

LOWELL BOARD OF ZONING APPEALS MEETING
September 11, 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 August 14, 2008 regular meeting minutes. Mr. Kelley 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.

Carolyn Anderson was present and stated that she would like to start by asking that the second request for variance BZA # 08-006 for commercial frontage be withdrawn. She explained that they were asking for a 14.11 rear yard setback and that everything would be torn down and they would start from the ground up. Mr. Nicksch asked if the town has everything from INDOT. Mr. Cox stated that they had. Carolyn Anderson asked if the town was satisfied with the truck turn. Mr. Cox stated that they were satisfied with the truck traffic coming in on Burr St. and exiting onto Commercial and he wanted updated plans for this. Paul Martin, representing Speedway stated that the trucks have a certain way that they **have** to come in. They have to come in to the right side of the pump to deliver and this is a company policy. Carolyn Anderson stated that they would be ready to start by March or April of 2009.

Mr. Konradi moved to grant the variance of 14.11 rear yard setback. Seconded by Mr. Kelley. Voting was **all in favor**.

New 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, developer for Village Green, was present and stated that he was asking for a special exception under the B-2 zoning to build a gas station. He stated that he wanted to use one acre out of the 5 acres zoned business for this project. He was proposing a 50 ft berm on the south side along with an additional 100 ft. berm. The lots would be 140 feet deep and he needs at least 4 years to get this project going. He was in front of the board to find out if he could get the special exception before he starts any work.

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. Brady stated that the board did not have enough time to review the documents given to them before the meeting and wanted to continue this to another meeting.

Mr. Brady moved to continue this petition until next month's meeting. Seconded by Mr. Harbrecht. **Voting was 4 in favor with Mr. Konradi voting nay.**

Mr. Konradi moved to adjourn at 7:15 PM.

Doug Nicksch, 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