

LOWELL BOARD OF ZONING APPEALS MEETING
May 8, 2008
6:30 PM

Vice Chairman Konradi called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Jim Konradi, Sean Brady, Richard Kelley, and Jeff Harbrecht. Absent was Doug Niksch. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox, and Recording Secretary Christine Marbach.

Approval of Minutes:

Chairman Niksch asked for a motion to approve the April 10, 2008 regular meeting minutes. Mr. Kelley moved to approve the minutes. Seconded by Mr. Brady. Voting was **all in favor**.

New Business:

Mr. Cox suggested that the board read all three variances, discuss them and then vote on them individually. Vice Chairman Konradi read the three variances:

1. **BZA 08-002, Kouli Enterprises, 1910 E. Commercial, Lowell, IN. Requesting a variance from the provision of 155.077 (C) (1) Commercial Ave Frontage. Purpose: to reduce the 20-ft green belt requirements to 5 ft to allow for more parking spaces, better traffic flow and more building usage.**
2. **BZA 08-003, Kouli Enterprises, 1910 E. Commercial, Lowell, IN. Requesting a variance from the provision of 155.093 (A) (11) (b) Parking and Loading Requirements. Purpose: to reduce the number of parking spaces to allow for financial and economical benefit.**
3. **BZA 08-004, Kouli Enterprises, 1910 E. Commercial, Lowell, IN. Requesting a variance from the provision of 155.093 (A) (2) Parking and Loading Requirements. Purpose: to remove the building line to allow parking lot spaces to run from lot 3 to lot 4.**

John Craig, Attorney representing Kouli Enterprises was present and showed the board a copy of the proposed project. He explained that they wanted to change the green space to 5 feet and eliminate the building lines to allow access to both lots. Basically they want to change it to reflect the existing lots that are there now.

Vice Chairman Konradi **opened the public hearing**. There was no one present to speak for or against the petitioner. Vice Chairman Konradi **closed the public hearing**.

Mr. Harbrecht wanted to know if the purpose of the building was for office. Atty. Craig stated that it would be for professional office space and a restaurant as opposed to general retail. Mr. Konradi asked if there would be any covenants or requirements for the tenants. Atty. Craig stated that he did not at this time, but there will be some restrictions in place. Mr. Harbrecht wanted to know if the building could be a little smaller. Brad Shacki, representing the project, stated that the whole idea was to maximize the size of the building so that they could get the most for their dollar and also it would be more

taxable income for the town. Mr. Brady asked how many parking spaces were they proposing. Mr. Shacki stated that they were proposing 102 spaces. Mr. Brady expressed concern regarding the variance of the green space. He stated that everyone else had to adhere to the green space. Mr. Harbrecht expressed the same concern and did not understand why the petitioner could not adhere to the same restrictions. A discussion followed regarding different businesses and the need for extra parking. Attorney Craig stated that if the green space was an issue, they could adhere to the ordinance by having less parking and maintaining the size of the building. Mr. Brady asked Mr. Cox what the restrictions were for the building line if the parking spots were eliminated for the green space. Mr. Cox explained that they are dealing with the 20 ft requirements for the green space along Route 2; the second thing they are dealing with is the amount of parking spaces required and the number that they can provide. He further stated that until tonight he had not heard that this was strictly a professional building. He further stated that without knowing what type of businesses was going into the building, it would be hard to grant a variance on the parking spaces. A discussion followed regarding the green space from Walgreens to the proposed site. Mr. Kouimanis stated that he felt that 5 feet of green space was plenty. Mr. Shacki stated that Mr. Kouimanis could not make money on a building the size of Tech Federal. Mr. Cox explained that economics cannot be a factor for this board. The board cannot make any decisions based on finance. The board has to act on findings that these variances are somewhat particular to this piece of property. He stated that the petitioner also needs to have a plat amendment to eliminate the building line between the two lots. A discussion between the board and the petitioner's attorney followed regarding giving approval without knowing what the business would be. Mr. Cox stated that the petitioner needs to come in for one more step at next month's Plan Commission and suggested that the board table this until next month when the petitioner had more information regarding this project.

Mr. Kelley moved to table all three variances until next month's meeting. Seconded by Mr. Brady. Voting was **all in favor**.

Motion to adjourn: Mr. Kelley moved to adjourn at 7:15 PM.

Jim Konradi Vice Chairman

Jeff Harbrecht, 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

