

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
FEBRUARY 26, 2024**

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order at 6:00 P.M. by Chairman Tom Kouros.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll call was not taken but the following members were present: Chairman Tom Kouros, Vice-Chairman Michael Davis, Secretary Rick Calinski, and Mr. William Jarvis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, Attorney Alfredo Estrada, and Councilwoman Robin Arvanitis. In the audience were Councilmen Caleb Johnson and Tom Schmitt.

II. COMMISSION BUSINESS

A. Introduction of New Members

Mr. Kouros introduced new member Mr. Michael O'Rourke.

B. Election of Officers

Mr. Jarvis made a motion to elect Mr. Tom Kouros as Chairman which was seconded by Mr. Calinski and carried 5-0.

Mr. Jarvis made a motion to elect Mr. Michael Davis as Vice-Chairman which was seconded by Mr. Calinski and carried 5-0.

Mr. Jarvis made a motion to elect Mr. Rick Calinski as Secretary which was seconded by Mr. O'Rourke and carried 5-0.

C. Appointment of Attorney

Mr. Jarvis nominated Attorney Alfredo Estrada of the firm Burke, Costanza, & Carberry which was seconded by Mr. Calinski and carried 5-0.

D. Approve Minutes of the Board of Zoning Appeals Meeting of October 23, 2023

Mr. Davis made a motion to approve which was seconded by Mr. Calinski and carried 5-0.

E. Findings of Fact:

1. B.Z.A. Case #23-10-19 1951 Fairview Ln. – Edith & Francispol Rimas Cabanilla, Sr.
Petitioner(s): Francispol Rimas Cabanilla, Sr.
Developmental Variance – To allow a 240 Sq. Ft. addition to an existing 864 Sq. Ft.
detached garage – totaling 1,104 Sq. Ft. APPROVED (3-1) 10/23/23

Mr. Jarvis made a motion to approve which was seconded by Mr. Davis and carried 5-0.

2. B.Z.A. Case #23-10-20 7529 W. 77th Ave. – David Parks
Petitioner(s): David Parks
Variance of Use – To allow 6-10 hen chickens to be raised and kept on-site on a 2-acre
(R-1) Residentially zoned property
UNFAVORABLE RECOMMENDATION TO TOWN COUNCIL (3-1) 10/23/23

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 5-0.

III. PUBLIC ACTION AND PUBLIC HEARINGS

- A. B.Z.A. Case #24-2-1 2120 U.S. 41, Suite A – South
(Proposed: Dark Metal Tattoo Studio)

General Location: 2120 U.S. 41, Suite A – South
Sherwood Lake Commercial Center Addition, Parcel A

Petitioner(s): Dark Metal Tattoos – Victor & Melissa Perez

Request: Variance of Use as required by Ordinance No. 1797, Title XVI,
Section 5, Paragraph C, Sub-paragraph (3)

Purpose: To allow the operation of a tattoo studio to be located within the U.S. 41
Commercial Corridor Overlay District

Mr. Victor Perez represented the petitioners. Mr. Kouros stated for the record that they were in receipt of letters of support from Mrs. Cindy Grannan of Oak Forest, IL. and Mr. Elgentin Baci from Baci Hair & Nail Salon in Oak Park, IL. Mr. Perez informed the Board that as a sign of support the landlords to this proposed studio were in the audience. Mr. Perez stated that since 2015 he and his wife have owned a tattoo shop in Oak Park, IL. Mr. Perez stated that at this current location they do not allow any alcohol or anyone that is impaired to get tattooed, they do not service minors, they have all clients sign a waiver with identification, and that clients are given aftercare instructions; adding that he is planning on having the same set of rules at the new location as well. Mr. Perez said that they had recently moved to Crete, IL. and had been looking for an additional location to primarily work out of that is closer to home, and fell in love with the Schererville area. Mr. Perez then read a letter to the Board stating that he has a bachelor's degree in fine arts and has been tattooing for the past 18 years; going on to say that he has built up a clientele that typically book months in advance. Mr. Perez continued that he would hope to be open Monday through Saturday from 12 – 8 P.M., and would hire a couple more artists to focus on walk-ins. Mr. Perez stated that he had already received a proposal from MedPro Disposal Service for medical waste.

Mr. Kouros questioned having 3-5 employees at a time. Mr. Perez stated it would not be at once, it would be shift work. Mr. Kouros asked approximately how long a customer would be there. Mr. Perez replied that it would depend on the tattoo; it can take 2 or more hours, or they would have to come in sessions. Mr. Kouros then asked if it would ideally be 5 customers a day. Mr. Perez said that he works off of appointments so he may have 1 or 2 depending on the size, and the other artists would have maybe 1 or 2 if there are any walk-ins. Mr. Perez went on to say that most of the time when hiring new up and coming artists, they might sit for a day or 2 without tattooing; and the following day do 2 or 3 maybe, it all depends. Mr. Kouros asked if clients would get prepped when they come in. Mr. Perez stated that first he always has them sign a waiver which is a checklist to see if they have diabetes, any skin conditions, etc.; if it seems like it would not be a good idea, they would have to consult with a doctor first. Mr. Kouros verified that if there were red flags, they would not take the client, and Mr. Perez confirmed. Mr. Perez went on to say that after they sign the waiver, they go to the station that is sanitized and wrapped in plastic, get the skin cleaned with alcohol or green soap, then they would begin tattooing. Mr. Perez said once it is complete, the client will look in the mirror to see if they like it, gets wrapped in plastic, and then are sent home with aftercare instructions. Mr. O'Rourke asked if any services would be provided other than tattooing. Mr. Perez stated not at the moment. Mr. O'Rourke asked if any other services are provided at the current location. Mr. Perez said they do piercings and will be offering tattoo laser removal. Mr. O'Rourke questioned if they sell any other products. Mr. Perez replied that they sell numbing cream, which people would purchase to rub on the tattoo area 45 minutes prior to help with the pain. Mr. O'Rourke then asked if there are any other products. Mr. Perez said no. Mr. Davis wanted to verify that the proposed shop would be located at the entrance of the Sherwood Lake Apartments. Mr. Perez stated that was correct.

There being no further comments from the Board, the matter was then brought to the floor. Mr. and Mrs. DeYoung from Ted Feed Store located at 2112 US 41 approached the podium. Mr. DeYoung stated that the reason the Overlay District has kept these types of businesses out is to be able to keep the values of the community up. Mr. DeYoung

went on to say that Schererville already has a tattoo parlor right around the corner with one located in Highland and Lynwood, so there are already a number of parlors in the area. Mr. DeYoung continued to say that having a business like this fronting U.S. 41 does not promote the same family values as they do at Ted Feed Store. Mr. DeYoung said that Ted Feed Store came to Schererville because of the values that the Overlay District promoted and is concerned that having a parlor next door will bring the property value down. Mr. DeYoung stated that even the name Dark Metal Tattoo does not provide the same value and having satanic images presented is not what a family business would like to promote. Mrs. DeYoung then proceeded to give the Board, Staff, and Mr. Perez copies of some images taken off of the Dark Metal website. Mrs. DeYoung informed the Board that Ted Feed Store is a family owned business that brings quality pet food and supplies to promote health to pets in the community; going on to say they often have special events that brings families to the store. Mrs. DeYoung went on to say that the front of their business is very welcoming, but when entering the first thing that would be seen is the Dark Metal Tattoo sign with satanic images; adding that is what is being promoted online. Mrs. DeYoung stated that the Dark Metal parlor located in Oak Park has tattoo courses, if they have classes at this location, it would bring a number of people that would make parking an issue. Mrs. DeYoung said that a place like this is not what they want next door while Ted Feed Store is supporting local churches, schools, and family events. Mrs. DeYoung asked that this variance not be granted so that Schererville will remain the way it is in the U.S. 30 & 41 Overlay District. There being no further comments the matter was brought back to the Board.

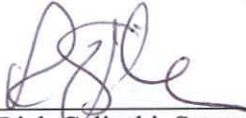
Mr. Kouros asked if the plan is to have courses at this location as well. Mr. Perez said no, that he is also a tattoo instructor who has provided several careers with artists that he has taught. Mr. Jarvis wanted to clarify that there is a company to take care of needles and sterilization products that need to be disposed of and whether they are licensed in the area. Mr. Perez confirmed that they are licensed, and that he had contacted MedPro Disposal Service because he wanted to have someone before this hearing. Mr. Jarvis stated that Schererville is governed by the rules of Indiana and asked if he would need to be certified in the State due to the skin being pierced. Mr. Perez stated that he does not know what the rules are here; but in Illinois, the artists must take a bloodborne pathogen test, and that he will follow the rules that Indiana requires with all of the certifications before opening. Mr. Jarvis then asked if the Oak Park location ever had medical issues or lawsuits. Mr. Perez replied that they have not. Mr. Jarvis went on to ask if the window would be darkened out like they are shown in the photo that Mrs. DeYoung provided. Mr. Perez stated that the windows would all be clear. Mr. Jarvis asked how soon they plan to occupy at this location once certified. Mr. Perez stated that he would open as soon as possible; adding this location is just for tattooing, and that there will not be any piercings or tattoo courses now or in the future. Mr. O'Rourke asked if he looked into any other locations in Indiana. Mr. Perez stated that he had looked at a few other Towns but thought Schererville looked the best. Mr. Perez went on to say that after he finds a location and receives approval, the Health Department then tells all the requirements and steps that are needed to take in order to open. Mr. Davis asked if he had hired staff for this location. Mr. Perez stated that he has not and that he plans to do the tattooing himself before hiring; adding that he has his own clients, and hopes that they would travel from Illinois to see him. Mr. Calinski asked staff to remind the Board what the District is and why there needs to be a variance for this particular ask. Mr. Gorman stated that this is not listed in the Overlay District as an allowed use; and when it is not allowed, the course of action is to apply for a variance.

Mr. Jarvis made a favorable recommendation to the Town Council for Case #24-2-1 with the stipulations that there is 12-8 P.M. opening and closing, no minors, alcohol, drugs, piercings, instructing at this location, no darkened windows, and that there be no loitering outside of this business; and that all certifications for the State of Indiana be approved. Mr. Kouros stated that there is a favorable recommendation to the Town Council with contingencies and asked if there is a second motion. Mr. Kouros said the motion dies for lack of a second. Mr. Jarvis asked Attorney Estrada if he made a motion with the same petition and findings of fact and that it be moved to the Town Council with no recommendation. Attorney Estrada stated that the conditions are a recommendation, so if there is no recommendation then there should be a motion for no recommendation and let the Town Council attach the conditions they feel fit. Mr. Jarvis made a motion for no recommendation on this issue. This was seconded by Mr. Calinski and carried 4-1, with Mr. Davis casting a no vote.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:37 P.M.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Rick Calinski', written over a horizontal line.

Rick Calinski, Secretary