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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m. Members present: Huskey, Kappas, Klapper and Throckmorton (Hoffmann absent).

**APPROVAL OF MINUTES:** February 2019

**\*\*Kappas moved to approve the February 21, 2019 minutes. Throckmorton seconded. Motion carried by voice vote.**

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:** None at this time.

**PETITION CONTINUED:**

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      **Jennifer (Jen) Stuart**  
3864 S. Bainbridge Dr.  
Request: Conditional Use approval to operate a bakery as a home occupation.  
*Case Manager: Eric Greulich*

Eric Greulich presented the staff report. The petitioner is requesting a Conditional Use approval in order to operate a bakery as a home occupation at this location. The petitioner resides in the home. The petitioner would allow for pre-placed orders and for customers to pick-up their baked goods from the porch area of the home. Pick-up times would be limited to 8AM to 8PM, Monday--Friday. Greulich stated there are no plans for a second kitchen. No additional employees will be generated with this use. No changes to the exterior of the home will occur. This request is somewhat unique because of the pre-placed orders aspect of the home occupation or the indirect sales component. Usually with home occupations you will see therapists, hair stylists, etc. Therefore; it is this reasoning that Staff decided to bring the petition before the BZA instead of the Hearing Officer. This type of use is defined as a "roadside stand" by the Monroe County Health Department. In order to maintain the roadside stand use, the petitioner must abide by certain health codes and product rules which she has agreed to do. There are no proposed interior changes to the existing kitchen. Staff recommends approval of this petition based on the written findings outlined in the staff report, including the following condition:

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

Jennifer Stuart spoke about her petition. She has been working with the Monroe County Health Department and have their blessing to do this. She plans to do birthday and wedding cakes with just a couple customers per week, with pick-ups following the County and State health rules.

Kappas asked Staff to clarify why picking up orders in itself is unique in nature. Greulich responded that the UDO (Unified Development Ordinance) lists “*No direct retail sales.*” This condition was designed to prohibit someone from opening up a shop and people just stopping by anytime throughout the day or night and basically operating a commercial retail establishment. This business is going to be unique to customers who have placed orders, so it was that unique aspect where Staff thought it would be best to send it to BZA to give it higher visibility. Kappas asked if the Conditional Use would remain with the property if approved. Greulich said yes. Somebody else could move in and use it as a bakery with pre-placed orders only so it doesn’t expand into something else.

Huskey confirmed the petitioner’s pick-up times would occur a couple of times per week. She also asked the petitioner what her ideal growth plan would be. Stuart stated that she wants to remain small scale. At some point, she would like to have a regular store but she still has young children at home. And given her past experience with a store in Ellettsville it became too expensive to keep. The health department encouraged her to be a home based vendor given that her goal is to remain small with only a few orders per week.

~Discussion ensued between the Board and Staff about the possibility of traffic becoming an issue. Klapper asked if the Conditional Use would follow the property and whether or not it’s specific to the proposed business. Greulich confirmed it’s specifically for a bakery with the condition of approval that it’s for “limited pre-placed orders” only. The Conditional Use could be rescinded if the department were to receive complaints concerning excessive traffic. Greulich explained these same conditions would apply for pre-placed orders for all future owners of the property. Meaning that any future owner could operate a bakery here with the same pre-placed order limitation. Throckmorton asked if the petitioner would be making deliveries. The petitioner responded she is not allowed to make deliveries per the Monroe County Health Department rules. Customers have to pick-up their orders and are not allowed in her home.

No public comments.

Stuart added that she doesn’t plan to have any employees.

Throckmorton said the business is incorporated but is the petitioner required to be insured for a home based business? For instance, if someone came on the property to pick-up an order and fell and broke their arm. Greulich stated that insurance is not a requirement for home occupations and that it would likely fall under the petitioner’s homeowner insurance policy.

**\*\*Kappas moved to approve CU-02-19 based on the written findings, including the one condition outlined in the staff report. Throckmorton seconded. Motion carried by voice vote 4:0—Approved.**

Meeting adjourned.