

Town of Griffith
Board of Zoning Appeals
January 21, 2015

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

ELECTION OF OFFICERS

Mr. Kus made a motion that all members shall retain their current positions seconded by Mr. Wichlinski. Mr. Mowery; Chairman, Mr. Kus; Vice Chairman and Secretary; Tom Wichlinski. All favored, motion carried.

The minutes of the December 17, 2014 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 912 Avenue H, LLC by Carlos Ruiz and/or Nick Georgiou; a Public Hearing for a Special Use to allow outdoor fabrication in an I-2 Zoning District. Town Code Section 86-159 & 86-139 (b).

Attorney, Jim Wieser appeared before the Board representing his clients Nick Georgiou & Carlos Ruiz. Mr. Wieser stated Enbridge is leasing the property in questions for employee parking. The employees are currently being bused out to the work site. There is now a need for on-site fabrication. The material is non flammable/ non hazardous and should be done within a structure. Mr. Wieser stated the Northern part of the property is very deep and is currently being used in a similar manor that his clients are requesting. The fabrication will be done within a structure. The requested variance is for temporary use, approximately 24 months. Mr. Schwerd stated he has reviewed all the legal requirements and all documents are in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. No remonstrators appeared before the Board. Mr. Wichlinski asked what the business hours will be. Mr. Georgiou stated it will not be a 24 hr. operation. Working hours will be normal daytime hours. Mr. Wichlinski asked if there will be welding. Mr. Georgiou stated there would. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Wichlinski made a favorable recommendation*** to the Town Council for 912 Avenue H, LLC by Carlos Ruiz and/or Nick Georgiou for a Special Use to allow temporary outdoor fabrication in an I-2 Zoning District contingent upon the petitioner's full compliance with the Town Ordinance. There shall be no flammable material, due to weather they are allowed an enclosure but it must have fire watch during cutting/welding and the permission is granted for a 24 month time period. Any violation of the Special Use will allow the Town of Griffith the right to shut down the operations and terminate the 24 month agreement ***seconded by Mr. Elbaor. All favored, motion carried.*** ***Mr. Wichlinski made a motion*** allowing preparation of Findings of Fact and signature by Chairman, Mowery ***seconded by Mr. Kus. All favored, motion carried.***

Item #2 Sharp Shot Shop 129 N. Lindberg Ave. by Leo Katzmarek; a Public Hearing on a Special Use Variance to allow the sales of firearms as a broker in an R2 Residential Zoning District.

Mr. Leo Katzmarek; 129 N. Lindberg appeared before the Board. Mr. Mowery asked if proof of mailings and public notice 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. Katzmarek stated he is a firearms brooker. Anyone that may be interested in purchasing a firearm thru him must pass a thorough background check. Once the order has been placed and the gun has arrived at the place of delivery it is then hand delivered to the customer. There will not be any transfer of ammunition. Mr. Marvin Kohler; 127 N. Lindberg stated his concern with the type of business being proposed and is concerned about the safety of his family. Mr. Ron Hyatt; 119 N. Lindberg stated he is against this type of business in a residential neighborhood. Mrs. Jackie Braun; 224 Minter and owner of 129 N. Lindberg stated she does not have a problem with the type of business Mr. Katzmarek is trying to run from the home. Mrs. Braun stated it is a part-time business; nothing will be stored at the home. Ms. Theresa Hyatt; 119 N. Lindberg stated she is against the proposed business. Mr. Mowery stated the Board received a letter from Mr. Michael Kitzmiller; 121

Raymond stating he is against the business. Ms. Mary Bonnema; 202 N. Lindberg stated her concerns with that type of business in a residential neighborhood. Mr. Elbaor asked if the home address is listed anywhere on business advertisements. Mr. Katzmarek stated his address is not listed for customers and there isn't any signage. The business is strictly by word of mouth. Only the ATF knows his address. There is no foot traffic to the home. Mr. Elbaor asked if all transactions are done at the storage facility. Mr. Katzmarek stated that was correct. Mr. Elbaor asked if there is any chance of delivery at his residence. Mr. Katzmarek stated he would prefer it not be. Mr. Kus asked Mr. Katzmarek to explain why he needs the Town's permission to continue the business. Mr. Katzmarek stated he is required by the ATF to keep and maintain a filing cabinet with all of the transactions that are done within a 20 year time frame. Mr. Wichlinski asked Mr. Katzmarek to describe a typical transaction from beginning to end. Mr. Katzmarek stated a customer calls or emails with the type of gun they are interested in. Before the gun is purchased, all the customers personal information is submitted to the FBI for a back ground check. Once the background check is clear, payment is made by either a bank routing number or thru a paypal account. FedEx then delivers the firearm to the delivery site. Arrangements are then made with the customer to pick up the firearm. The only reason approval is needed is because the ATF must know the location of the filing cabinet. Mr. Mowery asked where the storage/delivery facility is located. Mr. Katzmarek stated all deliveries are made at the old Andee's Floral located on the corner of Main St. & Broad St. Mr. Mowery asked if the gun is ever delivered to 129 N. Lindberg. Mr. Katzmarek stated it is not. Mr. Wichlinski asked Mr. Katzmarek if he has meet with the Police Chief regarding his proposed business. Mr. Katzmarek stated he has not, but he has sent him paperwork regarding the business. Mr. Hyatt asked if the filing cabinet can be moved to a different location. Mr. Katzmarek stated he cannot because he needs an office space, computer, etc. Ms. Bonnema rescinded her remonstrance. Mr. Wichlinski clarified that he is just working as an agent for the buyer. Mr. Katzmarek stated that was correct. Mr. Mowery gave the remonstrators a thorough explanation of the type of business being proposed. All remonstrators stated they felt much better about the type of business being conducted. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Wichlinski asked if stipulations can be added to a motion. Mr. Schwerd stated that would be fine. Mr. Wichlinski listed the stipulations that shall be added to a favorable recommendation.

Mr. Katzmarek shall be required to comply with the Town Ordinances, there shall be no signage, he can be a Brooker only not a dealer, the package must arrive at a location other than the home residence, pickup/transfer must be at a location other than the home residence, no ammunition shall be stored unless it is personal in nature to him, non transferable, this agreement must be in writing and if there is any violation the Town can issue a cease and assist if needed. Mr. Katzmarek understood and agreed with all stipulations completely. ***Mr. Kus made a favorable recommendation*** to the Town Council to Sharp Hot Shop 129 N. Lindberg by Leo Katmarek to allow the sales of firearms as a broker in an R2 Residential Zoning District with all the stipulations listed and agreed upon by Mr. Katzmarek ***seconded by Mr. Elbaor. Mr. Wichlinski made a motion*** allowing preparation of Findings of Fact and signature by Chairman, Mowery ***seconded by Mr. Kus. All favored, motion carried.***

Item #3 45th Street Studios 140 S. Broad St. by Cresencio Leon; a Public Hearing on a Special Use Variance to allow an art gallery store front and body adornment studio in a B2 Central Business Zoning District.

Mr. Leon appeared before the Board. Mr. Mowery stated there is a problem with the return receipt request as required by the Ordinance. Mr. Mowery then explained the mailing requirement. Mr. Leon apologized and stated he would send them out the correct way. Mr. Schwerd stated the Public Hearing could be continued to the February 25th meeting. ***Mr. Wichlinski made a motion*** to continue 45th Street Studios 140 S. Broad St. by Cresencio Leon; a Public Hearing on a Special Use Variance to allow an art gallery store front and body adornment studio in a B2 Central Business Zoning District ***seconded by Mr. Kus. All favored, motion carried.***

NEW BUSINESS

None.

COMMUNICATIONS

None.

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve claims for the meeting held December 17, 2014 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 7:51 pm

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary