

Town of Griffith
Board of Zoning Appeals
August 28, 2013

The Board of Zoning Appeals meeting was called to order at 7:01 p.m. by Chairman John Mowery with members Carl Kus, Tom Wichlinski, Eddie Gonzalez and Ray Elbaor. Also present was Attorney; Brent Torrena filling in for Town Attorney; Bob Schwerd. Absent were Town Council Liaison; Larry Ballah and Building Commissioner; Donche Andonov.

The minutes of the July 24, 2013 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Love of Learning re: 717 N. Elmer by Jennifer Wathen; a Public Hearing for a Special Use to allow a Pre-School, continued from July 24, 2013 meeting. Zoning is R2. Please note that the Public Comment portion of the meeting has been closed.

Mrs. Jennifer Wathen & Miss. Sarah Wathen appeared before the Board. Mr. Mowery stated the Public Hearing portion of the meeting was closed at the July meeting. Therefore, there will be no public comment at this meeting. This item was taken under advisement and the legal counsel has done research regarding the issue. Upon research done, the Board can now inform the petitioner that there is no longer an issue with their proposed business and the close proximity of a nearby resident. **Mr. Kus made a favorable recommendation** to the Town Council for Love of Learning; 717 N. Elmer by Jennifer Wathen; for a Special Use to allow a Pre-School **seconded by Mr. Wichlinski**. Mr. Mowery informed the petitioner's that the motion is granted to the petitioner, Jennifer Wathen; it is not attached to the land and is non-transferable. Mrs. Wathen understood. Mrs. Wathen stated she is neither the property owner nor the business operator. The business owner is Sarah J. Wathen and the property is being purchased by Sarah's father. Mr. Torrena stated the motion should be amended and granted to Sarah J. Wathen so long as she is the principal of Love of Learning. **Mr. Wichlinski then amended this motion and granted a favorable recommendation** to the Town Council for Love of Learning; 717 N. Elmer by Sarah J. Wathen; for a Special Use to allow a Pre-School **seconded by Mr. Wichlinski**. **All favored, motion carried. Mr. Wichlinski made a motion** for Findings of Fact to be prepared and signed by Chairman Mowery **seconded by Mr. Gonzalez**. **All favored, motion carried.**

Item #2 New Oberpfalz Brewing by Dan Lehnerer re: 121 E. Main Street; a Public Hearing on a Special Use to allow a micro-brewery in a B2 Zoning District. Petitioner has requested a continuance.

Mr. Kus made a motion to continue New Oberpfalz Brewing by Dan Lehnerer; 121 E. Main Street, a Public Hearing on a Special Use to allow a micro-brewery in a B2 Zoning District to the September 25, 2013 meeting **seconded by Mr. Gonzalez**. **All favored, motion carried.**

Item #3 Rich Miller, 142-146 N. Broad Street; a Public Hearing for a Developmental Variance with respect to allowable signage. Zoning is B2. Petitioner has requested to be removed from the agenda.

Mr. Wichlinski made a motion to drop Rich Miller, 142-146 N. Broad Street from the agenda **seconded by Mr. Elbaor**. **All favored, motion carried.**

NEW BUSINESS

Item #1 Mr. & Mrs. George F. Jarrard re: 716 W. Lake St; requesting permission for a Public Hearing on Developmental Variances with respect to total allowable square footage and height of Accessory Structures.

Mr. Mowery asked Mrs. Horka if the petitioner has requested a continuance. Mrs. Horka stated Mr. & Mrs. Jarrard have been in contact with the Building Department, and have requested a continuance to the September 25, 2013 meeting.

COMMUNICATIONS

None

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the July 24, 2013 Board of Zoning Appeals minute preparation 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 7:16 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary