

Town of Griffith
Board of Zoning Appeals
April 23, 2014

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 Attorney, Brent Torrenza filling in for Town Attorney, Bob Schwerd, Town Council Liaison; Larry Ballah and Building Commissioner; Donche Andonov. Absent was Eddie Gonzalez.

The minutes of the March 26, 2014 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Crestar Capital Indiana, LLC by Brad Spiegel and/or Michael Smith re: 717 N. Elmer; a Public Hearing for a Special Use to allow a R3 Use (2 family dwelling) in a R2 (single family) Zoning District.

Mr. Brad Spiegel appeared before the Board representing Crestar Capital, regarding 717 N. Elmer. Mr. Mowery asked if proof of mailings and publications were in order. Mr. Andonov stated all legal requirements were in order. Mr. Spiegel stated the petitioner would like a variance to convert the space to a two family residence. The structure will be divided in half to create the two separate units. Mr. Andonov asked if the intentions are to sell each half. Mr. Spiegel stated there will be one owner and the halves will be rented separately. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Wichlinski reconfirmed that the owner plans to rent the units not sell them. Mr. Spiegel stated they will be rented units. Each unit will have 2 or 3 bedrooms. Mr. Kus asked if there is an egress issue. Mr. Spiegel stated a second entrance will need to be added to the north unit and the ramp will be filled in. Mr. Kus asked if there will be proper fire separation as well as all other utilities. Mr. Spiegel stated all utilities will be addressed to accommodate 2 units. Mr. Elbaor stated he has concerns with adding a duplex in a single family neighborhood. Mr. Mowery then asked Mr. Andonov of the buildings history. Mr. Mowery confirmed it has been a clubhouse, daycare, single family home, remained vacant for some time and lastly a variance was granted by the BZA for a daycare (which fell thru). Mr. Elbaor asked if there will be changes to the parkway. Mr. Spiegel stated there will. The property owners want to maintain the single family feel that the neighborhood has and would like for the building to blend into its surroundings. Mr. Spiegel also stated he has worked on similar projects in different communities and they have all had a nice outcome. Mr. Wichlinski asked Attorney Torrenza if a Use Variance can be granted with specific criteria the Board may want. Mr. Torrenza stated a written commitment can be required. Mr. Wichlinski stated he is concerned the building will look like an apartment building. Mr. Spiegel stated that is not the intention of the petitioner. Mr. Torrenza added that a Use Variance can be terminated by the Town Council if any additional conditions have not been met. Mr. Wichlinski asked if the Council has the ability to send the item back to the BZA. Mr. Torrenza stated they cannot. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Elbaor stated he's concerned the property values may depreciate with the addition of a 2 family dwelling. Mr. Mowery then read aloud a written remonstrance from resident, William Cottrell; 701 N. Elmer. Mr. Mowery asked Mr. Andonov if the property has ever been used as multifamily. Mr. Andonov stated it has not. Mr. Elbaor asked if his firm has been involved in similar conversions. Mr. Spiegel stated they have. Mr. Elbaor stated he would like to see examples. Mr. Spiegel stated that can be provided. ***Mr. Wichlinski made a motion continuing*** Crestar Capital Indiana, LLC by Brad Spiegel and/or Michael Smith re: 717 N. Elmer to the May 28, 2014 meeting with a condition that pictures/sketches of similar projects be provided to the Board for their review ***seconded by Mr. Elbaor. All favored, motion carried.***

Item #2 Griffith Billiards, Inc. 116 S. Broad Street by Carlo Cesare; a Public Hearing for a Developmental Variance on allowable square foot of signage.

Mr. Carlo Cesare and Mr. Pat Bukiri appeared before the Board. Mr. Mowery asked if proof of mailings and publications were in order. Mr. Andonov stated all legal requirements were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Cesare stated he would like permission to add a 32 square foot sign to the front of the building and an LED sign that will be 50 square feet. Mr. Wichlinski asked how big the LED sign will be and where it will be mounted. Mr. Cesare stated it will be a 5'x8' sign mounted approximately 15' high at the north side of the building. Mr. Wichlinski asked if the other sign will be a backlit mounted channel letter sign, above the awning. As well as if the existing 70.5 square foot sign will remain. Mr. Cesare stated that was correct. Mr. Elbaor asked if the LED sign will be flashing and if there are manual controls to change the settings if needed. Mr. Cesare stated the sign will not be flashing and there are controls to adjust the settings. Mr. Kus asked if there is a time period the sign will be turned off, particularly in the evening. Mr. Cesare stated the sign will always be on but can be turned off if the Board requires. Mr. Wichlinski asked if it has dimming abilities. Mr. Cesare stated it does. Mr. Kus stated his concern is that the lights may become a distraction to drivers on Broad Street during the evening. Mr. Mowery then stated the Board had received a written remonstrance with pictures from the neighboring business owner, Mr. Mike Kovera of

Hometown Floors. Mr. Cesare stated he has had some communication with Mr. Kovera. Mr. Wichlinski asked Mr. Cesare what his busiest hours of operation are. Mr. Cesare stated his business picks up after 7 in the evening and Mr. Kovera's business closes at 6 p.m. Mrs. Jackie Braun owner of Hydraulic Design located at 110 S. Broad St. stated Mr. Cesare has been a good neighbor and she had no complaints. **Mr. Wichlinski made a motion** granting a 73.5' square foot Developmental Variance for signage to Griffith Billiards, Inc. 116 S. Broad St by Carlo Cesare **seconded by Mr. Kus. All favored, motion carried. Mr. Kus made a motion** allowing Mr. Mowery to sign the Findings of Fact once prepared **seconded by Mr. Wichlinski. All favored, motion carried.**

NEW BUSINESS

Item #1 Rock-N-Ink Tattoos 2049 West Glen Park Ave. by Vito Saulytis informational presentation describing relocation of Special Use to 2053 West Glen Park Ave. (same building).

Mr. Vito Saulytis appeared before the Board. Mr. Saulytis stated he has been at his current location for two years. Over that period of time he has been dealing with excessive noise from his neighbor, VIP Lounge. Because of the noise (live bands) he is going to be moving his business so he may have a more conducive working environment during the evening hours. Mr. Saulytis stated he has tried to communicate with the owner of VIP without prevail. The landlord, Mr. Jim Johnson has agreed to relocate Mr. Saulytis' business and make the improvements needed to the shop. Mr. Mowery asked Attorney Torrenga if the petitioner will have to go thru the entire variance process again. Mr. Torrenga stated the variance can be amended rather than requiring him to start from scratch. Mr. Kus asked what the date was of the original approval granted. Mr. Saulytis stated it was March 6th. Mr. Torrenga stated he would have to research the variance granted to be sure only an amendment will be needed. Mr. Mowery asked how far away the new shop location is from the old. Mr. Saulytis stated it will be an entire store away from VIP. Mr. Mowery asked how soon he will be occupying the new space. Mr. Saulytis stated he would like to move in as soon as possible. Mr. Mowery asked Mr. Saulytis if he would like the Board to grant permission to advertise for a Public Hearing if needed. Mr. Saulytis stated he would. **Mr. Kus made a motion** granting Rock-N-Ink Tattoos 2049 West Glen Park Ave. by Vito Saulytis permission to advertise for a Public Hearing for Special Use if needed **seconded by Mr. Wichlinski. All favored, motion carried. Mr. Kus made a motion** allowing Mr. Mowery to sign Findings of Fact, if needed **seconded by Mr. Wichlinski. All favored, motion carried.**

COMMUNICATIONS

None

BILLS AND EXPENDITURES

Mr. Kus made a motion to approve a claim for the March 19, 2014 Board of Zoning Appeals minute preparation in the amount of \$35.00 **seconded by Mr. Elbaor. 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 7:58 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary