

**LOWELL BOARD OF ZONING APPEALS MEETING
OCTOBER 8, 2015**

Vice President Rick Kelley called the meeting to order at 6:30PM. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Jim Konradi, Rick Kelley, Sean Brady and David Foust. David Shilling was absent. Also present were Town Attorney Nicole Bennett, Building Official Tom Trulley, and six citizens.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the September 10, 2015 regular meeting minutes, seconded by Mr. Konradi and carried by voice vote.

PUBLIC HEARING

BZA #15-019 – 128 Mill St., Roger Dittrich (owner of business), NAPA Auto Parts – Variance from Developmental Standards – to install signage that exceeds the amount that is permitted as stated in ordinance §155.104(A)(1)(a) Mr. Dittrich approached the podium and stated he lives in Wausaukee, IL. Mr. Dittrich stated that he opened up the NAPA store in June and would like to install signage on all three sides of the building instead of just the one side that it is on now. Mr. Dittrich stated that they are not free standing signs they are attached right to the structure itself, and this is the variance they are asking for tonight.

Mr. Konradi asked if all of the signs are illuminated. Mr. Dittrich stated yes.

Mr. Kelley opened up the public hearing. Mr. Trulley stated that when they bought the building there was a projection sign and they have taken that one off the building. Mr. Trulley stated with the new sign ordinance they need to comply with it. Mr. Trulley stated both he and Jim feel that this is not that significant of a request. Mr. Dittrich stated that they are LED lights and are photo cells which go off in the morning and on at night. Ms. Bennett stated just to clarify Mr. Trulley, the request is only in light of the new ordinance; as the ordinance stands right now there is no need for a variance. Mr. Trulley stated that the new sign ordinance has not been passed yet, so this petition falls under the current ordinance. Discussion followed.

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

Mr. Kelley asked how much over they were going, what is the variance? Discussion followed on the sign locations and what square footage is allowed and the exact amount of the variance that is being requested.

Mr. Konradi made a motion to grant the variance for seventy nine (79) square feet, seconded by Mr. Brady and carried by a roll call vote of all ayes.

Ms. Bennett stated that the petitioner would have to wait until the Findings are read into record at the next regularly scheduled BZA meeting.

BZA #15-017 – 17328 Oak Valley Dr., Kevin Lee – Variance from Developmental Standards – to construct a pool house and sitting area that is above the maximum floor area allowed for accessory buildings as stated in ordinance §155.075(B)(1)(a)

Mr. Lee approached the podium and stated his name and address for the record. Mr. Lee produced pictures of his backyard to show the board. Mr. Lee stated initially he wanted a bathroom and changing area for his children so that during pool parties they would not have to go inside the house. Mr. Lee stated that his house has ceramic floors and his mother fell last year so that negated his need for a restroom outside. Mr. Lee stated that he has also decided to install a fireplace and sitting area. Mr. Lee asked the board if he could show them the pictures he brought with. Mr. Kelley stated yes. Mr. Brady asked for a plot plan. Mr. Konradi asked about the percentage of lot coverage. Mr. Trulley stated that they are ok with the lot coverage percentage; it is the size of the building that is over the allowed amount. Discussion followed on the amount allowed for accessory structures and the amount the petitioner was asking for. Mr. Kelley stated that the variance the petitioner is requesting is 1120 (one thousand, one hundred, twenty) square feet.

Mr. Kelley opened the public hearing.

Mr. Chad Evenhouse, 17319 Oak Valley Dr., approached the podium. Mr. Evenhouse stated that Mr. Lee has contracted him to construct the building, pending approval from the BZA. Mr. Evenhouse discussed the aesthetic of the building. Mr. Evenhouse stated that he is also a neighbor of Mr. Lee and a concern of his is to enhance the neighborhood, not bring the value down, and therefore we will be adding a lot of nice extra touches to the area.

Mr. Kelley closed the public hearing.

Discussion followed on the size of the building. Mr. Trulley stated that it is 55×24. Further discussion followed on the layout of the area.

Ms. Bennett asked Mr. Trulley if this is less than forty (40) percent of the maximum hard surface of this entire lot, there was not enough dimensions provided to be able to tell but your staff has calculated it out to know this is correct? Mr. Trulley stated from our records that we have, yes. Ms. Bennett asked for clarification. Mr. Trulley stated the proposed as-built from the surveyor will indicate the lot coverage. Ms. Bennett stated that is something you have that is not contained in the packet? Mr. Trulley looked at the proposed as built and stated it is not on there. Mr. Lee stated that he is sure the surveyor figured it out. Discussion followed. Ms. Bennett asked about the fence that is on the drawing that indicates it is being moved. Mr. Evenhouse stated the fence was being moved to construct the pool house and would be put back in place. Mr. Trulley stated

that if the variance is granted, and before a permit is issued, he will verify with the surveyor the total amount of lot coverage.

Mr. Konradi made a motion to grant the variance of 1120 to build the pool house(one thousand, one hundred, twenty) square feet, seconded by Mr. Foust. Ms. Bennett asked if the motion was conditioned on the confirmation of the lot coverage being less than forty (40) percent. Mr. Kelley stated yes. The motion was carried with a roll call vote of all ayes.

NEW BUSINESS:

Review the Findings of Fact - BZA #15-015 823 Kankakee, James Durnavich, Variance from Developmental Standards – to erect an accessory structure that is higher than what is permitted as stated in ordinance §155.033(B) Mr. Kelley read into record the Findings of Fact. Mr. Brady made a motion to approve the Findings of Fact, seconded by Mr. Konradi and carried with a roll call vote.

Review the Findings of Fact - BZA #15-016, 5948 Debra Lane, Denise Milcarek – Variance from Developmental Standards – to retain an accessory structure that is located in a drainage and utility easement and is not permitted as stated in ordinance §155.075 (5)(a). Mr. Kelley read into record the Findings of Fact. Mr. Konradi made a motion to accept the Findings of Fact, seconded by Mr. Foust and carried by a roll call vote.

Review the Findings of Fact – BZA #15-018, 1745 E. Commercial Ave., Slobodan(Danny)& Gina Lakich – Variance from Developmental Standards – to construct an addition with a side setback that is nonconforming with what is allowed in the district standards of the B2 zoning as stated in ordinance §155.38(B). Mr. Trulley stated that there is a correction that needs to be made, under 5B it states 160(one hundred sixty square feet) it should be 1600(sixteen hundred) square feet. Mr. Kelley read the correct square feet into record. Mr. Brady made a motion to accept the Findings of Fact, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

ANNOUNCEMENT:

PUBLIC COMMENT

ADJOURNMENT:

With no further comments or questions Mr. Konradi made a motion to adjourn the meeting at 7:08pm, seconded by Mr. Brady, and carried with a voice vote of all ayes.

David Shilling, President

James Konradi, Secretary

