

**LOWELL BOARD OF ZONING APPEALS MEETING
JULY 09, 2015**

President David Shilling called the meeting to order at 6:30PM. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were David Shilling, Sean Brady, and Jim Konradi. David Foust and Rick Kelly were absent. Also present were Town Attorney Nicole Bennett, Planning Consultant Jim Mandon, Building Official Tom Trulley, and two citizens.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the June 11, 2015 regular meeting minutes, seconded by Mr. Brady and carried by voice vote.

NEW BUSINESS

Review the Findings of Facts for BZA #15-008 – James R. Schroeder, 5732 W. 172nd Ave., Variance from Developmental Standards- to erect a fence that is more than three (3) feet in height as set forth in Ordinance #155.90(B).

As per Attorney Bennett, Mr. Shilling read into the record the conclusion of the facts starting with number seven and continuing with #A-G (see attached complete document). Mr. Shilling finished reading the last paragraph of the document.

Mr. Konradi made a motion to approve the Findings of Facts, seconded by Mr. Brady and followed by a voice vote of three ayes.

DISCUSSION

Mr. Mandon stated that he would like to discuss with the Board procedures with Findings of Facts. Mr. Mandon stated that there are two situations with Finding of Facts, those the Board is denying and those you are approving. Mr. Mandon stated that in the case of the petitions that are denied they are potentially the ones that are most likely to be challenged legally and it is important that the Findings of Facts are written carefully and the time in between meetings be taken to write them. Mr. Mandon stated there also is no action that needs to be taken because the petition has been turned down.

Mr. Mandon stated that in the case where they are getting approved, the petitioner must wait thirty days after the Boards approval at the public hearing until they are read into record at the next month's Board meeting to begin construction, which could be problematic if it is later in the season. Mr. Mandon stated that since the Board is approving the petition it is unlikely that it will be challenged, certainly not from the petitioner.

Mr. Mandon stated that what he has done in other communities is to have the petitioner submit a draft of the Findings when they submit their application. Mr. Mandon stated that he would provide the staff with the form and instructions to give to the petitioners.

Mr. Mandon stated that the staff then has time to review the Findings before the meeting and if there are problems with it, they could be sent back to the petitioner to revise. Mr. Mandon stated that is what he is recommending the Board does. Mr. Mandon stated that he had a meeting with Dave Westland and explained what he wanted to do and Mr. Westland was not opposed to it and was willing to try it. Discussion followed.

Mr. Mandon stated that he would like to write it up as a draft procedure and present it at the next BZA meeting. Discussion followed.

The Board agreed to have Mr. Mandon draft a policy and present it.

PUBLIC COMMENTS :

Mr. Shilling opened up the public portion of the meeting, no public comments were made.

ADJOURNMENT:

With no further comments or questions Mr. Brady made a motion to adjourn the meeting at 6:45pm seconded by Mr. Konradi.

David Shilling, President

James Konradi, Secretary