

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
March 15, 2018

The Rome City Board of Zoning Appeals held a joint meeting with the Rome City Plan Commission on Thursday, March 15, 2018 at 6:41 p.m. p.m. in the Rome City Town Hall. The meeting was called to order by Chair Fox.

Members Present:

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

Members Absent:

Mike Friskney-excused

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 Morris. 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, Ben Rice, Gary Schiltz, Joe Bertels, Randy Sexton, Dave Martin, Laraine Peckinpugh, Gary Musick, Tom Chronister and Kirk Klein.

OLD BUSINESS

Nothing under old business.

NEW BUSINESS

Variance #2018-03

Benjamin and Amanda Rice, 1097 Co Rd 20, Corunna, IN 46730, are requesting a variance for the backlots of 1420 North Shore Drive, Rome City, IN 46784 from the Rome City Unified Development Code, Section 2.10 Single Residential District Development Standards for a relief of the Lot Area requirement of 10,000 sq. ft. per lot down to 3400 sq. ft. and a Lot Width reduction from 60' down to 40' for two garage lots. This variance will allow for the North Shore Beach Subdivision of two garage lots.

Attorney Eberhard informed the board they need to rule on the variance for the North Shore Beach proposed subdivision as the subdivision does not meet the code requirements which are 10,000 sq. ft. for a lot and the lot width must be 60 feet. The subdivision is proposing 3500 sq. ft. and 40' width. Attorney Eberhard stated the only way to allow the variance is to apply restriction to the face of the plat; stating Garage lots only, No residential Use. Chair Fox called for interested parties on behalf of Variance 2018-03. No interested parties were present and Secretary Pranger stated all adjoining owners were notified and only Mr. Ivan stated, that no commercial uses be allowed. Attorney Eberhard stated the property is zoned for residential uses not commercial so this concern will not be an issue. After some discussion on Variance #2018-03 Chair Fox called for a motion and vote. Member Tatman made a motion to approve the variances for lot and lot width size for the North Shore Beach Subdivision with the restriction Garage lots only, No residential Use. Second by Member Morris. All in favor-aye. Motion carried. Variance #2018-03 Approved.

Variance #2018-04

Laraine Peckinpaugh 9790 N 500 E, Rome City, IN 46784 is requesting a variance on behalf of Thomas Chronister at 296 Grant Street, Rome City, IN (Lot 210 in the Town of Rome City). Relief from the Rome City Unified Development Code, Section 5.06 AS-04 Single Family Residential, Accessory Structure, B. Relationship, 2. Timing-Storage Based Accessory Structure to be allowed with no primary building on the lot; E. Location, 2. Detached Accessory Structure to be built in front or forward of a future primary building with garage doors facing the road. Chair Fox called for Laraine Peckinpaugh to present her petition to the board. Ms. Peckinpaugh and Mr. Thomas Chronister passed out pictures of the property for their review. Ms.

Peckinpaugh informed the board the pictures depict the alley and the adjoining property to the east of lot and the north side of the property depicting a wooded area with a large hole. They are asking for the building to be built in line with the neighboring garage and to bring it forward on the lot to leave enough room for a primary residence to be constructed in the future between the hole and the building. Chair Fox asked what the exterior of the building will look like? Mr. Chronister stated the building will be vinyl siding, asphalt shingles with a concrete drive- no windows, overhead door and man door. Member Tatman asked how will the building be used? Mr. Chronister stated he will be using it for storage. He added he lives on the lake and needs a place to store his boats and other lake necessities. He added he does not have enough room on his lot to build a storage building and recently saw this lot for sale. He has no intention of building a house on the lot. Member Tatman asked if there will be restrooms in the building? Mr. Chronister stated no; storage only.

There being no further discussion Chair Fox asked for a motion on Variance #2018-04. Member Tatman made a motion to allow Variance #2018-04 per the findings of fact and the restriction of no restroom, no business use and no residential use. Second by Member Coe. All in favor-aye. Motion Carried.

Variance #2018-05

Joseph Bertels, 1035 Pleasant Point, Rome City, IN 46784 is requesting a variance for relief from the Rome City Unified Development Code, Section 2.12 Lake Residential District Development Standards; Minimum Side yard setback requirement of seven feet down to 2'5" and lake yard setback requirement of twenty-five feet down to twenty two feet. Also relief from AS 5.07 LR Accessory Structure Standards; E. Location, 2. Recreation based accessory structure- Hot tub to be allowed in the front yard under deck.

Chair Fox called for Mr. Joseph Bertels to present his petition to the board. Mr. Bertels passed out packets to the board with copies of the survey, inspection report and photos of the old deck and a computer drawing of the new deck. Mr. Bertels referred the board to the inspection report he received when he purchased the property. The deck is noted as deficient; specifically the steps, hand rail and railing along with the joists under the deck do not meet code and they need to be replaced. He noted to the board not only will a new deck be safer and meet the building codes it will be visually more appealing and landscaping will be installed to match. Should the board decide not grant the deck the sliding patio door will open to an eight foot drop. Member Tatman asked what size is the new deck? Mr. Bertels stated the deck will be a replacement of the old deck it will not be expanded, it will be the same size. Member Coe asked if the setbacks will remain the same? Mr. Bertels stated yes, no changes to the setbacks. Chair Fox called for

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interested parties on behalf of Variance #2018-05. Mr. Kirk Klein the neighbor to the south of Mr. Bertels, stated his approval of the project. Mr. Bertels submitted a written document with both Mr. Klein and Mr. Schortgen, owner to the west, signatures approval of the project. Secretary Pranger passed out packets from Mr. Swogger adjoining owner to the south and west of Mr. Bertels. Mr. Swogger's packet showed pictures with track marks across his property to access Mr. Bertels property. The packet also showed some landscaping to be on Mr. Swogger's property. Chair Fox called for Rollcall of the board on Variance #2018-05. Attorney Eberhard advised the board a yes vote is a vote in favor of the project and a no vote is vote against the project.

Rollcall for vote.

1. The Board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community because: Does not expand use and repairs existing. Roll call for vote: Judy Fox-Yes, Barb Tatman-Yes, Kelly Morris-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: does not expand and repairs existing. Rollcall for vote: Barb Tatman-Yes, Christine Coe-Yes, Judy Fox-Yes, Kelly Morris-Yes.

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 –repairs and replaces existing deck. Roll call for vote: Christine Coe-Yes, Barb Tatman-Yes, Kelly Morris-Yes, Judy Fox-Yes.

4. The board finds the variance granted does not correct a hardship caused by an owner, previous or present, of the property, because existing deck dangers/repairs/replaces and on same footprint. Roll call for vote: Kelly Morris-Yes, Christine Coe-Yes, Judy Fox-Yes, Barb Tatman-Yes.

5. The Board finds the variance granted is the minimum necessary for the project because – existing deck is being repaired/replaced on same footprint. Roll call for vote- Barb Tatman-Yes, Judy Fox-Yes, Kelly Morris-Yes, Christine Coe-Yes.

Variance #2018-05 Passed on all five findings of fact-Variance #2018-05 Approved

Variance #2018-06

Dave and Marsha Martin, 16639 Marble Ridge, Fort Wayne, IN 46845 are requesting a variance for 510 Lakeside Drive, Rome City, IN for relief from Rome City Unified Development Code; Section 2.12 Lake Residential District; Minimum side yard setback requirements for Primary Structure to be 10 feet down to 5' 66" on the east side and a side yard setback for an accessory structure (deck) requiring 7' down to 5' for a deck and stairs. This will allow for the construction of a stick built, two-story home with an attached garage.

Chair Fox called for Mr. Martin to present his petition to the board. Mr. Martin introduced Mr. Randy Sexton-surveyor for the project. Mr. Sexton passed out copies of the existing house plot plan and of the proposed new house plot plan. Mr. Sexton stated Mr. Martin would like to demolish the existing home and detached garage and build a new 2 story home with an attached garage. He noted the existing garage is very close to roadway and makes it difficult for the Martin's and their neighbors to pull out into the road. By allowing the new project this safety

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issue will be removed. This will improve public safety and increase property values of the Martins and the neighborhood. Mr. Sexton noted the building envelope is very narrow on this lot and it makes it difficult to get everything within the setbacks. The new home will be centered on the lot the issue is the close distance of the house to the east which sits approximately 3' off the side yard property line. Member Tatman asked about the deck on the first floor will it be an open deck? Mr. Sexton stated yes and it will sit within the setbacks except for the steps on the east side will need variance approval. Chair Fox called for interested parties on behalf of Variance #2018-06. Secretary Pranger informed the board all the adjoining owners were notified two of the three returned with no statements. No interested parties were present on Variance #2018-06. Member Tatman expressed concern about the closeness of the two houses and requested a firewall be required in the at least half of the wall. After some discussion the board agreed the firewall must be installed. Chair Fox called for a motion and vote. Member Tatman made a motion to approve the variance with the restriction a firewall must be installed in the east wall at least half the length of the wall. Second by Member Morris. All in favor-aye. Motion Carried. Variance #2018-06 approved with the firewall restriction.

MISCELLANEOUS BUSINESS

1. Complaint on Eshelman Excavating -1100 N

Secretary Pranger passed out copies of three letters with complaints regarding Eshelman Excavating on 1100N. Attorney Eberhard stated this will be set for a public hearing at the August 23, 2018 meeting. He directed Secretary Pranger to notify all adjoining property owners of the hearing. The board requested Secretary Pranger get permission to hike on the Acres property to see what is happening on the Tackett property

2. 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: April 19, 2018 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:03 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

Judy Fox, Chair

Attest: _____
Leigh A. Pranger, Secretary