

Town of Griffith
Board of Zoning Appeals
July 27, 2016

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

The minutes from the June 22, 2016 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Quality Auto & U-Haul, 1581 N. Cline Ave. by Nimak Oner; Public Hearing for a Use Variance to allow U-Haul services in a B3 Zoning District.

Mr. Nimak Oner appeared before the Board. Mr. Mowery asked if the proof of publications and mailings were in order. Mr. Torrenge stated all legal requirements were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Oner distributed a packet to each Board member and stated the south side of the building had much less equipment and was hardly visible. Mrs. AnaJean Lewis; 145 N. Rensselaer appeared to speak against the petitioner. Mrs. Lewis stated her concerns with the proposed location and asked if other locations have been considered that may be better suited for this type of business. Mrs. Lewis also questioned who owns the property and current business. Mr. Oner stated the proposed location is great for the type of business he is pursuing and, there are only new trucks on the lot. Mr. Oner continued in stating his father owns the current automotive business and is leasing the land. The main U-Haul office is located in Schererville. Mr. Mowery informed Mr. Oner that the problem is the location. Mr. Mike Churchill, U-Haul Representative appeared before the Board. Mr. Churchill stated Mr. Oner's corner is a convenient location, there is new equipment on site. Mr. Churchill continued in stating the business plan does not allow for more than 7 pieces of equipment and their placement on the lot make them hardly visible. Mr. Mowery then read aloud a remonstrance letter (included in minute book) from Mr. Stan Dobosz; 303 Manor Dr. Mr. Dobosz is against the proposal. Mr. Wichlinski stated he has a conflict of interest and will be abstaining from the vote. Mr. Elbaor asked of another location for the U-Haul business. Mr. Oner stated it was not ideal. Mr. Oner stated his father's business has been in Griffith since 2010 and has been in good standing. Mr. Kus questioned the limit of 7 pieces of equipment. Mr. Churchill stated the largest truck is 26' and U-Haul's Traffic Control Manager will regulate what (trucks, vans or trailers) and how many pieces of equipment go there. Mr. Churchill assured there will not be more than 7 units total. Mr. Kus asked Mr. Oner, if there will be a chance that more than 7 pieces will be on site after business hours. Mr. Oner stated some customers drop off the trucks after hours and he is unaware until the next business day. Mr. Kus asked how long it takes to remove the trucks. Mr. Churchill stated the trucks can be removed within 24 hours. Mr. Kus stated he preferred all truck parking to remain on the south side of the building. Mr. Kus then questioned the banners and/or signage. Mr. Torrenge stated that is not a matter to be heard before the Board. Mr. Churchill stated several junk vehicles have been removed from the site. Mr. Kus asked if a privacy fence could be installed on the south side of the lot. Mr. Churchill stated they could install one, if needed. Mr. Oner stated he has spoken with Mr. Rick Ryfa and the Redevelopment Committee on painting the building and installing electronic signage. Mr. Ballah asked if truck rental can be done by phone or walk-in customers. Mr. Churchill stated truck rental can be done either way. Most customers phone ahead the date/time they need to reserve a U-Haul but walk-ins are welcome. Mr. Ballah asked how many different types of equipment will be available. Mr. Churchill stated there is a cargo van, 10', 15', 20' and 26' trailers. The fleet available is based on the demand. Mr. Oner stated he owns 4 of the trucks and the rest of the fleet is separate and on rotation. No further remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. **Mr. Kus made a favorable recommendation** to the Town Council for Quality Auto & U-Haul, 1581 N. Cline Ave. by Nimak Oner to allow U-Haul services in a B3 Zoning District with subject to the following conditions:

**A fence (maximum allowed fence in a commercial zone; 6' or 8') must be installed at the southwest corner of the building to the south property line, to the east property line.*

** There shall not be more than 7 pieces of equipment (vans, trucks, trailers). If a piece of equipment is dropped off after business hours, and exceeds the limit of allowed equipment, it must be removed within 24 hours.*

**Trucks 20' or larger cannot stay on the property.*

**Violation of any rules/stipulations will result in the immediate withdraw of variance and the U-Haul business with be shut down without dispute.*

Motion seconded by Mr. Elbaor. Mr. Elbaor; in favor, Mr. Gonzalez; opposed, and Mr. Wichlinski abstain. Mr. Torrenza stated roll call is necessary. Mr. Kus; in favor, Mr. Gonzalez; opposed, Mr. Elbaor; opposed, Mr. Wichlinski; abstained and Mr. Mowery; opposed. Motion fails.

Mr. Kus then made no recommendation to the Town Council for Quality Auto & U-Haul, 1581 N. Cline Ave. by Nimak Oner to allow U-Haul services in a B3 Zoning District ***seconded by Mr. Elbaor. Mr. Wichlinski abstained, all other members; in favor. Motion carried.*** Mr. Oner asked when he would appear before the Town Council. Mr. Mowery stated he would appear August 2nd or 16th. ***Mr. Kus made a motion*** for Mr. Torrenza to prepare Findings of Fact and allow Mr. Mowery to sign them on behalf of the Board ***seconded by Mr. Elbaor. All favored, motion carried.***

Item #2 Set 'Em Up, Inc., 135-141 N. Broad St. by Tony Hobson; Public Hearing for a Use Variance to allow exterior fencing/patio in the parking lot.

Mr. Tony Hobson appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Torrenza stated all legal requirements were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Hobson stated he would like to fence the south side of his building to incorporate a patio area. Mr. Hobson continued in stating it will be family friendly and open to all ages. There will be bags and a fire pit. A double door on the building will be installed and fencing in the parking lot. No remonstrators appeared before the Board. Mr. Wichlinski asked what the hours will be. Mr. Hobson stated he has spoken with Police Chief, Mance, and there will not be any live music after 11:00 p.m. with the exception of a big band or Town function in which he would entertain until 12:30 a.m. Mr. Hobson stated he will have conservative music, acoustic/one piece acts. Mr. Kus asked if there are plans to level the parking lot. Mr. Hobson stated he will wait to see how well the outdoor patio does before improving the lot. Mr. Kus asked if the fence is a privacy fence. Mr. Hobson stated it will be a 3' fence and the inside of the patio will be totally visible from Broad Street with an entrance off of Broad as well as the back of the lot. Mr. Hobson stated he is hoping for a Chicago type patio area. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Gonzalez made a favorable recommendation*** to the Town Council for Set 'Em Up, Inc., 135-141 N. Broad St. by Tony Hobson; to allow exterior fencing/patio in the parking lot ***seconded by Mr. Kus. All favored, motion carried. Mr. Kus made a motion*** for Mr. Torrenza to prepare Findings of Fact and allow Mr. Mowery to sign them on behalf of the Board ***seconded by Mr. Wichlinski. All favored, motion carried.***

NEW BUSINESS

Item #1 Titan Property Group, LLC, Northwest corner of Ridge road and Broad Street. Requesting permission to hold a Public Hearing to open a medical office in a B3 Zoning District.

Attorney Greg Bouwer appeared before the Board representing Titan Property Group. Mr. Bouwer stated the petitioner would like to open a plasma donor facility at 100-130 W. Ridge Road. Davita Dialysis partners with the client and they are also international. Mr. Bouwer then distributed promotional material to the Board. Recently a facility opened in Merrillville. Mr. Wichlinski asked if the Merrillville location is open. Mr. Bouwer stated it is. Mr. Wichlinski asked how many customers are seen a day. Mr. Bouwer stated the amount varies and depends upon how many stations are available. Mr. Wichlinski asked if the donors are compensated. Mr. Bouwer stated they are, but not by cash. Donors are given debit cards. Mr. Kus asked about the blood to plasma process. Mr. Bouwer referred to the website. Mr. Gonzalez asked about the disposal, and if it's a bio-hazard. Mr. Bouwer stated there isn't any bio-hazard. ***Mr. Wichlinski made a motion*** granting permission for a Public Hearing to Titan Property Group, LLC, Northwest to open a medical office in a B3 Zoning District at the corner of Ridge road and Broad Street ***seconded by Mr. Kus. All favored, motion carried.***

Item #2 Tiffany Evans, 138 S. Broad St., requesting permission to hold a Public Hearing to open a psychic counseling studio.

Ms. Tiffany Evans; 3729 Ridge Rd., Highland, IN appeared before the Board. Ms. Evans stated she would like to open a holistic shop. Selling crystals, new age jewelry, incense, sage, energy healing, meditations, yoga and readings. Ms. Evans stated she usually sets up on Friday's at the Griffith Central Market. Mr. Wichlinski asked if

the shop is a permitted use. Mr. Torrenga stated a psychic studio is not an allowed use. Ms. Evans stated the shop is also a retail use. Mr. Mowery then asked what the primary use is. Ms. Evans stated her business is 90% retail and 10% readings. She continued in stated that a good amount of crystals are sold as well as jewelry. Mr. Kus explained that as long as the term “psychic” is taken out of the business name, and the primary use is retail, there shouldn’t be an issue. At this time there was discussion about the business name. Ms. Evan stated she understood the concerns and will not advertise the shop as a “psychic studio”. Mr. Torrenga stated it would be appropriate for the petitioner to withdraw the petitioner due to the business classification is considered retail. *Ms. Evans then withdrew her petition with the Board.*

COMMUNICATIONS

None.

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the meeting held June 22, 2016 in the amount of \$35.00 *seconded by Mr. Gonzalez. 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 8:20 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary