

**PROCEEDINGS
OF
ZONING BOARD OF APPEALS MEETING
OF THE
CITY OF LOWELL
MONDAY, FEBRUARY 01, 2021, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Virtual Meeting was called to order at 7:00 p.m. by Mayor DeVore and City Clerk Sue Ullery called roll.

Virtually Present and Attending from the City of Lowell: City Councilmembers acting as Zoning Board of Appeals Members: Cliff Yankovich, Jim Salzwedel and Mayor DeVore, Leah Groves, and Chair Marty Chambers.

Absent: None.

Also Virtually Present and Attending from the City of Lowell: City Manager Michael Burns, City Clerk Susan Ullery, DPW Director Dan Cznarecki, City Attorney Jessica Wood, Fire Chief Shannon Witherell, Waste Water Treatment Plant Superintendent Brian VanderMuelen.

2. **APPROVAL OF AGENDA.**

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the agenda.

YES: Boardmembers Groves, DeVore, Salzwedel, Yankovich and Chair Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

3. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

There were no comments.

4. **NEW BUSINESS.**

a. **Public Hearing – Variance Application – 2040 W. Main Street.**

Chair Chambers opened the Public Hearing for 2040 W. Main Street.

Barb Brown, the owners' representative for Key Vista, spoke regarding concerns for the noise and if they were considering a sound barrier for the neighborhood houses behind the business.

Williams and Works Planner Andy Moore reviewed the six Zoning Board of Appeals Standards one by one, gave his opinion on each standard.

Representing the applicant, Scott Bell of Lapham Associates explained the building would be used commercially and would contain offices.

Board member Yankovich asked what the hours of operation are and what type of stuff will they be recovering.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the first standard had been met.

YES: 5 NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the second standard has been met.

YES: 5 NO: None. ABSENT: None. MOTION CARRIED.

Andy Moore with Williams & Works read the third standard and noted that this building is a bit bigger than many other buildings in that same zoning district. The shape is unusual and the setbacks along with the property shape does limit somewhat the placement of the building regardless of its size.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the third standard has been met.

YES: 4. NO: 1. (DeVore) ABSENT: None. MOTION CARRIED.

Chair Chambers requested the Fire Department weigh in on the fourth standard.

Fire Chief Shannon Witherall then joined the zoom meeting from the City of Lowell and stated he did not see any major concerns.

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the fourth standard has been met.

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

Andy Moore with Williams & Works read standard five and gave his opinion.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the fifth standard has been met.

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the six standard has been met.

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the ZBA approve the variance for 2040 W. Main with the condition that the applicant shall comply with any stipulation of the Lowell Fire Department regarding emergency vehicle access.

YES: Board members Salzwedel, Yankovich, Chair Chambers, Board members Groves and DeVore.
NO: None. ABSENT: None. MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

There were no reports.

7. **COUNCIL COMMENTS**

There were none.

8. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 7:51 p.m.

YES: 5. NO: NONE. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk