

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**October 11, 2018**

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The Rome City Board of Zoning Appeals held their regular meeting on Thursday, October 11, 2018 at 7:05 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
Christine Coe	Barb Tatman
Judy Fox	

Members Absent:

Mike Friskney-excused

Roll call determined a quorum was present.

Interested parties in attendance: Attorney-Bill Eberhard, Bob Blum, Robin Hayes, Dave and Pam Desper, Hal Schafer, Jerry Raber, Mr. and Mrs. James Jenkins-American Elegance Homes Builder for Jeff and Yvette Reece.

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

**OLD BUSINESS**

Complaints on Tackett/Eshelman, 4898 E 1100 N, Borrow Pit-moved to November 15, 2018.

**NEW BUSINESS**

**Tabled from September meeting**

**Variance #2018-19**

Dawn Blum, 930 Lions Drive, Rome City, IN 46784 is requesting a variance for their lake access lot located on the lake channel along Lions Drive. She is asking for relief from the Rome City Unified Development Code, Section 2.12 Lake Residential District Development Standards for Accessory Building setbacks. She is requesting variances from the lake yard setback of 25' down to 0', side yard setback of 7' down to 0' and street yard setback of 25' from to 4'. This will allow for the continued placement of a stairwell/deck/landing. The petition, legal description, plot plan and drawing of the proposed variance are on file and may be examined at the Rome City Town Hall. All interested parties should attend to voice their opinion or they may file written comments with the Town Hall prior to or at the meeting.

**Tabled from September meeting**

**Variance #2018-21**

Brian and Robin Hayes, 870 Lions Drive, Rome City, IN 46784 is requesting a variance for their lake access lot located on the lake channel along Lions Drive. They are asking for relief from the Rome City Unified Development Code, Section 2.12 Lake Residential District Development

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Standards for Accessory Building setbacks. She is requesting variances from the lake yard setback of 25' down to 0', side yard setback of 7' down to 0' and street yard setback of 25' from to 4'. This will allow for the continued placement of a stairwell/deck/landing.

Chair Fox called for Mr. Blum and Mrs. Hayes to address the board regarding Ownership of the parcels in question. Attorney Eberhard stated, it is his opinion that the land is owned by someone, however no one is paying taxes on said property. Mr. Blum stated he has tracked the land back to the original addition in 1943, known as North Addition to Routsongs Addition, where land was split off to provide land for Lions Drive. Attorney Eberhard asked Mr. Blum and Mrs. Hayes if they have documentation showing they have ownership of the land. Mr. Blum stated no, and then requested Variances 2018-19 and 2018-21 be tabled until the January 17, 2019 meeting to give them enough time to get the appropriate paperwork together. Member Tatman made a motion to allow Variances 2018-19 and 2018-021 be tabled until the January 17, 2019 meeting. Second by Member Coe. All in favor-aye. Motion Carried.

**Variance #2018-22**

Jeff and Yvette Reece, 510 E Northport Rd., Rome City, IN 46784 is requesting a variance for their property located at the East end of Hilltop Dr. hereby known as 1375 Hilltop Dr. Rome City, IN. Relief from the Rome City Unified Development Code, Section 5.07 AS-05 Lake Residential, Accessory Structure, A. Types, 2. Recreation Based; E. Location 3. Permanent Accessory Structure (i.e. Swimming pools) are not allowed in the lake yard envelope. This variance will allow for a 16' x 34' swimming pool in the lake yard in front of the new home.

**Variance #2018-23**

Jeff and Yvette Reece, 510 E Northport Rd., Rome City, IN 46784 is requesting a variance for their property located at the East end of Hilltop Dr. hereby known as 1375 Hilltop Dr. Rome City, IN. Relief from the Rome City Unified Development Code, Section 2.12 Lake Residential District Development Standards; Maximum Structure Height restriction of 16' requesting a height of 20'. 5.07 AS-05 Lake Residential, Accessory Structure, A. Types, 1. Storage Based; C. Quantity and Size, 2. Maximum Size restricted to 1200 sq. ft. up to 30' x 50'=1500 sq. ft. pole construction

Chair Fox called for Mr. Reece to present his petition. Mr. James Jenkins, informed the board he is the builder for the Reece's and he will be presenting for them in their absence as they had a family commitment. Mr. Jenkins stated he would like to combine the two variances for purposes of the presentation to the board as some of the information is relevant to both petitions. The board agreed. Mr. Jenkins informed the board this is not your typical lot, it is a 1.4-acre parcel, he noted there is a 20' easement for the gas line which runs through the property. So, they need to work with the setbacks and the around the easement to fit everything on the lot. Chair Fox asked about the topography of the lot and whether there will be enough room for the swimming pool and still be able to meet the setback from the lake. Mr. Jenkins stated yes, there will be room as the house will be built into the hill with the propose barn behind. Mr. Jenkins submitted a new plot plan to the board showing the newly found gas line easement along with his findings of fact for both variances. He noted the house will be located on the north side of the easement with the barn/pole building on the south side. He noted the pool will have a fence and a safety cover to eliminate inadvertent access to the pool area. He informed the board the pool will be an in-ground pool and the house is located at the end of a road along a channel. He added this is an

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oversized lot with plenty of room for a pool and the owner prefers to swim in a pool not the lake. Secretary Pranger reminded the board about the origination of the ordinance. It started with the large satellite dishes and how people were installing them on the lake front of their lots, which detracted from the nature beauty of the lake. From that the board determined they wanted to be able to control what would be placed in the lake front of people's homes to keep the natural beauty of the lake.

Chair Fox called for interested parties on behalf of Variance #2018-22. Secretary Pranger informed the board all neighboring properties were notified along with the owners across the channel. No comments were noted on the interested parties' notices. Chair Fox recognized Pam (Baker) Desper, an owner on Hilltop Drive, she stated that once the board starts allowing the pools -how many others will want them. A pool will be an eyesore to the neighbors. She stated she is not in favor of the pool and feared the pool may affect property values. Chair Fox recognized Hal Schafer, he stated he doesn't have a problem with the pool they have a large lot and they do not have good area to swim.

Chair Fox asked for rebuttal by Mr. Jenkins. Mr. Jenkins stated, the Reece's have went through the proper channels to ask for the pool it will meet the setbacks from the lake and the side yards it will also be surrounded by a fence. Member Morris asked if there is enough room for the pool to be located in the side yard or the back yard. Mr. Jenkins stated the lot is mostly a hill but there might be room in the back. There being no further comments Chair Fox called for the findings of fact on Variance 2018-22 only.

Attorney Eberhard reminded the board a no vote is a vote 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: Swimming pools are not permitted in front, room exists on lot. Rollcall for vote: Barb Tatman-No, Kelly Morris-No, Judy fox-N, Christine Coe-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, because: Residents appeared asking no pool rule be maintained to secure their property values. Rollcall for vote: Kelly Morris-no, Judy fox-No, Christine Coe-No, Barb Tatman-No.

3. The board finds, the strict application of the terms of Zoning Ordinance will not constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because: Ordinance provides no pool in front, room exists on lot. Rollcall for vote: Judy Fox-No, Christine Coe-No, Barb Tatman-No, Kelly Morris-No.

4. The board finds the variance granted does correct a hardship by an owner previous or present, of the property, because; Room exists for legal pool on lot. Rollcall for Vote: Christine Coe-No, Barb Tatman, No, Kelly Morris-No, Judy Fox-No.

5. The Board, finds the variance is not the minimum necessary for the project because: Room exists for legal pool. Rollcall for vote: Kelly Morris-No, Barb Tatman-No, Christine Coe-No, Judy Fox-No.

Variance #2018-22-Denied on all five Findings of Fact.

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Chair Fox asked Mr. Jenkins to present his case for the garage/pole building size and height. Mr. Jenkins referred the board to the new site plan showing the detached garage (30' x 50') with a height of 20'. Mr. Jenkins stated the requested building will meet all setbacks. He added the reason for the height request is to accommodate an RV. The trusses will need to be placed higher for the RV height. Chair Fox asked how the garage will be used? Mr. Jenkins stated it will be for a Gator, yard equipment, recreational vehicles, boat and snow plow-storage. Chair Fox asked Secretary Pranger about the lot coverage. Secretary Pranger stated they are fine on the lot coverage they have a lot of land. Member Tatman asked if there will be a bathroom installed in the garage. Mr. Jenkins stated, No. Mr. Jenkins noted the Exterior will be vinyl siding, wainscoting, stone and asphalt shingles. The building will be post construction and the exterior will match the house. He added the Woodline to the east will remain. Member Morris asked which direction the doors will be facing and how many? Mr. Jenkins stated the doors will open to north, three overhead doors with one-man door. Member Morris asked if there will be a 2<sup>nd</sup> story. Mr. Jenkins stated no, it will have standard attic trusses, if they want to use it for storage they will need a drop stairwell access.

Chair fox called for interested parties on Variance #2018-23. Pam (Baker) Desper asked if there will be windows in the building she voiced concern about her view of Gene Stratton-Porter property being blocked and the effect it may have on her property values. Mr. Jenkins stated, yes. Mrs. Desper asked if the doors will be directly facing the lake on the building. Mr. Jenkins stated, yes. Mrs. Desper asked if Mr. Reece owned an RV. Mr. Jenkins stated, no but they are planning for the future.

Attorney Eberhard reminded the board a no vote is a vote against the petition and a yes vote is a vote in favor of the petition. This variance request is for the height of the building to be 20'.

1. The board finds, the proposed variance will be injurious to the public health, safety, morals and general welfare of the community, because: Neighbors complained of height and view. Rollcall for vote: Christine Coe-Yes, Barb Tatman-Yes, Judy Fox-Yes, Kelly Morris-Yes.

2. The board finds, the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner, because: Neighbor believes the building will impact property values. Rollcall for vote: Kelly Morris-no, Christine Coe-No, Barba Tatman-No, Judy Fox-No.

3. The board finds, the strict application of the terms of Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because: The lot is acreage. Rollcall for vote: Barb Tatman-No, Judy Fox-No, Kelly Morris-No, Christine Coe-No.

4. The board finds the variance granted does not correct a hardship by an owner previous or present, of the property, because; Statement made this a preference. Rollcall for Vote: Judy Fox-No, Kelly Morris-Yes, Christine Coe-No, Barb Tatman-No.

5. The Board, finds the variance is not the minimum necessary for the project because: Statement made of preference, not a necessity. Rollcall for Vote: Christine Coe-Yes, Barb Tatman-Yes, Judy Fox-Yes, Kelly Morris-Yes.

Variance #2018-23 for building height-Denied on 2, 3 and 4 per the Findings of Fact.

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Attorney Eberhard reminded the board a no vote is a vote against the petition and a yes vote is a vote in favor of the petition. This variance 2018-23 request is for the size of the building to be 1500 Sq. Ft.

1. The board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community, because: plenty of room an acreage. Rollcall for vote: Christine Coe-Yes, Kelly Morris-Yes, Judy Fox-Yes, Barb Tatman-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: similar to neighboring structures. Rollcall for vote: Kelly Morris-Yes, Judy Fox-Yes, Barb Tatman-Yes, Christine Coe-Yes.
3. The board finds, the strict application of the terms of Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because: The lot topography. Rollcall for vote: Judy fox-No, Barb Tatman-Yes, Christine Coe-Yes, Kelly Morris-Yes.
4. The board finds the variance granted does not correct a hardship by an owner previous or present, of the property, because; Topography. Rollcall for Vote: Christin Coe-Yes, Judy Fox-Yes, Barb Tatman-Yes, Kelly Morris-Yes.
5. The Board, finds the variance is the minimum necessary for the project because: Topography of lot. Rollcall for Vote: Barb Tatman-Yes, Christine Coe-Yes, Kelly Morris-Yes, Judy Fox-Yes.

Variance #2018-23 for building size 1500 sq. ft -Approved on all five Findings of Fact with the usual restriction; No Restroom, kitchen, living quarters. No second story or business. Only size of 1500 sq. ft approved with a 16' height restriction.

**Variance #2018-24**

Mary Malle, 1080 North Shore Dr., Rome City, IN, is requesting a variance for the Simple Subdivision (Malle Subdivision Lots 1, 2 & 3) in a Lake Residential District on the Minimum Lot Width from the required one-hundred-foot width down to ninety feet for Lot 1 in the Malle Subdivision. The subdivision plat, petition, legal description, plot plan are on file and may be examined at the Rome City Town Hall. All interested parties should attend to voice their opinion or they may file written comments with the Town Hall prior to or at the meeting. Secretary Pranger informed the board Mary Malle contacted her office and requested variance #2018-24 be Tabled to the next meeting, November 15, 2018. Member Tatman made a motion to table Variance #2018-24 to November 15, 2018 meeting. Second by Member Morris. All in favor-aye. Motion Carried.

**MISCELLANEOUS BUSINESS**

1. Attorney Eberhard informed the board, they need to look at increasing the allowable free-standing sign along the State Road 9 corridor. Due to the speed limits and the necessary setbacks from a state highway the signs are requiring variances for larger signage. This will be brought to the Plan Commission for review. Jerry Raber of Raber's Groceries, stated for visibility and for traffic to be able to read the signs they should be at least 8'x 8' with a 10' height allowance.

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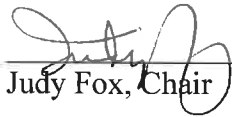
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2. Secretary Pranger to checked into the variance on Shane Tyler's trailer -granted April 20, 2017 expires April 20, 2019. Mr. Farrelly's on Spring Beach Rd. to tear down the old farm house-Demo issued 5/4/17 renewed in 2018 Expires 5/4/2019. Mr. Farrelly called 10/24/18 and told Pam Kline he will have the house removed by November 30, 2018.

Next meeting: November 15, 2018 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:10 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

  
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Judy Fox, Chair

Attest:

  
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Leigh A. Pranger, Secretary