

LOWELL BOARD OF ZONING APPEALS MEETING
November 13, 2008
6:30 PM

Vice-Chairman Konradi called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Jim Konradi, Sean Brady, Richard Kelley, and Jeff Harbrecht. Absent were Doug Niksch and Recording Secretary Christine Marbach. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox.

Approval of Minutes:

Vice-Chairman Konradi asked for a motion to approve the October 9, 2008 regular meeting minutes. Mr. Kelley moved to approve the minutes. Seconded by Mr. Brady. Voting was **all in favor**.

Old Business:

1. **BZA # 08-008, DIVI Development, P.O. Box 302, Lowell, IN 46356. Requesting a special exception for property located on 173rd Avenue from the provision of 155.045 (2) (J) B-2 Community Business District. Purpose: to construct a gas station.**

Richard Zunica was present and stated that this was continued from two month's ago. The board had asked for more information of this project and that is why it was continued. He has submitted drawings for this project to the board.

Vice Chairman Konradi **opened the public hearing**. There was no one present to speak for or against the petitioner. Vice Chairman Konradi **closed the public hearing**.

Mr. Konradi asked what they were approving. Mr. Cox stated that they were approving the site plan. Mr. Zunica wanted to know if the variance could be approved and the site plan be approved later in case of some modifications. Mr. Cox asked if Mr. Zunica planned on doing any modifications. Mr. Zunica stated that he wanted to make sure that he can build a gas station there without having to go through all the engineering and finding out that the board will not give him a special variance. Mr. Cox explained that the special exception is going to be for the use in the business zone and along with that use a site plan is usually approved as well. He suggested that if the board is not opposed to the use, at the time that application is made for a gas station that it should come back to the BZA for site plan review.

Mr. Brady moved to grant the special exception for a gas station with the provisions that Mr. Zunica has provided on that site and the site plan be approved at a later date and acceptance of the findings as submitted. Seconded by Mr. Kelley. Voting was **all in favor**.

New Business:

1. **BZA # 08-011, Ray and Marge Mc Cann, 13143 W. 169th, Lowell, IN 46356. Requesting a variance from the provision of Table I Area and Bulk Requirements for R-2 zoning – Frontage. Purpose: to build a single-family residence. Asking for a reduction from 80 feet to 50 feet frontage.**

Mr. McCann was present and stated that he felt this project would improve the neighborhood by putting a nice home on the property.

Vice-Chairman Konradi **opened the public hearing.** James Cioni, 250 N. Viant had concerns regarding building a home on this property and would it create flooding to his property. His other concern was that at one time this property was used as dumping grounds by the town and he is concerned as to what is in the ground. Donna Tegtmeyer, 268 N. Viant stated that her late husband lived in their house all of his life and the problem with this land not being developed in the past is that there is a lot of water and mud and she feels that it is not build able land. Vice-Chairman Konradi **closed the public hearing.**

Mr. Cox explained that the print that was given to the board shows four lots on 1.82 acres. This was what Mr. McCann proposed years ago. He is not proposing four lots. He is proposing the entire 1.82 acres for one house. He has already been denied the four lots and the cul-de-sac. Mr. Cox further stated that before any home is built, he needs the variance from 80 foot frontage to 50 foot frontage at the end of East St. Mr. Konradi wanted to know if any of this property was in a flood plain. Mr. Cox stated that it was not. He further stated that before a permit can be issued, there has to be a site plan showing elevations and swales on the property. Mr. Brady asked if soil samples would be required. Mr. Cox stated that once they start to dig and find that they need to take samples, they will.

Mr. Harbrecht moved to approve BZA 08-011 for the variance of the reduction from 80 feet to 50 feet and accept the findings as submitted. Seconded by Mr. Kelley. Voting was **all in favor.**

Mr. Harbrecht moved to adjourn.

Jim Konradi, Vice-Chairman

Jeff Harbrecht, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes of the Board of Zoning Appeals.

Christine Marbach
Recording Secretary

