

**LOWELL BOARD OF ZONING APPEALS MEETING  
NOVEMEBR 13, 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, James Konradi, Rick Kelly, Chad Evenhouse and Sean Brady. Also present were Building Official Tom Trulley, Town Attorney Jack Kramer, Planning Consultant Jim Mandon and 2 citizens.

**APPROVAL OF MINUTES**

Mr. Kelly made a motion to approve the September 18, 2014 special meeting minutes, seconded by Mr. Brady and carried by voice vote.

**PUBLIC HEARING**

**BZA #14-015 – April and Greg Rather Variance from Developmental Standards** – To construct an accessory structure which exceeds the total permitted square footage as set forth in Ordinance #155.075 (B) (1) (a) which allows up to 400 square feet for an accessory structure with attached garage. Resident has a 504 square foot attached garage. Asking for an additional 576 square feet to construct accessory structure.

Mr. Shilling stated the petition as listed. Mr. Shilling asked if the petitioner would like to address the Board. Mr. Rather approached the podium and stated his name and address. Mr. Rather stated that he did not have any comments to make to the Board. Mr. Kelly asked what was planned with the garage. Mr. Rather stated that they planned to store their boat and a third car in the proposed garage. Mr. Shilling asked the Board and/or staff if they had any further questions. Mr. Konradi asked how many lots the resident owned. Mr. Rather stated two.

Mr. Mandon stated that one of the things that the Board will have to do, if you are going to act on this tonight is that you are going to have to make your action conditional on the eventual merging of these two properties. The property in question is being doubled in size by adding a second lot. Mr. Mandon stated that this would be a Plat Committee function it would not go to the full Plan Commission, there would be no public hearing it is an administrative act of the Plat Committee, the staff is able to do this under the current State law. Mr. Mandon stated however, the ordinance to enable us to do that is still pending at the Town Council, once that is passed it will allow us to have the staff meeting to approve the merging of these two properties together. Mr. Mandon stated that the problem is if you do that before these two are merged together, it puts the building sitting across the property line, which makes the side setbacks meaningless. Mr. Mandon stated that if your decision tonight is to approve the variance, it would have to be conditioned on the merging of these two lots together, so that the building does not span across the property line. Mr. Brady stated what is the process to combine two lots. Mr. Mandon stated that currently it would require the petitioner to go through the Plan Commission for full subdivision approval the same as if he were creating fifty lots. Mr. Mandon stated

there is a provision in the state code that permits an administrative subdivision to take place that short cuts that process and it does not require a public hearing. Discussion followed.

Mr. Shilling opened the public hearing with no one to speak for or against the petitioner they public hearing was closed.

**Mr. Konradi made a motion to approve the variance for the additional square footage that the petitioner is asking for to build this accessory structure, subject to their ability to combine the two lots into one. Seconded by Mr. Kelly, roll call vote was taken with 4 ayes and Mr. Evenhouse abstaining.**

Mr. Shilling made an announcement that the regularly scheduled for December would be held on December 2, 2014 at 6:30pm.

With no further comments or questions Mr. Brady made a motion to adjourn the meeting at 6:40pm, seconded by Mr. Evenhouse and carried by voice vote.

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David Shilling, Chairman

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James Konradi, Secretary