

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**July 19, 2018**

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The Rome City Board of Zoning Appeals held their regular meeting on Thursday, July 19, 2018 at 7:00 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
Judy Fox	Christine Coe
Mike Friskney	Barb Tatman

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, Jerry Raber, Gene Landers, Donnie Patrick, Sherrie Wilson, Wesley and Patricia Herczeg, Joe Costello, Cheryl Quarry, Diane Clinger.

**OLD BUSINESS**

Nothing under old business.

**NEW BUSINESS**

**Variance #2018-13**

Wesley and Patricia Herczeg, 1320 North Shore Drive, Rome City, IN are requesting relief from Rome City Unified Development Code; Section 2.10 Section Single Family Residential District; Accessory Structures Maximum height of 16 feet up to 23 feet to allow for second story; 5.06 Single Family Residential Accessory Structure Standards; C. Quantity and Size 2. Maximum Size of 1200 square feet up to 1932 sq. ft. This will allow for the construction of a 46' x 42' pole building for storage.

Chair Fox called for Mr. Herczeg to present his petition to the board. Mr. Herczeg passed out copies of the survey, plot plan and the blueprints of the proposed building to the board. Mr. Herczeg stated he moved to 1320 North Shore Dr., Rome City and now needs more storage space for his Pontoon, boat, two cars and he would like a man cave to smoke his cigars. He noted the gazebo get a little chilly during the winter. He reviewed the plot plan with the board showing the garage will be built on the back side of North Shore and will be centered in the middle of the ¼ acre lot, so he will not need any variances for setbacks. He showed pictures of the house to the board and stated the new building will be the same style and exterior. The metal roof will be green, and the siding will be gray, stone work with carriage style doors. He scanned through photos showing other pole building on the back side of North Shore which showed his garage to be in line with the other pole buildings in the area. He stated the variance is only for the size and height. He stated he needs the additional height to allow for storage in the center of the room. He noted he would like to install two floor drains for winter melt off, insulation and heat-radiant tubes will be included for use of the man cave during the winter months. Chair Fox

asked about the amount of lot coverage? Secretary Pranger stated he is in line with the ordinance. Chair Fox called for interested parties on behalf of Variance #2018-13. Secretary Pranger informed the board all adjoining owners were notified and only one responded with no comments. Chair Fox stated the usual restrictions will apply to this request; no restrooms, living quarters, rental, or business use. There being no further discussion Member Tatman made a motion to approve variance #2018-13 with the restrictions no restrooms, living quarters, rental or business use. Second by Member Morris. All in favor-aye. Motion Carried

**Variance #2018-14**

Jerry Raber/Raber's Discount Groceries, Inc. 11365 N State Road 9-57, Wolcottville, IN 46795 is requesting relief from Rome City Unified Development Code; Section 2.22 General Business District Development Standards; Primary Structure Rear Yard setback requirement of seven feet down to two feet and Primary Structure Side Yard Setback requirement of seven feet down to two feet on the Northwest corner of the lot. This will allow for the construction of a 1296 sq. ft. freezer expansion outside the building to retain the existing store floor plan and storage area. Chair Fox called for Mr. Raber to present his petition to the board. Mr. Raber stated he needs more freezer space and he would like to add onto the northwest corner as he plans to add a loading dock on the north east side of the building in the future. He noted the present freezer does not allow for adequate space to store the food and stock properly. He stated he needs more room to add tall racking and the minimum aisle spacer required for a forklift is twelve feet thus the request to be so close the property line. Mr. Raber noted the building was built by the previous owner and he built to the property line setbacks. Mr. Raber informed the board that he spoke with the adjoining owners most affected. The farmer Wagner's have no objection and he is working on purchasing some more property from the Liberty Freewill Church. Member Tatman asked, if there will be an exterior door on the freezer? Mr. Raber stated, no the only access will be from inside the building. The deliveries will be brought in through the warehouse until the loading dock is added. Chair Fox called for interested parties on Variance #2018-14. Secretary Pranger informed the board she informed adjoining owners and on one returned with no comments. There being no further discussion Chair Fox called for a motion. Member Tatman Made a motion to approve variance #2018-14 as presented. Second by Member Friskney. All in favor-aye. Motion carried.

**Variance #2018-17**

Donnie G Patrick, 760 Lions Drive, Rome City, IN 46784 is requesting relief from Rome City Unified Development Code; Section 2.12 Lake Residential District Development Standards; Minimum Side Yard Setback requirement of seven feet down to five feet; Minimum Street Yard Setback requirement of twenty-five feet down to seven feet. This will allow for the construction of a 12' x 24' deck on the front of the home.

Chair Fox called for Mr. Patrick to present his petition for Variance #2018-17. Mr. Patrick addressed the board with a drawing of the proposed deck. He informed the board this is the condemned house he purchased and cleaned up on Lions Drive and now he would like to add a deck to the lake side. The variance is needed on the north and east sides due to the layout of the road right of way. The actual road is an additional 11 feet from the property line. Member Morris asked what type of material will he be using on the deck? He stated treated lumber.

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Member Morris asked where the stairway will be located on deck and the width of the stairs? Mr. Patrick stated in the center on the front of the deck and they will be the Standard 4-5 feet width. Chair Fox called for interested parties on Variance #2018-17. Secretary Pranger informed the board she notified the adjoining owners with only two returning with no comments. The board commended Mr. Patrick and Ms. Wilson for all the work they put into the property and the result looks great. There being no further discussion Chair Fox called for a motion. Member Friskney made a motion to approve Variance #2018-17 as presented. Second by Member Morris. All in favor-aye. Motion Carried.

### **Use Variance #2018-15**

James Creigh on behalf of Mary Malle, 8451 North State Road 9, Rome City, IN 46784 is requesting change to the approved use variance: part time sales of used furniture and accessories per the Rome City Unified Development Ordinance, Section 2.05; Agricultural District; use variance expanded to include the sale of surplus merchandise, construction, trailer and recreation vehicle materials, furniture, household appliances, carpets, flooring, lawn equipment and all household needs. The hours of operation to be Monday-Saturday 9-5. Also requesting outdoor storage of material.

Chair Fox called for Ms. Malle to present her petition to the board. Ms. Malle was not present. Attorney Eberhard stated the public hearing has been notified and Ms. Malle has not asked for a postponement. The Hearing must be held. Secretary Pranger informed the board that Mary Malle is now the owner as of June 28, 2018. Chair Fox opened the hearing to interested parties on behalf of Use Variance #2018-15. Ms. Cheryl Quarry adjoining owner to the south, stated she is not happy with the new business Ms. Malle is running. She noted fire code issues with the number of items inside the building and the amount of building material stacked around exterior of the building. She stated, the condition of the property will hurt her property values. She questioned the full-time operation of the business as it was originally only to be open on a part time basis, she noted it looks like it is always open. No one can tell with all the junk inside and outside the building, it is a mess. Citizen Joe Costello, stated the property looks like hell, and needs to be cleaned up. He stated, he is not against a salvage operation as long as everything is enclosed inside of buildings. He further noted, when the business operated in Wolcottville it was always a mess and she never cleaned it up. Secretary Pranger informed the board she notified all adjoining owners and Ms. Tomi Quarry, adjoining owner to the west, sent in a letter requesting an 8-foot fence be constructed completely around the property to keep the surplus materials on Ms. Malle's property. There being no further discussion Chair Fox called for the Finding of Fact to be read. Attorney Eberhard stated, for the purpose of this Use Variance a yes vote is a vote in favor of the variance and no vote is a vote against the variance.

1. The board finds, the proposed variance will be injurious to the public health, safety, morals and general welfare of the community because: outside storage affects views and surrounding uses. Rollcall for vote: Barb Tatman-No, Kelly Morris-No, Mike Friskney-No, Christine Coe-No, Judy Fox-No.
2. The board finds, that the approval of this variance will affect in a substantially adverse manner, the use and value of the area adjacent to the property included in the Variance, because: outside area is very unattractive and impacts Quarry's property values. Rollcall

for vote: Kelly Morris-No, Mike Friskney-No, Christine Coe-No, Judy Fox-No, Barb Tatman-No.

3. The board finds, the need for the variance arises from some condition peculiar to the property involved because: problem caused by new owner changing use. Rollcall for vote: Mike Friskney-No, Christine Coe-No, Judy fox-No, Barba Tatman-No, Kelly Morris-No.
4. 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: problem caused by new owner changing use. Rollcall for vote: Christine Coe-No, Judy Fox-No, Mike Friskney-No, Barb Tatman-No, Kelly Morris-No.
5. The board finds the approval of the Use Variance does interfere substantially with the Comprehensive Plan, because: Problem caused by new owner changing use. Rollcall for Vote: Kelly Morris-No, Barb Tatman, No-Christine Coe-No, Judy Fox-No, Mike Friskney-No.

Use Variance Denied on all five Findings of Fact.

The board discussed the timeframe for the property to be brought into compliance. The board stated Ms. Malle created he own hardship. Secretary Pranger informed the board the town hall started receiving complaints the first day Ms. Malle started moving materials and they have been coming in ever since. Ms. Malle did not contact the town hall prior to or after buying the building to see what the allowed uses on the property were. She just started hauling items in and then changed the sign. Secretary Pranger made several calls to Ms. Malle regarding the change in use to the property. Ms. Malle did not come in to fill out the paperwork on the amended use variance. Secretary Pranger stopped by the business to tell Ms. Malle she is limited to only selling the furniture and the carpeting until the amended use variance is granted. At that time, Ms. Malle signed the paperwork for the use variance. The board decided to allow Ms. Malle 30 days from the receipt of the notice, to have all exterior materials be removed or stored inside a building. Upon inspection of the property by Secretary Pranger at the end of 30 days, should the property not comply a fine will be administered for non-compliance and a daily fine will be incurred for each and every day the non-compliance issue exists. The board directed Secretary Pranger to send the violation notice by certifies mail and to have the Rome City Marshals Office deliver a copy which is to be signed for by Ms. Malle.

#### **MISCELLANEOUS BUSINESS**

1. Secretary Pranger distributed copies of the minutes from the Tackett/Eshelman petition set for August 23, 2018.
2. 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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Next meeting: August 23, 2018 at 7:00 p.m.

There being no further business Member Morris made a motion to adjourn the meeting at 8:23 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