

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-007	Hearing Date:	February 27 th , 2023
Applicant:	Jaden Feller & LaDonna Feller, 7321 Franklin Parke Ln, Indianapolis, 46259		
Owner:	Ken Johnson, 25 E. 40 th Street, Indianapolis, 46205		
Subject Property Address:	241 W. Main Street		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

Petitioner requests approval of a use variance in order to operate a personal care and beauty service salon at 241 W. Main Street. The property is currently zoned OT-Old Town and salons are not a permitted use in the OT zone.

Location:

The subject property is located on the south side of W. Main Street, just east of Madison Avenue.
Parcel ID # 41-02-32-042-017.000-026

Exhibit A – Aerial Vicinity Map

Exhibit B – Zoning Map

Indiana Code Reference(s):

- Section 36-7-4-918.4 (Use Variance)

Surrounding Zones/Land Uses:

- A. Existing: Old Town (OT), Vacant Commercial
- B. North: Old Town (OT), The Release/Mixed Commercial
- C. South: Old Town (OT), Folktale Event Center
- D. East: Old Town (OT), Fresh Pots Coffee Bar/Mixed Commercial
- E. West: Old Town (OT), Revery

Exhibit B – Zoning Map

Statutory Criteria:

- Indiana Code Section 36-7-4-918.4 Use Variances may be approved only upon a determination in writing that:
 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. The need for the variance arises from some condition peculiar to the property involved;
 4. The strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and
 5. The approval does not interfere substantially with the Comprehensive Plan.
- Indiana Code Section 9-21-10-3 No Hazard to Air Navigation (if applicable)
 1. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

Greenwood Code References:

- Unified Development Ordinance, Section 10-02-11, Master List of Uses by Zone and District, does not permit Personal Care and Beauty Services in the OT zone.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The inclusion of this boutique/personal care services will promote a positive reflection of the community and add to its revitalization. Our purpose is to not just open a storefront, but also be intentional about being involved and giving back to the community. This can be done by connecting with all who walk through the doors as well as working with surrounding businesses to create an inclusive, community-minded atmosphere. This unique setting will generate possible revenue for most businesses in the area. By upholding ourselves to a high standard, this in turn will be reflected throughout our community with regard to public health, safety, morals, and the community's general welfare. The addition of this business will be a positive step in the right direction for Old Town Greenwood.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The boutique/personal care salon will provide a beneficial impact to the adjacent property owners by attracting a wide range of new clientele to the area. The influx of more foot traffic may increase the economic activity of the surrounding businesses and restaurants. By offering more days and times of operation, there will not be large clusters of groups therefore minimizing congestion as well as not impacting parking.

3. The need for the variance arises from some condition peculiar to the property involved, because:

The current zoning does not allow personal health and beauty to be open without an approved use variance. This variance would allow for the clothing boutique to be combined with personal care services, which for most people is appealing and convenient. This concept aligns with the vision of revitalizing Old Town Greenwood.

Staff Comment: Salons and personal care type businesses are precisely the type of businesses that should be located within the OT zoning district and there are no reasons for this not being a permitted use in the OT zone.

4. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought, because:

The owners of this business would not be able to open, forcing them to seek another venue that lies outside of Old Town Greenwood. By doing that, the economic benefit to Old Town Greenwood would be lost. This boutique/personal care salon services encompasses an extensive menu that offers a plethora of choices to the consumer. This increases the number of people coming to the area seeking services, which, in turn, is a benefit to the surrounding businesses.

5. The approval does not interfere substantially with the Comprehensive Plan, because:

This business would only enhance the revitalization of Old Town Greenwood. By attracting new patrons, this will increase the economic activity to the area. This business will appeal to those looking to improve their self-esteem and mental health as well as their outward appearance. By choosing to visit our business, they will be exposed to all of the other options Old Town Greenwood has to offer.

Comments and Findings

The proposed salon will operate within a multi-tenant building. Visibility will be limited to wall or window signage on the building. Customers typically arrive individually or in small groups. Overall impact should be minimal.

Summary and Proposed Conditions:

Staff has no objections to petitioner's statements of reasons. Staff recommends approval.

Attachments:

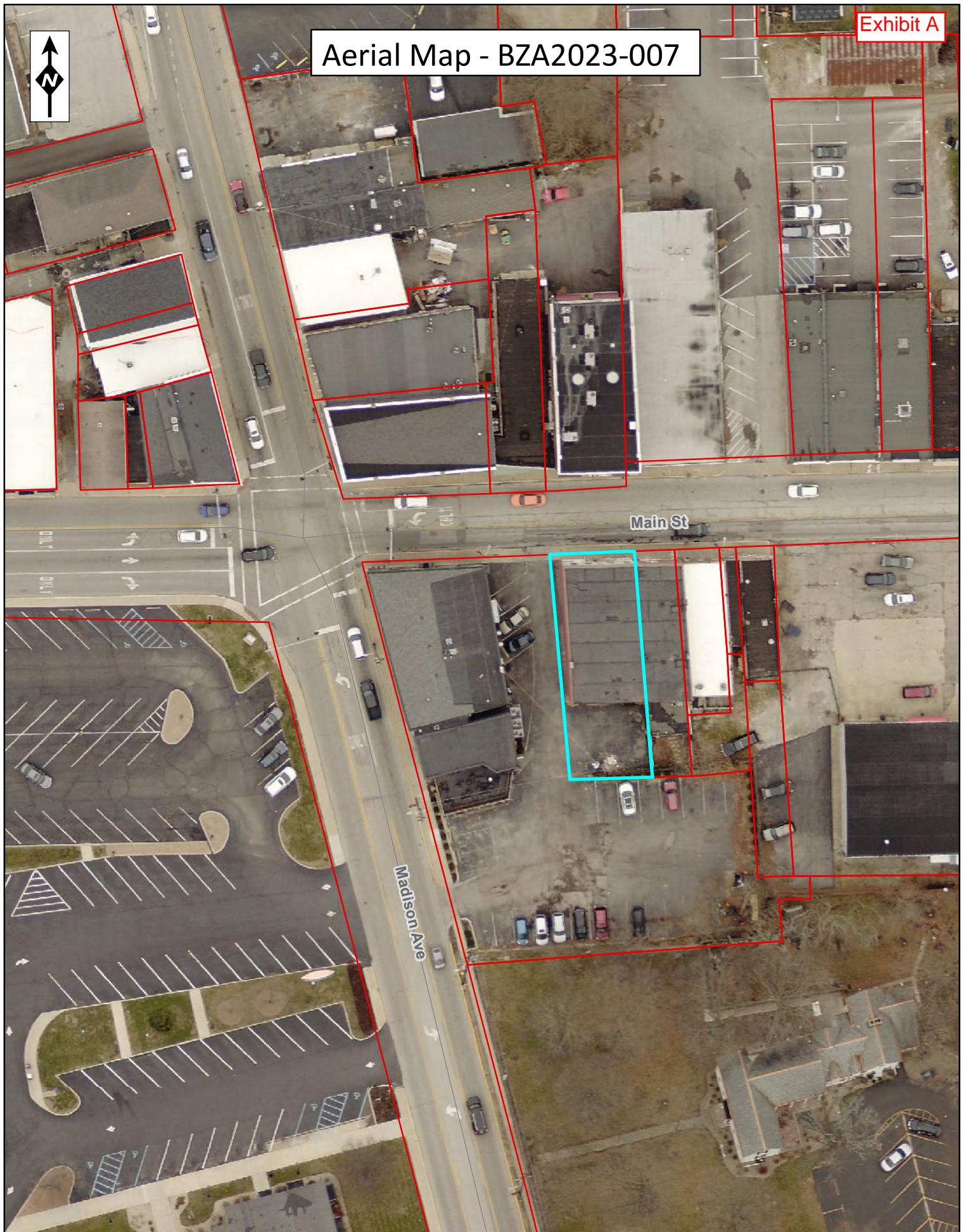
Exhibit A – Aerial Vicinity Map

Exhibit B – Zoning Map

Exhibit C – Interior Site Layout

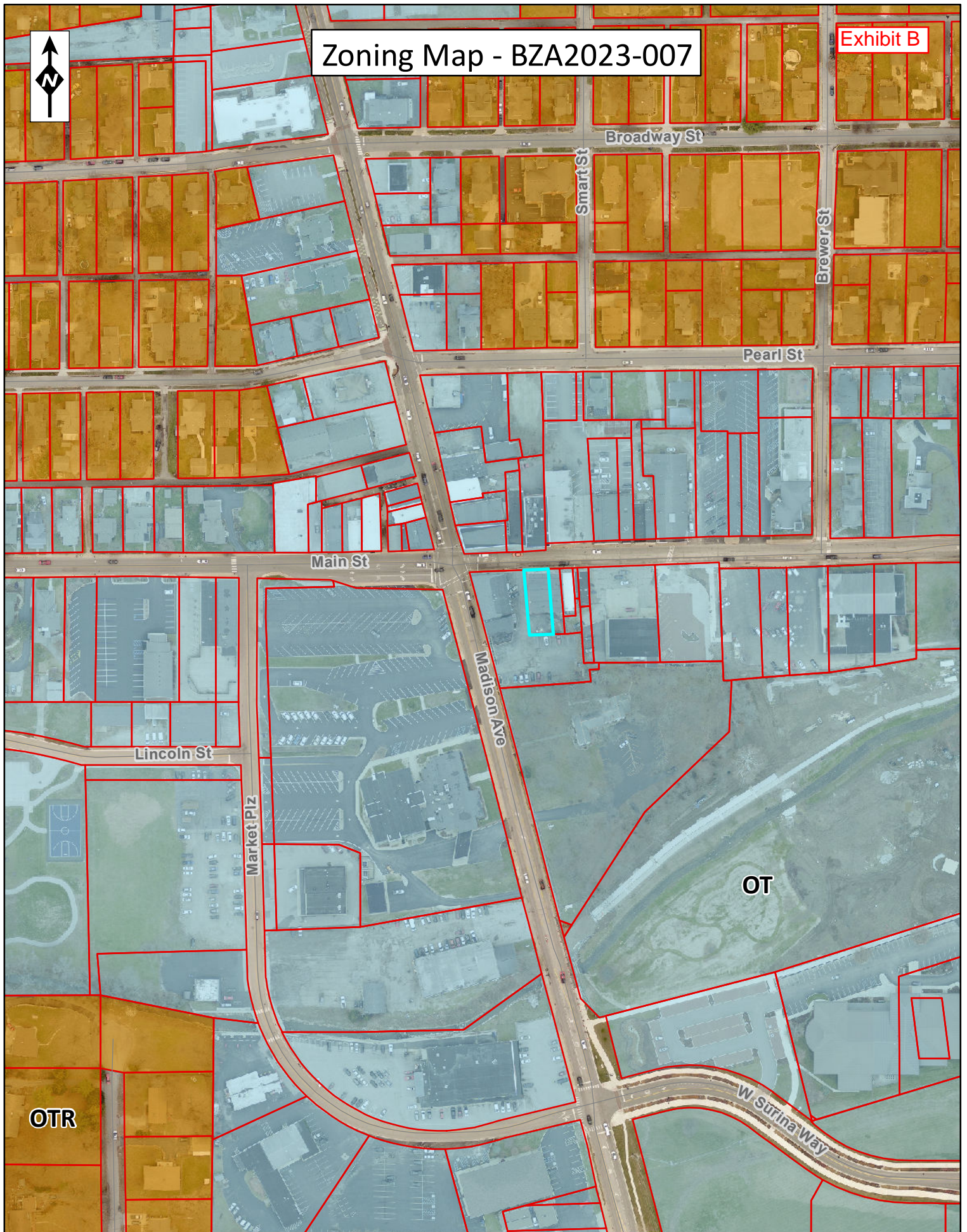
Exhibit D – Petitioner Information on Similar Uses

Aerial Map - BZA2023-007



Zoning Map - BZA2023-007

Exhibit B



1 inch = 200 feet

CDS, City of Greenwood
2/21/23

TENTATIVE LAYOUT (NOT TO SCALE)
(VISION FOR THE SPACE)

Exhibit C

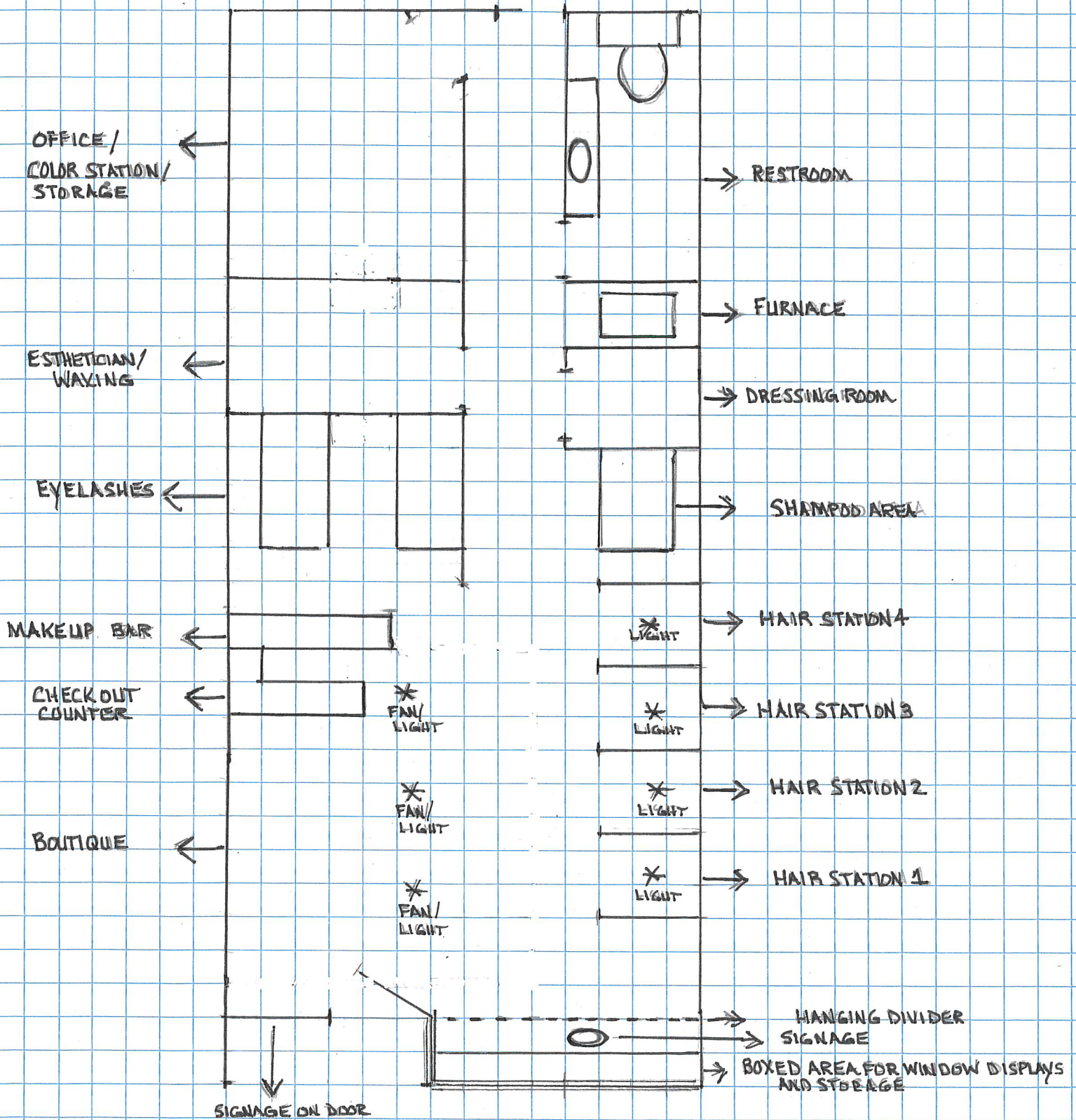




Exhibit D

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Business

Hair salon meets clothing boutique at new Lehigh County venture

Updated: Jul. 07, 2020, 11:08 a.m. | Published: Jul. 07, 2020, 6:31 a.m.





Signed-in readers now can

From left to right: Stylists Amy Schoff and Ellen Buskirk, Lindsey Titone and stylists Shelby Holloway, Kate Newhart.

NEW!

By **Pamela Sroka-Holzmann | For lehighvalleylive.com**

Patrons eager to get back to the hair salon -- allowed in Gov. Tom Wolf's green phase of reopening -- will be treated to something far from basic at Hello Beautiful in Upper Macungie Township.

The salon, which opened on June 26 at 7812 Main St. in the township's Fogelsville section, also offers an expansive clothing boutique for women. As clients wait for hair color or highlighting to process, they can now browse clothing racks and shelves filled with neatly piled denim, summery tops, shoes and such accessories as wrap belts, earrings and necklaces.

Owner Lindsey Titone, a Lower Macungie Township resident and mother of two young children, said she always wanted a place where busy women can fulfill two experiences at once. You could literally leave the new business venture newly styled, dressed and made-over from head to toe.

The salon offers rustic and whimsy but relaxing vibes. Services range from cuts and color to more advanced styling and specialty treatments. There also is make-up application, brow styling and hair removal. A variety of facials will be added to the menu come August.

"The idea is for those who come to the salon to leave feeling beautiful," Titone said.

Titone also knows health and safety measures are weighing on the minds of patrons as they return after several months of quarantine. The beauty industry received the green light to reopen on June 26 after the governor shut down all non-essential businesses, including salons, on March 19 to help thwart the spread of COVID-19.

Titone's staff of five stylists, as well as herself, underwent rigorous training meeting Centers for Disease Control and Prevention standards before opening. She did note, however, the measures weren't too much more than what the salon was performing previously to keep clients safe. The difference now is enhancing sanitation standards to another level.

For example, the salon previously would wash capes and tools after each use but now is sanitizing chairs and work stations in between clients. The salon also is reducing the amount of clients inside at a time. All staff are mandated to wear a mask at all times, Titone said.

Titone moved her salon with the same name after three years in South Whitehall Township. The Upper Macungie site at 2,100 square feet was more spacious, allowing her to open the boutique, as well as provide ample parking and become handicapped-accessible for clients with disabilities.

The new building previously housed Derr's Market, which sustained significant fire damage during a blaze. Titone was the first to rent the space when the building was renovated, she said. Seth Lacey was the leasing representative responsible for the transaction with Colliers International, a real estate professional services and investment management company with a local office in Allentown.



At the boutique section of the business, clients are invited to browse clothing racks as they wait for color to process.

Titone became interested in the beauty industry at a young age. A Bucks County native, she recalls a neighbor owning an at-home salon. By age 10, Titone was learning important hands-on skills from the neighbor she would find useful later on in life.

She pushed aside attending college initially for elementary education for vo-tech courses in hairstyling. The one-on-one attention with other people is what drove her more, she said.

"I quit college, bought my dream car (a 1988 Volkswagon Cabriolet), and went to Randy Rick Beauty School in Reading," she said.

Titone went on to work at various large salons and spa facilities, learning the tricks of the trade from various mentors in the industry. She took on opportunities for extra training in styling trends as it came, learning such techniques as razor hair cutting and specialty hair coloring.

Titone said she hasn't looked back since. She has future aspirations to someday work with wedding venues to provide styles for brides-to-be and their wedding parties.

Hello Beautiful Salon & Boutique is open 10 a.m. to 8 p.m. Tuesday to Thursday and 9 a.m. to 2 p.m. Saturdays.

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Pamela Sroka-Holzmann may be reached at pholzmann@lehighvalleylive.com.

Coronavirus in the Lehigh Valley

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