

LOWELL BOARD OF ZONING APPEALS MEETING

April 7, 2011

6:00 PM

Chairman Kelley 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 (both were 10 minutes late) Richard Kelley, David Shilling and Chad Evenhouse. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox, and Recording Secretary Christine Marbach.

Consent Agenda:

Chairman Kelley asked for a motion to approve the February 10, 2011 meeting minutes. Mr. Shilling moved to approve the minutes. Seconded by Mr. Evenhouse. Voting was **all in favor**.

New Business:

- Petitioner:** BZA #11-001, Michael Vandercar, 553 Indiana Ave.
Request: Variance from the provision of 155 Appendix A Table I Area & Bulk Requirements
Purpose: to allow addition to home to keep existing setback from property line to garage.

Michael Vandercar, 553 Indiana Ave was present and stated that he wanted to tear down the garage as part of the addition to the house and attach it to the house and in order to attach it he needs to have the foundation the same. He wants to keep it at the same distance from the property line but make it longer in the back. He wants to maintain a 3 ft side yard setback. Mr. Kelley wanted to know how much a variance he was asking for. Mr. Cox explained that his garage already has a 3 ft setback and he wants to maintain that.

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

Mr. Evenhouse moved to approve the request for a variance from an 8 ft side setback to a 3 ft. side setback. Seconded by Mr. Shilling. Voting was **all in favor**.

- Petitioner:** BZA #11-002, Michael Bixeman, 1521 Tiffany Ct. for property located at 222 E. Commercial
Request: Special exception in a D-1 zoning district Section 155.048 (B) Uses (2)(d)
Purpose: Commercial recreation for the purpose of a youth oriented game room – billiards room and pizza business.

Michael Bixeman, 1521 Tiffany Ct. stated that he was looking to change the use to a game room and billiards room. There will be adult supervision with 24 hr cameras to monitor the activities. He wants to start with the game and billiard room first and then move on to the pizza business later. He has acquired a 2 million dollar general liability policy. He stated that the reason he is doing this is because Lowell doesn't have a lot of

activities for the youth in town. He further stated that he and his son have gone to other billiard places in Munster and St. John and they seem to be doing very well and found that there were kids from Cedar Lake and Lowell there and he wants to bring them back to Lowell.

Chairman Kelley **opened the public hearing.** Barb Crepeau, 220 Commercial stated that she has been in business for 30 years at this location and has concerns regarding people using her parking lot, skate boarders, bikes and kids gathering in the lot. David Bixeman stated that there was a municipal parking lot behind the business and he didn't think there would be a problem with parking. Ms. Crepeau asked what the hours of operation would be. Mr. Bixeman stated that it would be 12 Noon to 10 PM. Kevin Lentz, 541 Walnut Lane, fiancé to Ms. Crepeau stated that he had been by the billiard room in St. John and had heard that there has been a lot of trouble there. He further stated that there is not ample parking behind the proposed billiard room and has concerns that the patrons will be parking in the adjacent lot which belongs to Ms. Crepeau. Chairman Kelley **closed the public hearing.**

Mr. Evenhouse asked if there would be a rear entrance. Mr. Bixeman stated that there was, but it would be used more for an emergency exit. Mr. Evenhouse asked if this billiard room would only be for teens. Mr. Bixeman stated that he would not allow bar patrons to come in, there will be no smoking and the ages would be 16 to 21 years old. Mr. Konradi asked about the curfew. Mr. Bixeman stated that he thought the curfew was 11 PM. A discussion followed regarding seating and food being served. Mr. Brady asked if they could put a bike rack in front of the building. Mr. Cox stated that they could not have a bike rack in front and that it would have to be put in the back of the building. Mr. Bixeman stated that he would then request that the back door would be used as a second entrance. Barb Crepeau expressed concern regarding his customers using her steps to go around the property. Mr. Bixeman stated that he would put up signs not to use the steps. He further stated that he would be placing cameras in the front and back of the room along with a camera on the back of the building. Mr. Cox explained that although he knows that this is a difficult decision to make regarding this type of business, he did point to the fact that there are a lot of buildings downtown that are vacant. He stated that this business offers an alternative to the young folks in town. Mr. Konradi agreed that something should be done to get more business in the downtown district and not have so many vacant storefronts however; the board needs to satisfy the concerns of the neighbors. He suggested large signs dedicating parking only for the pool area. Mr. Cox stated that if the board has some thoughts regarding hours of business, what kind of signs they want put up, they could take 30 days to come up with some suggestions to satisfy the neighbors concerns. He further stated that they have three options; move to approve, move to deny or table it for 30 days. Chairman Kelley **re-opened the public hearing** because someone wanted to speak. Barb Crepeau stated that she has signs on her property and people are still parking in her lot and using her stairs. She further stated that signs are not going to do any good. She stated that she was not against the petitioner having this type of business, but not next door to her. Mr. Bixeman stated that he would make barricades for her property so that no one can park in her lot. He further state that he choose this location because he felt there would be plenty of parking and it was

located in the heart of downtown. He stated that he would like to see this move forward with any stipulations that the board may have, but he does not want to keep waiting month after month for a decision to be made.

Mr. Konradi moved to table this for 30 days. Seconded by Mr. Evenhouse. Voting was **all in favor.**

Motion to adjourn: Mr. Brady moved to adjourn at 6:35 PM.

Richard Kelley, Chairman

Chad Evenhouse, 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