

Town of Griffith

July 24, 2013

Board of Zoning Appeals

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

The minutes of the June 26, 2013 Board of Zoning Appeals meeting were approved as written.

OLD BUSINESS

Item #1 Sud City Express Wash, 1637 W. 45th Ave. by Clint Johnson; a Public Hearing for a Special Use to allow a B4 Use (motor vehicle sales) in a B3 Zoning District.

Mr. Clint Johnson appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Andonov stated proof of publication and signage was in order. Proofs of mailing have not been submitted. Mr. Schwerd advised, if a favorable recommendation is made, it can be subject to the submittals within 48 hours. Mr. Johnson stated he would email copies of the documents needed by the following day. Mr. Andonov stated he will need the hard copies. Mr. Johnson understood. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Johnson stated he currently has a car lot in Rensselaer, IN and would like to close that location and include used car sales to the existing car wash location in Griffith. The maximum number of cars for sale would be no more than 10. Mr. Wichlinski asked if there would be more than 10 vehicles. Mr. Johnson stated there would not. Mr. Mowery then closed the Public Hearing portion of the meeting. Mr. Kus asked Mr. Schwerd if the motion can include a maximum number of cars. Mr. Schwerd stated that can be added to a motion. Mr. Wichlinski then asked if the motion can be specified to the business owner and not the land. Mr. Schwerd stated that could be done as well. ***Mr. Wichlinski made a favorable recommendation*** to the Town Council for Sud City Express Wash, 1637 W. 45th Ave. by Clint Johnson for a Special Use to allow a B4 Use in a B3 Zoning District with contingencies that no more than 10 vehicles may be for sale at any given time and the recommendation is to the property owner, Mr. Johnson, not the land itself and lastly, the proof of mailings must be submitted to Mr. Andonov within 48 hours ***seconded by Mr. Kus. All favored, motion carried. Mr. Wichlinski made a motion*** allowing Chairman Mowery to sign the Findings of Fact on behalf of the Board ***seconded to Mr. Kus. All favored, motion carried.***

Item #2 Batteries Unlimited Inc. re: 110 W. Main Street by Daryle Gates; a Public Hearing for a Special Use to allow a B3 Use (battery sales) in a B2 Zoning District.

Mr. Daryle Gates appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Andonov stated all mailings and publication were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Gates stated there is another store located in Addison, IL. That store is the primary location and Batteries Unlimited, Inc. is not a franchise. The company recycles batteries. Mr. Gates stated he was drawn to this location because he likes the small town feel that Griffith has. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Michael Smith; 110 N. Broad St. stated he was concerned with the parking. Mr. Gates stated there is parking in the back and near the side. Mr. Gates added there are usually only 1-2 customers at a time and he does not foresee any issues. . No further remonstrators appeared before the Board. ***Mr. Kus made a favorable recommendation*** to the Town Council to Batteries

Unlimited, Inc.; 110 W. Main St. by Daryle Gates for a Special Use to allow a B3 Use in a B2 Zoning District *seconded by Mr. Wichlinski. All favored, motion carried. Mr. Wichlinski made a motion* allowing Chairman Mowery to sign the Findings of Fact on behalf of the Board *seconded by Mr. Kus. All favored, motion carried.*

Item #3 Love of Learning re: 717 N. Elmer by Jennifer Wathen; a Public Hearing for a Special Use to allow a Pre-school. Zoning is R2.

Ms. Jennifer Wathen appeared before the Board. Ms. Wathen stated she would like to open a child care center. Mr. Mowery asked if proof of publication and mailings were in order. Mr. Andonov stated all mailings and publication were in order. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. Mowery stated the Board has received 18 opposing letters from surrounding property owners (list of whom letters were received from will be attached to minutes). All letters received are opposed to the petitioner's request for a pre-school. Mr. Mowery informed the remonstrators that if a letter has already been submitted on their behalf stating their opposition, they do not need to speak at this meeting. Mr. Wichlinski stated due to the fact letters were submitted today, he has not been able to read all the letters and would like time to read them. Mr. Kus was in agreement with Mr. Wichlinski. Ms. Buchko asked why there isn't a For Sale and/or Sold sign posted on the property. Ms. Wathen stated the financing for the property is contingent upon Town approval. Ms. Wathen asked Mr. Mowery if she is able to read the letters submitted against her request. Mr. Schwerd stated that would be allowed and copies can be made for her review. Mr. Kus asked if the parking issue has been resolved. Ms. Wathen stated there are 11 parking spaces available on the north side of the building and 12 spots available in front of the building. Mr. Kus questioned if there is enough parking to accommodate staff members as well as customers. Ms. Wathen stated there should not be a parking issue. Mr. Kus asked how the pick-up, drop-off system will work. Ms. Wathen stated pick-up and drop-off is staggered. There should not be a rush of parents at any particular time. Drop-off will be between the hours of 6:00am – 10:00am and pick-up starts at 3:00pm – 6:30pm. Mr. Kus questioned what the intentions are for the dock area. Ms. Wathen stated that will eventually be closed up. Mr. Wichlinski asked if work will be done before occupancy. Ms. Wathen stated that will be done after. With no further questions, Mr. Mowery then closed the Public Hearing portion of the meeting. *Mr. Wichlinski made a motion* to continue Love of Learning re: 717 N. Elmer by Jennifer Wathen on a Public Hearing for a Special Use to allow a Pre-school to the August 28, 2013 meeting *seconded by Mr. Kus.* Mr. Mowery made it clear to the audience that the Public Hearing has been closed and no further letters will be accepted. *All favored, motion carried.*

Item #4 New Oberfalz 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.

Mr. Andonov stated the petitioner has requested a continuance to the August 28, 2013 meeting. *Mr. Kus made a motion* to continue New Oberfalz Brewing by Dan Lehnerer to the August 28, 2013 meeting *seconded by Mr. Wichlinski. All favored, motion carried.*

NEW BUSINESS

Item #1 Rich Miller, 142-146 N. Broad Street; requesting permission for a Public Hearing for a Developmental Variance with respect to allowable signage. Zoning is B2.

Mr. Rich Miller appeared before the Board. Mr. Miller stated he has appeared before the Redevelopment Commission and was granted permission for the proposed signage but the square footage of the proposed signage is above the allowed square footage. The signs are for four businesses. Mr. Wichlinski asked if all four businesses are located within the same building. Mr. Miller stated that was correct. Mr. Wichlinski asked what the allowed square footage is per lineal foot. Mr. Andonov stated one square foot per lineal foot is allowed.

Mr. Andonov stated the signage for Columbia is okay, but Broad St. is above what is allowed by Ordinance. ***Mr. Wichlinski granted permission*** to advertise for a Public Hearing on a Developmental Variance with respect to allowable signage to Rich Miller, 142-146 N. Broad St. ***seconded by Mr. Kus. All favored, motion carried.***

COMMUNICATIONS

None.

BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the June 26, 2013 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 7:45 p.m.

Respectfully Submitted

Tom Wichlinski, Secretary

Veronica L. Horka, Recording Secretary

List of letters received from remonstrators for:

Item #3 Love of Learning re: 717 N. Elmer by Jennifer Wathen; a Public Hearing for a Special Use to allow a Pre-school. Zoning is R2.

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| 1. Kyra Slack – | opposed |
| 2. Nikki Miklusak; 636 N. Wheeler - | opposed |
| 3. Frank & Rita Sainato; 633 E. Ash- | opposed |
| 4. Richard Latia- | opposed |
| 5. Sally Latia- | opposed |
| 6. Vivian Medonic; 610 E Ash- | opposed |
| 7. Joseph Buchko; 609 E Ash- | opposed |
| 8. Joan Bowron; 601 E Ash- | opposed |
| 9. John & Jan Plesniak; 617 E Ash- | opposed |
| 10. Gina Smith; 620 Rensselaer- | opposed |
| 11. Katherine Carroll; 1225 Rensselaer- | opposed |
| 12. Gina Carroll; 1225 Rensselaer- | opposed |
| 13. James & Benadetta Root; 745 Elmer- | opposed |
| 14. Dawn DalSanto; 616 E. Elm- | opposed |
| 15. Fred & Regina Kowalik- | opposed |
| 16. Mary Schaller; 613 E Ash- | opposed |
| 17. Janet Imboden; 524 Oakwood- | opposed |
| 18. Tim Opinker; 625 E Ash | opposed |