

Town of Griffith
Board of Zoning Appeals
June 22, 2016

The Board of Zoning Appeals meeting was called to order at 7:03 p.m. by Chairman John Mowery with members Carl Kus, Tom Wichlinski, Ray Elbaor and Eddie Gonzalez. Also present was Building Commissioner; Steve McDermott, Town Attorney; Brent Torrenza, and Town Council Liaison; Larry Ballah.

OLD BUSINESS

Item #1 Asada Grill and Cantina, 216 S. Broad St. by Rigo A. Guterrez; Public Hearing for a Special Use to allow full service outdoor dining (south side of building).

Attorney Brent Torrenza confirmed Mr. Guterrez was in compliance regarding the proof of publication, proper signage and certified mailings. **John Mowery** opened the Public Hearing. Tom Wichlinski questioned if the south side would be copied from the north side, including the pergola. Mr. Guterrez confirmed it would be the same layout as the north side. Ray Ebaor asked if there would be changes in the handicap accessibility. Mr. Guterrez explained there would be no change in the handicap accessible entrance. **Tom Wichlinski** motioned to approve Mr. Guterrez request for a special use variance, seconded by **Eddie Gonzalez**. **All in favor, motioned carried.** John Mowery referred Mr. Guterrez to the Griffith Town Council. **Tom Wichlinski** motioned to request Attorney Brent Torrenza to prepare finding of facts, seconded by **Carl Kus**. **All in favor, motion carried.**

Item #1 Quality Auto & U-Haul, 1581 N. Cline Avenue, Nick Oner petition for a Public Hearing for Special Use to allow U-Haul services in a B3 Zoning District.

Mr. Mowery informed Mr. Oner that he did not meet the requirements for the Public Hearing for a special use variance. Mr. Oner explained that his manager did not meet the publication deadline. Mr. Mowery complemented Mr. Oner for having all U-Haul trailers and vehicles removed from the property within a timely manner, however, nothing can or will be approved until Mr. Oner properly prepares for the July 27th meeting. **Tom Wichlinski** motioned to continue Mr. Oners request until the July 27th meeting, seconded by **Ray Elbaor**. **All in favor, motion carried.** Mr. Mowery explained to Mr. Oner that if and when his request is approved, he will then be referred to the Griffith Town Council for final approval. The Griffith Town Council will not act on his request until the August 2nd or 16th Town Council meeting.

Item #3 Angel Hair Café, 142 S. Broad St. by Angela Avorio requesting permission for a Public Hearing for a Use Variance to allow outdoor dining at the rear of the building . No further communication with the petitioner.

Due to lack of communication from the petitioner, **Carl Kus** motioned to remove Angel Hair Café from the agenda, seconded by **Ray Elbaor**. **All in favor, motion carried.**

NEW BUSINESS

Tony Hobson 135 N. Broad St. requesting a Public Hearing to install fencing to create an outdoor patio area. Mr. Hobson submitted drawings to the board showing his request to install fencing between his building and the building to the south in order to create an outdoor dining area. Mr. Hobson will lose approximately 5 parking spaces, however, there is a public parking lot available to the east of his building. Mr. Elbaor asked about access for emergency responders. Mr. Hobson explained that there will be access in both the front and back of the patio area. Mr. Elbaor also asked about lighting and Mr. Hobson said that there will be no bright lighting. Mr. Gonzalez asked what the seating capacity would be. Mr. Hobson explained that the final seating capacity can't be determined until the final inspection when all seating is in place. He is predicting seating capacity to be approximately 60-65. Carl Kus questioned if there would be additional bathroom facilities. Mr. Hobson responded that at this time, no additional bathroom facilities are in the plans, but if that became an issue he would make necessary accommodations. **Tom Wichlinski** motioned to allow Set Em Up advertise for a Public Hearing at the July 27th meeting, seconded by **Ray Elbaor**. **All in favor, motion carried.**

COMMUNICATIONS

Sensia Sorgic, 202 N. Wiggs, would like to appear before the Board and give a status update on his property. Mr. Sorgic explained the remodeling process he has been going through. He explained that he now has all licensed contractors working for him. He informed the Board of many road blocks he has dealt with regarding the remodel. He originally planned on using a rubber roof, then changed plans to change the pitch of the roof. He is now concerned because he is unable to build or remodel on the existing rear foundation. Mr. McDermott explained that the existing rear foundation is not below the frost line, therefore, nothing can be built on this foundation since a building with a footing constructed above the frost line cannot be attached to a building constructed with a foundation below the frost line. Mr. Sorgic claimed that he had requested additional information from the building department, but did not receive a response. Brent Torrenga informed the board that Mr. Sorgic told the Building Department that he had sought counsel regarding the issue with the footing, so now the building department was informed that all correspondence were to be referred to him. Mr. Torrenga said that he responded within a day or two. Tom Wichlinski suggested Mr. Sorgic have a licensed structural engineer look at the property. Mr. Mowery also suggested Mr. Sorgic have the property inspected by a licensed structural engineer. Mr. Torrenga stated that the information provided by the BZA were suggestions only and that no petition has been filed by Mr. Sorgic and no action has been taken by the Board of Zoning Appeals.

Mrs. AJ Lewis, 145 N. Rensselaer appeared before the Board asking why the request from Quality Auto & U-Haul was continued until the next meeting. Mrs. Lewis was under the impression that if Mr. Oner did not have the proper paperwork for his Public Hearing, he would not be able to make another petition. Mr. Mowery explained that if the proper paperwork was not completed for the June meeting, there would be no extension on U-Haul operations. Carl Kus explained by law, the Board cannot deny his request for a Public Hearing.

Stan Dobosz, 303 Manor Dr. Mr. Dobosz commented on the Board's statement on the importance of appearance at Ridge Rd. and Cline Ave. The Board complimented Mr. Oner on how nice his property looks now that the U-Haul trailers are no longer there. Tom Wichlinski commented on other businesses in town that need cleaned up.

BILLS AND EXPENDITURES

Tom Wichlinski motioned to approve one claim payable to Veronica Horka for the May minutes, seconded by **Carl Kus**. **All in favor, 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 8:00 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Tricia Kistler, Recording Secretary