

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

Chairman Shilling 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, Planning Consultant Jim Mandon, MS4 Operator Tom Trulley and Recording Secretary Christine Marbach.

Approval of Minutes:

Mr. Brady moved to approve the February 9, 2012 regular meeting minutes, seconded by Mr. Kelley and carried by voice vote.

Old Business:

None.

New Business:

Petitioner: BZA#12-003, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 3.2 – 30 ft. setback required, asking for a 24 ft setback

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-004, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 3.12 – 15 ft. setback required, asking for a 7ft 4 in setback

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-005, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 4 A.5-H – 500 ft entrance drive required, asking for a 50 ft entrance drive

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-006, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 4 A.5 – J – 30% parking required in front of the building, asking for 67% parking

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-007, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 7.5 PS.01 A – 80 sq. ft. signage required, asking for a sign to go the width of the building not to exceed 160 ft.

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-008, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 4 A.5 – D – Brick building materials required, asking for galvanized steel

Purpose: to build a Family Dollar Store

Petitioner: BZA#12-009, Triple S. Partners Development, LLC, 6445 E. 30th, Indianapolis, IN for property located at 1523 E. Commercial Ave., Lowell, IN 46356

Request: a variance from the provision of Section 6.7 C 6 – Landscape requirements, asking for 25 ft. additional yard setback

Purpose: to build a Family Dollar Store

Chairman Shilling asked Attorney Steele if they could go through all the petitions at onetime or does it have to be done individually. Attorney Steele stated they could read all the separate variances at one time and to read into the record that all seven of them are going to be heard at one time. Chairman Shilling read all seven variances. Lou Schiesz, Triple S Partners Development who are a Family Dollar development stated the necessities for these variances are primary due to the fact that if they were there two or three months earlier they would have come under the old ordinance before it got ratified. They are asking for these variances so they can construct a Family Dollar Store on property currently used as a car wash, create jobs and be an asset to the community. The building they are proposing is 80 x 104 feet, signage would be one pylon sign by the street with a 10 x 7 face double sided, masonry elevation with galvanized siding held together by steel fasteners, all the lighting on the building will contain to the building itself, one distribution truck will come once a week and deliver to the back of the building and smaller deliveries would be in the front of the building. Chairman Shilling questioned variance #5, which asked for a sign on the building not to exceed 160 ft, but the drawing shows 34 feet. Mr. Schiesz explained there could have been an oversight when the discussion of square feet for signs, the sign is 35 feet in length and 5 feet tall. Chairman Shilling read a memo from the Technical Review Committee, which are made part of these minutes. Mr. Mandon stated the difficulty with the site plan is it does show a six-foot fence, but not what kind of fence whether it would be or the color. There are various specific things need to be ironed out before a building permit can be issued. In addition, the landscaping is pretty modest in the front and because the side and the front are going to be very visible there needs to be more landscaping done. Also the signage is the largest sign out of the selection based on the amount of the setback and the distance of the right of way and the building. This larger sign is used when it's in conjunction

with a shopping center where the store would be difficult to see from the right of way. But, here there is only one store and the sign is probably larger than what would look good because it is such a visible site. Mr. Schiesz answered by saying the signage is what is requested by corporate and they are open for suggestions regarding the fence.

Chairman Shilling **opened the public hearing.** Virgil Clinton, 1515 E. Commercial Ave, stated his property was on the west side of the proposed site and his concern was drainage from that lot and the storm sewer running along the property line. He further explained the storm drain has never been kept open and needs to be fixed. He would also like to see a chain link fence all the way down the property line from the front of the property to the back. Mr. Trulley stated the petitioner would have to submit a drainage plan before a permit is issued. Chairman Shilling **closed the public hearing.**

Mr. Konradi stated he was all in favor of approving that lot but feels the hardship issue has not been addressed. Mr. Schiesz stated if they had to move the location of the building, there would be a need for another variance. He further stated the building would line up where the car wash is right now. Mr. Mandon asked if they would comply with the fifteen-foot setback and push it towards the east because it is technically a corner lot with two setbacks, it would make the front setback more severe. If the preference was to center the building, you could certainly ask the petitioner to do that. Mr. Konradi agreed and stated the street to the east is basically non-functional; a good solution would be to deed it over and let them buy it. Mr. Kelley stated he would like to see the lot utilized by a Family Dollar than an abandoned car wash. Mr. Schiesz stated he did not have an issue with the fence and he would like to talk to the engineering department about the grades and change the curbing to taller curbs. Mr. Kelley wanted to know if they could go with a smaller sign. Mr. Schiesz asked which sign he was thinking of. Mr. Kelley stated preferably one that isn't 34 feet long. Mr. Schiesz stated it would be a tough sell for the Family Dollar that's their tag and main logo. They could work on the pylon sign so it is not so large. Mr. Kelley asked if the 20 foot wide sign would work. Mr. Schiesz stated that size is usually used in strip centers and with a freestanding building they look at larger tags. Mr. Evenhouse wanted to know what location the sign would be at, the west or the east. Mr. Schiesz stated the main building sign would be facing south on the building. Mr. Mandon recommended a sign that was twenty-five feet wide and four and one half feet tall. Mr. Schiesz stated he knows what Family Dollar would like to see, but if this is a condition for approval, then they will have to live with it. He then asked if the board wanted to go to a smaller pylon sign that is nine feet wide. Mr. Mandon suggested they use a six-foot high PVC fence for this project in an almond color that would go back to the stockade fence to the back. Mr. Konradi questioned the landscape requirement variance asking for a twenty-five foot additional yard setback. Mr. Mandon explained when you have neighboring uses that are different zones especially residential zones the you are required to have additional setback and additional landscaping above and beyond what you would normally have if there were a business next door, but feels it is unnecessary if you have a decorative screening fence. Mr. Konradi stated they have fourteen feet of grass area and need to have twenty-five more feet of additional landscaping. Attorney Steele recommended if the board is inclined to grant these variances, that they follow the recommendations Mr. Mandon has outlined

and the variance is approval be conditioned on being referred to the Technical Review Committee to approve site plans and any conditions they want to impose. Mr. Kelley made a motion to approve the variances contingent upon review and approval of the Technical Review Committee including the following items; additional landscaping of the south frontage, almond colored PVC fence extending to the paved area, revision of the signs to twenty five feet wide four and one half feet high on the building and a nine foot wide five foot high pylon sign, seconded by Mr. Brady and carried by voice vote.

Motion to adjourn: Mr. Brady moved to adjourn at 6:50 PM.

David Shilling, Chairman

James Konradi, 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