

Town of Griffith
Board of Zoning Appeals
Special Meeting
October 22, 2014

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

The minutes of the September 24, 2014 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Medellin Art Company, LLC by Damien Medellin re: 840 N. Elmer; a Public Hearing with respect to a Special Use to operate a Tattoo Studio. The Public Hearing will not take place, no further contact from the petitioner.

Mr. Mowery stated there has not been any further communication with the petitioner. **Mr. Wichlinski made a motion** to drop Medellin Art Company, LLC by Damien Medellin re: 840 N. Elmer; with respect to a Special Use to operate a Tattoo Studio **seconded by Mr. Kus. All favored, motion carried.**

Item #2 New Supplies, Inc. 211 West Main by Roger and/or Mike Aurelio; a Public Hearing on a Developmental Variance with respect to allowable signage in an industrial district. Town Code Section: 86-231 (b)(1).

Mr. Mike Aurelio appeared before the Board. Mr. Mowery stated there are documents lacking from the legal requirements. Mr. Torrenga informed the petitioner that there are missing green cards, no return receipts due to insufficient postage and the newspaper proof of publication has not been submitted. Mr. Torrenga asked the Board to continue the agenda item and come back to this item number so he can come to a decision on how to proceed.

Mr. Torrenga suggested the petitioner should be continued to the November meeting and the petitioner should contact him to discuss the missing items. Mr. Aurelio agreed. **Mr. Kus made a motion** to continue New Supplies, Inc. 211 West Main by Roger and/or Mike Aurelio on a Developmental Variance with respect to allowable signage in an industrial district **seconded by Mr. Wichlinski. All favored, motion carried.**

Item #3 Centier Bank 500 N. Broad Street by Carol Highsmith; a Public Hearing on a Developmental Variance with respect to Lot Coverage. Town Code Section: 86-76

Mr. Dave Kinel and Mr. Jim Kendall appeared before the Board. Mr. Mowery asked if proof of mailings and publications were in order. Mr. Torrenga stated all mailings and legal requirements were in order other than a few missing green cards. Mr. Torrenga asked Mr. Kinel to submit the cards once received. Mr. Kinel agreed to do so. Mr. Mowery then opened up the Public Hearing portion of the meeting. No remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Kinel stated that Centier Bank has recently purchased 60' of property from the Credit Union for a new freestanding ATM, 9 additional parking spaces and an additional drive-up lane. The existing entrance/exit will remain. The lot coverage is above (67.7%) what is required by Ordinance but there will be more green space with landscaping. Mr. Kus asked if the entire 60' of land purchased will be used. Mr. Kinel stated it will. Mr. Kinel stated that he is currently appearing before the Town Plan Commission for their approvals that are needed. **Mr. Wichlinski made a motion** to approve the Developmental Variance with respect to Lot Coverage to Centier Bank; 500 N. Broad Street by Dave Kinel **seconded by Mr. Kus. All favored, motion carried.**

Item #4 Centier Bank 500 N. Broad Street by Carol Highsmith; a Public Hearing on a Developmental Variance with respect to parking being less than 10' from the property line. Town Code Section: 86-218 (f).

Mr. Dave Kinel and Mr. Jim Kendall appeared before the Board. Mr. Mowery asked if proof of mailings and publications were in order. Mr. Torrenga stated all mailings and legal requirements were in order other than a few missing green cards. Mr. Torrenga asked Mr. Kinel to submit the cards once received. Mr. Kinel agreed to do so. Mr. Kinel stated a 10' setback is needed but they are proposing a 7' setback with landscape. Mr. Mowery then opened up the Public Hearing portion of the meeting. No remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. **Mr. Wichlinski made a motion** granting a Developmental Variance to Centier Bank; 500 N. Broad Street by Dave Kinel on a Developmental Variance with respect to parking being less than 10' from the property line **seconded by Mr. Kus. All favored, motion carried.**

Item #5 Bootleg Liquors 1955-1957 West 45th Street by Brian Cook & Joe Wargo; a Public Hearing on a Developmental Variance with respect to allowable signage in a business district. Town Code Section: 86-230 (g)(1)

Mr. Mowery stated the proof of publication and mailings were not completed in time. A continuance has been requested. **Mr. Kus made a motion** to continue Bootleg Liquors 1955-1957 West 45th Street by Brian Cook & Joe Wargo on a Developmental Variance to the November meeting with respect to allowable signage in a business district **seconded by Mr. Wichlinski. All favored, motion carried.**

NEW BUSINESS

Item #1 Hidden Assistance 1075 East Ridge Road by Rufus Morgan; requesting permission for a Public Hearing on a Special Use to operate a Call Center.

Mr. Derrick Morgan of Hidden Assistance appeared before the Board. Mr. Morgan stated that he has a website and sends out mailings for his business. If a business owner needs his services they will call and talk with a Hidden Assistance representative. Mr. Kus asked how many employees there will be. Mr. Morgan stated there will be 10-15 employees. Mr. Wichlinski asked if there is any type of 'cold calling'. Mr. Morgan stated there is not. Mr. Torrenga stated the application submitted is incomplete. It is not clear as to what type of business is being conducted. Mr. Kus asked if there will be customers coming into the business. Mr. Morgan stated it is just an office, no customer walk in's. Mr. Morgan again explained that there will not be any cold calling. The business is an office only. Mr. Torrenga stated if the business is what the petitioner, Mr. Morgan is explaining it to be, a variance is not needed. Mr. Ballah asked if there is a business license. Mr. Morgan stated he has applied for a business license but it is being held pending the BZA's decision. **Mr. Wichlinski made a motion** based on the petitioner's information provided that a Special Use Variance is not necessary for Hidden Assistance 1075 East Ridge Road by Rufus Morgan. The consulting business in question does not perform any type of telemarketing and the Building Commissioner may sign the pending business license application **seconded by Mr. Kus. All favored, motion carried.**

COMMUNICATIONS

Mr. Mowery stated there will be a Special Meeting on Monday, October 27, 2014 at 5:00 p.m.. The petitioner is Griffith Dialysis Center (FCM Medical Clinics) 926 N. Broad Street by Stephen Bourquein for a Special Use.

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the September 22, 2014 Board of Zoning Appeals minute preparation 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 7:32 pm

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary