

CITY OF BLOOMINGTON



June 28, 2017 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
June 28, 2017 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-16-17 **Shauna Burton**
1009 S. Madison St.
Request: Conditional use approval for a home occupation.
Case Manager: Amelia Lewis

HEARING OFFICER

June 28, 2017

Next Meeting Date: July 12, 2017

Filename: I:\common\developmentreview\hearingofficer\agendas\HO-agenda

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**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 1009 S. Madison Street**

**CASE#: CU-16-17
DATE: June 28, 2017**

PETITIONER: Shauna Burton
1009 S. Madison Street

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

REPORT: The property is located on the east side of S. Madison Street and is zoned Residential Core (RC). The property has been developed with a single family residence and is surrounded by single family residential uses to the north, west, and south with a distillery located to the east. The petitioner lives in the home and wishes to conduct an acupuncture studio as a home business.

Business would be conducted on weekdays from 9:00 AM-5:00 PM, serving one client at a time. There is an existing driveway to the north of the home, leading to parking at the rear, as well as on-street parking in the surrounding area. The petitioner has installed a sidewalk and a bicycle rack. The petitioner has notified her neighbors through the McDoel Garden Neighborhood Association.

OPERATIONS STANDARDS: BMC 20.05.051(e) 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 house is approximately 1,090 square feet. The petitioner plans to use 120 square feet for the home occupation which is 11% 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. The petitioner has already installed a sidewalk and bike rack.
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: There is adequate on-street parking to accommodate one visitor at a time as well as a bike rack installed by the petitioner.
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.

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;*

FINDINGS: 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 permitted, including home occupations.

- 2) *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

FINDINGS: No additional lighting will be required for this proposed home occupation. Staff finds no nuisance 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;*

FINDINGS: 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 on-street parking in the neighborhood and the petitioner will only be seeing one client at a time.

- 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;*

FINDINGS: 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;*

FINDINGS: 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;*

FINDINGS: 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.*

FINDINGS: 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.*

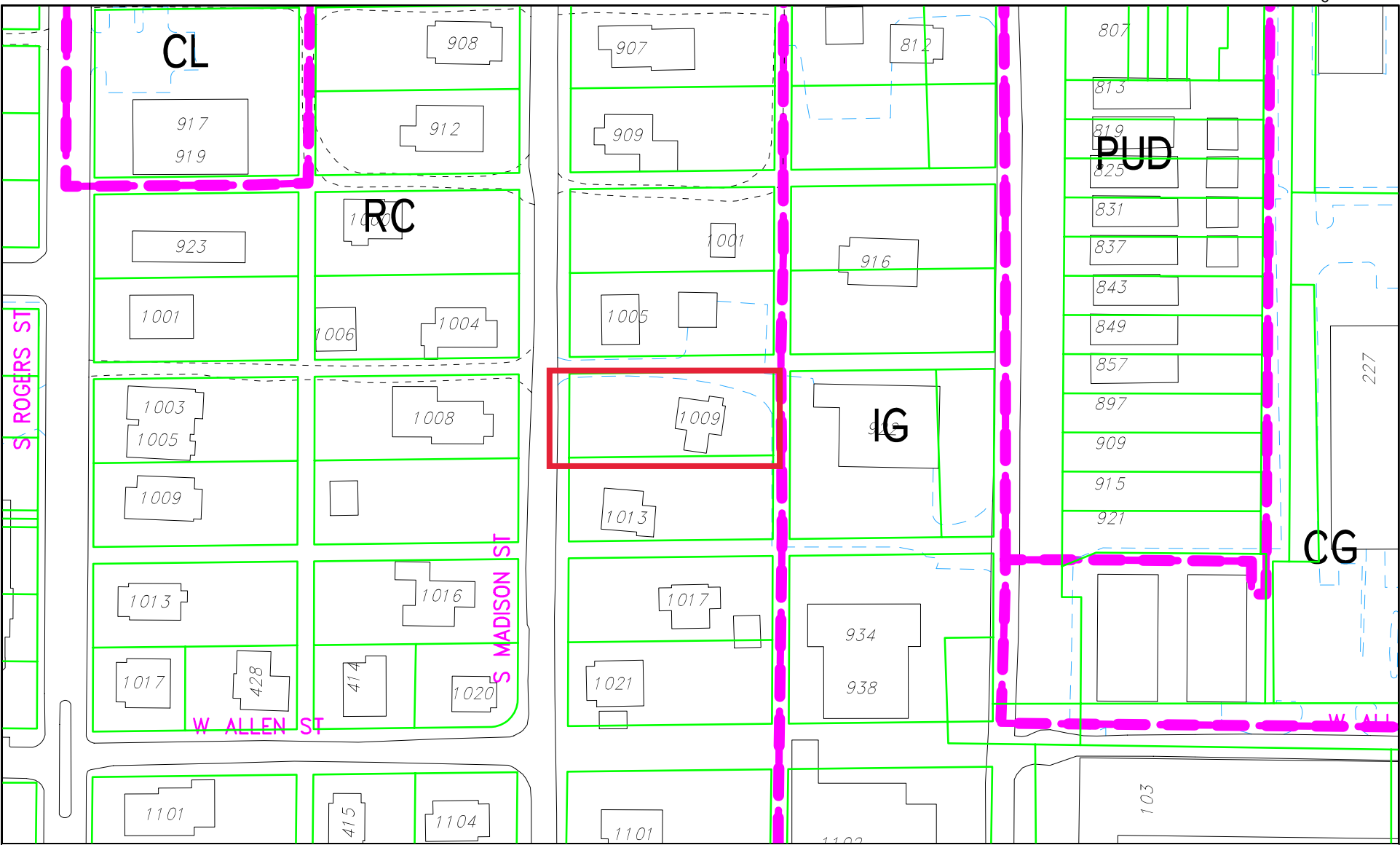
FINDINGS: Signage for a home occupation is limited to the standards of BMC 20.05.079. The petitioner has not applied for any signage. Signage under 1.5 square feet does not require a permit.

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

FINDINGS: There are no additional standards for this use. The proposal meets Operation Standards of BMC 20.05.051(e).

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

1. Any future signage over 1.5 square feet must receive a sign permit.
2. This conditional use is limited to the proposed use, no other use is approved.



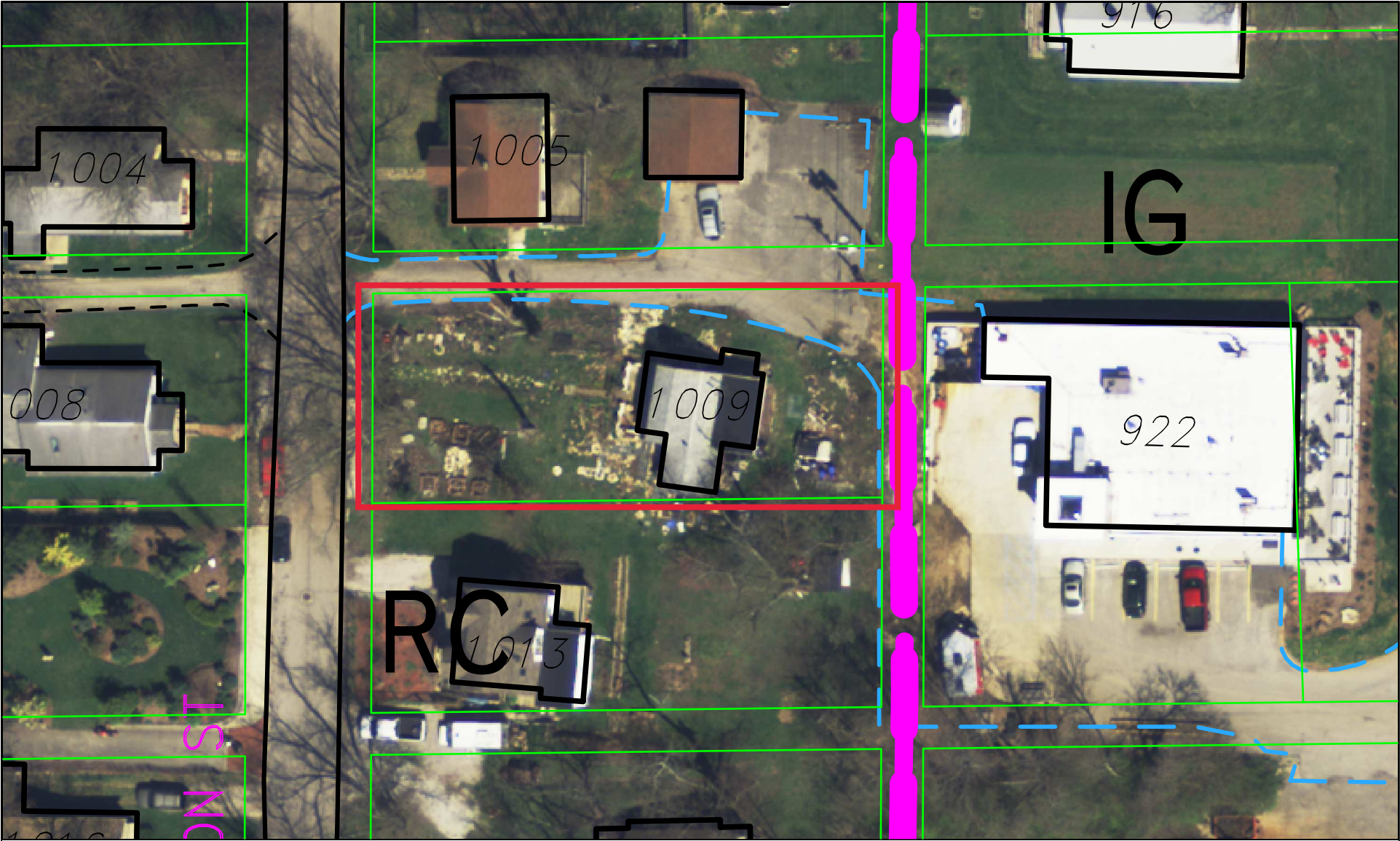
By: lewisa
23 Jun 17



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

Scale: 1" = 100'



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By: lewisa
23 Jun 17



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 40'

Shauna Burton
1009 South Madison St.
Bloomington, IN 47403
812-653-5469

► **City of Bloomington
Planning Committee**

401 N. Morton St. Suite 130
Bloomington, IN 47402

Dear Planning Committee,

I am a licensed acupuncturist with a Master's Degree in Oriental Medicine. I wish to use my home as a place of business. I have bought a sidewalk and a bike rack as to comply with the home business rules of the city of Bloomington. To make my home more appealing as a business location, I have spent many hours and a great deal of money to make my home and yard look very nice. I will not change the structure of my home as acupuncture needs no special equipment. Normal business practice will happen during normal business hours of 9 to 5 on weekdays and I will serve only one person at a time. I do not believe I will in any way inconvenience my neighbors. I live in a business friendly neighborhood. Cardinal distillery is right behind me and our neighborhood has lived very amicably with them and many other businesses located in the Mcdoel Garden Neighborhood.

Thank you,
Shauna Burton
