

Town of Griffith
Board of Zoning Appeals
June 24, 2015

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

The minutes of the May 27, 2015 Board of Zoning Appeals meeting were approved as written.

Old Business:

Item #1 Centsible Heating & Air Conditioning; LLC; 403 N. Griffith Blvd. by Dean and Susan Pollard. Requesting a Use Variance and Developmental Variance to allow a business and new storage facility with off-street parking in an R2 Single Family Residential Zoning District, to be rezoned to Professional Business. Please note: The Public Hearing has been closed.

Mr. & Mrs. Pollard appeared before the Board as well as Engineer; Rupen Shah. Mr. Mowery informed the Board members that the petitioner was heard by the Plan Commission during a Special Meeting prior to the BZA's meeting. The Plan Commission made a favorable recommendation to the Town Council for a rezone to PB as well as granting Final Site Plan approval. The BZA Use Variance is still needed to conduct business at the proposed location. The BZA variances needed are as follows:

1. Building /lot coverage shall be allowed as shown in the Site Plan. Limited to 50% in a PB Zoning District.
2. The new garage must be constructed within the required side and rear yards.
3. There shall be at least 5 off-street parking spaces.
4. The existing sign shall be relocated to the new structure.

Mrs. Pollard stated the sign was within the Town's regulations when it was originally installed. Mr. Torrenga stated there shouldn't be a problem with relocating the sign. Mr. Torrenga mentioned the required depth for parking spaces is 20'. The drawings reflect a 19' space. Mr. Wichlinski asked what the garage square footage will be. Mrs. Pollard stated the new structure will be 1,200 square feet. Mr. Elbaor asked if there is a requirement for handi-cap parking. Mr. Torrenga stated handi-cap parking is a state statute and is not enforced by the Town of Griffith. Mrs. Pollard stated she is working on a handi-cap parking space. Mrs. Pollard also stated the "Rule 13" inspection should be able to clarify.

Mr. Wichlinski made a favorable recommendation to the Town Council to Centsible Heating & Air Conditioning, LLC; 403 N. Griffith Blvd. by Dean and Susan Pollard on a Special Use Variance to allow a business and new storage facility with off-street parking in an R2 Single Family Residential Zoning District ***seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski made a motion*** to allow Chairman Mowery permission to sign the Findings of Fact once prepared for presentation to the Town Council ***seconded by Mr. Kus. All favored, motion carried.***

Mr. Wichlinski then made a motion granting a Developmental Variance to Centsible Heating & Air Conditioning; LLC; 403 N. Griffith Blvd. by Dean and Susan Pollard allowing a new storage facility with off-street parking in an R2 Single Family Residential Zoning District contingent upon the Town Council's approval of the rezone, building/lot coverage shall be allowed as shown in the Site Plan: limited to 50% in a PB Zoning District, the new garage must be constructed within the required side and rear yards, there shall be at least 5 off-street parking spaces and the existing sign shall be relocated to the new structure ***seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski made a motion*** to allow Chairman Mowery permission to sign the Findings of Fact once prepared for

presentation to the Town *Council seconded by Mr. Kus. All favored, motion carried.* Mr. Mowery informed Mr. & Mrs. Pollard that the next Town Council meeting is scheduled for July 7, 2015.

Item #2 Permission to advertise for a Public Hearing for Andrew Webster; property located at Sud City Car Wash; 1637 W. 45th Ave. Please note: The petitioner has requested to be removed from the agenda.

Mr. Mowery stated the petitioner has requested removal from the agenda. *Mr. Kus made a motion* to remove Andrew Webster, Sud City Car Wash; 1637 W. 45th Ave from the agenda *seconded by Mr. Elbaor. All favored, motion carried.*

Item #3 Joseph and Robyn Pokropinski 311 N. Broad St.; Public Hearing with respect to conducting business outside of an enclosed building. Ordinance 86-104 (c).

Mrs. Robyn Pokropinski appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Torrenga stated all legal requirements were in order. Mr. Mowery then opened the Public Hearing portion of the meeting. Mrs. Pokropinski presented the proposed outdoor seating (serving food and beer) that will be located at the northwest corner of the building. Mrs. Pokropinski stated she is working with state excise. Mr. Don Downey; property owner of 303 N. Broad St. appeared before the Board. Mr. Downey stated he has no objection to the proposal. Mr. Wichlinski asked if the seating will be temporary/seasonal. Mrs. Pokropinski stated that was correct. At this time there was discussion on the possibility of extending the fencing as well as the type of fencing installed. Mr. Kus asked how the fence will be secured. Mrs. Pokropinski stated she was unsure and would have to speak with her husband. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Kus asked how tall the fence will be. Mrs. Pokropinski stated it will be 3.5' tall. *Mr. Wichlinski made a motion* granting the Special Use Variance to Joseph and Robyn Pokropinski 311 N. Broad St.; with respect to conducting business outside of an enclosed building with conditions that the fencing shall encompass the entire front portion of the building that abuts to the sidewalk with temporary fencing that is a like material of which is installed at the Franklin Center and also Central Park *seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski then made a motion* to allow Chairman Mowery permission to sign the Findings of Fact once prepared for presentation to the Town Council *seconded by Mr. Kus. All favored, motion carried.*

Item #4 45th Street Studios 2053 W. Glen Park Ave. by Cresencio Leon Jr.; Public Hearing for a Special Use to allow a body adornment studio in a B3 General Business Zoning District.

Mr. Cresencio Leon Jr. appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Torrenga stated all legal requirements were in order. Mr. Leon stated he would like to move his business from 1817 W. Glen Park Ave to 2053 W. Glen Park Ave. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Wichlinski asked how long he has been in business. Mr. Leon stated it will be 8 years on July 2nd. Mr. Wichlinski asked if the proposed location will be the same business. Mr. Leon stated it will. Mr. Elbaor asked if the unit is bigger/smaller vs. the current location. Mr. Leon stated the new location is smaller and is offering cheaper rent. Mr. Leon mentioned that he may have another location within his same building. There was then discussion if a Public Hearing will be required because the newest address is within the same building. Mr. Torrenga suggested to finish the original locations Public Hearing but to also allow the petitioner to request permission for a new Public Hearing for the new location if needed. Mr. Torrenga added, he will research the possible need for variance and inform the Board with his findings. Mr. Mowery then closed the Public Hearing portion of the meeting. *Mr. Wichlinski made a motion* to continue 45th Street Studios 2053 W. Glen Park Ave. by Cresencio Leon Jr. to the July 22nd meeting *seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski made a motion* to amend the

agenda to include 45th Street Studios 1941 W. Glen Park Ave by Cresencio Leon Jr. under New Business *seconded by Mr. Kus. All favored, motion carried.*

NEW BUSINESS

Item #1 45th Street Studios 1941 W. Glen Park Ave by Cresencio Leon Jr. Requesting permission for a Public Hearing of a Special Use to allow a body adornment studio in a B3 General Business Zoning District.

Mr. Leon Jr. appeared before the Board. Mr. Leon stated he is considering moving his business from 1817 W. Glen Park Ave. to 1941 W. Glen Park Ave. The unit is within the same building. Mr. Mowery asked if the new business will be the same as what is currently being operated. Mr. Leon stated it will be. Mr. Mowery asked if both the units in question are under the same building/roof. Mr. Leon stated they are. Mr. Leon is proposing to move to the west corner of his current building. Mr. Elbaor asked if the signage will be different. Mr. Leon stated he will move his current sign. **Mr. Kus made a motion** granting 45th Street Studios 1941 W. Glen Park Ave by Cresencio Leon Jr. permission to advertise for a Public Hearing of a Special Use to allow a body adornment studio in a B3 General Business Zoning District if deemed necessary *seconded by Mr. Elbaor. All favored, motion carried.*

Item #2 Sinisa Sorgic; 202 N. Wiggs, Requesting permission to hold a Public Hearing for a Special Use to allow a duplex in an R2 Single Family Zoning District.

Petitioner was not present. Mrs. Horka stated she tried to contact the petitioner to remind him of the meeting but was not able to reach him. **Mr. Kus made a motion** to continue Sinisa Sorgic 202 N. Wiggs to the July 22nd meeting *seconded by Mr. Wichlinski. All favored, motion carried.*

COMMUNICATIONS

None

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve claims for the meeting held January 21, 2015 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 7:46 pm

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary