

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
April 20, 2017

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, April 20, 2017 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Morris.

Members Present:

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

Members Absent:

Mike Friskney

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, Mr. Shane Tyler, Cathy Ritchie, Molly Morris, Roderick and Lynda Myers, Jerry and Rebecca Gump, Ray and Ruby Ramey.

OLD BUSINESS

Nothing on the agenda.

NEW BUSINESS

Variance #2017-08

Shane Tyler, 8147 N State Road 9, Kendallville, IN 46755 is requesting a variance from Rome City Unified Development Code, Section 5.03 AS-01 Agricultural General Accessory Structure Standards; Subsection E. Utilities-no sewer service to storage based structures. This variance will allow for the continued placement of a 10'x35' shed with restroom facilities (sink and toilet) an additional kitchen sink for use as a craft/game room and storage facility.

Chair Morris called for Mr. Tyler to present his petition to the board. Mr. Tyler stated him and his wife like to vacation in Tennessee and they have been looking for property to purchase in which they will move the shed to Tennessee. The shed was installed on a movable foundation. Mr. Tyler informed the board he and his wife purchased the shed to convert to a cabin they will then move to Tennessee in a few years. In the mean time they would like a place for their 28 grandchildren to hang out when they come to visit. They would like to have a toilet and sink, with a microwave and sink in the kitchen area. They will also be using the shed for storage, crafts and garage sale items. Mr. Tyler informed the board the shed will be connected to an old septic tank from a previous trailer that use to be on the property. Member Tatman asked if the shed will be used as a residence. Mr. Tyler stated no, it is not big enough to live in. Neighbor Cathy Ritchie informed the board the shed has only been used for the kids to hang out and storage of antiques/garage sale items. She further stated it is a nice shed 10'x40' with a porch. She noted the shed will only have a half bath and no stove or oven. She noted they need the

kitchen sink if the kids make popcorn they need a place to clean up their mess. She noted that the Tyler's are saving money to move to Tennessee so this will not be permanent shed. Attorney Eberhard stated since the shed is only 400 sq. ft. he would classify it as a tiny house which is all the rage right now. He noted a time limit of 18 to 24 months for them to raise the money to move the shed would not be unreasonable. Chair Morris called for interested parties on behalf of variance #2017-08. Cathy Ritchie state she is in favor of the shed. Secretary Pranger informed the board all adjoining owners were notified and return with no comments. Chair Morris stated she is on favor or a two year time limit and if they need more time they need to apply for an extension. Member Coe stated she is against the addition of a kitchen sink. The member discussed the kitchen sink. Member Tatman stated she understands why they would need a kitchen sink. The board stated no objection to including the sink in the kitchen. Attorney Eberhard stated the board needs to apply the restrictions of no rental, no business, classified as a temporary structure and for a time limit. Member Morris called for a motion. Member Tatman made a motion to allow Variance #2017-08 per the findings of fact for a 24 month time limit, with no rental or business use. Second by Member Coe. All in favor-aye. Motion Carried.

Use Variance #2017-09

Daniel and Kelly Morris, 322 Spring Beach Road, Rome City, IN 46784 are requesting a use variance for 327 Spring Beach Rd, Rome City, IN from the Rome City Unified Development Ordinance, Section 2.10; Single Family District requirement Appendix A; Land Use Matrix Permitted Uses to allow the raising of one or two horses or one horse and one donkey. This will allow for the keeping of the animals for a maximum of five years, a pasture area, and a 32 x 12 shed/barn. Chair Morris stated she will not be running this portion of the meeting, due to and conflict of interested as this is her petition. Vice Chair Tatman took over. VC Tatman called for Kelly Morris to present her Variance #201-09 to the board. Mrs. Morris informed the board her daughter Molly is in 4H horse and pony and she would like to keep her horse on the lot behind her house. Mrs. Morris explained they have been trying to purchase the property for 10 years and was finally able to do so this winter. They have already demolished the house and cleaned up the lot. They would like to install a metal roofed barn with a stall and tack room and a paddock adjacent to the barn. The paddock will be shielded from the road by arbor vitae trees. The lot is adjacent to a farm field /woods on the north side and they own the houses on the west and south sides and the land on the east side is used for parking. The paddock and barn will be located in the NW corner approximately 80'x80' with a time restriction of five years. Attorney Eberhard noted the lot is located in a transitional area with the agricultural and wooded areas on one side to help shield the use for adjoining properties. Member Tatman asked if there will be a pump for water. Mrs. Morris stated no, they will haul the water from one of their properties. Member Fox asked how they will dispose of the manure. Mrs. Morris stated Chuck Drerup will bring a trailer will containers for the manure to be stored when full he will take then to his property in Eastgate for fertilizer. Member Fox asked if there will be additional boarding of other horses? And if there will be a practice area on site. Mrs. Morris stated at the most their will only be two horses or a horse and a donkey/mule on site. No practice area this lot. Attorney Eberhard suggested if the board wants to approve the variance they need to apply a time restriction, this owner only. VC Tatman called for any interested parties on behalf of variance #2017-09. Secretary Pranger stated all adjoining owners were notified and only one returned

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with comments. Mr. Andorfer, noted there maybe occasional gun fire and fireworks which might scare the horse. Secretary Pranger informed the board they only need to be concerned with the fireworks; the town has an ordinance against discharging weapons in the city limits. Marshal Sheffield went and discussed the ordinance with Mr. Andorfer. Member Fox asked whether this request will open up more requests for the raising of large animals in the city limits. Attorney Eberhard stated yes it could but we have to treat every request as if it were the only request. He noted the good things this proposal has going for it; it is adjacent to an agriculture zone and it is located in a transition neighborhood. It will also have trees and grass between the paddock and the road, to buffer the use from the neighborhood.

VC Tatman asked for a motion. Member fox made a motion to approve Variance #2017-09 per the finding of fact and with restrictions that it apply to only this owner, a five year time limit for the use. Second by Member Coe. All in favor-aye. Motion Carried. Morris abstained from voting due to a conflict of interest. Variance Passed.

Member Fox was excused from the meeting due illness.

Variance #2017-10

Roderick and Lynda Myers, 4816 Honey Oak Run, Fort Wayne, In 46845 are requesting a variance for 590 Bayview Drive, Rome City, IN from the Rome City Unified Development Code, Section 2.12 Lake Residential District Development Standards; Setbacks-Lake yard requirement of 25' down to 7'; Side yard setbacks requirement of 7' down to 6' for an accessory (deck and stairwell); Side yard setback requirement of 10' down to 8' for a primary structure; rear yard requirement of 25' down to 19' for the entryway. This variance will allow for the remodel of existing home with a 16' x 10' addition to the Southwest corner and a 10' x 10' addition on the Southeast corner for an entryway and decks. Chair Morris returned to her seat for the rest of the meeting. Chair Morris called for Mr. Myers to present their petition. Mr. Myers submitted binders to the board with information pertaining to his variance. The binder contained a survey, proposal with blueprints and elevations. Mr. Myers stated the house was built in the 1960's and they would like to upgrade the property to meet today's building codes and designs. He stated the electrical and plumbing are in disrepair and they know they will run into structural issues they need to fix. The yard on the north side of the property will remain the same. If you review the survey you can see the lot is angled and the current house has a back deck that will be removed and the entry will be moved to the south. By removing the deck this will make it safer for entry and exit of the house as the deck is right next to the roadway. The construction will include an addition to the south side of the house toward Alligood's and the front of the house will be extended on the southwest side with a screened porch below and the northwest deck will remain open. Mr. Myers stated they will only be covering 32.9% of the lot, under the requirement of 35%. Chair Morris called for interested parties on Variance #2017-10. Secretary Pranger stated all the adjoining owners were notified and only Mr. Terry owner on the north side of the lot stated he is in favor of the project, it will be a nice addition to the neighborhood.

There being no further comments Chair Morris called for the findings of fact. Attorney Eberhard informed the board for purposes of this variance 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 variance moves the home further off the road.

Roll call for vote: Barb Tatman-Yes, Kelly Morris-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: the new footprint is similar but safer than the existing house and area. Roll call for vote: Kelly Morris-Yes, Christine Coe-Yes, Barb Tatman-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 of which the Variance is sought, because it is an existing structure. Roll call for vote: Christine Coe-Yes, Kelly Morris-Yes, Barb Tatman-Yes.

4. The board finds the variance granted does not correct a hardship caused by an owner, previous or present, of the property, because it corrects the existing structures safety issues. Roll call for vote: Kelly Morris-Yes, Barb Tatman-Yes, Christine Coe-Yes.

5. The Board finds the variance granted is the minimum necessary for the project because, it corrects existing problems. Roll call for vote- Barb Tatman-Yes, Christine Coe-Yes, Kelly Morris-Yes.

Variance #2017-10 Passed on all five findings.

Variance 2017-12

Jerry and Rebecca Gump, 5045 E 620 S Wolcottville, In 46795 are requesting a variance for 405 Jackson Street, Rome City, IN from the Rome City Unified Development Ordinance, Section 2.10; Single Family District; Subsection 5.78 SC-01 Structure Standards A. Applicability stating one primary structure per lot down to zero primary structure. This will allow for the demolition of the dilapidated house. Chair Morris called for the Gump's to present their petition to the board. Mrs. Gump presented the board with pictures of the property. Mrs. Gump informed the board when they purchased the property they intended to remodel the house and rent it out. However, they found out it had been involved with meth and they would have to do extensive reconstruction to be able to rent out the house. They would now like to tear down the house as it is an eyesore in the neighborhood. She noted they have built a building on the property for storage and they use part of the yard for a garden. Member Tatman asked if they are using the property for a business use. Mrs. Gump stated no. Attorney Eberhard advised the board that although we would always like to have a primary structure on every lot make sure this variance is restricted to this lot and owner only. Chair Morris called for interested parties on behalf of variance #2017-12. Adjoining owner Ruby and Ray Ramey stated they support the removal of the house it will improve the neighborhood and keep kids and former renters from getting in the house and causing problems. Mrs. Gump noted they know when they sell the lot and building it will have to be sold with the purpose of a primary structure being built. There being no further comments Chair Morris called for a motion. Member Coe made a motion to approve variance #2017-12 per the findings of fact to allow the house to be demolished and this exception will be only for the Gump's the current owners. Second by Member Tatman all in favor-aye. Motion Carried. Variance #2017-12 granted.

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MISCELLANEOUS BUSINESS

Secretary Pranger informed the board she is still working on the updates to the UDO for the board's review. She will forward copies by email as soon as they are completed.

Next Meeting: May 18, 2017 meeting at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:15 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

Kelly Morris, Chair

Attest: _____
Leigh A. Pranger, Secretary