

LOWELL BOARD OF ZONING APPEALS MEETING

August 11th, 2022

Chairman 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, Dave Regan, Tom Cartwright, and Shane Lawrence. Jim Konradi appeared via ZOOM. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

APPROVAL OF MINUTES:

Mr. Lawrence made a motion to approve the June 9th, regular meeting minutes, seconded by Mr. Clemens and carried by a roll call vote of all ayes. Mr. Konradi responded ay via zoom.

OLD BUSINESS:

CONTINUED FROM 6/9/22- BZA #22-005 -1554 NORTHWOOD DR - Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Edward Castillo, 1554 Northwood Dr., Lowell, IN Parcel #45-19-25-327-001.000-008 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

The petitioner did not appear in person or via electronic media.

Attorney Bennett stated this petition was caried over from the June meeting to the July meeting (which was cancelled due to no quorum), he has published in the newspaper but had not sent out the notice to the adjacent property owners. It was continued for this purpose. At this time the petitioner has not provided us the proof of mailing to interested parties. He is entitled to one continuance. She stated the Board can extend another continuance if good cause is shown. She stated otherwise the Board can terminate the petition for lack of notice for public hearing and the petitioner would have to refile. Discussion. Mr. Oman asked if there was a penalty of time that the petitioner would have to wait. Attorney Bennett stated no since the public hearing was not opened. When the petitioner is ready, he can file again. Discussion on taking the other petitions out of order.

Mr. Lawrence made a motion to terminate petition BZA #22-005, 1554 Northwood Dr., seconded by Clemens with a roll call vote of 4 ayes and one nay. Mr. Cartwright voting nay. Mr. Konradi responded aye via zoom.

NEW BUSINESS:

BZA #22-008 - 7205 W 173RD CT – Variance from Ordinance 155.090 (B) has been filed by Joan McGann, 7205 W 173rd. Ct., Lowell, IN. Parcel #45-19-23-128-006.000-008 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.

Joan McGann, 7205 W 173rd Ct. Lowell, IN 46356. She stated that she has a 4-year-old, and her house is right by Morse St., and she wanted to provide some type of protection

for her and any future dogs she may have. She stated during softball season the fence would act as a light and sound barrier as her bedroom window faces the exit of the fields. She stated this is a corner lot. Chairman Regan asked if the yellow line indicated on the survey that was provided was where the proposed fence would be located. Ms. McGann stated they would be willing to amend the location somewhat if this is too much. She showed on the map the location of the proposed fence and stated the front would be chain link and the sides would be privacy. Discussion on the location. Petitioners partner was participating via zoom. Philip Vincent Sanfratello, 5703 W 173RD, Lowell, IN. He stated the chain link fence would be 4' in height in the front. He discussed the location. The fence will go up along the driveway up to the garage. Ms. McGann stated the chain link will be from front of house along side the right of driveway across end of driveway to sidewalk meeting the privacy fence cutting across the front side of the house to sidewalk along back of house and then the front of garage and attaching to existing privacy fence of the neighbor. Mr. Oman stated they are going along the sidewalk not in the ROW and up the driveway to the garage corner, east to sidewalk and south along sidewalk and back to the corner of the house. Chairman Regan stated to clarify down Morse is privacy 6' fence across driveway is 4' chain link variance. Mr. Oman stated yes. Discussion on motion and the front fence that was proposed at 6' and petitioner is requesting a 4' instead. Discussion on material of fence. Chain link is allowed.

Chairman Regan opened the public hearing. No remonstrances were heard in person or online.

Philip Vincent Sanfratello asked if they would need a new petition since the front fence is being proposed at 4' and not 6' as originally stated. Chairman Regan stated no.

Mr. Lawrence made a motion to approve a variance for 3' on the side of the house (corner lot so front yard) and 1' in the front of the house for a chain link fence. Seconded by Mr. Cartwright and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

Mr. Cartwright made a motion to accept the staff report as the findings of fact, seconded by Mr. Lawrence and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

BZA #22-009 - 610 BROOKVALE DR - Variance from Ordinance 155.090 (B) has been filed by Michael Witkowski, 610 Brookvale Dr., Lowell, IN. Parcel #45-19-22-251-006.000-038 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.

Michael Witkowski, 610 Brookvale Dr. He stated that they would like a privacy fence on their corner lot. He stated they are requesting to come off 10' from the building line. They have small children and a dog and would like to maximize their yard space. They have also recently installed a pool, and this would create more space.

Chairman Regan stated this request is to come 10' off the sidewalk on the side yard

which is a front yard for this lot since it is a corner lot. Mr. Oman stated this would not affect the visibility triangle.

Chairman Regan opened up the public hearing. No remonstrances were heard either in person or online. The public hearing was closed.

Mr. Cartwright made a motion to approve the variance request for of 3' for BZA #22-009, seconded by Mr. Clemens and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

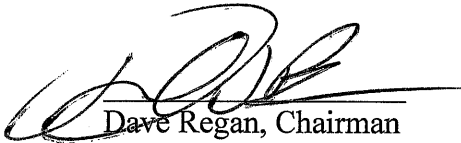
Mr. Lawrence made a motion to adopt the staff report as the findings of fact, seconded by Mr. Clemens and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

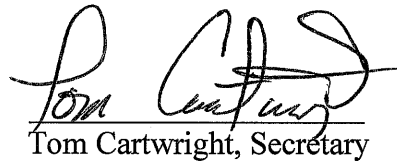
PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting is on, September 8th, 2022

ADJOURNMENT:

With no further comments or questions, Mr. Cartwright made a motion to adjourn the meeting at 6:26pm, seconded by Mr. Clemens and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.


Dave Regan, Chairman


Tom Cartwright, Secretary