

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

November 21, 2024

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, November 21, 2024 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by President Kelly Morris.

Members Present:

Barb Tatman

Christine Coe

Kelly Morris

Leigh A. Pranger-Secretary

Thom Clifton

Gerrit Geurs

Rollcall determined a quorum was present.

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

Interested Parties in attendance: Town Attorney Bill Eberhard, Orla and Jerry Bontrager representing Glen Ellis, Steve and Carrie Brookhart.

OLD BUSINESS

Nothing for the agenda

NEW BUSINESS

Variance #2024-23

Glen and Jean Ellis, trustees of the Ellis Family Trust, 690 Spring Beach Road, Rome City, IN 46784 are requesting variances for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards: Side yard setback for accessory structure (deck) 7' down to 5' on the west side and Lake yard setback for accessory structure (deck) 25' down to 6'. To allow for the expansion and replacement of an existing deck.

President Morris called for Mr. Ellis to present his petition to the board. Mr. Jerry Bontrager informed the board he and Orla Bontrager will be representing Mr. Ellis on variance #2024-23. Mr. Bontrager informed the board they started replacing the flat boards on the deck and found the wood to be rotting on the deck along with the posts and stringers. They conferred with Mr. Ellis, and he stated he would like to change the layout of the deck to one level, so it is more usable. He noted they originally had the northwest side of the deck closer to the side yard line than permitted so they angled the deck to get it out of the side yard setback. They want to basically replace the existing deck with a smaller one-level deck. The existing deck is located six feet from the lake front and the replacement deck will also be six feet from the lake front. They are asking for a variance to have the replacement deck six feet from the lake. He stated the new deck will be 200 sq. ft. smaller than the existing deck. He noted the steps will be located on the southeast side of the deck, the same as the existing deck. Member Tatman asked about the size of the new deck. Mr. Bontrager stated the replacement deck will be smaller than the current deck. President Morris asked about the smaller rectangle on the Southeast side on the existing

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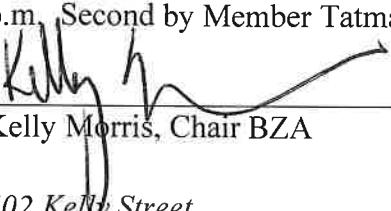
deck and whether this will be the area to be removed. Mr. Bontrager stated yes, the rectangle will be removed and the deck expanded into this area on one level. President Morris then asked about the northwest property line and how close they will be on that side with the deck. Mr. Bontrager stated they are running the deck at an angle to avoid the sewer line and be able to meet the setback requirement of seven feet on the side yard. Member Clifton stated for clarification that the replacement deck will be contained inside the perimeter of the existing deck. Mr. Bontrager stated yes. There be no further comments by the board. President Morris called for interested parties on behalf of Variance #2024-23. Mr. Steve and Carrie Brookhart owners (710 Spring Beach Rd.) on the east side of Mr. Ellis stated they have concerns about their viewshed being impacted with the replacement deck. President Morris asked if they have any documents showing how the view would be impacted. Carrie Brookhart stated no, they had no photos or documents to submit to the board. Steve Brookhart stated the deck will infringe on the sewer line and possibly cause damage to the line during construction. He stated the Ellis' installed a patio and the sewer line runs under the patio. He informed the board that on June 5, 2023, they had sewage backup in their basement from an issue with the sewer station and they do not want that to happen again. Secretary Pranger informed the board the backup was caused by Ligtel installing the fiber optics around the lake. They cut the power line to the grinder station and Brookhart's did not have a back flow preventer in their sewer line. Member Geurs informed Brookhart's the board is here to decide about a deck, and we need to stay focused on the matter at hand. Brookhart's then brought up that Mr. Ellis did not turn in the last page of the application for a variance showing where the well and sewer lines are located. Secretary Pranger stated that she hasn't really enforced applicants to turn that page in since we have had access to the beacon schneider website which shows the over view of the properties. Member Clifton stated the issue we are here to discuss is the setback of the deck from the lake. Carrie Brookhart stated the board will be at fault if the sewer line is damaged when the deck is constructed. Member Clifton informed Brookhart's if damage is done during construction to the sewer line, then the contractor will have to pay for the damage. Member Clifton stated it is noted that you are very passionate about your sewer issues, but this meeting is to discuss the setback from the lake. There being no further constructive comments. President Morris closed the public portion of the meeting and called for a motion from the board. Member Tatman made a motion to approve Variance #2024-23 to allow the replacement deck six feet from the lake front per the findings of fact. Second by Member Geurs. All in favor-Aye. Motion Carried.

MISCELLANEOUS BUSINESS

Short-term rentals: Secretary Pranger informed the board the owner on Norine Drive had moved and not updated their address. She sent a letter to the new address waiting to hear from them.

Next Meeting: No December meeting, due to lack of agenda items. January 16, 2025

There being no further business, Member Geurs made a motion to adjourn the meeting at 7:34 p.m. Second by Member Tatman. All in favor-aye. Motion Carried.


Kelly Morris, Chair BZA

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Attest:


Leigh A. Pranger, Secretary

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