

ROME CITY BOARD OF ZONING APPEALS
Regular Meeting
June 19, 2025

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, June 19, 2025 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	Kelly Morris
Leigh A. Pranger-Secretary	Tom Clifton
Christine Coe	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, Howard Murray, John Pierce, Suzanne and Sara Berry, Deb Godsey, Renee Sturdivant, Mark and Heather Shaver, Christine Brames, Edward Brames, Ben Boyd, Jessica Morris, Troy and Annie Hedges, Josh Wingard, Kevin Killen, Josh and Heather Molen.

OLD BUSINESS-Tabled from January meeting
Tabled to the June meeting

Variance #2025-02

Bret and Jodie Swaney, 6714 Laysan Teal Cove, Fort Wayne, IN 46845, owners of 1498 North Shore Drive, Rome City, IN 46784 are requesting variances from the Rome City Unified Development Code, Lake Residential District, Article 5.66 SB-02 Setback Exceptions Standards A. Exceptions 6. Chimneys. This will allow the chimney two feet into the side yard setback on the east side of the house.

Attorney Glick updated the board, Administrator Pranger's interpretation of the Unified Development Ordinance concerning non-conforming buildings and structures, was sent to Attorney Carlson by email after the May 15, 2025 Board of Zoning Appeals meeting. The deadline for Mr. Swaney to file an administrative appeal is August 18, 2025.

NEW BUSINESS

Variance #2025-15

Troy and Angela Hedges, 210 Central Avenue, Rome City, IN 46784 are requesting variances from the Rome City Unified Development Code, Single Family Residential District, Article 2.10 minimum front yard setback for an accessory structure of 25' down to 8'5" and minimum rear yard setback for an accessory structure 10' down to 9'. For the construction of a front yard covered porch 10'x20' with a stairwell and a rear yard covered porch 10'x 10' and 15'x 10' deck with stairwell.

President Morris called for the Hedges to present their petition to the board. Contractor Josh Wingard

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informed the board he will be presenting for the Hedges. He distributed new drawings of the proposed decks. He stated they need front and rear yard setbacks as they want to install decks to the front and back of the house. The back deck will be twenty-five feet in length and a 10'x10' portion will be roofed. The front will be a covered porch with a stairwell. The property has a large ROW in the front and the proposed porch will still be 9' from the ROW and 14' from the actual concrete road. He added this is a small lot and they worked on the sizes of the decks/porches to keep the variance requests to minimum. Josh added, the addition of the deck will update the house and provide areas to access the house without being out in the weather. Member Tatman asked if the porch will be enclosed at all. He stated no, three sides will be open. President Morris called for interested parties on Variance #2025-15. No one was present on this petition and Secretary Pranger informed the board the adjoining owners were notified and two out of seven returned with no comments. Annie Hedges stated they had spoken with the immediate neighbors, and they were all glad the property is being cleaned up and improvements made. Member Geurs said he frequently walks by their home and stated they have done a good job cleaning it up. There being no further comments or questions. Member Geurs made a motion to approve Variance #2025-15 per the findings of fact. Second by Member Coe. All in favor-aye. Motion carried.

Variance #2025-16

Sara and Suzanne Berry, 1615 North Shore Drive, Rome City, IN 46784 are requesting variances from the Rome City Unified Development Code, Single Family Residential District, Article 5.20 FW-01 General Fence Standards B. Permits A. Decorative Fences limits the height of fences in the front yard. Chair Morris called for a presentation of Variance #2025-16. Sara Berry addressed the board stated she has been a citizen of Rome City for 13 years and takes pride in taking care of her neighbors, is involved in the community and wants to grow healthy food and protect wildlife by not using chemicals to deter animals from getting into her garden. They would like to install a fence around their raised garden beds to keep out the deer and rabbits. The proposed fence will have a four-foot solid bottom and a two-foot opening with an additional wooden bar at the six-foot height to deter deer. The fence will be ten feet from the west property line, so no variance is necessary. She did inform the board that deer fencing is allowed but they would like to install something more aesthetically pleasing than wire fencing. She noted their lot is 39'x300'. She directed the board to the letter sent by Attorney Pat Murphy. Attorney Murphy contended there is a property line dispute and Berry's are in violation of the fence standards behind the house along the west property line, the fence is in poor repair. The Berry's added dirt fill to their yard and now Mr. Killen's lot takes on water. They are in the process of going to court over the violation and asked the board to not grant a variance on the front yard fence until the dispute is settled. Sara Berry stated the fence is on their property and they stained the fence in October of 2024. She purchased the property in October of 2021, and she had the yard tilled and leveled due to uneven ground and the previous owner parking his vehicles in the front yard and contaminating the soil. She directed the board to pictures she took when she bought the house showing there has always been a height difference between her yard and Mr. Killen's property. She further noted the garage owned by Mr. Killen was constructed below the level of the road and this could be why the Killen's have water in their back lot. Member Coe asked will the fence be erected around the garden planters? Sara Berry stated yes, the fence will be constructed around and enclosing the garden beds. They placed pea gravel for pathways to the garden beds. Chair Morris asked why they placed the garden beds in the front yard and not the back yard. Sara Berry stated the house was built to the back of the lot and it is only fifteen feet from the rear property line; there is not enough room in the back to install the garden. Member Geurs stated the house does sit pretty far back on the lot and the fence will not need a side yard variance and will be ten feet from the adjoining property line. There being no further questions Chair Morris called for interested parties on Variance #2025-16. Secretary Pranger informed the board all the adjoining owners were notified and three out of the four returned with no comments. Chair Morris recognized Jessica Morris, adjoining owner across North Shore Dr., stated the proposed fence looks beautiful and will look good. Jessica Morris informed

the board Sara Berry has done a lot of work to the property and the improvements look great. She removed a trailer from the back lot and has put work into cleaning up the property and the house. All Sara wants to do is grow food and she stated there is no reason to oppose the variance. Mrs. Morris informed the board she and her husband have also been drawn into a lawsuit on property line issues with Mr. Killen. She noted just because there is a lawsuit on the fence/property line at the back of the property has nothing to do with the requested variance and should not be a reason the variance is not granted. Mr. Kevin Killen informed the board that a surveyor, Aaron Carl, performed a survey along North Shore and found a three-foot difference in the property line and asked the board not to decide on the variance until the lawsuit is settled. He noted surveyor Aaron Carl, surveyed all 15 lots on the back side of the road. He stated the fence will be located in a flood plain, and there is a 10-to-12-inch difference in the height of the lawns on the back lots. Sara Berry stated the fence is in line with the telephone pole. The fence is on their property. Mrs. Morris informed the board that Mr. Killen also asked for a variance when there was an active property line dispute and his variance request was granted. Sara Berry informed the board that the road and grass are even with the road and there has always been a slope between the two properties. There being no further comments or questions, and the public hearing was closed by Chair Morris. Attorney Glick informed the board that when there is an active property line dispute the court makes the decision. Member Geurs stated the dispute is over three feet. The fence is ten feet from the assumed property line so the fence will still meet the side yard setback requirement either way and the fence will not block anyone's view as the Berry's do not have any houses on the lots to either side of them. Member Geurs made a motion to approve variance #2025-16 per the findings of fact. Seconded by Member Clifton. All in favor-aye. Motion Carried.

Variance #2025-19

Orange Township Fire Department on behalf of Helping Hands Food Pantry, 275 Martin Street, Rome City, IN 46784 are requesting a variance from the Rome City Unified Development Code, Article 2.18 Institutional Zoning District Development Standards: minimum required side yard setback of twenty feet down to two feet on the north side of Lots 97 & 98 in the original plat of Rome City. For the placement of a 16'x 10' metal shed with a six feet overhead door and one-man door. Chair Morris called for Variance #2025-19 petition be presented to the board. Mr. John Pierce with the Orange Township Helping Hands addressed the board stated the non-profit is running out of space to store the yard equipment, tools and gas can in the building. They have a concrete pad already on the north side of the building and would like to place a 10'x16' shed on the slab. The shed will have a metal exterior, and the building is concrete block so there will be sufficient fire break between the buildings. The setback is requested on the north side for two feet to utilize the existing pad. The property directly adjacent to the pad is the parking lot for the United Methodist Church and there are no buildings on the south side of their parking lot and there is at least 45' between the edge of the slab and the church building. Chair Morris called for interested parties on Variance #2025-19. No interested parties in attendance and Secretary Pranger informed the board that 2 out of 6 adjoining neighbors returned with no comments. There being no further comments Chair Morris called for a motion. Member Clifton made a motion to approve Variance #2025-19 per the findings of fact. Seconded by Member Tatman. All in favor-aye. Motion Carried.

Variance #2025-20

Joshua A & Heather M Molen, 870 Lakeside Circle, Rome City, IN 46784 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential Development Standards for relief from the Maximum Lot Coverage requirement of 45% up to 65%. Owner to install drainage to handle additional runoff. This variance will allow for a paved driveway to the property line on the north and the east sides of the lots. Chair Morris called Josh Molen to present the petition on Variance #2025-20. Josh Molen directed the board to submitted survey and drawings of the proposed driveway. He stated he would like to concrete his driveway and the advertised coverage of up to 65% has been scaled back to 51% lot coverage. He informed the board he had installed a drain with a 10' pipe to

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the lake to catch the water from the roadway and water on his property. He will be installing a trench drain across the concrete drive to catch the surface water it will be directed into the drain out letting to the lake. He noted the concrete drive will set three to four feet off the Brames (adjoining owners to the west) west property line. The drain has helped with water runoff from the road, decreased washing onto the Brames yard. Chair Morris called for interested parties on Variance #2025-20. Ed Brames adjoining owner to the west stated they attended tonight to get clarification on how close to the property line the drive will be. Mr. Molen stated it will be 3' to 4' feet from the property line they will be installing stepping stones in the grass instead of paving to the property line. There being no further questions, Chair Morris called for a motion. Member Geurs made a motion to approve Variance #2025-20 as presented per the findings of fact. Second, by Member Coe. All in favor-aye. Motion Carried.

MISCELLANEOUS BUSINESS

Nothing for the agenda

Next Meeting: Nothing for the Agenda- Canceled July 17, 2025. August 21, 2025 at 7:00 p.m.

There being no further business, Member Geurs made a motion to adjourn the meeting at 8:00 p.m. Second by Member Clifton. All in favor-aye. Motion Carried.


Kelly Morris, Chair BZA

Attest: 
Leigh A. Pranger, Secretary