



# Planning and Development

## Memorandum

To: Board of Zoning Appeals

From: Richard Oman, Director of Planning and Development

Subject: BZA Docket # 25-009 (8666 Valley Forge Way)

Date: October 3, 2025

---

**HEARING DATE:**

October 9, 2025

**BACKGROUND INFORMATION:**

PETITIONER(S): Patrick O'Hern

SITE LOCATION: 8666 Valley Forge Way

EXISTING ZONING: R2

**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 5' 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 next to the house.

**REASON FOR REQUESTED CHANGE (DEVELOPMENT OBJECTIVE):**

The Petitioner is requesting this variance because the residents care for their autistic non-verbal nephew weekly. He plays outside and the resident states this will allow them to keep an eye out on him in the backyard and the shed could be a danger if placed where the code requires. The current code requires an accessory structure to be 10' from the house, 5' from the side and 15'

from the rear. This is a larger shed the resident must stay out of the 7.5 drainage easement on the side.

**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 within the ten feet of 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  
Phone: 219.696.7794, Ext. 224  
Email: [building@lowell.net](mailto:building@lowell.net)

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)