

CITY OF SULPHUR SPRINGS  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
MEETING MINUTES  
NOVEMBER 19, 2019  
5:30 P.M.

Present: Chairman Brad Burgin, Board Member Jay Julian, Board Member Kevin Mohl, Alternate Board Member Janet Martin

Absent: Vice-Chairman Matt Johnson, Board Member Kyle Robinson

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development

Others: Laura Cote, Ben Spraggins, LaJuan Foster, John Bobb, John Campbell, Robert Cote

**CALL MEETING TO ORDER:**

Chairman Brad Burgin called the Zoning Board of Adjustments and Appeals Meeting to order at 5:30 P.M.

**DISCUSSION/ACTION ON ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES OF SEPTEMBER 17, 2019.**

Consider for approval the Zoning Board of Adjustments and Appeals meeting minutes of September 17, 2019. Board Member Jay Julian moved to approve the meeting minutes. Board Member Kevin Mohl seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A VARIANCE TO THE FRONT YARD SETBACK TO CONSTRUCT A COVERED PORCH ON PROPERTY LOCATED AT 804 CHURCH ST..**

The applicant is seeking a variance of ~6 feet to the front yard 25 foot setback requirement in order to add a porch to the front of the house along the front side of the structure. The house was built in 1915 or 1916 and which is before there were zoning requirements. The setback will not encroached the front yard setback requirement. The applicant's proposal will not encroach any further into the setback than the existing building. It is a covered porch along the front of the house. It would follow the same pitch as the southeast roof line as shown in the site plan. Staff recommends approval as the request is not contrary to the public interest due to special conditions being present on the property.

Board Member Jay Julian spoke to the applicant in the regular session and clarified that the setback line actually runs 5.6 ft. thru the southeast section of the current structure. The house sits on a corner so therefore it is considered to have two front yard sides. The setback would be on the Middle St. side. At its closest point which is the southeast corner of the house is approximately 19ft. from the right of way line. Board Member Kevin Mohl moved to approve the request. Board Member Jay Julian seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A SPECIAL USE PERMIT FOR 201 HOUSTON ST., SUITE 4, TO OPERATE A TATTOO STUDIO.**

The Planning and Zoning Commission reviewed this case on November 18, 2019, and recommended approval to the Zoning Board of Adjustments.

A Tattoo Studio is permitted in Heavy Commercial and above zoning districts. The property is zoned Light Industrial which a Tattoo Studio would be allowed by a Special Use Permit. The property is located near the corner of Houston and Rosemont. The property to the east and north are Heavy Industrial, industrial to the west, some apartments, Light Commercial zoning to the south with multi-family type uses.

Cases that have been considered in the past were reviewed. To date the city has only approved one actual tattoo shop and that was in Shannon Square. Most places that have been considered and approved are places that perform cosmetic tattooing. Another was considered in an industrial area off the interstate, but was denied. The hours of operation would be from Tuesday thru Thursday 2:00pm until 10:00pm and Friday and Saturday from 2:00pm until 12:00am. Their current shop is located just outside the city limits on Hwy. 19. The property is being sold and need to relocate. The property is zoned Light Industrial which a Tattoo Studio would be allowed by a Special Use Permit. This primarily an appointment based operation, there have been no problems with police needing to respond, and they are inspected by the State.

After deliberation the Planning and Zoning Commission asked the applicant would he be opposed to stipulations with regard to the hours of operation. Those being the shop would run from 10:00am until 10:00pm on Tuesday thru Thursday and 10:00am until 11:30pm on Friday and Saturday. They are closed on Sunday and Monday. Three or more disturbances in a year could cause the withdrawal of the Special Use Permit.

Board Member Jay Julian asked if there was a difference in zoning requirements in allowing cosmetic tattooing versus regular tattooing or are both considered as the same act. There has been discussion that the cosmetic and regular tattooing be separated regarding the approval process. As of now, both require a Special Use Permit.

Robert Cote spoke on behalf of his request and explained what his operation consist of on a daily basis. Board Member Jay Julian spoke to him about the restrictions and what he would change about them. The applicant stated that he would abide by the stipulations set by the Board.

Ben Spraggins spoke regarding his role as the owner of the building. He has spoken to his tenants as to the feelings of having a Tattoo Studio where they are located and all were in favor. There are 24 hr. businesses operating close

Marc Maxwell spoke to the Board regarding the purpose of needing a Special Use Permit and that is not exclude any type of business but to add additional oversight. You should consider the business and the area surrounding it and make sure it is a good fit and not a disruption to that around them.

Board Member Jay Julian spoke to the fact that a tattoo is the same whether it is a cosmetic or what is considered a real tattoo. He is not in favor of restrictions for one and not the other. Board Member Jay Julian moved to approve the request without restrictions. Chairman Brad Burgin seconded. Motion carried, all voting aye.

**ADJOURN**

With no further business the meeting was adjourned at 6:02 P.M.