

LOWELL BOARD OF ZONING APPEALS MEETING
JANUARY 12, 2012
6:00 PM

Chairman Kelley called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Sean Brady, Jim Konradi, Chad Evenhouse, David Shilling and Richard Kelley. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox, and Recording Secretary Christine Marbach.

Approval of Minutes:

Chairman Kelley asked for a motion to approve the November 10, 2011 meeting minutes. Mr. Brady made a motion to approve the minutes, seconded by Mr. Konradi, voting was **all in favor.**

New Business:

Petitioner: BZA#12-001, Belinda Hubert, 17317 White Oak Ave, Lowell, IN
Request: for Variance of Use in an R-3 Zoning District located at 223 W. Main St., Lowell, IN

Purpose: open outpatient mental health services office

Dr. Belinda Hubert, Clinical Psychologist 17317 White Oak Ave, Lowell, IN stated that she wanted to move her practice from Morse St to 223 W. Main St. She works with primary care physicians in the area and the people she treats have medical diagnosis such as cancer and they have some anxiety as a result of their illness. She has been in practice for fifteen years on Morse St. Her hours would be 9:00 AM to 9:00 PM with one to two patients every hour. There will be another doctor, Dr. Andrea Brandon and a couple of staff. Mr. Shilling asked about the office hours. Dr. Hubert stated that it would usually be about 9 AM to 5 or 6 PM sometimes one or two nights a week going to 9 PM. Mr. Shilling asked if she owned the property on Morse St. Dr. Hubert stated that she did not, but does own the property on Main St. Mr. Konradi asked if the patients were all outpatients and were there any residents. Dr. Hubert stated that they were all outpatients. Mr. Evenhouse wanted to know how many patients a day does she see. Dr. Hubert stated that between Dr. Brandon and her they could see as many as 20 patients but only one at a time. Chairman Kelley asked if she deals with the criminally insane. Dr. Hubert stated that she did not.

Chairman Kelley **opened the public hearing.** Chairman Kelley read a letter from Mark Langen, 259 Liberty St. that is made part of these minutes. Wendy DeGroot, 212 W. Main St. had concerns about what kind of patients would be treated. Paulette Willitts, 217 W. Main St. had concerns regarding renting her duplex which is next door to the proposed office and the children who play in the park exposed to these patients. Amanda Echterling, 255 N. Liberty had concerns regarding parking and the possible parking in the back yard. Carol Panozzo, 202 W. Main St. had concerns regarding other people wanting to put businesses in this residential area. Rachel Biskel, 220 W. Main had concerns regarding additional traffic. Chairman Kelley **closed the public hearing.**

Mr. Shilling wanted to know if she was going to make any parking improvements. Dr. Hubert stated that she would like to put gravel between the sidewalk and roadway for a few cars and have the doctors and staff will park in the garage. There would be 4 cars at the most parked at one time. She stated that she wanted to clarify the fact that this is not a clinic but a small office and she does not treat people with mental handicaps. She treats people who are struggling with depression and health conditions. Mr. Cox explained this is not a change of zone, this is a request for a variance of use which means that they don't change the zone and if it would be approved, it would be approved for one use and one use only. He further stated that the board could set conditions to this variance of use and any recommendation to Town Council whether it me a denial or approval has to have a list of reasons for or against. Mr. Konradi asked Mr. Cox what the minimum number for parking was in this district. Mr. Cox stated that if was 5. Attorney Steele explained that the board could table this item if they needed more time. Mr. Konradi made a motion to table this item until the next meeting. Seconded by Mr. Brady. Voting was **all in favor**.

Motion to adjourn: Mr. Konradi moved to adjourn at 6:30 PM.

Richard Kelley, Chairman

Chad Evenhouse, 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