

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
July 20, 2017

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, July 20, 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	Christine Coe
Mike Friskney	

Members Absent:

Judy Fox

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 Friskney. 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, Benjamin Schortgen, Dusty Weddelman-Newman, Dave and Marsha Martin, Cindy O'Brien, Michael and Nancy Reed, H & M construction-Eddie Owen and Rob Nichols-agents for Mark Wissel, Matt Kelty, Josh Lash, Jesse Yates, Scott Zeigler and Teri Feller.

NEW BUSINESS

Variance #2017-16

Benjamin J. Schortgen, 1025 Pleasant Point, Rome City, IN 46784 is requesting a variance from Rome City Unified Development Code, Section 2.12 Primary structure side yard setback requiring 10' down to 5'9" to add-on living room and kitchen square footage as well as a sunroom over the top of existing deck that is currently at a 5'9" setback from the south property line. Also relief from the lakefront setback of 25' down to 13'5" the sunroom will extend out to the edge of the existing deck on the east and south sides. This will allow for a 7'8" x 40' living space as a single story addition to kitchen and living room on main level for a total of 310 sq. ft. and a 16' x16' sunroom.

Chair Morris called for Mr. Schortgen to present his petition to the board. Mr. Schortgen presented the board with a survey, plot plan and pictures of the proposed addition. He stated, the deck on the east side will be used as the foundation for the addition. They will be bumping out the living space over the top of the deck. He added the house currently has the second story overhanging the first floor on both sides, bumping out the bottom floor should help eliminate the mushroom look of the house. The deck currently wraps around the house and there is a lot of wasted space. He noted his request includes a screen room in the northeast corner of the deck. Member Tatman asked if he had a structural engineer check the stability of the deck to add the addition. Mr. Schortgen stated, no he had his contractor check it out and he stated it would be fine to use as the foundation. Mr. Schortgen stated they will install skirting to cover up the area

under the deck and they will reroute the water to the outside of the skirting. Chair Morris asked about the amount of lot coverage the new addition will add to the property. Secretary Pranger stated it is at 60% coverage (lot= 4,617 house, patio and drive=2796) but didn't think the lot coverage came into play since he is using existing decking to add the addition. Member Tatman asked about what material will be used for the screen porch. Mr. Schortgen stated it will aluminum/wood supports with screen material.

Chair Morris called for interested parties on behalf of variance #2017-16. No one was present at the meeting. Secretary Pranger informed the board the notice to interested parties were sent out to the adjoining owners and three of the four returned, two of them had no comment. Mr. Bertels adjoining owner on the east side stated he is in favor of the improvements. There being no further discussion Chair Morris called for rollcall of the findings of fact. Attorney Eberhard explained for the purpose of this petition if you vote no you are voting against the petition and a yes vote is a vote in favor of the petition.

1. The Board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community because: it improves the current situation.

Roll call for vote: Barb Tatman-Yes, Kelly Morris-Yes, Mike Friskney-Yes Christine Coe-Yes.

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: it will set on the existing footprint. Roll call for vote: Kelly Morris-Yes, Mike Friskney-Yes, Christine Coe-Yes, Barb Tatman-Yes.

3. The Board finds, the strict application of the terms of the Zoning Ordinance will not constitute an unusual and unnecessary hardship if applied to the property of which the Variance is sought, because –an earlier variance was granted for the deck. Roll call for vote: Mike Friskney-No, Christine Coe-Yes, Barb Tatman-Yes, Kelly Morris-No. Tie Vote

4. The board finds the variance granted does correct a hardship caused by an owner, previous or present, of the property, because there was an earlier variance granted for the deck. Roll call for vote: Christine Coe-Yes, Barb Tatman-Yes, Kelly Morris-No, Mike Friskney-No. Tie Vote.

5. The Board finds the variance granted is the minimum necessary for the project because it will set on the existing footprint. Roll call for vote- Barb Taman-No, Christine Coe, Yes, Mike Friskney-Yes, Kelly Morris-Yes.

Variance #2017-16 Failed on #3 and #4 of the findings of fact-Variance #2017-161 Denied.

Variance #2017-17

Dusty L. Weddelman, 907 Kelly Street, Rome City, IN 46784 is requesting a variance from Rome City Unified Development Code in an agricultural district; Section 5.03 Accessory structure standards subsection E. Utilities restricting sewer service in storage buildings. This will allow the construction of a 40'x40' storage building with a restroom.

Chair Morris called for Mrs. Weddelman-Newman to present her petition to the board. Mrs. Weddelman-Newman presented the board with a survey, plot plan and drawing of the proposed building. Mrs. Weddelman informed the board she would like to build a new building and install a restroom with a stool and sink. Member Tatman asked if she owns the buildings to the back of the lot? Yes and the field to the south, stated Mrs. Weddelman-Newman. She stated the new building will be to the south of the house approximately 30' and approximately 40' west of the

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house and the septic for the house will be adequate to handle the building; she received approval from the county health department. Chair Morris asked what is the size of the building? Mrs. Weddelman-Newman 40'x40'. Member Friskney asked if she will be adding living quarters to the building? She stated No. Member Tatman stated you realize the request for a restroom throws a red flag. She stated yes, the restroom would be nice to have when they have family over and the kids are home. Secretary Pranger asked about the location of the driveway for access to the building? She stated, they will be using the existing driveway.

There being no further questions Chair Morris called for any interested parties on behalf of Variance #2017-17. No one was present for this petition. Secretary Pranger informed the board she sent notices to the adjoining owners and received back two out of the five, and those can back with no comments.

There being no further discussion Chair Morris called for a motion. Member Tatman made a motion to approve the variance with the standard restrictions: no business, no rentals, sink and toilet only, no shower. Second by Member Friskney. All in favor-aye. Motion Carried. Variance #2017-17 Approved with restrictions.

Variance #2017-18

Dave and Marsha Martin, 16639 Marble Ridge, Fort Wayne, IN 46845 are requesting a variance for Lot 2 in Lakeside Subdivision, backside of roadway from 510 Lakeside Drive, Rome city, IN for relief from Rome City Unified Development Code; Section 2.10 Single Family residential; Accessory structures restricting the height to 16' up to 18' and restricting maximum size to 1200 Sq. Ft. up to 1334 sq. ft. This will allow for the construction of a 46' x 29' garage with a metal roof and a second story.

Chair Morris called for Mr. and Mrs. David Martin to present their variance petition. Mr. Martin presented the board with a survey and plot plan. Mr. Martin stated they need additional room and height for storage of their pontoon on its trailer it won't fit in the standard door. The second story will be used for storage. Member Tatman asked where the stairway will be located? Mr. Martin stated it will be inside. Mr. Martin stated the lot size is 200' x 50' with side yard setbacks of 10' his builder wants to make sure he is within the setback thus the 46' x 29'.

Chair Morris called for interested parties on behalf of variance #2017-18. Cindy O'Brien, adjoining owner across the street, stated she has no issues with the variance. Secretary Pranger informed the board she notified all adjoining owners and two returned with no comments.

There being no further discussion, Chair Morris called for a motion. Member Friskney made a motion to approve variance #2017-18 with the standard restrictions: no business, no rental, no restroom, no living quarters. Second by Member Tatman. All in favor-aye. Motion Carried. Variance #2017-18 Approved with restrictions.

Variance #2017-19

Michael and Nancy Ann Reed, 1460 Eastgate Drive, Kendallville, IN 46755 are requesting a variance from Rome City Unified Development Code; Section 2.12 Lake Residential District Minimum lake yard setback for Accessory structures at the established building line of the primary structure or 25' down to 25' and relief from side yard setback of 7' and 10' for fire code down to zero. This will allow for the placement of a 10'x16' shed back to back with neighbor's shed on the adjoining lot to the north.

Chair Morris called for Mr. and Mrs. Reed to present their variance petition. Mr. Reed presented the board with a survey, plot plan and a brochure of the proposed shed. Mr. Reed stated they have a long front yard to the lake and they would like a shed to store water toys etc. closer to the water. Mr. Reed noted to the board that the neighbor's shed to the north already have shed placed in the front yard and they want to set their shed right next to the existing shed. Mr. Reed stated it will be a 10'x16' shed to match the neighbors. He stated the two adjoining owners Mr. Blackburn and Mr. Skaggs have no problem with the placement of the shed. Member Coe questioned the close location to the existing shed. Mr. Reed stated by butting the two shed back to back keeps the shed behind a tree which already blocks their view of the lake and it will look less out of place set next to the other shed. He added there will be no electricity or gas to the building.

Chair Morris called for interested parties on Variance #2017-19. No one was present. Secretary Pranger informed the board she notified adjoining owners and all three returned, Mr. Skaggs and Mr. Blackburn both sent letters in support of the variance. There being no further discussion Chair Morris called for a motion. Member Tatman made a motion to approve Variance #2017-19 with the restriction of no utilities. Second by Member Friskney. All in favor-aye. Motion Carried. Variance #2017-19 Approved with restrictions.

Variance #2017-20

Mark Wissel, 6949 Hawks Nest Trail, Fort Wayne, IN 46835 is requesting a variance for 415 Lions Drive, Rome City, IN for relief from Rome City Unified Development Code; Section 2.12 Lake Residential District for Accessory structures (Deck) Lake yard setback requirement of 25' down to 21' and the side yard requirement of 7' down to 2.5'. This will allow for the construction of a 10' x 19' deck at basement level with a 5'x13' deck on the NE corner of new deck. The project includes new stairwell and landings to the seawall.

Chair Morris called for Mr. Wissel to present his petition to the board. Mr. Nichols from H & M construction stated he and his partner, Robbie Owens will be presenting to the board on Mr. Wissel behalf. Mr. Nichols presented the board with a survey, plot plan, pictures and drawings of the proposed project. Mr. Nichols informed the board the current upper story deck was not constructed properly and they will be replacing the current 4x4's with 6x6's and adding new footers in the ground as the current above ground footers are leaning out away from the house. The new project will include new steps to the lake, a lower deck and a 5' x 13' deck on the NW corner. The decks will be below the level of the neighbors view so they will not block anyone view. They will also be adding skirting to cover the bottom of the deck. Member Friskney asked if the reason for the lake set back is due to the cantilevered deck. Mr. Nichols stated yes. After some discussion Chair Morris called for interested parties on Variance #2017-20. None were present. Secretary Pranger informed the board she notified the interested parties and no one returned anything.

There being no further concerns, Chair Morris called for a motion on Variance #2017-20. Member Tatman made a motion to allow Variance #2017-20 with no restrictions. Second by Member Coe. All in favor-aye. Motion Carried. Variance #2017-20 Approved

OLD BUSINESS

Discussion about Matt Kelty and Jesse Yates issues on North Shore Drive.

Mrs. Teri Feller presented the board with pictures of their property and Mr. Kelty's property showing the property line stake, roof lines, drainage areas etc... Mr. Scott Zeigler surveyor for Mr. Yates stated the overhang of Mr. Kelty's property is set exactly at 2'6" as the variance was granted. He noted that should Mr. Kelty have to install gutter's their will not be enough room to them on an meet the setback. Mrs. Feller stated her opposition to the present plan of the French drain to alleviate the water problems between their two houses because it does extend the length of the roof line. It is located in the northwest corner of his lot and only collects the water in that area. She stated the water shed from the roof in a large rain event shoots over the property line into their yard. She then stated concern for this winter and what might occur when the snow and ice come off the roof. Mr. Zeigler stated with the height of the roof and the angle the snow and ice will definitely end up in the neighbor's yard, on top their shed and possibly on their home. She noted the height of the house allows the Kelty's to look right in their home and they have no privacy; they added tint to their windows for some privacy. Mr. Yates stated the house is too tall and someone has been living in the house while it is still under construction. Mr. Zeigler stated due to the height and roof area a gutter will have to be an 6" to 8" industrial gutter which will require the overhang to be cut back in order to accommodate the unit within the granted variance. Mr. Zeigler stated in his opinion the current French drain system will overshoot the area and end up on the Yates property. Mr. Zeigler stated concern about this winter with the snow and ice coming of the roof, by his calculations the snow will end up 8' to 10' out from the Kelty's home into the adjacent property owners land. Member Friskney informed the Mr. Yates and Mrs. Feller the snow guard are to be installed by October 2017 so the ice and snow issue has been address. Chair Morris informed Mr. Yates and Mrs. Feller the BZA granted Mr. Kelty the opportunity to install the French drain system to see if it will work. He is to report back to the BZA in May 2018 to see how it has been operating.

Mr. Kelty addressed the board stating he took video and pictures of a torrential rain and the rain water came straight down from the eave. He noted in the pictures that the mulch Mr. Yates installed along the property line has not moved from the rainfall. He noted the French drain will work we just need to get it completely installed and give it time to work. Mr. Josh Lash, Surveyor for Mr. Kelty stated there is no evidence of erosion along the west side of the house and you can see in the pictures where the drip edge from the rain is located under the eave of the house. Member Friskney stated in his experience the French drain will work until it freezes, he also noted that it appears the elevation of the lot drains to the roadside not the lakeside. Mr. Zeigler stated his agreement with Mr. Friskney in that the land go up hill to the lake therefor it will be tough to drain to the lake. Attorney Eberhard the board has received the information presented by Mr. Yates however, the house is still under construction and nothing you have given the board show any damage to your property. Unfortunately the board cannot act on what if. He noted the board will keep an eye on the situation and check to make sure the snow guards are installed. The Gutter issue will have to wait until May 2018.

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.

Next Meeting: August 17, 2017 meeting at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 9:30 p.m. Second by Member Friskney. All in favor-aye. Motion Carried.

Kelly Morris, Chair

Attest: _____
Leigh A. Pranger, Secretary