



Planning and Development

Memorandum

To: Board of Zoning Appeals

From: Richard Oman, Director of Planning and Development

Subject: BZA Docket # 25-007 (219 East Main Street)

Date: July 8, 2025

HEARING DATE:

July 10, 2025

BACKGROUND INFORMATION:

PETITIONER(S): Goran Zarkovic

SITE LOCATION: 219 East Main Street

EXISTING ZONING: R4

ANALYSIS OF THE REQUEST:

OVERVIEW:

The Petitioner is requesting to allow a new shed to be up against the principal structure.

Under the current Town of Lowell Land Use and Development Code 155.075 (A)(5)(c), "A minimum separation of ten feet shall be provided between an accessory structure and any principal structure or other accessory structure." As a result, to build as proposed, Petitioner requires a variance of 10' to build the proposed shed within the 10' separation requirement.

Also, under the current Town of Lowell Land Use and Development Code 155.075 (A)(5)(d), "All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure, maintain the minimum setback from the right-of-way line equal to one-half the distance required for the principal structure." As a result, to build as proposed, Petitioner requires a variance to build the proposed shed behind the garage.

REASON FOR REQUESTED CHANGE (DEVELOPMENT OBJECTIVE):

The Petitioner is requesting this variance because they also own the empty lot adjacent to their back yard. They would like in the future to propose a structure on the empty. Keeping the

shed as close to the primary structure as possible will give the owner an opportunity to use the empty in the future.

STAFF RECOMMENDATION AND PROPOSED FINDINGS OF FACT:

1. Staff recommends that the Board of Zoning Appeals APPROVE the Petitioner's variance to build the proposed shed closer than 10' and to the side of the principal structure.
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)(5)(c), a minimum separation of ten feet shall be provided between an accessory structure and any principal structure or other accessory structure;
 - B. Under the current Town of Lowell Land Use and Development Code 155.075 (A)(5)(d), all accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure, maintain the minimum setback from the right-of-way line equal to one-half the distance required for the principal structure;
 - C. Approval of Petitioner's variances will not be injurious to the public health, safety, morals, and general welfare of the community;
 - D. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - E. 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;
 - F. 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,
 - G. 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)(5)(c), in order to build the shed up against the principal structure, subject to:

A. Staff approval of construction plans.

2. 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)(5)(d), in order to build the shed to the side of the principal structure, subject to:

B. Staff approval of construction plans.

3. 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)