

**LOWELL BOARD OF ZONING APPEALS MEETING
December 9th, 2021**

Shane Lawrence called the meeting to order at 6:03pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, Ben Clemens, Shane Lawrence, Dave Regan, Tom Cartwright, and Jim Konradi. Also, present was Rich Oman Director of Planning and Building. Nicole Bennett, Town Legal Counsel participated via digital meeting platform.

APPROVAL OF MINUTES:

Mr. Konradi made a motion to approve the November 18th, 2021, regular meeting minutes, seconded by Mr. Regan and carried by roll call vote of all ayes.

NEW BUSINESS:

21-013 7305 MCCONNELL -variance from developmental standards of the terms of the Town of Lowell Zoning Ordinance §155.090(A)(1)(d) Fence and Wall Standards - no fence or wall in right-of-way; and §155.090 (B) fence shall not exceed 3' in any front yard has been filed by Ken & Elizabeth Carey, 17379 Jansen Ct., Lowell, IN 46356 for property located at 7305 McConnell Ave., St., Lowell, IN, Parcel #45-19-23-182-006.000-008. This parcel is zoned LI.

Ken Carey, 17379 Jansen Ct., Lowell, IN. Mr. Carey referred to the drawing that he submitted indicating a 6' fence that he is petitioning for along the side of the frontage that he owns. This is a ROW. He stated there will be a slide gate even with the building to the north. The fence will be tied into the neighbor's fence to the west. He stated eventually it will all be blacktopped. He discussed the exact location of the fence and sliding gate locations. He stated it will be a black chain link 6' fence.

Mr. Regan asked if there have been security issues at the property. Mr. Carey stated nothing major, the fence and blacktop have always been in the plans, this will almost complete the project. Mr. Carey stated they have also submitted the plans to the state for an addition to the back of one of the buildings, they are waiting for the release and hope to start that project in the spring.

Mr. Lawrence opened the public hearing. No remonstrance's were heard in person or online. The public hearing was closed.

Mr. Oman stated the fence does not impede visibility from Morse. Staff is ok with it.

Mr. Konradi made a motion to grant the variance to 7305 McConnell, to have a fence located in the ROW, seconded by Mr. Regan, and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to grant the variance for the height of the fence to be allowed at 6', seconded by Mr. Regan and carried with a roll call vote of all ayes.

Mr, Konradi 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.

VARIANCE PASSED 5-0

#21-014 1805 E COMMERCIAL AVE. - variance from developmental standards of Town of Lowell Zoning Ordinance §155.104(A)(1) and §155.104(A)(1)(b)3, for property located at 1805 E. Commercial Ave. Petitioner is requesting to exceed the amount of the total square footage of allowed signage and enlarge the existing free standing sign cabinet. Petition has been filed by Ted Vinyard, 1805 E. Commercial Ave., Lowell, IN 46356. This petition is for Parcel #45-19-24-456-005.000-008. This property is owned by Gen 2 Vinyard LLC.

Mr. Ted Vinyard, owner of DQ at 1805 E. Commercial Ave. He stated they are remodeling the DQ and would like to use the updated next generation signage on the building. He stated the pylon sign is currently

a rounded can and it is being proposed as a square can which increases the size by 4.295'. The cabinet for this sign was updated since the sign was initially installed many years ago. The building sign package is 103 sq. ft. He stated the old building did not have signage on the west side as this one will. There will be a sign above the drive thru window instead of where it was previously.

Mr. Regan asked if the spoon is being added? Mr. Oman stated yes, it is part of the structure.

The Board and Mr. Vinyard discussed each sign and where it would be located. The south side will be grill n chill channel letters that are self-lite. West side will have a grill n chill sign and also above the drive through.

Mr. Oman stated there are two variances, one for the pole sign that was legal non-conforming, petitioner is asking to increase the size of the cabinet, this will take away that status and make it non-conforming. The Board would have to decide to allow him to keep a pole sign. The second variance is for total square footage of signage as he is over his allowed limit. The total square footage would be 122 sq. ft.

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

Attorney Bennett stated the total linear footage of the front façade is 30'. That is what would be allowed for signage. The variance would be a total of 92 square feet for signage.

Mr. Regan made a motion to approve the variance to allow a free-standing sign on the property, seconded by Mr. Cartwright and carried with a roll call vote of all ayes.

Mr. Cartwright made a motion to approve the variance request for extra signage on the property of 92' which would bring his total signage to 122', 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. Clemens 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 for the BZA will be January 13th, 2022.

ADJOURNMENT:

With no further comments or questions, Mr. Cartwright made a motion to adjourn the meeting at 6:27pm, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

Shane Lawrence, President



Dave Regan, Secretary