

LOWELL BOARD OF ZONING APPEALS MEETING
October 11th, 2018

President Brady called the meeting to order at 6:31 pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Jim Konradi, Manny Frausto, Chris VanDyke and Sean Brady. Ryan Thiele was absent. Also present were, Director of Planning and Development Aj Bytnar, Town Manager Jeff Sheridan, and Town Attorney Nicole Bennett.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the September 13th, 2018 regular meeting minutes, seconded by Mr. VanDyke and carried by voice vote of all ayes.

FINDINGS OF FACT:

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President Brady read the Findings of Fact into public record for **BZA #18-023**. An application to request a Variance from Developmental Standards from the requirements of Ordinance 155.075(A)(5)(a) has been filed by Team E. Inc., 412 W. Hilltop Ct., Lowell, IN 46356 for property located at **151A Deanna Dr., Lowell, IN**. Partial of Parcel #45-19-25-226-003.000-008. Variance is to allow an eight-foot encroachment into an existing easement for placement of a commercial accessory structure. The above-mentioned Ordinance does not permit encroachments or accessory structures into easements.

Mr. Konradi made a motion to accept the Findings of Fact as read, seconded by Mr. VanDyke and carried with a roll call vote of all ayes. **MOTION PASSED 4-0**

PUBLIC HEARING:

BZA #18-024 An application for a variance of use to allow a single-family residence at the property located at 110 N. Nichols. This parcel is currently zoned R4 multi-family. Single Family residence is not allowed as stated in the Town of Lowell Zoning Ordinance §155.034 (2) This petition has been filed by Richard and Mary Bullard, 318 W. Brookfield St., Lombard, IL 60148 The parcel is located at 110 N. Nichols, Lowell, IN, Parcel #45-19-23-353-017.000-008.

Richard Bullard, 318 W. Brookfield St., Lombard, IL stated they are interested in using the property at 110 N. Nichols as a single family residence. He noted the property is owned by Bethesda and was being used as a group home until recently.

John Schupp, owner of Schupp Real Estate, 170 Deanna Dr. Lowell, approached the podium, he stated that he is representing Mr. Bullard on the purchase of the property. He noted the Bullards have an offer in to purchase. He stated the loan is on hold because one of the stipulations for the appraisal was that it is non-conforming because of the

current zoning on the property of R4. He noted the background on the property. Mr. Schupp stated in order to complete the loan package the property needs to be changed back to R1. He stated he believed most of the surrounding properties were R1.

Mr. Bytnar stated the petition is not for a zone change it is a variance of use. Discussion followed. Mr. Bytnar stated that a variance of use does not change the zoning district, it will still be R4, it will allow the use by right. Discussion followed on the terms for approval on their loan.

Mr. VanDyke asked about the zoning on the surrounding properties. Mr. Bytnar demonstrated on a map the zoning districts in the area and stated the criteria of the different residential zoning districts. He also discussed with the Board, some of the zoning history of this property and the surrounding parcels.

President Brady opened the public hearing.

Ms. Brooke Stengel stated she was here as a representative of the seller, Bethesda Lutheran Communities. She stated they purchased the first parcel in 1978 and the adjoining parcel in 1980. Ms. Stengel stated they have been operating this location since then as a home for individuals with developmental disabilities. She noted this was an approved use in the R4 district and that is probably why it was zoned that way. She stated she is here to support the single-family use variance as that was its intended use. She stated that the parcels surrounding this property are single family.

President Brady closed the public hearing.

Mr. Frausto made a motion to forward a favorable recommendation to the Town Council, seconded by Mr. VanDyke and carried with a roll call vote of all ayes.

FAVORABLE RECOMMENDATION PASSED 4-0

ANNOUNCEMENTS: Next regularly scheduled meeting is 11/08/18 at 6:30pm

PUBLIC COMMENTS: NONE

ADJOURNMENT:

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 6:50pm, seconded by Mr. Thiel and carried with a roll call vote of all ayes.

Sean Brady, President

Ryan Thiele, Secretary