

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

November 17, 2022

The Rome City Board of Zoning Appeals held a joint meeting with the Rome City Plan Commission on Thursday, November 17, 2022 at 6:30 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

Barb Tatman

Judy Fox

Leigh A. Pranger-Secretary

Mike Friskney-by zoom

Christine Coe

Members Absent:

Kelly Morris

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Allen Baskett, Larry Weisenberger, Pam and John Lipasek, Jeff and Yvette Reece, Treva Finn, Craig Trees, Dave Vesper, Roger Smith, Don and Jane Selke, Don Sutton, Chris Coe, Todd and Jennifer Stayer, and George Vandermeir.

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

Variance #2022-14

Jeff and Yvette Reece, 1375 Hilltop Drive, Rome City, IN 46784 are requesting relief from Rome City Unified Development Ordinance for a variance from Article 2.12 Lake Residential District Development Standards requirement of 100' of lake frontage down to 39' for Lot C, requirement of 100' of road frontage down to zero for Lots A & C in Reece's Pleasant Woods Addition. This will allow for a 3-lot subdivision to be platted between Hilltop Drive and Pleasant Point. Josh Lash, surveyor for the Reece's, informed the board they made changes to the subdivision due to the concerns voiced at the last meeting. They removed one lot and now both lots have more than enough lake frontage, Lot A-131.31' and Lot B-135.08, they only need one variance for road frontage on Lot A. Chair Fox, BZA, asked the private drive/easement is located on the plat. Mr. Lash stated the area is hatch marked area along the east side of the lots out letting onto Pleasant Point Drive. Member Leiter, Plan, stated this is now a two-lot subdivision instead of three lot subdivision. Mr. Lash stated yes, that is correct. Member Bertels, Plan, asked about the sight line safety study Mr. Lash was going to present to the board as the request was tabled in order to give time for the study to be performed. Mr. Lash stated ASHTO (American Association of Highway and Transportation Officials) tables show for a road with a 25-mph speed limit the site distance needs to be a minimum of 155'. The road cut for the proposed drive is 175' one way and 250' the other direction. Mr. Lash stated he will forward a copy of the study to the board. Chair Fox, BZA, stated shared drives with two or more owners can be at best difficult. What kind of precautions have been taken to prevent future issues. Mr. Lash stated they have placed restrictions for the maintenance of the private drive on the face of the plat

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numbers 1-7. Chair Fox, BZA, asked if the concerns about the drainage and water runoff has been addressed? Mr. Lash stated that the water which currently runs to the existing ditch will continue to run that direction. All the water from the developed site will run to the channel on the lake. Mr. Lash noted that the way the land lays on the plat it will continue to naturally run in the direction of the ditch. Member Leiter, Plan, asked where is the water coming from? Mr. Lash stated there will be no additional water directed into the ditch than what naturally drains there already. Mr. Lash stated we are not developing the natural watershed. Member Bertels, Plan, stated the concern is the water that will be coming off the private drive and the water directed into the ditch from the road. Member Leiter, asked will the drive be stone or asphalt? Mr. Lash stated the private drive will be stone, and added the total area of site is minimal, when you look at the lay of the land the majority of our water sheds naturally to the channel. He added that he ran the profile and Mr. Rodenbeck is the lowest property along Pleasant Point and should not be my client's burden to bear as other factors play into the problems occurring on his property. Mr. Reece, owner of the proposed development stated the preexisting driveway already has a culvert and some gravel was added previously to the drive. Member Leiter, Plan, stated the reason we are here tonight is due to Mr. Reece wanting a 2-lot subdivision, but he could build one house tomorrow with the current drive and would be allowed to do so, without the Plan Commission or the Board of Zoning Appeals permission. Chair Fox, BZA, stated we are only looking at the one variance for the relief of the 100' of frontage on the Lot A. So noted she has a problem with allowing a variance for a new plat down to zero on the road frontage. She asked if there is a why the developer can change this and get some road frontage for Lot A? Mr. Lash stated is has to do with the location of the property, it is an odd parcel, with the channel on one side, Gene Stratton-Porter, a field, and a drainage ditch. Attorney Glick stated if they split the property, they will need two drives and create more of a water issue. Chair Fox, BZA, asked what is the parcel to the west? Mr. Reece, owner, stated he will be absorbing the .46 Acres into his current parcel, he noted this is the location of the drainage ditch running to the channel. Member Friskney, BZA, stated having a hard surface road will definitely create additional water runoff, the natural ground will absorb the most water, gravel will absorb some water, but the water will just runoff a hard surface drive and drainage or retention will need to be installed to direct the water.

Chair Fox, BZA, called for interested parties on Variance #2022-14. Vice-President Tatman called for interested parties on Subdivision #2022-13. Mr. Lipasek, 1075 Pleasant Point, stated he measured the height of the drive, and it is 17' tall, it is very narrow on the top of the drive and asked how delivery truck, cement trucks, emergency personnel will be able to access the drive and how will they be able to turn around? He further noted there is no stone on the existing drive it is dirt. He noted for safety reasons the road needs to go all the way through to Hilltop Drive. He further noted that he checked the site distance on the drive and found to the east you can see 38 yards/ 114' and to the west 48 yards/ 144', you will have about 3 seconds to stop once you see the vehicle, this will be less during inclement weather such as ice or snow. The drive needs to have an outlet on both ends. Mr. Reece stated the private drive is drawn to follow the existing gas line already running through the property. Mr. Lash stated the road is not finished and will be widened for vehicles to get through. Mr. Lipasek, asked what the width of the drive will be when completed? Mr. Reece stated it will be between 18' to 22'in width. Roger Smith, 1185 Pleasant Point stated a lot of the water problem is coming from Gene Stratton-Porter around the

corner from the south, too much water to be contained in the ditch. He noted there is water coming down the hill and any improvements to the drive will create more water into the ditch. He noted that it is difficult to see the west due to the curve in the road and it is unsafe for walkers and dog walkers. Todd Stayer, 1175 Pleasant Point, asked if the drive will be wide enough to handle a 56' semi-truck as that is what will be made for deliveries. He added that the ditch needs to be cleaned out and a long culvert pipe needs to be installed at the end of the drive. Don Sutton, 1165 Pleasant Point, stated installing the drive on the top of the hill will have the head lights from the vehicles shine straight into Mr. Stayer's home. Mr. Lash stated this is the most logical place for the drive. All construction projects have large deliveries with big trucks making the deliveries this project will be no different than any other project where a house is being constructed. Mr. Smith asked why the rocks were installed in and along the ditch? Vice-President Taman stated she had no idea, and we are veering off topic. Mr. Weisenberger, 1115 Pleasant Point stated if they do not make the drive access wide enough then the trucks will park in the road. He noted to the board you as planners should be looking for possible issues with the development of the property. Ask yourselves, is this the best use for this property? Once the stone washes out several times, they will be installing concrete or asphalt on the drive to create further water issues. He also noted the stone they install could be the type of stone to harden with little drainage through the stone. Chair Fox and VC Tatman called for rebuttal of the interested parties. Mr. Lash stated the property is zoned residential and the request is for 2 residential lots. Member Klein, Plan, stated true but 2 lots bring more boats, piers and jet skis into an already crowded location on the lake. Mr. Lash stated the channel is 75' across and use of the lake is regulated by the Department of Natural Resources not the Plan Commission. Member Pranger, Plan, asked if the Plan Commission can add a condition that the drive not be paved and to install a longer culvert to facilitate wider turning radius for trucks. Member Leiter stated the culvert needs to be big enough to handle the drainage and long enough for large trucks to turn in and out of the drive. Mr. Lash stated they could install a concrete apron at the road to reduce erosion along the roadway. Mr. Reece stated the existing farm gate across the drive are 2-12' panels, and the culvert is 16'-20', he noted the culvert appears to be collapsed and will require a new culvert to be installed. Member Friskney stated a 30' gate barely allows enough room for a semi-truck to turn in and out. He noted no matter the type of drive be it gravel, asphalt or concrete there needs to be a way to direct the water, be it ditches along the edges of the drive. Mr. Lash stated he can make the easement width wider at the entrance. There being no further questions Chair Fox and VC Tatman closed the public hearing portion of the meeting and Chair Fox called for a motion from the BZA on Variance #2022-14-No road frontage for Lot A. Member Friskney, BZA, stated if he was doing the development, he would put a road all the way through from hilltop to Pleasant Point. Member Leiter, Plan, pointed out you will still have no road frontage unless the drive is dedicated to the town for maintenance. Mr. Reece, owner, stated there is a ravine/ditch along the west side of the property which takes the drainage water from the fields at Gene Stratton-Porter, you would have to install a lot of fill dirt to get it high enough to install the road and that is saying we could get the permits for fill in the drain. Chair Fox called again for a motion. Member Tatman, dual member for BZA and Plan, made a motion to deny Variance #2022-14. Second by Member Coe, BZA. All in favor-aye. Motion Carried.

Attorney Glick stated there will be no vote on the Subdivision as they needed approval of the variance to move forward.

NEW BUSINESS

Request to table to the December 15, 2022 meeting

Tabled from October-Variance #2022-17

Tyler Malott, 3662 E Northport Road, Rome City, IN 46784 is requesting relief from Rome City Board of Zoning Appeals commitments on Variance #2021-20 restricting the addition of a covered porch on the pole building. This will allow for a covered porch to be added on the south side and part of the east side of the pole building.

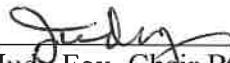
Secretary Pranger informed the board Mr. Malott has requested to table the variance to the December 15th meeting. Member Coe made a motion to table Variance #2022-17 to the December 15th meeting. Second by Member Friskney. All in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

- a. No response on 2nd Letter sent to Josh Miller-Small engine repair shop on 800N-to clean up area and use the fence as a screen keep the equipment from the public eye. The board asked Secretary Pranger to send Mr. Miller a follow up letter an insert the minutes and conditions from his variance approval.
- b. Sent Letter to Tom Moore-900 N regarding vehicles on property and possible business Spoke with Mr. Moore-he will move the vehicles along the road to the back of the property out of sight. He is not running a business. Hobby to make vehicles to use on sand dunes, rock climb etc... The state of Indiana has made it very difficult to get rid of vehicles (i.e. crush them-title are now required)
- c. Sent Letter to Jason Freeman-550 E-regarding vehicles on property and possible business. No response.


Next Meeting: December 15, 2022 at 7:00 p.m.

There being no further business Member Tatman made a motion to adjourn the meeting at 7:40 p.m. Second by Member Friskney. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest:



Leigh A Pranger, Secretary