

ROME CITY PLAN COMMISSION
ROME CITY BOARD OF ZONING APPEALS
JOINT-Regular Meeting
June 21, 2018

The Rome City Board of Zoning Appeals held a joint meeting with the Rome City Plan Commission on Thursday, June 21, 2018 at 6:34 p.m. p.m. in the Rome City Town Hall. The Plan Commission Meeting was called to order by President Morris.

Members Present:

Kelly Morris	Barb Tatman
Kirk Klein	Nick Heffner
Nita Dodd	Leigh A Pranger

Members Absent:

Brent Leiter

The BZA meeting was called to order by Chair Fox.

Members Present:

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

Roll call determined a quorum was present for both boards.

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

BZA member Taman made a motion to waive the reading of the minutes and approve as submitted. Second by Member Morris. All in favor-aye. Motion Carried.

Interested parties in attendance: Attorney-Bill Eberhard, Deb Sexton-representing Mr. Jeffrey and Latesa Conley, Mr. and Mrs. Wesley Herczeg, Austin Miller and Jerry Raber.

OLD BUSINESS

Nothing under old business.

NEW BUSINESS

Simple Subdivision #2018-10-PLAN COMMISSION

Jeffrey and Latesa Conley, 5389 E 900 N, Kendallville, IN 46755 are requesting primary and secondary approval of a one lot Simple subdivision hereby known as: Conley Acres; to divide two acres from the parent parcel of 19.12 acres.

A tract of land located in the Southwest Quarter of Section 13, Township 35 North, Range 10 East, in Noble County, the State of Indiana, more fully described as follow:

Commencing at the Southeast corner of said Southwest quarter marked by a rebar found this survey; thence N 00 degrees 38 minutes 08 seconds W (record), along the east line of said Southwest quarter, for 423.71 feet to the Point of Beginning marked by a rebar set this survey; thence N 89 degrees 21 minutes 52 seconds E for 18.95 feet to a rebar set this survey; thence along the East, Northeast and North edge of an existing drive for the following eleven bearings

402 Kelly Street

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Rome City, IN 46784

and lengths: N 26 degrees 24 minutes 03 seconds W for 29.09 feet; N 37 degrees 18 minutes 43 seconds W for 23.01 feet; N 39 degrees 46 minutes 22 seconds W for 38.03 feet; N 41 degrees 51 minutes 49 seconds W for 36.25 feet; N 43 degrees 33 minutes 29 seconds W for 40.16 feet; N 44 degrees 40 minutes 46 seconds W for 32.73 feet; N 56 degrees 54 minutes 22 seconds W for 35.23 feet; N 61 degrees 01 minute 38 seconds W for 28.13 feet; N 76 degrees 24 minutes 02 seconds W for 70.67 feet ; N 89 degrees 45 minutes 10 minutes W for 11.73 feet to a rebar set this survey; thence N 00 degrees 38 minutes 08 seconds W parallel to the east line of said southwest quarter, for 207.36 feet to a rebar set this survey on the north line of a tract of land conveyed to Jeffrey Conley and Latesa G. Conley per Noble County Document Record #180100176; thence S 89 degrees 09 minutes 15 seconds E, along the north line of said tract of land conveyed to Conley, for 306.56 feet to a rebar found this survey at the Northeast corner of said tract of land conveyed to Conley; Thence 00 degrees 38 minutes 08 seconds E, along the east line of said Southwest quarter and also being the East line of said tract of land conveyed to Conley, for 418.17 feet to the point of beginning, said tract of land containing 2.00 acres, more or less, and being subject to all public road rights-of-way and all easements of record. The above described tract of land is to be benefited by the following 20 foot wide ingress-egress and utility easement, being a 20 foot wide strip of land located on the westerly, southwesterly and southerly side of and adjoining the following described line: Beginning at the Southeast corner of said southwest quarter marked by a rebar found this survey; thence N 00 degrees 38 minutes 08 seconds W along the east line of said Southwest quarter, for 423.71 feet ; S 89 degrees 21 minutes 52 seconds W for 20 feet; N 26 degrees 24 minutes 03 seconds W for 29.09 feet; N 37 degrees 18 minutes 43 seconds W for 23.01 feet; N 39 degrees 46 minutes 22 seconds W for 38.03 feet; N 41 degrees 51 minutes 49 seconds W for 36.25 feet; N 43 degrees 33 minutes 29 seconds W for 40.16 feet; N 44 degrees 40 minutes 46 seconds W for 32.73 feet; N 56 degrees 54 minutes 22 seconds W for 35.23 feet; N 61 degrees 01 minutes 38 seconds W for 28.13 feet; N 76 degrees 24 minutes 02 seconds W for 70.67 feet; N 89 degrees 45 minutes 10 seconds W for 11.73 feet to the terminus of said Easement.

Chair Fox asked for Mr. Conley to present his petition to the board. Mrs. Deb Sexton was present representing Mr. and Mrs. Jeffrey Conley due to a scheduling conflict. Mrs. Sexton present the one lot subdivision plat to the board. She noted the Conley's bought the 19 acre property at auction and would like to separate 2 acres from the parent parcel for a homesite for one of their children to build a home. She noted the subdivision meets all the code requirements except for the required road frontage of 150'. They only have the 20' road easement for both properties if the subdivision is granted. Mrs. Sexton stated Mr. Chapman the adjoining owner along the road easement will be deeding the easement to the Conley's. Attorney Eberhard informed the board the variance necessary to grant the road easement is the reason for the Joint meeting of the boards. He noted, due to the existing road easement previously approved by the Noble County Plan Commission the board should look favorable at the variance as or UDO/code does not specifically address this issue. He added, that Secretary Pranger and he will be meeting to develop requirements for road easement, such as, they will be required to be 30' to 50' in width to allow for utility access, we will also restrict the type of material the road may be constructed and how the road/drive will be maintained. As the code stands now we cannot make restrictions.

President Morris and Chair Fox called for interested parties on behalf of Simple Subdivision #2018-11 and Variance #2018-10. Secretary Pranger stated she noted all adjoining owners and about half returned with no comments. No interested parties were present on behalf of the petitions.

Plan Commission Member Tatman made a motion to approve the one lot Subdivision known as Conley Acres with the stipulation the variance on road width is approved. Second by Member Heffner. All in favor-aye. Motion Carried.

Variance #2018-11-BZA

Jeffrey and Latesa Conley, 5389 E 900 N, Rome City, IN, are requesting a variance from the Rome City Unified Development Code, Section 5.42 Lot Standards in an Agricultural District B. Minimum Lot Frontage 2. All other lots requiring the minimum lot frontage are 60% of 170' which equals 102' down to the twenty-foot road access easement. This variance will allow for a two-acre, one lot subdivision known as Conley Acres; to be split from the parent parcel of 19.12 acres.

The BZA discuss the road easement and questioned the maintenance of the easement. Attorney Eberhard stated the board can direct the owners to prepare a shared driveway agreement for maintenance of the easement which will be recorded and a recorded copy returned to the Rome City Town Hall. Mrs. Sexton asked, why this was necessary as the property owners are both related. Member Tatman stated, we have to think beyond the current owners and how the property might be sold in the future. To reduce fighting a document agreed upon now will stop problems in the future. Attorney Eberhard stated the board have to think about the future and plan for that accordingly. Mrs. Sexton confirmed that a separate document with agreement will be ok with the board. They stated yes.

BZA Member Made a motion to approve Variance 2018-10 to allow the 20' road width upon a recorded agreement between the owners for maintenance of the easement and returning a copy to the Town Hall. Second by Member Coe. All in favor-aye. Motion Carried.

Upon approval by the BZA the Plan Commission President and Secretary Pranger signed the Conley Acres Subdivision.

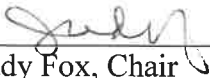
MISCELLANEOUS BUSINESS FOR BZA

Copies of minutes from meetings on Tackett/Eshelman-1100 N-Secretary Pranger stated she will send these out by email or insert them into their July Packets.

Secretary Pranger informed the board she needs to move the October Meeting due to a family commitment. Member Tatman made a motion to move the October meeting to October 11, 2018 at 7:00 p.m. Second by Member Morris. All in favor-aye. Motion Carried

There being no further BZA business the meeting was adjourned.

There being no further business for the BZA Member Tatman made a motion to adjourn the meeting at 7:03 p.m. Second by Member Coe. All in favor-aye. Motion Carried.



Judy Fox, Chair

Attest:



Leigh A. Pranger, Secretary

Rezoning petition #2018-12-PLAN COMMISSION.

Austin Miller, 102 E Dutch Street, Wolcottville is requesting a rezoning on the Rome City zoning Map: The proposed amendment involves consideration of a change of zoning classification from Agricultural (AG) District to a General Business (GB) District for the Southwest corner of St Rd 9 and 1150 N-57, Wolcottville, IN 46795; the property is further described as: Part of the land described in Deed Record 60, Page 106, in Noble County Recorder's Office, said part described as follows: Part of the Northeast Quarter of the Southeast Quarter of Section 4 Township 35 North, Range 10 East, Orange Township, Noble County, IN, described as Kennedy Acres Lot 6

President Morris called for Mr. Austin Miller to present his petition to the board. Mr. Miller presented the board with an aerial photo of the lot and a copy of the subdivision plat. Mr. Miller informed the board he is the owner of Tire Star located on the east side State Road 9 behind the Victorian home on the corner. He added that a lot of his customers have trouble finding him as Google Maps has the business shown on the west side of St. Rd 9. He purchased the SW corner lot to install a sign advertising his business. He found out the lot was zoned Agriculture which restricts the size of signage to a 2 x 3. He would like to put up a larger sign 8 x 8, and possibly use the lot in the future for business purposes. He passed out copies of the proposed sign to the board. The board liked the proposed sign and stated it will be eye-catching. Secretary Pranger informed the board when the subdivision was requested they had to zone it one zone and the majority of the uses would be residential/agricultural uses. She noted the ask for a rezone adjacent to a State highway should be looked at favorable as this is where we would like to businesses develop near all the amenities. Mr. Miller also stated he is currently renting a sign spot from Mr. Strawser on the east side of State Road 9 and he would like to put that money into the lot and a nicer sign.

President Morris called for interested parties on behalf of the Rezoning petition #2018-12. Secretary Pranger informed the board she notified all owners within the Subdivision and all adjacent owners to the subdivision. She received approximately 75% returned with no comments except Mr. Jerry Raber, owner of Raber's Discount Groceries, he wrote his approve on the notice. Mr. Raber was present and stated he just came to support Mr. Miller. There being no further questions or comments. President Morris called for a motion. Attorney Eberhard reminded the board final approval for a Rezone will be by the Town council at the July 9 meeting. The Plan Commission will be making a positive or negative recommendation or no recommendation at all. Member Tatman made a motion to positively recommend approval of Rezone #2018-12 from AG to GB. Second by Member Dodd. All in favor-aye. Motion Carried.

The Town Council will make a final determination on Monday, July 9, 2018 at 6:30 p.m. in the Rome City Town Hall.

Rome City Plan Commission/Rome City Board of Zoning Appeals

Minutes-June 21, 2018

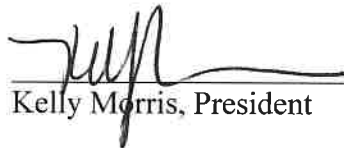
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Secretary Pranger informed the board she needs to move the October Meeting due to a family commitment. Member Tatman made a motion to move the October meeting to October 11, 2018 at 6:30 p.m. Second by Member Coe. All in favor-aye. Motion Carried


There being no further Plan Commission business the meeting was adjourned.

There being no further business for the Plan Commission Member Tatman made a motion to adjourn the meeting at 7:13 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

Next meeting: July 19, 2018 at 6:30 p.m. for Rome City Plan Commission and 7:00 p.m. for the Rome City Board of Zoning Appeals



Kelly Morris, President

Attest: 

Leigh A. Pranger, Secretary