

CITY OF BLOOMINGTON



JANUARY 13, 2016 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
January 13, 2016 at 2:00 p.m.

***Kelly Conference Room #155**

PETITION:

- CU/V-40-15 **Valeria DeCastro**
3202 N. Kingsley Dr.
Request: Conditional use approval to allow a home occupation in order to conduct music lessons. Also requested is a determinate sidewalk variance.
Case Manager: Eric Greulich

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 3202 N. Kingsley Dr.**

**CASE#: CU/V-40-15
DATE: January 13, 2016**

PETITIONER: Valeria DeCastro
3202 N. Kingsley Drive

REQUEST: The petitioner is requesting conditional use approval to allow music lessons as a home occupation. Also requested is a determinate sidewalk variance to not require the installation of a sidewalk.

REPORT SUMMARY: The property is located on the east side of N. Kingsley Drive and is zoned Residential Single-family (RS). The property has been developed with a single family residence and is surrounded by single family residential uses on all sides. The petitioner lives in the home and wishes to conduct music lessons as a home business.

There would not be any changes to the exterior of the building as part of this proposal. The petitioner would use approximately 260 sq. ft. of the 2,080 sq. ft. interior for the business. The lessons would be conducted only 4 days of the week and would involve toddlers, preschoolers and their caregivers. No more than 4 group classes are proposed in one day and there will be a maximum of 9 students per class. There is an existing paved driveway on the front of the residence that will be used for customers and can park at least 4 vehicles. On-street parking is also allowed along Kingsley Drive. A bike rack will be installed adjacent to the garage to provide parking for bicyclists. A sidewalk is not currently in place along Kingsley Drive and the petitioner is requesting a determinate sidewalk variance to not require the sidewalk to be constructed at this time as there are no other sidewalks along this road.

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 2,080 square feet. The petitioner plans to use 260 square feet for the home occupation which is 13% of the interior. This meets the restriction that no more than 15% of the interior square footage will be used for the home occupation.
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.
9. Signage: The petitioner is aware of the signage requirements. A single, 2 square

foot sign is permitted on the wall of the house and a permit must be approved prior to the placement of any signage.

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 the hours of operation of 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. No deliveries are anticipated with this use.

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. The petitioner is aware that the lessons must occur within the residence.

- 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 the on-street parking 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 residential 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 before 8:00 AM or after 8:00 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.

CRITERIA AND FINDINGS FOR SIDEWALK VARIANCE

Determinate Sidewalk Variances 20.05.010(b)(3)- Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a determinate sidewalk variance from Section 20.05.010(b)(3) of the Unified Development Ordinance 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: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community since this approval will still require a sidewalk to be installed at a future time when conditions warrant.

- (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; and*

Staff Finding: The use and value of the area adjacent to the property will not be substantially affected since there are not sidewalks on either of the adjacent properties. The installation of an alternative transportation system within the neighborhood as a whole is best implemented by the City after a thorough review is made.

- (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 questions; that the development standards variance will relieve the practical difficulties; and*

Staff Finding: The strict application will result in practical difficulties because requiring the sidewalk to be installed without a plan for the neighborhood as a whole could result in the City having to remove the sidewalk if a sidewalk system is installed in the neighborhood. The practical difficulties are peculiar to this property because the property is located in an established neighborhood with no sidewalks along any of the interior streets.

- (4) *The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; or*

Staff Finding: The adjacent parcels to the north and south have all been developed without sidewalks and there are no vacant lots adjacent to or along this block where future construction would require sidewalks to be installed. These factors make it less likely that sidewalks will be installed along this block as part of future development and that the installation of sidewalks along this street would best be served by delaying sidewalk construction until more properties are involved or a City sponsored project comes forward.

- (5) *The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; or*

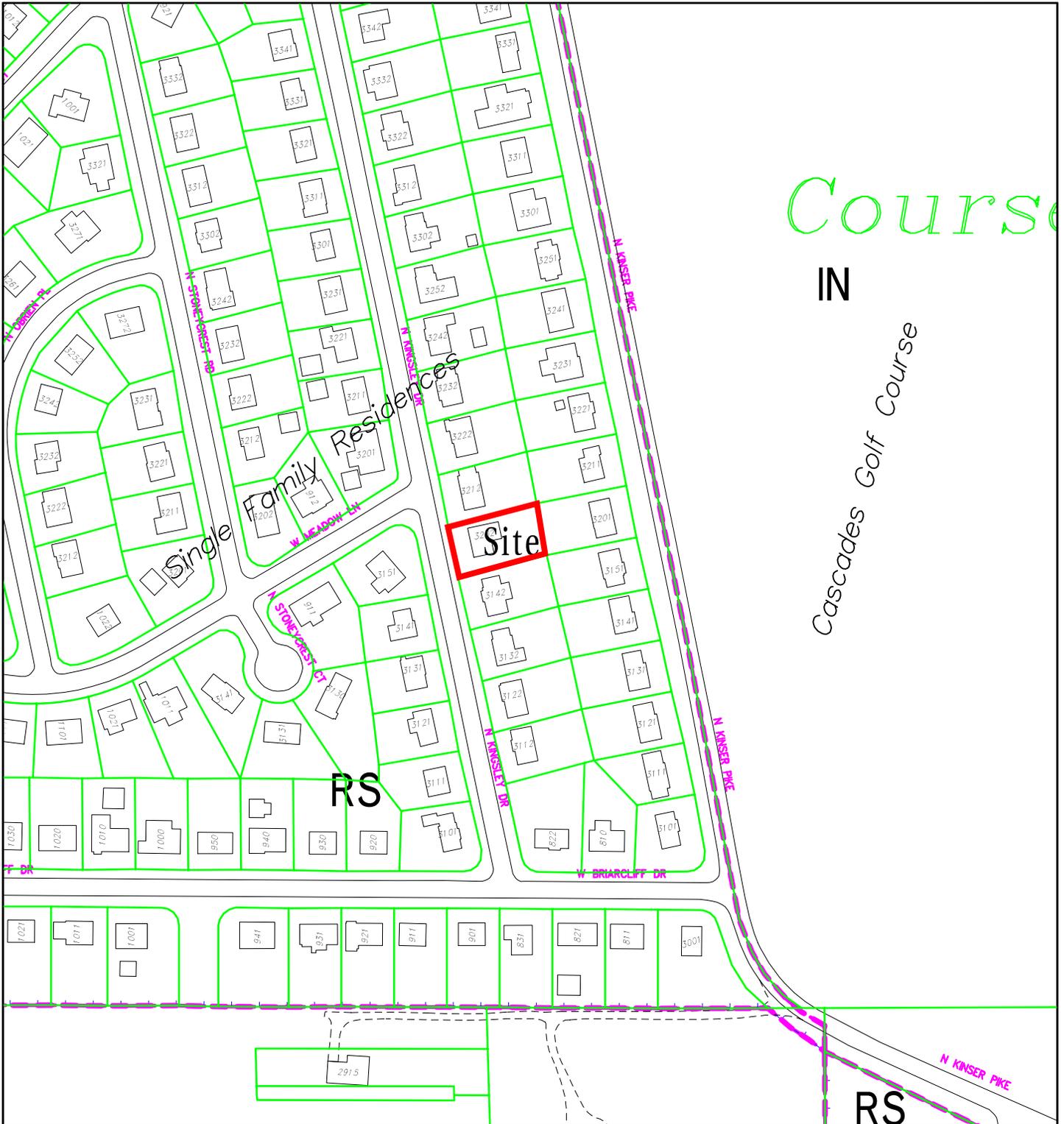
Staff Finding: Staff has not made findings for this criteria.

- (6) *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*

Staff Finding: Staff has not made findings for this criteria.

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

1. Any future signage must receive a sign permit.
2. The petitioners shall execute and record a zoning commitment which states that a determinate sidewalk variance has been approved, and at some time in the future a concrete sidewalk along Kingsley may be required.



Cascades

IN
Cascades Golf Course

Site

Single Family Residences

RS

RS

CU/V-40-15 Valeria DeCastro

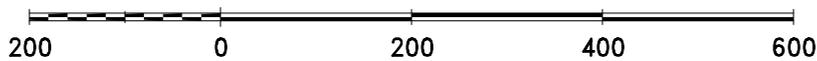
3202 N Kingsley Drive

Hearing Officer

Site Location, Zoning, Land Use, Parcels

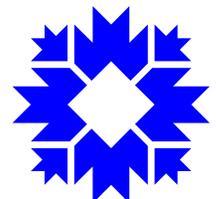
By: greulice

7 Jan 16



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 200'



CU/V-40-15 Valeria DeCastro

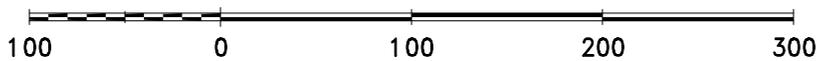
3202 N Kingsley Dr

Hearing Officer

2014 Aerial Photograph

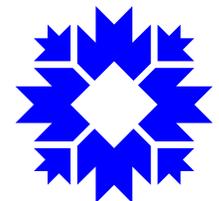
By: greulice

7 Jan 16



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'



Valeria DeCastro
3202 N. Kingsley Dr.
Bloomington, IN 47404
12/18/15

City of Bloomington,
Planning and Transportation Department
Hearing Office.

I am the owner of Bloomington Music Together, LLC since 2005. My business is small and cannot afford the expense of renting a studio. In order to be able to continue to run my classes at an affordable cost for the families in Bloomington I am applying for a conditional use approval of home occupancy to allow music and movement lesson instruction at my home located at 3202 N. Kingsley Dr, Bloomington IN 47404.

Bloomington Music Together offers high-quality music education for infants, toddlers, preschoolers and their caregivers. In our classes we sing, dance, and connects our families and community as we express and explore our basic human instinct for making music in a familiar context. The class is based on singing and moving to the music. The children have also the opportunity to explore instruments that are suit to their age (like shakers, rhythm sticks, maracas, kids drums, etc).

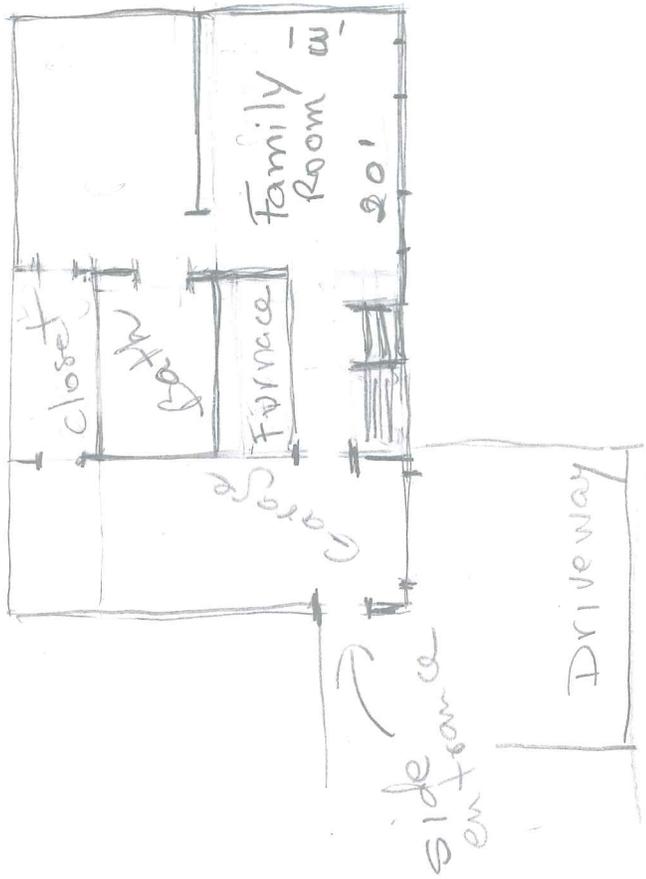
The group lessons are limited to the maximum of 9 children per class. Each class is 45-60 minutes long and meet once a week. The group classes are offered up to 4 days a week. And no more than 4 group class should be offered in a single day. All classes are to be held between 9 am and 8pm. I also offer individual instrument lessons (classic guitar) and movement (dance and yoga) to adults, children k-12 and teens by demand.

The classes are to be held at the family room at the lower level of my house. The size of the room is 20' X 13'. It has independent entrance located at the north side of the house (throughout the garage). And it has been recently remodeled with a loan from the HAND department. The room has 2 new windows, laminated floors, and fire alarms newly installed and up to code. Adjacent to the room there is a 10' X 5' bathroom that will serve the students.

Sincerely,
Valeria DeCastro

CU/V-40-15
Petitioner Statement

Lower level



CU/V-40-15
Lower level floor plan