

LOWELL BOARD OF ZONING APPEALS

September 12th, 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. The members answering the roll call were Dave Regan, Tom Carwright, Paige Cripe, and Jim Konradi. Shane Lawrence was absent. Also, present was Rich Oman, Director of Planning and Development. Town Attorney Nicole Bennett participated via zoom.

APPROVAL OF MINUTES:

Mr. Konradi made a motion to approve the regular meeting minutes from August 8th, 2024, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

OLD BUSINESS: None

NEW BUSINESS:

BZA #24-011 - 515 JOE MARTIN - petition to consider the following variances from developmental standards of Town of Lowell Zoning Ordinance

§155.075 (B)(1)(a) – size and;

155.031 (B) District Standards Accessory structure height

A petition has been filed by Jonathan Hlebasko, 515 Joe Martin, Lowell, IN. Parcel #45-19-25-182-005.000-008. The petitioner is requesting to build an accessory structure that is larger and higher than is allowed. Parcel is zoned R1.

Attorney Adam Sworden, 337 W 806 N, Valparaiso, IN 46385. Attorney Sworden stated the parcel is 2 acres and is zoned R1. He stated this is a large parcel in comparison to the surrounding properties and most of the town. Attorney Sworden stated that the petitioners have recreational vehicles and equipment along with several personal vehicles that are stored outside. He referred to an exhibit that detailed the 48’x36w, 12’ height, Morton building they would like to have built to store these items. Attorney Sworden stated in his opinion the town code limits accessory structures to pre-built due to allowed size restrictions. This is a large parcel. If this was a subdivided parcel with 4 lots the floor area that they are requesting is consistent with a smaller lot size. They are not asking for much of an overage since this is such a large parcel. This structure would be for personal use, no home-based business. The height request is compatible with residences in the area. Attorney Sworden continued, originally the location was going to be in the back far east corner just inside the setback lines. However, they have decided to centrally locate the structure in the yard so that it is as far away from the neighbors as possible.

Chairman Regan asked where the exact location is. Attorney Snowden indicated on the GIS map where the new desired location is for the building. Chairman Regan asked if the color scheme would match the house. Attorney Sworden stated the materials would not match but the color would. Chairman Regan asked for the exact height of the building. Attorney Sworden stated peak height is 19.5 interior height is 12.4. The height is important for the petitioners because of what they need to store inside of the building. Mr. Konradi asked for a list of vehicles that would be stored in the building. John Hlebasko, 515 Joe Martin, Lowell. Mr. Hlebasko stated that he has a long bed dually truck, 40’ gooseneck trailer, camper, 1994 Bronco he is restoring, 1987 Ford Ranger that he is restoring. He would like to store them inside and bring them out of the weather for protection and easier restoration. The existing garage’s door size is too small for him to store any of the vehicles in there. Ms. Cripe asked if the size was the same as initially requested. Attorney Sworden stated yes, to accommodate the gooseneck he will need that size. Chairman Regan stated there was a request

for a gravel drive which is not allowed. Mr. Hlebasko stated yes, to access the building that would be needed. He continued due to the parcels geographical layout they are the low point of the surrounding neighbors they have seen significant water enter their property. This makes half of the yard unusable. They have discussed a rain garden. Discussion. Carly Hlebasko, 515 Joe Martin, Lowell. Mrs. Hlebasko stated the center point is the lowest point of the property. She discussed the soil geography of the property. She stated the yard is clay and that would cause ruts in the yard with the gravel. Discussion. She stated they did not know gravel was not allowed they would investigate asphalt or concrete.

Ms. Cripe asked what the size of their house was. Mr. Oman stated around 1800 sq. ft. based on the survey.

Mr. Oman stated his biggest concern was the location in the rear with the gravel driveway. He would like to see it even closer to the house. Not in the low spot. This would help with the cost of the driveway, and it would blend in better. Discussion on the height of the structure with Mr. Oman and the Board. Mr. Hlebasko stated the height of his house is 18' 11 inches. Attorney Sworden asked Mr. Oman where his opinion of the building should be located. Discussion. Mr. Konradi asked for clarification on the area of the low point and the new proposed location of the building by the petitioners. Mr. Oman demonstrated on the GIS map both locations. Discussion. Ms. Cripe stated the staff report reflects a proposed reduction in the building size to 1200 sq. ft. Discussion.

Attorney Bennett stated the motion can be approve or deny or with conditions including the size.

Ms. Cripe stated if the Board is ok with the new location is there a discrepancy since it is not in the rear quarter of the yard. Mr. Oman stated yes. Discussion. Mr. Hlebasko stated they initially thought that the location that was submitted was the best area since it is a high point in the yard.

Chairman Regan opened the public hearing.

Jim Molenar, 1606 Southview, Lowell. He stated the corner of his lot abuts this parcel. He stated it is a large building. If it is in the rear of the property he will be staring at it all day. If it is moved to the center of the yard, he is not sure how that will affect him. The neighbors he spoke to were all against this because of its size and height.

There were participants on zoom who were asked if they wanted to speak and only one unmuted and said no. The others did not comment.

Chairman Regan acknowledged there were two remonstrances letters.

-received - September 6th, Mr. Brandon and Lauren Werblo.

-received – September 9th, Mrs. Carol Hamm.

These letters are part of the package that was sent to the Board members and are on file at the Town Hall, Building and Planning Dept. Lowell, IN.

Chairman Regan closed the public hearing.

Mr. Konradi made a motion to deny variance BZA #24-0411, accessory building at 515 Joe Martin Rd, Lowell, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

Mr. Oman asked if he needed to update his staff report. Attorney Bennett stated the staff report does put forth the recommendation of size at 1200 and denial of height. This verifies that the both of the petition requests for size and height were contemplated in the staff report. The motion should include a declaration that the report is amended to deny both variance requests.

Mr. Konradi stated he would make that motion. Attorney Sworden stated he was not provided with a copy of the staff report. Attorney Sworden asked Attorney Bennett what the original recommendation was on the staff report. There was no discussion on this after public comments. Attorney Sworden stated it sounds like the entire staff report was not recited to them for deliberation before they took their vote. Chairman Regan stated the staff report is part of our package. Attorney Sworden stated he understands that, but Mr. Oman is identifying that the report is not fully detailed on what the discussion was and there will now be a change to the staff report. Attorney Sworden stated it is part of the fact finding and he needs to respond to that. Attorney Bennett stated the staff report sets forth the recommendation to deny the square footage requested but at an amended 1200 sq. ft. for consideration by the board and to deny the height. Mr. Oman stated and the location. Attorney Bennett stated the location cannot be set forth because there is not a petition to put it in a place other than what is required by ordinance. Attorney Bennett stated as for the variance requests on the petition the report was to deny. Attorney Sworden stated they did not discuss any consideration to reduce it to 1200 square feet which from my understanding from staff's perspective is meeting the ordinance for what they are permitted on the property. Attorney Bennett stated no, the ordinance is 400 for two with neither one being larger than 200. Maximum 200 each for a total of 400. She continued the findings do not need to be amended just the motion with a denial for both and not the allowing the 1200 square feet. Attorney Sworden asked if they could remodel the house what are they allowed total square footage and what height. Discussion.

The motion to approve the staff report was the Findings of Fact, was seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

BZA #24-012- 1523 FLOWER HILL DR - petition to consider variance from developmental standards Town of Lowell zoning ordinance 155.090 (B) has been filed by Scott & Deanna Griggs, 1523 Flower Hill Dr., Lowell, IN. Parcel #45-19-24-326-021.000-008 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. Parcel is zoned R2.

Scott Griggs, 1523 Flower Hill Dr. Lowell. Mr. Griggs stated they are replacing the existing fence, and they are petitioning to extend the fence from the back of the house halfway through the side easement. Back corner of the house towards the street towards Woodbridge.

Chairman Regan stated you are requesting 15' off the sidewalk. Mr. Griggs stated that is correct. Discussion on exact location request.

Mr. Oman stated he is not in the sight triangle.

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

Mr. Cartwright made a motion to approve the variance request for BZA #24-012, 1523 Flower hill Dr. seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

BZA # 24-013 - 17232 DONALD CT – petition to consider variance from developmental from the Town of Lowell Zoning Ordinance §155.032(B) District Standards rear setback has been filed by Cripe Development & Mgmt. LLC, 231 Castle St., Lowell, IN for property located at 17232 Donald Ct. Lowell, IN, Parcel #45-19-13-385-001.000-008. Rear setback required is 30’. The petitioner is requesting 8’. Variance total is 22’. This parcel is zoned R2.

Ms. Paige Cripe recused herself from this petition, she is the petitioner.

Paige Cripe, 231 Castle St. Lowell. She stated the petition is for a buildable lot. Ms. Cripe asked Mr. Oman to display the GIS map and survey.

Ms. Cripe stated the concern is the build line and being able to build a marketable house on the lot. It’s only a 3-sided lot. The triangle to build in would be too small. She would like to build a 1700 square-foot ranch with a 3-car garage. It does not fit this lot. Ms. Cripe continued the only product that would fit on this lot is a shotgun house with a one car garage which does not fit the aesthetics of the neighborhood.

Chairman Regan asked for clarification on the distance off the property line from the neighbors. Ms. Cripe stated it will be 8’. Mr. Oman stated they are 5’ outside of the easement. Ms. Cripe stated it is the corner of the house that is an issue, because of the angle of the lot. Discussion on lot 101 and 102.

He stated you must build in that zoning a house with a certain square footage this lot is problematic. She would either need a variance for square footage or setbacks. The triangle shape of this lot is a hardship. Staff have no issues with it.

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, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

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

DISCUSSION: None

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting will be held on October 10th, 2024

ADJOURNMENT

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

Dave Regan, President

Paige Cripe, Secretary