

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
August 17, 2023

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, August 17, 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	Christine Coe
Leigh A. Pranger-Secretary	Kelly Morris

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Jerry and Linda Bidwell, Melvin Freeman and Scott Zeigler, Surveyor for Freeman Miller.

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.

OLD BUSINESS

Nothing for the agenda.

NEW BUSINESS

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. Scott Zeigler, surveyor for Mr. Miller. Mr. Zeigler stated the proposed cemetery will be located in the Northwest corner of Mr. Miller's parcel abutting the roadway. Mr. Zeigler informed the board that the simple Subdivision #2023-13 was passed by the Rome City Plan commission as it met all the town ordinances. Mr. Zeigler stated the proposed Amish Cemetery will be 2 acres with approximately 1300 burial plots. He noted the Amish from LaGrange County are expanding into Noble County and are in need of a cemetery located closer to where they live. Mr. Zeigler stated cemeteries are typically located in Agricultural zones as are the three local cemeteries, Orange Township, St. Gaspar's and an older cemetery on 300E. This cemetery will be owned by the Amish church district for this area of Noble County. He added that the assessed value of property located around a cemetery does not show much of a decrease in value per Noble County's Beacon Website showing the assessment for the county. A change in value would definitely be impacted by a rezoning for a trailer park or a gravel pit which is typically located in Agricultural zones. Mr. stated cemeteries are needed in communities and they have to be allow somewhere, he noted the four Amish cemeteries in LaGrange county are all placed along the side of a road and the English Cemeteries are also place along side the road. He notes they can

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remove the first row of grave spots to allow for more area along the road. He stated they would rather not have to install a long driveway, he noted they planned to install a hitching post 40' off the center of the road on the east side. Secretary Pranger asked if they will be holding graveside services and what would they do if they did not have enough parking area. Mr. Zeigler stated if they know they will have a lot of people attending the graveside service they will charter a bus to bring them to the cemetery. Member Friskney asked will the wooded area be used for the cemetery too? Mr. Zeigler stated no, only the 2 acres will be parceled out for the cemetery. They will have room to expand if needed but typically the Amish Cemeteries stay with the original size request. Mr. Zeigler asked if the board would feel better about the cemetery if they installed a pine buffer around the cemetery and removed one row of graves for extra parking? Member Friskney asked how large the cemetery will be? Mr. Zeigler stated it will be 2 acres and they typically do not expand past that as the local Amish will be doing the maintenance on the cemetery. Expansion beyond 2 acres becomes labor intensive. Chair Fox asked whether this cemetery will be run through the Noble County cemetery Committee and will IDNR have to approve the cemetery? Mr. Zeigler stated since the cemetery will be owned by a religious organization, and it will be under 10 acres then they do not have to apply to county or the IDNR. Member Coe asked how many Amish live in the area currently? Mr. Zeigler stated he is unsure of the actual number, but they are moving south from LaGrange and Shipshewana. They are currently in the Northeast corner of Noble County and moving south to US6. Attorney Glick informed the board that the town's Unified Development Ordinance does not have a zone which allows cemeteries, so the use variance is necessary. Chair Fox called for interested parties on behalf of Use Variance #2023-14. Linda Bidwell, owner of the farm ground on the west side of the 200E. stated she believes the cemetery will devalue her property and will affect whether the property will sell or not. Melvin Freeman, owner on the west side of the road two parcel down, stated he is afraid the cemetery will affect his wife's home-based business and cause issues with accessing their property, concerned about the road being used for parking. VP Morris asked if the interested parties would prefer a buff zone? Linda Bidwell stated well that would help and also make the location more private. Member Tatman stated her agreement that a cemetery in that location will devalue property. Chair Fox asked if there was a reason, they picked a location right on the road? Member Friskney stated most cemeteries have a narrow access to the road and widen out back off the road. Mr. Zeigler stated they have limited places to install a cemetery in Noble County as there are only 10% to 15% of the Area of Noble County that has the right soils for digging a grave. Member Friskney asked if they will be using concrete vaults? Mr. Zeigler stated no, they use pine boxes. Secretary Pranger asked if the use of a pine box would affect the water table. Mr. Zeigler said no. Member Friskney asked Do you know where the water table is for this property. Mr. Zeigler stated no but he can send that information to the board. Member Tatman stated the addition of pine trees around the border would make the cemetery more attractive. She then asked about the increase in traffic on the road due to the funerals. Mr. Zeigler stated an estimate there might be one funeral per week once the area is full of Amish. Chair Fox asked where a bus would park if they had to charter one? Mr. Zeigler stated they will drop off the participants and leave the bus parked along the road. Chair Fox stated the Amish are coming into our community and we have to make sure we make the right decisions for the future. Mr. Zeigler stated his willingness to table the meeting so he can come back the with answers to the board's questions. VP Morris asked if they have the right soil types to move the cemetery

back off the road? She also asked if Mr. Miller will be building a house on the property in the near future? Mr. Zeigler stated they do not have plans to build. Mr. Zeigler stated he will check into the soil, moving the cemetery off the road, perhaps to another location on the property, parking and buffering. He added that he will send the locations of the 4-Amish cemeteries to Leigh Pranger then the board members can drive by to see how they are maintained and how the location works. Secretary Pranger asked if they will be installing a sign for the cemetery. Mr. Zeigler said yes it will be a small one. After some discussion Mr. Zeigler asked for the Use Variance to be tabled. Member Tatman made a motion to table Use Variance #2023-14 to the September 21, 2023, meeting. Second by Member Coe. 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: September 21, 2023 at 7:00 p.m.

There being no further business, Member Tatman made a motion to adjourn the meeting at 8:16 p.m. Second by Member Coe. All in favor-aye. Motion Carried.



Judy Fos, Chair BZA

Attest: 

Leigh A Pranger, Secretary