

# LOWELL BOARD OF ZONING APPEALS

February 8<sup>th</sup>, 2024

Vice Chairman Shane Lawrence 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, Shane Lawrence, Paige Cripe, Jim Konradi, and Tom Cartwright. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

## **ELECTION OF OFFICERS 2024:**

Mr. Cartwright made a motion to nominate Mr. Regan as Chairman for 2024, seconded by Mr. Lawrence. No other nominations were heard. Nominations were closed. Mr. Cartwright made a motion to appoint Mr. Regan as Chairman for 2024, seconded by Mr. Konradi. Motion carried with a roll call vote of all ayes.

Mr. Konradi made a motion to nominate Mr. Lawrence as Vice Chairman for 2024, seconded by Mr. Cartwright. No other nominations were heard. Nominations were closed. Mr. Konradi made a motion to appoint Mr. Lawrence as Vice Chairman for 2024, seconded by Mr. Cartwright. Motion was carried with a roll call vote of all ayes.

Mr. Lawrence made a motion to nominate Ms. Cripe as Secretary for 2024, seconded by Mr. Cartwright. No other nominations were heard. Nominations were closed. Mr. Konradi made a motion to appoint Ms. Cripe as Secretary for 2024, seconded by Mr. Lawrence. Motion carried with a roll call vote of all ayes.

## **APPROVAL OF MINUTES:**

Mr. Konradi made a motion to approve the regular meeting minutes from October 12th, 2023, seconded by Mr. Regan and carried with a roll call vote of all ayes.

## **OLD BUSINESS:** None

## **NEW BUSINESS:**

BZA 24-001 - An application for a variance of use from the terms of the Town of Lowell Zoning Ordinance §155.040 has been filed by Lolita Barker, 120 W Greenbriar Ave, Chicago Heights, IL 60411. Petitioner is requesting to use property located at 248 Commerical Ave., as a boarding facility for animals. Parcel #45-19-23-353-027.000-008. This property is currently zoned R3.

Mrs. Lolita Barker, 120 W Greenbriar Ave., Chicago, IL 60411. Mrs. Barker stated she purchased the property located at 248 W Commercial in October of 2023. She stated she would like to open a boarding facility for dogs. She introduced her partner, Barbara Goetz. Ms. Goetz stated she resides at 230 W Commercial Ave., Lowell, IN.

Mr. Regan stated his interpretation of the petition is that there will be no runs outside and the house will remain as a 3-bed, 1 bath home. He stated there will be 5-10 dogs a week. Mrs. Barker stated 6-8 dogs. Mr. Regan stated that would equate to 6-8 dogs outside barking in a residential area. Mrs. Barker stated that is possible, but they will be at the facility keeping an eye on them. She stated they would not let them bark all the time; we will bring them back inside. They will be treated as their own dogs. She stated that one of us will always be on the premise. Mrs. Barker stated they will be screening the dogs before they accept them for boarding. Mr. Regan stated to clarify, you will be

picking up the dogs and transporting them to the house. Ms. Goetz stated yes, the driveway is not suitable for a lot of vehicles. Ms. Goetz stated they do not want a storefront. She stated she owned Auntie Barbaras boarding facility in Lowell for 23 years. It was a larger location but the same concept. Dogs will be given tempering tests, must have shots etc. She stated it is safer for the dogs if they pick them up and drop them off inside the fenced area of this property. Mr. Regan asked if the mobile grooming unit was a side business. Ms. Goetz stated yes, she lives at 230 W Commerical, the van could be parked at her residence also occasionally. Mr. Regan asked if somebody will be living in the house the entire time. Mrs. Barker stated no. Mrs. Barker stated the house will be kept as is. The dogs will have suites. Mr. Regan stated they will have the run of the house when you leave at 8pm until 6am or whatever when you come to check on them? Ms. Goetz stated no, they are segregated at night, they will each have their own space at night by using portable screening. Ms. Goetz stated she is two doors down, and they will also have cameras on site. Last time out would be 9 or 10pm at night. They are gearing towards a certain kind of clientele that wants their dogs in a home environment when they are on vacation. Mrs. Barker stated if need be and there is a dog that is high anxiety she will stay the night or Ms. Goetz will take it home.

Mr. Lawrence stated his biggest concern is that this is in a residential neighborhood. Why here? Mrs. Barker stated they wanted somewhere quaint. Discussion. Ms. Goetz stated they are not going to annoy their neighbors. Ms. Cripe asked what the square footage of the house was. Mrs. Barker stated 1400 sq. ft. Ms. Cripe asked the size of the yard. Mrs. Barker stated ½ acre. Ms. Cripe asked about the maintenance of the yard. Discussion. Ms. Cripe stated there will be no staff on premises at night what is the plan for dogs that do have anxiety from fireworks or being by themselves at night. Mrs. Barker stated she has no problem with staying there at night. Discussion.

Mr. Oman stated it is R3 zoning. His biggest concern is the noise, this is a residential neighborhood, they are allowed in LI zoning. He has no problem with small businesses, but the noise factor is uncertain here. He stated this is a recommendation to the Town Council. It is a variance of use which stays with the property owner.

Mr. Lawrence opened the public comments.

Sherry Harding, she stated Barbara has been a friend of hers for over 20 years. She has dogs that she competes with. She boarded her dogs with Barbara for many years. Her facility at Auntie Barbara's was fantastic and her knowledge of pet care is phenomenal. She stated Barbara is mostly known for small dogs and I trust her that it would not be obnoxious. The house is on Commerical avenue there is a lot of vehicle noise and many dogs in the area already. Please give her a chance.

Jason Eaker, 280 W Commerical Ave. He stated the house has been empty for 8 years. He was excited to see it getting fixed up. He discussed all the historic homes in the 200 block of Commerical and the years they were built. He feels this business would not be appropriate for this important historic block in the Town of Lowell. The average house year built is 1908 – 1911. He discussed the renovation of Liberty Park and the impact this type of business could have on the area. Discussion on homeowners being able to do their own renovations. He stated he does not want to see this historic block turn into businesses.

Jeremy Adams, 231 W Commerical. He stated he is opposed to this in a residential neighborhood. He stated it is a very historic block. His house is one of the oldest and most historic. He was glad somebody had bought it, but they had not done anything to it but put up a ugly chain link fence.

Michelle Floyd, 257 W Commercial Ave. She stated she lives across the street from this house. She stated they should have the opportunity to run this business. She has known Barbara for 10 years;

she boarded her dogs at her previous facility. Barbara turned the house she lives in now into a beautiful property. The dogs will not be out of control she can guarantee that. Please give her an opportunity to do this.

Angie Kraut, 270 W Commercial. She stated she does not think that anybody is against small businesses. She feels that this is not the right fit for a residential area. You cannot stop a dog from barking. She has heard great things about Auntie Barbaras previous facility. She is concerned about the dogs getting loose on route 2 because there is so much vehicle traffic it would be dangerous for the animals. Great idea but not here.

No remonstrances were heard online. The public hearing was closed.

Ms. Goetz stated she understands what everybody is saying. The inside of the house is getting worked on and the exterior will be worked on after winter. A new fence was installed. No dogs will be there until the remodeling is done. They are not destroying the historic value of the house. The house will be either Auntie Barbaras or flipped but it will not lose its historic value. She stated her previous facility was also a historic house and this will be the same concept. They will preserve the integrity of the historic home. She will gladly give tours to anyone who wants to walk through it.

Attorney Bennett explained the options for a motion. She stated all the evidence from tonight's hearing is forwarded to the council. Once the BZA minutes are approved next month and the petition moves to the town council no new evidence will be heard. The record is complete here from this meeting. The council will make their determination only on the evidence that is presented here tonight.

Mr. Regan made a motion to send an unfavorable recommendation to the town council, seconded by Mr. Cartwright and carried with a roll call vote of one nay and 4 ayes. Mr. Konradi voting nay. Attorney Bennett stated the unfavorable recommendation will move forward to the council.

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

Attorney Bennett stated the minutes for this meeting will be approved at the BZA meeting on March 14<sup>th</sup>. The record will then be certified and forwarded to the town council after that. The town council meeting will be on March 25<sup>th</sup>. She stated by law the council cannot take any new evidence or remonstrators for this petition.

**DISCUSSION:** NONE

**PUBLIC COMMENT:** NONE

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on March 14<sup>th</sup>, 2024

**ADJOURNMENT**

With no further comments or questions, Mr. Regan made a motion to adjourn the meeting at 6:45pm., seconded by Mr. Cartwright and carried by a roll call vote of all ayes.

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Dave Regan, President

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Paige Cripe, Secretary