

**LOWELL BOARD OF ZONING APPEALS MEETING  
AUGUST 11, 2016**

President Konradi called the meeting to order at 6:35pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Jim Konradi, Chris Van Dyke, and Ryan Thiele. Sean Brady and David Foust were absent. Also present were Town Attorney Nicole Bennett, Building Administrator Carl Ferro, Planning Consultant Jim Mandon, Councilman Will Farrellbegg, and three citizens.

**APPROVAL OF MINUTES**

Mr. Van Dyke made a motion to approve the July 14<sup>th</sup>, 2016 regular meeting minutes, seconded by Mr. Thiel, and carried by voice vote of all ayes.

**PUBLIC HEARING:**

**BZA #16-023 – 320 Tulip Lane, Lowell, IN, Kathy & Chris Salatas, - Variance from Developmental Standards** – in order to erect an accessory structure (garage) that is located less than the 15' ft. (fifteen) which is required for rear setback, encroaches on an easement and is larger than what is allowed as stated in Ordinance §155.075(A)(1)(A)(5)(a)(B)(1)(a). Variance – structure will be located approx. 5' ft. (five) into easement, size variance requested is 520' sq. ft (five hundred twenty)

Kathy and Chris Salatas approached the podium and stated their names and address as 320 Tulip Lane, Lowell, IN. Mr. Salatas stated that the structure is for storage, woodworking projects and storage of antique cars.

Mr. Konradi asked if there would be a driveway to the garage. Mr. Salatas stated no, it would be used pretty much for storage.

Mr. Konradi opened the public hearing. Mr. Dave Wyrick, 328 Woodbridge, stated that he lived behind the Salatas's. I am here tonight to find out basically where the structure is going to be located on the property and the size of the structure. I live across from the retention pond and I really do not want to be looking at an eysoar. I just want to make sure it is not going to be turned into Chris's garage. It is not zoned business. I have to look at it everyday and I am just curious to find out the size and location of the structure. Mr. Mandon showed Mr. Wyrick the location of the proposed structure. Mr. Wyrick asked if the existing shed was going to be taken down. Mr. Mandon stated yes. Mr Wyrick asked if it was going to be a pole barn. Mrs. Salatas stated no, it was going to be a nice garage. Mr. Ferro stated it will be stick built. Mr. Wyrick stated that we do not live in a rural area and I do not want to be looking at a pole barn across the way from my house. We live in a subdivision and a big pole barn does not belong here. Mr. Konradi stated it is not a pole barn. Mr. Wyrick asked if it was going to sided. Mr. Salatas stated it will match the existing house. Mr. Wyrick asked if the existing shed will be torn down because that is a pretty big shed. Mrs. Salatas stated yes. Mr Wyrick asked how tall it will be and will it be added onto later. Mrs. Salatas stated it will never be added on to. Mr. Wyrick stated so basically a deep garage with a separate building? Mrs. Salatas stated my backyard is my sanctuary I want to keep it beautiful. Mr. Wyrick stated that is

why I am here, I have to look at it everyday and those were my concerns. Mr. Wyrick asked if there would ever be a second story added on. Mrs. Saltas stated no.

Attorney Bennett stated before the public hearing is closed, and to clarify for the record I would like to go over the three separate variance requests, I think it will address some of the questions that Mr. Wyrick asked and I am sure that Mr. Mandon has some input as well.

Attorney Bennett stated that the request is for three (3) separate variances. The structure is proposed at 720 sq. ft. (seven hundred twenty) measuring 24'ft. (twenty four) x 30'ft. (thirty) this would require a variance of 520 sq. ft. (five hundred twenty). The second variance would be from the requirement of the 15'ft. (fifteen) setback. If I am understanding correctly from your diagrams, your fence is 2'ft. (two) off your lot line and you are proposing 18" in. (eighteen) off of your fence. Mr. Salatas stated it is where the current shed is. So in that respect you are looking at a variance of 11' ft. 6" in. (eleven six) from the rear setback. Mr. Salatas stated that is correct. Attorney Bennett stated the third variance requested is from the required 10'ft. (ten) on the easement. The petitioner is proposing on this same build, a variance of 6'ft. (six) 6" in. (six,six) variance into the easement from the 10' ft. (ten) requirement. Mr. VanDyke stated 3 (three) in total. Attorney Bennett stated that is correct.

Mr. Mandon stated he will not reiterate the memo that he sent out, but he is suggesting 2 (two) conditions be put on the motion, if you are to approve the petition. Mr. Mandon stated the first condition would be as it was discussed here earlier, the exterior of this proposed accessory structure match that of the primary residence. The second condition would be since it is somewhat close to the property line that there be provisions made during the time that Carl approves the building permit that would prevent storm water from impacting the neighboring property. He is recommending approval with those two conditions. Mr. Mandon stated he spoke with Greg Shook, the Public Works Director, about the impact on the easement and there is a storm sewer on the easement, 18" in. (eighteen) right outside the fence. He indicated that as long as the accessory structure did not come beyond the fence there should be no impact on this relatively shallow 3' ft. (three) deep 18" in. storm sewer. He has no objection as long as the fence was not removed and the accessory structure was closer than the current fence. Mr. Konradi asked the petitioner if he backed up to the retention pond. Mr. Salatas stated yes.

Mr. Konradi closed the public hearing.

Mr. VanDyke made a motion to approve the 520 sq. ft. (five hundred twenty) size variance with the stipulation that the exterior of the structure match that of the existing primary structure and that any work done is done so as to prevent stormwater from negatively impacting the adjacent properties, seconded by Mr. Thiele and carried with a roll call vote of all ayes. VARIANCE PASSED

Mr. VanDyke made a motion to approve the variance of 11'ft. 6" in. (eleven six) in regards to the rear setback with the stipulation that the existing shed must be torn down,

seconded by Mr. Thiele and carried with a roll call vote of all ayes. VARIANCE PASSED

Mr. VanDyke made a motion to approve the 6'ft. 6" in. (six ,six) variance to the 10'ft. (ten) easement requirement with the stipulation that the existing fence must remain, seconded by Mr. Thiele, carried with a roll call vote of all ayes.

**ALL THREE VARIANCES APPROVED.**

**COMMENT:**

**ADJOURNMENT:**

With no further comments or questions Mr. VanDyke made a motion to adjourn the meeting at 6:50 pm, seconded by Mr. Thiele, and carried with a voice vote of all ayes.

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Jim Konradi, President

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Chris Van Dyke, Secretary