

**PROCEEDINGS  
OF  
ZONING BOARD OF APPEALS MEETING  
OF THE  
CITY OF LOWELL  
MONDAY, JUNE 20, 2022, 7:00 P.M.**

1. **SWEARIN OF OFFICER JESALYN HEARD.**

Chief of Police Chris Hurst and City Clerk Sue Ullery swore in Officer Jesalyn Heard as a full-time officer for the City of Lowell.

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

The Meeting was called to order at 7:00 p.m. by Chair Jim Salzwedel and City Clerk Sue Ullery called roll.

Present: Councilmembers acting as Zoning Board of Appeals Members: Cliff Yankovich, Leah Groves, Marty Chambers, Mike DeVore, and Chair Jim Salzwedel.

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, DPW Director Dan Cznarecki, Police Chief Chris Hurst, City Attorney Jessica Wood, Lowell Light & Power Charlie West and City Treasurer Sue Olin.

2. **APPROVAL OF AGENDA.**

IT WAS MOVED BY DEVORE and seconded by GROVES to approve the agenda as written.

YES: Zoning Board of Appeals members Groves, DeVore, Chambers, Yankovich and Chair Salzwedel.

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 – 139 S. Broadway and 149 S. Broadway.**

City Manager Michael Burns reviewed the variance application explaining the applicant King Milling is proposing to construct a mill, building, silos, a truck load out, and a relocated parking area on the property to support the operation on this and adjacent parcels. The zoning ordinance in the General Industrial district requires a 50' front yard setback and the buildings as proposed would have a front yard setback of approximately 7 feet, which is not in compliance. Thus, a 43-foot variance is requested. The purpose of this memorandum is to evaluate the request pursuant to Chapter 20 of the City of Lowell Zoning Ordinance. Burns then read the background stating the subject property has a combined area of approximately 3.2 acres and has approximately 600 feet of frontage along South Broadway Street. The subject property is part of King Milling's larger operation that occupies several parcels at the

southeast corner of Main Street and Hudson. The parcel is within the 1 General Industrial district and the applicant is proposing to construct a mill building and silos with an area of 7,873 square feet and a truck load out with an area of 2,917 square feet. The proposed improvements take advantage of the site's existing conditions and access to the site. These additions would be next to the existing warehouse building on the site as well as accessible by the road on the subject property. The scope of this review is only limited to the building and silos as it relates to the variance request and is not intended to facilitate discussion of the entire site plan, as the Planning Commission approved the site plan during its meeting on June 13, 2022. This approval was given contingent on the applicant receiving a variance from the City Council.

James M. Doyle, owner of King Milling spoke representing King Milling and explained their project and answered Zoning Board of Appeals members' questions.

City Manager Michael Burns then went through the Variance Review Standards stating the standards of Section 21.04 are as follows;

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district; Exceptional or extraordinary circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use of development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties;

Zoning Board of Appeals members all found that this standard has been met. Burns stated he met with them last week and they really do not have an alternative.

2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Zoning Board of Appeals members all found that this standard has been met.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Zoning Board of Appeals member Mike DeVore did not find that this standard has been met. All other Zoning Board of Appeals members found that this standard has been met.

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Zoning Board of Appeals members all found that this standard has been met.

5. The variance will not impair the intent and purpose of this ordinance.

Zoning Board of Appeals members all found that this standard has been met.

6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

Zoning Board of Appeals members all found that this standard has been met.

Burns then read Andy Moore with Williams & Works' recommendation stating at the June 20 meeting, the ZBA should consider the documents submitted and carefully listen to comments by the applicant, as well as the public. If in the judgement of the Board, all of the above standards are met and a practical difficulty exists, the Board may approve the variance with or without conditions. Based on our analysis above and knowledge of the site, we recommend that the variance be granted. The discussion contained in this memorandum may be cited as a basis for the decision

There were no public comments.

IT WAS MOVED BY YANKOVICH and seconded by GROVES that the City of Lowell Zoning Board of Appeals adopt Andy Moore's recommendations to approve the 139 South Broadway & 149 South Broadway Variance Application.

ROLL CALL VOTE: YES: Zoning Board of Appeals member Groves, Zoning Board of Appeals member Chambers, Zoning Board of Appeals member Yankovich and Chair Salzwedel.

NO: Zoning Board of Appeals member Mike DeVore. ABSENT: None. MOTION CARRIED 4-1.

5. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by DEVORE to adjourn at 7:23 p.m.

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

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk