

The Pendleton Board of Zoning Appeals met on January 15, 2019 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Board Members present were Tammy Bowman, Jerry Kelly and Mike Romack. A quorum was established with three of five members present. Representing the Town were Planning and Zoning Administrator Kayla Hassett and Planning Clerk Kate Edwards.

Others in attendance included Heather Hasty of Relaxation Retreat Studios Pendleton and Kathy Ridenour of Pendleton.

ELECTION OF OFFICERS

NOMINATED BY JERRY KELLY, SECONDED BY MIKE ROMACK TO RE-ELECT TAMMY BOWMAN AS CHAIRMAN. MOTION CARRIED.

NOMINATED BY TAMMY BOWMAN, SECONDED BY MIKE ROMACK TO ELECT JERRY KELLY AS VICE CHAIRMAN. MOTION CARRIED.

MINUTES

Minutes of the December 18, 2018 meeting were approved.

OLD BUSINESS - none

NEW BUSINESS

V01152019-01 – Microblading Business – 122 W State St – Shannon Gillette

Kayla Hassett advised that applicant Shannon Gillett was unable to attend and is being represented by Heather Hasty of Relaxation Retreat.

Hassett presented on Google Drive. The presentation included the Application for Conditional Use, Bloodborne Pathogens for Body Art Certificate, Certificate of Insurance, Certificate of successful completion of La Shae Brow & Lash Products Microblading Training, Indiana Professional Licensing Agency Cosmetology & Barber Board Esthetician License, a pamphlet on the topic of Microblading, Vicinity map of the downtown location and interior pictures different studios of Relaxation Retreat Studio.

Staff Findings

- Land Use Variance requested for microblading (cosmetic tattooing) business.

Use Matrix

- Neither “microblading” nor “tattoo parlor” are included in Use Matrix.

Unified Development Code

154.08 VARIANCES

154.08.02 Authority

B. ...the Board of Zoning Appeals may consider land use variances in cases in which a proposed use for a property does not fall with the list of permitted or conditional uses for the zone district in which it is located.

154.08.05 Findings of Fact for Variances

B. Additional findings of Fact for Land Use Variances

...the Board of Zoning Appeals shall, in weighing the appropriateness of a variance for land use, consider the following:

1. The land use variance shall not be materially detrimental to the public health, safety, morals, and general welfare of materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity.
2. The variance would not result in a use or development on the subject lot that would substantially affect the use and value of the area adjacent to the subject property in an adverse manner, including but not limited to, impairing an adequate supply of light and air to the properties and improvements, substantially increasing congestion in the public streets due to traffic or parking, unduly increase the danger of flood or fire, or unduly tax public utilities and facilities in the area.

Staff Recommendation

Approve

Hassett advised that the Variance, if approved, is attached to the property.

Heather Hasty addressed the Board and shared that there has to be approval by the Board of Health and they have to follow the Board of Health Tattooing Guidelines.

Bowman asked about the status of the first Microblading Variance the Board approved previously. Hassett reported that she was uncertain if it has opened or what the current status is. Hassett added that there have been no complaints regarding that Use Variance, nor did she receive any concerns regarding the Shannon Gillette application.

Hasty added that, if they receive approval by the BZA, Relaxation Retreat will then go to the Board of Health and pay \$500.00 this year and every year and the Board of Health can come in at any time to check your space.

Romack asked if the BZA would actually be approving tattoos and Hassett advised this Variance is just for the microblading. Romack also asked if Planning will be amending the Use Matrix now that this has come in front of the BZA on two occasions. Hassett

advised that the Town is in the process of updating the entire Unified Development Code this year which will include microblading.

MOTIONED BY JERRY KELLY, SECONDED BY MIKE ROMACK, TO APPROVE V01152019-01. MOTION CARRIED.

FINDING OF FACT FOR V01152019-01 SIGNED BY ALL MEMBERS AND ATTESTED BY KATE EDWARDS.

Next meeting is scheduled for February 19, 2019 at 7:00pm.

Meeting adjourned at 7:15pm.

Kate Edwards
Planning Clerk
Town of Pendleton