

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
April 18, 2019

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, April 18, 2019 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

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

Members Present:

Barb Tatman

Rollcall determined a quorum was present.

Interested Parties in attendance: Attorney Dustin Glick, David White, Jeff and Vickie Bowser.

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

OLD BUSINESS

Bobby Blum contacted Secretary Pranger and asked to table the variance until the May meeting. Member Morris made a motion to table the Blum/Hayes Variance until the May meeting. Second by Member Coe. All in favor-aye. Secretary Pranger informed the board she is having the Road Right-of-way surveyed to see where the deck/dock is located. If the deck/dock is found to be in the ROW. They will have to remove the deck; the dock will be ok as long as it is not a permanent pier.

NEW BUSINESS

Variance #2019-04

Jeff Bowser, 318 Edgewood Ave., Fort Wayne, IN 46808 is requesting a variance for 997 Lions Drive, Rome City, IN for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards for Accessory Structures. Minimum side yards setback requirement of seven feet down to one foot on the north side of the lot and down to five feet on the south side of the lot; and relief from the lake yard minimum setback of twenty-five feet down to sixteen feet. This will allow for replacement of the deck and to extend the deck over the mulch bed and walkway (bed and walkway -50 inches wide). The petition, legal description, plot plan and 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.

Chair Fox called for Jeff and Vickie Bowser to present their petition to the board. Vickie Bowser presented the board with a packet of information pertaining to her variance. The packet included a survey of the property, an aerial view and pictures of the property, a drawing of the proposed deck and findings of fact. Mrs. Bowser stated they would like to include the area

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which is the flower bed and walkway currently into the deck. The flower bed is nineteen inches and the walkway are thirty-two inches this will add 4'25" to the deck. The new deck will have railing and two gates for access. She stated they have grandkids and they need to keep them away from the lake and eliminate the different levels of deck to prevent accidents. She noted that a small deck 7'x15' deck will be added to the lakeside of the house. She stated the area they will be expanding the deck over the flower bed and walkway. The deck will be wood with composite for the railing and top rail. She added, they would like to make upgrades to keep their cottage looking good. A new house was recently built in the neighborhood and another neighbor installed new wood on her deck.

Member Fox called for interested parties on variance #2019-04. Secretary Pranger informed the board the adjacent owners were notified and only the neighbor on the south side (Mickie Rhetts) returned with no comment. Mr. David White in the audience commented how nice it was that they get along with their neighbors.

Member Fox asked about the south side yard setback for 5'3", will the deck be the same setback as the existing house. Mrs. Bowser stated yes. Member Friskney asked if we need to be concerned that all the neighbors did not return the notice to interested parties. Secretary Pranger stated no we just have to make sure they were notified, it is up to them to return the document or attend the meeting. There being no further discussion Member Fox called for the Findings of Fact.

Attorney Glick informed the board a yes vote is a vote in favor of the variance and a no vote is a vote against the variance.

1. The Board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community because the property is in a residential area and used for residential purposes. Rollcall for vote: Kelly Morris-yes, Judy Fox-yes, Mike Friskney-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 because the new deck will not extend any further than the existing walkway and flower bed. Rollcall for vote: Judy Fox-yes, Mike Friskney-yes, Christine Coe-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 for which the Variance is sought, because strict application would prevent the ability to fully enjoy the property. Rollcall for vote: Mike Friskney-yes, Christine Coe-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, the property boundaries are unique and not caused by the petitioner. Rollcall for vote: Christine Coe-yes, Kelly Morris-yes, Judy Fox-yes, Mike Friskney-yes.

5. The Board finds the variance is the minimum necessary for the project because the petitioners are seeking the minimum variance for the project. Rollcall for vote: Kelly Morris-yes, Mike Friskney-yes, Christine Coe-yes, Judy Fox-yes.

Variance #2019-04 passes on all five findings of fact.

Member Morris made a motion to approve Variance #2019-04 per the findings of fact. Second by Member Coe. All in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

Chair Fox asked Mr. White if had something for the board. Mr. White submitted a letter from his neighbor's, Terry Williams and Kim Angell. The letter requested Mr. White move his stepping stones off their property prior to April 2, 2019 when they will be installing mulch. The letter then stated they will be lining the property line with rocks to denote their property. They then asked Mr. White to respect the property line now that it is denoted. They asked him to stay on his own property and that includes the seawall. Mr. White then went on to state that Attorney Eberhard informed him all the issues would be resolved with the board's decision on his appeal of the director's decision to allow the wall to be erected on the seawall. He noted that the seawall issue still seems to be an issue and then submitted his property survey which clearly show no one along the point owns the seawall. He wanted to know if the board was going to act on the seawall issues. He further stated the wall is still in place on the seawall and even when they take down the wall they will just install a 5' wide 4' high dog house to stop anyone from travelling the seawall. Secretary Pranger stated she has sent the letter for the wall to be removed and is waiting to hear back on whether they will apply for a variance to keep the wall or comply with the board's decision.

Next Meeting: May 16, 2019 at 7:00 p.m.

There being no further business Member Coe made a motion to adjourn the meeting at 7:26 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, President BZA

Attest: 
Leigh A. Pranger, Secretary