

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
November 21, 2019

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, November 21, 2019 at 7:02 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

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

Members Absent:

Christine Coe	Mike Friskney
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Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Dwight and Paula Taylor, Jerry Nodine, Kenneth and Sarah McJunkin, Paul Leathers, Angela and William Schmitt, Connie Garton, Linda Donley, Mike and Donna Franks.

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

OLD BUSINESS

Nothing for the agenda.

NEW BUSINESS

Tabled from October Meeting-Variance #2019-17

Dwight and Paula Taylor, 1050 Eastgate Drive, Kendallville, IN 46755 are requesting variances for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards (LRDDS); Minimum Local Street yard setback of 25' down to 10' on the east side of Lot 50 in the unrecorded plat of Eastgate Addition to Sylvan Lake, Article 2.12 LRDDS Maximum Accessory Structure Height of 16' up to 25', Article 5.07 AS-05 Lake Residential Accessory Structure Standards; Section C. Quantity and Size, Subsection 2. Maximum Accessory Size of 1200 sq. ft. up to 1200 sq. ft. for building and 300 sq. ft. for covered porch, Total Square footage of 1500 sq. ft.; Section D. Exterior materials to match the Primary Structure to allow metal roof and siding. This will allow for the construction of a 30'x40' pole building with a 10'x 30' covered porch.

Chair Fox called for Mr. Taylor to update the board, no one was present on Variance #2019-17. Secretary Pranger stated she had not heard anything from the Taylor's regarding the petition. After some discussion the board was advised by Attorney Glick to vote on the Variance since no

one made contact to request another tabling. Member Tatman made a motion to deny Variance #2019-17 per the findings of fact. Second by Member Morris. All in favor-aye. Motion carried.

Use Variance #2019-19

Bobby W. Miller, 3535 E 1050 N, Rome City, IN 46784 is requesting a use variance from the Rome City Unified Development Ordinance, Section 2.05; Agricultural District; permitted use to allow an Automobile Detailing Business under the Type 1-Automobile Oriented Business (Low Intensity Use) Restricted to passenger vehicles and light duty trucks, outdoor storage or queuing of vehicle to be serviced (4), outdoor storage of serviced vehicles (4), No outdoor storage of parts, equipment or waste, no service hours to be outdoors, hours of operation to be between 7 am and 9 pm. This will allow for an interior auto detailing shop, by appointment only, no outdoor storage and one 2'x 2' commercial sign.

Chair Fox called for Mr. Miller to present his rebuttal and any additional information he collected for the board since the last meeting. Mr. Miller informed the board he conducted a traffic study from October 19th to November 3, from noon to seven p.m. he counted an average of 59 vehicle per week. His business consisted of 4.25% of the traffic. He did note one vehicle which drove very fast every day and the vehicle's destination was somewhere further up the road. Mr. Miller informed the board he had run the business for two years without any problems and none of the neighbor's complained. He noted that he installed a small sign to direct people to his house and not his neighbor's Mr. Franks. As soon as the sign went up, he received a letter from the Town Hall about his business. As for the noise from his business, it is residential noise not noise from the business, that the neighbors are complaining about. He added he owns motorcycles and they need to be revved when you first start them up. He added that every neighbor has some noise and any noise he does emit is not continuous nor every day or even every week. He noted all large trucks, such as semis are done off site as he doesn't have the facility to do them at the shop. He added that he is involved in the giving back to the community. He gives discounts to veterans, police, and EMS. He has donated coats to the Rome City School the last two years, and he enjoys giving back and being part of a small community. He believes you have to work hard and strive to make yourself better to get what you want.

Chair Fox stated, at the last meeting you mentioned you were looking to move to another place? What is the status of locating another facility? Mr. Miller stated, he is hoping to move within the next two years. Member Tatman confirmed that Mr. Miller stated he had been in business for two years without neighboring complaints? Mr. Miller stated, yes that is true. Member Tatman then asked, who told him it would be ok to run a business from the building? Mr. Miller stated, he was told by his real estate agent it was ok to run a business as a previous owner had run a business from this location. Member Morris asked, when the traffic study was conducted? Mr. Miller stated, he performed the in the last two weeks from 12 p.m.-5:30 pm. Mr. Miller stated, the heaviest traffic occurred around 4:30 p.m. on the week days. Mr. Miller stated in the last week he was done in the garage by 5:30 p.m.

Member Tatman made a motion to deny the use Variance. The motion died for the lack of a second.

Chair Fox called for the Findings of Fact. Attorney Glick stated a yes vote is a vote in favor of the variance and a no vote is 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 area surrounding the proposed business location is agricultural and the introduction of a business to the area can threaten the surrounding properties and public enjoyment. Rollcall for vote: Judy Fox-No, Barb Tatman-No, Kelly Morris-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 because: The business use may affect, the neighboring landowner's value of their property. Several remonstrators appeared citing concerns over noise, traffic, signs and depreciation of property values. Rollcall for vote: Barb Tatman-No, Kelly Morris-No, Judy Fox-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 for which the Variance is sought, because: The property is zoned agricultural and is not equipped for business uses. Rollcall for vote: Kelly Morris-No, Barb Tatman-No, Judy Fox-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 petitioner will be unable to operate his business at the subject location without the variance requested and a significant expense to petitioner. Rollcall for vote: Judy Fox-yes, Kelly Morris-yes, Barb Tatman-No.

5. The Board finds the variance is the minimum necessary for the project because the comprehensive plan discourages expansion and business uses in agricultural zones. Rollcall for vote: Barb Tatman-No, Judy Fox-No, Kelly Morris-yes.

Variance #2019-19 Denied on #1,2,3,and 5 findings of fact.

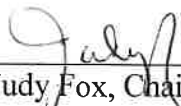
The board stated Mr. Miller can finish out his schedule to January 1, 2020.

MISCELLANEOUS BUSINESS


Nothing for the agenda

Next Meeting: January 16, 2020 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:01 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest: 

Leigh A. Pranger, Secretary