

**LOWELL BOARD OF ZONING APPEALS MEETING
SEPTEMBER 13, 2012
6:30 PM**

Chairman Schilling 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 Sean Brady, Jim Konradi, Chad Evenhouse, David Shilling and Richard Kelley. Also present were Planning Consultant Jim Mandon, Attorney Larry Steele, Recording Secretary Gena Knapp, and seven citizens

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the August 9, 2012 regular meeting minutes, seconded by Mr. Evenhouse and carried by voice vote.

OLD BUSINESS

None.

NEW BUSINESS

Petitioner: BZA #12-013 299 - Burr St. Lowell, IN 46356 - Lowell Church of Christ

Request: Variance from Zoning Code, Section 155.094(G) Illuminated Signs

Purpose: Install illuminated sign that exceeds 24 sq. ft. and exceeds 6 ft. from finished grade.

Mr. Shilling read the letter that was submitted by the Lowell Church of Christ for the variance describing in detail the sign and the use for it. "To the members of the board of zoning appeals: As a part of the long range growth plans for the Lowell Church of Christ, we would like to erect an electronic sign that would be visible from the south end of our property along Burr Street. The four feet by eight feet electronic sign will set upon a three and a half foot pedestal. The top half of the sign will be a 'fixed' lighted image of our name and logo and the bottom half will feature an electronic information board that we will be able to change from inside the building. This sign would be used to promote programs and activities at the church, including those events that would have a direct bearing on the community; i.e. food pantry, community dinners, coat drives, hat and mitten distribution for children, etc. Since the church building is used for public events such as elections and health screenings, the sign can be used to provide public service announcements regarding those events. We totally understand that it is in our best interest to be "good neighbors" with the surrounding residents, so the sign we are looking to erect will be of a modest variety. It will not be a flashing, overpowering kind sometimes seen in the commercial areas of town. The sign will be turned off during the evening hours of 10:00 P.M. to 6:00 A.M. We believe that the promotion of morally

solid information we display on the sign will not have an adverse effect on surrounding property values, but will in fact have a positive effect. The church property provides a safe area to live. We care about our neighbors and want to present the work and ministry of the church in a positive light. When people see the well thought out design of the property, including the sign, they will know that it is a favorable place to live. One neighbor, who does not attend the Lowell Church of Christ, who lives on the opposite side of Burr Street recently shared with us how much he appreciates the way in which we maintain our property. He wanted to express how grateful he is of our concern for the way our yard looks. We understand that the residential zone of which our property rests does not allow for signs on the premises. We respectfully ask members of the zoning appeals board to consider a variance so that we can continue to serve our community in a way that is beneficial to all. Thank you for your consideration. Respectfully, Don Gorball, Building Chairman / Church Trustee.”

Doug Homier, S&H Engineers & Surveyors, 7804 Taft St. Merrillville, IN, stated the sign we are proposing will be about 303 feet south of the new addition, minimum of eleven feet off of the eastern property line, just about even with the cul-de-sac bulb. We are asking for a variance to approve the sign that is stated in that letter, which will be a little larger and taller than what the variance allows.

Chairman Shilling opened the public hearing. Don Gorball, 285 Lakeland Dr., stated they appreciate their comments and approval of the sign. We believe this sign will help the community know what the church is doing, and also to advertise voting in the building as well. Chairman Shilling closed the public hearing.

Mr. Konradi made a motion to approve the variance both in the size of the sign as requested, and the height, seconded by Mr. Kelley. Mr. Shilling asked Mr. Mandon if there was something in the ordinance about the lighting as well. Mr. Mandon stated there are three variances in front of you. The first is size, the second is height, and the third is that it has a changing illuminated message board. He suggested that we add to the motion the time limit as far as turning off the sign at 10:00 P.M. so that it is enforceable. Mr. Konradi stated he would re-word his original motion to include the variance for a changing light sign, and limit it to the 10:00 P.M. curfew, seconded by Mr. Kelley. A discussion followed on the size of the sign and a picture of the sign was handed out that showed the dimensions and height off of the ground. Mr. Shilling stated it includes the text and color graphics as well in the motion. The motion carried by voice vote.

Petitioner: BZA #12-015 - 645 Fawn Circle Lowell, IN 46356 - Deborah Wiler

Request: Amendment to the Special Exception, Section IV 4.03

Purpose: To change existing sun deck and steps to a sunroom and steps.

Glen Buche, 20530 Anchor Dr. Estero, FL 33928, stated he was representing his daughter. Mr. Buche passed around a picture of what the existing deck looks like. He

stated his daughter would like to take the deck off and make a sunroom. Mr. Evenhouse stated he did not have any drawings or specs of the sunroom. Mr. Buche stated he was told he did not need them until the time he comes to get a permit. He stated it would be ten feet by fifteen feet, which is what the deck is now. Mr. Shilling asked if it will be screened, or match the siding of the house. Mr. Buche stated it would match the siding with Anderson gliders, two on the south side, three on the west side, and a double door on the north side. The deck is coming out and we will pour a new crawl space that will be blocked off by the basement wall. Mr. Brady asked what the exception would be. Mr. Buche stated there is a thirty-foot set back from the rear to the house and somehow the contractor built the deck, and the Town approved it the first time around. Mr. Mandon stated it is already encroaching, and this would legitimize its location.

Mr. Shilling opened the public hearing. No one was present to speak for or against the petitioner. Mr. Shilling closed the public hearing.

Mr. Brady asked if the existing deck is considered a permanent structure. Mr. Mandon stated for some reason, it was missed. The deck was approved and installed and it encroached. Now there is another building permit that needs to be applied for in order to enclose the structure. The deck is considered a permanent structure from a setback standpoint. You can encroach a certain distance with something like a porch or stairs, but here there was a mistake made where the deck was approved even though it was encroaching. Mr. Trulley recognized the fact that it needs a variance before he can issue a building permit. Mr. Evenhouse asked how many feet he was asking to be allowed. Mr. Shilling stated it says twenty-five with thirty-five allowable. Mr. Konradi made a motion to approve the variance regarding the rear setback from thirty-five feet to twenty-five feet, seconded by Mr. Brady and carried by voice vote.

ADJOURNMENT

Mr. Brady motioned to adjourn the meeting at 6:52 P.M., seconded by Mr. Evenhouse and carried by voice vote.

David Shilling, Chairman

James Konradi, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes of the Board of Zoning Appeals. Gena Knapp – Recording Secretary

