

Town of Griffith
Board of Zoning Appeals
August 24, 2016

The Board of Zoning Appeals meeting was called to order at 7:01 p.m. by Chairman John Mowery with members Carl Kus and Tom Wichlinski. Also present was Town Attorney; Brent Torrenga, and Building Commissioner; Steve McDermott. Absent was Town Council Liaison; Larry Ballah and members Ray Elbaor and Eddie Gonzalez

The minutes from the July 27, 2016 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Titan Property Group, LLC, Northwest corner of Ridge Road and Broad Street. Public Hearing on a Use Variance to open a medical office in a B3 Zoning District.

Attorney Greg Bouwer appeared before the Board. Mr. Mowery asked Mr. Torrenga if proof of publication and mailings were in order. Mr. Torrenga stated all legal requirements were adequate. Mr. Mowery then opened up the Public Hearing portion of the meeting. Along with Mr. Bouwer was Mr. George Hanus, Mr. Stephen Moss and Mr. Ronald Kraiss. Titan Property is seeking permission to open a 12,608 square foot plasma center. The business is stable with a long term lease and will be a good addition to Town. There are Hammond and Gary locations. Mr. Bouwer then distributed a written explanation as to why the proposed business is not injurious to the public health, safety, morals, and general welfare to the community. The current zoning is B3; which is an allowed use. Donors are usually drawn from a small radius near the site. Plasma is a service provided to the medical community that is used to treat diseases/injuries. The investment into this location will be anywhere from \$1.5 million to \$2.5 million dollars. Mr. Hanus added that this proposed 1 story commercial building will bring jobs to the community (50-60) and help improve real estate taxes. The location has been vacant for quite a while. There will not be any cash exchanged. All money received will be by a debit/credit type card. Mr. Wichlinski asked how many employees will be hired. Mr. Hanus stated there would be 50-60 employees. Mr. Wichlinski asked what the normal course of a business day would look like. Mr. Moss then stated there will be 6 working days, business hours will be 7am-6pm Monday thru Thursday, Friday and Saturday will have shorter business hours, the plasma process takes approximately 1 hours. Mr. Wichlinski asked how many patients are expected. Mr. Moss stated there are waiting rooms, 60 beds (probably not use them all). Once a person is on the program (a physical is required first) the process of plasma donation takes one hour. Mr. Wichlinski asked how many patients a waiting room holds. Mr. Moss stated they hold approximately 15 people. Mr. Hanus assured the Board that no one loiters outside the building. And the radius extends to 125 miles from the site location for possible donors. Mr. Wichlinski asked if the site feels like a medical office. Mr. Hanus stated that was correct. Mr. Kraiss stated part of the business' certification can be lost if loitering were allowed. The licensing procedure is regulated by the FDA. Mr. Wichlinski asked about the disposal of products. Mr. Kraiss stated there is a national contract. Items are stored in a locked room at the facility and picked up weekly/biweekly by the EPA then destroyed. No waste is stored. Mr. Kraiss then further explained the process once it leaves the facility. Mr. Kus asked if the plasma taken from the Griffith site is collected and used locally or nationally. Mr. Kraiss stated it is sent to Memphis and used as needed, nationally. Mr. Kus asked if the Merrillville location is a similar size to the proposed location. Mr. Kraiss stated they are the same size. Mr. Wichlinski asked how many customers a day are seen at the Merrillville location. Mr. Kraiss stated approximately 100-150 people daily. Mr. Kus asked if there will be any advertisement. Mr. Kraiss stated there is a lot of advertisement. Mr. Hanus included that there will be a job fair also. Mr. Kus asked if a medical doctor is on staff. Mr. Kraiss stated there will be two doctors with staff of nurses, physician's assistants, etc. No further remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Wichlinski made a favorable***

recommendation to the Town Council for Titan Property Group, LLC, Northwest corner of Ridge Road and Broad Street to open a medical office in a B3 Zoning District **seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski then made a motion** for Mr. Torrenga to prepare Findings of Fact and also to allow Chairman Mowery to sign the findings on behalf of the Board **seconded by Mr. Kus. All favored, motion carried.**

Item #2 Michelle Szot; 341-343 N. Broad St. Public Hearing on a Use Variance to allow an exterior beer garden/outside dining.

Ms. Szot appeared before the Board to request permission to have an outdoor patio area. Mr. Mowery asked if all legal requirements were in order. Mr. Torrenga stated they are not. Mr. Torrenga began noting the insufficiencies.

#1 The property in question is not owned by the petitioner. Official records indicate that there are two property owner of record. Permission from the property owner, or the owner's estate if deceased, is required to proceed.

#2 The petition does not include the correct legal description. The legal description used are abbreviations of the actual legal description and without full words or details. The full legal description is required.

#3 The property in question was petitioned as two lots, but tax records show there are four lots comprising the site, meaning only a portion of a building, and none of the relevant parking lot, were subject to the hearing.

#4 The proof of publication/advertisement provided is unrelated to the property in question. The City of Gary is noted in the advertisement.

#5 Letters to property owners within 300 ft. did not indicate the date of this Public Hearing.

Mr. Torrenga ended in stating the Public Hearing cannot take place.

Ms. Szot stated she was unaware of the problem with the legal ad, The Times must have confused her paperwork with someone else's. Mr. Szot stated she has a purchase agreement and had purchased the property on contract and has since invested \$350,000. into it. Ms. Szot was unclear what other issues there were because she had been into the Building/Planning Office multiple times for guidance. Mr. Mowery asked if the required signage is posted at the property. Ms. Szot stated it is. Mr. Mowery explained that the issues with the advertisement need to be figured out and the Public Hearing could possibly take place next month. Ms. Szot stated the patio area wasn't currently being used/open, and the temporary structure will be rolled up next month. Mr. Mowery asked Ms. Szot if she had a legal representative. Ms. Szot stated she does. Mr. Torrenga stated legal representation is needed and then repeated the issues with ownership; four lots instead of two, the need to republish the legal ad and ownership needs to be clarified. Ms. Szot stated she would get it done. Mr. Torrenga provided Ms. Szot his contact information and suggested Ms. Szot's lawyer should contact him and they can go over the requirements before next month's meeting. Mr. Mowery and Mr. Kus strongly suggested Ms. Szot seek an attorney. Ms. Szot then left the meeting.

NEW BUSINESS

Item #1 Margaret Machine & Tool Co., Inc.; 210 S. Lindberg by Vincent Gwiazida. Requesting permission for a Public Hearing on a Developmental Variance to erect a pole barn.

Mr. Vincent Gwiazida appeared before the Board. Mr. Gwiazida then distributed an arial photo of the property and stated he would like to build a pole barn type building. There was then discussion on what ordinance required a variance. Mr. Torrenga stated he and the Building Commissioner; Mr. McDermott would work together to decide exactly what type of variance is needed. Mr. Mowery suggested granting permission to advertise for a public hearing based on the recommendation of Mr. Torrenga and Mr. McDermott. **Mr. Kus granted permission** to advertise for a Public Hearing to Margaret Machine & Tool

Co., Inc.; 210 S. Lindberg by Vincent Gwiazida for a Developmental Variance to erect a pole barn *seconded by Mr. Wichlinski. All favored, motion carried.*

Item #2 Trail Creek Subdivision by Chris Kovich. Requesting permission to advertise for a Public Hearing on a Developmental Variance with respect to side yard setbacks.

Mr. Mowery stated Trail Creek Subdivision by Chris Kovich has been removed from the agenda.

COMMUNICATIONS

None.

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the meeting held July 27, 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 7:59 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary