

**LOWELL BOARD OF ZONING APPEALS MEETING**  
**May 13<sup>th</sup>, 2021**

Shane Lawrence 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, Shane Lawrence, Jim Konradi, Dave Regan, and Tom Cartwright. Manny Frausto was absent. Also, present was, Nicole Bennett, Town Legal Counsel, and Rich Oman Director of Planning and Building.

**APPROVAL OF MINUTES:**

Mr. Regan made a motion to approve the January 14<sup>th</sup>, 2021, regular meeting minutes, seconded by Mr. Cartwright and carried by roll call vote of all ayes.

**NEW BUSINESS:**

BZA #21-002 - Variance from Developmental Standards from the requirements of Ordinance §155.104 (A)(b)(3) Permanent Sign Standards. Petitioner is requesting a free-standing sign. Petition has been filed by Integrity Sign Company, (on behalf of McDonalds) 18770-A S. 88<sup>th</sup> Ave., Mokena, IL 60448 for property located at 1705 E Commercial Ave., Lowell, IN. Parcel #45-19-24-452-012.000-008 and 45-19-24-452-009.000-008.

Ken Becvar, Integrity Sign Company, and Jeff Templin, Owner/Operator. Mr. Becvar stated they are proposing to put up a 121' sign on a 13' pole. He stated the old sign was 395 sq. ft. which has been taken down with the demo of the building. He stated the new sign is part of McDonald's next generation corporate sign design. Mr. Templin stated they did a sign test to review the location of the new sign. He indicated on the site plan that was displayed where the old sign location was and where the new sign would be. He stated this location is best for visibility for east and west bound traffic. He stated the new proposed location would also give it clearance from the existing Auto Zone sign. Mr. Templin stated they considered refurbishing the old sign, but it was beyond repair. Mr. Lawrence asked if the sign was digital. Mr. Becvar stated there is no written content on the sign, it is a LED sign with the arches and a red banner. Discussion on the size of the existing and proposed sign. Mr. Oman explained the specifics of the variance request. Attorney Bennett stated the sign ordinance was updated a few years ago prohibiting pole signs. She stated the current sign for this property was considered legal non-conforming since it was installed prior to this ordinance update. Attorney Bennett explained the criteria of legal non-conforming signs. She stated this sign was removed and the new code only allows monument signs, therefore, a variance is needed if a pole sign is what is desired.

Mr. Oman stated he wrote his staff recommendation based on the petitioner's location submission as being closer than what they are now proposing. He stated he is okay with the new location and the pole sign.

Discussion on landscaping. Mr. Hendrix stated the sidewalk needs to be put in. Mr. Templin stated yes, it will be put in.

Attorney Bennett reviewed with the Board the staff report and Findings of Fact and the state statute requirements of these. She explained the process and function of the Findings of Fact.

Mr. Regan discussed the in and out visibility in relation to the sign location. Mr. Templin discussed further the findings of the sign test they performed.

Mr. Lawrence opened the public hearing. No remonstrances were heard in person or on-line. Public hearing was closed.

Mr. Konradi made a motion to approve the variance for a pole sign for McDonalds with the condition of the staff approving the building plans along with the location of the sign, seconded by Mr. Regan 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. Cartwright, and carried with a roll call vote of all ayes.

BZA # 21-003 - variance of use from the terms of the Town of Lowell Zoning Ordinance §155.030 AG district, institutional/public uses and 155.043 Land Use Matrix Government Office/Facility, has been filed by Town of Lowell, PO Box 157, Lowell, IN 46356 to use property located at approx., 7511 Belshaw, Lowell, IN, Parcel #45-19-35-300-005.000-007 as a government office/facility. This property is currently zoned AG agricultural.

Mr. Craig Hendrix, Town Engineer. He stated the town recently purchased 15 acres next to the treatment plant. It has been annexed into town and the Plan Commission will be hearing a petition tonight to subdivide the property. The town would like to build a maintenance facility for our utilities on this property. He stated when property is annexed into town it comes in zoned nearest to the zone it was in the county. In this case the property is zoned AG. A government use facility in this zone is not contemplated and the town is seeking a variance of use for this parcel to build this facility. He stated this would be a recommendation to the council from the Board of Zoning.

Discussion on the function of this proposed maintenance facility. Discussion on surrounding parcels. Mr. Hendrix stated this is a spot annexing which is allowed for this type of facility. Discussion on platting process.

Attorney Bennett explained the stipulations on AG zoning, the recommendation and process for a variance of use. She reviewed with the Board the staff report and Findings of Fact.

Public hearing was opened. No remonstrances were heard in person or on-line. Public hearing was closed.

Mr. Regan made a motion to send a favorable recommendation to the Town Council for a variance of use for 7511 Belshaw, 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. Cartwright, and carried with a roll call vote of all ayes.

BZA #21-004- Variance from Developmental Standards from the requirements of Ordinance 155.031(B) front setback has been filed by Town of Lowell, PO Box 157, Lowell, IN for a parcel located at 442 N. Nichols, Lowell, IN Parcel #45-19-23-301-003.000-008 in order to plat a proposed front setback that does not conform to the required front setback, parcel is located on an arterial road which has a front setback of 50'. Proposed requested setback is 20'. Variance of 30'.

Craig Hendrix, Town Engineer. He stated that the town recently acquired the property and demolished the house that was existing. He stated the parcel will be presented to the PC tonight for platting of the subdivision. He stated the town is seeking this variance for this parcel to line the setback up with the homes to the south. He stated Nichols St is now categorized as an arterial street which is a greater right of way than in the past. It is the same distance off the road as the houses to the south so that all the setbacks will line up. He stated he is asking for a reduction from 50' to 20' this would be to line up the front of this house with the existing homes.

Mr. Konradi asked if this variance will transfer to the new owner. Attorney Bennett stated yes, it will be platted this way.

Mr. Oman stated most of the existing houses are older lots at 60' off the property line because they own out to the road since they are not subdivided. He stated this plat will indicate the 40' right of way which is required with the zoning and the structure would be 20' back. Which is the 60' and that will align with the other houses. Discussion on the existing houses setbacks.

The public hearing was opened. No remonstrances were heard in person or on-line.

Mr. Regan made a motion to grant the variance from the front setback from 50' to 20', seconded by Mr. Konradi and carried with a roll call vote of all ayes.

Mr. Regan 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.

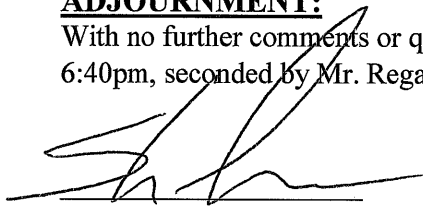
**OLD BUSINESS:** NONE

**PUBLIC COMMENT:** NONE

**ANNOUNCEMENTS:** Mr. Lawrence stated the next regularly scheduled meeting is on June 10<sup>th</sup>, 2021 at 6pm.

**ADJOURNMENT:**

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 6:40pm, seconded by Mr. Regan and carried with a voice vote of all ayes.

  
Shane Lawrence, President

  
Dave Regan, Secretary