

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

June 18, 2020

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, May 21, 2020 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox at 7:00 p.m.

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, Don Richards, Rich Kaler, Jay Morley, Ronald Gremaux, Jeremy Hamilton, Susan Maxwell, Thomas Vetter II, Matt and Tamila Kely.

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

Tabled from May Meeting

Variance #2020-11

Eric Walter, 685 Spring Beach Road, Rome City, IN 46784 is requesting a variance for relief from the Rome City Unified Development Code, Article 2.10 Single Family Residential District Development Standards for Accessory Structures; minimum side yard setback requirement of 10' down to 7'8" on the east side of Lot 7 in Sylvan Lake Addition. This variance will allow for the construction of a 30' x 24' attached garage.

Secretary Pranger informed the board Mr. Walter moved the garage addition forward to meet the ten-foot set back requirement and no longer needs the variance. He asked to pull the request from the agenda. Member Tatman made a motion to remove the variance #2020-11 request from the agenda for Mr. Walter. Second by Member Morris. All in favor-aye. Motion Carried.

Variance #2020-19

Donald & Alice Richards and Richard & Paula Kaler, 430 Front Street, Rome City, IN 46784 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.10 Single Family Residential District, Maximum Height for accessory structures of 16' up to 20', Article 5.06 AS-04 Single Family Residential Accessory Structure Standards B. Relationship 2. Timing-no primary structure on lot only accessory, C. Quantity and Size. Maximum size

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requirement of 1200 Sq. Ft up to 1440 Sq. Ft. and D. Materials. Allow the exterior to be metal and pole construction. This will allow for 48' x 30' pole building with metal exterior and no primary structure.

Chair Fox called for Richards and Kaler to present their petition to the board. Jay Morley addressed the board as he will be purchasing the third lot in the Last Resort Subdivision just approved by the Plan Commission in the last meeting. Mr. Morley would like to build a 48'x30' pole building with a 20' high roof to accommodate a scissor lift inside the building and a loft area for storage. Mr. Morley stated the building will be on the front of the lot with the driveway coming in on the west side of the lot. Member Friskney asked if the building will be in line with the other buildings already on the lot. Mr. Morley stated, yes you will be able to see my roof as it will be taller than the other two buildings. Chair Fox asked what will the building be used for? Mr. Morley stated a wood shop, other hobbies, and storage. Chair Fox asked if it will be used as a business. Mr. Morley stated no. Member Tatman stated she has no problem with the building although she would like to have the requisite restrictions added for the approval. Member Friskney asked about the height of this building in regard to the other two buildings. Mr. Morley stated, my building will be taller, and you will be able to see the roof behind the other two buildings. Chair Fox called for interested parties on Variance #2020-19. Secretary Pranger informed the board all the adjoining owners were notified by certified mail as the petitioners had a vacation and subdivision in front of the Plan Commission so she added in the variance's interested party forms and all the certified green cards were returned with no comments. There were three parties whose notices were hand delivered: Rome city Housing Authority, Michael and Pam Kline and Michael and Bridgett Kline. The Kline's returned with no comment. There being no further discussion Member Tatman made a motion to approve Variance #2020-19 with restrictions: No Living quarters, No business, No outside stairwell, No Restroom per the findings of fact. Second by Member Friskney. All in favor-aye. Motion Carried.

Variance #2020-14

Ronald and Teresa Gremaux, 1370 Eastgate Drive, Kendallville, IN 46755, are requesting a variance for relief from the Rome City Unified Development Code, Article 5.23 FW-04 Residential Fence Standards in Lake Residential, B. Location 3. Lake yard: Fences and Walls shall not be permitted in lake yards. To allow for a four-foot-tall fence along the north side of Lot 2 in Gremaux Addition to Eastgate; and the east and south side of Tract 1 Cain Family Farm LP. Member Friskney recused himself from the variance as he is an adjoining owner. Chair Fox called for Mr. Gremaux to present his variance to the board. Mr. Gremaux presented the board with a property lay of the fence and photo of the proposed fence. He noted the fence will be 4' in height with solid wooden boards to be painted black. Mr. Gremaux stated they need a fence on the perimeter of their yard for the safety of their grandchildren and dogs. Mr. Gremaux noted the fence will also be along the perimeter of the extra lot on the south side of his property. Mr. Gremaux showed the board a photo of Mr. King's (neighbor to the north) deck showing the property slopes to the south so the fence will not interfere with the King's view as there is a difference of 6' in elevation between the yards. Member Tatman asked if the fence would be across the seawall? Mr. Gremaux stated he will be putting a gate on the seawall. Member Morris stated we do not allow fences, gates or anything to block the seawalls. The seawalls are for pedestrian use. Mr. Gremaux then stated he will stop the fence at the seawall.

Member Morris asked if he had looked into the invisible fence. Mr. Gremaux stated the invisible fence is good for non-aggressive dogs and he stated if a dog is chasing something i.e. a rabbit then they will take the shock to get out but then will be unable to get back over the fence. Mr. Gremaux stated he has 4 grandkids and several dogs and would like the fence for their safety. Also, everyone along Eastgate has dogs and they seem to run loose a lot. Member Morris stated if you are having a problem with loose dogs you should report that to the Town Marshal's office as the State of Indiana has a leash law the owners should be following. Member Morris further stated if we allow this then we will have everyone contacting the town to install fences. Chair Fox looking at the extra lot and its size she asked why he couldn't just fence in the extra lot for the dogs. Mr. Gremaux stated this will not keep the neighbor's dogs from coming onto their yard. Chair Fox called for interested parties on Variance #2020-14. Secretary Pranger informed the board all the adjoining owners were notified, and Mr. King/Tranquil returned in favor of the fence. -adjoining owner to the north. Mr. Friskney adjoining owner to the east asked why he did not just fence the extra lot. Mr. Gremaux stated this will not stop the neighboring dogs from coming into his property. There being no further questions Chair Fox called for a motion. Member Morris made a motion to deny Variance #2020-14. Second by Member Tatman. All in favor-aye. Motion Carried

Variance #2020-15

Jeremy Hamilton, 355 Martin Street, Rome City, IN 46784 is requesting variances for relief from the Rome City Unified Development Code, Article 2.10 Single Family Residential District; Accessory Structures; Minimum Side yard setback requirement of ten feet down to one foot on the north side of the lot along the alley and the structure to be a pole building with metal exterior. Chair Fox called for Mr. Hamilton to present Variance #2020-15 to the board. Mr. Hamilton gave the board a survey of the property and photo of the proposed garage. Mr. Hamilton informed the board he would like to utilize the concrete slab which previously had a garage built on it. Mr. Hamilton stated the former home burnt in 2008. He bought the property and built his home. He kept the concrete slab for parking and would now like to put up a garage for storage. He noted the existing slab is approximately one foot from the road right-of-way to the alley on the north side of the house. He noted the slab is 24'x22' and this is the size of garage he would like to install. Member Tatman asked if the garage will be attached to the house. Mr. Hamilton stated no. Member Friskney asked which side of the building will be against the alley. Mr. Hamilton stated the long side 24'. Mr. Friskney stated you should leave at least five foot for maintenance. Secretary Pranger stated the traveled part of the alley is at least four feet from the edge of the concrete. Mr. Hamilton stated the garage will be a metal kit so there should not be a lot of maintenance. Chair Fox asked have you checked to make sure the concrete is in good shape. Mr. Hamilton stated yes, it is fine. Member Morris asked, if he would be running a business from the garage. Mr. Hamilton stated no personal use and storage only. Chair Fox called for interested parties on Variance #2020-15. Secretary Pranger informed the board all adjoining owners were notified and four out of the six returned with no comments. Chair Fox called for a motion. Member Morris made a motion to approve Variance #2020-15 with restrictions: No Business, no living quarter and no restroom. Second by Member Tatman. Rollcall for vote: Kelly Morris-yes, Judy Fox, -yes, Barb Tatman-yes, Mike Friskney-no. Variance #2020-15 is approved.

Variance #2020-16

Susan Maxwell & Thomas Vetter II, 1698 North Shore Drive, Rome City, IN 46784 are requesting variances for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District; Accessory Structure; Minimum Side yard setback requirement of seven down to one foot eight inches on the west side of the lot and the lake yard setback requirement of twenty-five feet down to seven feet from the south property line. This will allow for the construction of an 18'5" x 20' deck.

Chair Fox called for Maxwell/Vetter's to present Variance #2020-16 to the board. Ms. Maxwell addressed the board with a property survey, plot plan and mockup drawing of the proposed deck. Ms. Maxwell informed the board they purchased 1698 North Shore and the house to the west with the intention of summering on Sylvan Lake. They have since found they enjoy the lake and moved to Rome City. They would like to be able to use their property fully and a deck from the screen porch to the retaining wall will help with the elevation issues on the lot. She noted that many of the properties located to the west have a deck between the house and lake. They would like to do the same. The area on the west side needing the 1'8" variance will be the landing for the stairwell to the seawall. This spring they had the area along the seawall dug back in order to store their boat lift in the winter. They turned in a letter from their neighbor on the east stating his approval of the deck. Chair Fox asked what material the deck will be made from? Ms. Maxwell stated Trex material with horizontal tension wires. Member Friskney asked how far back the deck will be from the seawall, 13'2" and 5' from the steps. Ms. Maxwell stated the deck will be in line with the house. Chair Fox called for interested parties on Variance #2020-16. Secretary Pranger informed the board all adjoining owners were notified, and all returned with no comments. Ms. Maxwell informed the board they are invested in the community and want to make improvement to make their property more livable. Member Morris asked about the lot coverage amount? Secretary Pranger stated they are fine they have a lot of property in the back yard. There being no further comments Chair Fox called for a motion. Member Morris made a motion to approve Variance #2020-16 per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

Variance #2020-17

Matt and Tamila Kelty, 1870 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 District: Maximum Lot Coverage of 45% up to 48.6%. This will allow for the driveway to extend to the garage and provide for a walkway between the adjacent property for access to the lake.

Variance #2020-18

Matt and Tamila Kelty, 1880 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 District: Maximum Lot Coverage of 45% up to 47.3%. This will allow two stairwell accesses to the lake front and to complete house design.

In light of the time Chair Fox asked Mr. Kelty to present both cases together.

Chair Fox called for Mr. Kelty to present Variances #2020-17 and #2020-18 to the board.

Mr. Kelty passed out mockups of the proposed project for both properties. He started with #2020-17 at 1870 North Shore Drive, stating he does not have enough parking spaces during the

summer months and would like to remove the asphalt drive and replace with concrete and add an additional sidewalk for both properties (including 1880 North Shore) to utilize. Mr. Kelty informed the board he purchased 1870 North Shore and plans to keep the two properties together and hope his parents will move into the 1870 North Shore. Mr. Kelty stated he wants the sidewalk for connectivity for both homes to have access to the lakeside from the driveway. Mr. Kelty showed the board the stairway from the house to the front yard was included in the original plans for the house. He removed the old retaining walls, stairwell and patio in front of 1880 North Shore as they were degraded and dangerous with four different levels. He showed the board the sq. ft. amount he removed is more than he will be replacing, as the patio area will be grass. He will be installing the retaining wall along with the stairway. He noted the retaining walls will only be 2' and they will use them for places to sit in the evening. The steps will be low 5" steps with a railing to better accommodate his parents. This will allow them to access the lake in safe manner. He noted they will not be cutting back the entire lake frontage just a portion. They are leaving space for kayak's and canoes to be pulled up. Mr. Kelty stated the rest of the lot will be graded and depending on when the project is complete, lay sod or sow grass. Member Friskney asked about creating a water shed issue by installed the concrete on 1870 and partially on 1880 North Shore. Mr. Friskney stated his concern for the future water issues. Mr. Kelty stated he installed a French drain on 1880 North Shore to accommodate the water which comes off his roof and that has been working. Mr. Friskney stated you may want to install a drain tile and drain outlet in the drive just to be proactive in preventing a water issue. Mr. Kelty stated he would consider it. Member Morris stated concern about combining the sidewalk for both houses. What if you want to sell in the future, everything will have to be split into two properties? Mr. Kelty stated the sidewalk and the landscaping will all be soft scape with can be removed in an afternoon and the soft scape be reinstalled on each property. Member Morris asked about the landscaping on the east side of the house. Mr. Kelty stated he installed and 12" deep channel lined with #2 stone and the water is directed to the lake. The area was designed to accept rain and direct it. Member Tatman asked about the rest of the landscape, yard etc. around the house. Mr. Kelty stated it is designed to be pervious for water and everything has been working as designed. He stated all his water stays on his property. Member Morris stated for confirmation that the area he removed at the lake front on 1880 North Shore was impervious surface and he is asking to replace it with less impervious surface. Mr. Kelty stated yes, he removed 350 sq. ft and will be replacing it with 150 sq. ft. Chair Fox called for interested parties on Variances #2020-17 and #2020-18. No one was present. Secretary Pranger informed the board she notified all adjoining owners and only Margaret Mossman owner to the east returned with concerns about the amount of lot coverage on both properties. The board reviewed the document and found the calculations made by Mr. Kelty were correct. There being further concerns or questions. Chair Fox called for a motion. Member Tatman made a motion on Variance #2020-17-1870 North Shore to approve with the stipulation the walkway is removed between the two lots and function as two separate lots, per the findings of fact. Second by Member Morris. All in favor-aye. Motion Carried. Member Tatman made a motion to approve Variance #2020-18-1880 North Shore as presented, per the findings of fact. Second by Member Morris All in favor-aye. Motion Carried.

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MISCELLANEOUS BUSINESS

Member Morris informed the board she will be unable to attend the August 20th meeting and asked if the board wanted to move the meeting. After some discussion Member Tatman made a motion to move the August meeting back one week to August 27th at the same time. Second by Member Coe. All in favor. Motion Carried.

Secretary Pranger stated she is still working on the UDO updates.

Next Meeting: July 16, 2020 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 9:00 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest: 

Leigh A. Pranger, Secretary