

**LOWELL BOARD OF ZONING APPEALS MEETING
AUGUST 14, 2014**

Chairman David Shilling called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were David Shilling, Chad Evenhouse, James Konradi, Richard Kelley, and Sean Brady. Also present were Town Attorney Nicole Bennett, Planning Consultant Jim Mandon, Building Official Tom Trulley, and seventeen citizens.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the July 10th, 2014 regular meeting minutes, seconded by Mr. Evenhouse and carried by voice vote.

PUBLIC HEARING

Family Express #14-10 140 N. Mill St. - Variance from Developmental Standards.

Mr. Shilling stated the petition as listed. Mr. Shilling asked the representative from Family Express if he would like to address the Board. Mr. Todd Etzler, approached the podium and stated his address as, 213 S. State Road 49, Valpariso, IN. Mr. Etzler stated that they closed on the property today and they are seeking a variance for their own branded sign they would like to install. Mr. Etzler stated that he would like to give the Board some background on the Family Express Corporation. He discussed some of the history of the building on Mill St. and the previous owners. Mr. Etzler stated Family Express has numerous locations in Northern Indiana, and they go as far east as Plymouth and as far south as Lebanon. He stated that they have five hundred employees and the purchase in Lowell puts them with sixty one locations. Mr. Etzler stated that they are family oriented stores and they cater to the entire family. Mr. Etzler stated that this store will be remodeled to look as much like the other Family Express stores as possible. Discussion followed on the products that Family Express stocks, their branding and delivery logistics.

Mr. Etzler stated that they would be taking off all of the Mobile signage and replacing it with Family Express signage on the building and on the canopy. Discussion followed. Mr. Etzler stated that there is currently a twenty five foot freestanding sign at the location and they are asking to put up a sign that is twenty seven feet eight inches. Mr. Etzler stated that the lighting on the canopy would be upgraded to LED lighting. Mr. Etzler stated that they are looking for an approval on a total signage package of two hundred forty five square feet. The freestanding sign is about twenty seven feet eight and $\frac{3}{4}$ inches, with a one hundred twenty four square foot face. Mr. Etzler stated he prepared a proposed Findings of Fact for us and he would like to answer any questions the Board or the public might have.

Mr. Shilling asked if the Board had any questions. Mr. Brady asked for verification on where the sign would be located. Mr. Shilling asked if the staff had any questions. Mr. Mandon stated that the staff recognizes the fact that Family Express is a first class outfit

and they do a very good job at maintaining the properties that they own. Mr. Mandon stated that this location is not a highway oriented facility, but rather a local facility that is going to draw traffic from this particular area rather than an impulse stop. Mr. Mandon stated that the staff has a couple of concerns. He stated that the staff feels that if the sign is raised there could be issues with the high tension NIPSCO wires. Mr. Mandon stated in addition, that the face of the sign is excessively large for what is being advertised. He stated that the staff feels obviously, the Family Express name should be displayed and also the price of the gasoline. He stated that from the car wash down those elements should not be present on the signage. Discussion followed on where the staff best feels the signage that identifies the products being sold on the property should be placed.

Mr. Shilling asked what the allowable square footage is for the ordinance. Mr. Etzler stated that it is 1 ¼ square foot per lineal foot of building, the total would be about one hundred thirty one square feet. Mr. Kelly asked what is the total variance they are asking for. Discussion followed. Mr. Konradi stated that the staff had good points and that NIPSCO should be consulted. Mr. Etzler stated that they would consult with NIPSCO. Discussion followed on the elements on the face of the sign. Mr. Konradi asked if there would be a hardship if the Board tabled the discussion for thirty days. Mr. Etzler stated they could not wait thirty days. Discussion followed.

Mr. Shilling opened the public hearing.

Mr. Edgar Corns ,of 1314 Southwood Drive., Lowell, IN stated that he is the Town Council President and he was invited to tour the Family Express facilities and one of their stores. He stated that they are a top notch business and it is a great opportunity for the Town.

Mr. Shilling closed the public hearing.

Mr. Mandon stated that staff feels that the signs that are down below the pricing are better put on a structure that already exists, instead of adding more structure. Mr. Mandon stated that the staff does not feel that the overall total signage package should be less, the staff thinks that it is misplaced by putting it on the free standing sign. Discussion followed.

Mr. Kelly made a motion to approve the variance contingent on the approval from NIPSCO. Seconded by Mr. Evenhouse and carried by a roll call.

Variance Granted pending approval from NIPSCO.

Bryon Heuer, Hoosier Metals #14-11 South side of Building located at 301 W. Commercial - Variance of Use.

Mr. Shilling stated the petition as listed. Mr. Shilling asked the petitioner if he would like to address the Board. Mr. Heuer stated that it is a simple recycling business,

everything is kept inside, and no major metal or automobiles are accepted. Mr. Kelly stated all of the non ferrous material would be housed within the building. Mr. Heuer stated that there are transports that pick up once to twice a week. Mr. Konradi asked for clarification on the exact location of the building. Mr. Evenhouse asked for the exact metals that will be accepted and if there will be a limit on what the consumer is allowed to bring in. Discussion followed.

Mr. Shilling asked if the staff had any questions. Mr. Mandon stated that when he spoke to the petitioner, the petitioner mentioned there could be, at various times, the need for outside storage which the petitioner is not indicating at this meeting or on his application. Mr. Mandon stated the staff has an issue with the way the building is being used, it will undoubtedly lead to noise and truck traffic placed in this particular location which is highly residential. Mr. Mandon stated that the staff recommends you deny the request.

Mr. Shilling opened the public hearing.

PUBLIC COMMENTS

Michelle Cummins, 188 S. Nichols street, stated that she lives south of the business and has for over thirty years. She stated that Nichols street is very busy with the traffic from the school and the church. She stated that she does not need the eye sore in her backyard. She feels this is a residential area and opposes this business.

Darin Champanois, 350 W. Commercial, asked what kind of industrial traffic they are expecting. This is a school zone and there are many children in the area. He does not want to stifle business, but he feels this is a residential area and if the business is approved he would like to see a left hand turn lane and blinking light, he feels there has been a need for this for some time and would like the Town to look at it in the entire capacity.

Elaine Devine, 284 W. Oakley, stated that she agrees with the other comments that this business is in the wrong location. She stated that there are two schools and the Catholic church and the traffic is very congested. Mrs. Devine stated that she is worried about the capacity being overrun on the inside and if the outside is utilized it could bring rats to the area. She stated that they live in Town and she wishes the petitioner would find another location.

Bruce Bigbie, 121 S. Nichols street, stated that he has the same concerns that the other residents do. He is worried about the sellers dropping off their recycling and the noise that this will cause. He bought the property for investment and he is worried he will not get a return on his investment if the business is located there.

Nick Rozdelsky, 325 W. Oakley, stated he agrees with what everybody else has said. He stated that there are plenty of other available locations for this business that are not in the residential area. He also does not want to stifle business moving into Town, but would like to see this business to be in a more amicable area.

Linda Lankford, 310 W. Oakley, stated that she does not want to look at this business out of her kitchen window. She has lived at this address for forty three years and this is very upsetting. She does not want her property devalued. She would like to see this business located somewhere else in Town.

Char Rodriguez, 131 Elm street, stated she is against this business being at this location. She stated it is going to devalue her property. Ms. Rodriguez stated that the traffic is already a concern and this will add more congestion. She would like to have this business, but not located in a residential area.

Mr. Shilling closed the public hearing.

Mr. Shilling stated we could do a variance and require no outside storage allowed. Mr. Mandon stated that you could put conditions on the variance. Ms. Bennett addressed the citizens present and stated that the public hearing section was closed and please refrain from commenting. Mr. Shilling asked the Board if they would like to discuss. Discussion followed.

Mr. Konradi made a motion to deny the variance. Seconded by Mr. Kelly and carried by a roll call vote. **Voting was all in favor to deny variance.**

Findings of Fact

Mr. Kelly motioned to approve the Findings of Fact for BZA #14-05, Ken Carey 17379 Jansen Ct., Variance from Developmental Standards. Mr. Brady seconded and carried by a voice vote. **Findings of Fact approved.**

Mr. Konradi motioned to approve the Findings of Fact for BZA #14-06, Sam Quirarte, DBA: SMQ Enterprises, 1628 Commercial Ave., Variance from Developmental Standards. Seconded by Mr. Brady and carried by a voice vote. **Findings of Facts approved.**

ADJOURNMENT

With no further comments or questions Mr. Konradi made a motion to adjourn the meeting at 7:10PM, seconded by Mr. Kelley and carried by voice vote.

David Shilling, Chairman

James Konradi, Secretary