

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**October 26, 2023**

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, October 26, 2023 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Vice-Chair Kelly Morris.

Members Present:

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

Members Absent:

Judy Fox-resigned on October 20, 2023	Mike Friskney
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Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Meg, Susannah and Linda Tulloch, Sach and Allison Mossman, Kaleb Ballard, Tim Conley, Allen Rhea, Joe Freed, Junior Miller, Joshua Miller, Willima Yoder, Diana Creech, Jack Hochstetler, Ernest Hochstetler, Mark Hochstetler, Jim Tuttle, Jim Abbs, Joseph Miller, Nate Yoder, Rueben Bontrager, Jerry Hochstetler, Calvin Miller, Norm Miller, Harley Bontrager.

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.

**NEW BUSINESS**

**Variance #2023-18**

~~Dale and Robin DeGroff, 340 Bernice Avenue, Rome City, IN are requesting a variance from the Rome City Unified Development Ordinance, Section 2.12; Lake Residential minimum lake yard requirement of twenty-five feet down to twenty feet on the southwest side of the house and house addition for a 21' X 8' covered deck with stairwell and a 10'10-1/2" x 6' covered deck.~~

Mr. Degroff asked for the variance to be tabled to the January meeting. Member Tatman made a motion to table. Second by Member Coe. All in favor-aye. Motion Carried.

**Variance #2023-19**

Zachary Mossman, 1887 North Shore Drive, Rome City, IN 46784 is requesting a variance for 1900 North Shore Drive, Rome City for relief from Rome City Unified Development Ordinance Section 2.06 Agricultural District Development Standards: Minimum Lot Width requirement of 170' of road frontage down to zero feet. Requesting to utilize a dedicated easement for access through Brady's Landing LLC (Trailer Court). This will allow for the construction of a new home to the north of the existing trailer court.

Vice-Chair Morris called for Mr. Mossman to present his case to the board. Zach and Allison Mossman were present along with Kaleb Ballard, owner of TKB Construction to present the petition. Mr. Mossman referred the board to the submitted house plans and proposed location of the easement. Mr. Mossman stated they are asking for relief from the 170' of required road frontage for construction of their home. The parcel they are building on is landlocked, however

they own the parcel to the south and they can have access through that parcel for access to North Shore Drive. Mr. Mossman stated he has the easement paperwork in the process they are currently waiting on the completion of the survey. He noted they will be using the gravel drive running through the Brady's Landing Trailer Court for access. He noted that he is the owner of the Trailer Court. Mr. Ballard, the contractor, informed the board that the house will be a barnaminium, the first floor will be 1,796 sq. ft, the second floor will be 1,127 sq. ft and the garage will be 2,098 sq. ft. he submitted the building plans. Member Tatman stated by adding an easement to the gravel drive through the trailer court it makes up for the lack of road frontage to the back lot. There being no further discussion Vice Chair called for interested parties on Variance #2023-19. Mr. Tim Conley, owner of Buck Run Farma, Adjoining owner to the east, stated he has no issue with the proposal. Member Tatman asked if he will be connecting sewer. Mr. Mossman stated it depends on the location of the house and whether it can be connected to sewer, if not they will use a septic. Secretary Pranger informed the board that all adjoining owners were notified, and they returned with no comments. Vice-Chair Morris called for a motion. Member Tatman made a motion to approve, per the findings of fact, Variance #2023-19 with the submittal of the easement to the town hall prior to construction. Second by Member Coe. All in favor-aye. Motion Carried.

**Variance #2023-21**

Michael and Natalie Axel, 1315 and 1305 Hilltop Drive, Rome City, IN 46784 are requesting a variance for relief from Rome City Unified Development Ordinance Section 2.12 Lake Residential District Development Standards Minimum Street yard setback of twenty-five feet down to seven feet. This will allow for an addition to the house at 1315 Hilltop Dr onto 1305 Hilltop Drive. This will allow for the construction of the addition with a 24' x 36' attached garage on 1305 Hilltop Dr.

Vice-Chair Morris called for the Axel's to present their petition for Variance #2023-21. Mrs. Diana Creech, architect for the Axel's, stated she will be presenting to the board. Mrs. Creech informed the board that the Axel's own two houses located at 1305 and 1315 Hilltop Drive, the house on 1315 Hilltop was built in 2006 and the Axel's would like to demolish the home at 1305 Hilltop and add onto the newer home. The lots on hilltop at very steep and the homes must be built into the hill. The addition will include living space, a bedroom and office area along with a 3-car garage. The new addition/garage will be no closer to the road than the existing home. They are requesting the setback of seven feet on the roadside however there is an additional eight feet of ROW to the edge of pavement so the garage will be fifteen feet from the edge of the road. Member Tatman asked if both houses will be demolished. Mrs. Creech stated they will only be demolishing the 1305 Hilltop Drive house. VC Morris asked if the garage will be higher than the existing house. Mrs. Creech stated yes, the current house has six to eight steps down to the first floor. Due to the steepness of the hill, the garage needs to be located on the flat area of the lot otherwise they would have to install a stress core floor in the garage, and she stated she is not sure that would be possible on this lot. Member Morris asked again how much closer to the road will the new garage be located. Mrs. Creech stated the new garage will be in the same location as the existing garage. There being no further discussion VC Morris called for interested parties on Variance #2023-21. Secretary Pranger informed the board all adjoining owners were notified and two out of three returned with no comments. No interested parties in the audience. VC

Morris called for motion. Member Coe made a motion to approve Variance #2023-21 per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

### **OLD BUSINESS**

#### **Variance #2023-16-Request to table to November 16th**

~~Kenneth & Meghan & Andrew Cook, 911 Harbor Court, Rome City, IN 46784 are requesting a variance for old Limberlost Golf Course (north side of 900 N), Rome City, IN 46784 relief from Rome City Unified Development Ordinance Section 2.10 Single Family Residential Development Standards Maximum Accessory Structure Height maximum of 16' up to 27' and 5.06 AS-04 Single Family Residential Accessory Structure Standards, C. Quantity and Size Maximum size of 1200 sq. ft. up to 5160 sq. ft and D. Materials exterior materials to be metal siding and roof. This will allow for the construction of a 48'x32' pole building with 12'x72'x8' wrap porch with a two-tone metal siding and roof.~~

Secretary Pranger informed the board that Mr. Borman requested to table the Cook Variance to November 16<sup>th</sup> meeting. Member Tatman made a motion to table to the November meeting. Second by Member Coe. All in favor-aye. Motion Carried

#### **Use Variance #2023-17 Tabled from August**

Linda Tulloch on behalf of Limberlost Ridge School (Amish), located south of 8402 N 175 E, on the east side of 175 E in Wawaka, IN 46794 is requesting a use variance for 6.58 Acres (to be known as Lot 1 in Limberlost Ridge School Subdivision). Requesting relief from the Rome City Unified Development Ordinance, Section 2.05; Agricultural District; to allow an Amish School to be known as Limberlost Ridge School.

Vice-Chair Morris called for Scott Zeigler to present on the petition Use Variance #2023-17. Mr. Zeigler presented the board with breakdowns of the traffic study for Canal Road and 150 E. He further submitted traffic counts for the roads other Amish Schools are located. He stated the traffic study showed there is one vehicle per every half mile. VC Morris asked if the Amish had a plan or Masterplan for school sites and where they would be locating the next school. Mr. Miller stated they do not have a plan; they go by where the population is located. Then they build the schools. Mr. Zeigler stated the sites for the schools and the layout of the building is adaptable to converting the school into a home site if the school is discontinued. He noted they are typically located on three acres. This location includes a low area for drainage purposes. He noted they do not have competitive sport, no night games or weekends sports. They will have no outside storage, there will be nothing negative in appearance. Mr. Zeigler then went through the Findings of Fact: #1 be able to educate within their own belief system, #2 will not affect the agricultural, rural residential or recreational as the school will be in service when most people are gone at work.#3 a school is only allowed in General Business District with a Special Exception. The Amish want to have a school where they live, the school and property leave a small footprint as the school is not large taking up a lot of land. 4# school is allowed in GB district only and the school needs to be located near the population using the school. #5 Comprehensive Plan-Page 18 Connect people and places -states we need to accommodate multiple modes of transport. Page 33 establishes land for schools and other institutions. CR 175 E is classified as a local road and would be a typical road for locating residences and associated amenities. The variance requested is the minimum necessary minimum are for a school is 3 acres and they are expanding to include

the drainage area. The hardship was not caused by the existing or a previous owner. The hardship was created by the UDO which only allows for a private school by Special Exception in a GB District. The hardship is the ordinance. Mr. Zeigler went on to state the Comprehensive Plan envisions diversity in a community. The Comprehensive Plan states 175E is a local road and Northport Rd is a collector. The children are currently riding bikes to the Baseline Road School and travel Canal Road and 175 E. They currently travel 36 miles with the construction of the new school would cut their travel distance down to eleven miles. Mr. Zeigler stated the teacher releases the children in groups to lessen travel issues on the road. He added they have 100+ schools in Lagrange and Noble Counties and they have had very little issues with accidents.

There being no further discussion VC Morris called for interested parties on Use Variance #2023-17. Mr. James Abbs, adjoining owner to the south of the proposed school. He stated the area is heavily trafficked, there are no berms on any of the roadways. The four-way stop was added at 150E/175E and 850 N due to the high traffic volume. Mr. Abbs stated he used to ride his bike on the roads but with the traffic he did not feel safe. There is a danger for the drivers trying to get around bicycles on the roadway. The area is predominantly residential, and the school does not fit in with the residential and agricultural uses. Mr. Abbs questioned whether a standard septic tank could handle the use of 50-60 students per day. He asked who will he have recourse through should the system fail? A school in a agricultural district does not fit the Comprehensive plan as an agricultural zone calls for farms, fields and residence uses. A school is not a residential or farming use. He added that he moved out to the country to get away from the noises and activity of town and he does not want to live next to a school. The thought that most homeowners will be at work when school is in session is wrong. He stated his wife is retired and home all day and he hope to retire in the near future. He stated they try to accommodate the cemetery when they have services and will not run their lawn mowers or large equipment during a service. They try to be respectful. He doesn't see that happening with a school right there. He noted that they said there would be little activity on the site after hours but what about weekends. He asked again about a plan for the school system? They stated that there is no obligation for the children to attend the nearest school. So, there could still be students traveling to other schools even when a school is closer to their house. He stated this is like installing a business next to my house. He stated the Amish should have a plan on where the current schools are and where they might expand to install other schools. He noted when he and his wife made the choice to send their children to East Noble it didn't affect anyone outside of their family. This school is affecting everyone in the area and changing our community and the make up of our neighborhood. Mr. Joshua Miller stated it is likely Mr. Abbs will not be able to see the school from his house due to the tree line. Mr. Miller stated they cannot predict the future to know the location of the future houses. He noted the school is inspected by the State and they have to follow the state guidelines. The agreement with the state on limiting the number of students is 50. He stated the school located on Baseline Road currently has children traveling Northport Road to get to school and that is a more heavily traveled road than 175 E. Mr. Miller noted there have been no adverse effects in LaGrange County with the Amish schools.

Mrs. Linda Tulloch owner of the property stated the building on the corner of 850 N and 175 E use to be a schoolhouse 180 years ago. She noted Amish are a part of our community and she wants to support them.

Susannah Tulloch stated she rides her bike on the roads and has not had a problem with traffic.

Mr. Joseph Miller stated he lives next to Scenic Hills School and there is very little disturbance and minimal activity.

Mr. Jim Tuttle, lives on Harriman Street, stated he sees kids riding bikes past his house to Baseline Road during the day. Allowing the school would be safer so the kids wouldn't have to travel on Northport Road and it would be closer.

Town Attorney Dustin Glick addressed Mr. Abbs' concern about the septic system. The system will have to be approved by Noble County Health Department and if anything goes wrong with the system you will need to contact Noble County.

Secretary Pranger informed the board all the adjoining owners were notified by certified mail; no comments were made.

**Rebuttal:**

Mr. Zeigler stated there is no way to anticipate where other schools will be located. He noted the school board establishes the areas/district for the schools and which school the children should attend. He stated as far as the septic system-an average household will use more water than the school. He added the septic is approved by the Noble County and the State of Indiana. If the soil passes the perk test, then a well will work there. He further noted with the addition of more acreage they will have enough room for a secondary system. He added there has been a low number of bicycle car traffic instances as long as the vehicle passes in a safe manner. He noted that everyone has the right to use the road and we just need to be courteous. This facility will not add to the light pollution, will not create dust or noise.

VC Morris asked how many Amish live on 175 E. Mr. Junior Miller stated one family lives on 175 E and one family on Canal Road. Mr. Miller stated they have only had 3 deaths going to and from school since 1967. He noted they have been looking for land for two years.

VC Morris asked how many schools are in Noble County and how many they would be you be requesting in our 2-mile jurisdiction? Mr. Miller stated 10 schools in Noble County.

Member Tatman stated, we don't get to choose who moves in next to us.

Mr. Zeigler requested to table to the November meeting due to some unanswered question.

Member Tatman made a motion to table Use Variance #2023-17 to the November 16th meeting. Second by Member Coe. All in favor-aye. Motion Carried.

Mr. Josh Miller invited the board to come out and visit one of the schools.

Secretary Pranger stated she will contact Robbie Miller, Lagrange County Plan Director and Teresa Tacket Noble County Plan Director to see what processes they use for Amish schools.

**MISCELLANEOUS BUSINESS**

1.Update on Short-Term Rentals-Secretary Pranger informed the board the Plan commission sent the ordinance on Short-Term Rentals to be decided by Special Exception with a favorable recommendation to the Town council for their November 13<sup>th</sup> meeting.

2. Working with Region 3A to find grants to update the Comprehensive Plan and Unified Development Ordinance. Last update in 2011.

Next Meeting: November 16, 2023

There being no further business, Member Tatman made a motion to adjourn the meeting at 8:30 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

  
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Kelly Morris, Vice-Chair BZA  
Secretary

Attest:   
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Leigh A Pranger,