

**LOWELL BOARD OF ZONING APPEALS MEETING
JUNE 13, 2013**

Chairman David Shilling called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp called the roll. Members answering the roll call were David Shilling, Chad Evenhouse, James Konradi, Richard Kelley, and Sean Brady. Also present were Town Attorney Jack Kramer, Planning Consultant Jim Mandon, Building Official Tom Trulley, and seven citizens.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the March 14, 2013 regular meeting minutes, seconded by Mr. Evenhouse and carried by voice vote.

PUBLIC HEARING

BZA #13-008 – Scott Praxl – 6101 W. 177th Ave. – Variance from Developmental Standards – to construct an accessory building larger than what is permitted – Scott Praxl, 6101 W. 177th Ave., stated he would like to build a shed to house all of his tractors. He stated he has three acres to maintain and currently his three-car garage is full. Mr. Shilling asked if the tractor was for personal use. Mr. Praxl stated it was. Mr. Kelley asked what the size of the building was. Mr. Praxl stated twenty feet by twenty feet. Mr. Mandon stated in situations like this, you really have to rely on the public to see what the neighbors have to say about the building being put up. It does not have any planning implications long-term, these cases are just one at a time. He stated, to reiterate, the building cannot be used for any commercial use, it can only be used for residential use. Mr. Shilling asked what the limit of square footage is. Mr. Trulley stated it is a maximum of nine hundred square feet. Currently Mr. Praxl has an eight hundred and fifty square foot garage. Mr. Kelley stated he is really just asking for a variance of three hundred and fifty feet then.

Mr. Shilling opened the public hearing. Kathy Morales, 1501 Tiffany Ct., stated her home backs up to Mr. Praxl's property. She asked to see the location where the building is proposed to be on his property. Mr. Mandon and Mr. Shilling showed her where the building is proposed to be in relation to the back of her house. She asked how close to the tree line it would be. Mr. Shilling stated it would be fifteen feet from the side property line. Discussion followed on what the building was going to look like. Ms. Morales stated if the building is peaked, we would not be able to see passed it. It is very appealing right now seeing straight through the yards in to the trees rather than looking at a building.

Terri Backstrom, 1504 Tiffany Ct., stated they live next to Mrs. Morales. She asked to see the site plan as well to see where the building will be located. Mr. Mandon and Mr. Shilling showed Ms. Backstrom the site plan and explained where the building will be. She stated her concern is the same. Right now it is a nice view and additional structures

would obscure that. We only have a small shed tucked in the corner of our back yard, which is sufficient for us.

Mr. Kramer stated the Board has to consider three things when deciding on a variance. Those three things are whether the approval of the variance would be injurious to public health, safety, morals, and general welfare of the community, whether the use and value of the adjacent property would be substantially adversely affected, and whether strict application of the current zoning you are under would result in practical difficulties in the use of the property. He stated he just wanted to mention that to Mr. Praxl before he spoke again. Mr. Praxl stated that was fine and that he did not need to speak again.

Mr. Kramer stated the publication referenced Ordinance 55.092, when it is actually 155.092. This does not make the publication defective per Indiana State law. Mr. Kelley asked if there were trees in front of the building. Mr. Praxl stated there are trees all the way down the fence line. Mr. Kelley asked with the trees there, would they still be able to see this structure. Mr. Praxl stated it would be limited. Mrs. Morales stated the trees are intermittent, not constant. Ms. Backstrom stated if you take in to consideration the winter time, the trees do not have any leaves so that would be right in our face. Mr. Shilling stated he does not see the building violating any of the three items we need to consider. With no further questions or comments, Mr. Shilling closed the public hearing.

Mr. Kelley made a motion to approve the variance for the three hundred and fifty additional square feet with the stipulation that this building will not be used for any commercial activity, seconded by Mr. Evenhouse and carried by roll call vote.

PUBLIC COMMENTS

ADJOURNMENT

With no further comments or questions Mr. Konradi made a motion to adjourn the meeting at 6:48 PM, seconded by Mr. Kelley and carried by voice vote.

David Shilling, Chairman

James Konradi, Secretary