PROJECT REVIEW GROUP REPORT

TO: ZONING BOARD OF APPEALS

PREPARED BY: Marisa Krawiec, AICP
Community Planner

HEARING DATE: October 27, 2021
DATE PREPARED: October 11, 2021

CASE NUMBER: Z2110-01

TITLE: Meo Beo Bakery, LLC / 834 W. Weathersfield Way / Special Use for Home Occupation – Home Baker

BACKGROUND INFORMATION

Petitioner: Phuong Uhlir

Status of Petitioner: Owner and Occupant of Subject Property

Existing Zoning: R-6 - Single Family Residence District

Location of Parcel: North of Weathersfield Way, West of Salem Drive

Requested Action:

- Special Use for a Home Occupation [Title 15, Chapter 154, Section 154.65 (B)(3) of the Village Zoning Ordinance]

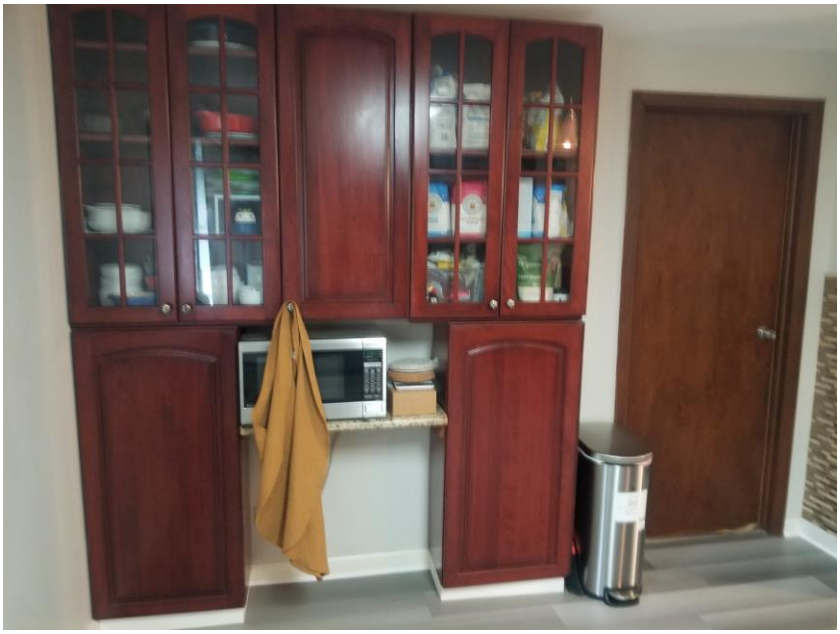
ANALYSIS

Summary:

The petitioner requests Special Use approval for a home occupation, located at 834 W. Weathersfield Way, for the production of baked goods for direct sales to the public. The petitioner is proposing to use her kitchen to bake and sell cookies to the general public through various social media platforms, such as Facebook, Instagram, and NextDoor. The petitioner will use all kitchen appliances such as the oven, freezer, and KitchenAid mixer as well as countertops, a table located in the room adjacent to the kitchen, and various baking utensils for the production of baked goods. The petitioner is proposing to deliver the cookies to customers' homes or meet in a public place, such as Town Square, for transfer of the cookies.

Section 154.65(B)(3) of the Village Zoning Ordinance states that Special Use Approval is required for any home occupation that requires the handling of food or food stuffs. The petitioner's application states that 160 square feet will be used to conduct the home kitchen operation, which is the maximum area allowed for a home-based business.

Pictures of the petitioner's existing kitchen are included for your reference.



The Home Kitchen Operations Act (PA 098-0643), also known as the Cupcake Law, was created by the Illinois General Assembly. On December 11, 2018, the Village Board adopted Ordinance #18-

131 amending Title 9 of the Village Code with Regard to Home Kitchen Operations. The regulations require that anyone operating a home kitchen must pass the American National Standards Institute (ANSI) approved food handler and food allergen training. The petitioner has completed the required training and provided the Training Certificates (IA12114 and 21041519) issued upon successfully completing the training. Additionally, the kitchen and all appliances, countertops and plumbing fixtures must be clean, operable and safe from hazards, and the sink must be supplied with pump soap and paper towels. The petitioner does not have any pets, but under PA 098-0643, pets are restricted to areas outside the equipment when the home kitchen operation is in use; and insect and rodent control shall be maintained at all times. PA 098-0643 further regulates that the gross sales by the business cannot exceed $1,000.00 monthly.

The Village may conduct health inspections to ensure compliance with the Illinois Food Handling Regulation Enforcement Act and the Village Code. Because special use is required, the Health Division will inspect the business annually. The Health Division completed an initial inspection and reported no issues with the proposed business.

Staff has reviewed the petitioner's request and is supportive of the request. Staff believes the impact to neighbors will be minimal as the kitchen where the home kitchen operation will be taking place is located indoors and sales are restricted to persons that have placed an order. In the past, the Village Board has approved other home occupations that involve client visits to the home. Cases where special use approval has been granted include: a music teacher (Case No. Z0512-02), a counselor (Case No. Z0508-05), massage therapists (Case Nos. Z1001-02, Z0707-05, Z0707-01, Z0608-05), a nail technician (Case No. Z0711-04), a hairdresser (Case No. Z0305-08), a pet aquatherapist (Case No. Z1104-10), an alteration business (Case No. Z1312-06), and a microblading business (Case No. Z1807-01). Most recently, the Village Board has approved two similar home bakers Cathy Weaver at 632 Huntington Lane (Case No. Z1902-04) and Ghanshyam Cakes at 723 Seafarer Drive (Case No. Z1904-05), and Raining Grace Baked Goods (Case No. Z2006-03) at 108 Dorset Lane. All home bakers were allowed up to a maximum of six clients to visit the home per day.

At this time, the petitioner anticipates meeting customers in a public location or delivering the baked goods. In the event the petitioner wants to allow customers to come to the home, she would typically have to request an amendment to the special use, which would require a new application, Zoning Board of Appeals hearing and Village Board approval. To prevent the petitioner from having to obtain an amendment to the special use if she determines she wants customers to come to the home, Staff has provided an analysis of the property's ability to accommodate customers visiting the home. The petitioner recently expanded the driveway, so there is sufficient room for vehicles to park on the driveway for pickups. In the past, client visits have been limited to six per day; to minimize the impact to adjacent properties and better control traffic for the business. As such, Staff recommends that the number of client visits for the proposed home occupation also be limited to a maximum of six per day. If customers come to the home, then Staff also recommends that the petitioner stagger pickup times so there are not more than two customers in any given hour.

Compatibility with Surrounding Land Uses:

The proposed home occupation will have a negligible impact on surrounding properties. As described, the use will not generate a significant amount of additional traffic nor create any traffic hazards or nuisances.

RECOMMENDATION

Staff feels that the proposed business does not differ fundamentally from previously approved Special Use home occupations requesting client visits. Staff has reviewed the proposed plan and recommends **approval** of a Special Use to operate a home baker for Meo Beo Bakery, LLC, located at 834 W. Weathersfield Way, Case No. Z2110-01, subject to the following conditions:

1. The special use is approved in accordance with the business narrative received by the Community Development Department on October 5, 2021
2. The proposed home occupation shall abide by all provisions of Section 154.65 (Home Occupations) of the Village Zoning Ordinance.
3. The proposed home occupation shall abide by all provision of Section 95-37 (Home Kitchen Operations) of the Village Health and Sanitation Ordinance.
4. The home occupation shall be limited to six client visits per day. Customer pickups shall be staggered so there are no more than two pickups within an hour.
5. Adequate, off-street parking shall be provided for all clients visiting the home.
6. The following plans/exhibits for the sign shall be adopted as part of the governing ordinance:
   a. Floorplan, received by the Community Development Department on October 5, 2021.
   b. Plat of Survey, received by the Community Development Department on October 5, 2021.

pc: Petitioner