

**BEECH GROVE BOARD OF ZONING APPEALS
MEETING MINUTES
WEDNESDAY, JUNE 3rd, 2015**

Rick Greenfield called the meeting to order at 1:05 p. m.

ROLL CALL: Attending were, Board Members, Dawn Whalen, Rick Greenfield, Kathy Arsenault, Clerk Treasurer Dan McMillan, and City Attorney Craig Wiley. Absent Julie Weaver, Diana Hendricks.

RULES OF PROCEDURE: Rick Greenfield read the Rules of Procedure and City Attorney Craig Wiley swore in those giving testimony at the meeting.

CONTINUED PETITION- 222 MAIN STREET 2015-UVB- 003

Petitioner: Tammy and Anthony Hanna 222 Main Street request a variance of use of the Commercial Zoning Ordinance to provide for a tattoo parlor.

City Attorney Craig Wiley stated he didn't think board member Rick Greenfield should be able to vote on this variance, Linda Ahlbrand staff agreed. Craig Wiley stated for the record this petition should not proceed. William Ayres attorney for the petitioner disagreed with this. He stated Rick Greenfield no longer had an interest in this real estate transaction and recused himself at the previous meeting because he was involved in the real estate transaction. The real estate transaction was closed since the last meeting so, therefore he should be allowed to vote on this transaction, there is no conflict. The Board Members voted 3-0 to let Rick Greenfield vote on this petition.

Mr. William Ayres attorney for the petitioners called Tammy Hanna co-owner of the real estate and asked if she had talked to the tenant about operating this business under the laws that govern tattoo businesses and also made them aware that they can only operate the business within the hours of 8:00am-10:00pm. Mr. Ayres asked Tammy if they have operated other businesses and have done so responsibly and she stated yes and she feels it is good to give back to the communities they do business in. Tony Hanna Co-Petitioner also stated they have talked to tenant about following all the laws that govern this tattoo parlor. Bo Peavler, tenant, also stated the Hanna's have talked to him about following all laws that pertain to the tattoo business and he would operate the business within the hours the Board has suggested (8:00am-10:00pm). City Attorney, Craig Wiley asked Mr. Peavler if it was still his testimony that he has not been cited for any infractions Mr. Peavler said, yes. Mr. Ayres asked Mr. Peavler if he has ever owned a tattoo parlor and Mr. Peavler answered, no, he has not. Mr. Ayres said, so, if any complaints were filed against any company you worked for you would not be aware of this, correct? He answered, yes and stated no complaints were filed against him in his career. He also commented that he takes pride in doing a good job. He remarked that he is just a working guy, trying to make a living. Mr. Ayres stated for the record that there are no remonstrators at this meeting and there were none at the last meeting, and the city has received no remonstrator complaints by mail.

NEW PETITIONS: None

Remonstrators: None

Staff: Linda Ahlbrand representing staff recommends approval subject to the hours of operation of the tattoo parlor shall not exceed 8:00 am. to 10:00pm.

Petitioner Rebuttal-None

Remonstrators Rebuttal-None

A voice vote to approve 2015-UVB-003, 222 Main Street. The vote was 2-1 to approve the variance. This came out as indecisive vote so it will automatically be put on the docket for the July 1st, meeting.

READING OF MINUTES: Clerk-Treasurer Dan McMillan

Dan read the minutes from the May 6th, 2015 BZA meeting. Dawn Whalen made a motion to approve the minutes as presented. Kathy Arsenault seconded the motion; which was approved by unanimous voice vote.

ADJOURNMENT:

Kathy Arsenault made a Motion to adjourn. Dawn Whalen seconded the Motion; which was approved by unanimous voice vote. The meeting was adjourned at 1:30 pm.

Diana Hendricks

Dawn Whalen

Rick Greenfield

Julie Weaver

Kathy Arsenault

Dan McMillan, Secretary

Prepared by: Dan McMillan