



Planning and Development

Memorandum

To: Board of Zoning Appeals

From: Richard Oman, Director of Planning and Development

Subject: BZA Docket # 25-006 (1308 Wildwood Drive)

Date: July 7, 2025

HEARING DATE:

July 10, 2025

BACKGROUND INFORMATION:

PETITIONER(S): Michelle Smith

SITE LOCATION: 1308 Wildwood Drive

EXISTING ZONING: R1

ANALYSIS OF THE REQUEST:

OVERVIEW:

The Petitioner is requesting to allow a new front porch over the front yard setback line.

Under the current Town of Lowell Land Use and Development Code 155.075 (1), No accessory structures shall be placed in any required setbacks and shall otherwise comply with all development standards for the zoning district in which they are located.

REASON FOR REQUESTED CHANGE (DEVELOPMENT OBJECTIVE):

The Petitioner currently resides on Lot 158 in Woodland Hills tenth addition, which effectively has a 30-foot front yard building setback line along Wildwood Drive. The primary structure had a concrete service walk with steps leading up to the front door. The Owner had a front porch built over the walk and steps due to the deteriorating sidewalk and stoop. The Owner's contractor did not explain that she needed a permit for the construction of the deck, and thus the deck, as now built, is over the front setback line by ten (10) feet.

OTHER INFORMATION:

It appears from the proposed site plan that the residence is located approximately 35-feet from the front property line. The existing porch was deteriorating, sidewalk was sinking, and the

front steps were pulling away from the house. It was safer to build a new deck over the existing improvements.

STAFF RECOMMENDATION AND PROPOSED FINDINGS OF FACT:

1. Staff recommends that the Board of Zoning Appeals APPROVE the Petitioner's variance to allow the deck over the setback line.
2. The Town of Lowell Board of Zoning Appeals shall make written Findings of Fact in accordance with I.C. §36-7-4-915, and the Town of Lowell Zoning Ordinance, as amended from time to time. Based upon its evaluation, Staff recommends that the Board of Zoning Appeals make Findings of Fact as follows:
 - A. Under the current Town of Lowell Land Use and Development Code 155.075 (A), (1), no accessory structures shall be placed in any required setbacks and shall otherwise comply with all development standards for the zoning district in which they are located.
 - B. Approval of Petitioner's variances will not be injurious to the public health, safety, morals, and general welfare of the community;
 - C. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - D. Strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of Petitioner's property. However, the Zoning Ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by I.C. 36-7-4-918.5;
 - E. The Findings of the Town of Lowell Board of Zoning Appeals are based upon and in accordance with the Town of Lowell Zoning Ordinance and Indiana state statutes, and shall not be construed or interpreted to be a determination by the Town of Lowell Board of Zoning Appeals of compliance, or noncompliance, with covenants, restrictions, or limitations on the real estate defined herein, if any; and,
 - F. Petitioner shall comply with all requirements of the Town of Lowell Municipal Code and Indiana state statutes related to the applicable building permits, licensing/registration of contractors, inspections, etc. that are required for construction as permitted herein. Additionally, approval of any variance by the Town of Lowell Board of Zoning Appeals shall not be construed or interpreted as pre-approval or waiver of any such requirement.

PROPOSED MOTIONS:

1. Staff recommends that the Board of Zoning Appeals grant approval of the Petitioner's requested developmental variance from the requirements of the Town of Lowell Land Use and Development Code 155.075 (A)(1) in order to build over the front yard setback line, subject to:

A. Staff approval of construction plans.

2. If the Board of Zoning Appeals agrees with the above recommendations, Staff requests that this report be adopted by the Town of Lowell Board of Zoning Appeals as its written Findings of Fact.

Rich Oman, Director of Planning and Development
Town of Lowell
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Attachments:

1. Application
2. Proposed site plan

ACTION TAKEN:

1 MOTION/VOTE: ____ IN FAVOR; ____ OPPOSED; ____ ABSTAINED; ____ ABSENT;
2 MOTION/VOTE: ____ IN FAVOR; ____ OPPOSED; ____ ABSTAINED; ____ ABSENT;

FINDINGS OF FACT/VOTE: ____ IN FAVOR; ____ OPPOSED; ____ ABSTAINED; ____ ABSENT;

DATE: _____

BOARD OF ZONING APPEALS PRESIDENT _____(SIGN)