

**LOWELL BOARD OF ZONING APPEALS MEETING**  
**May 9th, 2019**

President Brady called the meeting to order at 6:35 pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Jim Konradi, Manny Frausto, Chris VanDyke. Sean Brady, and Ryan Thiele. Also, present were, Town Manager, Jeff Sheridan and Town Attorney Nicole Bennett.

**APPROVAL OF MINUTES**

Mr. VanDyke made a motion to approve the December 13th, 2018 regular meeting minutes, seconded by Mr. Frausto and carried by voice vote of all ayes.

**PUBLIC HEARING:**

**BZA #19-003** Variance from developmental standards Town of Lowell Zoning Ordinance §155.075 (B)(1)(b) Accessory Use/Structure Standards. Petitioner is requesting to allow three accessory structures totaling approx. 850 sq. ft. Petition has been filed by Kelly Morales, 231 N. Fremont St., Lowell, IN. Parcel is located at approx. Fremont St and Cottage Grove Ave. Parcel #45-19-23-408-010.000-008. – Ms. Morales, 231 N. Fremont St., stated she simply needed the accessory building for storage. Mr. Frausto asked if he was reading the petition correctly in that Ms. Morales is asking for three structures. Ms. Morales stated one of them is already the garage and there is already one accessory structure on site. The second detached accessory structure is needed for storage. Ms. Bennett stated for your total square footage, the garage is a detached garage, the total square footage representatives all three structures. If it was attached, there would be a different calculation. Ms. Bennett asked Ms. Morales who marked the measurements that were on the survey that the Board has a copy of. Ms. Morales stated that was done when they built the garage. Mr. Konradi asked which structure is being added that is shown on the survey. Ms. Morales stated the second shed. Town Manager, Jeff Sheridan, pointed to the 10’x12’ structure on the survey that would be the proposed third structure. Mr. Konradi asked what the variance was for, the third structure or the square footage. Ms. Bennett stated it is for the third structure because she is under the 900 square feet allowed. The existing garage is 24’x24’, the existing shed is 12’x14’, and the proposed new shed is 10’x12’ for a total of 864 square feet. Discussion followed.

Ms. Bennett asked if a calculation was done to see what percentage of the lot would be covered. Mr. Sheridan stated there is a requirement, but a calculation had not been done for this proposal. After calculating, Ms. Bennett stated that they would be good on the lot coverage. Mr. Thiele asked if the structure was already existing on the property. Ms. Morales stated it was and that she was not aware that she needed a variance for the shed.

Mr. Brady opened the public hearing. With no one speaking for or against the petitioner, Mr. Brady closed the public hearing.

Mr. Thiele asked if this would be a recommendation to the Council, or an approval. Ms. Bennett stated it would be an outright approval or denial. Mr. Brady asked if the structure would have to be taken down if it was not approved. Ms. Bennett stated that was correct. Mr. Frausto asked how long the structure had been up. Ms. Morales stated it was installed a few months ago. Mr. Thiele made a motion to approve BZA #19-003, seconded by Mr. Konradi. Ms. Bennett asked the Board in their discussion to address the three statutory findings. One, that the approval will not be injurious to the public health, safety, morals, and general welfare of the community. As put forth by the petitioner it is to be used for storage purposes only and to keep the yard orderly. Likewise, the use and value of the area adjacent to the property will not be affected in a substantially adverse manner. She is putting forth no, that the neighbors are all fenced in and that only the roof can be seen. Mr. Frausto asked how the neighbors would need to be involved. Ms. Bennett stated they were notified through mail and public notice in the paper. Ms. Bennett stated the petitioner's lot is fenced in and the structure is a single story. The third consideration is strict application that the terms of the Zoning Ordinance will result in practical difficulties in the use of property for which the variance is sought. The petitioner is stating yes, that the back and side yards will become eyesores due to the items that would have to be left in the yard. Mr. Thiele stated he believed the petitioner's answers have satisfied one, two and three. Ms. Bennett stated if that is accepted, you can adopt their findings of fact in to the motion. Mr. Thiele made a motion to approve BZA #19-003 based on the proposed findings of fact and the petitioner's response to the three considerations, seconded by Mr. Frausto and carried by roll call with five ayes.

**NEW BUSINESS:** NONE

**ANNOUNCEMENTS:** Mr. Brady stated that the next regularly scheduled meeting is 06/13/2019 at 6:30pm.

**ADJOURNMENT:**

With no further comments or questions, Mr. Thiele made a motion to adjourn the meeting at 6:50pm, seconded by Mr. VanDyke and carried with a roll call vote of all ayes.

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Sean Brady, President

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Jim Konradi, Secretary