

**LOWELL BOARD OF ZONING APPEALS MEETING
JULY 11, 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, James Konradi, Richard Kelley, and Sean Brady. Chad Evenhouse was not in attendance. Also present were Town Attorney Jack Kramer, Planning Consultant Jim Mandon, Building Official Tom Trulley, and seven citizens.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the June 13, 2013 regular meeting minutes, seconded by Mr. Kelley and carried by voice vote.

PUBLIC HEARING

BZA #13-009 – Douglas Schmal – 555 N. Nichols St. – Variance from Developmental Standards – Mr. Schmal stated his proposal is to put up a new building for all of his belongings. He stated recently his mother passed away and he was storing some of his belongings there, but the house is now sold. He stated the building would be thirty by fifty feet in order to store his boat and some other items. Mr. Kelley asked if he had 1.6 acres. Mr. Schmal stated that was correct. Mr. Konradi asked if the building would be used for personal storage only, no business. Mr. Schmal stated there would be no business items there, only personal. Mr. Konradi asked what the square footage of the variance would be. Mr. Shilling stated one thousand and forty square feet. Mr. Konradi asked if the building would be stick built. Mr. Schmal stated it would be asphalt shingles, cement board siding, and some sort of wainscoting four feet up all the way around. Mr. Shilling stated it looks like you only have neighbors to the north. Mr. Schmal stated that was correct. Mr. Shilling asked if they were here tonight. Mr. Schmal stated they were not.

Mr. Shilling opened the public portion of the hearing. Mr. Trulley stated the height of the building could only be sixteen feet from the top of the ridge to the ground. Mr. Schmal stated he is not going above that and that it will be lower than his existing roofline on his house. Mr. Brady asked if a ditch was next to his garage. Mr. Schmal stated that was correct. Mr. Konradi asked what the size of the current garage was. Mr. Trulley stated it is twenty-seven by twenty feet. Mr. Konradi asked what sort of hardship it would cause if the variance was not granted. Mr. Schmal stated he would have to pay outside storage for the things that he does not use all year round. He stated he would like to keep his vehicles inside to keep them in better condition. Mr. Shilling asked if another twenty by thirty feet would work. Mr. Schmal stated not really because the boat is thirty-two feet long and from the bottom to the top it is just over nine feet. Mr. Trulley stated the walls could only be ten feet high. Mr. Schmal stated he could do a nine-foot door and just take the windshield off of the boat. Mr. Kramer stated the variance would actually be for one

thousand one hundred and forty more square feet, not one thousand and forty. Discussion followed. With no more questions or comments, Mr. Shilling closed the public hearing.

Mr. Konradi asked if any of the staff had any concerns since it is such a large variance. Mr. Mandon stated when you are looking at building like this; you want to scale it to the size of the property. This is a good size lot for that area. You also want to position it as far away from a property line as possible, which it is here. This building will also be screened from the west, and it is a considerable distance from the back yard to the first house. Mr. Mandon stated the question of it being used for personal use is also pertinent information. Also, the fact that the finishes on the garage will make it appear much higher end can be a condition that you place on this. If a similar circumstance comes along, though, you would need to be consistent. Mr. Shilling stated if this property were not annexed in to the Town, it would already be built. He stated to encourage friendly annexation; he would recommend the variance to be approved. Mr. Brady stated he did notice that there were sheds for sale by his house. Mr. Schmal stated that is actually his neighbor. Mr. Konradi made a motion to grant the one thousand one hundred and forty square foot variance for Mr. Schmal subject to the following conditions; the building has an asphalt shingle roof, cement board siding, an at least three foot decorative rock skirt, and that it is used for personal use only. The motion was seconded by Mr. Kelly and carried by roll call vote.

BZA #13-012 – Thomas and Cheryl Harrell – 1319 Hilltop Drive – Variance from Developmental Standards – Mr. Harrell stated he would have a built on-site ten by sixteen foot shed to store some of the lawn and pool furniture so that he can clean the garage out and park his car in there. Currently we have nine hundred and thirty square feet of storage, so this would be an extra one hundred and sixty square feet. Mr. Kelly asked if they were looking for a one hundred and ninety square foot variance. Mr. Mandon stated it is also the number of accessory buildings. Mr. Harrell stated there is another ten by ten foot shed there, but this one will be at least ten or fifteen feet away from it. Mr. Shilling stated there are two buildings already so you are looking for a third. Mr. Harrell stated one of the buildings was semi-finished by the previous owners, which is the twenty-two by twenty foot building. Discussion followed on the amount of square feet that the variance would be for. Mr. Trulley stated he is asking for two hundred and eighty square feet, plus an additional accessory building. Mr. Shilling asked how the ten by ten foot shed was. Mr. Harrell stated that is full of lawn equipment, a snow blower, and a leaf blower. We would like to put our pool and lawn furniture in this new building in order to clean out the garage a bit. Discussion followed regarding the amount of square feet that the variance would be for.

Mr. Shilling opened the public portion of the hearing. With no one to speak for or against the petitioner, Mr. Shilling closed the public hearing. Discussion followed on the maximum square footage allowed for a storage area. Mr. Mandon stated Mr. Harrell needs a variance for the third storage building and the sum of the accessory buildings that are not connected to the house or a part of the garage that are over four hundred square feet. He stated he would recommend putting some conditions on distances from property lines. Mr. Shilling stated it would be five feet from the side property line, but there is

nothing showing to the rear line. Mr. Harrell stated it is at least thirty to forty feet to the rear lot line. Discussion followed regarding the amount of square feet that the variance would be for. Mr. Kelley made a motion to grant the three hundred square foot variance, and the variance for one additional building over the two building maximum since the lot is over one half of an acre. The motion was seconded by Mr. Konradi, and carried by roll call vote.

NEW BUSINESS

Review Findings of Fact for BZA #13-008 – Scott Praxl – Variance from Development Standards – Mr. Brady made a motion to approve the Findings of Fact for BZA #13-008, seconded by Mr. Kelley 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 6:57 PM, seconded by Mr. Kelley and carried by voice vote.

David Shilling, Chairman

James Konradi, Secretary