

**LOWELL BOARD OF ZONING APPEALS MEETING
FEBRUARY 09th 2023**

Chairman Ben Clemens called the meeting to order at 6:01pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Ben Clemens, Bryan Schuch, Tom Cartwright, and Shane Lawrence. Jim Konradi was absent. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

APPROVAL OF MINUTES:

Mr. Cartwright made a motion to approve the January 12th, 2023 regular meeting minutes, seconded by Mr. Lawrence and carried by roll call vote of all ayes.

OLD BUSINESS: NONE

NEW BUSINESS:

BZA #23-001 7661 174th Ave., variances from developmental standards of Town of Lowell Zoning Ordinance to construct an accessory structure. A petition has been filed by Richard and Nichole Kostner. Parel #45-19-23-131-001.000-008.

§155.075 (B)(1)(a) - size.

§155.075 (A)(a) - rear qtr.

§155.033 (B) District standards – Height

155.082 (A)(2)(b) – driveway width

Attorney Nathan Vis, representing his clients Nicole and Richard Kostner 7661 174th Ave., Lowell. Attorney Vis's address is 12632 Wicker Ave., Cedar Lake, IN. Attorney Vis stated they were set for a public meeting tonight however, there was an error on his part and he gave his law clerk the incorrect public hearing notices with a January date on them. The newspaper publication did run with the correct date. He stated his understanding is that the public hearing will have to be continued until next month.

Attorney Vis started his presentation on behalf of his clients. Attorney Bennett stated to Attorney Vis that he needed to stop his presentation that his petition cannot move forward without the correct notices having been sent to the adjacent property owners. Attorney Bennett stated if there is anybody present tonight or on-line that would like to speak regarding this petition they may. But for the purposes of the record she stated Attorney Vis will have to go into detail next month on his petition request for his clients. Attorney Bennett stated because all the notices were not sent this hearing must be set over to next month, she does not want something addressed at this meeting that is not done so next month. Attorney Vis asked if there could be a five-minute study session with the Board. Attorney Bennett stated no.

Chairman Clemens opened up the public hearing. No remonstrances were heard in person. Two zoom attendees were online, Mr. Oman asked them if they would like to speak on this petition. Neither one replied.

Mr. Cartwright made a motion to table BZA #23-001 and keep the public hearing open until the March 9th, 2023 meeting, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

BZA #23-003 – 16937 RED OAK DR Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Jeremiah Dole 16937 Red Oak Dr., Lowell, IN. Parcel #45-19-13-305-001.000-008 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 2' in height.

Jeremiah Dole, 16937 Red Oak Dr., Lowell. His wife Karen is on-line as a zoom attendee. He stated they have lived in Lowell for about 2 years. His youngest daughter was diagnosed around that same time with autism. He stated they watch her when she is outside because she likes to run off. They have a 3-month-old newborn, and this fence will allow them to have their older daughter outside in their yard and safe. He stated they are petitioning for a 5' fence. It will be an anti-privacy bronze aluminum fence. They would like to have a fence at the utility easement line which will maximize the amount of space inside the fenced area. There will be 2 gates.

Mr. Lawrence asked if they were going to the back of the house. Discussion on exact location of proposed fence. Mr. Oman stated the fence would be 10' from the sidewalk.

Chairman Clemens opened up the public hearing. No remonstrances were heard.

Mr. Schuch made a motion to grant the 2' variance for a fence at 16937 Red oak Dr., BZA #23-003, seconded by Lawrence and carried with a roll call vote of all ayes.

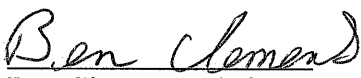
Mr. Lawrence made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Cartwright and carried out with a roll call vote of all ayes.

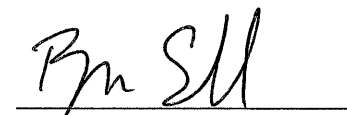
PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Next regularly scheduled meeting is on, March 9th, 2023

ADJOURNMENT:

With no further comments or questions, Mr. Cartwright made a motion to adjourn the meeting at 6:20pm, seconded by Mr. Schuch and carried with a roll call vote of all ayes.


Ben Clemens, Chairman


Bryan Schuch, Secretary