

## ROME CITY BOARD OF ZONING APPEALS

### Regular Meeting

June 16, 2022

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, June 16, 2022 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox at 7:05 p.m.

Members Present:

Barb Tatman

Christine Coe

Judy Fox

Kelly Morris

Members Absent:

Leigh A. Pranger-Secretary

Mike Friskney

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Melissa Olsen-by Zoom, Larry young, and Wayne and Jeri Wigner.

Member Morris 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

1. Jacobs RV on Lions Drive-The RV has been removed-violation closed.
2. Secretary Pranger informed the board Mr. Malott fixed the light which was shining onto adjacent property and removed the second bathroom as requested. He is in compliance.
3. Fence on Lions Drive owned by Robert Bloom. Neighbor complained the fence was too close to his property and he did not give permission for the fence to be on the property line. He asked a letter to be sent to move the fence back to the required code of two feet off the property line. A letter was sent, and he moved part of the fence to be in compliance. I will send another letter to move the rest of the fence and then resort to a fine if he has not complied.

### NEW BUSINESS

Use Variance #2022-05

Weathered Oaks, LLC 3500 E. Northport Road, Rome City, IN are requesting a use variance on behalf of TowerNorth Development, LLC from the Rome City Unified Development Ordinance, Section 2.06; Agricultural District requirement Appendix A; Land Use Matrix Permitted Uses to allow a 275' self-support telecommunications tower. This will allow for the installation of a cell tower to improve the coverage and capacity to Rome City and surrounding residents. The petition, legal description and plot plan is on file and may be examined at the Rome City Town Hall. All interested parties should attend to voice their opinion, or they may file written comments with the Town Hall prior to or at the meeting.

Chair Fox called for TowerNorth development to present the petition to the Board. Melissa Olsen-representing the DeMuyt Family and TowerNorth Development informed the board the tower they will be installing is a Verizon tower, but they will be able to have four wireless carriers on the tower for phone reception. The self-supporting tower will service the lake and surrounding areas. The location of the tower is on eighty acres, will not affect, will have enough area to protect neighboring properties should it be knocked down. Chair Fox called for interested parties on behalf for Variance #2022-5. Acting Secretary Tatman informed the board all adjoining owners were notified and returned with no comments. Mr. Young in the audience

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asked what carriers might be included in the tower. Ms. Olsen stated they hope to have T-Mobile, US Cellular to complete the coverage for the area. The project should be complete within the next year. There being no further discussion Chair Fox asked for a motion. Member Coe made a motion to approve Variance #2022-05 per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

*Variance #2022-06*

Lawrence Young, 4393 East 850 North, Rome City, IN 46784 is requesting a variance for relief from the Rome City Unified Development Code, Section 5.07 AS-05 Lake Residential, Accessory Structure, A. Types, 2. Recreation Based; E. Location 3. Permanent Accessory Structure (i.e. Swimming pools) are not allowed in the lake yard envelope. This variance will allow for a 16' x 40' swimming pool in the lake yard in front of the new home.

Chair Fox called for Mr. Young to present his petition to the board. Mr. Young submitted pictures and a survey with his home and pool locations. He submitted pictures to the board showing there is no view of the lake from where the pool will be installed. He added the pool will be 510' from the water's edge and forty feet above lake elevation. He added that he contacted the IDNR regarding lake access, the IDNR stated he is not allowed to remove the lily pads and the wetland area is protected. He noted the house can not be seen from the lake and the pool will be fenced and landscaped. He added he did look into installing the pool on the side of the house, but he would have to remove trees and level the ground, it is not an ideal location. Member Morris asked whether there was anything between the house and the lake, Mr. Young stated no. Member Morris asked how many lots are in the subdivision. Mr. Young stated 3 lots. Member Morris stated the town does not want pools on the lake. Mr. Young stated he doesn't think anyone else in his subdivision will be installing a pool. Member Fox asked where the sewer line is located. Mr. Young stated there is 18 feet between the pool and the sewer line is 6 feet deep, and he will be installing a 4-foot buffer of stone around the pool for extra protection. Mr. Young stated the pool will not be seen from the lake in the summer with the leaves on. Member Tatman stated that is good that it won't be seen from the lake. Mr. Young stated he has a beautiful view from the house especially when the trees are full. Chair Fox called for interested parties on behalf of Variance 2022-06. Acting Secretary stated four out of eight responded with no comments, no one was present with any comments. Chair Fox called for a motion on Variance #2022-06. Member Morris made a motion to approve Variance #2022-06 in light of the unique parcel of property involved per the findings of fact. Second by Member Tatman. Rollcall for vote: Kelly Morris-Yes, Barb Tatman-Yes, Judy Fox-Yes and Christine Coe-No. Variance #2022-06 passed.

*Variance #2022-07*

Wayne and Jeri Wigner, 126 Central Avenue, Rome City, IN 46784 are requesting a variance for relief from the Rome City Unified Development Code, Article 2.12 Lake Residential District Development Standards: Minimum Side yard setbacks for Accessory Structures of 7 feet down to 2 feet on the north side of Lot 27 in Keystone Plat. This variance will allow for three-foot-wide composite stairwell to replace old, damaged wood stairwell (wood cracking and coming apart) which blocked view of lake.

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Member Christine Coe recused herself from voting on this petition as she is related to the petitioners.

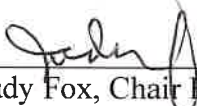
Chair Fox called for Wigner's to present their petition to the board. Mr. Wigner informed the board the actual setback is 4 foot not the advertised two foot. Mr. Weidner submitted pictures to the board showing the damaged stairs and the replaced stairwell. Member Morris asked about the set of stairs which were damaged. Mr. Wigner stated he removed the stairs. Member Morris asked whether the project has been completed. Mr. Wigner stated yes as the replacement of the stairs were started and almost complete when he was contacted by Town Manager Pranger an informed they will need a variance. He noted the stairs are made of composite which will be easier to maintain. The board reviewed the pictures and agreed the stairs are a big improvement. Chair Fox called for interested parties on behalf for Variance #2022-07. Acting Secretary Tatman informed the board all adjoining owners returned with only one comment on the project Looks Good. There being no further discussion. Chair Fox called for a motion. Member Morris made a motion to approve Variance #2022-07 per the findings of fact. Second by Member Tatman. All in favor-aye. Motion Carried.

**MISCELLANEOUS BUSINESS**

Chair Fox informed the board they are going to skip miscellaneous business as Secretary Pranger is not here to give an update.

Next Meeting: July 21, 2022 at 7:00 p.m.

There being no further business Member Morris made a motion to adjourn the meeting at 7:50 p.m. Second by Member Tatman. All in favor-aye. Motion Carried.

  
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Judy Fox, Chair BZA

Attest:   
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Barbara Tatman, Acting Secretary