

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

February 15, 2024

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, February 15, 2024 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Kelly Morris.

Members Present:

Barb Tatman

Kelly Morris

Tom Clifton

Christine Coe

Leigh A. Pranger-Secretary

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 Geurs. All in favor-aye. Motion Carried. The minutes were posted on the bulletin board for everyone to read.

Interested Parties in attendance: Town Attorney Dustin Glick, Kevin and Amanda Killen, Aaron Carl, Mark Geise, Doug Gilbert, Sara Jo Lauer, Christine and Hannah Hartman, David Bunde, David Harges, Gina Rivas, Jessica Morris and Bret Swaney.

OLD BUSINESS

Nothing for the agenda

NEW BUSINESS

Variance #2024-05

Bret Swaney, 6714 Laysan Teal Cove, Fort Wayne, IN 46845, owners of 1498 North Shore Drive, Rome City, IN 46784 is requesting variances from the Rome City Unified Development Code, Lake Residential District, Article 2.12 Lake Residential District Development Standards: Side yard setback for Primary structure requirement of 10' down to 6' on the east side of Lot 37 in O'Conner Beach to Sylvan Lake Addition. Also, relief from the maximum Primary structure height of 35' up to 38'. To allow for the construction of a stick-built home; two stories on a walkout basement.

Chair Morris called for Mr. Swaney to present his petition to the board. Mr. Swaney referred the board to his presentation packet. He reviewed the blueprints for the new home, he stated they would like to make this their permanent home in the future and the current house is a cottage under 600 sq. ft. The survey shows the width of the lot to be 40'. To be in compliance with the code with 10' setbacks on both side yard would leave area for a 20' wide home. He stated he is asking for a variance down to 6' on the east side of the house. This will allow 10' clear access on the west side for access to the lake front. Mr. Swaney then explained the variance on the three feet of additional height to 38'. The lot is on a slope and the house will be built into a hill so the height of the house will be 23' tall on the roadside and 38' on the lake front. Member Tatman asked if the house will block anyone view on the back side of the road. Mr. Swaney stated no, there are only garages on back side of the road. He further noted the house is located back in a cove and will not block anyone's view from the neighboring properties. He noted the

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Nedderman house on the east side of the property sits in front of his home. He noted he spoke with his neighbors about the project and Mr. Nedderman asked that the fireplace on the east side not be extended into the 6' variance setback and Mr. Swaney agreed to put the fireplace in line with the house or to remove it whichever works better in the house design. There being no further questions Chair Morris called for interested parties on Variance #2024-05. Secretary Pranger informed the board the interested parties were notified and neither returned the form. There were no interested parties present on Variance #2024-05. Chair Morris called for a motion. Member Tatman stated she would like to see an as built survey submitted before final inspection to make sure it was built in accordance with the variance. The board agreed due to proximity of the neighboring properties. Member Geurs made a motion to approve Variance #2024-05 with the condition that an as built survey is submitted to the town hall prior to final inspection of the home. Second by Member Tatman. Rollcall for vote: Barb Tatman-Yes, Tom Clifton-yes, Gerrit Geurs-Yes, Kelly Morris-Yes, Christing Coe-No. All in favor-aye. Motion Carried.

Variance #2024-02

Killen Investments, LLC, 8075 S Marion Rd-35, Lafontaine, IN is requesting a variance for 1590 North Shore Drive, Rome City, IN, 46784 for relief from Rome City Unified Development Ordinance Section 2.12 District Development Standards: minimum side yard setback requirements of ten feet down to 3.1 feet on the east side; 9.1 feet on the west of the house. This will allow for a portion of the existing porch to become a bedroom and the rest of the porch to remain; along with the addition of 28.2' x 12' covered porch. Additional variance for the minimum street yard setback requirement of 25' down to 21.5 feet for the construction of a covered porch.

Chair Morris called for the Killen's to present their petition to the board. Mr. Kevin Killen presented the board with a survey, plot plan, blueprints-Gavin Troyer OA Construction, and pictures of the property. Mr. Killen informed the board he submitted a survey of the lot where the surveyor checked/surveyed 20 lots to determine the lot lines. He noted the proposed construction will include the remodeling of the existing house the addition of a second story and a 12' addition to the lakeside of the house to include a bedroom and living space and then the construction of a covered porch to the lake front. The proposed addition and porch will be 85' from the water's edge. The variance comes from the original house being built at an angle on the lot where it hugs the east side yard more than the west side yard. They are asking to keep the same lines on both sides of the existing house to extend to the lakeside. The side yard on the east will be 4.48 feet and the west side yard will be 7.52 feet. Mr. Killen referred the board to the submitted pictures showing the side yards of the existing house. You can see the line of the house is not parallel to the lot line thus the need for the variance. Mr. Killen informed the board they had been given a temporary easement from the Herber's on the west side for the necessary construction. Mr. Killen informed the board the street yard setback will remain at the same distance 21.5 feet with the addition of the covered porch over the door, the rest of the area will be parking spaces. There being no questions from the board, Chair Morris called for interested parties on Variance #2024-02. Jessica Morris, adjoining owner to the east, informed the board she had two surveys from 1984 and 2013 showing the Killen's house to be 3 feet from the property line. She did not submit copies of the surveys to the board. Mrs. Morris informed the

board that the survey markers from her yard have been removed. She questioned the submitted survey and the proposed setbacks submitted by Mr. Killen for the variance request. Mrs. Morris informed the board there are mature trees planted along the property line that will be close to the proposed addition. She is concerned the construction will destroy her trees by undermining the root systems. She also voiced concern about the trees being cut back to the property line to make room for the new addition. She referred to the photos submitted by Mr. Killen, showing the tree limbs over the property line. Sara Jo Lauer, 1615 North Shore Drive, stated Mr. Killen's survey has a 2-foot difference from their original survey and his fence is encroaching on their property. She stated at the time that the fence was installed the Killen's did not have a survey performed on their property. Mr. Killen informed the board that he was provided with a survey form the owner when he purchased the property, and the markers were not in the original location on the plat. He had Mr. Aaron Carl, T-E incorporated survey 20 lots in the plat to determine the lot lines. Mr. Carl informed the board he found the original markers for the plat, and they show a 2' foot difference. Mr. Killen referred the board back to the photos on the east side of the lot clearly showing the trees from the Morris' to be encroaching on their lot. He stated he will be trimming the trees, so they are not touching his roof. Mr. Killen stated the Herber's on the west side are in favor of the project i.e. granting of easement. Mr. Killen informed the board the original house was built too close to the property line on the east side. However, it was built in 1959, prior to the incorporation of the town and the current zoning code. Secretary Pranger informed the board all adjoining owners were notified, and both returned, Herber's stated their approval of the project.

Attorney Glick informed the board that, with the interest in the side yard setbacks the board can require an as-built survey showing the house on the property along with all the setbacks be submitted to the town hall prior to the final inspection. This will ensure the approved variance setbacks have been adhered too. Member Tatman asked if the porch will be enclosed. Mr. Killen stated no, it will be a covered porch for shade. Chair Morris asked about the lot coverage. Secretary Pranger stated they meet the lot coverage requirements. There being no further questions or comments. Chair Morris called for motion. Member Clifton made a motion per the findings of fact and the condition that an as-built survey be submitted to town hall prior to the final inspection. Second by Member Tatman. Roll call for vote. Kelly Morris-no, Barb Tatman-yes, Tim Clifton-aye, Gerrit Geurs-aye, Christine Coe-aye. Motion carried. 3 members are in favor of the variance.

Special Exception #2024-04

Lee Harges and David Harges (POA), 1255 Hilltop Drive, Rome City, IN 46784 are requesting a special exception from the Rome City Unified Development Ordinance, Section 2.11 Lake Residential District to allow a short-term rental at this residence for the duration of their ownership. The petition and drawings of the proposal are on file in the Town Hall.

Chair Morris called for Mr. Harges to present his petition to the board. Mr. David Harges informed the board his father, Lee Harges, is suffering from Alzheimer's and is living in a nursing facility, they have owned the property since 1974. David stated he and his family live in New Jersey and they want to do the short-term rental to help pay the expenses on the house, they want to keep the property in the family. He noted they have been renovating the property to use as a rental and a vacation home for themselves. The house is 3000 sq. ft., with 4 bedrooms with room for 15 adults. The house is equipped with smoke and carbon dioxide detectors, all

bedrooms have secondary exits. They would like to offer weekly rental (7 seven days during the summer months) and 2-3 days rentals in the winter months. The parking lot can hold 8 vehicles and one boat trailer (see submitted photos of parking area), and all renters must be 25 years old, no parties or smoking allowed. The trash will be picked up weekly by Noble County Disposal. They will rent more bins if they need to. If they have problems with blowing trash etc... they can construct a trash enclosure on the west side of the garage. Mr. Harges informed the board they upgraded the bridge to island to meet safety requirements. The boat dock is accessed from the island. Chair Morris asked if the renters would have access to the island. Mr. Harges stated yes, the pier is located adjacent to the island and the bridge has a railing. Member Tatman asked if the renters will be using your boats? Mr. Harges said no, the liability would be too high. There are boat rental companies they can rent from. Member Tatman stated you said you would have a maximum of 15 adults, does this include children? How many people in total will you be renting too? Mr. Harges stated with children they would like a total of 25 people. Chair Morris asked will you personally be handling the rental bookings or are you going through a company? Mr. Harges said we will list with Air BnB and /or VBRO. He said they will have a local property manager to handle complaints and questions and local house cleaners. Chair Morris asked what the minimum night stay will be?. Mr. Harges said it will be two nights. Member Tatman asked how many times will the unit be rented in one week? We don't want this to be like a hotel with constant turnover. Mr. Harges stated the summer months will be weekly rental and fall/winter/spring will be 2-3-night rentals. Member Coe asked if the property manager or cleaners will be able to handle trash complaints and remove trash for the 2-3-night rentals. Mr. Harges said yes. Member Geurs asked whether they will need additional variance should they need to install a trash enclosure. Secretary Manager stated no, not if it is not a permanent structure. There being no further questions or board comments, Chair Morris called for interested parties. Mr. Dave Bunde, owner of the east side of the Harges property, stated he lives in his home full-time, and he has discussed the short-term rental with David, and he has no issue with the rental. He stated that he will help police the property if the board approves the rental. Member Morris asked if he would have problems with the number of cars allowed to park in the lot and the increase in traffic. Mr. Bunde stated no, in the summer there is already an increase in traffic and the parking area is large enough to hold the vehicles. Mr. Harges informed the board that the rental of the property will be necessary to be able to keep the house in the family. He is looking into security camera to be placed on the roadside, and both side yards, this will allow him to police the number of people and cars at the unit. He has looked into noise level detectors -not sure how effective they would be. If he has problems with noise he will check into them further. Mrs. Christine Hartman, adjoining owner on the west side of the property, stated her agreement with Mr. Bunde and will help with policing the rental to keep David informed. Mrs. Hartman stated David Harges has been very good about keeping them and the Bunde's informed throughout the process of upgrading the house for the purpose of rental unit. Ms. Hannah Hartman, daughter of Christine Hartman, stated she would encourage the installation of security cameras, to keep renters from using their stairway to access the lower levels. Mr. Aaron Carl encouraged Mr. Harges to develop a rule book for the renters. Mr. Killen stated he sells insurance, and the unit has to be listed with a property management company or it will be uninsurable since Mr. Harges lives out of state. Mr. Harges states his insurance is currently with Auto Owners Insurance and will have a property manager. Mr. Killen cautioned Mr. Harges to

make sure the coverage is written properly. Mr. Harges stated he will not be allowing pets on the property. Amanda Killen said you might check with Traverse city rental for rules for the unit and who carries their coverage. Member Geurs stated since this is the first short-term rental proposal to come before the board it would be great to get some feedback from the owners and the neighbors. He asked if they would be willing to come back and talk with the board after the summer season. They responded yes. Member Clifton asked if the board could add a two-year restriction and review it again? Attorney Glick said no, we can only restrict this to the current owner. Member Tatman stated the number of total occupants at 25 is too high with no yard and limited deck space. She would like the board to review the number. After some discussion the board settled on 18 people (adults and children combined). There being no further discussion, Chair Morris called for a motion. Member Geurs made a motion per the findings of fact with conditions, non-transferrable, maximum occupancy 18 persons. Second by Member Tatman. All in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

Nothing for the agenda.

Next Meeting: March 21, 2024

There being no further business, Member Geurs made a motion to adjourn the meeting at 9:00 p.m. Second by Member Tatman. All in favor-aye. Motion Carried.


Kelly Morris, Chair BZA

Attest: 
Leigh A Pranger, Secretary