

LOWELL BOARD OF ZONING APPEALS

August 8th, 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, Paige Cripe, Jim Konradi and Shane Lawrence. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

APPROVAL OF MINUTES:

Mr. Lawrence made a motion to approve the regular meeting minutes from June 12th, 2024 seconded by Mr. Konradi and carried with a roll call vote of all ayes.

OLD BUSINESS: None

NEW BUSINESS:

BZA #24-008 - 7865 (W) 174th Ave. - Variance from Developmental Standards from the requirements of Ordinance §155.082 (A)2(b) Entrance/Drive Standards. Petition has been filed by John Lashelle and Sharon Probus, 7865 174th Ave. Lowell, IN 46356. Parcel #45-19-23-102-004.000-008. The petitioner is requesting an increase in the driveway apron width from a maximum of 24' to 31'. The variance request is 7'.

John Lashelle, 7865 W 174th, Ave. Lowell, IN. Mr. Lashelle stated they currently have a 3-stall garage with a piano shaped driveway. They would like to straighten out their driveway. He stated it takes a lot of maneuvering to get into that stall and it would be a lot easier to have direct access into that stall. They have driving-age grandkids that visit and this would also help keep cars off the road in front of their house.

Mr. Oman stated that staff has no issues. He is a proponent of having less vehicles parked on the street.

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

Ms. Cripe made a motion to approve the variance request of 7' of additional driveway width at the apron, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

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

BZA #24-009 - 7662 (W) 174th AVE - Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance. Petition has been filed by Randall Webb, 7662 (W) 174th Ave, Lowell, IN 46356. Parcel #45-19-23-130-001.000-008. The variance requested is 3' in height.

Brent Nymeyer representing VIS Law LLC, and their client Mr. Randall Webb at 7662 W 174th Ave., Lowell, IN.

Mr. Nymeyer stated there is a walking/bike path being proposed to be installed behind Mr. Webb's property. For the safety of his small children, and screening purposes, he would like to install a 6' privacy fence. Mr. Nymeyer discussed the petitioner's location request and the measurements from the house for the fence. Mr. Nymeyer stated the fence extending from the front edge of the home will not be perpendicular to the house and the street. The street is at an angle on the west side of the house. He stated Mr. Webb would like for aesthetics purposes the fence to be installed perpendicular to the street. To achieve that the fence would need to be installed at a slightly 90-degree angle at the front corner of the house. Mr. Webb's yard is a corner lot. He is requesting a 6' in height fencing facing the Concord Ct. side yard which is considered a front yard on a corner lot.

Attorney Bennett stated the ordinance requires 2' off the ROW. Mr. Nymeyer stated Mr. Webb is agreeable to that.

Chairman Regan asked if the fence was lining up the neighbors in the rear yard. Mr. Nymeyer stated yes and the front on the east side. Mr. Lawrence asked if Concord Ct is going to extend. Mr. Oman said yes there is a new phase. Mr. Oman discussed the INDOT funded trail.

Mr. Oman stated from a safety standpoint the sight visibility triangle is not an issue with this fence.

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

Mr. Cartwright made a motion to approve the 3' in height variance for a fence on a corner lot, seconded by Ms. Cripe and carried with roll call vote of all ayes.

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

BZA #24-010 -2051 COMMERCIAL AVE. - Variance for legal nonconforming signage (§155.122) in R2 zoning. Specifically, to construct monuments and directional signage. The property is located at 2051 Commercial Ave. These parcels consist of approx. 80 acres. Petition has been filed by Lowell High School (part of Tri-Creek School Corp), 2051 Commercial Ave., Lowell, IN 46356.

Larry Yurko, Legacy Signs, 7933 W US Hwy 6, Westville, IN.

Mr. Yurko stated that he is here to represent Tri Creek School Corp. They are seeking approval to install numerous signs at Lowell High School per the design package that was submitted. He stated the package includes reverse illuminated individual letters mounted to masonry structures and a plethora of interior and ancillary directional way finding signs at school and new athletic complex. He stated they provided an audit of each sign that is being requested and the square footage. He stated the total square footage of the new signage is 1178.25 square feet. Discussion. He discussed the new signage. He stated the new monument sign on Holtz Rd will have a digital reader board. Chairman Regan asked if the current digital sign on Commercial was getting removed. Mr. Yurko stated no, the existing free-standing sign is staying. Chairman Regan asked if this existing sign was included in the total square footage. Mr. Yurko stated no it is not. Attorney Bennett asked for the total square footage of the existing sign and new signage. Superintendent Andy Anderson stated

the existing monument sign that is staying is 80 square feet. Superintendent Anderson stated they are keeping the existing monument sign because in the future they maybe a desire to relocate the sign possibly to Deanna Dr and Rt2. Discussion. Attorney Bennett stated because the signage went in before code was established in town all the signage is legal nonconforming. The entire site and package, including the amount, must be considered. If the existing sign is moved in the future, it would take away the legal nonconformity of that sign and another variance would be needed. Discussion. Chairman Regan asked specifically if the gateway arch sign by football field is indeed on both sides of stadium. Mr. Yurko stated yes, the arch sign will be on the northeast side of the stadium and two entry points on the south side of the stadium. Discussion on actual locations of the gateway signs. Ms. Cripe stated she is concerned for the neighbors this is a lot of lighted signage. Mr. Yurko stated there are no neighbors where these signs are they are inside the school campus. The monument sign on Holtz Rd entrance will be illuminated. Discussion on the brightness of this sign. It is located across the street from residents. Mr. Yurko stated it has evening dimming programmed that is satellite based in it. Discussion on the houses on Holtz Rd. Discussion on the distraction of digital signage on Holtz Rd. Superintendent Anderson discussed the unusual placement of the building where the front of the school is not on the main thoroughfare of the town and the front door is on the north side of the school is problematic for visitors. This is the rationale for adding the additional sign on Holtz Rd. Discussion. Mr. Oman asked what the setback was on the sign from the road. Discussion on the new road cut at the back of the school entrance.

Discussion on why the school is in a R2 zone.

Superintendent Anderson stated there is no main entrance sign at the high school. Discussion.

Chairman Regan asked about the new district office signage that is being added on the front of the building. Chairman Regan stated he feels this particular signage is too large. Superintendent Anderson stated by seeing what the Board was given he understands what they are saying, there was some feedback from the school that was not conveyed to Legacy Sign Group. The district offices signs are not going to be that large. Mr. Oman displayed the signage on the monitor. Superintendent Anderson stated for clarification; on the left side of the picture there will be a new doorway. They want some simple lettering for the district offices on the masonry next to the double door with the district seal. Mr. Yurko stated that will affect the total square footage. Discussion on the square footage revisions. The new total is 1136 sq. ft.

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

Discussion on the motion.

Mr. Cartwright made a motion to approve the variance request for signage on the Lowell High School property not to exceed 1136 square feet, and it must comply with the 19-page sign package including the amended proposed administration sign to be approved by staff

per the discussion at this BZA meeting 08/08/24, Holtz Rd signage will be dimmed at night, seconded by Ms. Cripe and carried with a roll call vote of all ayes.

Superintendent Anderson thanked the Board.

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

DISCUSSION: Agenda builder. Agenda builder was addressed prior to the meeting.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting will be held on September 12th, 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