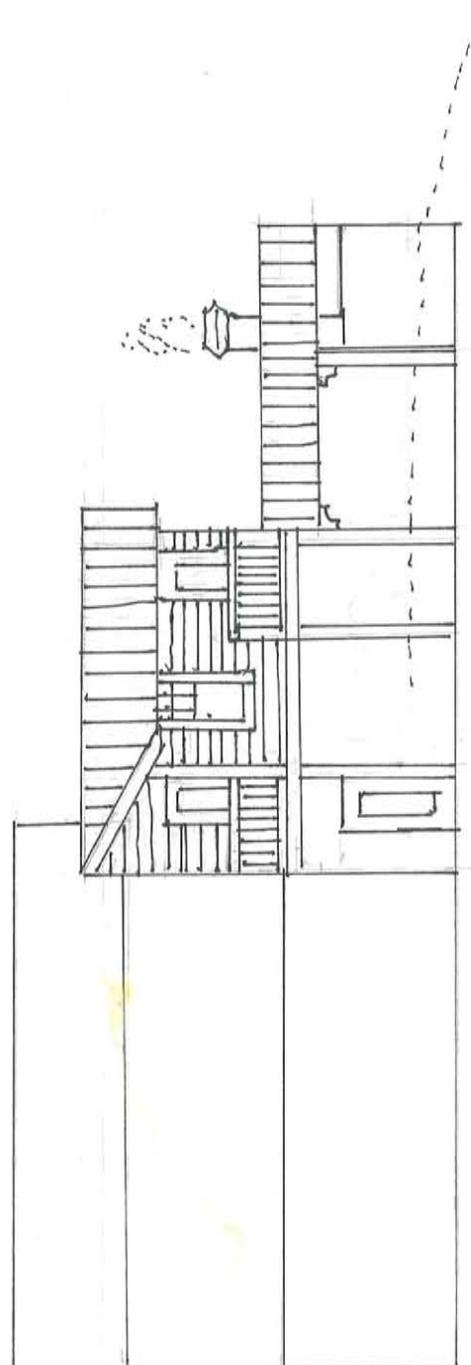


CU/V-45-13
Ground Floor/Basement
Plan

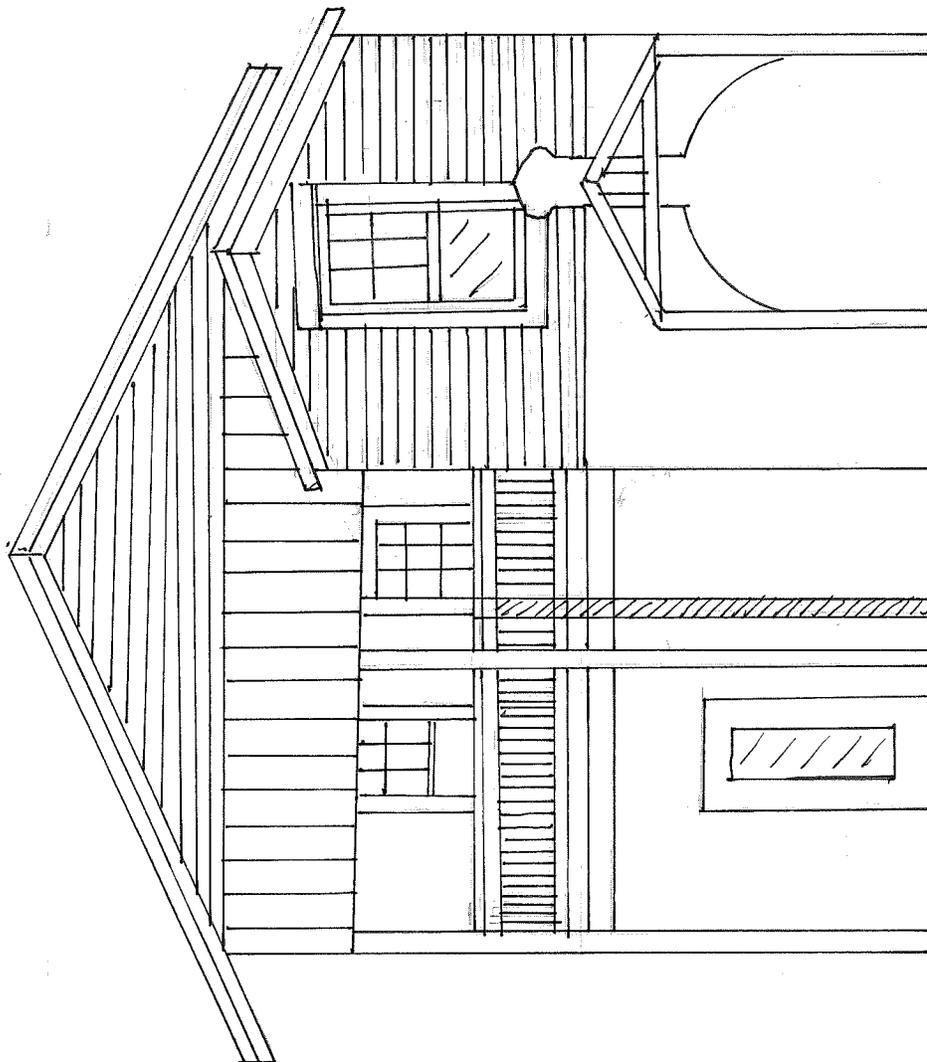
ALLEY



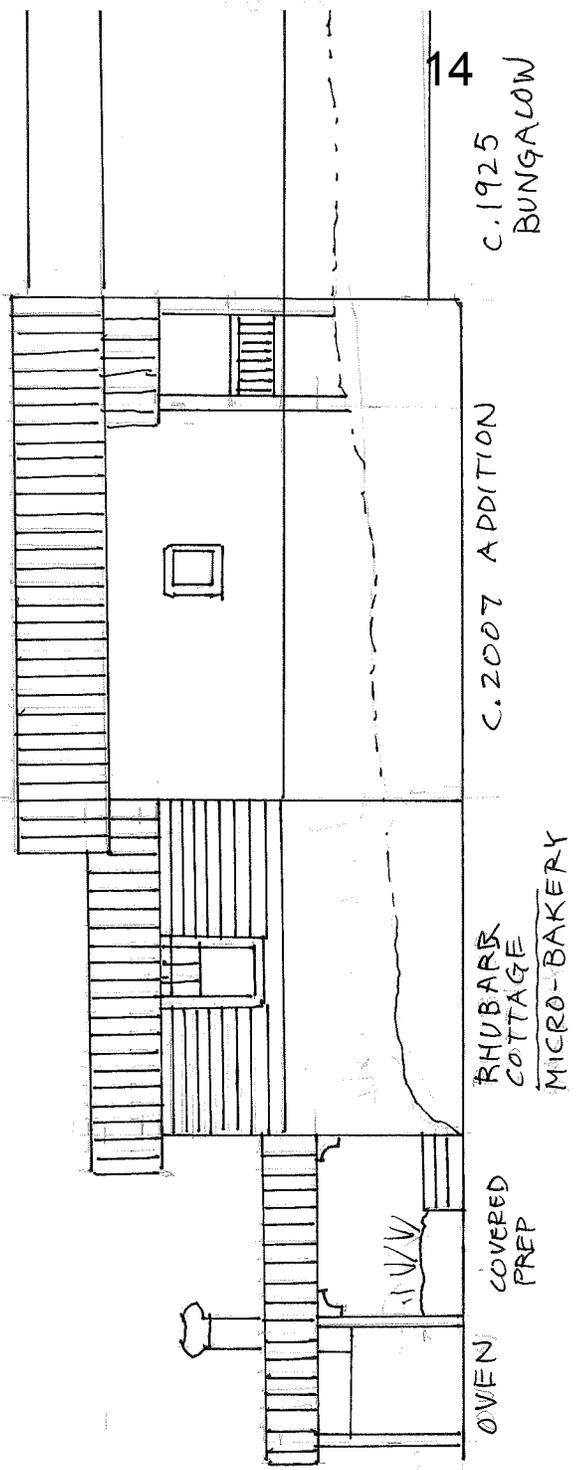
CU/V-45-13
2nd Floor Plan



CU/V-45-13
West Elevation



CUV-45-13
South Elevation



14
c.1925
BUNGALOW

CUV-45-13
East Elevation

For the Board of Zoning Appeals, Planning Department office,
public hearing at 5:30 on September 26th, 2013, room #115
Concerning the petition of Keith Romaine
living at 907 S Madison Street Bloomington, 47403.

SEP 16 2013

I am interested in the home bakery that Keith Romaine is wanting to open because I own the 904 S Madison, 401 W Dodds and 411 W Dodds - three - properties across the street from him. I have been familiar with his projects in the past and have full confidence that his bakery will enhance our neighborhood greatly. He has shown me his house and his plans. So I know exactly what he has in mind. I am entirely in favor of his plan and would suggest that he be given variance from direct sales restrictions as well. He is an experienced and excellent designer and will have a beautiful, clean and peaceful bakery.

Thank you for considering my view,
Sharlyn Cheeseman

