

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF MAY 2, 2019**

Stuart Allen called the meeting to order at 6:00 p.m. with the recitation of the Pledge of Allegiance followed by a moment of silence. Members in attendance: Stuart Allen, Mark Kopil, Ron Jackson and Scott Gregory. Member absent: Jason Spain. Also in attendance: Phil Gralik, City Engineer; Sergio Mendoza, City Planner; Ross Pietrzak, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Kopil motioned to approve the minutes of April 4, 2019 as presented, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

Communications/Acceptance of Agenda: Mr. Jackson motioned to approve the agenda as presented seconded by Mr. Gregory. All ayes, motion carried. (4-0)

New Business

1. **19-05** Shannon Newman (Petitioner/Agent) 610 E. 3rd Street located approx. 80' from the NE corner of 3rd & Center Streets, Sec. 154.152, zoned B-2, 0.26 acre, 850 sq. ft. lease space.

Request: Public Hearing: Use Variance

Purpose: To permit a massage therapy clinic

Favorable Rec. X Unfavorable Rec. ___ Deferred ___ Vote 4-0

Ms. Newman mentioned she is currently a massage therapist employed at Massage Envy in Valparaiso and is requesting to open a Massage Envy Clinic in Hobart.

Mr. Allen opened and closed the public hearing for Petition 19-05 without public comments. Mr. Pietrzak mentioned the only use that addresses any type of massage facilities are massage parlors and spas. After meeting with Ms. Newman it was felt this did not fit her use but there is nothing that permits her proposed use in a B-2 District.

Ms. Newman prepared a letter and read it to the Board. It is as follows:

Hello my name is Shannon Newman. I live at 206 S. Connecticut Street here in Hobart. I have lived at this location for the last 23 months upon moving here from Southern Ohio. Thank you for considering my request for a use variance for the location of 610 E 3rd St. I'm currently employed by Massage Envy in Valparaiso. I love being a Licensed Massage Therapist and having the ability, knowledge and understanding to aid my clients with their pain reduction or relaxation. I have been an LMT for the past 12 years with 6 of those years being an educator for the medical massage therapy field. I have many continuing education units or CEUs that are for specific techniques that deals with pain management, like Trigger point therapy, myofascial release, and the use of hot stone massage (just to name a few) along with cue's in pregnancy massage that will legally

allow me to help women who are Pregnant since the state of Indiana massage board requires me to have special training to perform this type of massage and CEUs that deal with ethics and professional standards. I'm also a member of the American Massage Therapy Association (AMTA) and it's local Indiana Chapter. By being an AMTA member, I must meet and maintain appropriate membership requirements and adhere to standards of professional conduct, including the AMTA code of Ethics.

I fell in love with Hobart 10 years ago and always knew that I would eventually live here and it was always my intention to open up a massage therapy clinic in downtown. Upon finding the perfect downtown location, which is currently turnkey ready, I realized the only thing that is mentioned in the zoning is for a massage parlor/massage spa and that is zoned for M1 not B2.

The Mayo Clinic considers massage therapy to be part of complementary and integrative medicine. Cleveland Clinic, Cancer Treatment Centers of America and Rush hospital, just to name a few all use massage therapy at their facilities to aid in the reduction of pain and stress with their patients and according to the AMTA, massage therapy is recognized as a non-pharmaceutical alternative to pain management. If you look up the definition of massage parlor; Webster's has it defined as an establishment that provides massage and offers sexual services. As a legitimate licensed massage therapist this term is demeaning to my profession, as we have fought against this, so I appreciate the opportunity to prove to my city that my clinic is not in any way a massage parlor nor will we be affiliating our self with one. Even though Massage Spa is not even in the Webster's dictionary, in the massage therapy community a massage spa is considered to be a place that incorporates wellness treatments like massage but also has the ability to utilize water treatments like hot/cold showers and/or baths. Again, this doesn't describe my clinic for I will not be using showers or baths. This is why I'm seeking the use variance for 610 E. 3rd Street. My clinic, Lotus Landing Clinical Massage and Wellness LLC is a medical massage clinic geared towards helping individuals with their specific aches, pains and aiding in stress reduction. I mainly use deep tissue techniques that include Trigger Point Therapy and Range of Motion techniques to help alleviate trigger points, adhesions, muscle and fascial tension that are common for causing neck pain, back pain, knee pain and headaches. Since I'm still employed at Massage Envy I will be open on Tuesdays-Thursdays 9am-11am, Fridays-Saturdays 9am-8pm and closed Sunday and Monday. My intent is to add longer hours to Tuesdays-Thursdays not to exceed 8pm the more the clinic grows and be totally full-time in Hobart by the beginning of next year. I currently plan on the only staff members being myself and my wife who will be the office manager until she gets her Indiana massage license. At that time, we would hire an office manager so she will be able to perform massage. I currently do not see any more than 5-10 individuals being within the clinic at a time. Thank you again for this chance to rectify a misunderstanding.

Ms. Newman stated her clients will either park along the street or in the parking lot across the street. She also stated that she is legally allowed to massage children but only if accompanied by a parent.

Mr. Jackson motioned for a Favorable Recommendation to the Common Council for Petition 19-05 including all discussion and Findings of Fact, seconded by Mr. Gregory. All ayes, motion carried. (4-0)

2. 19-08 Judith Candiano (Petitioner/Owner) 9294 Norris Dr. located approx. 100' east from the SE corner of Norris Dr. Sec. 154.301(C)(6), zoned PUD, 0.13 acre.

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach into the required 6' side yard to the southern property line for a proposed sunroom and deck

Approved Denied Deferred Vote 3-0

Mr. Gregory recused.

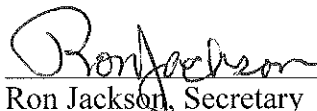
Ms. Candiano proposed to construct a deck off a three-season room that will encroach entirely into the required 6' setback to the property line. She mentioned she will not infringe on any resident to the south of her since the HOA owns 6 or 7 lots which are intended for an open park area. Mr. Allen opened and closed the public hearing for Petition 19-08 without public comment. Mr. Jackson motioned to Approve Petition 19-08 contingent upon the proposed structure is located a minimum of 1' off the property line including all discussion and Findings of Fact, seconded by Mr. Kopil. All ayes, motion carried. (3-0)

Consultation/Discussion: None

There being no further comments or discussion Mr. Gregory motioned to adjourn, seconded by Mr. Jackson. All ayes, motion carried. (4-0) Meeting adjourned at 6:25 p.m.



Stuart Allen, Chairman



Ron Jackson, Secretary