

LOWELL BOARD OF ZONING APPEALS MEETING
November 14th, 2019

Vice President Ryan Thiele called the meeting to order at 7:25 pm. 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. Chris VanDyke and Sean Brady were absent. Also, present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

APPROVAL OF MINUTES

Mr. Frausto made a motion to approve the October 10th, 2019 regular meeting minutes, seconded by Mr. Konradi and carried by roll call vote of all ayes.

NEW BUSINESS:

BZA #19-013 224 NAVAJO TRAIL - an application to request a Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Laurence McGrath, 224 Navajo Tr., Lowell, IN Parcel #45-19-22-456-009.000-038 in order to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance.

Laurence McGrath, 224 Navajo Trail, Lowell, IN stated that he would like to replace the old fence which is decrepit. He described the condition of the fence and stated he believed the fence had been there since the 1970's. He stated he would like to put up a privacy fence, he has two dogs who have to be let out on chains since the fence is falling apart. He would like to put up a nice cedar fence. (The current fence is located on the right-away line by the sidewalk).

Mr. Frausto ask for clarification on the proposed location of the new fence. Mr. McGrath stated that he would like to bring the front part of the fence up to the front of the house. Mr. Frausto referred to the survey drawing that was turned in with the petition for further clarification on where the new and replacement fence would be located. Mr. Oman stated the petition is asking to replace the fence all the way along Shawnee and the back of the yard, side and then he wants to connect to the front of the house not the back of it. Mr. Konradi asked the petitioner if it would be a problem if the BZA asked him to move the fence back further from the building line. Mr. McGrath stated from the sidewalk along Shawnee? Mr. Konradi stated yes. McGrath asked how far? Mr. Konradi stated there is a concern that visual and snow plows would damage the fence where it is right now. Discussion followed. Mr. Oman stated staff is requesting 10', being so close to the right-away is a safety concern. Mr. Oman stated that the current fence is chain link which allows for visual. Mr. Konradi asked how far over the building line the fence currently is.? Mr. Oman stated 30' since this is a corner lot. Mr. McGrath asked if he could just replace the fence that is at the sidewalk? Mr. Konradi stated that is the concern. Mr. Frausto stated that even though it was installed that way in the past does not mean it was

allowed, it might have been done without a permit. Mr. Thiele asked what the ordinance requirement was. Mr. Oman explained the ordinance and the difference since this is a corner lot. Mr. Oman stated the variance is for the height of the fence. Attorney Bennett stated the variance is only for the fence height. She further explained what the ordinance allows on corner lots for fencing. She stated the Board can put conditions on the approval. Discussion followed. Mr. Konradi stated to the petitioner can you move the fence 10' back? Mr. Oman explained to the petitioner the distance. Mr. McGrath stated that is ok.

Mr. Thiele opened the public hearing, no remonstrances were heard.

Mr. Konradi made a motion to approve the variance for BZA #19-013 to erect a 6' fence along Shawnee Dr with the condition that it is placed 10' off of the right-away line and that staff approve the construction plans, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

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

BZA #19-014 760 VALLEY VIEW DR An application to request a Variance from Developmental Standards from the requirements of Ordinance 155.090 (B) has been filed by Chris Brady, 760 Valley View., Lowell, IN Parcel #45-19-22-252-004.000-038 in order to erect a fence that is more than three feet (3') in height which is not allowed as stated in the above-mentioned Ordinance.

Christopher Brady, 760 Valley View, Lowell IN, stated that he would like to erect a white vinyl privacy fence on his corner lot. He is petitioning to erect the fence 16' from his house towards the sidewalk. He will still have 14' between his house and the sidewalk. He referenced some pictures that he brought with to show the Board the sight triangle would not be affected by his fence. He stated his HOA states a 3' fence has to be a picket and his dogs would break through one of those.

Mr. Thiele opened up the public hearing, no remonstrances were heard.

Attorney Bennett stated to that Mr. Brady had referenced his HOA and their requirements, the Town does not enforce covenants we follow state statute and local law.

Mr. Frausto made a motion to approve BZA #19-014, to erect a 6' fence with a setback of 14' from the right-away, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

#19-015 506 GATEWOOD TERRACE - Notice is hereby given that the Town of Lowell Board of Zoning Appeals will hold a Public Hearing at 6:30 p.m. on, November 14th 2019, Lowell Town Hall, 501 E. Main St., to consider the variance from developmental standards of Town of Lowell Zoning Ordinance §155.075 (B)(1)(a). Petitioner is requesting to erect an accessory structure that is larger than what is allowed in the above-mentioned ordinance. Petition has been filed by William Neaves, 506 Gatewood Terrace, Lowell, IN. Parel #45-19-26-427-002.000-008.

Mr. William Neaves, 506 Gatewood Terrace, Lowell, IN stated he would like to petition the Board to erect a carport/garage. He noted it is a steel building. He stated a company will put it up and it will be on a slab. He described the materials to be used for the slab and stated the structure would be 10' in height. He stated the building would be 30x30. He discussed the limitations of his current garage and noted he needs this additional building for extra storage. He discussed the location of the proposed structure which will be in the back yard. He discussed the aesthetics of the building.

Mr. Konradi stated according to the survey you supplied it will be 5' from the side of the yard.

Vice President Thiele opened the public hearing. No remonstrances were heard.

Mr. Oman asked the petitioner if the structure will be enclosed. Mr. Neaves stated yes. Mr. Neaves stated there will also be a classic car stored in this structure. Attorney Bennett stated for clarification this structure will be an enclosed garage. Mr. Frausto asked the petitioner about a driveway. Mr. Neaves stated there will not be a driveway to the structure.

Mr. Frasuto made a motion to approve petition #19-015, to erect a enclosed garage that is 30x30 in size with the condition that there will not a driveway, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

BZA # 19-018 - SPECIAL USE - PROPERTY ADDRESS: 248 LIBERTY

An application for a special use as identified in the Town of Lowell Zoning Ordinance §155.039(3)(d) TC District – communication/utility uses and §155.043 land matrix definition Wireless communications/utility tower has been filed by Town of Lowell, PO Box 157, Lowell, IN 46356 for property located at 248 Liberty, Lowell, IN, Parcel #45-19-23-352-001.000-008. Petition is to erect a telecommunications tower. This property is currently zoned Town Center District.

Mr. Craig Hendrix, Town Manager, Town of Lowell, 501 E. Main St. stated he is here to represent this project. He stated the Town currently has a water tower located on this site which is home to the Town's utility maintenance garage. The water tower has been deemed to be no longer necessary and will be taken down and removed from the site.

Currently Sprint is a tenant on the water tower. He stated in order to keep the service Sprint has offered to build a new tower for the Town to own. The single pole is called a monopole and is 150 ft. tall. It will house Sprint and give the Town three additional locations to rent. The Town would ear income from each of these tenants. The Town would own the pole and that is why he is seeking the special use variance. This is an allowed special use in the Town Center district. He stated if this use is approved the next step would be site plan approval at the Plan Commission. He stated the site would be fenced. Mr. Hendrix stated once the application is filled with the FFC he is confident that there will be other telecom companies that will be interested in renting on the tower. He stated the tower will be constructed with high safety standards.

Vice President opened the public hearing.

Mr. Dennis Echterling, 255 N. Liberty approached the podium. He stated this pole is in his front yard. He further discussed the location of the proposed pole and a fire siren that is located at this site. He discussed the parking at the Mason Jar Restaurant.

ANNOUNCEMENTS:

Mr. Thiele stated that the next regularly scheduled meeting is December 12th, 2019 at 6:30pm.

ADJOURNMENT:

With no further comments or questions, Mr. Frausto made a motion to adjourn the meeting at 8:25pm, seconded by Mr. Konradi and carried with a voice vote of all ayes.

Ryan Thiele, Vice President

Jim Konradi, Secretary