

**LOWELL BOARD OF ZONING APPEALS MEETING**  
**June 13<sup>th</sup>, 2019**

Vice Chairman Thiele called the meeting to order at 6:30 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, and Ryan Thiele. Sean Brady was absent. Also, present was, Town Manager, Jeff Sheridan.

**APPROVAL OF MINUTES**

Mr. Konradi made a motion to approve the May 9th, 2019 regular meeting minutes, seconded by Mr. VanDyke and carried by voice vote of all ayes.

**PUBLIC HEARING:**

**BZA # 19-004** - An application for a special use as identified in the Town of Lowell Zoning Ordinance §155.039 TC District – medium scale vehicle related use and §155.043 land matrix definition medium scale vehicle has been filed by Arik Mizrachi, 1310-12 E. Chicago Ave. East Chicago, IN 46312 to use property located at 104 W. Commercial Ave., Lowell, IN, Parcel #45-19-23-384-015.000-008 as an auto repair shop. This property is currently zoned Town Center District. – Mr. Sheridan stated the planning attorney is not present this evening so staff is recommending that the public hearing be opened to give the public the chance to speak, but then table the matter until the next month when the attorney can be here to assist us with handling this case properly. Mr. Fausto asked if the public would be able to speak again at the next meeting. Mr. Sheridan replied yes but request that they do not repeat their comments. Mr. Thiele opened the public hearing. Nick Filetti, 17145 Oak Valley Dr., also an owner of Dicky’s Dogs which is just adjacent to the property that is seeking the variance. He stated when they did their due diligence in leasing the property for the restaurant, and based on zoning they were told there would never be an auto repair shop occupying the property in question. He stated this fact lead us to invest our time and money into renting this property to open this business. Mr. Filetti stated they have many seats outdoors for people to enjoy a meal and has concerns about the noise and contaminants such as break dust. He stated that this is deferential to their business and also the people of Town of Lowell. He stated he would not want this to deter business from his business, a business that has just been established and is growing. He stated they employ 27 employees and all but 4 of them are residents of Lowell. Bringing new business in to this town to support is something we want to do and we are open to different retail or restaurant businesses being next door, but this type of business is a concern for us. Dan Sutton, owner of 108 W. Commercial Ave., stated he was there to support his tenant, Mr. Filetti, and agreed that this type of business would not fit with the existing area. Mr. Frausto made a motion to suspend the public hearing until the July meeting, seconded by Mr. VanDyke and carried by voice vote with four ayes.

**BZA #19-005** – A petition for a variance from developmental standards Town of Lowell Zoning Ordinance §155.075 (A)(5)(a) and (c) Accessory Use/Structure Standards.

Petitioner is requesting to allow an accessory structure (shed) in an easement and less than the required ten (10) feet from the house. Petition has been filed by Daniel Walczak 18307 Platinum, Lowell, IN. Parcel is located at approx. Platinum and Ann Beverly Dr. Parel #45-19-25-255-002.000-008. This parcel consists of approximately .014 acres, located and legally described as follows: - Mr. Sheridan stated this was a fairly simple request and recommended that if the Board feels comfortable, to continue with the public hearing and to make a decision tonight if they wish. Dan Walzack, 18307 Platinum Dr., stated he would like to get a shed built in his backyard. He stated there are two easements in his backyard that are preventing him from placing the shed in his yard, and was hoping to place the shed on the existing 12'x32' concrete pad. Mr. Walzack stated if he would have known this would have been an issue, they would not have bought the place because he really needed the shed for extra storage space of the lawn mower, snow blower, and bikes. Mr. Thiele opened the public hearing. With no one to speak for or against the petitioner, Mr. Thiele closed the public hearing. Mr. Konradi asked where the slab of concrete was. Building Administrator Assistant, Dianna Cade, pointed out where the concrete pad was and stated the shed would be on part of the concrete pad. Mr. Konradi asked how far from the house the shed would be placed. Mrs. Cade stated it would be four feet, but code is ten feet. Mr. Konradi made a motion to approve BZA #19-005, seconded by Mr. Frausto and carried by roll call vote with four ayes.

**NEW BUSINESS:** NONE

**ANNOUNCEMENTS:** Mr. Thiele stated that the next regularly scheduled meeting is July 11<sup>th</sup>, 2019 at 6:30pm.

**ADJOURNMENT:**

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 6:45pm, seconded by Mr. VanDyke and carried with a roll call vote of all ayes.

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Ryan Thiele, President

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Jim Konradi, Secretary