

Town of Griffith
Board of Zoning Appeals
October 21, 2019

The Board of Zoning Appeals meeting was called to order at 6:00 p.m. by Chairman John Mowery with members Carl Kus, Ray Elbaor, Theresa Rivas, and Tom Wichlinski. Also present was Town Attorney; Sheri Bradtke McNeil, Town Council Liaison; Larry Ballah, and Building Commissioner; Steve McDermott.

Mr. Kus made a motion to approve the minutes from the September 16, 2019 meeting seconded by Mrs. Rivas. All favored, motion carried.

OLD BUSINESS

Item #1 Mirjan Petrovic; 331 N. Broad St. A Public Hearing on a Special Use Variance to use the lower level (basement) as a residence.

Mr. Mirjan Petrovic and Ms. Valentina Mitreska appeared before the Board. Mr. Mowery asked if proof of publication and mailings were in order. Attorney Bradtke McNeil stated all legal requirements have been satisfied. Ms. Mitreska stated she and Mr. Petrovic would like to rent the lower level of the property as a residential space and maintain the commercial use on the main (upper) level. Mr. Mowery then opened up the Public Hearing portion of the meeting. Mr. James Strezovski; property owner of Villa Pizza, stated he is in favor of the proposed residential space as long as tenants don't complain about the exhaust from Villa Pizza. Mr. Wichlinski asked if anyone currently occupies the space. Ms. Mitreska stated it is vacant. Mrs. Rivas asked if there are plans for the commercial space. Ms. Mitreska stated there are no plans at this time. Mr. McDermott asked if the property is currently listed for sale. Ms. Mitreska stated it is advertised for sale and/or for rent. Mr. McDermott then explained that the property will have to undergo numerous changes to convert the basement into an apartment. Fire separation will be required between the business and residential spaces, separate exterior entrance/exits from the business space, egress windows must be installed in each window, all utilities must be separated, and the parking area must be paved. Ms. Mitreska asked if the requirements are still valid if the same person rents both spaces (upper and lower). Mr. McDermott stated all requirements are still necessary regardless if the same tenant rents both levels. Mr. McDermott continued in stating that converting the basement to an apartment requires all building codes are met. Building codes cannot be changed. The space is considered a Class 1 Structure, an architect will have to get involved in the process. It was also explained that if a variance is granted, it will only be valid to Mr. Petrovic. If the property is ever sold, it will lose the variance. Also, the space cannot be occupied until it is brought up to code. Ms. Mitreska stated she understood. Mr. McDermott suggested contacting an architect to go over the necessary requirements to make it a safe and livable space. No further remonstrators appeared before the Board. Mr. Mowery then closed the Public Hearing portion of the meeting. ***Mr. Kus made an unfavorable recommendation to the Town Council regarding Mirjan Petrovic; 331 N. Broad St. on a Special Use Variance to use the lower level (basement) as a residence seconded by Mr. Wichlinski. All favored motion carried. Mr. Wichlinski then made a motion requesting the preparation of Findings of Fact and to allow Chairman Mowery to sign once prepared, seconded by Mr. Kus. All favored, motion carried.***

NEW BUSINESS

None.

COMMUNICATIONS

None.

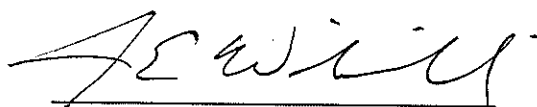
BILLS AND EXPENDITURES

Mr. Wichlinski made a motion to approve a claim for the meeting held September 16, 2019 in the amount of \$35.00 seconded by Mrs. Rivas. All favored, motion carried.

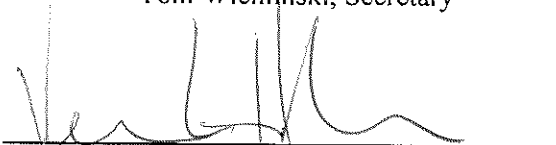
ADJOURNMENT

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 6:40 p.m.

Respectfully Submitted



Tom Wichlinski, Secretary



Veronica L. Horka, Recording Secretary

TOWN OF GRIFFITH, LAKE COUNTY, INDIANA

RESOLUTION NO.: 2019-32

**A RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF
PURCHASE AGREEMENT AND CLOSING ON REAL PROPERTY.**

WHEREAS, I.C. §36-1-11 *et seq.* "Disposal of Real or Personal Property" dictates the procedure to dispose of real or personal property; and

WHEREAS, I.C. §36-1-11-3, requires the fiscal body of the political subdivision to pass a resolution related to disposing of real or personal property; and

WHEREAS, having followed all statutory requirements and awarding the purchase to bidder Honey Bee Holdings; and

WHEREAS, a Purchase Agreement has been agreed upon by the parties, which needs to be executed; and

WHEREAS, pursuant to the terms of the Purchase Agreement, closing shall take place within 30 days of execution.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF GRIFFITH
REDEVELOPMENT COMMISSION, LAKE COUNTY, INDIANA, AS FOLLOWS:**

SECTION ONE: That the Town of Griffith Redevelopment Commission states its interest in disposing of the real property commonly known as:

119 S. Broad, Griffith, Indiana
Parcel No. 45-11-02-126-012.000-006

123 S. Broad, Griffith
Parcel No. 45-11-02-126-013.000-006

121 S. Broad, Griffith, Indiana
Parcel No. 45-11-02-126-011.000-006

127 S. Broad, Griffith, Indiana
Parcel No. 45-11-02-126-014.000-006

and directs the chairperson of the Redevelopment Commission or designee to execute the applicable Purchase Agreement and effectuate the closing.

SECTION TWO: That this Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Town of Griffith Redevelopment Commission, in conformance with applicable law.

**TOWN OF GRIFFITH
BOARD OF ZONING APPEALS**

REQUEST BY PETITIONER, MIRJAN PETROVIC,
LOCATED AT 331 NORTH BROAD STREET, GRIFFITH, INDIANA,
FOR A SPECIAL USE VARIANCE TO USE LOWER LEVEL OF A COMMERICALLY
ZONED PROPERTY AS A RESDIENCE.

FINDINGS OF FACT

1. That on October 21, 2019, Petitioner appeared for a public hearing on his Petition for a Special Use Variance from Griffith Zoning Ordinance concerning leasing out of a portion of a commercially zoned property as a residence. After Attorney Sheri Bradtke McNeil advised the Board that all notices, publications and postings were in order, the Chairman then opened the public comment portion of the hearing for the Special Use Variance so the Petitioner can use the lower level of this commercially zoned property as a residence.
2. That Petitioner explained the project and his need to lease out a portion of his commercially zoned property as a residence.
3. That there being one (1) remonstrator during the public comment portion of the hearing, the Chairman then closed the hearing to public comment.
4. That to obtain a Special Use Variance, Petitioners are required to show, as set out in the Town Code of the Town of Griffith, §86-283 and under Indiana Code §36-7-4-918.4, the following:
 - a) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The need for the variance arises from some condition peculiar to the property involved;
 - d) Strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the subject property; and
 - e) The approval will not interfere substantially with the comprehensive plan.
5. As set out in the Town Code of the Town of Griffith § 86-284, the Board must make a recommendation to the Town Council by issuing a favorable, unfavorable, or no recommendation to grant the requested a Special Use Variance. Board Member, Mr. Kus, moved for an UNFAVORABLE recommendation to the Town Council. The Motion was seconded by Board Member, Mr. Wichlinski. The UNFAVORABLE recommendation to the Town Council was unanimously passed.