

LOWELL BOARD OF ZONING APPEALS MEETING
January 16th, 2020

Chairman Ryan Thiele called the meeting to order at 6:05pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, Ryan Thiele, Shane Lawrence, Jim Konradi, and Tom Cogdill. Manny Frausto arrived at 6:20pm. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

APPROVAL OF MINUTES:

Mr. Konradi made a motion to approve the January 16th, 2020 regular meeting minutes, seconded by Mr. Lawrence and carried by roll call vote of all ayes.

NEW BUSINESS:

BZA #20-002 variance from developmental standards - Ordinance §155.104 (A)(1)(b)(1)(3)) for property located at **1745 E. Commercial Ave.** Petitioner is requesting to add square footage to an existing pylon sign and to exceed the amount of signage allowed for a wall sign and the total square footage of allowed signage. Petition has been filed by Singh Bros LLC d/b/a Handy Spot Liquor, 424 Fort Hill Dr. suite 102, Naperville, IL. Parcel #45-19-24-452-027.000-008.

Nick Singh stated he is the owner of Handy Spot Liquors along with many other businesses in Indiana. He stated his address as 424 Fort Hill Dr., Suite #102, Naperville, IL.

He stated that they would like to have a two-pole freestanding sign replacing the current one pole sign that is located on the front parking lot. He stated that he has franchises of Handy Spot Liquors and would like them all to match. He stated, along with the double pole request they are also asking for a height variance. The existing sign is 15' high and they are asking for 20'. He discussed the signage on the building. He is requesting Handy Spot Liquor and underneath that Beer-Wine-Spirits. He stated on the building if the Board thought the name was redundant, he would be okay with Beer-Wine-Spirits. He stated his main objective is for the double pole sign in the parking lot out front.

Mr. Oman asked for clarification on the height of the pole sign. Petition request did not indicate the height of the existing pole sign. Mr. Singh stated he is requesting 20' in height. Mr. Singh stated the height of the pole sign needs to be higher than the Subway sign or they will block each other. Mr. Oman stated if you go higher will you be taller than the Subway sign? Mr. Singh stated yes. Mr. Oman stated that his recommendation is that the top of Mr. Singh's sign is not taller than the bottom of the existing subway sign. Mr. Singh stated he is also considering moving the pole sign to the other side of the parking lot on south east corner. He discussed the safety issues of where the sign is located at currently. Discussion followed on location of pole sign and setbacks on a state road and site plan approval. Discussion on what the total amount of existing signage was currently on the building and the amount allowed by ordinance. Attorney Bennett stated

the petition was for modification to an existing pole sign, not installation of a new sign. By moving the sign and a new double pole being installed, it loses its legal non-conforming status and becomes a new sign. That is not the way this public hearing was noticed in the paper or to adjacent property owners. Discussion followed. Attorney Bennett stated if the intention is to move the sign or have a double pole it would require setting this meeting over and a new notice sent out and advertised. Discussion followed.

Mr. Thiele asked Staff for comments on the height of the pole sign. Mr. Oman stated that as long as the top of their sign is at the bottom of theirs, they will not block one another. Discussion followed.

Discussion continued on the setback on Route 2. Discussion followed on the pole sign and what is allowed under legal non-conforming. Attorney Bennett stated they are allowed to change the face of the sign with their name.

Chairman Thiele opened the public hearing. No remonstrances were heard.

Mr. Singh stated he would like to only change the face of the pylon sign and ask for the variance for the signage on the building. Mr. Oman stated the variance amount on the building signage is 47'.

Mr. Konradi made a motion to approve the variance for the signage on the front of the building located at 1745 E. Commercial Ave., for a total of 47' sq. ft., seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

Attorney Bennett stated for the record you are withdrawing the variance for your pole sign. Mr. Singh stated yes. Mr. Frausto made a motion to accept the withdrawal of the variance request for the free-standing sign, seconded by Mr. Cogdill, carried with a roll call vote of all ayes.

Mr. Konradi made a motion to accept the staff report for the wall signage as the Findings of the Fact, seconded by Mr. Lawrence, carried with a roll call vote of all ayes.

BZA #20-003 2257 Hillcrest Lane - Variance from Developmental Standards. Ordinance §155.090 (B) has been filed by Michael Taylor and Laura McFarland -Taylor for property located at 2257 Hillcrest Ln., Lowell, IN Parcel #45-20-19-304-001.000-008 in order to erect a fence that is more than three feet (3') in height.

Michael and Laura Taylor of 2257 Hillcrest Lane. Mrs. Taylor stated they are the owners of this property. It is a corner lot. They have 2 dogs and they would like to put up a fence on their corner lot that is higher than the allowed 3'. Mrs. Taylor stated one of the dogs has jumped a 3' fence. Mrs. Taylor stated the petition is for a 5' fence. She stated it was their understanding they had to be 30' from Holtz Rd., they would like the fence to be at 20.75' from Holtz and 5' in height.

Mr. Oman stated on his staff report there was an error it is indicated that the request was

for a 6' fence, therefore making the variance 3'. It should be 2' since they are asking for a 5' fence.

Attorney Bennett discussed with the Board the setback and height requirements on a fence on a corner lot.

Chairman Thiele opened the public hearing. No remonstrances were heard.

Mr. Konradi made a motion to approve the height of a 5' fence for a variance of 2', seconded by Tom Cogdill and carried with a roll call vote of all ayes.

Mr. Konradi made a motion to accept the staff report with the correction in the variance amount to 2' as the Findings of Fact, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Mr. Thiele stated the next regularly scheduled meeting is on March 12th, 2020 at 6pm.

ADJOURNMENT:

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

Ryan Thiele, Chairman

Tom Cogdill, Secretary