

LOWELL BOARD OF ZONING APPEALS

November 13th. 2025

Chairman Dave Regan called the meeting to order at 6:00pm. The Pledge of Allegiance was recited. Recording Secretary, Dianna Cade called the roll. The members answering the roll call were Dave Regan, Tom Carwright, Jim Konradi. Shane Lawrence and Dan Calhoun. 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 October 9th, 2025 seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

OLD BUSINESS: None

NEW BUSINESS:

BZA #25-010 - 1111 Harrison Ave - Variance from Developmental Standards from the requirements of ordinance 155.090 (B) has been filed by Joshua and Ashley Bruinius, 1111 Harrison St., Lowell, IN. Parcel #45-19-23-429-021.000-008 to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance. The variance requested is 3' in height.

Josh Bruinius, 1111 Harrison Ave, Lowell, IN.

Mr. Bruinius stated their house is on a corner lot. They would like to install a 6' privacy fence fifteen feet from the road. This would allow them to let their dog out in the yard a three-foot fence would not contain him. The back corner of the lot is on a hill, and his kids like to play there, a six-foot fence would allow that corner to be safe for his children.

Mr. Oman stated the sight viability is not an issue. There are no corners that this would impede. Staff are okay with fifteen feet off the road

Chairman Regan asked if there were any public comments. No one was heard in person or online. Public hearing was closed.

Mr. Cartwright made a motion to approve the variance request for the 3' in height on BZA #25-010, 1111 Harrison St. seconded by Mr. Calhoun and carried with a roll call vote of all ayes.

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

BZA #25-011 - 4875 RICHARD DR - Variance from Developmental Standards from the requirements of ordinance 155.090 (B) has been filed by Daniel Taylor, 4875 Richard Dr, Lowell, IN. Parcel #45-19-25-285-001.000-008 to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance. The variance requested is 3' in height.

Mr. Dan Taylor, 4875 Richard Dr, Lowell, IN. Mr. Taylor stated that their house is on a

corner lot that faces north. He measured the distance from the street, and it is thirty-one feet. He stated they have six grandchildren and they are either sleeping or running and extending his fence past the back of the house to the street would give them way more room and allow them to maximize their backyard. He continued that he paid extra for a service door on the west side of his garage and allowing him to erect the fence closer to the street would contain that door within his lot. The fence would be six feet off the sidewalk. They intend to plant flowers along the outside of the fence line. He had examples of the fence to show the Board. The fence he intends to install is wood toned five feet in height with a lattice rail making it six-foot total. He would also install some post lights on top of the fence to illuminate the sidewalk. He would install three or four.

Mr. Oman stated the sight viability is not an issue. The north corner to the stop sign is thirty feet. Staff are okay with the variance request.

Chairman Regan asked if there were any public comments. No one was heard in person or online. Public hearing was closed.

Mr. Cartwright made a motion to approve the variance request for the 3' in height on BZA #25-011, 4875 Richard Dr. seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

BZA #25-012 -17980-90 BRANDYWINE DR – Variance from Development Standards filed by Lowell Plaza, LLC 7954 E 108th Ave., Crown Point, IN. Petition is to consider a variance for:

1. Additional square feet in total signage for building. Ordinance §155.104 (A) (1) (a) allows a maximum of 150 square feet. Petitioner request is 300 square feet. Total variance is 150 square feet.
2. Additional square feet in wall signage for Anytime Fitness tenant. Ordinance §155.104(b)(1) allows a maximum wall sign of 75 square feet. Petitioner is requesting 116 square feet. Total variance requested is 41 square feet.

James Hus, DVG Engineering, 1155 Troutwine Rd, Crown Point, IN. Moe Musleh, owner, Lowell Plaza, LLC.

Mr. Hus stated on his way into town tonight and he researched the visibility of his client's building. The building faces Commercial but is set back with the Franciscan building in front of it and tractor supply building directly east blocking some of the view of signage. Once the retail suites get built to the west there will be no visibility of signage. His client using part of his parking lot is also installing per request of the Plan Commission, a private road to connect to the retail area that will be built to the west. This provides connectivity for all the tenants of these buildings, and he is happy to do it however, because of that road his client is installing two monument signs, one that faces Brandywine and one that faces the corner of the private road. Each of those will be thirty-two square feet for a total of sixty-four square feet. He is requesting a one hundred sixteen-foot wall sign for the major tenant in the complex of Anytime Fitness. The allowed maximum square footage for a wall sign is seventy-five square feet. A variance of forty-one square feet will be needed for the wall

signage. Total amount of square footage allowed for signage is one hundred fifty square feet. The monument and wall sign will use up more than the maximum square footage allowed. Leaving the other two potential tenants without any signage allowed. His client is requesting an additional one hundred twenty square feet of signage for the other two potential tenants.

Mr. Oman stated that staff is ok with the request with a condition that if the other two suites in the complex are combined into one space that tenant would only receive sixty square feet of signage.

Chairman Regan opened up the public hearing.

Corey Anderson, 2907 Spring Run Rd, Lowell, IN. Mr. Anderson stated they live in the subdivision directly next to this new building. He stated DVG was excavating on the north side of the site and his property was torn up outside of the easement. His neighbor has wheel barrel marks in his yard from the DVG truck. He stated they should have been informed if somebody was going to work in their easement and they were not. Discussion.

Mr. Musleh stated that it is not his contractor in the excavator. He has spoken to the neighbors in this area and been shown the wheel barrel tracks. He talked to some of his crew, and he will speak to the rest soon regarding the wheel barrel. He does not believe it is his crew. He wants to be a good neighbor and does not intend to damage anybody's yard. He stated there is another developer working to the west of his parcel and he will speak with them also.

Mr. Oman stated he has spoken to the neighbors as well. The contractor is not DVG it is V & H they are extending utilities from Spring Run to the development to the west of this one. They were working in an easement. He told V & H that any damage to residents' yards will have to be restored back to the way it was. Discussion.

Nobody was online for public comments. Public hearing was closed.

Mr. Konradi made a motion to approve, one hundred and twenty extra square footage of total signage, limiting the two additional tenant spaces an amount of one hundred and twenty square feet if an individual tenants, if space is combined into one tenant, then only sixty square feet of signage will be allowed. In addition, Mr. Konradi made a motion to grant the variance for forty-one extra square feet of wall signage for the Anytime Fitness tenant, which will occupy two suites. Seconded by Mr. Lawrence and carried with a roll call vote of all ayes. Motion was 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.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting will be held on December 11th, 2025

ADJOURNMENT:

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 6:30 pm, seconded by Mr. Calhoun and carried by a roll call vote of all ayes.

Dave Regan, President

Dan Calhoun, Secretary