

**CITY OF BLOOMINGTON**



**FEBRUARY 25, 2016 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL**

ROLL CALL

MINUTES TO BE APPROVED: December 17, 2015

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

- Election of Officers – 2016
    - Current President – Sue Aquila
    - Current Vice President – Barre Klapper
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PETITIONS:

- AA-36-15     **Steve Thomas**  
114 N. Walnut St.  
Request: Administrative Appeal of the Planning and Transportation  
Department's interpretation that "Seaview Outfitters" is a standardized  
business.  
Case Manager: Eric Greulich

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 114 N. Walnut Street**

**CASE #: AA-36-15**  
**DATE: February 25, 2016**

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**PETITIONER:** SeaView Outfitters (Steve Thomas)  
114 N. Walnut Street

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**REQUEST:** The appellant is appealing Staff's decision that the SeaView Outfitters store is a standardized business.

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**STAFF REPORT:** The appellant leases the property located at 114 N. Walnut Street located on the east side of the Courthouse Square. This property is zoned Commercial Downtown (CD) and is within the Courthouse Square Overlay District. This site is also subject to the recently approved Courthouse Square Historic District guidelines that would address any exterior signage or façade alterations. A sign permit was applied for prior to establishment of the historic district. No problems have been identified with the proposed wall sign.

The appellant moved into the business space in the summer of 2014 and sells outdoor apparel and merchandise. The business also has another established retail store located in Oxford, Ohio. Staff from the Planning and Transportation and Legal Department reviewed the aspects of this case and made a determination that the business would be classified as a "Business, Standardized" based on the UDO definition. The UDO lists Standardized Businesses as a conditional use in the Courthouse Square Overlay District and a conditional use approval is required for the use to be permitted.

The UDO defines a Standardized Business as-

"Any type of commercial business establishment, not including commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design".

The Planning Department determined that the proposed SeaView Outfitters store was a Standardized Business based on the following facts:

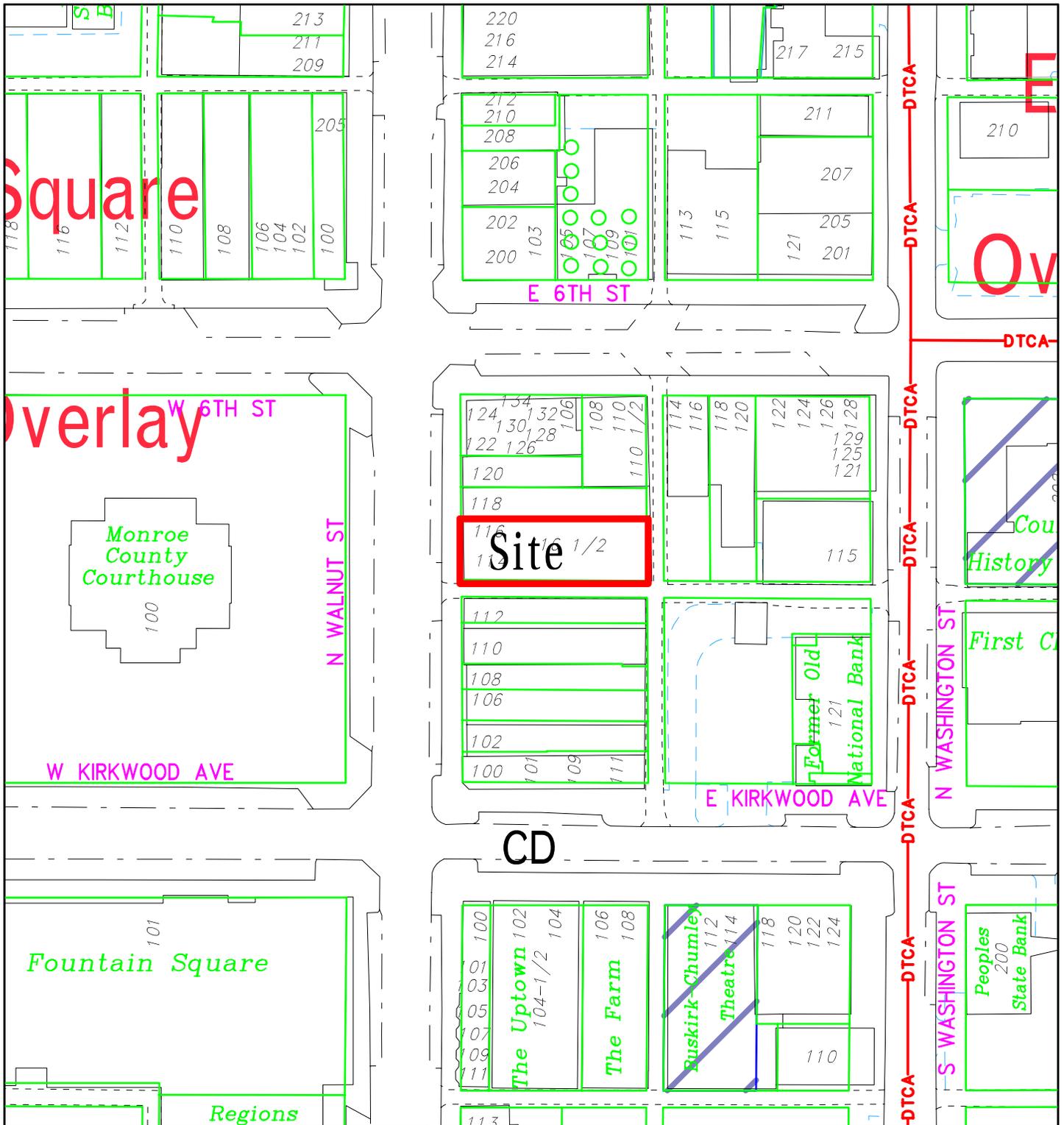
- The store has another location in Oxford, Ohio that shares the same name and use of logos and identifying signage.
- This location will sell the same types of merchandise as the other location, thus meeting the "...maintain standardized services, merchandise....and logos..." aspect of the definition.

Although there are many aspects of the possible identifying traits listed in the definition of a Standardized Business that this business does not match, not all of the

characterizations have to be met. The petitioner believes that since they do not offer the same merchandise, have the same exact signage at both locations, or that they require employees to wear uniforms that they should not be classified as a standardized business. It should also be noted that Staff does not recommend any changes to the signage proposed. There are no exterior changes to the store proposed which would alter the historic nature of the storefront.

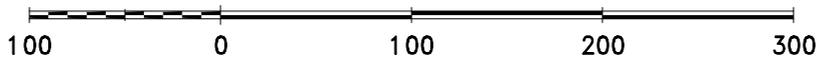
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**RECOMMENDATION:** Staff recommends denial of the Administrative Appeal as the business in question is a standardized business as such term is defined by the UDO. By denying this Administrative Appeal the business owner will need to file for a Conditional Use approval, and staff believes that the petition would meet the criteria for the Conditional Use and staff anticipates recommending approval of the Conditional Use.



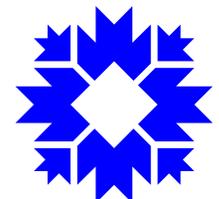
AA-36-15 SeaView Outfitters  
 114 N Walnut Street  
 Board of Zoning Appeals  
 Site Location, Zoning, Land Use, Parcels

By: greulice  
 8 Dec 15

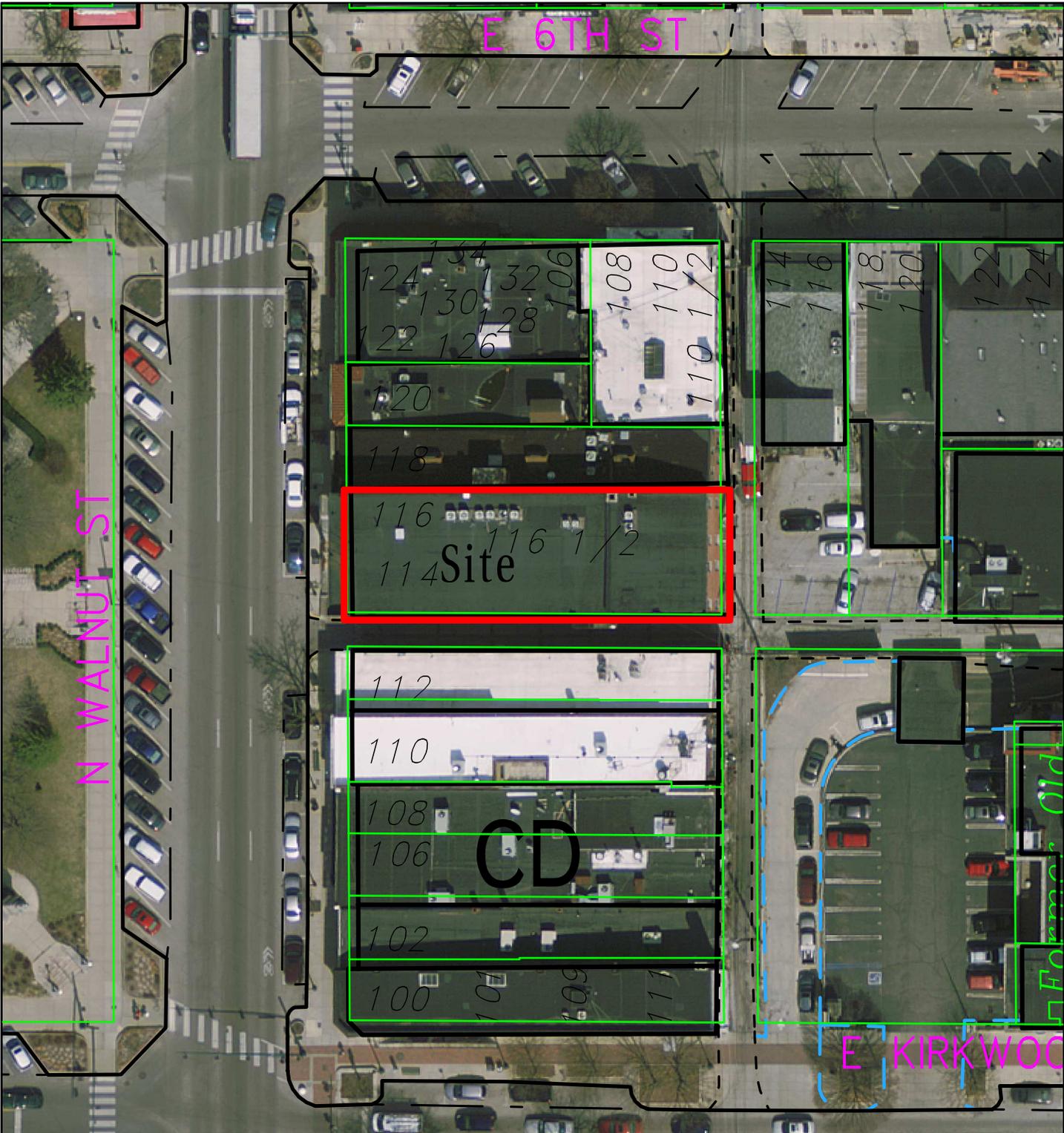


For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation



Scale: 1" = 100'



AA-36-15 SeaView Outfitters

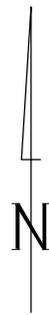
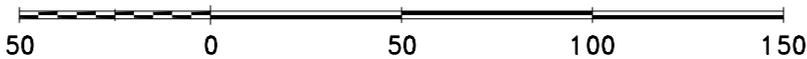
114 N Walnut Street

Board of Zoning Appeals

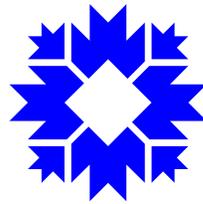
2014 Aerial Photograph

By: greulice

8 Dec 15



City of Bloomington  
Planning & Transportation



Scale: 1" = 50'

For reference only; map information NOT warranted.

October 23rd, 2015

Seaview Outfitters Petitioner's Statement

To Whom This May Concern:

I, Steve Thomas, owner/operator of Seaview Outfitters would like to thank you for helping as we move through these "Standardized Business" items and the appeal process.

After extensive analysis, my team and I feel strongly that Seaview Outfitters does not fall under the definition of a "Standardized Business".

In Section 7 of the ordinance, the definition of "Standardized Business" is listed.

Seaview Outfitters does not fit the description for the following reasons:

The Seaview is NOT contractually required to offer/maintain any of the line items listed.

Seaview Outfitters does NOT offer the same merchandise at both of its locations.

Seaview Outfitters does NOT use the same signage as both locations.

Seaview Outfitters does NOT require employees to wear uniforms.

Seaview Outfitters does NOT use the same exterior design at both locations.

Seaview Outfitters compliments the Courthouse Square collection of business's very well. It is a small business, owner operated, with a community focus. We understand that the business may have been flagged for having another location, however Seaview Outfitters does not fall under the Standardized Business umbrella. We are not CVS or Subway or McDonalds. Instead we hire local community members with the goal of creating as many long term, career length jobs as possible.

My business is clearly not a massive, faceless, nameless business, but rather, I am the business. Seaview Outfitters is my heart and soul and I pour my hard work into it seven days a week. I would not have moved to Bloomington and committed to Bloomington if I did not love this community. We have teamed up with numerous community groups working on local and environmental initiatives.

It should also be mentioned, as the owner of the business, I live directly above the store, in one of the Redman Building Apartments. I'm not sure of any chain businesses in which the owner lives above the business and runs the business's day to day operations.

Seaview Outfitters also requests the dates in which this ordinance came into affect. One of the property owner's legal staff has mentioned we may have been open for business before this ordinance came into affect.

I again, thank you, for the opportunity to operate my business in the great town of Bloomington, Indiana. I look forward to discussing this appeal further.

Best,

Steve Thomas

# SEAVIEW OUTFITTERS

SEAVIEW

OPEN

SEAVIEW

patagonia

YETI

25 Days of SEAVIEW  
10% off Patagonia  
15% off All Other Items  
Happy Holidays!

Still Nothing Like It

BOEN & THE MOUNTAINS  
KÜHL



AA-36-15  
Bloomington Site Photo



AA-36-15  
Oxford Location