

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
October 27, 2021

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on October 27, 2021. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present were Board Members Mr. Martini, Mr. Grzymiski, Mr. Helms, Mr. Thomas and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and later, BZA Town Attorney, John Reed.

MINUTES: The minutes of the September 22nd, 2021 meeting were approved as posted.

ANNOUNCEMENTS: Mrs. Murovic asked the Board to decide on the date of the next Board of Zoning Appeals meeting, due to the upcoming holidays. Mr. Grzymiski motioned to cancel the regular scheduled meetings on November 24th and December 22nd and reschedule for December 8th, 2021 at 6:30 p.m., preceded by a study session at 6:00 p.m. Mr. Thomas seconded and the motion was approved with a roll call vote of 5 – 0.

COMMUNICATIONS: Mr. Mika stated he had just received a text from Town Attorney John Reed, stating he had requested the meeting be postponed 10 minutes until he arrived. Mr. Helms suggested the meeting begin with the last petitioner on the agenda for Highland Osborn Partners LLC, which was #8 on the agenda. Mr. Mika suggested this was a possible solution, considering the legal concerns regarding the two other petitioners. Mr. Thomas made a motion to reverse the order of the meeting and begin with item #8 until the Town Attorney arrived. Mr. Helms seconded and the motion was unanimously approved.

New Business: Public Hearing for Highland Osborn Partners LLC, 20 W. Road, Dune Acres, IN 46304, represented by Jared Tauber, Tauber Law Offices, requesting a Use Variance for a Climate Controlled Storage Facility at 8601 Indianapolis Boulevard and 8621 Osborn Avenue, Highland, IN 46322. {HMC 18.45.030} Permitted uses in a B-3 District do not include Storage Facilities.

Mrs. Murovic asked Mr. Mika if the Proof of Publication was in order for this petition. He replied that they were in order, according to what he saw and the signs were posted correctly according to specifications. Attorney Tauber also stated that Attorney Reed had been provided the Proof of Publication in a timely manner and that he had received no

response from Attorney Reed that there were any discrepancies regarding the Proof of Publication.

Mr. Jared Tauber introduced himself and stated his address as 1415 Eagle Ridge Drive in Schererville, IN 46375. He added he was a partner at Tauber Law Offices and he was proudly representing Mr. Jim Lyons and his son Zach, who were the managing members and majority interest owners at Highland Osborn Partners LLC. Mr. Jim Lyons introduced himself and gave his address as 20 W. Road in Dune Acres, IN 46304. Mr. Tauber added that he had provided the Board with a printed copy of the Power Point presentation he had prepared. He invited the Board to follow along with him as he went through the presentation. He continued that Mr. Lyons has designed and constructed three storage facilities in the past, one in Crown Point, one in Munster and one in Valparaiso. He added that they were very nice storage facilities and that he also had other investment properties in Highland, including being part of the group that just bought Brumm's Plaza. He continued that Mr. Lyons was invested and dedicated to Highland. Mr. Tauber continued that he had designed and constructed several retail and medical buildings throughout Lake and Porter counties, he has developed over 200 residential homes in his career, mostly in Porter and LaPorte counties and has owned and managed over 1,200 apartment buildings. He continued that Mr. Lyons was born and raised in Oak Lawn, Illinois and moved over to Indiana later in his life and raised his own family here, where he remains today.

Mr. Tauber stated that what was being proposed here today was a state of the art storage facility, not the typical concrete block building that are driven up to. Mr. Lyons facility would have climate controlled and non-climate controlled units, 24-hour security, security cameras, a gated entrance, an attractive façade and landscaping, which, as had been pointed out earlier by Mr. Mika, would require them to be back in front of the Board of the Plan Commission for Subdivision and Downtown Zoning Overlay District Development Plan approval if the Use Variance were approved at tonight's meeting and ultimately by the Town Council. The building would be very professional looking, not at all like your typical storage facility. Mr. Tauber then added that the next several slides in the presentation were photographs of the storage facility in Munster, pointing out the brick façade, the glass windows, entry doors and awnings, landscaping and lighting, interior reception area, the loading dock and parking areas of the building.

Mr. Tauber then referred to the land they were seeking the Use Variance for at 8601 Indianapolis and 8621 Osborn Avenue and said it consisted of approximately 5 acres of vacant land, surrounded by B-2 and B-3 zoning to the south, commercial zones to the west and north, which was previously the Ultra grocery store and by railroad tracks and light industrial to the east. He added that there were some residential homes nearby to the south, which were all legal non-conforming uses and occupied by renters in many circumstances. He added that there were many uses that could be put on this land without a Use Variance and that this use of a storage facility was the best use that could fill this space and that it would have the least effect on any of the houses that were

nearby. He added that there was also a NIPSCO easement to the west of the property and that as far as they knew, the property had been vacant for well over 100 years. Mr. Tauber continued that the petitioner owned two parcels of land and was planning on utilizing them both for this storage facility. Parcel one at 8621 Osborn was just north of the legal non-conforming homes and that would be used as an entrance into the storage facility and the large one, parcel two at 8601 Indianapolis, would be used for the actual storage facility. He then went on the next slide, which was a layout for the facility. There was a back (north) building with over 40,000 square feet of climate controlled storage space and then in front of that, there would be three drive-up buildings for storage. Mr. Tauber then asked Mr. Lyons if he could explain the amount of coverage they could have on this lot and what he is proposing. Mr. Lyons stated that the B-3 zone allowed for 80% lot coverage, including building, sidewalks, parking lot, etc. He went on to explain with this plan, all inclusive, they would be at 61% lot coverage and most of his set-backs are beyond what is required by the ordinance. Mr. Tauber pointed out the next slide showing the current permitted uses on the property and stated that this addresses the issue of the neighboring residents and if there will be any anticipated problems or complaints with this facility being so near. He went on to say that currently there could be an auto service station, a lumberyard, a liquor store, a live bait store, a motel, certain types of residential housing, a tobacco shop, or a parking garage. He added that this use of a storage facility would be the least impactful use that the property could have on any of the residences.

Mr. Tauber then asked why the Board should allow a storage facility on this property. He said the most important reason would be taxes. Currently the property generates \$776 yearly in tax revenue for the Town. The projected annual amount that would be generated in tax revenue by the storage facility would be \$85,000.00, an increase of \$842,240.00 over the next 10 years for the Town of Highland. He continued the use is an extremely low traffic generator, with only 5 – 20 vehicles per day. The hours of operation would be from 9:30 a.m. to 6:00 p.m. Mr. Tauber added that there is an extremely high demand for storage in the area, especially in Highland. The market has about 4 square feet per capita in Highland, compared to Valparaiso or Crown Point, which each have 14 square feet per capita. He added that this state of the art facility would be in high demand here and the use would be perfect for this particular lot, as it is needed in Highland and there is currently no climate controlled storage in Highland. He continued that this wouldn't be the typical drive up storage facility and that it was going to be top notch, a totally different ball game. He stated there would be no noise generated and they were the least obtrusive for neighbors, being architecturally attractive and appealing. He added Mr. Lyons was committed to improving Osborn Avenue, which was desperately needed and he then asked for the Board to make this a contingency for any approvals they might have for this petitioner today. Mr. Tauber went on to say that this particular property is not visible from any main street. He added Mr. Mika said that there are other people looking to add storage facilities in Highland and if they did, how would this decision affect them. He continued to say that those areas are a lot different than this one. He then brought up the fact that there was a petitioner 5 years ago that wanted to put one on South Kennedy Ave., which was turned down. He felt that was a simple decision for the Board because these storage facilities were not wanted on high

volume roads, where they were highly visible and the Town would want to put other developments in those areas. He continued that the areas on North Indianapolis Boulevard would not be good areas, either, for the same reason. He then stated the area they were proposing to put this storage facility on was a perfect fit for the Town.

Lastly, Mr. Tauber stated that with regards to a hardship, the property was land-locked and that there was no appeal on this property for retail or commercial use, because of the fact that there was no visibility to a main road. He continued that the NIPSCO lines to the west and the railroad to the east make this property almost undevelopable, there was no frontage to a main road and there was only one access point. He added that if this use gets denied tonight, he felt that it would be another 100 years before we would see anything on this property. He continued that there would be no adverse effect on neighbors, this use will have an extremely low impact on traffic and the landscaping would be professional, attractive and will provide a barrier to the neighbors. He then stated the Osborn Avenue upgrades should be welcome to any of the residents there, and there may be concerns regarding lighting, but that would be worked out on the Plan Commission level and they would try to make it as unobtrusive as possible on neighboring properties. Regarding whether the property was compatible with other facilities in the area, he stated that the old Ultra building to the west had been vacant for several years and this use was certainly compatible with that and also compatible with the railroad vehicle storage to the east and lastly, it was compatible with the B-2, B-3 zoning to the south. For all these reasons, Mr. Tauber requested a favorable recommendation to the Town Council from the Board for this storage facility.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order for Highland Osborn Partners LLC. Mr. Reed confirmed that they were in order.

Mrs. Murovic opened the discussion to the public. Mr. Stanley Pukoszek, 8625 Osborn Avenue, Highland, IN 46322, introduced himself and continued that he would like to see a blueprint and that he was in agreement with everything that had been stated at tonight's hearing. He continued that right now there was just a bunch of weeds there and that he would welcome the improvement. Mr. Lyons showed Mr. Pukoszek the site plan for the project and pointed out where the entrance to the facility would be, which was on the vacant lot at 8621 Osborn Avenue, then showed him where the structures would be placed on the site. Mr. Pukoszek approved of the plan and stated he was all for it.

Mrs. Murovic closed the public discussion and brought it back to the Board. Mr. Helms mentioned that lighting had been mentioned and would be kept at a minimum, as well as the fact that noise would be very low. He then asked Mr. Lyons about the drainage and stated he saw there was a retention pond in the north and that there would be paving that would end close to the neighbor's yards. He wanted to know if this would affect the neighbor's yards and if there would be any water or flooding problems on their properties from run off or drainage. Mr. Lyons responded that the natural flow of drainage on the property was from the south to the north, in which case water would be directed towards the storage facility property and the vacant property to the north, so there would be none

flowing in the direction of the nearby residences to the south. He added that Ridge Road was the high road and it would run quickly in a southern direction.

Mr. Mika pointed out that the petitioner was seeking the Use Variance simply because this was not a listed permitted use in this zoned district and it was to determine whether the use would be appropriate for this area. He continued that if they are granted this Use Variance, they will have to come back before the Plan Commission to seek subdivision, as well as meet the criteria for the zoning overlay district requirements, which will take into account lighting, landscaping, building materials and drainage. He stated the present plans were preliminary, so when it gets to the Plan Commission level, there may have to be some changes. Mrs. Murovic confirmed with Mr. Mika that anything that was going to be added to this facility, even if it was a permitted use would have to be reviewed by the Plan Commission, due to the fact that this facility would be in a zoning overlay district. Mr. Mika said that was correct and that the zoning overlay district tag gave the Town a little more control over what is permitted compared to a regular street zone.

Mr. Thomas commented about any other nearby homeowners and asked how many other residences were on Osborn Avenue. Mr. Pukoszek replied that there were two other residences besides his. One of the other homes was being renovated and was currently vacant, the other home was a rental. He was the only home owner there currently. Mrs. Murovic asked Mr. Pukoszek about the red brick house across the street. Mr. Pukoszek said that house was an ownership, also. Mr. Thomas asked if Mr. Lyons had done any inquiries or heard any other reactions from others residents about the placement of the facility here. Mr. Lyons replied that he had not at this point, but generally, before the project goes any further than this Use Variance stage, he would always approach all affected nearby residents. He then added that he had worked in other neighboring towns, such as Valparaiso, Munster and Crown Point, that were all great towns to work in and careful with what they allowed and he had received very favorable comments from all neighbors he had spoken to regarding the facilities he built there.

Mr. Martini commented he was in favor of this facility, especially after the fine presentation they had given at the Plan Commission study session a few weeks earlier. He continued that he thought the storage facility was a perfect fit for this land-locked property and he welcomed this proposal.

Mr. Mika asked Mr. Lyons if this storage would all be in enclosed buildings and there would be no vehicle storage or materials that a contractor may have, such as storage trailers. Mr. Lyons confirmed that was correct and there would be no outside storage. Mr. Pukoszek stated that there was vehicle storage next door. Mr. Mika replied that existing outside vehicle storage was legal non-conforming and it was grandfathered and not something that was allowed in this day and age. Mr. Lyons stated the best thing about his storage was that it was all self-contained by that wall, there would be no chain link fence and no barbed wire. There would be an entry gate that would go up and down in the very front, otherwise it would be all self-contained. Mr. Lyons suggested Mr. Pukoszek go to the Store It Now facility in Munster to get a good look at what the facility would look like. Mr. Pukoszek replied that he was not worried and felt that anything would be an improvement to what it looked like now.

Mrs. Murovic asked how many units the facility would have. Mr. Lyons replied there would be 520 – 600 units, with the average size being between 10' x 10' and 10' x 15'.

Mr. Helms motioned to grant a favorable recommendation to the Town Council, contingent upon there being improvements to Osborn Avenue and there will be no outdoor storage at this facility. Mr. Thomas seconded and the motion was passed with a roll call vote of 4 – 1.

Old Business: Deferred Public Hearing for Autumn-Lynumn Simmons, 3145 Duluth Street, Highland, IN 46322, requesting a Use Variance for an in-home daycare facility located at 3145 Duluth Street, Highland, IN 46322. {HMC 18.15.030} Permitted uses in an R-1 District do not include daycare.

Mrs. Murovic asked if there was anyone present to represent this petition. Autumn-Lynumn Simmons stepped forward and introduced herself as the petitioner, stating her address as 3145 Duluth Street. Mrs. Murovic asked Ms. Simmons if she had anything to add regarding her petition that had not been discussed at the initial hearing of September 22, 2021. Ms. Simmons replied that she did not.

Mrs. Murovic asked Mr. Reed if he had anything to add regarding this petition. Mr. Reed replied he had researched the co-vid response Cares Act Plan about doing in-home daycare. He went on to say that he had looked at the program requirements and he was very leery about it and felt it had a very tight loop hole that the petitioner is seeking to jump through. He continued that she is proposing to watch family members, but there is no limitation as to how many children can be there. He added it was disconcerting how tight the limitations are with the program, and that what the petitioner was proposing was questionable as to whether it would fit those limitations. He continued that once the Use Variance was granted, it would be very problematic if this use could be limited to just family members. He said he does not set policy and that was up to the Town, but in his mind, this was an overreach into the Federal Government's pocket for paying for daycare for those people who are working not from home, but remotely. He felt this would create a slippery slope in other neighborhood areas in Town and that there is no guarantee that this could ever be limited to just family members, or a nuclear family holding. He then stated that his recommendation was that the Board give an unfavorable recommendation to the Town Council regarding this Use Variance petition. He followed up by saying that this was a legitimate program, but he felt it was not in the Town's best interest to do this.

Mrs. Murovic opened the discussion to the public. Hearing no remonstrance, she closed the public discussion and brought it back to the Board.

Mr. Martini stated he felt that this use was strictly babysitting for family members, not daycare. Mrs. Murovic added that this was in a residential area and not a business area.

Mr. Martini motioned to give an unfavorable recommendation to the Town Council. Mr. Grzymiski seconded and the motion was unanimously approved with a 5 – 0 roll call vote.

New Business: Public Hearing for Thuong (Tina) Cap, 611 James Place, Griffith, IN 46319, requesting a Use Variance for a Tattoo Studio to be located at 2716 Condit Street, Highland, IN 46322. {HMC 18.50.040} Listed Permitted Uses in an I-1/Light Industrial District do not include Tattoo Studios.

Mrs. Murovic asked if there was anyone present to represent this petition. Attorney Michael Kvachkoff, 325 North Main Street, Crown Point, IN 46307, stepped forward and stated he would be representing Ms. Cap this evening. He proceeded to hand out a packet of the business plan for the proposed Use Variance to the Board members and he also mounted a larger image of the proposed reformation of the building for the members to view.

Mrs. Murovic asked if the Proof of Publication was in order. Mr. Reed replied that the Proof of Publication was in order.

Mr. Kvachkoff stated they were attending the meeting this evening to request a Use Variance under two sections of the Highland Municipal Code, primarily section 18.50.040 for a permitted use in an I-1 Light Industrial Zone. He continued his client was looking to purchase real estate at 2716 Condit Street in Highland and then referred to the board that had been set up for them and pointed out that the top showed the current status of the building today and the bottom showed what Ms. Cap would like to design the property to look like for her studio if given approval from the Board and zoning. He went on to say that Highland does not currently have a zone in which a tattoo studio would be an allowed, permitted use. He continued that they felt an I-1 light industrial district would be the most appropriate fit for a tattoo studio. He stated their request would be to allow a tattoo studio to be operated at this address as a business. He pointed out that the Light Industrial zone neither prohibited nor allowed tattoo studios, they were just not included in the municipal code section for this zone, so they were requesting that it be allowed in this Light Industrial zone in Highland. He continued that the second section of the code that was involved in their petition was 5.40.020, which they were requesting that the Town redefine with respect to what it allows a tattoo artist to be, because it currently requires an artist to have a medical license to give a tattoo. He added that this section of the code appears not to have been modified since the year 2000. Mr. Kvachkoff continued that what they were asking the Board to do was consider the advancements in technology since it was created. He added that the code currently nods at the Indiana code IC 25-22.5-1; however, the Indiana Code has a specific exclusion (C) for people giving tattoos or providing tattoo related services, whereas Highland's code does not. They were requesting this be reviewed and reconsidered in Highland's code 5.40.020 and for Highland to provide this same exemption, since this section of Highland's code is based on the State code.

Mr. Kvachkoff stated that his client, Ms. Tina Cap, was present with him tonight and that she was currently up to date on all licensing and certification that was required for a tattoo artist. He added she will continue those and that she was looking to expand her reach to be one of the first female owned and operated tattoo studios in this part of the

State. He continued Ms. Cap was a 5-year veteran, then invited Ms. Cap to introduce herself, explain why she felt this would be in the best interest of the Town and provide the rest of her story.

Ms. Thuong (Tina Brenda) Cap, 611 James Place, Griffith, IN 46319, introduced herself and stated she was currently licensed to do business in Indiana as Tina Brenda. She added she was in the Indiana Army National Guard for 4 years and stationed in Gary, where she was a Human Resources Specialist, which involved working a lot with others. She continued that she was a 3rd generation American entrepreneur and her parents came to America after the Vietnam war in order to reach the American dream, which was what she is now trying to do. She stated she was here to build a strong business to be conducive to other artists and creatives in this area. She continued that she was aware that Highland was trying to build up the downtown area as an arts district and felt this use would be a great fit for Highland. She stated that tattooing has come a long way and they tattoo just about any occupation demographic, including teachers, nurses, doctors, first responders, lawyers, etc. She stated she wanted to change the stigma in this area and create a safe space for clients to come. She felt that a lot of studios in this area don't really welcome families. She continued she wanted to have multiple piercers and she wanted this to be a high-end piercing studio. She said she is very against bringing children to other studios that are unsanitary and unsafe. She wanted to have a place where families can feel safe bringing their kids to.

Mr. Kvachkoff stated for the purposes of acquiring a Use Variance, there are certain things that would have to be established. He continued that without a change in the definition under the Highland Municipal Code, which essentially prohibits any kind of tattoo parlor from being established, because if an individual has a medical license they would be using it to provide medical services and it would be very unlikely that they would be using it to perform tattooing services. He continued that without a change to the Highland code, it is most likely there won't be any tattoo studio approved in this area. He stated his client is attempting to provide this Town with a service that it does not have and which there is a need for. He said that he has many clients who have asked him about this petition, so there is a lot of interest. He went on to say that Ms. Cap has gotten over 700 endorsements in the last 36 hours, many of which live in Highland. He stated the current building is dilapidated and being used for storage. His client's proposal is to turn this property into a high-end, functioning business that would produce a service of revenue to the Town. He referred to the diagram they had set up of the proposed building and said the design was created by his client, but also mirrored off the neighboring brewery so it looks uniform and won't stand out. It matches in color, scheme and aesthetics to fit in with the surrounding businesses. He continued one of the stigmas with a tattoo studio is that there would be odd hours and his client's goal is to run a 10:00 a.m. to 6:00 p.m. business, so it would conform to the area. He stated Ms. Cap wants to create a high quality boutique that allows for clientele, which she has full discretion over, to obtain a service that would have a high demand in this area.

Mrs. Murovic opened the discussion to the public.

Jean Henry, 875 W. 79th Avenue, Merrillville, IN 46410 introduced herself and said that her husband, who is a Merrillville corporal and recently opened a tattoo shop right next door to the Police Department. She continued that they have not a single call complaint or a single unfavorable person there. She added that the usual image with these shops is wondering who they will bring into the Town, what will they do, but she just wanted to let everyone know that their experience has been great.

Alex Robertson, 2712 Condit Street, Highland, IN 46322 introduced himself and stated that he would, hopefully, be Ms. Cap's future neighbor. He continued that he felt the tattoo studio would work out really well and that he especially liked that Ms. Cap was planning to make this a family friendly space. He said he would love to take his daughter there to get her ears pierced and maybe be her first client. He added he thought it was a great design, matched the aesthetics and it would look nice next door. Mrs. Murovic asked if he was from Fuzzyline Brewery and Mr. Robertson confirmed he was.

Zach Lubarski, 6835 Woodmar Avenue, Hammond, IN 46323 introduced himself and said that his family owns Promise You Art House, 8830 Kennedy Avenue in Highland and having this shop, they have met so many people from the area. He continued it has been such a motivating and inspiring place, he added he felt Highland was an important place and this would just bring in more people and be a great addition to the Town.

Aaron Peters, 6724 Coffman Drive, Schererville, IN 46375 introduced himself and said he had been through this exact same process two years ago and currently owned a tattoo studio in Schererville. He continued that in two years of existence he has upheld a very reputable business and artistry and stated that Tina currently worked with him at his studio in Schererville, where they did very high level work. He stated he backed her on this petition and she would not be working with him and he would not be here supporting her, if he did not believe that she could bring the same quality studio to Highland as he has brought to Schererville.

Alex Robertson then asked Ms. Cap how many booths would be in her studio. She replied that she is hoping to have 7 working private offices or booths, but added she wanted this business to be more than just tattooing and piercing and she hoped to have at least one of the booths dedicated to photography where they could take high quality photos of the tattoos. She stated she had a lot of photographer colleagues that don't all have their own studio spaces, so they could either rent out the space, or just use it.

Mrs. Murovic closed the meeting to the public and brought it back to the Board.

Mr. Martini asked if Ms. Cap was licensed in Indiana and for how many years. She replied that she was, for the last 5-1/2 years. Mr. Martini mentioned that he used to donate blood regularly and they always had him fill out a form that had a question on it asking if the person donating had gotten a tattoo in the last year. He asked her why that was. Ms. Cap replied that she wasn't a doctor, but her interpretation would be that the act of tattooing breaks open the skin and it is essentially an open wound. She continued that

it may have to do with the possibility of getting an infection, then the blood would be tainted for a short time and that would interfere with donating blood.

Mr. Helms stated the reason for the question was because of the possibility of hepatitis. He continued, as Ms. Cap had stated earlier, there is a stigma associated with tattooing and it used to be back alley stuff, where they might share needles and use unclean needles. He said he did not feel this was an issue any longer and wouldn't happen anymore with the advancements in technology and sterility in this field. Ms. Cap agreed that this would not be an issue.

Mr. Thomas asked if Ms. Cap would use the 7 rooms for rental units or would she have her own employees. Ms. Cap replied that she would be occupying one of the rooms and the other six would either be employees or independent contractors, adding that she had been an independent contractor her entire career in this business. She added she was not technically an employee and would pay a percentage of her earnings to the owner or pay a booth rental amount. Mr. Thomas asked if those potential contractors would be required to follow the hours of operation of her studio. Ms. Cap replied she could do it that way if the Town required it. Mr. Kvachkoff added that if an independent contractor was to join they would be required to follow the rules Ms. Cap laid out for her studio, including hours of operation.

Mr. Helms asked Mr. Reed to elaborate on the legality of what was just stated. Mr. Reed replied that many Federal Upper Courts have ruled on the issue of tattooing and in general it is a first amendment right and it is an artistic expression. Tattooing parlors and shops cannot be banned in any way, shape or form. He continued that reasonable restrictions can be added, which the State has done in many regards as far as licensure and approvals, but the State says that this is the minimum standard, but individual Towns can do more if they choose to. He stated that, in Indiana, individuals must be licensed to give tattoos and adhere to sterility. He went on to say that in Highland, we have a regulation under Section 5 of the Town Municipal Code, which states that any person administering tattoos must be a medical doctor or a doctor of osteopathy (an M.D. or a D.O.) He continued that some folks would say that this regulation renders it an impossibility to open a tattoo studio in Highland, because they would say what M.D. or D.O. would give up \$300,000 - \$500,000 per year to be a tattoo artist. Mr. Reed added that this is not Highland's problem and that there is no ban on tattoo parlors, just a very strict regulation. He added it is not about allowing the tattoo parlor or not, it is about the business licensure. He continued it is up to the Board to grant the Use Variance or not, but when it comes to the business licensing, the owner could be fined or forestalled from conducting their business because they do not have the proper practitioners. He concluded by saying that it was more of a business license issue than it is a BZA issue and that this issue had no more restrictions than any other and it was a philosophical, categorical decision for the Board to make.

Mr. Helms made a motion to give a favorable recommendation to the Town Council for the Use Variance for the tattoo studio. Mr. Grzymiski seconded.

The Motion was denied with a 3 - 2 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzymiski Second: Mr. Helms Time: 7:33 p.m.

Agenda is subject to change without notice.