

LOWELL BOARD OF ZONING APPEALS MEETING
September 10th, 2020

President Frausto 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, Shane Lawrence, Jim Konradi, Tom Cogdill, Manny Frausto and Will Farrellbegg. Also present was, Nicole Bennett, Town Legal Counsel and Rich Oman Director of Planning and Building.

Mr. Frausto read the GUIDELINES FOR PARTICIPATION:
BZA Public Meeting Participation Guidelines

1. Meeting participants, staff and Commission members shall practice social distancing guidelines including hand washing, wearing face masks, cough and sneeze etiquette and distancing.
2. The meeting room will be limited to 25 occupants at any time including Board members, staff, petitioners and audience.
3. The petitioner shall be limited to two persons. One shall be the owner or the owner's representative.
4. Because of the meeting room limitation, audience members wishing to witness a petitioner's presentation or comment about the petition may be required to take turns listening/speaking then leaving the meeting room to allow others to listen/speak. All those wishing to comment will be heard.
5. To conserve space in the meeting room, the Board members suggest that audience members limit their participation to the petition they are interested in to allow others to occupy the meeting room.
6. Audience members wishing to comment publicly should address Board members only and keep their comments concise, courteous and constructive.

APPROVAL OF MINUTES:

Mr. Farrellbegg made a motion to approve the July 9th, 2020 regular meeting minutes, seconded by Mr. Cogdill and carried by roll call vote of all ayes.

NEW BUSINESS:

BZA #20-011 - 644 Brookvale Dr - Variance from Developmental Standards, Ordinance §155.075(A)(5)(c)(d) has been filed by Erik Ivan, 644 Brookvale Dr., Lowell, IN 46356, Parcel #45-19-22-251-009.000-038 in order to permit an accessory structure that is located closer to the primary structure than the required 10' and not located to the rear of the property as stated in the above ordinance.

Mr. Erik Ivan, 644 Brookvale Dr., Lowell, IN. He stated that he is petitioning for a variance from developmental standards to place a shed that is located closer to the house than allowed and not in the rear of the property. He stated he would like to construct it in a dead corner of his lot. He stated that the rear of his lot borders the retention pond. He

feels that if he placed the shed in the rear of the property it would block his neighbors view and be unattractive.

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

Mr. Oman stated that the ordinance calls for accessory structures to be no closer than 10' from the primary structure. Petitioner is requesting 5'. He stated the petitioner is also asking for the shed to not be in the rear of the property. Mr. Oman stated he is ok with the separation. The state building code calls for 3' and ours is 10', petitioner is proposing 5'. Mr. Oman stated in response to the shed not being in the rear of the property, he stated the shed does fit in where the petitioner is proposing it be located, he is not infringing on the side yard setback. Mr. Oman stated staff supports the variance.

Discussion followed on hardship and effect on adjacent property owners.

Mr. Frausto read the staff proposed Findings of Fact in their entirety.

Mr. Farrellbegg made a motion to approve the variance for a shed to be built 5' from the principal structure, conditioned that the construction plans are approved by the building dept., seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

Mr. Farrellbegg made a motion to approve the variance request for the shed to be located not in the rear of the property, conditioned that the construction plans are approved by the building dept., seconded by Mr. Cogdill 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. Farrellbegg and carried with a roll call vote of all ayes.

PUBLIC COMMENT: NONE

ANNOUNCEMENTS: Mr. Frausto stated the next regularly scheduled meeting is on October 8th 2020 at 6pm.

ADJOURNMENT:

With no further comments or questions, Mr. Farrellbegg made a motion to adjourn the meeting at 6:22pm, seconded by Mr. Cogdill and carried with a voice vote of all ayes.

Manny Frausto, President

Thomas Cogdill, Secretary