

MINUTES
BOARD OF ZONING APPEALS
March 3, 2020 at 5:00 o'clock P.M.

Jefferson County Courthouse
Annex Bldg., Surveyor's Office
315 Jefferson St., Madison, IN 47250

MEMBERS PRESENT: MIKE SHELTON, VIRGINIA FRANKS, and DARRELL GINN
and ROBERT J. JACOBSON

VISITORS PRESENT: JAMES WINGATE, TINA GUNTER, KIRBY GUNTER,
BOBBY LITTLE, Commissioner, and WARREN AUXIER

STAFF PRESENT: MIKE PITTMAN, Surveyor, PAT MAGRATH, Attorney, JIM
DIERDORF, Building Inspector/Zoning Enforcement Officer, and
LYNETTE ANDERSON, Secretary

Vice-Chairman Mike Shelton called the meeting to order. A quorum was present with David Ferguson absent; Bob Jacobson arrived at 5:15 p.m. Virginia Franks made a motion to approve regular meeting and joint meeting minutes from January 7, 2020. Darrell Ginn seconded the motion. Motion passed unanimously. There were no communications.

New business as follows:

- **James Wingate:** 11900 N Hicks Ridge Road, Canaan, IN, Shelby Township, containing 69.253 acres made an appeal regarding AG permit fee for an implement storage pole barn. Jim Dierdorf explained to the board when he looked at Mr. Wingate's property, he didn't believe there was much farm land and he also believed the type of farming Mr. Wingate participates in does not fall under the definition of Agriculture, which is defined on the form, Use of Building. Mr. Wingate cuts and sells firewood and is planning to buy cattle and put up fence in the future. There was discussion about cutting and selling firewood being a type of farming/being production off the farm. Darrell Ginn said he was in favor of the \$25 AG fee and Virginia Franks agreed. Darrell Ginn made a motion to approve the appeal, leave the permit fee at \$25 and not charge Mr. Wingate \$0.10 per square foot. Virginia Franks seconded the motion. The motion passed unanimously.

- **Kirby and Tina Gunter-** 6278 W New Bethel Road, Lexington, IN, Saluda Township, made application and requested, under Section 7.00 – Official Schedule of District Regulations under Item #659 Other Professional Services, a conditional use to open a tattoo parlor, business name being Indiana Gun Tattoo Studio. Three green cards were turned in and all the proofs of mailing were turned in. The board asked Tina and Kirby Gunter if they were aware of all the regulations they will need to adhere to pertaining to many health regulations addressed in our county ordinances. The Gunters told the board they are aware of the many regulations. Virginia Franks asked Warren Auxier to ask a few questions about the regulations

in the county ordinances. Warren Auxier pointed out some of the regulations in the county ordinances are out of the scope of the BZA, such as health issues and building issues/occupancy permit, but Warren Auxier did mention the need of a separate entrance and tattooing cannot be done in a room that is connected to living quarters. The Gunters have operated a tattoo business before (Kirby Gunter said he has been doing tattoos for 33 years) and they are aware of the strict guidelines and inspections from the Health Department. Tina and Kirby Gunter told the board there will be no signage, no advertisement and the tattoo parlor will be by appointment only-one person at a time. There were no objections from the audience or adjoining property owners. Jim Dierdorf asked about the construction of the new entrance. Jim Dierdorf told Kirby Gunter he will need to get a building permit for that construction. Bob Jacobson asked if the Gunters will need ADA approval and it was said they will not need it because they are serving only one person at a time. Darrell Ginn made a motion to approve the conditional use with conditions that all the Health Department regulations are met. Virginia Franks seconded the motion. The motion passed unanimously.

Findings of Fact- 1. Is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved: *Yes*. 2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and/or the Zoning Ordinance: *Will be*. 3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area: *Yes*. 4. Will not be hazardous or disturbing to existing or future neighboring uses: *No*. 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services: *Yes*. 6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community: *No*. 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: *No; one person at a time; appointment required*. 8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares: *Yes*. 9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance: *No*. **Decision-** The Jefferson County Board of Zoning Appeals voted to *approve* the application for a conditional use in this matter with members voting as follows: *unanimously approved*. Conditions of the conditional use are as follows: *All requirements of the Health Department must be met*.

Other business/misc items not on agenda as follows:

- Nothing to report

Vice-Chairman Mike Shelton asked if there is anything else that needs to be mentioned or discussed. There was nothing further. Virginia Franks moved for a motion to adjourn the meeting. Bob Jacobson seconded the motion. The motion passed unanimously. The meeting was adjourned.

Minutes prepared by: Lynette Anderson
Lynette Anderson, Secretary

APPROVED THIS 3 DAY OF June, 2020.

JEFFERSON COUNTY BOARD OF ZONING APPEALS

BY: Robert J. Jacobson
ROBERT J. JACOBSON, Chairman