

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**May 18, 2017**

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The Rome City Board of Zoning Appeals held their regular meeting on Thursday, May 18, 2017 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Morris.

Members Present:

Leigh A. Pranger-Secretary	Kelly Morris
Barb Tatman	Judy Fox
Mike Friskney	

Members Absent:

Christine Coe

Roll call determined a quorum was present.

Member Tatman made a motion to waive the reading of the minutes and approve as submitted. Second by Member Fox. All in favor-aye. Motion Carried. The minutes were posted on the bulletin board for everyone to read.

Interested parties in attendance: Attorney-Bill Eberhard, Fred Ishmael, Richard and Jean Loraine, Joe Freed, John Pierce, Margaret Mossman, Matt Kelty, Dave Gans, Dan Molitor, Rick Harkelroad.

**OLD BUSINESS**

Matt Kelty-gutters/snow guards on new home-1880 North Shore

Secretary Pranger informed the board she has received complaints from the adjoining owner that during rain events water is running onto his property and asked about Mr. Kelty needing to install gutters and snow guards to keep the water and snow off his property. Chair Morris called for Mr. Kelty to discuss the issue with the board. Mr. Kelty presented a drawing showing a plan to naturally take care of the water from the roof. The six feet of area between the property line and the steps on the west side will be dug out approximately three feet depth and filled with river rock. The top of the area to be loosely covered with brick pavers along with ferns, hostas and shade tolerant flowers. He asked the board to give him time to get everything installed to see it work. He stated, this design will more than handle the roof water and filter it back into the ground. As for the snow guards he stated he has one installed and asked that he not be required to install the rest for a couple of years. The board discussed the snow issue first. They noted with the steepness of the roof the lack of snow guards could be dangerous to the neighboring properties. The board stated the snow guards must be installed by November 1<sup>st</sup>, 2017. The board had much discussion concerning the water issue they finally decided to give Mr. Kelty one year to try the design and see if it works. Mr. Kelty needs to document how the plan is working and appear before the board next year at the May meeting. They will evaluate and decide if further work needs to be done or not.

**NEW BUSINESS**

Variance #2017-11

Melissa Smith, 6625 Cherry Hill Parkway, Fort Wayne, IN 46835 is requesting a variance for 975 Lions Drive, Rome City, IN 46784, from Rome City Unified Development code, Section 2.12 Lake Residential District Development Standards; Maximum Structure height of 16' for an accessory structure up to 21' to allowing living quarters. 5.03 AS-01 General Accessory Structure Standards; E Utilities to allow a restroom with a sink, toilet and shower in the upstairs of the garage.

Chair Morris called for Ms. Smith to present her case to the board. Mr. Rick Harkelroad, a friend of Ms. Smith, presented the board with a survey showing the new house and the proposed garage. He informed the board Ms. Smith will be using the room for her studio; she would like the utilities so she can clean up before going back to the house. Mr. Harkelroad noted the garage will not block anyone's view of the lake as there are no houses behind just the golf course.

Member Fox asked why it was necessary to have a toilet, sink and shower. Mr. Harkelroad stated for Ms. Smith to clean up and for overflow guests. Member Taman asked if the garage will block the neighbor's view of the golf course? Mr. Harkelroad stated it may partially block some of the view toward the golf course. Member Tatman asked if the garage will be used as living quarters? Mr. Harkelroad stated no, it will be used as a studio. Chair Morris asked why the plot plan states it will be used as a guest apartment. Mr. Harkelroad stated he did not draw up the plot plan so he didn't know why it was labeled as a guest apartment.

Chair Morris called for interested parties on Variance #2017-11. Secretary Pranger informed the board all adjoining owners were notified and two returned with no comments. Adjoining owner Cathy Stidham attached a letter to her interested parties notice, stating their disapproval of the variance request. They stated it will block their views and the addition of a guest quarters above the garage will allow more guests than the property can handle in regards to parking for vehicles. (Copy of letter attached to the minutes for reference) Member Tatman stated she is not in favor of the 21 foot height variance, feels it will block the neighbor's view of the golf course and the notation of a guest apartment on the submitted plot plan make her feel like that is exactly what will be built if they grant the variance for utilities. Chair Morris called for rollcall on the findings of fact.

Attorney Eberhard reminded the board a yes vote is a vote to approve the variance and a no vote is a vote against the variance.

1. The Board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community because: the garage will be too tall, and the plans state an inconsistent use.

Roll call for vote: Barb Tatman-No, Kelly Morris-No, Mike Friskney-No Judy Fox-No

2. The Board finds, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner: the garage will be too tall, and the plans state an inconsistent use.

Roll call for vote: Mike Friskney-No, Judy Fox-No, Barb Tatman-No, Kelly Morris-No.

3. The Board finds, the strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property of which the Variance is sought, because –the owner can build a compliant structure. Roll call for vote: Judy Fox-No, Barb Tatman-No, Kelly Morris-No, Mike Friskney-No.

4. The board finds the variance granted does not correct a hardship caused by an owner, previous or present, of the property, because the owner can build a compliant structure. Roll call for vote: Barb Tatman-No, Mike Friskney-No, Judy Fox-No, Kelly Morris-Yes

5. The Board finds the variance granted is the minimum necessary for the project because the owner can build a compliant structure. Roll call for vote- Kelly Morris-No, Judy Fox-No, Barb Tatman-No, Mike Friskney-No.

Variance #2017-11 Failed on all five findings of fact-Variance #2017-11 Denied.

Variance #2017-14

Daniel Molitor and Christopher Gumprecht, 1000 N LaSalle Dr. Apt 218, Chicago, IL60610 are requesting a variance for 830 Lakeside Drive, Rome City, IN 46784 from Rome City Unified Development Code, Section 2.12 Lake Residential District Development Standards; Lake yard setback requirement of 25' down to 18' for a primary (screened porch on the first floor) and down to four feet for an accessory structure at grade deck. This variance will allow for an addition of a screened porch and replacement of existing decks.

Member Judy Fox informed the board she has a conflict of interest on this petition as she is a neighbor and asked to be recused from this petition. Chair Morris asked Member Fox to have a seat in the audience for this petition.

Chair Morris called for Mr. Molitor to present his case to the board. Mr. Dan Gans, contractor for Mr. Molitor and Mr. Gumprecht, informed the board he will be presenting the petition to the board on behalf of his clients. Mr. Gans passed out a survey of the property along with pictures showing where the screened porch will be built. Mr. Gans stated his clients have agreed to move the screen porch back 24'6" and leave a six foot deck in front of the porch. This will help reduce the amount of view they will be blocking for the Loraine's, neighbor on the east side of the lot. Mr. Gans noted they would also like to rebuild the at grade deck in the same location as the wood is rotted. Chair Morris called for interested parties on Variance #2017-14. Mr. Richard and Jean Loraine were present and Mr. Loraine informed the board the screened porch will block their view. Member Tatman asked even if it is only a screen? Mr. Loraine stated yes. They stated they are against the variance for the screened porch. Attorney Eberhard then asked the petitioner why they don't just move the structure back to the required 25' and then they will not need a variance on the screened porch. Mr. Molitor agreed to set the screened room at the required 25' and asked to withdraw that portion of the variance request. Mr. Loraine stated that setback will still block their view. Attorney Eberhard informed the Loraine's the petitioner will be in compliance with the setback at 25' and the board cannot require them to set it back any further. They are welcome to discuss it with their neighbors and they might be agreeable to moving the porch further back. There be no further discussion Chair Morris called for a motion on the variance for the 4 foot setback on the at grade deck. Member Tatman made a motion to approve the setback of four feet from the water's edge for the at grade deck. Second by Member Friskney. All in favor-aye. Motion carried.

Variance #2017-15

John and Gayle Pierce, 650 Lakeside Drive, Rome City, IN 46784 are requesting a variance for 665 Spring Beach Rd., Rome City, IN 46784, from Rome City Unified Development Code, 5.03 AS-01, General Accessory Structure in a Single-family residential district, Subsection E.

402 Kelly Street

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Rome City, IN 46784

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Utilities. This variance will allow for the installation of a toilet and sink in the existing accessory structure.

Chair Morris called for Mr. Pierce to present his petition to the board. Mr. Pierce presented the proposed building plans to the board; showing the restroom in the front North West corner of the building. Mr. Pierce informed the board the garage in question is approximately a mile from his house as he ages and with recent health issues (cancer) he finds it more difficult to make it back to his house to use the restroom. He stated he uses the garage for storage and his hobbies and having to stop to run to the bathroom is becoming a hardship. Member Tatman asked if he will be paying a separate sewer hook up? He stated he will if is required too. Member fox asked if the variance can be restricted to this owner only? Attorney Eberhard stated no as the variance request will be altering the building. Chair Morris called for any interested parties on behalf of variance #2017-15. Secretary Pranger informed the board all the adjoining owners were notified and four out of six returned with no comments. There being no further discussion Chair Morris called for a motion. Member Fox made a motion to approve #2017-15 with restrictions no business, no living quarters/residential use, toilet and sink only, no other additions of fixtures. Second by Member Tatman. All in favor-aye-Motion Carried

#### **MISCELLANEOUS BUSINESS**

1. Secretary Pranger informed the board she is still working on the updates to the UDO for the board's review. She will forward copies by email as soon as they are completed.
2. Sent violation letter to Barbara Ports on Spring Beach to complete the landscaping in her yard, as it was causing damage to her neighbor's yard from the water and dirt runoff. She is now in compliance-she stated the weather delayed the work start date.

Next Meeting: July 20, 2017 meeting at 7:00 p.m. June Meeting canceled nothing for the agenda.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:14 p.m. Second by Member Fox. All in favor-aye. Motion Carried.

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Kelly Morris, Chair

Attest: \_\_\_\_\_  
Leigh A. Pranger, Secretary