

Town of Griffith
Board of Zoning Appeals
May 24, 2017

The Board of Zoning Appeals meeting was called to order at 6:04 p.m. by Chairman John Mowery with members Carl Kus, Danielle Carlson, Tom Wichlinski, and Ray Elbaor. Also present was Town Attorney; Bob Schwerd, Town Council Liaison; Larry Ballah, and Building Commissioner; Steve McDermott.

The minutes from the April 26, 2017 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

None.

NEW BUSINESS

Item #1 Michelle Szot dba Lucille's (Velvet Lounge), 343-345 N. Broad St. Public Hearing on a Special Use Variance to operate an outdoor patio area at the SE corner of Broad St. & Miller St.

Mr. Aaron Sons, fiancé of Ms. Szot, appeared before the Board on behalf of the petitioner. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Schwerd stated all legal requirements had been met. Mr. Sons stated the outdoor patio is approximately 45' long and will be along the side of the building. There will be access to the outdoor space from the side door to the East. Mr. Sons stated there will not be any bands. Mr. Mowery asked what the proposed hours will be. Mr. Sons stated he would let the Board decide on what they felt was reasonable. Mr. Mowery stated the Board has to be cognizant of nearby neighbors. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Jim Planer; 408 N. Lafayette, stated his concern with the noise and mentioned that when the side door to the bar is open, the music is very loud and can be heard at his home. Mr. Wichlinski asked what time the bar is open to. Mr. Sons stated it is open until 3:00 a.m. Mr. Sons stated when bands are playing, the side door is kept shut but patrons can still exit the building from the side door. Mr. Sons stated he would try to keep daytime music levels down. Mr. Planer also asked how many parking spaces would be lost with the patio area. Mrs. Sons stated the patio only takes up two parking spaces. At this time there was discussion about outdoor music and establishing a suitable time to close the patio. The Board and Mr. Sons discussed closing the outdoor area at 9:00 p.m. or 11:00 p.m. Mr. Elbaor asked if Mr. Sons knew the decimals of the jute box. Mr. Sons stated he did not. Mr. Elbaor asked if a stipulation can be placed on a motion in reference to the side door remaining closed after a certain hour. Mr. Schwerd stated the Board could do that, if they chose. Mrs. Carlson asked if the speakers are already outside. Mr. Sons stated they are. Mrs. Carlson asked where they are located. Mr. Sons stated they are mounted to the building, about 10' up and pointed downward. Mr. Wichlinski asked how long the speakers had been up and if they had been used before. Mr. Sons stated the speakers have been up for a year and they have been used. Mrs. Carlson asked if there is a separate switch for the outdoor speakers. Mr. Sons stated there is. Mr. Kus asked if there will be fencing. Mr. Sons stated they will place 3' high planter boxes at the perimeter of the patio. Mr. Kus asked if someone could gain access thru the parking lot. Mr. Sons stated they could. Mr. Kus mentioned that may be an issue with the ATF. Mr. Sons stated there will not be servers outside taking orders. Mr. Schwerd stated it will be up to the ATF to monitor that. Mr. Sons stated they also have 16 cameras to help monitor the business. Mr. Mowery then closed the Public Hearing portion of the meeting. **Mr. Wichlinski made a motion** granting a favorable recommendation to the Town Council for Michelle Szot dba Lucille's (Velvet Lounge), 343-345 N. Broad St. permission to operate an outdoor patio area at the SE corner of Broad St. & Miller St. with the following conditions:

1. There shall be no outdoor music after 9:00 p.m.
2. The outdoor patio shall be closed at 11:00 p.m.

The motion was *seconded by Mr. Kus. All favored, motion carried.* Mr. Mowery then explained that the recommendation still needs to be heard before the Town Council and nothing can be set up until the Town Council has reviewed the item. Mr. Sons stated he understood. *Mr. Kus then made a motion* allowing Mr. Schwerd to prepare Findings of Fact and Mr. Mowery should sign the Findings on behalf of the Board *seconded by Mr. Wichlinski. All favored, motion carried.*

COMMUNICATIONS

None

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the meeting held April 26, 2017 in the amount of \$35.00 *seconded by Mrs. Carlson. All favored, motion carried.*

ADJOURNMENT

There being no further business to come before the Board of Zoning Appeals a motion was made and seconded to adjourn. The meeting was adjourned at 6:31 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary