

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**August 17, 2017**

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The Rome City Board of Zoning Appeals held their regular meeting on Thursday, August 17, 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	Christine Coe
Judy Fox	

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 Fox. 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, Josh and Heather Molen, Rob Lewis, Nina Merkley, Fred and Toni Ishmael, Dusty Newman, Mylene and Gary Acker, Ben Rice, Karen Parks, Dennis and Gabrielle Neal, Treva Miller, Zach Smith, Noble County Highway Engineer.

**OLD BUSINESS**

Review for the special exception request (2010-10).

Mary Tackett, 4898 E 1100 N, Rome City, IN on behalf of Eshelman Excavating, Inc., 5999 E US 6, Kendallville, IN 46755 are requesting a special exception from the Rome City Zoning Code, Section 4, District Usage Table to allow excavation of material (i.e. soil and gravel) from a borrow pit within an Agricultural district. The petition and drawings of the proposal are on file in the Town Hall.

Member Barbara Taman recused herself from the discussion as she and her husband now own property across from Mrs. Tackett's property.

Attorney Eberhard explained this is a review of the special exception by the Board to determine compliance. Attorney Eberhard asked if any written complaints had been submitted to the board in regards to the work being performed in the pit area. Secretary Pranger stated no, only verbal complaints. Attorney Eberhard asked Mr. Molen, owner of Eshelman Excavating Inc., to update the board on his progress. Mr. Molen stated they have permission to excavate 5 acres and they are in the process of excavating 3 acres (per the Beacon maps and Google maps). Attorney Eberhard asked if they have hit water in the process. Mr. Molen stated yes and they stopped excavating and moved up the required three feet to continue to excavate. Attorney Eberhard asked if any of the planting have been installed. Mr. Molen stated no, they are to do that at the end of the excavation. Attorney Eberhard then asked about the condition of the roadway.

Secretary Pranger stated she drove out to the area prior to the meeting and found that Noble County highway had just completed chip and sealing the road. Mr. Zach Smith, Noble County Highway Engineer, addressed the board stating the county does not impose a weight limit on any of their roadways. He noted that the county did redo the roadway with the help of Mr. Molen. He contributed equipment and limestone to the project to reduce the cost to the county. Mr. Smith stated they dug out the poor soil and back filled with stone and geotextile material and then asphalt. He noted they are keeping an eye on the road and stated it is adequate for the truck traffic and he thanked Molen's for sharing the cost of the project. Attorney Eberhard informed the board Mr. Molen has complied with all the restrictions the board placed on the special exception. He noted, the interested parties, should they have complaints they need to email or write a letter to the board. Then a hearing will be set to discuss their issues. He noted the hearing for 2018 will be set for August 16, 2018 at 7:00 p.m.

### **NEW BUSINESS**

#### **Use Variance #2017-17A**

Dusty L. Weddelman (Newman), 907 Kelly St., Rome City, IN 46784 is requesting a use variance from the Rome City Unified Development Ordinance, Section 2.05Agriculture District Intent, Permitted Uses; Appendix A; Land Use Matrix Permitted Uses to allow the construction of a 40' x 40' building to use as a business raising flowers and plants (nursery retail and wholesale sales are allowed in AG District) and also to allow a flower/gift shop in said building. This will allow for the business to be run by said owner only. An error was made in Variance #2017-17 legal notice only part of the information was noticed in the paper; re-advertising with additional information. The petition, legal description and plot plan is 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 Morris called for Mrs. Weddelman–Newman to present her petition to the board. Mrs. Newman informed the board she came back before the board due to the restriction placed on her variance approval last month. She requested the construction of a pole building with a restroom which was granted with the restriction of no business. She informed the board her future plans includes running a flower shop/greenhouse from the building. She informed the board her property is located along the SR9 corridor and she previously owned a flower shop in this location. She noted the property is zoned agricultural under the Town's UDO the permitted uses in a support based structure include a plant nursery-retail, farmers market, floriculture-the cultivation of flowers and lastly a florist. Dusty submitted an executive summary of her business plan. She stated she didn't intend to start the business this soon but due to the nature of government approvals her current employer will probably find out she intends to quit and start this business-her timeline has been moved up a few years. Member Tatman asked if the old flower shop was located in the building which is now her home. Dusty stated yes. She informed the board she would like to start by installing two green houses in the spring for 2018; they will be located on the south side of the new building in alignment with the building. Member Fox asked about adequate parking. Dusty stated she contacted INDOT regarding the driveway and the parking lot. INDOT informed her, the existing drive and lot will be suitable for the type of business she will be opening. Chair Morris called for interested parties on Use Variance #2017 17A. Secretary Pranger informed the board all adjoining owners were notified. Dusty presented

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the board with a signed petition of over one hundred signatures of citizens in Rome City including her adjoining property owners. They are all in support of the new business. There being no further comments Chair Morris called for a motion. Member Judy Fox made a motion to approve use variance per the findings of fact. Second by Member Tatman. All in favor-aye. Motion carried.

Variance #2017-23

Robert M. Lewis & Nina Merkley-Rev. Living Trust & Tenants in Common, of 439 Frost Glass Drive, Fort Wayne, IN 46845 are requesting a variance for 860 Lakeside Circle, Rome City, IN 46784 from the Rome City Unified Development Code, Section 2.12 Lake Residential Development Standards for relief from the Accessory Structure minimum lake yard setback the same as a primary 25' down to 12'6"; Primary Structure minimum lake yard setback of 25' down to 20'6"; Street yard setback of 25' down to 17'; minimum Lot area requirement of 10,000 sq. ft. down to 8,500 sq. ft.; minimum Lot Width of 100' down to 90' on the Lakeside. This variance will allow for the construction of a new stick built single story home on a walk out with a two car garage. 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.

Chair Morris called for Mr. Lewis to present his petition to the board. Mr. Lewis presented the board with pictures, survey and finding of fact to the board. Mr. Lewis explained he purchased the dilapidated house at 860 Lakeside Drive which is no longer inhabitable and must be torn down. Mr. Lewis stated he would like to be able to keep the same lake yard setback of the current structure so he will be able to keep his side yards open for yard. He informed the board, on the street side he will need a variance down to 17' however, there is large road right of way and this will leave an additional 6' to the road. He noted the neighboring house to the east is encroaching on the side yard being only 1 1/2' from the property line and the house to the west is as close as eight inches and four feet. The new house side yard setbacks will be twenty feet on east side and 24' on the west side. He also submitted a property survey showing which trees he will be retaining and those that will need to be removed.

Chair Morris called for interested parties on behalf of Variance #2017-23. Secretary Pranger informed the board all adjoining owners were notified and only one returned with no comments. Chair Morris recognized adjoining owners, Fred and Toni Ishmael, they stated Hooray!! The new house will be a great improvement to the neighborhood. There being no further comments, Chair Morris called for a motion. Member Fox made a motion to approve Variance #2017-23 per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

Variance #2017-24

Benjamin and Amanda Rice, 1097 Co Rd 20, Corunna, IN 46730, are requesting a variance for 1470 North Shore Drive, Rome City, IN 46784 from the Rome City Unified Development Code, Section 2.12 Lake Residential Development Standards for a Primary Structure side yard requirement of 10' down to 5' on the west side of Lot 33 in O'Connor Beach; minimum Lot area requirement of 10,000 sq. ft. down to 3,600 sq. ft.; minimum Lot Width of 100' down to 40' on the Street and Lake yard. This variance will allow for the construction of a new stick built single

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story home on a walk out. The petition, legal description, plot plan and drawings 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.

Chair Morris called for Mr. Rice to present his variance to the board. Mr. Rice presented pictures of the property, survey and plans for the new home. Mr. Rice stated he had planned to renovate the existing house but found out from the survey that the house was built one inch over the property line. Upon finding that out, he decided to demolish the existing house and build a new home on the lot. The new home will be 29' x 22' and will be able to meet the lake yard and street yard setbacks. Due to the 40' wide lot he would like to keep 10' setback on the east side and have an eight feet setback on the west side. He noted the house will be a single story on a walk out. The first floor will have an overhang of 6' the area below will be a porch area. Chair Morris noted he was just centering the house on the lot. He sated, yes. Member Coe asked you are still asking for the 2' variance on the west side? Mr. Rice stated yes. Chair Morris called for interested parties on behalf of Variance #2017-24. Secretary Pranger informed the board all adjoining owners were notified and one out of three returned with no comments. There being no further comments, Chair Morris called for a motion. Member Tatman made a motion to approve variance #2017-23 with the 8' setback per the findings of fact. Second by Member Coe. All in favor-aye. Motion Carried.

**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.

Chair Morris recognized Mrs. Karen Parks an adjoining owner to the Mary Tackett property. She stated her confusion about the process to file a complaint. Chair Morris explained a written document needs to be submitted to the town delineating your complaints; it can be a letter, an email or a petition with your fellow neighbors. Upon submittal of the complaints to the board a hearing will then be set at the next open BZA meeting for you, your neighbor's to be heard along with Mr. Molen/Eshelman Excavating.

Next Meeting: September 21, 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.

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Kelly Morris, Chair

Attest: \_\_\_\_\_  
Leigh A. Pranger, Secretary