



# Planning and Development

## Memorandum

To: Board of Zoning Appeals

From: Richard Oman, Director of Planning and Development

Subject: BZA Docket # 24-008 (7865 W 174<sup>th</sup> Ave)

Date: August 5, 2024

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### HEARING DATE:

August 8, 2024

**RESCHEDULED FROM JULY 11, 2024**

### BACKGROUND INFORMATION:

PETITIONER(S): John & Sharon Lashelle

SITE LOCATION: 7865 (W) 174<sup>th</sup> Ave

EXISTING ZONING: R-3

### ANALYSIS OF THE REQUEST:

#### OVERVIEW:

The petitioner is requesting to allow a proposed driveway on West 174<sup>th</sup> to be 31' at the curb line.

Under the current Town of Lowell Land Use and Development Code 155.082 (A)(2)(b), no entrance or drive shall exceed 24 feet if from a single-family residential zoning district onto any type of street. As a result, to build as proposed, Petitioner requires a variance of 7 feet in width.

#### REASON FOR REQUESTED CHANGE (DEVELOPMENT OBJECTIVE):

The proposed 31-foot-wide driveway on West 174<sup>th</sup> Avenue would serve as a three-car garage residence. Being on a heavily trafficked street through the subdivision, the extra width for the driveway may help keep the parking off the street.

### STAFF RECOMMENDATION AND PROPOSED FINDINGS OF FACT:

1. Staff recommends that the Board of Zoning Appeals APPROVE the Applicant's variance to build a driveway with a width of 31 feet at the curb line of West 174<sup>th</sup> Avenue.
2. The Town of Lowell Board of Zoning Appeals shall make written Findings of Fact in

accordance with I.C. §36-7-4-915, and the Town of Lowell Zoning Ordinance, as amended from time to time. Based upon its evaluation, Staff recommends that the Board of Zoning Appeals make Findings of Fact as follows:

- A. Under the current Town of Lowell Land Use and Development Code 155.082 (A)(2)(b), no entrance or drive shall exceed 24 feet if from a single-family residential zoning district onto any type of street. Therefore, Petitioner is required to obtain a Developmental Variance for the additional width to construct the driveway as proposed;
- B. Approval of Petitioner's variances will not be injurious to the public health, safety, morals, and general welfare of the community;
- C. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- D. Strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of Petitioner's property. However, the Zoning Ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by I.C. 36-7-4-918.5;
- E. The Findings of the Town of Lowell Board of Zoning Appeals are based upon and in accordance with the Town of Lowell Zoning Ordinance and Indiana state statutes, and shall not be construed or interpreted to be a determination by the Town of Lowell Board of Zoning Appeals of compliance, or noncompliance, with covenants, restrictions, or limitations on the real estate defined herein, if any; and,
- F. Petitioner shall comply with all requirements of the Town of Lowell Municipal Code and Indiana state statutes related to the applicable building permits, licensing/registration of contractors, inspections, etc. that are required for construction as permitted herein. Additionally, approval of any variance by the Town of Lowell Board of Zoning Appeals shall not be construed or interpreted as pre-approval or waiver of any such requirement.

**PROPOSED MOTIONS:**

1. Staff recommends that the Board of Zoning Appeals grant approval of the petitioner's requested developmental variance from the requirements of the Town of Lowell Land Use and Development Code 155.082 (A)(2)(b), in order to build a driveway with a width of 31 feet at the curb line of West 174<sup>th</sup> Avenue, subject to:

- A. Staff approval of construction plans.

2. If the Board of Zoning Appeals agrees with the recommendation, Staff requests that this report be adopted by the Town of Lowell Board of Zoning Appeals as its Findings of Fact.

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Rich Oman, Director of Planning and Development  
Town of Lowell  
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Attachments:

1. Application
2. Site Plan with proposed improvement

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**ACTION TAKEN:**

**MOTION/VOTE:** \_\_\_ IN FAVOR; \_\_\_ OPPOSED; \_\_\_ ABSTAINED; \_\_\_ ABSENT;

**FINDINGS OF FACT/VOTE:** \_\_\_ IN FAVOR; \_\_\_ OPPOSED; \_\_\_ ABSTAINED; \_\_\_ ABSENT;

**DATE:** \_\_\_\_\_

**BOARD OF ZONING APPEALS PRESIDENT** \_\_\_\_\_ **(SIGN)**