

**LOWELL BOARD OF ZONING APPEALS MEETING  
MARCH 10, 2016**

President Konradi 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 Don Parker, Chris Van Dyke, and Jim Konradi. Sean Brady and David Foust were absent. Also present were Town Attorney Nicole Bennett, Planning Consultant Jim Mandon, Director of Public Utilities Greg Shook, Councilman Christopher Salatas, Will Farrellbegg and four citizens.

**APPROVAL OF MINUTES**

Mr. Parker made a motion to approve the February 11, 2016 regular meeting minutes, seconded by Mr. Van Dyke, and carried by voice vote of all ayes.

**PUBLIC HEARING:**

**BZA #16-002 – Mommy's Haven, PO Box 294, Lowell, IN, property is located at 118 Fremont, - Special Use Variance CONTINUED FROM THE JANUARY 14<sup>TH</sup>, 2016 REGULAR MEETING** – in order to open a maternity home to house pregnant women in need. This is a special use as stated in Ordinance §155.033(A)(3)(a). – Katie Camus, 212 N. Halsted St., handed out the revised site plans. Mr. Mandon updated the board on the discussions that have been had between Mommy's Haven and the staff at the various TAC meetings stating that the land use for that location was appropriate, but the only issue was that in order to access that property, they would have to use someone else's driveway. There is really no reason for that other than the fact that the building location set the tone for where the parking could be located within the lot. He stated the new site plan shows parking that is directly accessible from Fremont, which is basically the change that the staff talked about. The site plan that appeared at the second meeting the staff had with the petitioner had a front set back of 29 feet 7 inches, but the minimum requirement is 30 feet. He stated he suggested that the building be turned slightly so that the only variance of setback dimensions was for the rear yard. This new site plan is one that the staff supports, and the staff does recommend that you approve the special use. Mr. Konradi stated that the original site plan they had said 29 feet 2 inches. Mr. Parker asked if they needed a variance for the front or backyard. Mr. Mandon stated just the rear yard. Ms. Camus stated she believed the new site plan that was just handed out fixed both the front and rear setbacks. Mr. Parker stated this site plan shows the front at 30 feet 4 inches and the back at 30 feet 1 inch. Mr. Mandon stated you are only approving the use then, not any setbacks. Mr. Konradi stated this is currently zoned residential. Mr. Mandon stated this use is permitted in residential, but it requires a special use so that you have the ability to place conditions on it. Discussion followed. Mrs. Bennett asked if the site plan was dated. Ms. Camus read the date as March 9, 2016. Mrs. Bennett stated for the record, we are referencing the March 9, 2016 site plan. Mr. Konradi opened the public hearing. With no one speaking for or against the variance, Mr. Konradi closed the public hearing. **Mr. Parker made a motion to send a favorable recommendation to the Town Council for a special use variance for the project, and using the site plan dated March 9, 2016, seconded by Mr. Van Dyke and carried by roll call vote with three ayes.**

**BZA #16-005, 520 Timberwood, Lowell, IN, Margaret Murray** – in order to erect an accessory structure which is not in the rear yard and is larger than allowed as stated in Ordinance § 155.075 (A)(1)(a)(5)(d)(B)(1)(a) – Size Variance requested is 1720 sq. ft. – **RESCHEDULED**

**TO APRIL 14<sup>TH</sup>, 2016 REGULAR BZA MEETING – PUBLIC HEARING NOT PROPERLY NOTICED.**

**BZA #16-006, West end of Mohawk, Cheyenne and Apache, Parcel #45-19-22-326-009.000-038, located at approx. 920 Mohawk Dr., Lowell, IN, Greg Shook, Director of Public Utilities, representing Town of Lowell** – in order to construct a public works garage which is a special use as stated in Ordinance § 155.032 (A)(2) – Craig Hendrix, SEH of Indiana, stated he has provided the board with a narrative of the project and the intentions of what the Town plans to do. The Town has purchased this 15.5-acre parcel in order to construct a public works facility. The area is currently zoned R-2, so in order to construct the public works facility we will need a special use variance. Mr. Hendrix went through the plan for the area, which included a public works building that would be roughly 16,000 square feet. Mr. Hendrix also listed a few storage areas that they would like to include in the future as funds become available. He also showed the board how the plan would follow the current thoroughfare plan that is in place. We would expect that all of the heavy traffic would be coming off of Route 2 on to Westmeadow, and that Mohawk would not be used. Since traffic will be coming from that area, we have included some improvements at that intersection in the plans. Discussion followed. Mr. Mandon stated the staff has reviewed this building and the location of the next structure, and the zoning ordinance permits public uses in the respective zones with a special use after a public hearing. In each case the town has designed the site to minimize the impact of the necessary public improvements on neighboring properties. This building is located beyond the extension of Mohawk Drive by over one hundred feet of building setback and includes a landscape berm that runs all the way in front of the building, which provides a nice visual and an audio screen. The building will look more like an office building in the front of it, rather than a warehouse. The staff feels that the provisions of section 155.137 (a) have been satisfied, and recommends approval of the special use. Mr. Konradi opened the public hearing. With no one to speak for or against the variance, Mr. Konradi closed the public hearing. After the public hearing was closed, Mr. John Hollingsworth, 833 Seminole Dr., asked why the facility was being built. Mr. Konradi stated it is to replace an existing location that is basically obsolete. Mr. Hollingsworth asked if this was replacing the facility at Freedom Park. Mr. Parker stated we only have one public works garage, which is located on South Union Street. We have outgrown this building, some of the buildings are really old, and we are currently paying flood insurance at that location. This area became available and the staff recommended it. Mr. Hollingsworth asked if this would be a couple phase project. Mr. Hendrix stated the first phase would be the improvements along with the building. The two other storage buildings are future projects. Mr. Hendrix went in to more detail of what would eventually be included at the site. Mr. Hollingsworth asked if anything north would be built. Mr. Hendrix stated the Town does own that area. They could do something with this site in the future, but currently we are showing Apache going through that area some day. **Mr. Parker made a motion to forward a favorable recommendation to the Town Council for BZA #16-006 for a special use variance, seconded by Mr. Van Dyke and carried by roll call vote with three ayes.**

**BZA #16-007, Area bounded by 17105 Cline Ave., Freedom Park, Parcel #45-19-14-301-001.000-008, Lowell, IN, Greg Shook, Director of Public Utilities, representing Town of Lowell** – in order to construct a new water tower. This is a special use. – Mr. Hendrix, SEH of Indiana, stated they are the designers of the water project here to present for a special use for a one-million-gallon water storage tank, which is proposed to be behind the park office at Freedom Park. There is an area behind the barns that we could sneak the tank in without affecting the rest of the park area. This tank is part of several improvements that the Town is making to the water system to improve reliability, fire flow, and to increase the pressure in the system. This site was selected because it is higher ground, it is already property owned and controlled by the Town, and

this are of the park is not frequented. Mr. Hendrix went on to give more details of the current water project that has begun. Mr. Mandon stated the Town has chosen a site that has the least impact on the neighboring properties and as a result, the staff recommends a favorable recommendation to the Town Council. Mr. Konradi opened the public hearing. With no one to speak for or against the variance, Mr. Konradi closed the public hearing. **Mr. Parker made a motion to forward a favorable recommendation to the Town Council for approval of a special use variance on BZA #16-007, seconded by Mr. Van Dyke and carried by roll call vote with three ayes.**

**NEW BUSINESS:**

**COMMENT:**

**ADJOURNMENT:**

With no further comments or questions Mr. Parker made a motion to adjourn the meeting at 6:56 pm, seconded by Mr. Van Dyke, and carried with a voice vote of all ayes.

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Jim Konradi, President

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Chris Van Dyke, Secretary