

Town of Griffith
Board of Zoning Appeals
December 28, 2016

The Board of Zoning Appeals meeting was called to order at 7:00p.m. by Chairman John Mowery with members Carl Kus, Tom Wichlinski, Ray Elbaor, and Danielle Carlson. Also present was Town Attorney; Bob Schwerd, Town Council Liaison; Larry Ballah and Building Commissioner; Steve McDermott.

The minutes from the November 30, 2016 Board of Zoning Appeals meeting were approved as written.

COMMUNICATIONS

Mr. Mowery announced and welcomed new BZA member, Danielle Carlson.

OLD BUSINESS

Item #1 Jonathan Farina; 2055 W. Glen Park Ave. Public Hearing on a Special Use Variance to open a tattoo/piercing salon. Zoned B3; General Business. No further communication from the petitioner.

Mr. Johnathan Farina appeared before the Board. Mr. Farina did not fully communicate with the Building Department and did not meet the requirements to hold a Public Hearing. At the last meeting there was question as to whether or not a Public Hearing was necessary because of the change of ownership not the type of business conducted. Mr. Schwerd stated that the previous Special Use Variance was granted to the business owner not the location. Therefore, a Public Hearing is necessary for a change in ownership. Mr. Farina explained that he followed the instructions on the Use Variance application and has already done the certified mailings and placed an ad in the newspaper. Mr. Schwerd stated those documents are not correct and the petitioner must complete all necessary steps again. Mr. Mowery asked if Mr. Farina had paid the variance fee or placed signage at the business location. Mr. Farina stated he did not. ***Mr. Kus made a motion granting a continuance*** to Jonathan Farina; 2055 W. Glen Park Ave. to the January 25, 2017 meeting to for a Public Hearing on a Special use Variance to open a tattoo/piercing salon ***seconded by Mrs. Carlson. All favored, motion carried.***

Item #2 Coscun Oner; 1581 N. Cline Ave. Public Hearing on a Special Use Variance to sell motor vehicles to support business. Zoned B3; General Business.

Mr. Nimak Oner appeared before the Board. Mr. Mowery asked if the mailings and publication were in order. Mr. Schwerd stated all legal requirements had been satisfied. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Oner stated he would like to sell used cars. The vehicles sold are from customers that drop their cars off for repair and do not come back to pay for or pick up the vehicle. Mr. Mowery stated the Board will not allow streamers and the amount of cars for sale cannot be any more than 5 at a time. Mr. Oner stated they will only advertise "for sale by owner" in the vehicle windows, nothing else. Mr. Richard Kortenhoven; property owner, appeared before the Board. Mr. Kortenhoven stated he is in favor of car sales at the business. Mr. Stan Dobosz; 303 Manor Drive, stated he is opposed to the request. The possibility of more than 5 vehicles is too high and the location is at the entrance of Town. A dealership will be an eyesore to the community. Mr. Wichlinski asked how many vehicles will be advertised for sale. Mr. Oner stated he will not go over 5 vehicles. Mr. Elbaor asked where the cars will be stored during the waiting period of when the titles are transferred over to his possession. Mr. Oner stated it can take up to 3 months. Mr. Wichlinski asked if there is a possibility of installing a fence along the south property line. Mr. Oner stated it is possible. Mr. Elbaor asked how the vehicles will be advertised. Mr. Oner he will post one "For Sale By Owner" in the car windows. Mr. Elbaor asked how long they plan on holding onto the vehicles. Mr. Oner stated he is unsure. Mr. Elbaor asked if they plan to import vehicles to maintain the 5 car limit. Mr. Oner stated he will not. Mr. Elbaor

asked if there will be lot surveillance. Mr. Oner stated at first, they will not. Mrs. Carlson asked for clarification on window signage. Mr. Oner stated there will only be one window sign and promised that the property will not look like a car dealership. Mr. Kus asked if there will be building signage for the car sales. Mr. Oner stated there will not. Mr. Kus asked if there will be consignment car sales. Mr. Oner stated there would not. Mr. Schwerd presented Mr. Mowery with a letter of remonstrance from Mrs. Anajean Lewis; 145 N. Rensselaer. Mrs. Lewis stated it is not a desirable business for the entrance into Town. Mr. Schwerd stated Mrs. Lewis' letter should be attached to the minutes. Mr. Mowery warned Mr. Oner that there will be many restrictions, if allowed. Mr. Oner understood. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Wichlinski made a favorable recommendation*** to the Town Council with stipulations that there cannot be more than 4 vehicles for sale at any time, the vehicles must come from their current repair stock only, there may only be 1 for sale sign per car, if there is a violation of any of the stipulations, the car sales must cease and the variance will be void without the option of an appeal. Also, the variance is valid with the property owner only, not the property address. Mr. Schwerd shall include all stipulations in the Findings of Fact. Motion ***seconded by Mr. Kus. All favored, motion carried. Mr. Kus made a motion*** allowing Mr. Mowery to sign the Findings of Fact once prepared by Mr. Schwerd and then forward to the Town Council ***seconded by Mr. Wichlinski. All favored, motion carried.***

NEW BUSINESS

Item #1 Discuss a possible change to the time the BZA will meet in 2017.

Mr. Mowery stated the Plan Commission has proposed to change their meeting date to the same night as the BZA. The Plan Commission would like the BZA to start their meeting at 6:00 p.m. so that Plan Commission can begin their meeting at 7:00 p.m. or immediately following the BZA. After some discussion, all members stated they can accommodate a 6:00 meeting. ***Mr. Wichlinski made a motion*** changing the start of the BZA meeting times from 7:00 p.m. to 6:00 p.m. ***seconded by Mr. Elbaor. All favored, motion carried.***

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the meeting held November 30, 2016 in the amount of \$35.00 ***seconded by Mr. Kus. 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 7:39 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary