

Town of Griffith
Board of Zoning Appeals
May 27, 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, Ray Elbaor and Tom Wichlinski. Also present was Attorney Bob Schwerd and Town Council Liaison; Larry Ballah.

The minutes of the March 25, 2015 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Teresita M. Anderson 301 E. Ave C; Public Hearing on a Developmental Variance with respect to an oversized garage/accessory building.

Mr. Fred Doppler appeared before the Board representing Ms. Anderson. Mr. Mowery asked if proof of publication and mailings 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. Doppler stated his customer would like him to build a 22' x 24' addition to the existing 30' x 24' free standing garage. Mr. Mowery asked what the new garage square footage will be. Mr. Doppler stated it will be 1,248 square feet. Mr. Mowery asked what the need is for such a big garage. Mr. Doppler stated Ms. Anderson's daughter and son-in-law will be moving in with her and storage space is needed. Mr. Mowery asked if the garage will only be used for storage and vehicles. Mr. Doppler stated that was correct. Mr. Mowery asked if there are intentions to run a business out of the garage. Mr. Doppler stated it will be a storage area only. Mr. Schwerd informed the Board that the property must also become a 1 lot subdivision before building permits can be issued. Mr. Doppler stated he is already on the June Plan Commission agenda. Mr. Elbaor asked of the garage will be sided to match the existing. Mr. Doppler stated it would. Mr. Elbaor asked where the location of the drive will be. Mr. Doppler stated it will be at the northwest side. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Wichlinski made a motion*** granting a Developmental Variance with respect to an oversized garage subject to approval from the Plan Commission for a 1 lot subdivision ***seconded by Mr. Kus. All favored, motion carried.***

Item #2 Centsible Heating & Air Conditioning, LLC; 403 N. Griffith Blvd. by Dean and Susan Pollard; Public Hearing on a Special Use & Developmental Variance to allow a business in an R2 Single Family Residential Zoning District.

Mrs. Susan Pollard and Mr. Pupen Shah; Engineer appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Schwerd stated all legal requirements were in order. Mrs. Pollard then distributed renderings of the property as well as drawings from her Engineer. Mr. Shah stated the drawings show there will be 4 parking spaces in front of the garage (not blocking the sidewalk), the existing signage will be relocated to the front of the proposed garage. The need to relocate is due to business expansion and the need for a larger office and storage. The proposed garage will be 40'x30'. Mrs. Pollard stated the residential structure will be used as an office space, not retail. The working vehicles will be taken off the street and onto the property itself. The normal business hours are 8-5 with no weekend hours. Mr. Wichlinski asked if the roof will be lower than what is on the existing structure. Mr. Shah stated it will be. Mr. Wichlinski asked what the footage is from the edge of the sidewalk to the structure. Mr. Shah stated the lot is 20' by 50' deep. Mr. Wichlinski asked if the existing garage would be demolished. Mr. Shah stated the garage is in disrepair and will be demolished. Mr. Wichlinski asked if the north wall will be on the same line as the existing. Mr. Shah stated it would be. Mr. Wichlinski then asked what the distance is from the house to the garage. Mr. Shah stated it is approximately 16'. Mr. Shah stated there is also an allowance for a dumpster enclosure. Mr. Elbaor asked if the house/office will ever be lived in. Mrs. Pollard stated the main level of the house serve as an office space only; the basement will be used for supply storage. No one will reside there. Mr. Elbaor asked if the property will be leased. Mrs. Pollard stated it will not. Mr. Elbaor asked what's existing on the northern 15' of the property. Mrs. Pollard stated there is an existing wooden fence. Mr. Elbaor asked

how many employees there are and how many vehicles will be parked on the property throughout the day. Mrs. Pollard stated there are 3 vehicles that go home with employees, and 3 parked cars for the office staff. Mrs. Pollard stated the current owner has mentioned the location has heavy traffic at times and isn't best suited for residential use. Mr. Elbaor asked what the plans are for their current location. Mrs. Pollard stated if the variances go thru, she intends to give her current landlord a 60 day notice to end the lease. Mr. Mowery asked why they are leaving the current space. Mrs. Pollard stated they are currently renting dual locations in Griffith due to their need for more storage. They currently are working out of 700 square feet. Mr. Mowery asked if both the entrances will be facing Miller. Mrs. Pollard stated that was correct. Mr. Mowery asked if they had spoken with any of the neighbors regarding the proposal. Mrs. Pollard stated she had gone door to door; the neighbors she made contact with were in favor of the new location. Mr. Kus asked what the business hours are. Mrs. Pollard stated they are open 8 am to 5 pm Monday thru Friday. Mr. Kus asked if the garage will be used for storage and fabrication. Mrs. Pollard stated that was correct. Mr. Kus asked if the garage will be insulated, what the condition is of the fence and how much electrical power will be needed in the garage. Mrs. Pollard stated the fence is in descent condition, the garage will probably be dry walled. Mr. Pollard stated the garage will have 110 volt. Mr. Elbaor asked if there will be hot works in the garage. Mr. Pollard stated all fabrication is done by hand; very little big power tools are needed. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Acy Wartsbaugh; 402 N. Griffith Blvd. stated he walked door to door and was able to put together a petition against the proposed business in a residential zoning area. The petition consists of 14 neighbors. Mr. Wartsbaugh stated he is worried the change in zoning will affect his property value. He also mentions he is worried about the size of signage, employee parking and an increase in traffic. Mr. Mowery stated the property will retain the R2 zoning. The variance, if granted, will be made to go with the property owner, not the land. Mrs. Pollard stated the only street parking will be her vehicle and their full time secretary. Most other employees have take home cars and the few that don't will be parking in the drive. Mr. Gonzalez asked how much of the business is run by phone vs. walk-in customers. Mrs. Pollard stated 98% of their business is run by phone. Mr. Kus asked what the percentage is for the business' capacity at the new location. Mrs. Pollard stated they will be at about 75% capacity, which is exactly where they want to be. Mrs. Pollard assured Mr. Wartsbaugh that there will be no parking on Griffith Blvd. Mr. Wichlinski asked if a Plan Commission Site Plan Review is needed. Mrs. Pollard stated the garage located directly behind the property in question is very close in size to what is being proposed. Mr. Garry Mang; 428 Griffith Blvd. spoke in favor of the proposal but asked that the garage have a window on the Miller side of the street so it will blend in more with the residential houses. Mrs. Lisa Burrow; 422 Griffith Blvd. spoke in favor of the proposal. Mrs. Burrow feels the changes proposed will increase the property values and she would like to see the business stay in town. Mr. Schwerd stated a Site Plan Review will be needed with detailed drawings of the property, etc. Mrs. Pollard asked why her attorney wasn't informed of the need for Plan Commission sooner. The new delay may inhibit their ability to purchase the property. Mrs. Pollard stated the garage size can be slightly decreased if needed and they will install decorative windows to appease the neighbors. Mrs. Pollard stated she feels if permission is granted it will increase property values. She plans on cleaning up the property, planting flowers/plants. The only thing signifying it is a business will be the sign on the garage and a small sign over the front door that says 'Office'. Mr. Ballah stated a Indiana State Design Release will be required to make the house ADA compliant before building permits are issued. Mrs. Pollard stated she would look into that. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Kus made a motion*** to continue Centsible Heating & Air Conditioning, LLC; 403 N. Griffith Blvd. by Dean and Susan Pollard to the June 24, 2015 meeting pending the Plan Commission's review of Site Plan and their Findings of Fact ***seconded by Mr. Gonzalez. All favored, motion carried.***

Item #3 Permission to advertise for a Public Hearing for Andrew Webster; property located at Sud City Car Wash; 1637 W. 45th Ave. Status from Attorney.

Petitioner was not present. Mr. Schwerd stated Mr. Webster needs a Special Use Variance. The previous owner had been granted a Special Use Variance that went with the owner not the property. ***Mr. Wichlinski made a motion*** continuing Andrew Webster; 1637 W. 45th to the June 24th meeting ***seconded by Mr. Kus. All favored, motion carried.***

NEW BUSINESS

Item #1 Joseph and Robyn Pokropinski 311 N. Broad St.; Requesting a Public Hearing with respect to conducting business outside of an enclosed building. Ordinance 86-104 (c).

Mr. Joe Pokropinski appeared before the Board. Mr. Pokropinski stated he would like to have outdoor seating at his business location. Mr. Schwerd stated a Special Use Variance will be required to conduct business outdoors. Mr. Mowery asked where the seating will be located. Mr. Pokropinski stated the dimensions will be either 10'x14' or 12'x14', 3 tables holding approximately 12-15 patrons and located at the front of the building. Mr. Mowery asked if the seating area will be fenced. Mr. Pokropinski stated it will be. At this time there was discussion regarding Excise and their requirements. Mr. Pokropinski stated he will follow up with Excise. Mr. Gonzalez asked if there will be outdoor music. Mr. Pokropinski stated there will not. **Mr. Kus made a motion** granting Joseph and Robyn Pokropinski 311 N. Broad St. permission to advertise for a Public Hearing on a Special Use Variance to conduct business outside of an enclosed building **seconded by Mr. Gonzalez. All favored, motion carried.**

Item #2 45th Street Studios 2053 W. Glen Park Ave. by Cresencio Leon Jr. requesting permission for Public Hearing on a Special Use Variance to allow a body adornment studio in a B3 General Business Zoning District.

Mr. Cresencio Leon Jr. appeared before the Board. Mr. Leon stated he would like to relocate his current 45th Street business to 2053 W. Glen Park Ave. Mr. Wichlinski asked if Mr. Leon would have 2 stores in town. Mr. Leon stated he will close his current location and move to the proposed address. The space was previously occupied by a tattoo shop. **Mr. Wichlinski made a motion** granting 45th Street Studios 2053 W. Glen Park Ave permission to advertise for a Public Hearing on a Special Use to allow a body adornment studio in a B3 General Business Zoning District **seconded by Mr. Kus. All favored, motion carried.**

COMMUNICATIONS

None

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve claims for the meeting held March 25, 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 8:32 pm

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary