

**LOWELL BOARD OF ZONING APPEALS MEETING**  
**August 14, 2008**  
**6:30 PM**

Chairman Nicksch 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 Doug Nicksch Jim Konradi, Sean Brady, Richard Kelley, and Jeff Harbrecht. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox, and Recording Secretary Christine Marbach.

**Approval of Minutes:**

Chairman Nicksch asked for a motion to approve the July 10, 2008 regular meeting minutes. Mr. Brady moved to approve the minutes. Seconded by Mr. Konradi. Voting was **all in favor**.

**Old Business:**

1. **BZA #08-005, Carolyn Anderson – Speedway Super America, LLC, 1691 E. Commercial Ave., Lowell, IN 46356. Requesting a variance from the provision of 155.070 Rear Yard Setback. Purpose: to build a new gas station.**
2. **BZA # 08-006, Carolyn Anderson – Speedway Super America, LLC, 1691 E. Commercial Ave., Lowell, IN 46356. Requesting a variance from the provision of 155.077 (C) (1) Commercial Frontage. Purpose: to build a new gas station.**

Mr. Cox stated that the petitioner has requested to be tabled until the September meeting. Mr. Konradi moved to table these 2 items until the September meeting. Seconded by Mr. Harbrecht. Voting was **all in favor**.

**New Business:**

1. **BZA #08-009, Paul Starcevich, 436 Mockingbird Ln., Lowell, IN 46356 Zoned R-1. Requesting a variance from the provision of 155.092 (A) Accessory Uses and Structures (2) (a). Purpose: to build a 960 sq. ft. detached garage. Requesting a 378 sq. ft. variance.**

Mr. Starcevich, 436 Mockingbird Ln, Lowell, IN was present and stated that he wants to build a 960 sq. ft. garage for storage of 3 cars and 2 boats.

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

Mr. Harbrecht asked if this garage would be used as a business. Mr. Starcevich replied that it would not. He further stated that his boat is 30 feet long and he needed the garage to be deeper.

Mr. Konradi moved to grant the variance of 378 sq. ft to Mr. Starcevich to build a 960 sq. ft. detached garage. Seconded by Mr. Brady. Voting was **all in favor**.

2. **BZA #08-010, U. S. Cellular, 7305 Oak Knoll Dr., Indianapolis, IN 46217 for property located at 7353 Mc Connell Ave., Lowell, IN 46356, zoned M-1. Requesting a variance from the provisions of Appendix A, Table I. Area and Bulk Requirements, M-1 height 45 ft. Purpose: to install a 195 ft. monopole tower for use by U. S. Cellular.**

Ray Simons, 1 American Square, Suite 1300, Indianapolis IN 46282 was present and stated that he was joined by Mr. Richard Lazarski the Senior Project Manager for U. S. Cellular and Sabhi Siodiqui the Radio Frequency Engineer for U. S. Cellular. Mr. Simons stated that U. S. Cellular only builds towers when they see a need for a tower in a certain locations. They will have a 60 ft by 60 ft lease area where the tower will be located in the middle and the equipment shelter would be off to the side. It will be accessed through the existing driveway; no new curb cuts will be made. The tower will be monopole design of galvanized steel with an elevation of 195 feet with a 4 ft. lighting rod, which would make it 199 ft. There will be no anchors or guide wires coming off this tower because it is fully self-supporting. It has been engineered to accommodate three additional users besides U. S. Cellular. There will be a security fence around the property, which will be a 7 ft. chain link fence with one foot of barbed wire on the top. The shelter will be a concrete exposed aggregate building that will house the equipment. The only utilities that is required for this site is electricity and telephone service. This site is considered un-manned, and will be remotely monitored from their national control center. He stated that there was a need to build this tower in this area to improve coverage for the customers and also because it is in an industrial area. Mr. Simons read a portion of a study that was made for Bartlett, IL, which is attached and made part of these minutes.

Chairman Niksch **opened the public hearing.** Paul Richardson, Board Member of the Lowell Christian Academy at 333 Mill St. stated that the academy runs a school for K4-12 grade and has concerns regarding the proximity of the school to the tower. He wanted more facts on this tower and radio waves, microwave exposures. His concerns were how this tower and any radio waves would affect people, animals and property during a long period of time. A discussion on where the location of the proposed tower as to the location of the school followed. Veronica Garcia, 361 Grant St., expressed concerns regarding what health hazards this tower would bring to the area and her children. Lynda Barton, 360 Grant St. wanted to know if the tower was for local residents or just people passing through Lowell. Mr. Niksch stated that this service, by his understanding, would be for everyone who has U. S. Cellular phones. Ms. Barton wanted to know if this was an addition to the concrete business. Mr. Niksch stated that it would not be a part of the C & S concrete business. Ms. Barton wanted to know how much has been studied regarding the radio frequency issue. Mr. Cox explained that the telecommunications act was passed by the Federal Government precludes any local municipality from using any health hazards as a reason to deny cellular towers. He further stated that there has been no evidence presented to the Federal Government or the Federal Communications (FCC) that there are any health issues related to the cellular towers. Chairman Niksch **closed the public hearing.**

Mr. Cox explained that the Lowell Christian Academy is not an adjacent property owner to the tower location. Their west property line does not extend as far west as was previously pointed out. Mr. Nicksch stated that what he showed Mr. Richardson was not correct and that the property line was farther away than previously shown. Mr. Richardson stated that he had not seen the notice in the paper and they were concerned with the safety of the community and were looking for guidance from the board. Mr. Brady wanted to know if there was going to be a strobe light on top of the tower. Mr. Simons stated that there would not be one. Mr. Brady asked if this was the best place for the tower. Mr. Simons stated that the geographic area was the north side of Lowell and within that, they sought out an industrial site. Mr. Brady expressed concern that this was a small industrial area with residents adjacent to it and wanted to know if there was any way to place the tower outside of the town limits. Mr. Siodiqui explained that after testing the area for the best frequency, this location was the best location for the area with the best signal. Mr. Simons stated that radio and TV stations put out more watts than this tower will. Mr. Nicksch read the Findings of Facts and asked the board for any comments. Mr. Kelley moved to approve U. S. Cellular's request for a variance and accept the Findings of Fact from the petitioner. Seconded by Mr. Konradi. Voting was **4 in favor with Mr. Brady voting against the petitioner.**

**Motion to adjourn: Mr. Harbrecht moved to adjourn at 7:30 PM.**

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Doug Nicksch, Chairman

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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