

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
September 17, 2020

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, September 17, 2020 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox at 7:04 p.m.

Members Present:

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

Members Absent:

Mike Friskney

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Bill Eberhard-by Zoom, David Rose, Josh Lash-surveyor for Molen's, Josh and Heather Molen, Brian Alberding, and Stuart Blackburn.

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

Use Variance #2020-34

David M. & Sandra S Rose, 301 Kelly Street, Rome City, IN 46784 are requesting a use variance from the Rome City Unified Development Ordinance, Section 2.19; Central Business District; to allow the business to be used as a residence.

Secretary Pranger informed the board this petition comes to the Board of Zoning Appeals with a positive recommendation.

Chair Fox called for Mr. Rose to present his petition, Use Variance #2020-34. Mr. Rose stated he has owned 301 Kelly Street since 1987 and he ran an insurance business from there until he retired in 2016. He noted he made approximately \$20,000 worth of upgrades to the property. He leased the office to a chiropractor from July 2017-October 2018. He stated he has not had any serious inquiries for office space or a commercial use in two years. The costs to own the building continue without anyone renting, those costs include taxes, insurance and utilities of \$350 per month. He stated he has had requests to rent it as residential, demand is high in this area for residential but no demand for office space especially now with many people working from home. Attorney Eberhard stated this property butts up to residential on the south side and

business on the north side. It is a mixed-use area. He added that this Use Variance is for Mr. Rose only so should he decide to sell the property as commercial he will have to appear before the board again and any buyer of the property as residential will have to request the residential use variance be granted to the new owner. This is not permanent to the property like a rezoning. Chair Fox asked about other business inquiries? Mr. Rose stated, No serious interest. Chair Fox called for interested parties on behalf of Use Variance #2020-34. Secretary Pranger stated she notified all adjoining owners and three of the seven returned, only one had a comment. Mrs. Hicks stated Mr. Rose should be able to use his property as he sees fit. There being no other comments or discussion. Member Morris made a motion to approve Use Variance #2020-34 to allow residential rental, with the restriction to this owner (Mr. David Rose) only. Second by Member Tatman. All in favor-aye. Motion Carried.

Variance #2020-38

Joshua A & Heather M Molen, 881 Lakeside Drive, Rome City, IN 46784 and Qubais Reed Ghazala, 874 Lakeside Circle, Rome City, IN 46784 are requesting variances for 870 and 874 Lakeside Circle, Rome City, IN 46784 (To be known as: Lots 1 and 2 in Molen's Place) from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards for relief from the Minimum Lot Size requirement of 10,000 sq. ft down to 9583 sq. ft. for both lots, Minimum Lot Width requirement of 100' down to 26' (Lot 1) and 15' (Lot 2) for street yard and 88' (Lot 1) and 52.5' (Lot 2) Lake yard in the Plat of Molen's Place. This variance will allow for the construction of a new stick-built home (Lot1) and allow the existing home (Lot 2).

Chair Fox asked for the Molen's to present their Variance to the board. Mr. Josh Lash-surveyor for the Molen's showed the new subdivision to the board indicating where the variances are necessary. Mr. Lash stated the Molen's and Mr. Ghazala requested a road vacation in order to have more lot area and to be closer to the required lot square footage of 10,000 sq. ft. Member Morris asked about the road right of way and the access for Mr. Ghazala. Mr. Lash showed the board where the new 15' road access will be for Mr. Ghazala onto Lakeside Circle. Mr. Lash showed the board where the ROW was already being used by Mr. Ghazala as his property with the location of his shed on the ROW. The road vacation will now have the shed located on Mr. Ghazala's property. Chair Fox asked about the type of house the Molen's will be building. Mr. Molen stated it will be a stick-built home. Member Tatman asked about the front and rear lot requirements and the requested variances on the new subdivision. Secretary informed the board the new subdivision rules were mainly passed for major subdivisions. If they are previously platted lots the board has leeway to grant the variances as our regulations are a lot stricter then they were 100 years ago when these lots were first platted. Chair Fox called for interested parties on behalf of Variance #2020-38. No one was present. Mrs. Molen stated Mr. Ghazala is fine with the proposal and he has already signed the plat and all paperwork. Secretary Pranger informed the board all adjoining owners and owners within the original plat were notified by certified mail. 9 out of the 13 returned with no comments. Mr. Thomas Seman sent in a letter, which was read to the board. The Seman's stated concerns regarding their water well, sewer capacity and the allowed reduction of the lot size will set a precedent for future subdivision. Attorney Eberhard stated the water table and sewer will not be affected as a house was previously on the lot and the Molen's are not adding more houses then were there in the past.

The lot reduction request is more lot area the two lots previously measured. By vacating the ROW this sq. ft. was added to the two lots thus making them larger than they previously were. There being no further discussion Chair Fox called for a motion on Variance #2020-38. Member Tatman made a motion to approve Variance #2020-38 without a submitted building plan we won't know if they will need additional variances. Motion died for a lack of a second. Member Tatman made a motion to approve Variance #2020-38, as presented, per the findings of fact. Second by Member Morris. All in favor-aye. Motion Carried.

Variance #2020-31

Brian Alberding, 12722 Chancel Court, Fort Wayne, is requesting a variance for 238 Spring Beach Rd, Rome City, IN 46784 for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards for accessory structures, Lake yard setback requirement of twenty-five feet down to sixteen feet for the construction of a deck approximately 32'x14' on the front of the house.

Chair Fox called for Mr. Alberding to present Variance #2020-31 to the board. Mr. Alberding presented a packet containing, a survey, plot plan, mockup pictures showing the proposed deck and the retaining wall with the angles from two sides of the property and from the lake. Mr. Alberding stated the house was built in the 1940's and has had little upgrades while his parents owned the property. Mr. Alberding recently became the owner and he would like to improve his access to the lake. The current steps are steep and difficult to traverse. He would like to add a 410 sq ft deck. The house sits at an angle to the seawall so the west side of the deck will be 9'9" widening to the east, sixteen feet with a length of thirty-four feet. The house sits 26' from the water's edge as does the neighboring property to the west. The new deck will not block Mr. Rang's view, nor will it block the neighboring property on the east, the Leys as their home sits 125' back from the water's edge. He added a retaining wall is being added to the frontage, nine feet back from the water's edge this will allow for them to have a seating area by the water. There will also be a stamped patio on the east side 650 sq. ft. The new deck will be an additional nine feet back from the retaining wall this will allow for a planter between the deck and retaining wall. Member Morris asked where the stamped patio will be located. Mr. Alberding stated the patio will be east of the retaining wall and the same height as the Ley's retaining wall (48"). Member Morris informed the board before Mr. Alberding performed the work it was a steep hill with little grass. This will be an improvement. Member Tatman asked if the deck will be open, no roof? Mr. Alberding stated, yes. Mr. Alberding added Mr. Rang's house is closer to the water than this deck. He added he will be upgrading the siding and adding stone along the bottom and a new kitchen will be installed. Mr. Alberding stated he spoke with all his neighbors and they had no problem with the deck. Chair Fox called for all interested parties on Variance #2020-31. No one was present. Secretary Pranger informed the board the adjoining owners were notified and three out of the five returned with no comments. There being no further discussion Chair Fox called for a motion. Member Tatman made a Motion to approve Variance #2020-31 as presented. Second by Member Coe. All in favor-aye. Motion Carried.

Variance #2020-33

Stuart and Lori Blackburn, 1450 Eastgate Drive, Kendallville, IN 46755 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake

Residential Development Standards for accessory structures, Side yard setback requirement of seven feet down to four feet four inches on the southwest side of the house. This will allow for the extension of the existing deck across the front of the house with a stairwell moved to the end of the deck.

Chair Fox called for Mr. Blackburn to present his Variance #2020-33 to the board. Mr. Blackburn present a drawing of the proposed deck. He stated he will be replacing the deck with trek's material and aluminum railings and would like to extend the deck to be in line with the south side of the house (4'4") and also relocate the stairs to the south side. The stairs will be recessed into the new deck 4'4" from the property line to match the house. Chair Fox asked about the new concrete patio on the lower level of the house. Mr. Blackburn stated they will be extending the patio for more entertaining space. Chair Fox called for interested parties on variance #2020-33. No interested parties were present. Secretary Pranger informed the board all adjoining owners were notified, and all responded with no comments. There being no further discussion. Chair Fox called for a motion. Member Morris made a motion to approve Variance #2020-33 as presented. Second by Member Tatman. all in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

Secretary Pranger informed the board she notified the owners of the perpetual garage sale on State Road 9 and told them the correct procedure to apply for a use variance in order to run the sale. They closed the sale the week before Labor Day.

Secretary Pranger informed the board she sent a violation letter to Two Dudes and Bucket as they were operating after the board's deadline of December 31, 2019. They were fined and ordered to cease and desist immediately. They have put the house up for sale and they paid the fine.

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

Next Meeting: October 15, 2020 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 8:52 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest 

Leigh A. Pranger, Secretary