

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
September 20, 2018

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, September 20, 2018 at 7:00 p.m. p.m. in the Rome City Town Hall. The meeting was called to order by Vice-Chair Morris.

Members Present:

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

Members Absent:

Judy Fox

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 Coe. 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, Bob and Dawn Blum, Robin Hayes, Lonnie Tackett, Laraine Peckinpaugh, Gary Musick, Don and Alice Richards, Mark Shaver, Mike Tokar, Hal Schafer, and Ben Castle

OLD BUSINESS

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

NEW BUSINESS

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.

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 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.

Vice-Chair Morris called for the Blum's to present their petition. Mr. Bob Blum addressed the board and asked if Robin Hayes could present her petition at the same time as they are asking for the same variances. The board agreed. Mr. Blum informed the board he contacted the IDNR two years ago to get approval for the project. He sent pictures of the area in question and a drawing of the proposed improvement. The IDNR stated as long as the decks are behind the waterline of lake it is out of the IDNR's jurisdiction. Mr. Blum informed the board; he and the Hayes have access to the lake and wanted to improve the safety of the accesses. He noted his safety concerns; vehicles missing the curve and sliding into the access area, need a safe area for grandkids to be down by the water and the roadway, Robin Hayes stated, they need an area for her mother-in-law to fish on the pier. Mr. Blum stated, over the years the snowplow has edged away the ground making it look more like roadway and thus reducing the amount of setback from the road. Robin Hayes stated, they need a strong pier with non-skid access for her niece who is in a wheelchair to be able to access the boat. Mr. Lonnie Tackett stated, they need a safe area for her to cross the street and access the pier to get on the boat. Mr. Blum stated the deck with the back wall stayed in line with the original stairwell. Member Friskney questioned the drainage and if this project has affected it in any way. Mr. Blum stated the drainage is under the deck/pier. Mr. Blum submitted pictures showing the lake waterline in relationship to the pier and the deck.

Vice-Chair Morris called for interested parties on Variance #2018-19 and #2018-21. Mr. Hal Schafer owner on South Bend Drive stated he came to see what the board determines as he owns some property with access and he would like to do the same type of project. Mr. Mark Shaver, adjoining land owner, stated so the board is going to allow a permanent improvement in the town's Right-of-way. Vice-Chair Morris stated no, the board has not allowed anything yet as we have not voted on the petitions. Attorney Eberhard stated, since the ownership issue has been brought up he would like to see deeded access paperwork. Mr. Blum stated he has all the paperwork just not sure he brought it all with him to the meeting. Mr. Shaver stated, so the town is going to allow buildings within its Right-of-way. Attorney Eberhard stated, no we will not allow buildings within the Right-of-way.

Rebuttal: Mr. Blum stated he purchased the property in 2008 and had his Attorney Earl Raskowski research the deed work. He stated he will bring all necessary documents into Leigh Pranger. Attorney Eberhard suggested the board table the petitions until he has time to review the deed paperwork. Member Tatman made a motion to table Variance #2018-19 and #2018-21 until the October 11, 2018 meeting. Member Friskney second the motion. All in favor-aye. Motion Carried. Variances #2018-19 and #2018-21 Tabled.

Variance #2018-20

Laraine Peckinpaugh, 9790 N 500 E, Rome City, IN 46784 is requesting a variance on behalf of Donald Richards at 298 Grant Street, Rome City, IN (Lot 209 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-46' x 34' 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.

Vice-Chair Morris called for Ms. Peckinpaugh to present her petition to the board. Ms. Peckinpaugh presented a plot plan of the proposed building. She noted they are asking for a variance to construct a 46' x 34' building for storage purpose prior to a primary building on the lot. She noted the building will be built on a footer along with it being garage construction not pole construction. Mr. Gary Musick, representative of Ms. Peckinpaugh stated the new owner of the lot (Don Richards) lives in Rome City and needs additional space for storage and the building will be an asset to the neighborhood.

Vice -Chair Morris called for interested parties on behalf of Variance #2018-20. Mr. Ben Castle, owner to the west of the property. Mr. Castle stated he does not want Rome City to turn storage lots with no homes. Member Friskney stated this is not the only lot with garage only on the lot in town. Mr. Castle stated no it is not, however I live across the street from the proposed building. He added he doesn't want to lose the \$65,000 worth of equity he has gained on his property in the last 17 years. Mr. Castle passed out packets of photographs and a statement from Becky Arnold a residential appraiser on the reduction in the value of his property. The letter stated the addition of a storage type building will reduce Mr. Castle's view and will have an adverse impact on Mr. Castle's property. Member Friskney asked about the construction of Tom Chronister's building on the next lot to the east. Mr. Castle stated the view of that building is shielded due to trees on the lot in question. Mr. Castle then submitted a document with signature from the neighbors against the variance. He noted that Mrs. Leatherman is in a nursing home and Brad Gossett could not be reached, the other adjoining owners signed. Mr. Castle concluding he statement by asking the Board of Zoning Appeals to deny the Variance.

Vice-Chair Morris called for rebuttal by Ms. Peckinpaugh. Ms. Peckinpaugh asked why the other adjoining owners did not come to the meeting and only signed the document. Ms. Peckinpaugh stated the height of the proposed building is only 17' high this is less than the height of a two-story residential building. He sated this building will be a nice addition to the neighborhood.

Member Friskney stated he has a conflict of interest as Tom Chronister owner of the other lot where a storage building is being constructed.

Vice Chair Morris called for the Findings of Fact on Variance #2018-20. 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 be injurious to the public health, safety, morals and general welfare of the community, because: It will affect property values. Rollcall for vote: Barb Tatman-No, Kelly Morris-No, Christine Coe-No.
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: Appraiser has asserted an adverse effect on neighboring property values. Rollcall for vote: Kelly Morris-no, Christine Coe-No, Barba 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: lot has no special or unusual features. Rollcall for vote: 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; Variance would be one of convenience; lot buildable within code. Rollcall for Vote: Barb Tatman, No, Kelly Morris-No, Christine Coe-No.
5. The Board, finds the variance is not the minimum necessary for the project because: Lot could be utilized within the code without variance. Christine Coe-No, Barb Tatman-No, Kelly Morris-No.


Use Variance Denied on all five Findings of Fact.

MISCELLANEOUS BUSINESS

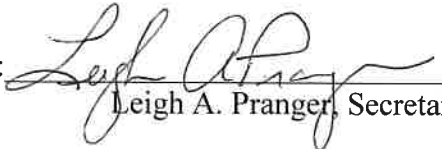
1. Secretary Pranger informed the board Mary Malle held an auction over the weekend to clear the property at the corner of 850 N and State Road 9. She is now in compliance with the zoning code.
2. Attorney Eberhard informed the board, they need to look at increasing the allowable free-standing sign along 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.
3. Member Tatman asked Secretary Pranger to check into the variance on Shane Tyler's trailer - when is the variance up and Mr. Farrelly's on Spring Beach Rd. to tear down the old farm house.

Next meeting: October 11, 2018 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:07 p.m. Second by Member Coe. All in favor-aye. Motion Carried.



Kelly Morris, Vice-Chair

Attest: 

Leigh A. Pranger, Secretary