

**LOWELL BOARD OF ZONING APPEALS MEETING**  
**October 9, 2008**  
**6:30 PM**

Chairman Nicksch called the meeting to order at 6:30 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Doug Nicksch Jim Konradi, Sean Brady, Richard Kelley, and Jeff Harbrecht. Also present were Attorney Larry Steele, Director of Community Development Wilbur Cox, and Recording Secretary Christine Marbach.

**Approval of Minutes:**

Chairman Nicksch asked for a motion to approve the September 11, 2008 regular meeting minutes. Mr. Kelley moved to approve the minutes. Seconded by Mr. Brady. Voting was **all in favor**.

**Old Business:**

- 1. BZA # 08-008, DIVI Development, P.O. Box 302, Lowell, IN 46356. Requesting a special exception for property located on 173<sup>rd</sup> Avenue from the provision of 155.045 (2) (J) B-2 Community Business District. Purpose: to construct a gas station.**

Chairman Nicksch read a letter from Mr. Zunica asking to be deferred until the next meeting. Mr. Konradi moved to defer this item until the next meeting. Seconded by Mr. Brady. Voting was **all in favor**.

**New Business:**

- 1. BZA # 08-007, Brian and Carol Nicksch, 17250 Hawthorne Dr., Lowell, IN 46356. Requesting a variance from the provision of 155.092 A (2)(a)(c) Accessory Structures. Purpose: to build a 20 X 22 sq. ft. accessory building.**

Chairman Nicksch stated that since this was his daughter in law, he would abstain from any voting in this matter. Carol Nicksch was present and stated that she is requesting a variance to build a barn. She stated that there was a change to the design to make it a 16 X 25 size barn. This would not change the variance on the sq. footage of 400 sq ft not 440 sq. ft or the height. She stated that they have 2.8 acres and use a lot of the acreage for various family activities. They also have a Kubota tractor that they use to maintain property abutting theirs. The reason for the variance is because this tractor was vandalized and they need a storage area large enough to equip the tractor and all the attachments. They also have a 3-car garage attached to a two-story 5000 sq. ft brick home. The barn that they are proposing to build will be of the same materials as the house.

Chairman Nicksch **opened the public hearing**. Deborah Sheets, 5438 W. 173<sup>rd</sup> Place asked what the height variance request was. Chairman Nicksch stated that they were asking for a 2 ft 4 inch variance. Ms. Sheets stated that on her copy of the survey it did not indicate dimensions for the setbacks of this building. Mr. Cox stated that the setback for an accessory building is 5 ft. from the property line. Ms. Sheets asked if this

pertained to the 30 ft. building line shown on the survey. Mr. Cox stated that it would have to be behind the building line. Chairman Nicksch read a letter from John Sturgill, 17305 Hawthorne Dr. (a neighbor) who was in support of this petition. Chairman Nicksch **closed the public hearing.**

Mr. Harbrecht asked if this shed would be used for strictly storage and not a business. Ms. Nicksch stated that it would be used for strictly storage of the tractor and attachments.

Mr. Konradi moved to grant the variance to the petitioner and accept the facts of findings as presented. Seconded by Mr. Kelley. Voting was **all in favor.**

Mr. Kelley moved to adjourn at 6:50 PM.

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Doug Nicksch, Chairman

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Jeff Harbrecht, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes of the Board of Zoning Appeals.

Christine Marbach  
Recording Secretary