

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

April 27, 2023

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, April 27, 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

Mike Friskney

Kelly Morris

Christine Coe

Members Absent:

Judy Fox

Leigh A. Pranger-Secretary

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Dale DeGroff, Andrew Schrock, Stephanie Schrock, Joseph Freed, Gable Schrock and Sam Bergson-Schrock Construction, Pat Costello and Val Bergdall.

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.

Vice-Chair Morris recused herself from Variance # 2023-06 Costello/Bergdall as she is a first cousin to Mr. Costello.

OLD BUSINESS

Nothing for the agenda.

NEW BUSINESS

Variance #2023-06

Patrick Costello and Valerie Bergdall, , 6431 Newgrange Dr., Dublin, OH 43016 are requesting a variance for 560 Spring Beach Rd, Rome City, IN 46784 for relief from Rome City Unified Development Ordinance Section 2.12 District Development Standards: minimum side yard setback requirements of seven feet down to 5.23 feet on all four corners of the proposed house. Attorney Glick informed the petitioners that in order for them to prevail on their variance request they would have to have all three board members vote in favor. The petitioners were asked if they wanted to table until the May meeting . They replied, No. Mr. Gable Schrock of Schrock Constructions presented the variance petition. He presented the survey showing the setbacks and the house plans to the board. Mr. Schrock stated the variance request is from the required 7-foot setback down to 5.23 inches on all four corners of the house. (Correction the required setback is 10 feet on side yards for a primary structure) The board asked how far the new house will be from the adjoining houses. Mr. Schrock was unsure but came up with the Plassman house (south side) being four feet from the property line and the Collett house (North side) is two feet seven inches from the property line. The builders stated the new house will not be any wider than the existing house. They would like to center the house on the lot and put more room between their house and the Collett house to the north. Member Friskney asked about the square footage of the

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new house? Mr. Schrock stated the 1st floor will be 1352 sq. ft and the 2nd floor will be 1252 sq. ft. for a total of 2604 sq. ft. Mr. Schrock stated the current house is approximately 5' from the seawall and the new house will be 26' back from the sea wall.

Acting President Tatman called for interested parties on Variance #2023-06. Adjoining owners to the north and south (Collett's and Plassman's) were in favor of the variance request. Received notice from the adjoining owners along the roadside they returned with no comments. Member Friskney asked Attorney Glick about the number of feet the fire department wants between structures. Attorney Glick stated 10 feet. Mr. Schrock stated the fire code states five feet from the property line which is why they were asking for 5.23. Member Tatman asked if they would be installing fire resistant materials on the north side of the property. Mr. Schrock stated no, they want to have windows. Mr. Schrock asked for the variance request to be tabled to the next meeting, May 18th, in order for them to gather more information. Member Coe made a motion to table Variance #2023-06. Second by Member Friskney. All in favor-aye. Motion to table approved.

Variance #2023-07

Dale A & Robin M DeGroff, 340 Bernice Avenue, 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 lake yard setback requirement of 25' down to 15' for the construction of two deck and an addition to the existing house. Also, a variance from Section 5.66 SB-02 Setback Exception Standards, A. Exceptions 3. Architectural Features allowing the soffit to be 1'5" from the required 3' on the southeast side of the existing house.

Vice-Chair Morris called for Mr. DeGroff to present their petition to the board. Mr. DeGroff informed the board he would like to keep the hip roof line for the existing house and the addition. Mr. DeGroff stated, due to keeping the existing house the setback on the side yard (east side) will only be 1'5" for the soffit. Member Friskney voice concern about run off water. Mr. DeGroff stated the rainwater goes into the lake or the cemented area between the two houses. Mr. DeGroff started talking about relief from the lake yard setback of 14' for the construction of two decks on the house. Member Tatman asked what setback he was asking for as our paperwork states 15' setback and he kept referring to a 14' setback. Attorney Glick stated the board can not hear a setback different than what was advertised. The 15' setback is the requested setback. Vice Chair Morris stated to Mr. Degroff you need to table the request to find out whether the notice needs to be corrected. Member Tatman made a motion to table. Second by Member Friskney. All in favor-aye. Motion Carried. The next meeting will be May 18, 2023.

Use Variance #2023-08

Dale A & Robin M DeGroff, 340 Bernice Avenue, Rome City, IN 46784 are requesting a use variance from the Rome City Unified Development Ordinance, Section 2.12 Lake Residential District to Multiple Family residential District. This will allow for the construction of a duplex unit to be on the bottom floor of the residence and allow for vacation rental of said unit.

Attorney Glick asked whether Mr. DeGroff wanted to table the Use variance as the standard development variance was table to May. Mr. DeGroff stated no. Mr. DeGroff submitted his findings of fact to the board. He stated there will be no pets allowed in the rental, he noted the

house will not be rented unless the owners are on premises, he will enact quiet hours and limit the number for renter's using the unit.

Vice-Chair Morris called for interested parties on Use Variance #2023-08. Attorney Glick read a letter from Tonya and Larry Black, adjoining owners, on the west side, stating they are against the variance. Joe Freed, adjoining owner on the north side (roadside) asked how it would be beneficial to the neighbors to have strange people on a weekly basis in the neighborhood, additional traffic created by renters. He stated we know everyone who lives in the neighborhood, and we feel safe. Stephanie Schrock, adjoining owner on the east side, stated they have a two-year-old daughter, and her bedroom is very close, noise could be a problem. She noted they only have 50 feet of frontage, and the renters could be encroaching on their frontage. She noted they hope to build trust with all their neighbors so far Mr. DeGroff maintenance of his property has not been the best. She further added she checked on statistics for Air B n B's and they create higher rates of crime, more violence over time, they are concerned they will lose quiet time as the renters will be on vacation. Mr. Degroff stated he has a privacy fence. Mrs. Schrock stated the privacy fence only has one panel. Mr. Andrew Schrock added this is a dean end road, kids are used to being able to play near the street, strangers would not be aware of this, and kids could get hurt. Thinking of everyone's safety it would be best to not have renters in the neighborhood. Mr. DeGroff stated they will be there when the house is rented. It will never be a full-time rental, he stated he can do a contract with the town to limit parking to 4-6 people only. He noted they hope to move into the house this year. Mr. Degroff stated he is already paying for two sewer hook ups. Member Friskney stated changing the zoning to multifamily affects the lake and its residents, he asked why Mr. DeGroff is paying two sewer payments? Mr. Degroff stated the property used to be an apartment and had four sewer connections. One side of the building was torn down by his brother, and he kept the other side. Mr. DeGroff stated he kept the two sewer payments in hopes of being able to use them again. Member Friskney stated the taxes for multifamily units are taxed at a higher rate. Mr. DeGroff stated he was aware of the tax differences. Member Friskney asked why Mr. DeGroff wants to have a rental? Mr. DeGroff stated he has been in the rental business for 50 years; we check everyone out and we do not have problems with our renters. Member Friskney asked whether he had plans to sell within 5 years? DeGroff stated he does not have any plans to sell. Member Friskney asked if a family of 5 wanted to rent would you rent to them? Mr. DeGroff stated yes, 4-6 people. There being no further comments, Vice Chair Morris called for Findings of fact.

Attorney Glick informed the board a yes vote is in favor of the use variance and a no vote is not in favor.

1. The board finds, the proposed variance will be injurious to the public health, safety, morals and general welfare of the community because: The proposal seeks to add a multiple family residence in a Lake zone, thereby adding traffic and activity to the existing homes and surrounding area. Rollcall for vote: Christine Coe-No, Mike Friskney-No, Kelly Morris-No, Barb Tatman-No.

2. The board finds, that the approval of this Variance will affect in a substantially adverse manner, the use and value of the area adjacent to the property included in the Variance because: the proposed multiple family home may interfere with neighboring landowners use and enjoyment of their properties. There is not much precedent to allowing multiple family homes in lake zones. May affect land values. Closeness to homes of remonstrators and petitioner wanting

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multiple residence. Remonstrators appeared with concerns and objections regarding a multiple family home in the neighborhood. One email was received in opposition. Rollcall for vote- Christine Coe-Yes, Mike Friskney-No, Kelly Morris-No, Barb Tatman-No

3. The board finds, the need for the variance arises from some condition peculiar to the property involved because: there is no condition peculiar to the property as the property is located a lake zone where single-family homes are permitted. Rollcall for Vote: Christine Coe-Yes, Mike Friskney-No, Kelly Morris-No, Barb Tatman-yes

4. The board finds, the strict application of the terms of the Zoning Ordinance will not constitute an usual and unnecessary hardship if applied to the property for which the Variance is sought: the petitioner by proposing a multiple family residence at the subject location has created their own hardship. Petitioner would be able to continue to utilize the property as a single-family home as it exists without the variance requested. Rollcall for Vote- Christine Coe-yes, Mike Friskney-No, Kelly Morris-No, Barb Tatman-No.

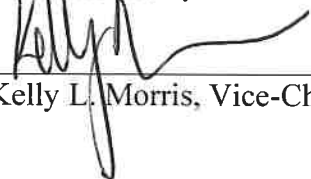
5. The board finds, the approval of this Use Variance does interfere substantially with the comprehensive plan, because the comprehensive plan provides for stricter regulations for lake residential zones. Multiple family homes are not common in or near the surrounding area. Rollcall for Vote: Christine Coe-Yes, Mike Friskney-No, Kelly Morris-No, Barb Tatman-No. Petition failed on all five points. Use Variance Denied.

MISCELLANEOUS BUSINESS

Nothing for the agenda.

Next Meeting: May 18, 2023 at 7:00 p.m.

There being no further business, Member Tatman made a motion to adjourn the meeting at 8:45 p.m. Second by Member Coe. All in favor-aye. Motion Carried.



Kelly L. Morris, Vice-Chair BZA

Attest: 

Leigh A Pranger, Secretary