

**LOWELL BOARD OF ZONING APPEALS MEETING  
OCTOBER 11, 2012  
6:30 PM**

Chairman Shilling called the meeting to order at 6:34 PM. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp called the roll. Members answering the roll call were Sean Brady, Jim Konradi, David Shilling and Richard Kelley. Chad Evenhouse was not present. Also present were Planning Consultant Jim Mandon, Attorney Larry Steele, Building Official Tom Trulley, and nine citizens.

**APPROVAL OF MINUTES**

Mr. Kelley made a motion to approve the September 13, 2012 regular meeting minutes, seconded by Mr. Brady and carried by voice vote.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Petitioner: BZA #12-016 Ramsey Development, LLC. 706 Jefferson St. Tell City, IN 47586**

**Request: A variance for the preliminary plat per Section 154.106, Special Exception on a site zoned B-3 per Section 155.046, and to allow parking in the Front Yard per Section 155.093.**

**Purpose: To build the Lowell Nursing Campus for the property located at the East side of Burr Street, 900 feet south of E. Commercial Ave., Lowell, IN.**

Mr. Shilling stated the petition as listed and asked if they were looking for three variances. Mr. Mandon stated first they need a special use. The use that will be applied to the building is not part of the current zoning classification. Under a special exception, there can be conditions placed on the property and negotiation between the staff and developer of the site. Mr. Mandon stated this is a good land use from the standpoint of its location in the regards to the residential versus commercial to the north. The reason for the special exception is to make sure the site works from the standpoint of utilities and services that have to be provided to the site. This was a subject of a staff meeting that included input from the police, fire, public works, and the building department. That meeting resulted in some changes from the original plan that we saw. We wanted to have a second curb cut to enter and exit from the site itself so we initiated a curb cut to line up with the second intersection from Burr Street along Ann Beverly Drive. There will also be two additional fire hydrants, one on the North side and one on the Southeast corner near the curb cut. There also is a third lane on Burr Street, which is a requirement of any

development that goes there, which has been agreed to. There was also discussion about a continuous roadway all around the site to connect the circle area on the East part of the site to the back of the building on the North, which you should see on the plans. The second request is for a variance to permit parking in front of the building. The way the code is written, if parking is behind the front setback, it is still considered the front of the building. It is primarily the parking along the Burr Street frontage, South of the circle. Any parking that is to the West of the front of the building is not permitted without a variance. The staff feels if the variance is permitted, there should be additional landscaping in that area to mask the cars parked there. Tim Edwards, Ramsey Development, agreed with what Mr. Mandon stated.

Mr. Shilling opened the public hearing. With no one to speak for or against the petitioner, the public hearing was closed.

Mr. Brady asked how many beds the nursing home would house. Mr. Edwards stated eighty-seven beds. Fifty-one beds are skilled, and thirty-six are assisted living. Mr. Konradi asked if the two exceptions they would vote on would be the special use and the parking. Mr. Mandon stated that was correct. Mr. Steele stated the special exception will be a recommendation to the Town Council, which is the special land use, and the variance is the parking. A discussion followed on how the motions should be made. Mr. Konradi asked if the hardship would be the ten parking spaces if they did not pass the variance. Mr. Mandon stated they would probably be re-located, but the staff feels as long as there is extra landscaping to hide the cars, it should not be a problem. Mr. Konradi stated it looked like they did not have a lot of room other than to the North for extra parking. Mr. Mandon stated the North side would have room, but it would not be very functional. The parking on the front is important to the petitioner. Mr. Konradi asked if there was designated parking for visitors and employees. Mr. Edwards stated the employees would park along the North side. The assisted living and skilled sides are separate so we would like parking as physically close to those areas as possible. Mr. Konradi asked if the visitors would park on the West and South side. Mr. Edwards stated the only entrances for the public is the East and West. Mr. Konradi asked if the roundabout to the East is for deliveries. Nathan Waggner, Cash Waggner and Associates, stated deliveries go in on the North side. Mr. Konradi asked if ambulances could come in on either side. Mr. Edwards stated that was correct. Mr. Mandon stated the other question that came up in the meeting was the impact on traffic. Mr. Waggner stated the traffic study is based on ninety-one beds. During a peak hour day, it adds sixteen total trips, which is a maximum of eleven coming in to the building. In the evening it is twenty-one trips, which is a maximum of fourteen, so once every four minutes someone is coming or leaving. Mr. Waggner added most of those people will be employees who work shift hours that will not be the typical nine to five and it should not interfere with school traffic.

Mr. Konradi made a motion to make a favorable recommendation to the Town Council to grant the request for a special exception seconded by Mr. Brady and carried by roll call vote. Mr. Brady made a motion to approve the variance requested to allow parking in the

front yard per Ordinance 155.093 contingent on the fact that the Town Council passes the request for the special exception seconded by Mr. Kelley and carried by roll call vote.

**ADJOURNMENT**

Mr. Brady motioned to adjourn the meeting at 6:51 P.M., seconded by Mr. Kelley and carried by voice vote.

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David Shilling, Chairman

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James Konradi, Secretary

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