

LOWELL BOARD OF ZONING APPEALS

June 13th, 2024

Chairman Dave Regan called the meeting to order at 6:00pm. The Pledge of Allegiance was recited. Recording Secretary, Dianna Cade called the roll. Members answering the roll call were Dave Regan, Tom Carwright, and Paige Cripe. Jim Konradi arrived at 6:15pm. Shane Lawrence was absent. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

APPROVAL OF MINUTES:

Mr. Cartwright made a motion to approve the regular meeting minutes from May 9th, 2024, seconded by Ms. Cripe and carried with a roll call vote of all ayes.

OLD BUSINESS: None

NEW BUSINESS:

#24-006 - 448 N. NICHOLS – Request for variance from developmental standards of Town of Lowell Zoning Ordinance §155.075 (B)(1)(a) and §155.031 District Standards (B) Accessory Structure height. The petitioner is requesting to erect an accessory structure that is larger and taller than what is allowed in the above-mentioned ordinances. 200 square feet is allowed for total structure resident is requesting 900 square feet. 16' ft height is allowed petitioner is requesting 18.5. The property is zoned R1. Petition has been filed by Ryan Dahlberg, 448 N Nichols, Lowell, IN. Parcel #45-19-23-301-029.000-008.

Ryan Dahlberg, 448 Nichols, Lowell, IN. He stated he is petitioning to build an accessory structure to be used as storage. The 3rd bay of his garage is overloaded with his lawn equipment and construction materials. The accessory structure he is requesting to build has a covered patio off the backside. His intention is in the future to install a pool and the patio would benefit from that.

Chairman Regan stated this is the second request for an accessory structure like this from you. Mr. Dahlberg stated yes, that was two years ago, and he did not end up putting that one up.

Mr. Dahlberg discussed the specifics of the building, including door size. He stated he wants a 10' door in case he purchases a camper in the future. That is why he needs the height at 18.5.

Mr. Dahlberg passed around a drawing of the structure. The plans were submitted as part of the record. Chairman Regan asked about an existing driveway that is viewable on the map that petitioner handed out. Mr. Dahlberg stated it is gravel. Discussion on the location of proposed accessory structure and future pool. Mr. Dahlberg stated the structure's exterior colors would match the house. Discussion on the height of the structure. Discussion on the variances needed and location of structure.

The public hearing was opened. No remonstrances were heard in person or online. The public hearing was closed.

Chairman Regan stated the size variance is for 700 square feet, height variance is 2.5 and a variance is needed for not being in the rear quarter of the property. Ms. Cripe made a motion to approve the three variances as indicated, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to accept the staff report as the Findings of Fact, seconded by Mr.

Konradi and carried with a roll call vote of all ayes.

BZA #24-007 - 5535 Malibu Dr- Request for a Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Scott & Misty Kaech, 5535 Malibu Dr, Lowell, IN. Parcel #45-19-24-252-001.000-008 to erect a fence that 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.

Scott Kaech, 5535 Malibu Dr., Lowell, IN. Mr. Kaech stated he would like to erect a fence. He is a corner lot and would like to build a 6' all the way around. He would start at the behind the front of the house. He discussed the location. He stated he would like to go to the sidewalk. Mr. Oman stated it is a corner lot a fence can only be 3' to the sidewalk. A corner lot has two front yards. The variance is for 3' of height. It will be a vinyl fence. Mr. Oman stated from a safety standpoint the location of the fence would be outside the visibility triangle. By ordinance he cannot go to the sidewalk, it must be 2' ft. off the sidewalk. The variance advertised was for the height only. He would need to advertise for this variance also next month, if he did not want to go in 2' from the sidewalk. Discussion. Mr. Kaech stated he is okay being 2' off the sidewalk.

President Regan opened up the public hearing, no remonstrance's were heard in person or on-line. Public hearing was closed.

Mr. Konradi made a motion to approve the 3' in height variance requested with the condition that it be erected 2' off the sidewalk, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to approve the staff report as the Finding of Fact, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

DISCUSSION: Unsafe building Board ordinance. Attorney Bennett stated by statue the BZA & PC members cannot sit on any other Board. Except for the 2 members that sit on both, except for Jim & Shane. Discussion.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting will be held on July 11th 2024.

ADJOURNMENT

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

Dave Regan, President

Paige Cripe, Secretary