

LOWELL BOARD OF ZONING APPEALS MEETING
January 16th, 2020

Vice Chairman Ryan Thiele called the meeting to order at 6:35pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, Ryan Thiele, Manny Frausto, and Jim Konradi. Tom Cogdill was absent. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

ELECTION OF OFFICERS:

Mr. Frausto made a motion to nominate Ryan Thiele for Chairman of the BZA for 2020, seconded by Mr. Konradi. No other nominations were made. The motion carried with a roll call vote of all ayes.

Mr. Konradi made a motion to nominate Manny Frausto for Vice Chairman of the BZA for 2020, seconded by Mr. Thiele. No other nominations were made. The motion carried with a roll call vote of all ayes.

Mr. Thiele made motion to nominate Thomas Cogdill for Secretary of the BZA for 2020, seconded by Mr. Konradi. No other nominations were made. The motion carried with a roll call vote of all ayes.

CHARIMAN	RYAN THIELE
VICE CHAIRMAN	MANNY FRAUSTO
SECRETARY	THOMAS COGDILL

APPROVAL OF MINUTES:

Mr. Konradi made a motion to approve the December 12th, 2019 regular meeting minutes, seconded by Mr. Frausto and carried by voice vote of all ayes.

Mr. Thiele made a motion to take agenda items out of order, seconded by Mr. Frausto and carried with a roll call vote of all ayes. The item moved was the discussion of meeting time, moving the February meeting to 2/20 and rules pf procedure.

DISCUSSION:

Town Council President, Will Farrellbegg approached the podium. He stated that the council would like to see the BZA meeting time moved to 6pm. He stated that the BZA meetings have been running over into the Plan Commission meeting time which is at 7pm. Mr. Farrellbegg stated that the February meeting needs to be moved to the 3rd Thursday due to legal council being unavailable. The date would be February 20th. Mr. Thiele asked if the new member was aware of the time change. Mr. Farrellbegg stated he would inform him.

Discussion followed on the time change and some members were concerned about being able to get here on time due to their work commutes. It was decided that once a quorum

is there the meeting would start and all members would make a concentrated effort to get there by 6pm.

Attorney Bennett stated the BZA rules were emailed and passed out as part of the members agenda packet. She stated there would be a joint meeting with the Plan Commission or perhaps separate in the near future for in-depth discussion and training on procedures for both boards. She asked that the Board review the rules that were given to the members for a greater concept before the training session. Attorney Bennett stated that the salary ordinance was updated this past Monday by the Town Council and the Board would now be paid on meetings attended instead of the appointment.

Mr. Konradi made a motion to move the BZA meetings to 6pm moving forward, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

Mr. Frausto made a motion to move the regularly scheduled BZA meeting in February from 2/13 to 2/20, seconded by Mr. Konradi and carried with a roll call vote of all aye.

NEW BUSINESS:

BZA #20-001 - Variance from developmental standards of Town of Lowell Zoning Ordinance §155.195 (C)(9) and §155.082 (A)(2)(b) for property located at approx. 4805 Southview Lot 40. Petitioner is requesting a larger pavement width at the street and an additional drive on an arterial road. Petition has been filed by Todd Harbrecht, PO Box 352, Lowell, IN 46356. For a parcel located on lot 40, part of Parcel #45-19-25-276-001.000-008, (18306 Clark Rd).

Todd Harbrecht, PO Box 352, Lowell, IN, stated he is the owner of Lifehouse Homes. He stated for the next phase of Beverly Estates he would like to build the model home with a four-car attached garage and a separate garage with a driveway cut on Clark Rd. The TOL ordinance limits the road cut for the driveway at 24'. He feels on a four car garage a two-car driveway would look awkward. He is petitioning for a wider driveway on the front facing Southview Dr. He stated he is also petitioning for a rear garage which will be a shop for the company which would have a driveway exiting onto Clark Rd. He stated he would be living in the model home 2 to 3 days a week. Mr. Thiele asked the staff what the standard was for the driveway width. Attorney Bennett stated it is 24 measured at the curb. Discussion followed on allowed square footage of garage. Attorney Bennett stated since these plans show a breezeway the 4-car garage is considered attached and therefore does not exceed the square footage allowed for accessory structures. Mr. Frausto asked if two egresses were allowed on a corner lot. Mr. Oman stated the access he is requesting is on an arterial road which is not allowed by ordinance. Mr. Konradi asked what the intention was for this house in the future. Mr. Harbecht stated for the length of the development it will be a model home and an office. He is anticipating the build out of the subdivision would be around 4 to 5 years, after that he would sell the house. Further discussion followed on the long-term status of the variance in relation to when the house was sold. Mr. Oman stated that his recommendation is that for a safety standpoint, there is an adequate notch installed for a 3-point turn which would

alleviate anybody from backing out onto the arterial street. Mr. Harbrecht stated he would install that. Discussion followed on future owner being able to replace the driveway.

Mr. Thiele opened the public hearing. No remonstrances were heard.

Mr. Oman stated that he had no further comment.

Mr. Konradi made a motion to approve the request for a variance for the larger pavement width at the street as indicated on the petition seconded by Mr. Frausto and carried with a roll call vote of all ayes.

Mr. Frausto made a motion to approve the request for a variance with the condition that the driveway has an area to back into and turn the vehicle before entering the arterial street, and staff approval of the construction plans, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

Mr. Frausto made a motion to adopt the staff report as the Findings of Fact, seconded by Mr. Thiele and carried with a roll call vote of all ayes.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: NONE

ADJOURNMENT:

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 7:10pm, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

Ryan Thiele, Chairman

Tom Cogdill, Secretary