

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
September 21, 2023

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, September 21, 2023 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

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

Members Absent:

Christine Coe

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Alan Hochstetler, Wilbur Hochstetler, Kenneth Bontrager, Wayne Yoder, Junior Miller, Lucy Francies, Leon Dean, Reuben Bontrager, Melvin Freeman, Freeman Miller, Chris Bornman-representing Ken and Meghan Cook, Linda and Doug Johnston, Bill Creigh, Jr., Scott Zeigler-Surveyor for Freeman Miller and Linda Tulloch.

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

OLD BUSINESS-Tabled from August

Use Variance #2023-14

Freeman and Dora Miller, 4076 E 1150 N-57, Wolcottville, IN 46795 are requesting a use variance for 2-acres located approximately 1500' south of 1150 N on the east side of 200 E Rome City, IN are requesting relief from the Rome City Unified Development Ordinance, Section 2.05; Agricultural District; to allow a 2-acre Cemetery to be known as Scenic Hills Cemetery. Chair Fox called for the presentation of Use Variance #2023-14.

Mr. Zeigler stated in response to VC Morris's question on why the cemetery cannot be moved back on the lot. They met with the soil testing company-Eichholtz stated the soils in the northwest corner of Mr. Miller's property are similar to the soils in the St Gaspar's Cemetery on Northport Road. The soil in the woods on Miller's property is not stable and there are springs in the woods. They check other properties in the area and this lot has the best soil for a cemetery. Mr. Zeigler stated they contacted Caldwell appraisals to review Amish and English cemeteries to check the property values of the surrounding properties and whether the values had decreased in value since the cemeteries were built. The research showed that the properties surrounding cemeteries increase in value 25% to 50% in value. No loss in value was found. They also contacted the Noble County Assessor, and he stated there is no drag on properties located next to cemeteries. Cemeteries have no negative draw on the properties around them.

Mr. Zeigler stated they are willing to install buffering for the surrounding properties, they can install a tree buffer. Chair Fox asked if they will be installing a parking area, so no one is parking on the county road? Mr. Zeigler stated they will remove the first row of grave sites to allow for

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off road parking. Chair Fox asked how much space this will leave for parking? Mr. Zeigler stated you can measure 45' off the center line of the road for the beginning of the parking area i.e. hitching post. Member Friskney asked what the dimensions of a horse and buggy are. Mr. Zeigler state stated 20' Long and 6' wide. Member Pranger asked about the signage for the cemetery? Mr. Zeigler stated they will only have an arched metal sign over the entrance. Chair Fox called for interested parties on Use Variance #2023-14. Mr. Melvin Freeman adjoining owner across the road, asked if the bodies will be embalmed? Mr. Zeigler stated they do not embalm, they are placed in a rough wood casket, and they use mortuaries for the preparation of the bodies. Member Tatman asked if they will have enough room for the parking area by only taking one row out since the county requires additional ROW. Mr. Zeigler stated they would only be installing the trees on the north and south sides of the property. As all the other cemeteries usually do not have buffers along the roadway. He noted if the board requires it they can add trees on the west side. Chair Fox asked about the horse manure, will it be cleaned up after the burial? Mr. Zeigler stated no they will just leave it to incorporate back into the soil. Member Friskney stated as longr as they install the buffer on the north and south sides of the cemetery, locate the horse and buggy parking out of the ROW and one sign in the arch style over the entrance and the funeral home puts out orange cone and funeral sign for traffic to slow down during the burials, he did not have a problem with the cemetery. Member Friskney made a motion to approve Use Variance #2023-14 per the findings of fact and restrictions to include parking, buffering, signage and traffic control during burials. Second by Member Morris. All in favor-aye. Motion carried. Use Variance #2023-14 Approved per all finding of facts.

NEW BUSINESS

Use Variance #2023-17

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.

Chair Fox called for Ms. Tulloch to present her petition to the board. Mr. Scott Zeigler, surveyor, stated he will be representing Ms. Tulloch for Use Variance #2023-17 proposal. He stated Ms. Tulloch wants to sell 6.58 acres of her property along 175 E on the east side of the road approximately 550' south of the 850 N and 175 E intersection to the Amish for a school. The school will hold 50 students, they will have the school building which will house two teachers with a kitchen and a restroom, classrooms and restrooms for the children. The building will have a well and septic. They usually only need three acres for a school site. They decided to take in the low ground to use for water runoff for the building. They will install a baseball field, volleyball and basketball court for recesses. There is a natural tree line buffer on the east and south sides of the property. He noted they have enough site distance for the driveway. Member Friskney asked how far the children will be traveling to school. Mr. Zeigler stated only three to four miles. Chair Fox asked how the children will get to the school. Mr. Zeigler stated they will ride bikes or arrive by horse and buggy. Chair Fox asked, have there been any issues with kids getting injured on their way to and from school? Mr. Junior Miller stated they must wear safety vests and have lights on their bicycles. Member Morris asked, when the school year begins and ends. Mr. Miller stated, from the end of August to the end of April. Member Tatman

asked how the sewage will be handled? Mr. Zeigler stated, they will be installing a septic system per Indiana State code. Chair Fox asked about parking? Mr. Zeigler stated they will be installing a gravel driveway and a small parking area. Secretary Pranger asked how many openings to the roadway will they need? Mr. Zeigler stated they will have one entrance and use the same for their exit. Secretary Pranger asked whether they have applied for a driveway permit through Noble County? Mr. Zeigler stated not yet but they have adequate site distance for a drive and the drive will be located on the west side of the parcel on toward the north end. There being no further board questions, Chair Fox called for interested parties on Use Variance #2023-17. Secretary Pranger stated all adjoining owners were notified through certified mail. Chair Fox recognized Mr. Jim Abbs adjoining owner on the south end of the proposed parcel. Mr. Abbs stated he has lived on his property for thirty years and they purchased it out in the county in order to stay away from schools and businesses. He and his wife run a dog training facility and they have never had to worry about bothering neighboring properties. The construction of a school changes the make-up of the area. Mr. Abbs submitted a list of questions he had pertaining to the change of use of the property. (See Attached) He highlighted a few questions for the board, the two roadways 175E and 850N are highly traveled roads and he voiced concern for children riding bikes in the dark on the roadways. He is concerned about the use of the property after school hours and during the summer months. Mr. Abbs stated that he met with all the farmers in the immediate area, and they all voiced concern about the additional bicycle and buggy traffic on the highly traveled roads. Mr. Abbs submitted the list of questions and asked that the questions be answered in writing and submitted to the board at the next meeting, so everyone has time to review them. Mr. Abbs asked whether the Amish have a masterplan for the location of their schools, how do they plan where the schools will be located, how many Amish live in the three-to-four-mile radius that will be utilizing this school? Mr. Zeigler stated the Scenic hills School located off Baseline Road have a four-mile radius they service which is about 22 families. Mr. Zeigler stated the Amish typically do not expand their schools as they will ask to build another when the student number increases past 60 children. Mr. Zeigler told the board it looks like we need to do some research and asked the board to table the Use Variance to the next meeting. Member Tatman made a motion to table Use Variance #2023-17 to the October 26th meeting. Second by Member Morris. All in favor-aye. Motion Carried.

Variance #2023-15

Doug and Linda Johnston, 11736 Woodstream Ridge Court, Fort Wayne, IN 46845 are requesting a variance for the back lot of 1010 W. Pleasant Point, Rome City, IN 46784 relief from Rome City Unified Development Ordinance Section 5.07 AS-05 Lake Residential Accessory Structure Standards, C. Quantity and Size Maximum size of 1200 sq. ft. up to 1536 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 a two-tone metal siding and roof.

Chair Fox called for Mr. Johnston to present his petition to the board. Mr. Johnston presented a copy of the survey with the layout of the proposed pole barn. Mr. Johnston stated they bought the property 24 years ago, and they would like to retire to the lake, and they need more storage for their boats, tractors, and cars. The building will be 48'x32' with an exterior of metal. They do not need water. The trees along the east side will remain as a buffer. Mr. Johnston stated the building meets the required setbacks. Member Morris asked if this was only garage on this

parcel? Mr. Johnston said yes. Member Friskney asked if they have considered other material for the exterior rather than metal. Mr. Johnston stated they plan to install brick or a stone veneer 3'-4' on the sides to the road to make it blend better in the neighborhood. There be no further questions President Fox called for interested parties on Variance #2023-15. Secretary Pranger informed the board she spoke with Bob Vananda adjoining owner to the west. Mr. Vananda was concerned about water runoff from the building and whether it would end up on his property. Neighbor Bill Creigh stated they can install a swale or berm to direct the water to the south on the property. Mrs. Johnston stated when they planted grass this helped to eliminate a lot of the water issues. The board stated you will need to have a drainage plan submitted to the town hall to ensure the water will be retained on your lot. Mr. Johnston said he spoke with Mr. Vananda and he stated his concern over the removal of trees on the back lot. Mr. Johnston stated they were only taking down the trees that would be in the way or affected by the construction. Secretary Pranger stated all the adjoining neighbors were notified. Mr. Bill Creigh adjoining owner, stated he approval of the projects. After some discussion about the metal exterior of the building and the fact the building is located in a residential area, Mr. Johnston asked to withdraw the variance for the metal siding and stated he will comply with the code. Chair Fox called for a motion on Variance #2023-15. Member Morris made a motion per the findings of fact and requiring a drainage plan be submitted to the town hall for approval. Second by Member Tatman. All in favor-aye. Motion carried.

Variance #2023-16

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.

Chair Fox called for Mr. Cook to present his petition. Mr. Chris Bornman stated he is representing Mr. Cook for the Variance. Mr. Bornman informed the board the Cook's purchased the old golf course which consist of 35+ acres. They want to build a storage barn for personal storage. The size of the building will be 84'L x 60'W with a roof height of 27'. Mr. Bornman stated he met with the neighbor Mrs. Lavigne regarding the location of the building. After some discussion they decided to move the barn back to the east out of the view of Mrs. Lavigne. Mr. Bornman stated they will also be installing Arborvitae trees to help shield the barn from the view of adjoining owners to the north. Mr. Bornman noted that they understand this is a larger building than is usually allowed, however, it is located on 35+ acres and will be shielded from view. They will not be installing a new access road. They will be using the alley to the northeast of the proposed barn. Member Tatman asked if Mr. Cook would be the only one using the barn? Mr. Bornman stated yes, Mr. Cook has boats, tractors, cars and other miscellaneous items he is currently storing in several storage buildings in the county. Chair Fox asked if they will be installing electricity? Mr. Bornman stated yes, they will have electric but will not be adding water. Mr. Bornman informed the board the building will have a porch to make the barn blend better in

the residential area. Member Friskney asked why they need such high eaves? Mr. Bornman noted there will be two stories in the building. Mr. Bornman stated to the board this is not your standard lot in a residential neighborhood, they have 35+ acres, the building can and will be shielded from view, there are no close neighbors to the property. Chair Fox called for interested parties on Variance #2023-16. Secretary Pranger stated all the adjoining owners were notified and only Mr. Smith returned, he is in favor of the project. The board asked if they had approved any buildings this size. Secretary Pranger state Troy Hartman's building on Kelly Street Extended is 6000 sq. ft. Member Friskney informed the board he will be abstaining from the vote. Chair Fox called for findings of fact on Variance #2023-16. Attorney Glick stated a vote yes is a vote in favor of the petition and a vote no is a vote against the petition. Findings of fact #1 and #2 passed the board on #3 it received two no votes. Mr. Bornman asked to table the variance to the October meeting. Member Taman made a motion to table Variance #2023-16. Second by Member Morris. All in favor-aye. Motion Carried

MISCELLANEOUS BUSINESS

1. Discuss restrictions on short-term rentals-would like to pass the ordinance by October Town council Meeting. The board discussed the issues and complaints the town hall has been fielding on the influx of short-term rentals in the Lake Residential zones. Complaints: like living next to a hotel/business with the turnover of guests, garbage, parking, noise, smoke from fires, do not know the rules of the lake, do not know boating rules, overcrowding, tent camping, Amish bringing in busloads of people for day visits, dogs barking, overflow parking in local parks. The board discussed making the Lake Residential zone must get use variance for short-term rentals, buffering from neighbors, permit with fee \$150, Parking limited must all be contained on property no overflow to parks or along the road, trash to be emptied between rentals, all guests sleep inside house. Attorney Glick reviewed the Indiana Code pertaining to short-term rentals and found a section regarding conservancy districts-stating we can prohibit short term rental within a Conservancy District. The board instructed Attorney Glick to check into the code and have something ready for the September meeting and to keep working on an ordinance to limit the number of short-term rentals or approved only be use variance with restrictions from the board.

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

Next Meeting: Secretary Pranger explained she has a conflict with the October meeting date and asked the board to move the meeting back one week. Member Morris made a motion to move the meeting back to Thursday, October 26, 2023 at 7:00 p.m. Second by Member Tatman. All in favor-aye. Motion Carried.

There being no further business, Member Tatman made a motion to adjourn the meeting at 9:15 p.m. Second by Member Morris. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest: 

Leigh A Pranger, Secretary