

# **LOWELL BOARD OF ZONING APPEALS**

**November 14th, 2024**

Chairman Dave Regan called the meeting to order at 6:00pm. The Pledge of Allegiance was recited. The Director of Planning and Development, Rich Oman called the roll. The members answering the roll call were Dave Regan, Tom Cartwright, Paige Cripe, Jim Konradi and Shane Lawrence. Also, present was Rich Oman, Director of Planning and Development. Town Attorney Nicole Bennett participated via zoom.

## **APPROVAL OF MINUTES:**

Mr. Lawrence made a motion to approve the regular meeting minutes from September 12<sup>th</sup>, 2024 seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

## **OLD BUSINESS:** None

## **NEW BUSINESS:**

Attorney Bennett stated the petition is for a request from Variance Developmental Standards from the requirements of ordinance 155.090 (A) (1) (c) (B) has been filed by Dianne and Joe Fish 203 Woodland Dr., Lowell, IN. Parcel #45-19-25-103-001.000-008 to erect a fence that is installed up to the right of way and is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance. The variance requested is 3' in height.

Mr. Joe Fish, 203 Woodland Dr., Lowell, IN. Mr. Fish stated the existing fence was damaged during a storm this year. The fence materials are unable to be procured to fix it since it is a older style. He stated they would like to replace the existing fence with a privacy fence. Discussion on the location of where the proposed fence would be. Mr. Oman stated the existing fence is legal non confirming. Since they are replacing it, they would need a variance. It is a corner lot. Discussion on sight visibility. Mr. Oman stated he would suggest holding it off the sidewalk since it is located on Commercial Ave and there is a lot of foot and bicycle traffic. There is a portion of the existing fence that is also on the ROW. Petitioners also would like to put the new privacy fence on this ROW line. Ordinance requires 2' off the ROW. Discussion. Attorney Bennett stated for clarification the ordinance states 2' the Board needs to determine the hardship that doesn't allow him to comply with that ordinance. Discussion

Chairman Regan opened up the public hearing. No remonstrances were heard in person or online. The public hearing was closed

Mr. Konradi made a motion to approve BZA #24-011, to allow the fence at 6' in height if there is a 2' clearance from the sidewalk, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to approve the staff report as the Findings of Fact amended with the condition that the fence is 2' off the sidewalk, seconded by Ms. Cripe and carried with a roll call vote of all ayes.

## **DISCUSSION:** None

**PUBLIC COMMENT:** NONE

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on December 12<sup>th</sup>, 2024.

**ADJOURNMENT**

With no further comments or questions, Mr. Lawrence made a motion to adjourn the meeting at 6:30pm, seconded by Mr. Cartwright and carried by a roll call vote of all ayes.

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President

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Secretary