

CITY OF BLOOMINGTON



August 31, 2022 @ 2:00 p.m.
Kelly Conference Room #155 and Zoom-

Virtual Link:

<https://bloomington.zoom.us/j/85963080260?pwd=SkVFQk1MZ3JEYkMxUWpPWnZGdWg1Zz09>

Meeting ID: 859 6308 0260
Passcode: 232001

**CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
August 31, 2022 at 2:00 p.m.**

**City Hall, 401 N. Morton Street
Kelly Conference Room #155**

❖Virtual Link:

<https://bloomington.zoom.us/j/85963080260?pwd=SkVFQk1MZ3JEYkMxUWpPWnZGdWg1Zz09>

Meeting ID: 859 6308 0260

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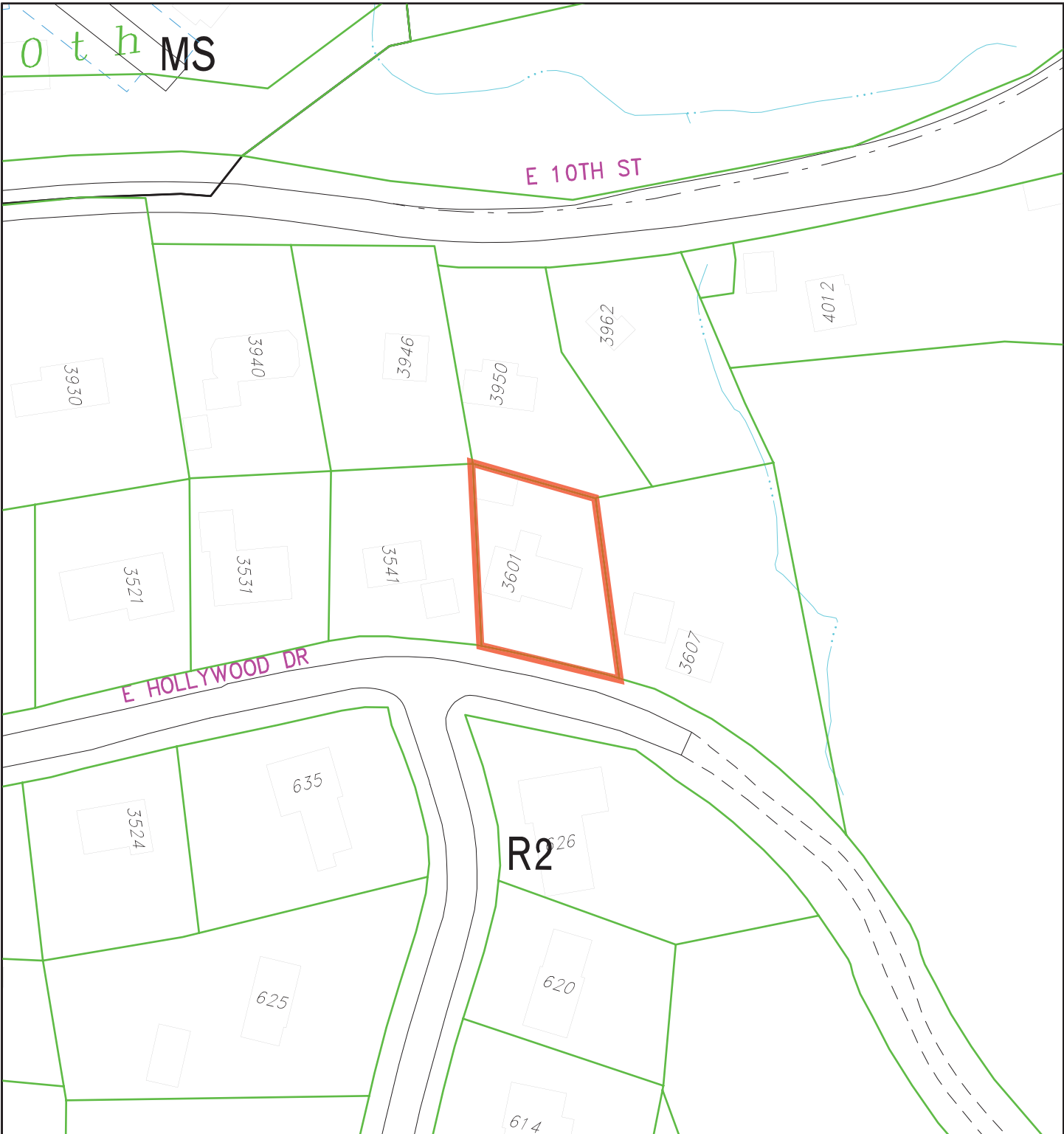
PETITION MAP: <https://arcg.is/1Wnnm5>

PETITIONS:

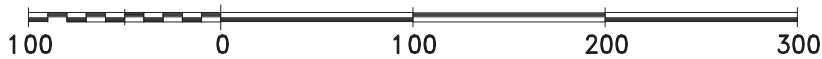
CU-33-22 **Kelley Havill**
3601 E. Hollywood Dr.
Request: Conditional Use approval for a Home Occupation to allow a medical clinic home therapy office in the Residential Medium Lot (R2) zoning district.
Case Manager: Karina Pazos

****Next Meeting: September 14, 2022**

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

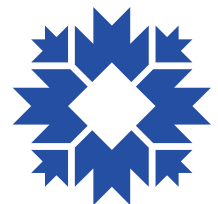


By: karina.pazos
25 Aug 22



For reference only; map information NOT warranted.

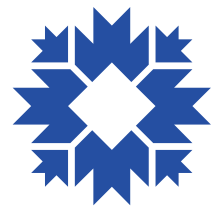
City of Bloomington
Planning



Scale: 1" = 100'

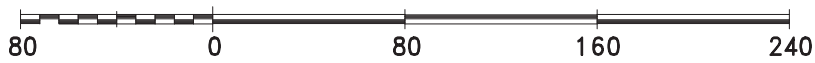


City of Bloomington
Planning



Scale: 1" = 80'

By: karina.pazos
25 Aug 22



For reference only; map information NOT warranted.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 3601 E Hollywood Dr**

**CASE #: CU-33-22
DATE: August 31, 2022**

PETITIONER: Kelley Havill
3601 E Hollywood Dr

REQUEST: The petitioner is requesting conditional use approval for a home occupation to allow a medical clinic home therapy office in the Residential Medium Lot (R2) zoning district.

REPORT: This property is located at 3601 E Hollywood Drive and is within the Residential Medium Lot (R2) zoning district. The property has been developed with a single-family residential dwelling and there are single-family residential dwellings in the surrounding parcels. The petitioner lives in the home and is a licensed therapist who would like to operate therapy services from her primary residence.

The UDO requires a home occupation accessory use to seek conditional use approval followed by a certificate of zoning compliance unless it meets the requirements for being exempt from conditional use approval. Activities that create no external visual changes and produce no odors, noise, vibration, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a certificate of zoning compliance or conditional use approval, provided that no employees or customers visit or park vehicles on the premises, no signs are displayed, and no deliveries other than those normally associated with residential uses are made to the site [BMC 20.03.030(g)(6)(A)]. The proposed home occupation meets all the regulations except that clients will need to visit or park vehicles on the premises in order for the home occupation to operate as intended. The petitioner is proposing that no more than one client will visit at a time during the permitted hours of 8:00 a.m. and 8:00 p.m.

The proposal includes that the operator will continue to reside in the dwelling unit, the home occupation will be located within the existing detached garage that is no more than 840 square feet, any interior alterations will not change the residential character of the dwelling unit, the use of the detached garage will not interfere with the provision of any required off-street parking, and there will not be any alterations to the existing driveway. Those standards are discussed below in the proposed findings.

HOME OCCUPATION STANDARDS: BMC 20.03.030(6) lists requirements, as follows:

1. Operator Residency Required: The operator of the proposed Home Occupation will continue to reside in the dwelling unit.
2. Maximum Number of Nonresident Employees: The proposed Home Occupation will not have a nonresident employee.
3. Maximum Floor Area: The proposed Home Occupation will be located in an existing detached garage that is less than the maximum 840 square feet.
4. Multiple Home Occupations: There is no existing Home Occupation at this dwelling unit.
5. Residential Character: There will not be any exterior changes. Any interior changes needed will be made within a portion of the detached garage and will not change the residential character of the dwelling unit.
6. Location and Entrance: The proposed use in the detached garage will not interfere with the

- provision of any off-street parking.
7. Outdoor Display and Storage: The proposed Home Occupation will not include outdoor display of goods, materials, supplies, or equipment.
 8. Sales and Rentals Prohibited: The proposed Home Occupation will not include any sales or rentals.
 9. Off-street Parking and Loading: The proposed Home Occupation will not alter the existing driveway or site in any way.
 10. Hours of Operation: The proposed Home Occupation will not have client visits outside of the permitted hours of 8:00 am and 8:00 pm.
 11. Commercially Licensed Vehicles: The proposed Home Occupation will not require the operator to have a commercial driver's license.
 12. Deliveries: The proposed Home Occupation will not require deliveries.

CRITERIA AND FINDINGS

The Hearing Officer or Board of Zoning Appeals shall review the conditional use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7)), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

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.

- i. *Compliance with this UDO*
- ii. *Compliance with other applicable regulations*
- iii. *Compliance with Utility, Service, and Improvement Standards*
- iv. *Compliance with prior approvals*

PROPOSED FINDING: The proposed accessory use of the property and the size of the associated proposed use meet UDO requirements. Besides internal remodeling, there are no other changes to the building that are proposed with this use. No changes to the exterior are proposed. There are no changes to utilities needed with this use. There are no changes to the exterior of the building proposed with this use.

(C) Additional Criteria Applicable to Conditional Uses

- i. *Consistency with Comprehensive Plan and Other Applicable Plans*
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.” The use of the property as a single-family dwelling with this accessory use, Home Occupation, will not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

- ii. *Provides Adequate Public Services and Facilities*
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 site is adequately served by public services and facilities.

iii. Minimizes or Mitigate Adverse Impacts

- 1. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
- 2. 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.*
- 3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.*
- 4. 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: There are no natural, scenic, or historical features associated with the accessory use of this interior Home Occupation space. There are no expected significant adverse impacts on surrounding properties as a result of this proposed accessory use of an existing space. The hours of operation, outside lighting, and trash and waste collection are not expected to pose a hazard, hardship, or nuisance to the neighborhood. A neighborhood meeting is not required for a conditional use approval, however the petitioner has mailed a notice of public hearing letter to surrounding properties and has made a good-faith effort to address concerns. Concerns of adjoining property owners have been expressed in regards to notions that are not included in this proposal.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: There is no phasing plan for this proposal.

CONCLUSION: The Home Occupation rules are intended to allow small businesses to be run on residential properties as accessory to the primary residential purposes. These businesses should not detract from the residential character of the property, and should not have detrimental effects on the surrounding properties. The proposed use meets the requirements for a Home Occupation, as described in the Unified Development Ordinance.

RECOMMENDATION: The Department recommends that the Hearing Officer adopts the proposed findings and recommends approval of CU-33-22 with the following condition:

1. A Certificate of Zoning Compliance is required prior to installation of the accessory use.

Kelley Havill

3601 E Hollywood Drive
Bloomington IN 47408
(812) 345.0740
kelleyhp@yahoo.com

July 22, 2022

City of Bloomington Planning Department

401 N Morton Street
Bloomington IN 47404

Dear Planning Department,

I am requesting a Conditional Use approval for a Home Occupation Permit for a home office at my residence at 3601 E Hollywood Drive, Bloomington IN 47408. I would be using the home office to see psychotherapy clients. The home office is located within a converted garage space, in my detached 2 car garage, which is located behind my home. The garage is 664 square feet. The home office uses 200 square feet of the 664 square foot garage.

The home office meets Home Occupation Use Regulations except for (6) (A) ii. 1. "No employees or customers visit or park vehicles on the premises". The use of the office would include one client visiting the premise for 1 hour, and parking their vehicle on the premises for that hour. One client at a time would be visiting the premise. Client appointment times would be spaced apart 30 minutes to avoid any overlap.

Please let me know if more information is required. I would be happy to provide it. Thank you for your time and attention to this matter.

Sincerely,

Kelley Havill, LMFT, LMFC



Monroe County, IN

3601 E Hollywood

Show All X



Bloomington



Karina Pazos <karina.pazos@bloomington.in.gov>

Fwd: [Planning] RE: Proposal to Convert a Grandview Hills Neighborhood [GHNA] Home Into a "Medical Clinic"

2 messages

Darla Frost <darla.frost@bloomington.in.gov>

Wed, Aug 17, 2022 at 2:48 PM

To: Karina Pazos <karina.pazos@bloomington.in.gov>, Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Carmen Lillard <lillardc@bloomington.in.gov>

Karina,

This is for the HO filing.

----- Forwarded message -----

From: **'whosiswhat' via Planning Department** <planning@bloomington.in.gov>

Date: Wed, Aug 17, 2022 at 2:42 PM

Subject: [Planning] RE: Proposal to Convert a Grandview Hills Neighborhood [GHNA] Home Into a "Medical Clinic"

To: council@bloomington.in.gov <council@bloomington.in.gov>, sue.sgambelluri@bloomington.in.gov <sue.sgambelluri@bloomington.in.gov>, sandbers@bloomington.in.gov <sandbers@bloomington.in.gov>, rollod@bloomington.in.gov <rollod@bloomington.in.gov>, simsji@bloomington.in.gov <simsji@bloomington.in.gov>, kate.rosenbarger@bloomington.in.gov <kate.rosenbarger@bloomington.in.gov>, matthew.flaherty@bloomington.in.gov <matthew.flaherty@bloomington.in.gov>, volans@bloomington.in.gov <volans@bloomington.in.gov>, ron.smith@bloomington.in.gov <ron.smith@bloomington.in.gov>, piedmoni@bloomington.in.gov <piedmoni@bloomington.in.gov>, planning@bloomington.in.gov <planning@bloomington.in.gov>

This "conditional use" crap is a clear example of favoritism involving the brother of the mayor's former communications director Ksander (see below) who also just happens to own the home at [3601 E Hollywood Drive](#).

Please note this objection on the record during the hearing.

We in the neighborhood association are paying attention and we are NOT having it.

Please vote NO!

----- Original Message -----

On Monday, August 15th, 2022

To: Grandview Hills Neighborhood Association [GHNA] Mailing List main@ghna.groups.io**RE: Proposal to Convert [GHNA] Neighborhood Home Into a "Medical Clinic"****Notice of Hearing: [3601 E Hollywood Drive](#), Grandview Hills****Wednesday, August 17, 2022 @ 2 pm**

Bloomington City Hall - Council Chambers

401 N. Morton Street

Bloomington, Indiana 47404

Join Zoom Meeting

<https://bloomington.zoom.us/j/88294761290?pwd=TDRxTWp6ekhwbjVVSUJTY3pxTCtZdz09>

Meeting ID: 882 9476 1290

Passcode: 767891

+1 646 931 3860 US

One tap mobile

+16469313860,,88294761290# US



**City of Bloomington
Planning and Transportation Department**

CITY OF BLOOMINGTON HEARING OFFICER

Notice of Public Hearing

The City of Bloomington Hearing Officer will consider the petition of:

Kelley Havill

for the purpose of : Conditional Use approval for Home Occupation for a medical clinic
(home therapy office) in the Residential Medium Lot (R2) zoning
district.

for the property located at 3601 E Hollywood Drive and to which you are an adjacent property
owner.

A public hearing will be held on this request at 2:00 pm, on Wednesday, August 17, 2022 through a
hybrid meeting held both in the Council Chambers, located in Room 115, at 401 N. Morton Street, City
Hall Bloomington, IN 47404, and also remotely which may be accessed at the following link:

<https://bloomington.zoom.us/j/88294761290?pwd=TDRxTWp6ckhwbjVVSUJTY3pxTCtzdz09>

Meeting ID: 882 9476 1290

Passcode: 767891

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 #130, 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.

Kelley Havill

Petitioner/Counsel for Petitioner

3601 E Hollywood Drive

Address

812-345-0740

Phone

kelleyhp@yahoo.com

Email

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3423 • Fax: (812) 349-3520

www.bloomington.in.gov

e-mail: planning@bloomington.in.gov



Show original message

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	<p>Darla A. Frost Planning and Transportation City of Bloomington, IN darla.frost@bloomington.in.gov 812-349-3423 bloomington.in.gov</p>
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whosiswhat <whosiswhat@protonmail.com>
 Reply-To: whosiswhat <whosiswhat@protonmail.com>
 To: "karina.pazos@bloomington.in.gov" <karina.pazos@bloomington.in.gov>

Thu, Aug 18, 2022 at 12:07 AM

[Quoted text hidden]



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487K