NEW WHITELAND BOARD OF ZONING APPEALS

APRIL 24, 2018

6:30 pm

PUBLIC HEARING

Chairman, Chad Waltz, began the meeting at 6:30 pm. Members present were Chad Waltz, Dennis Montgomery, Mike Ryle and Jason Smith. Attorney Lee Robbins was present as well as Zoning Administrator Tim Guyer.

**MINUTES**:

Dennis Montgomery motioned to accept the minutes from the previous meeting as presented. Mike Ryle seconded the motion. Vote was 4 affirmative.

**OLD BUSINESS**:

**Nancy Pace 213 Sawmill Road Carport**

Nancy Pace residing at 213 Sawmill Road is still seeking a variance for her carport. This was continued from the February 2018 BZA meeting. She wants to leave it where she originally asked for it to be, which is 2 ½’ from the side property line. It wouldn’t be feasible to move it over, then it would be in front of the garage and they want to be able to get their car out of the garage.

Chad asked Tim Guyer if he got the additional information that Mrs. Pace submitted after the February meeting. Tim replied, yes. There was some discussion. Mrs. Pace states that the carport will be bolted down to the concrete. Attorney Robbins explained that carports are allowed as an accessory structure. The variance is not about a carport being allowed, the variance is about **where** the carport will be placed. There were no remonstrators in attendance.

Mike Ryle motioned to grant the variance to Mrs. Pace to allow the side setback reduction from 12’ to 2 ½’. Jason Smith seconded the motion. Vote was 4 affirmative.

**NEW BUSINESS**:

**Nicole Chavez / Special Exception for a Tattoo Shop**

Mrs. Chavez approached the board for a Special Exception for a tattoo shop in a GB2 zoning. It is a family owned and operated business. She is a co-owner with her husband. Her husband has been doing tattoos for eleven years. They have one other tattoo artist that they employ. They have been in business since 2010. They have always been in compliance with the Health Department. They are an alcohol and drug free operation. They run a quiet, clean and professional business. There is no loitering and no smoking in front of the business. They are closed on Sundays and Mondays. They currently operate from noon to 8:00 pm. They may change the hours to noon to 10:00 pm. The business is currently located on Loews Blvd. behind Ashley Furniture. If they don’t get the Special Exception, the business will have to shut down. They are not visible for customers.

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**Nicole Chavez / Special Exception for a Tattoo Shop** (continued)

There was discussion about the sterilization of needles and the disposal of them. Mrs. Chavez is a registered nurse at St. Francis Hospital. She takes the needles and disposes of them at St. Francis Hospital. They do not do any piercings below the belt. They choose not to do tattoos or piercings for anyone under the age of 18. They won’t even do ear piercings for anyone under 18 years of age.

Dennis Montgomery asked if there would be any chemicals stored outside or anything of that nature. Mrs. Chavez replied, no. Nothing is stored outside. They want to relocate because they are not visible at their current location. It was also mentioned that Mrs. Chavez has authorization from the owner of the building to apply for this Special Exception.

Dennis Montgomery motioned to grant the Special Exception with the following conditions.

1. The business will not stay open past 10:00 pm.
2. No services to anyone under the age of 18.
3. All employees will be subject to random drug screening.

Chad Waltz seconded the motion. Vote was 4 affirmative to grant the Special Exception.

Meeting adjourned at 7:09 pm.

 Respectfully submitted:

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Approved By: Recording Secretary