



Planning and Development

Memorandum

To: Board of Zoning Appeals

From: Richard Oman, Director of Planning and Development

Subject: BZA Docket # 24-012 (1523 Flower Hill Dr)

Date: September 10, 2024

HEARING DATE:

September 12, 2024

BACKGROUND INFORMATION:

PETITIONER(S): Scott & Deanna Griggs

SITE LOCATION: 1523 Flower Hill Dr

EXISTING ZONING: R2

ANALYSIS OF THE REQUEST:

OVERVIEW:

The Petitioner is requesting a 6-foot fence in height along the front yard which faces Woodbridge Drive.

Under the current Town of Lowell Land Use and Development Code 155.090 (B), "Fences and walls shall not exceed six feet in height in any side or rear yard and shall not exceed 3 foot in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them." As a result, to build as proposed, Petitioner requires a variance of 3 feet along Woodbridge Drive.

REASON FOR REQUESTED CHANGE (DEVELOPMENT OBJECTIVE):

The Petitioner currently resides on a corner lot, which effectively has a 30-foot front yard building setback line along Woodbridge Drive and a 30-foot front yard building setback line along Flower Hill Drive. The primary structure faces Flower Hill Drive. However, Woodbridge Drive, because of the corner lot, is considered a front yard as well.

OTHER INFORMATION:

Per ordinance the fence would be allowed to be 6' but not past the back of the house. It appears from the proposed site plan that the fence along Woodbridge Drive is going to come off the front building corner and head east 15 feet. This would leave approximately 30 feet from the road to the proposed fence along Woodbridge Drive. The stop sign is located on Flower Hill Drive and proposed 6 foot height does not impact visibility for vehicular or pedestrian traffic along Flower Hill Drive and Woodbridge Drive.

STAFF RECOMMENDATION AND PROPOSED FINDINGS OF FACT:

1. Staff recommends that the Board of Zoning Appeals APPROVE the Petitioner's variance.
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 155.090 (B), Fences and walls shall not exceed six feet in height in any side or rear yard and shall not exceed 3 foot in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them;
 - 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 155.090 (B) in order to have a 6-foot fence in the front yard, subject to:

A. Staff approval of construction plans.

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

Rich Oman, Director of Planning and Development
Town of Lowell
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Email: building@lowell.net

Attachments:

1. Application
2. Proposed site plan

ACTION TAKEN:

1 MOTION/VOTE: ___ IN FAVOR; ___ OPPOSED; ___ ABSTAINED; ___ ABSENT;
2 MOTION/VOTE: ___ IN FAVOR; ___ OPPOSED; ___ ABSTAINED; ___ ABSENT;

FINDINGS OF FACT/VOTE: ___ IN FAVOR; ___ OPPOSED; ___ ABSTAINED; ___ ABSENT;

DATE: _____

BOARD OF ZONING APPEALS PRESIDENT _____ (SIGN)