

LOWELL BOARD OF ZONING APPEALS MEETING
June 10th, 2021

Shane Lawrence called the meeting to order at 6:00pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, Shane Lawrence, Dave Regan, Tom Cartwright and Manny Frausto. Jim Konradi was absent. Also, present was, Nicole Bennett, Town Legal Counsel, and Rich Oman Director of Planning and Building.

APPROVAL OF MINUTES:

Mr. Frausto made a motion to approve the May 13th, 2021, regular meeting minutes, seconded by Mr. Cartwright and carried by roll call vote of all ayes.

NEW BUSINESS:

BZA #21-005 - 8333 171st PL- Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Jesse Cruz, 8333 171st PL., Lowell, IN Parcel #45-19-15-427-006.000-038 to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance. Variance requested is 3' in height.

Mr. Jesse Cruz, 8333 171st Pl. He stated he would like to put up a 5' fence around his backyard. He is on a corner lot, and he is petitioning the Board tonight to be able to erect the fence past his building line in his side yard. This will allow him more space to utilize his backyard. Discussion on the exact location of where he would like to place the fence. He stated it would be about 10' from the sidewalk. Discussion on what distance is allowed on a corner lot.

Mr. Oman stated that his staff recommendation reflected a 6' fence. The petitioner has stated it is a 5' fence. The record should state it is a 2' variance request not a 3' as stated in the report.

Mr. Regan stated visibility is not an issue on this corner. Mr. Oman stated he ran the visibility triangle, and it is not an issue. He stated the petitioner will be 10' from the back of the sidewalk. Discussion on the location of the sidewalk in relation to the proposed fence. The petitioner will not be in an easement.

Mr. Cartwright asked if the town needs to see approval from the HOA. Mr. Oman stated that is between the homeowner and the HOA. Attorney Bennett stated the variance is reflection of the town ordinances only. The town is not a party to any HOA covenants. The town does not control the HOA, nor can we monitor it if something is approved by the town that is a violation of a HOA that is between the homeowner and the HOA. The HOA is a contract among the homeowners. She stated this Board's only concern is the statutory criteria to grant or deny as it relates to the town ordinance.

Chairman Lawrence opened the public hearing.

Mr. Charles Hubbell, 17072 Ben Franklin Dr. he stated he is adjacent to this house, and he thinks this fence will make the area look better and be safer for the neighborhood.

No remonstrances were heard on-line.

Mr. Regan made a motion to approve the 2' variance as requested for 8133 171st. Pl., seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to accept the staff report with the amended modification on the height variance from 3' to 2', seconded by Mr. Regan and carried with a roll call vote of all ayes.

BZA #21-006 -2051 E. COMMERCIAL – RED DEVIL TRADES BUILDING

Variance from Developmental Standards from the requirements of Ordinance 155.032(B) front setback has been filed by Tri Creek School Corp., 19290 Cline Ave., Lowell, IN for a parcel located at 2051 E. Commercial Ave., specifically the Red Devil Trades Building, Lowell, IN PARCEL #45-19-24-476-001.000-008. Petitioner is constructing an addition to the existing building in front of the required 50' setback for an arterial roadway. Requested setback is 34'. Variance of 16'.

Russ Pozen, DVG Team is representing Tri Creek School Corp. He stated they are requesting a variance to add onto the Red Devils Trades Bldg. This new addition will be in line with the existing addition that was previously permitted a few years ago. Holtz road was reclassified from a collector to an arterial. This changed the bldg. setback from 30' to 50'. The current building is 34' off the roadway this makes the current building legal non-conforming. Due to the addition being proposed we need a variance on the set back to keep the façade the same as the existing building and make it a conforming structure.

Discussion on the exact location of the addition. Discussion on the date change of classification of road.

Chairman Lawrence opened the public hearing. No remonstrances were heard in present or on-line.

Mr. Frausto made a motion to approve the setback variance request for the Red Devils Trade Bldg., seconded by Mr. Regan and passed with a roll call vote of all ayes.

Mr. Frausto 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

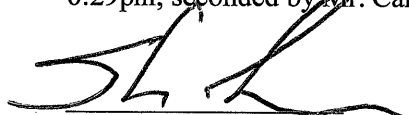
ANNOUNCEMENTS:

Attorney Bennett stated that the emergency orders by the Governor for remote meetings will expire 7/1/21. The council will be reviewing the ordinance that adopts this state statute at their meeting on 6/14/21. She stated remote meetings can no longer occur unless there is an

amendment to local ordinance or resolution adopted by each body. She stated the new requirement by law once adopted by ordinance will allow for remote meetings to continue so long as 50% of the body is present at the hearing, then 50% is allowed to be remote. That can only happen for each individual person 50% of the year. Discussion continued. Mr. Oman stated if you are participating remotely, it must be video and audio. Mr. Lawrence stated the next regularly scheduled meeting is on July 10th, 2021, at 6pm.

ADJOURNMENT:

With no further comments or questions, Mr. Frausto made a motion to adjourn the meeting at 6:29pm, seconded by Mr. Cartwright and carried with a voice vote of all ayes.


Shane Lawrence, President


Dave Regan, Secretary

B2A + PK

SIGN-IN SHEET

6/10/21

PLEASE PRINT

NAME

ADDRESS

1. WILLIAM STONEHOUSE 40479 AYNESLEY CLINTON TWP MI
2. Katie Nasr 217 East St
3. Kristine Skinner 221 East St
4. Melissa Hernandez
5. TIM EINSPIFFE
6. ROBERT SZAFRANSKI 214 elm st
7. MITCH PATTEE
8. John Brill
9. Donna Tegtmeyer
10. Crystal Briney-Massie
11. Georgeanne Van 4409 W 173rd AVE
12. _____
13. _____
14. _____
15. _____
16. _____