

CITY OF BLOOMINGTON



August 19, 2020 @ 2:00 p.m.

Zoom Meeting:

<https://bloomington.zoom.us/j/91833246924>

**CITY OF BLOOMINGTON
HEARING OFFICER
August 19, 2020 at 2:00 p.m.**

Zoom: <https://bloomington.zoom.us/j/91833246924>

PETITIONS:

CU-14-20

Micheal Fox

1917 E Viva Drive

Request: The petitioner is requesting conditional use approval for a home occupation.

Case Manager: Keegan Gulick

Location Map: <https://arcg.is/1y5W5v>

****Next Meeting: September 2, 2020**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or E-mail human.rights@bloomington.in.gov.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 1917 E Viva Drive**

**CASE#: CU-14-20
DATE: August 19, 2020**

PETITIONER: Michael Fox
1917 E Viva Drive

CONSULTANT: Samantha Ezzo
921 S Eastside Drive

REQUEST: The petitioner is requesting conditional use approval for a home occupation.

REPORT: The property is located on the north side of E. Viva Drive and is zoned R2 Residential Medium Lot. The property has been developed with a single family residence and is surrounded by single family residential uses. The petitioner lives in the home and wishes to conduct a bakery as a home business. This use requires approvals from City of Bloomington Utilities and the Monroe County Health Department. The entirety of the business operation would be contained in the existing one-car attached garage.

HOME OCCUPATION STANDARDS: UDO 20.03.030(6) lays out twelve 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 the only employee.
3. Maximum Floor Area: The interior area of the house is approximately 2,194 square feet. The petitioner plans to use 299 square feet for the home occupation which is 14% 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 additional 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 or permitted.
8. Sales: No direct sales are planned or permitted.
9. Off-street Parking and Loading: The existing driveway will serve as parking for the home occupation, but no on-site sales are planned.
10. Hours of Operation: The petitioner is aware of the limitation on the hours of operation of 8:00 AM to 8:00 PM and will not operate outside of these hours.
11. Commercially Licensed Vehicles: No commercial vehicles are proposed.
12. Deliveries: No deliveries are anticipated with this use outside of those typical for a residential use.

Criteria and Findings for Conditional Use Permits

20.06.040(d)(6) Approval Criteria

(B) General Compliance Criteria

All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

PROPOSED FINDING: The petition complies with the UDO, other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. No prior approvals are found. The petitioner will comply with CBU and Health Department regulations for this use.

(C) Additional Criteria Applicable to Conditional Uses

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: The Comprehensive Plan identifies this area as “Neighborhood Residential” and lists single family residential development as the primary land use with some additional uses permitted, including commercial and mixed-use. This home occupation will have no outward signs of any use separate from a typical single-family household. A home occupation would be consistent with the goals of this district.

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: This use will require a grease interceptor. The petitioner has been in contact with City of Bloomington Utilities and has proposed a grease interceptor in their site plan.

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;

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

The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

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

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

PROPOSED 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.

The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

PROPOSED FINDING: The petitioner has been in contact with adjacent property owners. We have received an email from a neighbor expressing support for the home occupation.

RECOMMENDATION: Department recommends that the Hearing Officer adopts the proposed findings and recommends approval of this petition with the following conditions:

1. This conditional use is limited to the proposed use, no other use is approved.
2. The petitioner must meet all City of Bloomington Utilities standards, including the installation of a grease interceptor.
3. The petitioner must meet all Monroe County Health Department standards.

Home Occupation Square Footage:
299sq ft

Total Interior Square Footage of House:
2194sq ft

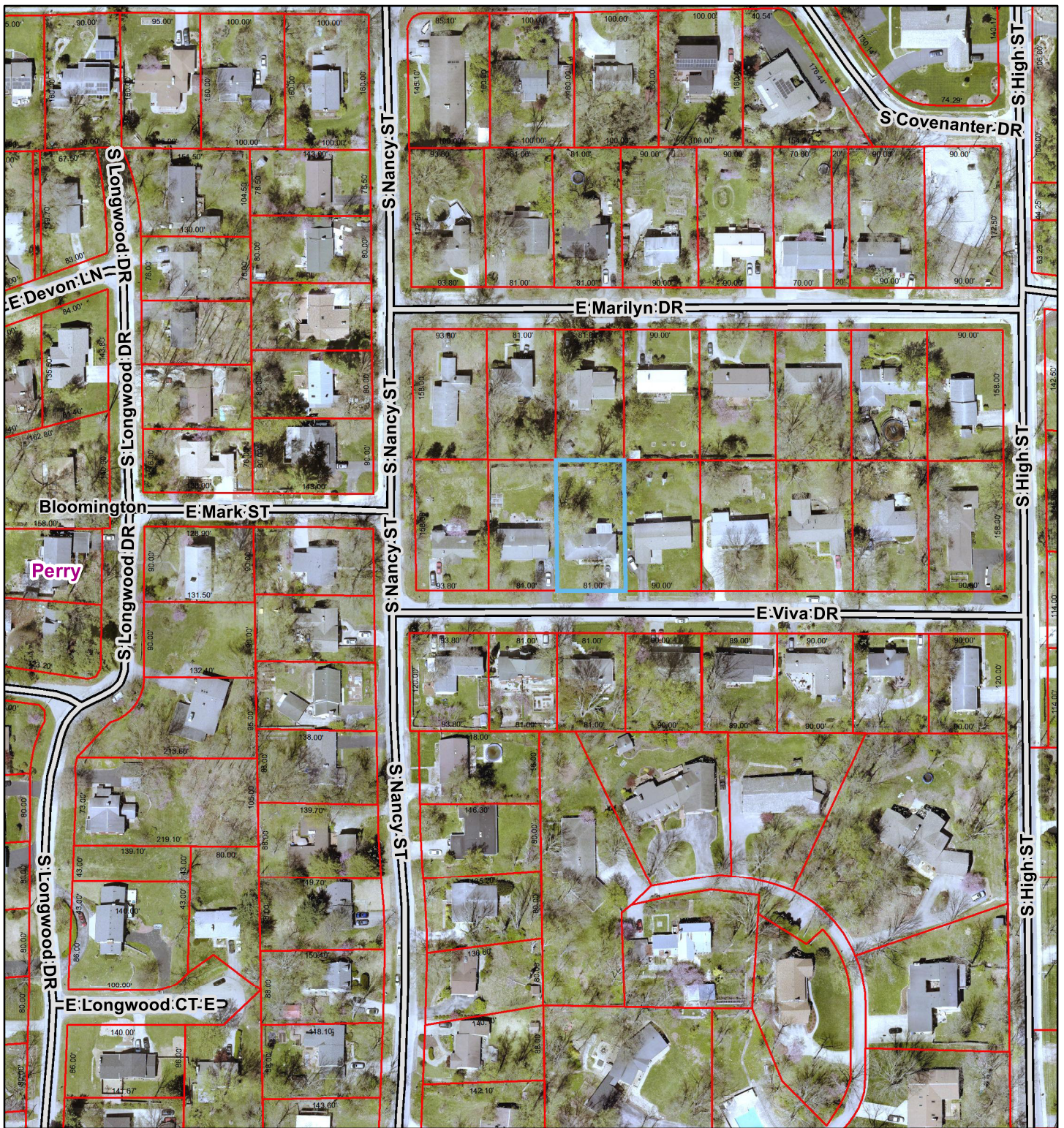
Door
House ↓

3 BAY SINK
↓
WITH GREASE GUARDIAN
INTERCEPTOR

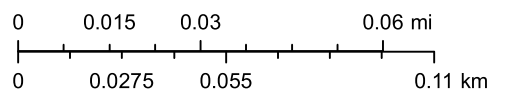
812 360 5316
W/ QUESTIONS
SAMANTHA
CONTACT
PLEASE

GARAGE DOOR

POOL TABLES



1:2,000



Roads

roadclas

 ; Major Road

 Highway

 Parcels

7/25/20

Petitioner's Statement

To Whom It May Concern,

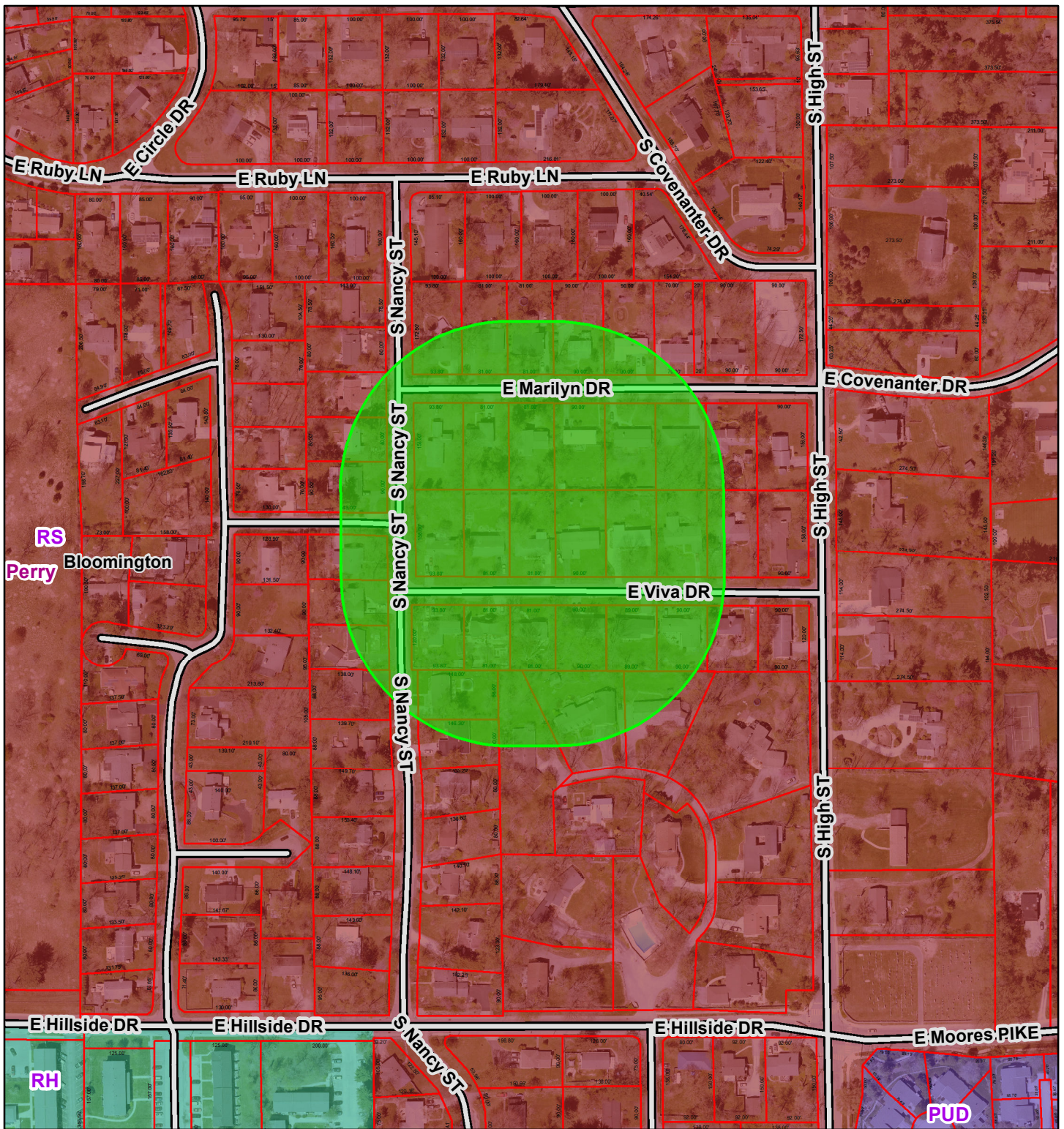
I would like to expand a baking business into my garage. This will be used for making pizza dough and bread dough to sell as retail to stores and the farmer's markets. I understand we will need an under-sink grease interceptor and have the appropriate models on hold pending approval. Please contact myself or Samantha Ezzo if you have any questions. Samantha will be more available to take your questions if needed. Thank you for your consideration.

Thanks,

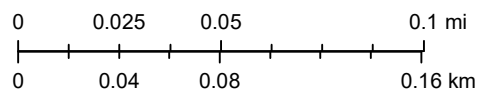



















Michael Fox.

1917 E Viva Drive Contact Map



1:3,000



	Parcels		CG		MH		RH
Bloomington Zoning TAG			CL		PUD		RM
	BP		IG		QY		RS
	CA		IN		RC		
	CD		MD		RE		



CITY OF BLOOMINGTON HEARING OFFICER

Notice of Public Hearing

The City of Bloomington Hearing Officer will hold a public hearing at 2:00 p.m., on August 19, 2020, in the Kelly Conference Room #155 of the City Hall building at 401 N. Morton Street to consider the petition of:

Micheal Fox

for the purpose of conditional use approval to allow for the operation of a bakery business
as a home occupation

for the property located at 1917 E Viva Drive and to which you are an adjacent property owner.

Under the provisions of Indiana Law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. The hearing may be continued from time to time as may be found necessary. You may also file written comments with the Hearing Officer in the Planning Department office (401 N. Morton Street, Suite #160, Bloomington, IN 47404), where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the petitioner (at the number listed below) or the City Planning Department office at 812-349-3423.

Petitioner/Counsel for Petitioner

Address

Phone

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
OF PUBLIC HEARING OF THE BLOOMINGTON PLAN
COMMISSION**

STATE OF INDIANA)
COUNTY OF MONROE) SS:

I, MICHAEL FOX, BEING FIRST DULY SWORN, DO HEREBY
(Printed name of person mailing letters)
CERTIFY THAT NOTICE TO INTERESTED PARTIES OF THE PUBLIC HEARING BY THE
BLOOMINGTON PLAN COMMISSION, to consider the application

of: MICHAEL FOX
(Name of person on application)


Requesting: CONDITIONAL USE APPROVAL

Located at: 1917 East Viva Drive Bloomington, IN 47401

Was sent by REGULAR FIRST CLASS MAIL to the last known address of all INTERESTED
PARTIES as defined by the *Bloomington Plan Commission Rules and Procedures* (A list of
Interested Parties and a copy of said notice are attached and made part of this affidavit).

Said notices were deposited by me in the United States Mail on the 31 Day of Aug July,
2020, being at least twenty-one (21) days prior to the date of first Public Hearing.

I swear and affirm under penalties for perjury that the foregoing representations are true.



(Signature of person mailing letters)

State of Indiana)
County of Monroe) SS:

Subscribed and sworn to before me this 08 day of 05, 2020.