

Town of Griffith  
Board of Zoning Appeals  
August 26, 2015

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

The minutes of the July 22, 2015 Board of Zoning Appeals meeting were approved as written.

**OLD BUSINESS**

**Item #1 Sud City Express Wash, 1637 W. 45<sup>th</sup> Ave. by Clint Johnson; Public Hearing for a Special Use to increase the amount of vehicles allowed in a B4 Use (motor vehicle sales) in a B3 Zoning District.**

Mr. Clint Johnson appeared before the Board. Mr. Mowery asked if proof of mailings and publications were in order. Mr. Schwerd stated all legal requirements were sufficient. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Johnson stated he was before the Board a couple years ago and was granted permission to sell 10 vehicles. Mr. Johnson would now like to increase his vehicle count to 20 because he is now into bank financing vehicles. Mr. Johnson stated the cars would remain anywhere between 15-20. Mr. Schwerd asked if there are any other requests for the Board to consider. Mr. Johnson stated he would like the Board to consider additional signage and/or banners. Mr. Wichlinski asked if the signs would be on the building. Mr. Johnson stated it is a possibility as well as placing a banner/flags. Mr. Mowery read into the minutes one written remonstrance from Anajeane Lewis; 145 N. Rensselaer. Mr. Wichlinski asked how big the existing sign is. Mr. Johnson stated he was unsure of the exact size. Also stating it is quite large and in the right-of-way. Mr. Wichlinski asked what the lineal footage is on 45<sup>th</sup>. Mr. Johnson estimated the distance to be around 120'. Mr. Mowery asked if a survey of the property was available. Mr. Johnson said he does not have one. Mr. Wichlinski informed Mr. Johnson that the Board has difficulty acting on signage without a proper survey or site plan. There are definite town ordinances regarding allowable signage. Mr. Johnson addressed an issue mentioned by remonstrator Lewis. Mr. Johnson stated the car wash mechanics went down and they have since been repaired. Mr. Kus mentioned that the Assessor's/Surveyor's Office may have a copy of the site survey. Mr. Mowery informed Mr. Johnson that the request for banners will not be approved. Mr. Mowery then suggested Mr. Johnson try to retrofit the existing sign with what he is looking to advertise. Mr. Kus felt a request for 15 vehicles was more tolerable than 20. Mr. Mowery then stated if at any time there is a banner or streamer the variance if/when granted will be lost and the business will be shut down. Mr. Mowery continued in stating that a Site Plan is needed before the Board will decide and make a vote. Mr. Mowery then closed the public comment portion of the meeting. Mr. Mowery informed Mr. Johnson that he currently is only allowed 10 vehicles and no banner or signage shall be allowed. Mr. Johnson understood. ***Mr. Wichlinski made a motion*** to continue Sud City Express Wash, 1637 W. 45<sup>th</sup> Ave by Clint Johnson to the September 23<sup>rd</sup> meeting ***seconded by Mr. Gonzalez. All favored, motion carried.***

**Item #2 Asada Grill & Cantina, 216 S. Broad St. by Rigo A Guterrez; Public Hearing for a Special Use to allow full service outdoor dining.**

Mr. Rigo Guterrez appeared before the Board. Mr. Mowery asked if proof of mailings and publication were in order. Mr. Schwerd stated all legal requirements were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Guterrez stated he would like to construct

an outdoor patio dining area. The patio will hopefully draw in more customers to his business and other nearby businesses. No remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Wichlinski asked if the patio would be evenly built out to match the front building line. Mr. Guterrez stated it would. Mr. Kus asked if it is proposed for the north side of the building. Mr. Guterrez stated that was correct. Mr. Kus asked for the size and where the entrance would be. Mr. Guterrez stated the patio area will be big enough to accommodate 6 tables. There will be 2 entrance/exits. Mr. Gonzalez asked if the patio will be open year round or seasonal. Mr. Guterrez stated it is for seasonal use. Mr. Gonzalez asked if alcohol will be served outdoors. Mr. Guterrez stated it would. Mr. Kus stated his concern with patrons entering/exiting without going into the building. Mr. Guterrez stated he will be installing outdoor security cameras. Mr. Wichlinski asked what the maximum amount of people the patio area will hold. Mr. Guterrez stated he will be able to serve 25 guests. Mr. Kus asked who will be constructing the patio area. Mr. Guterrez stated he will be doing the work. Mr. Kus asked how soon the outdoor eating will be open. Mr. Guterrez stated he would like to open it as soon as possible. ***Mr. Gonzalez made a motion*** granting permission to Asada Grill & Cantina, 216 S. Broad St. by Rigo A. Guterrez for a Special Use to allow full service outdoor dining ***seconded by Mr. Wichlinski. All favored, motion carried.*** Mr. Schwerd stated he will prepare Findings of Fact for the Town Council. ***Mr. Kus made a motion*** allowing Chairman Mowery to sign the Findings of Fact once prepared ***seconded by Mr. Wichlinski. All favored, motion carried.***

#### **NEW BUSINESS**

None.

#### **COMMUNICATIONS**

None.

#### **BILLS AND EXPENDITURES**

***Mr. Wichlinski made a motion*** to approve claims for the meeting held July 22, 2015 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 7:45 pm

Respectfully Submitted

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Tom Wichlinski, Secretary

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Veronica L. Horka, Recording Secretary