

**LOWELL BOARD OF ZONING APPEALS MEETING
JANUARY 9, 2014**

Chairman David Shilling called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were David Shilling, Chad Evenhouse, James Konradi, Richard Kelley, and Sean Brady. Also present were Building Official Tom Trulley, Director of Public Works Greg Shook, Town Attorney Nicole Bennett, and nine citizens.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the October 10, 2013 regular meeting minutes, seconded by Mr. Evenhouse and carried with five ayes.

NEW BUSINESS

Review Findings of Facts for BZA #13-0017 – Landmark Signs – 4500 E. 181st Ave., Lowell, IN – Variance from Developmental Standards – To construct a Sign Larger Than the Fifty Square Feet Allowed – Mr. Kelly made a motion to approve the Findings of Fact for BZA #13-0017, seconded by Mr. Konradi. Roll Call vote as ayes

PUBLIC COMMENTS

BZA #14-001: J. Kip Helsel 6245 Anne Ave. - Variance from Developmental Standards – To construct an accessory building that is larger than the 900 square feet that is permitted. Mr. Shilling stated there was some new information that had come to light and called on Ms. Bennett to explain. She states, upon review of the ordinances and the petition that was filed there is no need for a variance for the property itself. The code does not set forth the requirement of variation or approval for an addition to an attached garage. So for that purpose there would be no need to have a public hearing because at this point for what the request is and for the build to occur they do not need a variance. Mr. Trulley stated that they did not codify it exactly the way we had it written. Jim and I looked at it today and there is a mistake, we will get that corrected but at this time as it is codified there is nothing for us to do. Mr. Shilling asks if anyone from the board have any questions before we move on.

Mr. Shilling opened up the meeting for Public Comments. Mr. Scott Lamb 6223 Anne Ave – asked if he could comment on the garage being proposed to be built. Stated he lives on the east side of J. Kip Helsel He has a letter that he wrote and asks if everyone received a copy of it. They stated they have it. Basically that is all I have to say. The water drainage problem that comes from his to mine has cost me \$16,000. I don't think that he should be allowed to be build anything else on his property until he straightens his problem with drainage. Mr. Kelly and Mr. Lamb had a discussion on where his property is located. Mr. Lamb stated what he has replaced due to drainage problems. Mr.

Evenhouse joined the discussion and ask how the water flowed. Mr. Shilling asked about drainage and easement on the property.

Tabitha Bullit – 6218 Anne. States where her property is in relation to Helsel's. She stated when the water comes down Lamb's driveway into the sewer into the street, if the one manhole does not hold the run off, it goes into her backyard. Shes had her shed float, and now has manholes in her backyard. Which has helped with some of the water.

Michael Ensweiler 6267 Anne Ave, He apologizes to Dianna Cade, to be caught in the middle of this situation. He wrote a letter on the Helsel's disregard of the convents of the subdivision. Which doesn't apply to tonight's meeting. He will read what is relevant to tonight's meeting. The subdivision has a long history of drainage rains. What is relevant from 8/13 – 10/13 the Helsel's dismantled a retaining wall and the location of the wall in accordance to his property. He is discussing the erosion on his yard, and the cost of the repairs it will cost him with the damage issues. He states that the Helsel's have great disregard for their neighbors. He thanks he board for letting him remonstrate and he hopes the board considers the ascetic view of Brookwood, property values and the great possibility of flooding on the Lamb's property.

Mr. Shilling thanks the public for their patience and politeness, he states Mr Helsel still does need a building permit and will with the town on that issue. He states he also is a Brookwood resident. Mr Trulley asks to comment, he states he has talked to our planner, engineer Director of Public Utilities and they have all taken a long and hard look at this and have concluded that their will be no permit issued unless a solution to the drainage is taken care of so that it does not cause any more issues for their neighbors.

Mr. Shilling closes public meeting.

ADJOURNMENT

With no further comments or questions Mr. Shilling made a motion to adjourn the meeting at 6:45 PM, seconded by Mr. Konradi and carried by voice vote.

David Shilling, Chairman

James Konradi, Secretary

