

CITY OF BLOOMINGTON



March 28, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

APPROVAL OF MINUTES: February 2019

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION CONTINUED TO: 4/25/19

V-01-19

Malcolm Dalglish

1111 E. Wylie St.

Request: Variance from side yard setback standards to allow for the constructions of an attached carport. Also requested is a variance from architectural standards to allow for a polycarbonate roof.

Case Manager: Eric Greulich

PETITIONS:

CU-02-19

Jen Stuart

3864 S. Bainbridge Dr.

Request: Conditional Use approval to operate a bakery as a home occupation.

Case Manager: Eric Greulich

****Next Meeting: April 25, 2019**

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.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 3864 S. Bainbridge Dr.**

**CASE#: CU-02-19
DATE: March 28, 2019**

PETITIONER: Jen Stuart
3864 S. Bainbridge Dr.

REQUEST: The petitioner is requesting conditional use approval to operate a bakery as a home occupation.

REPORT SUMMARY: The property is located at the south end of S. Bainbridge Drive and is part of the Planned Unit Development (PUD) known as Sherwood Estates (PUD-55-87). 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 from her home.

There would not be any changes to the exterior of the building as part of this proposal. The petitioner will take orders for baked goods and leave them for pick up on the porch. This is defined as a “roadside stand” by the Monroe County Health Department. There are health codes and product rules that the petitioner shall abide by to maintain the roadside stand use. The use would not allow the petitioner to deliver the products to the customer’s home. There is an existing paved driveway at the front of the house that customers will be able to use when picking up the products. The petitioner’s largest volume of orders is on holidays and special events such as graduation. The petitioner will not have the same amount of orders as a bakery with a storefront location and pick-ups on the property will not be excessive. The only portion of the house that will be used for the home occupation is the kitchen which is less than 15% of the house. No 2nd kitchen is proposed or allowed for this use.

OPERATIONS STANDARDS: BMC 20.05.051(e) lays out 13 specific operations standards for home occupations.

1. Operator Residency Required: The petitioner lives in the home.
2. Maximum Number of Nonresident Employees: The petitioner does not intend to have any additional employees.
3. Maximum Floor Area: The existing kitchen will be the only portion of the residence used for the home occupation and is less than 15% of the area of the house.
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: No additional entrance will be utilized for the home occupation.
7. Outdoor Display and Storage: No outdoor display is planned.
8. Sales: All sales will be through pre-placed orders, no walk-up sales are proposed or allowed.
9. Signage: No signage is planned or approved with this petition.
10. Off-street Parking and Loading: There is adequate parking on the existing driveway for customers coming to pick up products.
11. Hours of Operation: The proposed home occupation will not operate outside the hours 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 Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;*

PROPOSED FINDING: The Comprehensive 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;*

PROPOSED FINDING: No additional lighting will be required for this proposed home occupation. Staff 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;*

PROPOSED 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. Pick-ups will be limited to pre-placed orders only. There is adequate parking on the driveway.

- 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;*

PROPOSED FINDING: This use requires no additional infrastructure service improvements. City of Bloomington Utilities Department did not have any requirements for the proposed use.

- 5) *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

PROPOSED 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;*

PROPOSED FINDING: No exterior changes are being proposed with this home occupation. There are no natural, scenic, or historic features on this property.

- 7) *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.

- 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.*

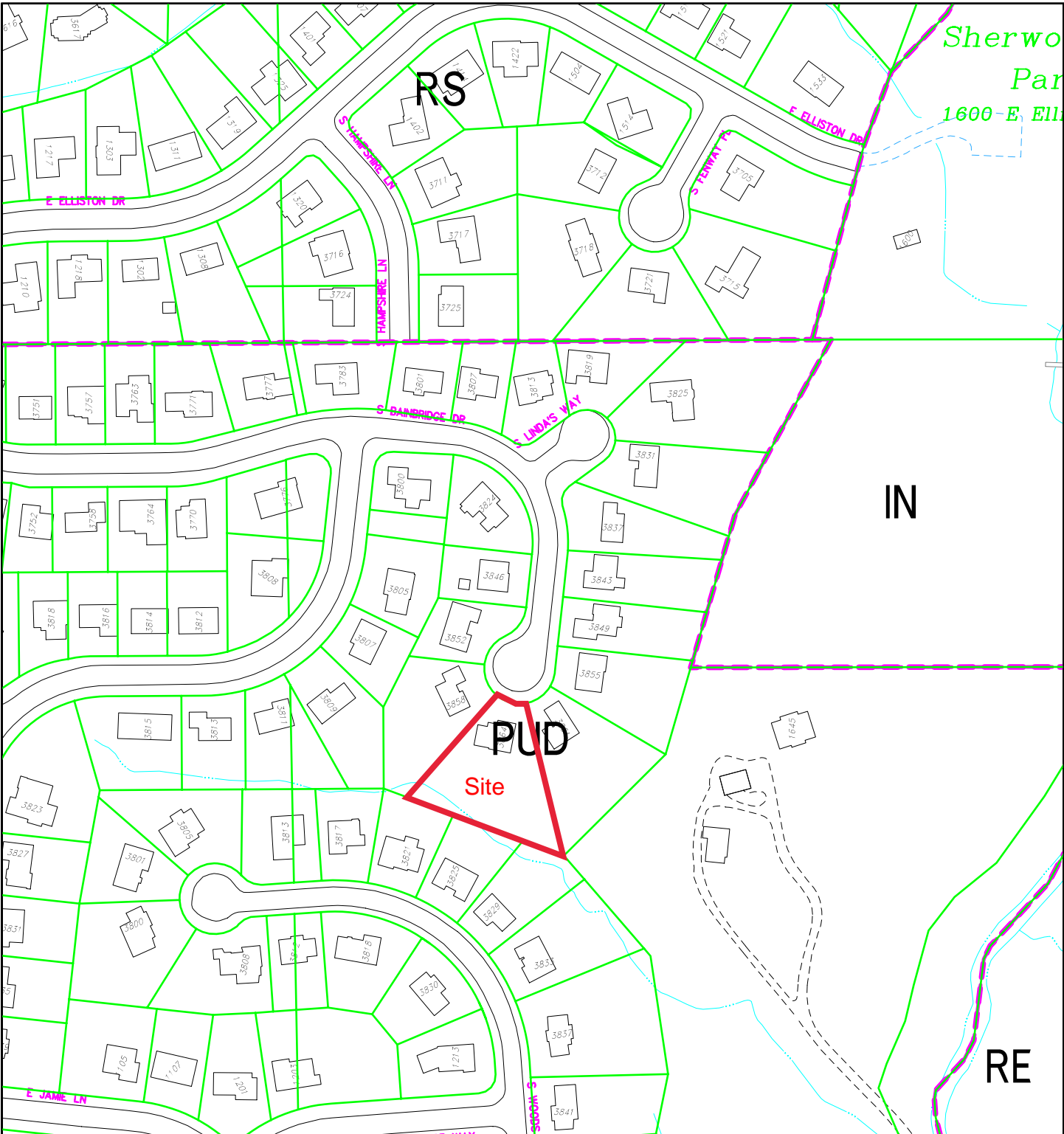
PROPOSED FINDING: Signage for a home occupation is limited to a maximum of two square feet [BMC 20.05.051(e)(9)] which is in keeping with the residential character. No signage is proposed at this time.

- 9) *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; §CU: Conditional Use Standards.*

PROPOSED FINDING: There are no additional conditions for home occupations.

RECOMMENDATION: Based on the written findings above, staff recommends approval of CU-02-19 with the following condition:

1. All orders and pick-ups will be through pre-placed orders.



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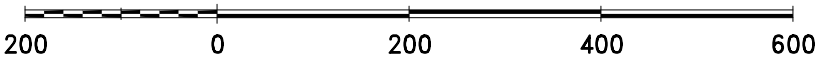
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Site

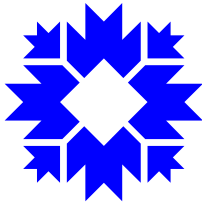
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CU-02-19 Jennifer Stuart
3864 S. Bainbridge Dr.
Board of Zoning Appeals
Site Location, Zoning, Parcels

By: greulice
21 Mar 19

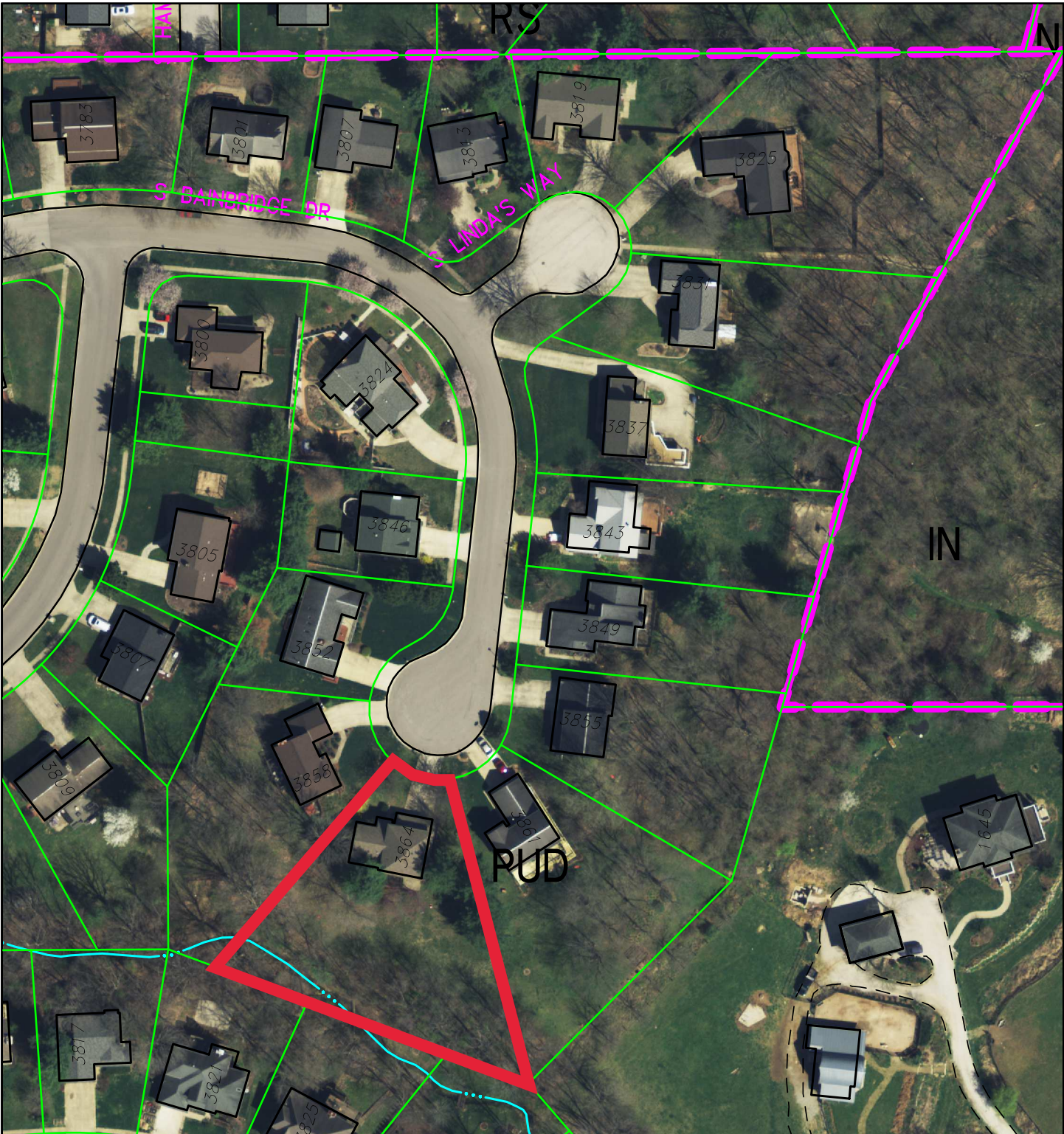


City of Bloomington
Planning & Transportation



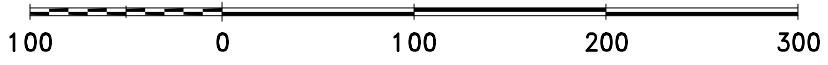
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For reference only; map information NOT warranted.



CU-02-19 Jennifer Stuart
 3864 S. Bainbridge Dr.
 Board of Zoning Appeals
 2016 Aerial Photograph

By: greulice
 21 Mar 19



City of Bloomington
 Planning & Transportation

Scale: 1" = 100'

For reference only; map information NOT warranted.

Jennifer Stuart

3864 S. Bainbridge Dr. Bloomington, IN 47401
812-202-1205 ctcbtown@gmail.com



January 23, 2019

City of Bloomington

Planning and Transportation Department – Hearing Officer
401 N. Morton Street, Suite #130 Bloomington, IN 47404

Dear City of Bloomington,

I am writing this petition to request your consideration of my home-based baking business. I understand that such a business requires an exception by your department. I will be following the State of Indiana guidelines and laws regarding home-based baking business operation. I have been working closely with Nicole Wagner, of the Monroe County Health Department. The Health Department has approved this business from their perspective. There will be no structural changes to the inside or outside of my home or the lot. I also want to assure you that this business will not have a negative impact on our neighborhood. Customers will come to my home to pickup orders, but this will not create excessive neighborhood traffic or parking issues. My business will sell only baked good such as cookies, cakes, and cupcakes, and I am ServSafe certified.

Thank you very much for your consideration. I greatly appreciate it!

Sincerely,

Jennifer Stuart

