

LOWELL BOARD OF ZONING APPEALS MEETING
July 8th, 2021

Vice President Manny Frausto 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, Dave Regan, Tom Cartwright, Manny Frausto and Jim Konradi. Shane Lawrence was absent. Also, present was, Nicole Bennett, Town Legal Counsel, and Craig Hendrix, Town Manager/Engineer.

APPROVAL OF MINUTES:

Mr. Konradi made a motion to approve the June 10th, 2021, regular meeting minutes, seconded by Mr. Cartwright and carried by roll call vote of all ayes.

NEW BUSINESS:

BZA #21-007- 1660 E COMMERCIAL AVE. Variance from developmental standards of Town of Lowell Zoning Ordinance §155.104 1(a) for property located at 1660 E. Commercial Ave. Petitioner is requesting to exceed the amount of the total square footage of allowed signage. Petition has been filed by Jeffery Scott Architects 32316 Grand River Ave. #200, Farmington, MI 48336, representing, Haresh Patel, 415 Central Ave., Northville, IL. This petition is for Parcel #45-19-25-127-004.000-008. This property is owned by Lowell Properties LLC.

Marsha Horning, Jeffrey Scott Architects, 32316 Grand River Ave., Farmington, MI. Ms. Horning stated she is representing Haresh Patel, owner of the property and proprietor of the proposed Dunkin Donuts and Baskin Robbins combo building. She stated the parcel is the site of the old car wash property. It will be drive thru only with a lobby and limited ice cream flavors at the Baskin. It will have a small outside seating area. She stated the frontage of this narrow building is 30'. She stated they would like a small monument sign along the road and Dunkin and Baskin signage on the building.

Mr. Hendrix stated they are allowed 30 sq. ft. of signage. He stated the proposed sign package is a lot of signage. He stated Attorney Bennett and himself discussed how to package up the signage. Ms. Horning referred to the monitor that was displaying the coffee cup and donut picture on the building and stated they are just graphics. Attorney Bennett stated they still count as the square footage for signage. Mr. Hendrix stated wall signs are not to exceed 75', the donut and coffee graphic are 91'. Attorney Bennett discussed with the Board the maximum allowed signage and how the allowed square footage is computed. Discussion followed on the various signs and their sizes. Mr. Hendrix stated that any directional signs with logos or colors on them are considered signage. He stated they have provided us with both options, logo and no logo. Mr. Hendrix stated he is ok with the logos. Mr. Hendrix stated that he is proposing that the Board approve a sign "packet". He stated the petitioner would provide a table with each sign, location of sign and the area of the sign. He stated the reason he wants the table is that they will be attached to the Findings and that way in the future the petitioner cannot switch them up without a new variance request. This will lock in the approval for the approved signage only from this meeting.

Ms. Horning went through each sign and their size. She stated all the signs are internally lit.

-Monument sign is in color pack and is 6' wide and bottom base is approx. 5'. It is double sided.

-Directional Signs: All these signs would have option of logo or no logo depending on Board approval. The base of all these signs is the same size. The arm of the signs is 2'10" wide and 4'10" high. The sign faces that are in the arm are 1' 11" tall and 2' 6" wide. Entrance would have one that said enter on one side and welcome back on other side. One that says drive through on both sides. One that says see you soon and do not enter on other side. Two signs that says exit on one side and see you soon on other side. Total of 5 directional signs.

-Menu board and speaker canopy. Which will not be included in total signage amount. 4'.5" wide and 6'3" tall.

Mr. Regan asked is the monument sign would impede the visibility of the driver to pull out. Mr. Hendrix explained the sight triangle calculations that were done. The sign would be out of that triangle.

-The north elevation will be orange Dunkin 11' 2 3/4" wide and 2' tall. And the Baskin sign will be 4' x 4' overall square.

-The West elevation will be Donut and cup graphic icon will be 96x96. These signs are lite by wall wash lights. 8'x8' and 8'x5' respectively.

Attorney Bennett stated each double-sided sign is counted as one sign regarding total square footage. Mr. Hendrix asked the Board if the logos on the directional signs were ok. The Board is heard responding yes.

Public hearing was opened no remonstrances were heard in person or online.

Mr. Cartwright stated he personally does not like the look of the graphic icons, he likes the plain wall. If the graphics were not approved the wall would be a solid gray color.

Mr. Cartwright stated since this is a residential area that he does not it all light up on the side. Mr. Frausto stated the neighbors on each side are commercial businesses.

Discussion.

Mr. Frausto asked Attorney Bennett if lighting and color scheme is allowed to be approved or denied under BZA authority. Attorney Bennett explained the parameters regarding the sign ordinance and requirements. Attorney Bennett went through some of the approximate square footage. She stated the 5 directional signs is about 15 sq. ft. each, total would be around 75 sq. ft. Monument sign is 30 sq. ft. round sign around 12'.5". Dunkin roof top 22 sq. ft. Graphic icons around 9 sq. ft. Building is a L shape. West wall with icon graphics dimension is 45' sq. ft. The graphics on this wall would be about 16' wide.

Mr. Hendrix stated he spoke with petitioner. He feels the Board gave her direction on what they would like to see. The public hearing is closed. He is suggesting that she comes

back next month and presents an arrangement of each of the sign's square footage and graphic made into a table which would show only the signage that was discussed here tonight. The Findings of Fact would be done that night and the table would be part of those findings. The Board and petitioner agreed this was the best way to proceed. Mr. Frausto suggested he would work with the petitioner outside of the meeting. Attorney Bennett stated that is not legally allowed. She explained the capacity of the BZA and its authority.

Mr. Cartwright stated we are missing a page in the packet. How can we vote of this tonight anyway? Mr. Hendrix stated staff provides you with some information, but the presentation is the standard for approval.

Mr. Regan asked Mr. Cartwright what his preference was on the west elevation wall. Discussion followed. The petitioner stated she will give the Board some options for that wall. She stated she will also provide, if possible, a sample of the lighting that will be used on this wall.

Mr. Konradi made a motion to continue the petition until the August 12th, 2021, meeting, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

BZA # 21-008 - 256 PRAIRIE - Special Use Variance as identified in the Town of Lowell Zoning Ordinance §155.033(3)(a)(1) R3 District –and land use matrix §155.043 - residential uses has been filed by Patriot Partners, 16489 Harrison St., Lowell, IN 46356. This is for property located at approx. 256 Prairie St., Lowell, IN. Petition is to build a multi-family unit which is a special use in the above-mentioned ordinance.

Mr. Greg Fox, owner of Patriot Partners, 16489 Harrison St. Lowell. He stated he is petitioning to build a 4 unit, that is like the one that is behind it on Viant St. He stated each one will be 1600-1800 sq. ft., 3 bedrooms and 2 -2.5 bathrooms per unit, with a 2-car garage. They will be sold as individual townhomes.

Mr. Hendrix using the county GIS map discussed the current housing surrounding this property which is duplexes and SFD. The street is a dead end. He stated it is zoned R3 or 2 family. The petitioner could build a 2-family dwelling without a variance. He stated the staff is not in favor of this variance request. The street is a dead end without a cul-de-sac and there is no ability to continue the street. He said it surrounded by mostly single family except for the 4 plex behind it. The staff is not in favor of this. It will add more traffic to an already crowded street.

Mr. Fox stated lot 1(which is behind this parcel on Viant with the 4 plex), was part of this same subdivision and it is more than a duplex. He stated in addition, across the street where there are addresses A, B & C it was originally lots 1-6: 5 & 6 was replatted to A, B & C, to make better use of the land. It was a big lot for just a duplex. He stated he would just like to use the parcel to its fullest potential.

Mr. Frausto asked the petitioner if he had considered building a duplex. Mr. Fox stated

that is the fallback plan. Mr. Frausto asked what the petitioner meant by affordable housing. Mr. Fox stated he is trying to get to a price point that is a starter unit home. Currently, he builds a lot of duplexes in Lowell that are priced at \$260-\$300 and that is getting out of the range for a starter home. He stated these would be around \$220 if he can build a four plex. Discussion on the comps in the area, and the product (including finishes) he is proposing to build. Mr. Fox stated he would meet all the setbacks for R3.

The public hearing was opened

Anna Marie Kirgan, 252 Prairie, Lowell, IN – she stated she is hearing that it is a 4 family 2 story proposed housing? Mr. Frausto stated yes. She asked Mr. Hendrix what his objection was. He stated this is for the most part a single-family area with a few duplexes. He discussed the legal requirements for sub dividing so that the homes can be sold. He stated this is like spot zoning if it is allowed and the street is a dead end which is already problematic in regards in traffic. Mrs. Kirgan stated she agrees with him. She is concerned about the children in the neighborhood. She stated the garbage truck must back down the street it is treacherous.

Larry Kirgan, 253 Prairie, Lowell, IN – he stated this is primarily a single-family area. It is a dead-end street, and you cannot turn around. All the large vehicles must back in. At one time the street ended at his property, it used to be a field. There are no sidewalks. The children use the street to ride bicycles and such. Mr. Frausto asked if he was opposed to the 4 unit. Mr. Kirgan stated yes. Mr. Frausto asked the resident if he was opposed to the 2 unit. Mr. Kirgan stated I would prefer single family.

Mr. Fox stated all the parcels to the west, north and east are all multi-family. He is looking to build a new unit that is exactly like the one to the east of it that is a 2 story 4 unit.

Mr. Frausto closed the public hearing. No remonstrances are heard on-line.

Discussion on each petition being an independent decision. Attorney Bennett discussed the statutory Findings that were provided on the staff report for the Board's consideration in making their decision. Discussion on these criteria.

Mr. Konradi made a motion to send a non-favorable recommendation to the Town Council, seconded by Mr. Cartwright. Carried with a roll call vote of 3 ayes and Mr. Regan voting nay.

Mr. Frausto stated the motion has been made and carried with a non-acceptance of the project. He continued, unfortunately you will have to find another option for this parcel. Attorney Bennett stated it will be a non-favorable recommendation and that will be forward to the Town Council for the final decision.

Mr. Cartwright made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Regan and carried with a roll call vote of all ayes.

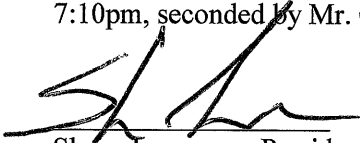
OLD BUSINESS: NONE

PUBLIC COMMENT: NONE

ANNOUNCEMENTS:

ADJOURNMENT:

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 7:10pm, seconded by Mr. Cartwright and carried with a voice vote of all ayes.


Shane Lawrence, President


Dave Regan, Secretary