

LOWELL BOARD OF ZONING APPEALS MEETING

January 13th, 2022

Secretary Dave Regan 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, Ben Clemens (via electronically), Dave Reagan and Tom Cartwright. Jim Konradi and Shane Lawrence were absent. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

ELECTION OF OFFICERS:

Discussion on election of officers with Attorney Bennett.

Mr. Cartwright made a motion to defer the election of officers to the next regularly scheduled meeting, seconded by Mr. Clemens and carried with a roll call vote of all ayes.

MOTION PASSED 3-0

APPROVAL OF MINUTES:

Mr. Cartwright made a motion to approve the December 09th, 2021 regular meeting minutes, seconded by Mr. Clemens and carried by voice vote of all ayes.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA #22-001 - 448 N. NICHOLS variance from developmental standards of Town of Lowell Zoning Ordinance §155.075 (A)(1)(a)(B)(1)(a). Petitioner is requesting to erect an accessory structure that is larger than what is allowed in the above-mentioned ordinance and proposed location is not in the rear of the property.

Ryan Dahlberg, 448 N Nichols, Lowell, IN. He stated that he is petitioning to add an accessory structure. The 3rd bay in his garage is full of yard and lawn equipment. He stated he would like to eventually use the 3rd bay in his garage to work on restoring a car with his son. He stated he is requesting 400-500 sq. ft. total. He stated the ordinance allows his 2 separate buildings of not more than 200 sq. ft. each and he would like to combine that and build one structure.

Mr. Oman stated the petitioner is requesting 2 variances, one for sq footage and one for location. He discussed the sq footage ordinance. He stated the ordinance also states it must be in the rear qtr of the yard. He discussed the petitioner's yard and stated there is a ravine in his back yard. Mr. Dahlberg stated it will be located behind the house. Mr. Oman stated the lot is 6 acres and staff has no issues with the variance request.

Attorney Bennett stated the petitioner's application requested 400 sq. ft. She asked for clarification from Mr. Dahlberg. He stated that a 500 ft. structure would be his goal if it is possible. Discussion followed.

Secretary Regan opened the public hearing.

Mr. Fred Kiechle, 500 N. Nichols, Lowell, IN. He stated he is directly adjacent to the property. He stated he is very disappointed and maybe this is the way it is done. He stated the notice they received does not indicate the location of the structure. The only way to find out where the petitioner would like it is to come to this meeting. Attorney Bennett stated the notice is sent out with the legal requirements. It is a notice to tell you that the petition has been filed and that there is a hearing set, and you have an opportunity to be heard. Attorney Bennett stated the notice states that you can review the file at the town hall prior to the meeting. He stated we don't speak up and say something it will get run through and passed and we don't have anything to say about it. Mr. Kiechle stated he wants to know where the structure is going, he has a right to know. Mr. Oman indicated on the wall monitor where the proposed structure was intended to be located at. Discussion. Mr. Oman stated to Mr. Kiechle there are 2 variances, one for size and one for location. Mr. Oman discussed the ordinance.

Mr. Regan closed the public hearing, no further remonstrances were heard in person or on-line.

Mr. Cartwright asked to discuss the motion and the request for the extra 100 sq. ft. Discussion followed. Mr. Oman stated the extra 100 sq. ft. that he is requested the staff does not have an issue with since the lot is over 5 acres. Discussion followed.

Mr. Cartwright made a motion to approve the variance for a 500 sq. ft. accessory structure at 448 N. Nichols, seconded by Mr. Clemens and carried with a roll call vote of all ayes.
MOTION PASSED 3-0

Mr. Cartwright made a motion to approve the placement of the accessory structure on the lot at 30' from the back patio of the house, seconded by Mr. Clemens and carried with a roll call vote of all ayes.
MOTION PASSED 3-0.

Mr. Cartwright 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.

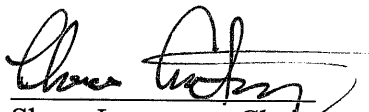
MOTION PASSED 3-0

PUBLIC COMMENT: NONE


ANNOUNCEMENTS: Next regularly scheduled meeting is on February 10th, 2022.

ADJOURNMENT:

With no further comments or questions, Mr. Cartwright made a motion to adjourn the meeting at 6:25pm, seconded by Mr. Clemens and carried with a roll call vote of all ayes.


Shane Lawrence, Chairman

~~Ben~~
Tom Cartwright, Secretary


Dave Regan, Secretary
Chairman