

**BEECH GROVE BOARD OF ZONING APPEALS
MEETING MINUTES
WEDNESDAY, DECEMBER 7th, 2016**

Rick Greenfield called the meeting to order at 1:00 p.m.

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

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

CONTINUED PETITIONS: NONE

NEW PETITIONS:

2016-UVB-003 - Dave Johnson State Farm Insurance - 4140 S. Emerson Ave.
Dave Johnson petitioner request a variance of use for an insurance office (not permitted). A variance was obtained in 1978 (78-BG-14) that permitted the building to be utilized for a dentist office. The site has been used for a dentist office ever since.

Remonstrators: NONE

Staff: Linda Ahlbrand

Staff recommends Approval, this request would provide for an insurance office. Because the previous request was specific to a dental office, a new use variance is required for any other office use. The request is similar to the historical use of the property since the previous variance was granted and it would also be consistent with the Comprehensive Plan, which recommends Community Commercial uses. Diana Hendricks made a Motion to approve the variance, Dawn Whalen seconded the Motion which was approved by unanimous voice vote.

2016 – UVB – 004 -Tammy and Anthony Hannah Petitioners 222 Main Street
Tammy Hanna petitioner request a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a tattoo parlor within 85 feet of a protected district (1000-foot separation required)

Remonstrators: None

Staff – Linda Ahlbrand:

Staff recommends approval of the variance petition subject to the following condition: The hours of operation of the tattoo parlor shall not exceed 8:00am to 10:00pm. A similar tattoo parlor variance for the subject site was heard and denied by the Board of Zoning Appeals in 2015. The Board’s Rules of Procedure allow the refile of the same variance request on a subject property if a year has passed since the first request was denied. Since the first variance request, the zoning ordinance has been amended. The previous Ordinance required tattoo parlors to be 500 feet from a protected district and obtain a Special Exception from the BZA to be permitted. Since the subject site could not meet that 500-foot requirement to request a special exception, a variance of use was requested instead. The current Ordinance requires a 1000-foot separation from a protected district, but does not require a special exception if that 1000-foot distance can be met. Since this site does not meet the distance requirement in the current Ordinance, a variance of use is required for the use to be permitted.

Dawn Whalen moved to approve the variance subject to the following conditions:

The current owner of the property and tattoo applicant only, when a change of ownership of the business or building occurs this variance is discontinued, the variance states the following no neon signs allowed, the only exception would be to allow an open sign, any signage changes including window signage within one foot of the windows must come before the Beech Grove Board of Zoning Appeals for approval including window signage, hours of operation are allowed Monday-Saturday 12:00pm- 10:00pm, Sunday 12:00-8:00pm. Dianna Hendricks seconded the Motion which was approved by unanimous voice vote.

2016-UVB-005 - Petitioner JC2 Enterprises 6050 Churchman By-Pass: Marci Reddick James Canterbury Petitioner request a Variance of Use of the Consolidated Zoning and Subdivision Ordinance, to provide for retail sales (not permitted) and storage of adventure camping goods and supplies and firearms and to provide for an indoor archery range (not permitted).

Remonstrators: None

Staff - Linda Ahlbrand:

Staff recommends approval of the variance petition subject to the detailed description of request and plan of operation both identified as exhibit A, file-dated November 3rd, 2016. This request would provide for retail operations specializing in camping goods and supplies, fire arms and an indoor archery range in an existing industrial building.

The retail sales and archery chute would be incidental and subordinate to the primary industrial use of the building being warehouse and distribution. The surrounding area is comprised of industrial buildings and uses.

Rick Greenfield moved to approve this variance with hours of operation not to exceed Monday-Saturday 8:00am – 7:00pm, Dianna Hendricks seconded the Motion which was approved by unanimous voice vote.

READING OF MINUTES: Clerk – Treasurer Dan McMillan

Dan read the minutes from the July 6th, 2016 BZA meeting, Dianna Hendricks made a motion to approve the minutes as presented. Rick Greenfield seconded the motion’ which was approved by unanimous voice vote.

ADJOURNMENT: Dawn Whalen made a Motion to adjourn. Diana Hendricks seconded the Motion; which was approved by unanimous voice vote. The meeting was adjourned at 1:51 pm.

Diana Hendricks

Dawn Whalen

Rick Greenfield

Julie Weaver

Kathy Arsenault

Dan McMillan, Secretary