

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**August 27, 2020**

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, August 27, 2020 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Vice-Chair Kelly Morris at 7:20 p.m.

Members Present:

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

Members Absent:

Judy Fox

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Bill Eberhard-by Zoom, Michael and Brenda Shifferly, Cris Kopecky, Dusty Newman, James Jenkins-representing Lisa Hostetter.

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

**OLD BUSINESS**

Nothing for the agenda.

**NEW BUSINESS**

**Variance #2020-26**

Michael D and Brenda J. Shifferly (a/t/b/c), 1520 North Shore Drive, Rome City, IN 46784 are requesting variances for relief from the Rome City Unified Development Code, Article 2.10 Single Family Residential Development Standards, Minimum Side yard Setback requirement of ten feet down to seven feet on the west side of the lot; Maximum Accessory Structure height requirement of sixteen feet up to nineteen feet and seven inches; Article 5.06 AS-04 SR C. Quantity and Size restriction of 1200 sq. ft. up to 1600 sq. ft.; D. Materials exterior to be steel roof and siding. This variance will allow for the construction of a 40' x 40' barn. split rail fence only on the west property line. VC Morris called for Mr. Shifferly to present his petition to the board. Mr. Shifferly presented a survey and plot plan of the project. Mr. Shifferly stated he wants to build a 40'x40' barn on his back lot. He noted to the board the west side of the lot is flat with the east side dropping off to the neighboring property. He is asking to be 7' on the west side in order to not have to add fill to his property which will have a negative affect on his neighbor's property. The neighbor's property is an access drive to the property they own behind. He stated he is requesting a height of 19' for storage of boats. Member Friskney asked

what is the size of the garage door? Mr. Shifferly the building will be 12' sidewalls with 10' overhead door. Member Morris asked how many man doors will be installed? Mr. Shifferly stated one-man door. Mr. Shifferly added the front of the building will be wainscot/rock. Member Morris asked if the floor and apron will be concrete? Mr. Shifferly stated yes. VC Morris called for interested parties on behalf of Variance #2020-26. Secretary Pranger informed the board all adjoining owners were notified and only one of the three returned with no comments. There being no other interested parties or discussion VC Morris called for a motion. Member Tatman made a motion to allowed Variance #2020-26 with these restrictions, No business, no restroom, no living quarters, no exterior stairwell, per the findings of fact. Second by Member Friskney. All in favor-aye. Motion Carried.

**Variance #2020-27**

Frank E. and Cris Kopecky, 620 Lakeside Drive, Rome City, IN 46784 are requesting variances for relief from the Rome City Unified Development Code, Article 2.10 Single family Residential Development Standards, Minimum Side yard Setback requirement of ten feet down to three feet on the south side of the lot; Maximum Accessory Structure height requirement of sixteen feet up to twenty-three feet and six inches; Article 5.06 AS-04 SR C. Quantity and Size restriction of 1200 sq. ft. up to 1746 sq. ft. with a 120 sq. ft. covered porch; D. Materials exterior to be steel roof and siding. This variance will allow for the construction of a 42' x 42' barn with a 6'x20' covered porch and a height of 23'6' to accommodate an RV.

VC Morris called for Frank and Cris Kopecky to present their petition to the board. Cris Kopecky addressed the board with a packet containing a survey, plot plan, pictures of the property and drawings of the proposed garage. Mrs. Kopecky stated this is a large lot and they wish to build a garage for storage on this back lot to store, an RV, boats, watercrafts and vehicles. They are requesting a 42'x42' steel pole building with a height of 23'6" and a porch on the back 6'x20'. She noted the floor and apron will be concrete and the color will blend with the neighboring buildings. She added the building will be built be AERS out of Wolcottville and Tom Miller will do the excavating. Member Friskney stated you want variance for 3' on the south side of the lot, is there a reason you need to be that close to your neighbor's building? Mrs. Kopecky stated there is a telephone pole in the way of the driveway if it is moved over and they have flowers planted along the north side they would like to keep natural. Attorney Eberhard stated neither of these reason Mrs. Kopecky stated are reasons the board can allow the side yard variance. Member Friskney stated this board always has to be looking to the next owner and the effect of granting a variance will cause. Mr. Friskney stated telephone poles can be moved. Mrs. Kopecky stated o.k. she will make the side yard requirement of seven feet work. VC Morris asked if there will be living quarters or restroom in the building? Mrs. Kopecky stated No. VC Morris called for interested parties on behalf of variance #2020-27. Secretary Pranger informed the board all adjoining owners were notified and all three returned with no comments. Mr. VanOsdale adjoining owner on the south side stated his approval of the project. Mr. Distler adjoining owner on the norths side stated his approval of the project. There being no further discussion VC Morris called for a motion. Member Tatman made a motion to approve Variance #2020-27 with restriction No business, No living quarters, no restroom and no exterior stairs, per the findings of fact. Second by Member Coe. All in favor-aye. Motion carried.

**Variance #2020-28**

Dusty L. Newman, 907 Kelly Street, Rome City, IN 46784 is requesting a variance for relief from the Rome City Unified Development Code, Article 2.06 Agriculture District Development Standards, Minimum Front yard Setback requirement from an arterial road eighty-five feet for Accessory Structures down to seventy feet from centerline of road. This will allow for the construction of a pavilion 24' x 20' made of wood and metal.

VC Morris called for Dusty Newman to present her petition to the board. Mrs. Newman passed out copies of a pavilion she would like to install in the front of her flower shop, Fancy Flower's, south on State Road 9. Mrs. Newman stated the pavilion will be placed over a concrete pad. This will allow access for handicap accessibility to the pavilion area. This area will be used year-round and it will allow more elderly and handicap to utilize the pavilion area. Mrs. Newman stated it will be solid and weather proofed unlike her current tent which blows down during windstorms. Member Tatman asked if the sides will be open, will it be located where the tent is currently? Mr. Newman stated, yes there will be no sides on the pavilion, and they will construct the pavilion in the same location. VC Morris called for interested parties on behalf of Variance #2020-28. Secretary Pranger informed the board all adjoining parties were notified and four out of five returned with no comments. No interested parties present. There being no further discussion Chair Morris called for motion. Member Tatman made a motion to approve Variance #2020-28 as presented per the findings of fact. Second by member Coe. All in favor-aye. Motion Carried.

**Variance #2020-30**

Lisa A. Hostetter, 304 Bernice Ave., Rome City, IN 46784, is requesting variances for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards for Accessory Structures, Minimum Side yard Setback requirement of seven feet down to three feet three inches +on the Northeast corner and seven feet down to five feet one inch on the Southeast corner of the existing garage. And Article 5.03 AS-01 General Accessory Structure Standards Section E. Utilities restricts sewer service to a storage-based building requesting it be allowed in the second story. Maximum Accessory Structure height requirement of sixteen feet up to twenty-four feet. This variance will allow for the construction of a 32'5" x 24'4" second story to the existing garage for two bedrooms, bath and living room for overflow guests.

VC Morris called for Mrs. Hostetter to present her petition to the board. Mr. James Jenkins, American Elegance Homes, was present for Mrs. Hostetter. Mr. Jenkins stated the Hostetter's would like to demolish their existing garage and build a new garage with a second story and use the existing foundation. The second story will include living quarters, bathroom, wet bar and an interior stairwell. Mr. Jenkins stated they will need variances on the height from 16' up to 24' and side yard from seven feet down to 3'3" and 5'1". Member Tatman asked when will the upper quarters of the garage be used. Mr. Jenkins stated it will be used during the summer months as the Hostetter's have a home in Florida they use in the winter months. Member Tatman asked what the bottom floor the garage will be used for? Mr. Jenkins stated it will be used for vehicles and boat storage. Attorney Eberhard informed the board if you are going to approve this variance, you must place restriction of No kitchen, No year-round use, no rental. VC Morris asked why they were asking for the side yard variance if they are demolishing the

garage? Why are they not building to the required setbacks? Mr. Jenkins stated they want to use the existing concrete pad for the new building. VC Morris called for interested parties on behalf of Variance #2020-30. Secretary Pranger informed the board adjoining owners were notified and three out of four returned with no comments. There being no further discussion VC Morris called for a motion. Member Tatman made a motion to approve with restrictions, No rental, No kitchen, No year round use, No exterior stairwell, and owner overflow use only. No second was made. Motion dies for a lack of second. Mr. Jenkins informed the board they will also be installed a safe room out of concrete under the stairwell. Member Tatman made a motion to make any vote subject to the above-mentioned restrictions. Second by Member Friskney. All in favor -aye. Attorney Eberhard suggested the board go through the findings of fact. For the record a yes vote is in favor of the variance and a no vote is against the variance.

1. The board finds, the proposed variance will be injurious to the public health, safety, morals and general welfare of the community because: Location to the lot lines and human habitation use. Rollcall for vote-KM-Yes, BT-Yes, CC-N, MF-N-tie
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: Location to lot lines and human habitation use. Rollcall for vote: BT-yes, CC-No, MF-No, KM-Yes-Tie
3. The Board finds, the strict application of the terms of the Zoning Ordinance will not constitute an unusual and unnecessary hardship if applied to the property for which the Variance is sought, because: of existing structure. Rollcall for vote-CC-No, MF-No, KM-Yes, BT-Yes-Tie
4. The Board finds the variance granted does not correct a hardship caused by an owner, previous or present, of the property, because: of existing structure on lot. Rollcall for vote: MF-Yes, CC-Yes, BT, Yes, KM-Yes
5. The Board finds the variance granted is the minimum necessary for the project because; of existing structures on lot. Rollcall for Vote: BT-Yes, MF-Yes, KM-yes, CC-No.  
Variance fails on 1, 2, and 3. Variance Denied

**MISCELLANEOUS BUSINESS**

Secretary Pranger stated she has obtained the program to make the updates to the UDO and is working on the updates.

Next Meeting: September 17, 2020 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:25 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

  
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Kelly Morris, Vice-Chair BZA

Attest:   
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Leigh A. Pranger, Secretary