

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

July 18, 2024

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, July 18, 2024 at 7:08 p.m. in the Rome City Town Hall. The meeting was called to order by President Kelly Morris.

Members Present:

Barb Tatman
Kelly Morris
Thom 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 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 Dustin Glick, Heritage Realty Office, Jack Podgorny, Ty Conley, Ann Rutherford, Emily Brammer, Monte Singh, Angie Happner, Deb Chapman-owner of Pepperoni's Pizza, John Kitchen-Farmer's Market, Ann Davis, Joe Murphy-Owner of Gem Island, Danny Stangland-owner of Insurance building,

OLD BUSINESS

Nothing for the agenda

NEW BUSINESS

Variance #2024-20

Jon A and Don Schuster t/i/c, owners of both 1445 and 1455 North Shore Drive (lot located north side of North Shore Drive behind 1450 North Shore Drive, Rome City, IN 46784) are requesting variances from the Rome City Unified Development Code, Single Family Residential District, Article 2.10 Minimum Lot Area requiring 10,000 sq. ft. down to approximately 6,535 sq. ft. for both accessory lots 1A and 2A in Schuster Addition to Sylvan Lake.

Variance #2024-21

Jon A Schuster, owner of both 1440 and 1450 North Shore Drive (2 houses on one lot located on the south side of North Shore Drive, Rome City, IN 46784) is requesting variances from the Rome City Unified Development Code, Lake Residential District, Article 2.12 Minimum Lot Area requiring 10,000 sq. ft. down to approximately 4,357 sq. ft. for Lot 1 and 3,921 sq ft. for Lot 2 in Schuster Addition to Sylvan Lake. Also, relief from Lot width requiring 100 ft. down to approximately 84' Lot 1 and 76 for Lot 2 in Schuster Addition to Sylvan Lake.

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For the sake of not repeating the information on Variances #2024-20 and #2024-21; President Morris called for Schuster's to present their petitions together. Josh Lash, Surveyor for the Schuster's addressed the board, stating Jon Schuster has passed away and the property was ordered to be sold by the court. In order to sell the property, the lake lot must be divided into two parcels because it has two principal homes on one lot. The back lot with the garage and sheds is also in one parcel and they would like to divide that property into two parcels so both lake lots will have a place for parking and storage area. Mr. Lash stated the most efficient way to divide the property is to equally divide because none of the split parcels will meet the code requirements in the books today and will provide equal square footage to all the proposed lots. He noted the sheds on the back lot are on pallets and can be relocated to meet the required setbacks. The garage was granted a variance when it burnt down and Mr. Schuster requested to reuse the concrete pad, the variance was granted to rebuild. Mr. Lash informed the board these lots were given to him by his father, so the hardship predates Mr. Schuster, he did not create this. Member Clifton asked if the lake lots meet any of the required setbacks. Mr. Lash stated no, the houses were built in the 70's and 80's. The best he can do is split equally between the houses. Member Coe asked if the east property line could be moved over on the lake lots to help meet requirements. Mr. Lash stated no, the east parcel belongs to the neighboring property owner. Mr. Lash stated the current properties are still in metes and bounds by approving the subdivision it will bring it in line with the rest of the properties on North Shore and make the taxes more equitable. Secretary Pranger informed the BZA that the Plan Commission made a motion to approve the two subdivisions per BZA approval with the following restrictions: sheds on back lots must be removed or relocated to meet the setbacks, floodplain line needs to be shown on the lake lots, lot coverage amounts need to be shown on plat so future owners know they are limited in adding concrete drives, sidewalks, or patios, and depict the trees to remain on the property, tie lot 1 and 1A together and lot 2 and lot 2A together so they cannot be sold separately. President Morris called for interested parties on Variances #2024-20 and #2024-21. No one was present on the variances. Secretary Pranger informed the board she notified adjoining owners by certified mail. There being no further discussion President Morris called for a motion.

Member Geurs made a motion to approve Variance #2024-20 subject to the Plan Commission restrictions. Second by Member Clifton. All in favor-aye. Motion Carried.

Member Geurs made a motion to approve Variance #2024-21 subject to the Plan Commission restrictions. Second by Member Clifton. All in favor-aye. Motion Carried.

Variance #2024-16

Bradley Alexander, Gary and Tricia Rutherford, 16701 Griswold Springs, Plano, IL 60545 are requesting a special exception for 415 Lions Drive, Roem City, IN 46784 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 for the proposal is on file in Town Hall.

President Morris called for the Alexander's and Rutherford's to present their petition to the board. Ann Rutherford introduced herself to the board and apologized for not checking into town restrictions on short-term rentals. She stated she is a property manager for the Sylvan Lake

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property and another property in Chicago. She stated she has learned a lot about the rental process. She stated she keeps her properties in the higher rental price to attract a higher clientele. Renters have to request to book the property, so she gets direct messages and learned to weed out party clientele. She said she caters to families, limits guests to 12 with 10 adults. All guests must register with her and no unregistered guests are allowed to stay. They have 4 bedrooms, 3 bathrooms and a bonus room. They do not allow parties and after 10 pm is quiet hours. They allow bookings for 2–7-night stays during the summer months. During the winter they could take 30 to 90-day bookings catering to traveling nurses and other such jobs. They currently have two trash bins and will get more if needed. They have fire alarms and an evacuation plan for the house in the event of an emergency. They have parking for 6 cars. The renters do not have use of the garage nor are they allowed to park behind the garage (it sits too close to the road to safely pull in or out). Mr. Clifton asked if the renters could bring their own boats. Ms. Rutherford stated no, they are not allowed to bring boats due to the limited parking. Member Tatman asked if they provide a boat for the renters. Ms. Rutherford stated they have a boat for rent. If the boat is rented, the neighbor Mr. Conley comes over and gives the renters a boat safety course, this includes boat safety, how to operate the boat, and he reviews the lake; noting sandbars, no wake zones etc... Member Clifton asked who will take care of problems when they arise? Ms. Rutherford stated Mr. Conley lives behind their property and will take care of any on-site issues. President Morris asked how her insurance for the property is handled, as an insurance agent advised the board that if you live out of state and own short-term rental property in Indiana then you have to have an in-state site manager for the rental unit or you will not be able to get insurance. Ms. Rutherford stated she has not run into a problem; they have insurance on their property. Member Coe asked whether they placed a limit on the number of vehicles. Ms. Rutherford stated yes, limit of 6. Ms. Rutherford informed the board she loves Sylvan Lake the house is a respite from Chicago, and she is very protective of the house and who will be renting the property. She leans toward families and keeps the nightly rent high to attract better clientele. She stated she has cancelled reservations if she feels they won't take care of the property. Member Tatman asked, if they use the house. She stated, yes, they use it at least once a month in the summer. Member Clifton asked if they have received any complaints from the neighbors since you have been renting the house. She stated none so far.

There being no further questions President Morris called for interested parties on Special Exception #2024-16. Secretary Pranger informed the board that she notified the adjoining owners, and they returned with no comments. Jack Podgorny lives several houses to the west of the rental. He asked where the owners live? Ms. Rutherford stated they live in Chicago. Mr. Podgorny stated he is not opposed to the rental unit, he just wanted to know what the neighbors' recourse will be should problems develop. President Morris stated you should contact the owner of the rental unit or Mr. Conley if you do not get satisfaction then lodge a complaint with the town hall. Ty Conley, owner behind the rental, stated he helps with the on-site issues and fixes issues as they arise, he informs the renters about boat safety. He said they did have some complaints about the smoke from campfires, so they removed the firepit and installed a gas firepit. That eliminated the smoke complaints. He stated he is in favor of the short-term rental. Emily Brammer, owner to the west of Mr. Podgorny, stated she is ok with the Air B n B. She personally knows Ms. Rutherford and stated she is an involved manager and has experience with this type of rental property.

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There being no further discussion President Morris called for a motion. Member Clifton made a motion to approve Special Exception #2024-16 with restrictions of 12 guest limit and 6 vehicles, per the findings of fact. Second by Member Geurs. All in favor-aye. Motion Carried

Variance #2024-18

Gallops Party Store LLC, 50980 State Road 13, Middlebury, IN 46540 are requesting variances for 134 Kelly Street (Liquor Store), Rome City, IN, 46784 from the Rome City Unified Development Code, Central Business District, Article 5.75 SI-06 Sign Standards to allow a pole sign (pole sign not allowed in CB District) which will be a total height of 25', pole height is 15' the sign face is 16' X 10' (160 sq. ft). Also, a wall sign to face State Road 9 (aka Kelly Street) to be 15'6" x 14'4" (239 sq. ft.). This is a total of 399 sq. ft. of signage, up from the allowed cumulative 70 sq. ft. signage per business. And relief for the pole sign to allow for a zero setback from the property lines on SR 9 (Kelly Street) and Front St. Further relief from 5.70 SI-01 General Sign Standards E. Prohibited Signs 1. Type a. Animated i. Signs that utilize any motion picture, laser, or visual projections of images or copy and iii. Signs that have blinking, flashing, or fluttering lights; or changing light intensity, brightness, or color or give such illusion; to allow an electronic/animated sign. This variance will allow for a pole sign and for that sign to be setback zero from the property lines, a wall sign to be larger than our requirements and for an electronic sign.

President Morris called for Mr. Singh to present his petition to the board. Mr. Josh Lash, surveyor for Mr. Singh, informed the board he will be making the presentation. Mr. Singh will be upgrading the store and taking over the entire building. The entry to the store will be relocated to the north side of the building. They will be installing a parking lot with drainage, and it will be shared with Pepperoni's Pizza. A detention basin will be installed on the northeast corner of the lot for collection of water runoff. He noted the Beebe memorial will remain on-site and the town mural will be relocated after the exterior work is complete. Mr. Singh stated he is requesting a 10'x16' sign with a post of 15' so the sign can be seen above the roofline of the store. He can not set the sign closer to the road as it will be in the ROW for the State highway. The sign will have to be close to the front of the store and it will be in line with the trees in front of the library. Member Tatman asked if the sign will be electronic. Mr. Singh stated yes, it will have a scrolling strip along the bottom for advertisement of sales, much like the sign in Kendallville. Member Clifton asked about the lights in the parking lot and how they will be angled. He stated the library lights point up and out and they should be directed at the ground. Mr. Singh stated the light will be directed down onto the parking lot. Member Tatman asked if the lights would be on all night. Mr. Singh stated the sign would be on a timer to go off after hours. Member Tatman asked about the hours for the store. He stated, open until midnight on Friday and Saturday and close at 10 p.m. the rest of the week. Member Geurs asked the lights to go out when the store is closed. President Morris asked if there will be parking in front of the store. Mr. Singh stated no that the area will be closed off. Member Tatman asked how many posts will be on the sign? Mr. Singh stated it will be one post. President Morris called for interested parties on Variance #2024-18. Secretary Pranger informed the board all adjoining owners were notified and returned with no comments. John Kitchen owner of Farmer's Market stated the sign he had at his store was 20', to get some perspective on what he is asking for, the sign has since been removed. Mr. Singh stated if you look south down SR9 you will see similar

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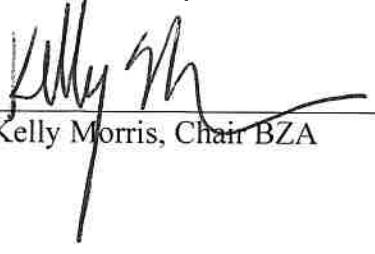
signs all along the corridor, he is not asking for something out of the ordinary. Member Clifton asked which way the sign face will. Mr. Singh stated it will face SR9 and be on the North corner of the store. Ann Davis, cottage owner, stated the electronic sign does match the town's image and requested no electronic sign. She stated concern for the parking lot lights and their effect on the nighttime sky. Joe Murphy, owner of Gem Island, asked if the sign will be backlit. Mr. Singh stated yes. Mr. Murphy stated his concern the sign was too big for the town and the additional light would impact the night sky. Mr. Singh stated one of the reasons for the large sign is the trees at the library block a portion of the sign. Member Tatman stated it is a large sign for the size of the building. Danny Stangland owns the Insurance office across SR9. He asked the board to consider why they placed the sign size restrictions to begin with and if you allow this sign how many others will be in front of you to ask for a bigger sign. He asked that the board not change from the rules. Mr. Singh stated the sign is the same as Miller's sign, and he said he would consider reducing the size from 10' to 8'. Member Geurs stated the board looks at every case individually. John Kitchen stated a better size would be 4'x8' with a 12' pole. Mr. Singh stated the roofline of the building is 20' to 22' a 16' sign would not be seen coming north. Mr. Singh showed the board the signage on the north side of the building. The board had no issue with it. Mr. Singh stated the parking lot will provide 19 parking spaces. Member Geurs asked Mr. Murphy and Ms. Davis if they could see the lights from the library. They stated no. Member Geurs stated the library lights are definitely light pollution and if you can't see them from the lake then the new parking lights and sign should not be an issue. Member Tatman 14' x 10' sign would be better. Mr. Singh agreed. There being no further discussion. President Morris called for a motion. Member Tatman made a motion to approve Variance #2024-18 for the pole sign 14'x 10', electronic, total height of 25' (pole and sign), 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 August 15, 2024, due to lack of agenda items.

There being no further business, Member Geurs made a motion to adjourn the meeting at 8:44 p.m. Second by Member Tatman. All in favor-aye. Motion Carried.


Kelly Morris, Chair BZA

Attest:


Leigh A. Pranger, Secretary