

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
January 16, 2020

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, January 16, 2020 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

Leigh A. Pranger-Secretary	Kelly Morris
Barb Tatman	Judy Fox
Mike Friskney	

Members Absent:

Christine Coe

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Paula Taylor, Christopher Moore, Ryan and Jason Teders, Tim Howell, Kayla Tackett.

Member Tatman made a motion to waive the reading of the minutes and approve them as presented. Second by Member Morris. 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

Election of Officers-Member Tatman made a motion to keep the same slate of officers as last year-Judy Fox-President, Kelly Morris-Vice-President, Leigh Pranger-Secretary. Second by Member Friskney. All in favor-aye. Motion Carried.

Variance #2020-01

Christopher and Brittany Moore, 750 Kelly Street Extended, Rome City, IN 46784 are requesting variances for relief from the Rome City Unified Development Code, Article 5.06 AS-04; Single family residential Accessory Structure Standards Section C. Quantity and Size, 2. Maximum Size of 1200 sq. ft. up to 1500 sq. ft. and Section D. Exterior materials are required to match the Primary Structure this will allow for the building to have a metal roof and siding. This variance will allow for the construction of a 30'x50'x10'2" pole building.

Chair Fox called for Mr. Moore to present his case to the board. Mr. Moore presented his survey, plot plan, pictures of his property and the location of the new building, drawings of the proposed building. Mr. Moore stated he is asking for a 30'x50' pole building for storage, vehicle storage and a woodworking shop. He noted he is currently renting a storage unit and would like to be able to keep everything in one location. Chair Fox asked if the building will be for business or personal use? Mr. Moore stated it will be for his personal use and storage. Member

Tatman asked if there will be water inside the building. Mr. Moore stated no, just an outside spigot. Mr. Moore noted he will be installing electricity in the building. VP Morris asked whether he had siding samples with him. Mr. Moore state no, but he submitted a new drawing of the building as they decided to add wainscot. He added the wainscot and roof will be charcoal and the rest of the building will be Alamo white.

Chair Fox called for interested parties on Variance 2020-01. No one was present. Secretary Pranger informed the board she notified the adjoining owner and two out of the four returned with no comments. There being no further discussion chair Fox called for a motion and findings of fact. VC Morris made a motion to approved Variance 2020-01 with restrictions of No living quarters, no rental, no business and no restroom. Second by Member Taman. All in favor-aye. Motion carried.

Variance #2020-02

John P. and Victoria L. Jehl, 1010 North Shore Drive, Rome City, IN 46784 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards, Accessory Structure Rear yard setback requirement of seven feet down to five feet five inches on the northwest corner of Lot One in Malle Subdivision. This variance will allow for the construction of a Garage- 28'x42'.

Chair Fox called for the Jehl's to present their petition to the board. The Jehl's presented a survey showing a plot plan of their house and the proposed garage. Mr. Jehl stated they need a storage building for basic storage, boats and water toys. VC Morris asked the reason they need to vary from the required setback? Mr. Jehl noted they need a variance on the west property line of 1'6". There is a slight hill and the lot angles in the location of the new building by moving the building closer to the property line the building will be on more level ground. Member Tatman asked about the white pipe located on their property? Mr. Jehl stated it is their well head. Member Friskney asked why they didn't move the building closer to the house, where the ground is flat? Or Member Friskney asked why not excavate the top foot or two off with an excavator and place the building where it does not need a variance? Mrs. Jehl stated she would like the building closer to the property line so the house can be better seen from the roadway. Member Friskney asked why not cut down the height of the dirt? Mr. Jehl stated there is a driveway down to the house and they will add a drive to the building and one end of the building will be higher. Member Friskney asked why they couldn't just move the building over 1'6"? Chair Fox explained to the Jehl's in order for the board to grant the variance their must be something particular to the lot and this lot does not have anything to base a reason to vary. The lot is brand new with a larger width than most lots around the lake and it is relatively flat. The Jehl's also had a blank canvas when they built the house they could have planned better. She further noted the board takes into new construction vs. Existing Construction. Chair Fox called for interested parties on behalf of Variance 2020-02. No one was present. Secretary Pranger informed the board she notified all the adjoining owners only one returned with no comment. Secretary Pranger told the board Mr. Alligood stopped in her office to stated he has no problem with the variance requested by the Jehl's.

There being no further discussion Chair Fox called for a motion. VC Morris made a motion to deny Variance #2020-02 per the findings of fact. Second by Member Friskney. All in favor - aye. Motion Carried.

Variance #2020-03

Joseph R. Bertels, 1035 Pleasant Point, Rome City, IN 46784 is requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards, Street yard primary structure setback requirement of twenty-five feet down to twenty-four feet for an addition to the house. And relief from the street yard accessory structure setback requirement of twenty-five feet down to eight feet for the second story addition to the existing garage. Also, relief from accessory structure side yard requirement of seven feet down to twenty-two inches for the second story addition and a balcony on the lakeside of the garage on the south side of Lot 5 in East Pleasant Point Addition. This variance will allow for the construction of a hallway and new entrance to the home, addition of a second story to the garage with a balcony to the lakeside.

Chair Fox called for Mr. Bertels to present his petition to the board. Mr. Tim Howell-contractor for Mr. Bertels and Kyla Tackett-fiancé of Mr. Bertels approached the board with a survey of the property, plot plan, diagrams and pictures of the proposed project. Mr. Howell stated the project consists of adding a second story to the garage which will be attached to the house by an added hallway to the roadside of the house. The second story will contain a master bedroom, bathroom and closet with a balcony from the bedroom on the lakeside. Mr. Howell stated they will be using the exact footprint of the garage for the bedroom and the stairway will be inside the garage. The only change will be to the house where the hallway will be added for access from the garage and bedroom to the rest of the house. The hallway will be four feet in width closer to the roadway. Member Friskney asked about the rest of the variances? Secretary Pranger informed the board they are necessary per Attorney Eberhard. The garage was built before we had the current setback restrictions and now is the time to get the property into compliance with the variances. Chair Fox called for interested parties on behalf of Variance #2020-03. No one was present. Secretary Pranger informed the board she notified all the adjoining owners, and both returned with no comments. There being no further discussion Chair Fox called for a motion. VC Morris made a motion to approve Variance #2020-03 per the findings of fact. Second by Member Friskney. All in favor-aye. Motion Carried.

Variance #2020-04 Tabled from October Meeting-Variance #2019-17

Dwight and Paula Taylor, 1050 Eastgate Drive, Kendallville, IN 46755 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards, Minimum Local street yard setback for an accessory structure of twenty-five down to ten feet on the east side of Lot 50 in the unrecorded Plat of Eastgate Addition to Sylvan Lake. This variance will allow for the construction of a 16' x 40' x 12' wooden building.

Secretary Pranger advised the board, Attorney Eberhard stated the tabled variance from 2019 needs to be heard by the board due to miscommunication on when the Taylor's were to reappear before the board.

Member Friskney recused himself from this variance as he is an adjoining owner to the Taylor's.

Chair Fox called for the Taylor's to present their petition to the board. Mrs. Taylor presented the board with a survey and plot plan of the proposed building. Mrs. Taylor stated the building will be pre-made and located in the same spot as the last building request. This building is smaller in size and will meet the 16' height requirement. She noted the need for the variance from the roadside is due to the hill on the west side of the building and there is a tree they do not want to cut down. Mrs. Taylor noted for the board the road is not paved all the way to the right of way line and there is an additional 10' to 11' from the pavement. The building will be 18' to 20' from the pavement. Secretary Pranger advised a waiver of and release of liability needs to be signed by Mrs. Taylor and recorded at the courthouse to protect the town from damage the snowplows might cause. Mrs. Taylor signed the waiver. Chair Fox called for interested parties on behalf of Variance #2020-04. Mr. Friskney adjoining owner to the east stated he had no comment. No one else was present. Secretary Pranger informed the board she notified all the adjoining owners, and all three returned with no comments. There being no further discussion Chair Fox called for a motion. Member Tatman made a motion to approve Variance 2020-04 per the findings of fact, with the restriction the waiver be signed and recorded. Second by VC Morris. All in favor-aye. Motion Carried.

Variance #2020-05

Michael and Lori Stout, 1200 Eastgate Drive, Kendallville, IN 46755 are requesting variances for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards, Minimum Local street yard setback for an accessory structure requiring twenty-five down to twenty-two from Eastgate Drive and a minimum side yard setback of seven feet down to two feet. Also, relief for the primary structure for an addition of 13' x 36' on the east side of the house; minimum side yard setback requiring ten feet down to four feet (north side), south side requiring ten feet down to eight feet five inches. Further relief for a deck/walkway, accessory structure on the north side requiring seven feet setback down to zero and the south side requiring seven feet down to two feet. This variance will allow for the construction of a 22' x 24' garage with storage area 8' x 24'; addition to the east side of the house and walkway on the north and south. Member Friskney recused himself from the variance decision as he is an adjoining owner.

Chair Fox called for the Stout's to present their petition to the board. Mr. Ryan and Jason Teders, contractors for the Stout's presented a survey, plot plan, drawings and pictures to the board. Jason Teders informed the board the Stouts would like to improve their house and add a garage to better accommodate year-round living. The existing shed will be removed for the construction of the garage. The garage will be for vehicle storage, general storage and lake supply storage. The garage to keep the existing two-foot setback as the shed, there is no buildings on the neighboring property in that location, stone will be placed along the outside edge for no maintenance. The garage will be set back from the road to allow for additional car parking on the driveway, it will have 9' sidewalls and a 6/12 pitch shingle roof, vinyl siding with cedar shakes, dark blue with white trim. There will be a storage area added to the back of the garage, (between the house and the garage), as the garage will be built on a hill and the storage area will be level with the entrance to the house. A walkway deck, using composite materials, will replace the existing sidewalk and the addition to the house will keep the existing side yard line.

Chair Fox called for interested parties on behalf of Variance #2020-05. Secretary Pranger informed the board she notified all the adjoining owners, and all three returned two with no comments and the Daniel's stated letter stated they are fine with the improvements the Stout's wish to make. Mike Friskney adjoining owner to the east suggested moving the garage over as two foot is not enough room to maintain the garage. Ryan Teders stated they mainly want to maintain the side line to be able to see the house better from the road. Jason Teders stated there is a drop off as the lot goes toward the lake. Attorney Glick stated they are definitely improving the lot by removing the shed and building the garage. The board discussed the two-foot setback and informed Mr. Teders a two-foot setback will require a firewall to be installed on the north side of the garage. Secretary Pranger informed the board the reason the board increased the side yard setback from five feet to seven feet was to stop people from asking for variance of two to three feet. Member Morris stated the number of variances they are requesting is concerning and suggested Jason Teders contact the owners to see if they would agree to a larger setback on the garage side yard. Jason Teders informed the board the Stout's are in agreement to increasing the setback on the north side from two feet to six feet. Member Fox stated concern regarding the drainage and possible shedding of water onto the neighboring property. Jason Teders stated they will confer with the homeowner to make sure the drainage is addressed and contained on their property. There being no further comments Chair Fox called for a motion. Member Taman made a motion to approve Variance #2020-05 per the findings of fact and with the added restriction the north side yard setback will be six feet on the garage. Second by Member Morris. All in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

Member Morris informed the board she has a conflict with the March meeting and requested the meeting be moved up one week to March 12th. Member Tatman made a motion to move the March meeting to March 12th. Second by Member Morris. All in favor-aye. Motion Carried.

Secretary Pranger informed the board that the APA updated the Citizen Planning Guide and she asked all the board members to please bring their Rome City Unified Development code book and their Citizen planning guide for them to be updated.

Next Meeting: February 20, 2020 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:32 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest: 

Leigh A. Pranger, Secretary