

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

President 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, Jim Konradi, Chris Van Dyke, and David Foust. Don Parker was absent. Also present were Town Attorney Nicole Bennett, Building Official Carl Ferro, Planning Consultant Jim Mandon, and two citizens.

**APPROVAL OF MINUTES**

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

**PUBLIC HEARING: CONTINUED TO THE MARCH 10, 2016 REGULAR MEETING.**

**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).

Mr. Mandon stated that the staff had met with the petitioner. Attorney Bennett stated that I am going to stop you for a moment. Attorney Bennett stated no action or evidence on this petition could be heard at this meeting tonight. No discussion followed, Mr. Konradi moved onto new business.

**SEE COMMENT SECTION BELOW FOR MOTION**

**NEW BUSINESS:**  
**FINDINGS OF FACT**

**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).

Mr. Konradi read into the public record the Findings of Fact. Mr. Brady made a motion to accept the Findings of Fact, seconded by Mr. VanDyke, and carried with a roll call vote of four ayes.

**FINDINGS OF FACT APPROVED**

**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. Konradi read into the public record the Findings of Fact. Mr. VanDyke made a motion to accept the Findings of Fact, seconded by Mr. Brady, and carried with a roll call vote of four ayes.

**FINDINGS OF FACT APPROVED**

**NEW BUSINESS:**

**COMMENT:**

Mr. Mandon stated I have a question, getting back to BZA #16-002, should there be a vote of the BZA to continue the public hearing until March? Attorney Bennett stated that it does not need to be if it was noticed up that way. Mr. Mandon stated shouldn't it be on the public record that the BZA is allowing the continuation until March. Attorney Bennett stated the notice of the agenda was put out forty eight (48) hours for that having been put forth, so as long as there is no action taken on it at this meeting, that notice is sufficient. Mr. Mandon asked what notice? Attorney Bennett stated the agenda having been published forty eight (48) hours at the site of the meeting. Mr. Mandon stated the agenda says it has been continued and that can only be decided by the BZA not by the staff. The reason for the agenda topic is for the BZA to know what they are being asked to do and then they would hopefully do so by motion to continue it to the March meeting. Attorney Bennett stated that if you would like to take a vote on it, although not required by the statute, since it was noticed up that way and it was requested at the will of the petitioner, you can absolutely do so. Attorney Bennett stated you can not take either action on it or hear on any evidence on it without opening up the hearing.

Mr. Brady made a motion to continue the public hearing for BZA #16-002 Mommy's Haven, seconded by Mr. Foust, and carried with a roll call vote of all ayes.

**ADJOURNMENT:**

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

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Jim Konradi, President

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Chris Van Dyke, Secretary