

## ROME CITY BOARD OF ZONING APPEALS

### Regular Meeting

July 20, 2023

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, July 20, 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, Steve Sibert, Dale DeGroff, Mark Shaver, Phil Stacey, Greg Van Pelt, John and Marcia Kitchen.

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

#### Variance #2023-09

Stagg Real Estate, 5225 E 850 N Kendallville, IN 46784 are requesting a variance for relief from Rome City Unified Development Ordinance Section 2.06 Agricultural District Development Standards: minimum lot width of 170' down to 40' for access to back 15.7 acres classified as forest land through IDNR. This will allow for the house portion of the property 4.308 acres to be divided, per agricultural exception Ordinance #2012-08, from the forest land.

Chair Fox called for Mr. Sibert to present his Variance #2023-09 petition to the board. Steve Sibert stated the parcel is located on 850 N. He and his brother Tim Sibert purchased the 20 acres parcel with the house because it was located adjacent to land owned by his parents. He stated they want to split off the house with 4.308 acres of land from the wooded parcel in the back. They want to keep the wooded land in the back for hunting ground, they have no intention of ever building or developing the land. The land is classified as Forest through the Indiana Department of Natural Resources. Due to the Rome City UDO the back parcel must have access to the road, or it cannot be split off. They are asking for a variance from the road access requirement of 170' per parcel down to a 40' access on the southwest side of the parcel with the house. Steve Sibert informed the board that 2/3<sup>rd</sup> of the road frontage has a high steep bank so the driveway for the house takes up most of the lot and only leaves the 40' to get an access for the back parcel. He noted they do not intend to install a driveway as they have access through their adjoining land, but the code stated they must have access to the roadway. Member Friskney asked will the easement be owned by you and your brother? Mr. Sibert stated yes it will be attached to the acreage they own in the back. Chair Fox asked how long the land is set aside with IDNR. Mr. Sibert stated they intend to keep it in the forestry program for ever. They did

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have to take out three acres to be sold with the house. He noted when you take the land out of the program you have to pay back taxes on the acreage for 10 years. Mr. Sibert stated nothing will change on the property, it will remain as it is, no new construction will take place on the forest property. Secretary Pranger asked whether he had an approved driveway permit through Noble County highway Department. Mr. Sibert stated he should have the finalized document by next week. He added the highway department stated approval will take 3-10 days. Chair Fox called for interested parties on behalf of Variance #2023-09. No one was in attendance.

Secretary Pranger informed the board she notified all the adjoining owners and three out the eight returned with no comments. Secretary Pranger stated Mr. Rick Taylor, owner across 850 N stopped into the town hall to double check if there were plans for the parcel to be developed.

Secretary Pranger stated with the current request only one house can be built on the parcel but that the Sibert's do not intend to build on the acreage.

There being no further questions or comments. Chair Fox called for a motion. Member Morris made a motion to approve variance #2023-09 with the approved driveway permit from Noble County Highway Department submitted to the town hall, per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

#### **Variance #2023-10**

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-one feet on the southwest side of the new house addition for a new 8'x21' deck.

Chair Fox called for Mr. Degroff to present his Variance #2023-10 petition to the board. Mr. DeGroff presented the board with a picture, a survey and plot plan of the proposed request. Mr. DeGroff stated he is asking for lake yard setback from the required 25' down to 21' for the addition of a deck to the front of the existing home and the proposed home addition. He noted on the east side of the property, Schrock's, he will be removing three feet of the existing deck from their view. On the west side, Black's, the deck will not be visible so it will not impact their view. Mr. DeGroff stated the original house was built in 1945, he had the foundation inspected and reinforced where necessary. The foundation was great, but the construction of the house was poor. He contacted the IDNR regarding the retaining wall he will be installing within the 10-foot setback from the lake the IDNR controls and the IDNR stated he does not need a permit for the work. Mr. DeGroff informed the board he has built/remodeled three houses: one in Warsaw, Rome City and Goshen. He stated they were all inspected and passed by the various building inspectors. He stated that he will be installing a yard, constructing an addition and improving the existing house which will be an asset to the neighborhood, and finally the requested deck will not impact anyone's view. Member Morris asked if he will be tearing down the existing deck. Mr. DeGroff stated yes. He will cantilever the deck in front of the master bedroom on the southeast side of the lot. A new stair will be added to the main deck on the front of the addition. Chair Fox asked about any view issues with the installation of the new deck. Mr. DeGroff stated he will be reducing the size of the existing deck on the Schrock's side which will improve their view and the Black's will not be able to see the deck from their house. Chair Fox called for interested parties on Variance #2023-10. Secretary Pranger informed the board she notified the four adjoining owners, and no one returned the notice. Chair Fox called for any interested parties in

the audience. Mr. Mark Shaver asked about the existing house and whether it will be torn down. Mr. Degroff stated no, he will be remodeling the existing structure and constructing an addition. There being no further discussion, Chair Fox called for a motion. Member Tatman made a motion to approve Variance #2023-10 per the findings of fact. Second by Member Friskney. All in favor-aye. Motion Carried.

**Use Variance #2023-11**

John & Marcia Kitchen, 9430 N 150 E, Rome City, IN 46784 are requesting a use variance for 398 Kelly Street, Rome City, IN are requesting relief from the Rome City Unified Development Ordinance, Section 2.19; Central Business District; to allow the business (The Bashful Giraffe Daycare) to be used as a residence.

Chair Fox called for Mr. Kitchen to present Use Variance #2023-11 petition to the board. Mr. Kitchen stated the house has been used as a business for 45 years. It was Cox Chiropractic and then the Bashful Giraffe Daycare. The daycare group decided to close in June this year and Mr. Kitchen stated he has marketed the property for business but has had no interested parties. He has had a huge number of calls for residential rental property. Stating that Noble County does not have enough housing for everyone, and this would help in a small way by getting it back to residential use. Member Friskney asked if he would need to do any work inside the building to get it back to a usable residence? Mr. Kitchen stated no, both businesses kept all the individual rooms, so the layout is still a house. He stated other than the usual painting and cleaning it should be ready for the market in six weeks. Chair Fox called for interested parties on Variance #2023-11. Secretary Pranger informed the board she notified and 3 out of 7 returned with no comments. Mr. Greg Van Pelt, adjoining owner, asked how the property will be maintained? Mr. Kitchen stated he will continue to mow the property and maintain it. He added he is in town all the time so he will see if the property is not being taken care of. Mr. Stacey, adjoining owner, just wanted to make sure it will be a residential use to not be a bother to the neighborhood. There being no further questions, Chair Fox called for a motion. Member Tatman made a motion to approve the use variance to change from a Central Business use to a single-family residential use, per the findings of fact. Second by Member Morris. All in favor-aye. Motion Carried.

**MISCELLANEOUS BUSINESS**

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

Next Meeting: August 17, 2023 at 7:00 p.m.

There being no further business, Member Tatman made a motion to adjourn the meeting at 7:56 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

  
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Judy Fox, Chair BZA

Attest:   
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Leigh A Pranger, Secretary