

**LOWELL BOARD OF ZONING APPEALS MEETING  
JANUARY 14, 2016**

Secretary Konradi 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 Sean Brady, Don Parker and Chris Van Dyke. David Foust was absent. Also present were Town Attorney Nicole Bennett, Building Official Carl Ferro, Planning Consultant Jim Mandon and 18 (eighteen) citizens.

**ELECTION OF OFFICERS**

Don Parker nominated Jim Konradi for Chairman, seconded by Sean Brady and carried with a voice vote.

Don Parker nominated Sean Brady for Vice Chairman, seconded by Chris Van Dyke and carried with a voice vote.

Don Parker nominated Chris Van Dyke for Secretary, seconded by Sean Brady and carried with a voice vote.

**APPROVAL OF MINUTES**

Mr. Brady made a motion to approve the December 10th, 2015 regular meeting minutes, seconded by Mr. Parker and carried by voice vote.

**PUBLIC HEARING**

**BZA #16-001 – DWC Real Estate LLC, Managing Member, David W. Conaway DDS, 195 Deanna Dr., 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).

Amy Wiers, 231 4<sup>th</sup> Ave. NE, Demotte, IN approached the podium as representative for the petitioner, stating she is the office manager. Ms. Wiers stated that she has brought along some pictures for the Board Ms. Wiers stated they are of the two buildings that they were looking to separate which are: their commercial office, and the residential homes being built directly behind them. Ms. Wiers stated the residential building is quite larger than their building and they are just looking to extend the fence at the normal height to the edge of that building and not to the edge of their own. Ms. Wiers stated we are trying to separate these two buildings so that there is privacy for those residents, as well as for our patients. Discussion followed. Ms. Wiers stated that the residential homes have large sliding glass doors and they are able to see all of the clients and staff coming and going and personally it makes her uncomfortable to know that somebody could be watching her.

Mr. Parker asked Ms. Wiers if he could see the pictures. Mr. Mandon stated that the staff had met earlier in the week to discuss this petition and agreed with the petitioner that it is really good for both properties to have the separation. Mr. Mandon stated that the staff is in favor of the request as long as the condition is placed, as the petitioner has asked, that the fence does not exceed in distance to the street beyond the front of the residential building. Mr. Konradi opened the public hearing with no one to speak for or against the petitioner, the public hearing was closed.

**Mr. Parker made a motion to approve the petition from developmental standards to erect a fence that is more than 3 (three) feet in height, with the stipulation that the extension not exceed the front of the building, seconded by Mr. Brady and carried roll call vote with all ayes.**

**VARIANCE GRANTED AS WRITTEN ON PETITION**

**Attorney Bennett stated that the petitioner will have to wait until next month when the Findings of Fact are read into the minutes before they can take action.**

**BZA #16-002 – Mommy's Haven, PO Box 294, Lowell, IN, property is located at 118 Fremont, - Special Use Variance** – in order to open a maternity home to house pregnant women in need. This is a special use as stated in Ordinance §155.033(A)(3)(a).

Mrs. Krystal Runyon approached the podium as representative from Mommy's Haven. She stated her address as 8692 156<sup>th</sup> Ct., Lowell, IN. Mrs. Runyon stated that they are a maternity home that is hoping to house pregnant women in need in the Northwest Indiana area. Mrs. Runyon stated they are looking to tear down completely and rebuild the property that they have purchased. Mrs. Runyon stated that she has plans with her so you can see what is being proposed and she also brought brochures for the Board to read, with background information on the organization and what they bring to the community. Mrs. Runyon stated that they are here tonight for your approval to tear down the home and rebuild it. Mrs. Runyon stated also the property is zoned as residential right now and since we will be housing multiple women and their families, we are wanting to keep it zoned residential. Mrs. Runyon stated that she is not sure if there are any requirements by the town to be able to keep that zoning.

Mr. Mandon stated that the use variance is the instrument that is used to do exactly what the petitioner wants to do in this case.

Mr. Mandon stated that when the staff met concerning this petition we unfortunately did not have a site plan. Mr. Mandon stated that the use at that location will be fine and the staff also agrees. Mr. Mandon stated we do not know where the driveway cuts are going to be, where the parking is on the site, accommodations for storm water if necessary. Mr. Mandon stated unfortunately, we do not know the details on how the site is going to be laid out, or at least we did not when we met. Mr. Mandon stated that if that information is available now, we can reconvene and take a look at it and make suggestions. Mr. Mandon stated that the problem is that when the approval of the special use or use variance is approved, the motion should be tied to a specific site plan, so there is no misunderstanding on what was approved. Mr. Mandon said that unfortunately this cannot be done because we have not seen the site plan. Mr. Mandon stated we can certainly do that before the next meeting. Mr. Mandon recommended that the public hearing be held tonight and table the matter until we have a chance for the staff to meet and look at the site plan and make recommended changes if necessary and come back to you with a recommended site plan before you take a vote at your next meeting. Discussion followed. Mr. Mandon asked Attorney Bennett if they could open the public hearing and continue it? Attorney Bennett stated yes. Mr. Konradi opened the public hearing, no one choose to speak for or against the petitioner. **The**

**public hearing was continued until next months meeting on February 11, 2016 at 501 E. Main St. @6:30pm.**

Mr. Parker made a motion to table **BZA #16-002 – Mommy's Haven, PO Box 294, Lowell, IN, property is located at 118 Fremont, Special Use Variance, seconded by Mr. Van Dyke and carried with a roll call vote of all ayes.**

**VARIANCE TABLED UNTIL 2/11/16**

**BZA #16-004 – Jacob Cripe, 509 Gatewood, Lowell, IN – Variance from Developmental Standards – to construct a covered porch that is in front of front set back line and is not allowed as stated in Ordinance §155.031(B).**

Mr. Don Cripe approached the podium and stated his address as 17430 McKinnley Pl., Lowell, IN. Mr. D. Cripe stated that he purchased the property in the first part of 2014 and it was in very bad shape. Discussion followed. Mr. D. Cripe stated that Mr. J. Cripe needed a home and he sold it to him on contract and eventually turned it into a mortgage from his wife and I to his grandson. Discussion followed on the work that was done on the interior of the house. Mr. D. Cripe stated that J. Cripe then proceeded to the outside of the house and it needed a new roof very badly. Mr. D. Cripe stated that is what he thought was being done along with fascia and soffit. Mr. D. Cripe stated without my knowing it, Mr. J. Cripe started building a covered porch on the front and he is over the lot line. Mr. D. Cripe stated when I heard the problem, I immediately ordered a survey and he is over the lot line we admit that. Mr. D. Cripe stated that he is 31' (thirty one) feet back from the sidewalk to the front of the porch, but the sidewalk is right up against the curb which is very unusual. Discussion followed. Mr. D. Cripe stated we are in a dither, we certainly do not want to tear the porch off, but we realize that we are against the ordinance as stated. Mr. D. Cripe stated I am asking you to kindly take this matter into consideration, I believe you have pictures that I have taken of the porch and I also supplied you with a signed letter from eight of the neighbors stating that they have no objection to what he did. Mr. D. Cripe stated that we are at your mercy and we hope that you help us.

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

Mr. Mandon stated that the staff has no objection to you approving the petition so as long as it remains an open porch rather than enclosed one. Mr. Mandon stated that if you choose to approve this petition that should be a stipulation. Discussion followed.

Attorney Bennett stated to Mr. Mandon that the petition states 7'6" (seven feet 6 inches) for the variance, I am looking at the documents that Mr. Cripe presented from his neighbors that is setting forth a 22 (twenty two) feet from the property line to the front porch, so are we looking at an 8 (eight) foot variance or the 7'6" (seven feet six inches) officially that was in the petition? Attorney Bennett stated that it could have been rounded for the purposes of the letter to his neighbors. Mr. Mandon stated that it is 7'6" (seven feet six inches).

Mr. Parker made a motion to accept **BZA #16-004 – Jacob Cripe, 509 Gatewood, Lowell, IN – Variance from Developmental Standards – to construct a covered porch that is in front of front set back line and is not allowed as stated in Ordinance §155.031(B) with the stipulation that this porch not be covered, seconded by Mr. Van Dyke and carried with a roll call vote of all ayes.**

**VARIANCE GRANTED WITH STIPULATION**

**NEW BUSINESS:**

**PUBLIC COMMENT**

**ADJOURNMENT:**

With no further comments or questions Mr. Brady made a motion to adjourn the meeting at 6:58pm, seconded by Mr. Parker, and carried with a voice vote of all ayes.

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Jim Konradi, President

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Chris Van Dyke, Secretary