

**Call to Order:** Co-Chairman Michael Phillips called the Board of Zoning Adjustment Meeting to order at 6:00pm. An attendance sheet was available for visitors.

**Invocation:** Brian Clark

**Pledge of Allegiance:** Co-Chairman Michael Phillips

**Roll Call:** Board Members present: James Walker, Chase Henrichs, Michael Phillips, and Tony Kaczoroski and Brian Clark. Frank Mocivnik and Darrin Brock were absent. We had quorum.

**Approval of Minutes:**

**Motion to approve Minutes of September 20, 2021 as written.**

**Motion:** James Walker

**Second:** Tony Kaczoroski

**Vote Aye:** Walker, Kaczoroski, Henrichs, Phillips, Clark

**Vote Nay:** None

**Motion to approve Minutes of September 20, 2021 as written were approved.**

**Old Business:** None.

**New Business:**

**Tony and Apollonia Fuller – Variance from Setback Requirements - 216 Spring Creek Road**

Mr. and Mrs. Fuller requested a variance for the street side setback requirements. They own 5 acres of land and would like to add a driveway to lead to the back of the property to build a new home. They asked for the street side setback to be reduced to allow for a 53' right-of-way. They would like to build a single-family home to the rear of this property. The property already has one house (primary structure). The code does not allow for two primary dwelling structures on one parcel of land. To split the land the owner will need to dedicate a 53' right-of-way from the Spring Creek Road to the newly created parcel. The 53' right-of-way will encroach on the 15' street side setback of the existing home. The property has 160' of street frontage to Spring Creek. The distance between the property line and the existing home is 63'.

**Public Hearing: Open: 6:04pm Close: 6:04pm**

Mary Beth Dixon, 219 Saint Vincent St., had no objections.

**Motion to approve Tony & Appollonia Fuller – Variance from Setback Requirements – 216 Spring Creek Road.**

**Motion:** Chase Henrichs

**Second:** James Walker

**Vote Aye:** Kaczoroski, Walker, Clark, Phillips, Henrichs

**Vote Nay:** None

**Motion to approve Tony & Appollonia Fuller – Variance from Setback Requirements – 216 Spring Creek Road approved.**

**Tony & Appollonia Fuller – Variance from City Street Requirements – 216 Spring Creek Road**

Mr. and Mrs. Fuller asked for a variance to not build a city street on the dedicated right-of-way. They would like to build a drive access on the right-of-way.

**Public Hearing: Open: 6:09pm Close: 6:09pm**

**Motion to approve Tony & Appollania Fuller – Variance from City Street Requirements – 216 Spring Creek Road.**

**Motion: James Walker**

**Second: Chase Henrichs**

**Vote Aye: Kaczoroski, Walker, Clark, Phillips, Henrichs**

**Vote Nay: None**

**Motion to approve Tony & Appollania Fuller – Variance from City Street Requirements – 216 Spring Creek Road approved.**

**Alejandro Salinas – Variance from Building Material Code – 804 S. Old Wire Road**

Mrs. Salinas would like to tear down an older existing metal building on this property and build a new metal building. Code requires that accessory buildings should be constructed of materials that appear similar to the primary structure.

**Public Hearing: Open: 6:15pm Close: 6:15pm**

**Motion to approve Alejandro Salinas – Variance from Building Material Code – 804 S. Old Wire Road.**

**Motion: Tony Kaczoroski**

**Second: Chase Henrichs**

**Vote Aye: Phillips, Clark, Kaczoroski, Walker, Henrichs**

**Vote Nay: None**

**Motion to approve Alejandro Salinas – Variance from Building Material Code – 804 S. Old Wire Road approved.**

**Alejandro Salinas – Variance from Accessory Building Code – 804 S. Old Wire Road**

On the same property above, Mr. Salinas has two accessory buildings on his property and a well house. Code limits property owners to one accessory building per parcel. Request is for variance for the second accessory building.

**Public Hearing: Open: 6:19pm Close: 6:19pm**

**Motion to approve Alejandro Salinas - Variance from Accessory Building Code – 804 S. Wire Road.**

**Motion: Chase Henrichs**

**Second: James Walker**

**Vote Aye: Phillips, Clark, Kaczoroski, Walker, Henrichs**

**Vote Nay: None**

**Motion to approve Alejandro Salinas – Variance from Accessory Building Code – 804 S. Wire Road approved.**

**Adoption of the 2022 Board of Zoning Adjustment Bylaws**

Bylaws are reviewed and adopted yearly. One comment made was when a meeting is scheduled on a holiday and the meeting is moved to the following Thursday, the meeting be moved to the following Monday. This suggestion was not adopted; therefore, the Bylaws were accepted as written.

**Motion to approve Adoption of Board of Zoning Adjustment Bylaws as written.**

**Motion: Brian Clark**

**Second: Tony Kaczoroski**

Vote Aye: Phillips, Clark, Kaczoroski, Walker, Henrichs  
Vote Nay: None  
Motion to approve Adoption of Board of Zoning Adjustment Bylaws as written approved.

Ruling of Staff Decisions and Clarification: None.

Adjourn: Motion to adjourn made by James Walker; second by Chase Henrichs. All were in favor.  
Meeting adjourned at 6:30pm.

ATTEST:

APPROVED:

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Elizabeth Estes, City Clerk

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Michael Phillips, Co-Chairman

CITY OF LOWELL

BOARD OF ZONING ADJUSTMENT

JANUARY 20, 2022

DRAFT