

ROME CITY BOARD OF ZONING APPEALS

Regular Meeting

March 10, 2022

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, March 10, 2022 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox at 7:01 p.m.

Members Present:

Leigh A. Pranger-Secretary

Barb Tatman

Christine Coe

Judy Fox

Mike Friskney -by Zoom

Kelly Morris

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick and Bret Swaney, Regina Rivas and Jason Lowrey.

Member Tatman made a motion to waive the reading of the minutes and approve them as presented. Second by Member Morris. 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 court hearing is Friday, January 21, 2022. Attorney Eberhard will be asking for a Writ of Assistance from the court-for the right to access the property to remove the RV and also to have legal ability to scrap the RV in absence of a Title. Member Friskney suggested the town contact Austin Miller at Tire Star, he will pick up junk vehicles and scrap them.

2. Secretary Pranger informed the board she sent a letter to Tyler Malott regarding a complaint she received about the night light he installed on the top of his barn and the additional bathroom found when the Noble County Building inspector performed the final inspection on the building. The letter informed Mr. Malott we have regulations on lighting and the light needs to be shielded from shining to the north or moved to a different location, so the light does not seep onto adjoining properties. The additional bathroom needs to be removed. Secretary Pranger informed the board she spoke with Mr. Malott, and he is working with the manufacturer to install a shield on the light, and he will remove the extra bathroom and send me pictures. He has until March 21, 2022, to comply

NEW BUSINESS

Variance #2022-02

Bret Swaney, 10502 Quail Run, Fort Wayne, IN 46845 owners of 1498 North Shore Drive, Rome City, IN 46784 are requesting variances for a garage lot located behind 1490 North Shore Drive. Variances to be from the Rome City Unified Development Code, Single Family Residential District, Article 2.10 Single Family Residential District Street yard setback for an accessory structure requirement of 25' down to 24' and maximum Accessory height of 16' up to 27' and Lot coverage restriction of 35% up to 53%. Also Article 5.03 AS-01 General Accessory Structure Standards, E. Utilities; storage based accessory structures restriction of no sewer service to allow for one full bath and one half bath. And 5.06 AS-04 Accessory Structure Standards Section C. Quantity and Size 2. Maximum Size of 1200 sq. ft up to a total of 1380 sq. ft. For the construction of a 30'x46'garage with second story storage and loft area.

Rome City Board of Zoning Appeals

March 10, 2022

Page 2 of 3

Secretary Pranger informed the board Mr. Swaney contacted the office and requested his petition be tabled to the February 17th meeting. Member Tatman made a motion to table Variance #2022-02 to February 17, 2022. Second by Member Morris. All in favor-aye. Motion Carried. Mr. Steve Snyder in the audience stated he was attending on the Swaney petition. The board informed him the petition has been tabled to the February meeting and Mr. Snyder should return then.

Chair Fox called for Mr. Swaney to present his variance petition to the board. Mr. Swaney presented he plans to the board showing then the building he would like to build. Mr. Swaney stated he bought the old Freiburger place about eight years ago the house is very small and does not have a washer and dryer which is very inconvenient. He stated they would like to build the garage, so they have a place to park and store vehicles along with a room upstairs for the overflow company. He would like to have a full bathroom as the current house only has a small water heater for showers. The reason for the street setback asking for the one-foot variance is due to the garage doors, they raise vertical into the rafters not horizontally into building. He noted he can shorten the building in order to meet the 25' setback. Mr. Swaney stated if he reduces the building which is set at 25' not the advertised height of 27'. He will not a tall enough ceiling to stand upright. The board discussed the lot coverage issue and stated he needs to get that down to 49% from the 53%. Mr. Swaney stated he can reduce the amount of concrete on the lots from 750 sq ft down to 600 sq. ft. The board discussed the height of his building and other adjoining buildings. Secretary Pranger stated there are two buildings in the backrow with the same gable roof and the sizes of those buildings are larger than what he is requesting. Secretary Pranger added so another garage with a gable roof would not look out of place. Chair Fox asked what is the purpose of the loft? Mr. Swaney stated he has two boys in their teens and they have outgrown their shared room it will be a place for them to hang out along with overflow company. Member Tatman stated the area is not to be used for living space or to be rented out. We will not allow a full bath.

Chair Fox call for interested parties on behalf of Variance #2022-02. Secretary Pranger informed the board she notified all the adjoining owners and two of the three returned with no comments. Adjoining owner Regina Rivas and Jason Lowrey were present to discuss the erosion and trash on their property from the buildings along the south side of her property. She stated they bought the old goldfish ponds years ago and have kept it in its natural habitat and the owners along the south side have repeatedly overstepped onto her property. She submitted pictures to the board showing erosion and trash. She stated the erosion has been happening over the years as all the garages are out letting their gutter water onto her property. The erosion is happening because no installed retaining walls to keep their dirt, stone etc. on their property. Mr. Swaney stated he has invested numerous hours into cleaning up the lot where the garage will be and stated the erosion happened when a large rainstorm came in right after he finished having his lot filled in. The raid washed the dirt onto Rivas's property. He stated he will have the material removed prior to construction and will add riprap along the back to keep his soil in place. He volunteered to speak with the neighboring owners to find a solution to water runoff. Chair Fox asked what the exterior of the building will look like. Mr. Swaney stated it will be a black metal roof with white siding and stonework on the front, the garage doors with be a dark brown. After some discussion Chair Fox called for a motion. Member Morris made a motion to allow variance @2022-02 with restrictions, no rental, no business, no exterior stairwell, lot coverage up to 49%, half bath only,

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Rome City, IN 46784

Rome City Board of Zoning Appeals

March 10, 2022

Page 3 of 3

front street side to be 25' setback, height limited to 25', square footage of building to be 1350 sq. ft. Second by Member Tatman. Those in favor-Kelly Morris, Barb Tatman, Mike Friskney, Judy Fox. Those opposed-Christine Coe. Motion carried by majority.

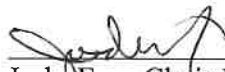
The board then asked that Mr. Swaney meet with the neighboring properties and the Rivas to work on a solution to the erosion and trash problems on the Rivas property.

MISCELLANEOUS BUSINESS


Secretary Pranger stated she will continue to make the updates to the UDO and she informed the board the Plan Commission is working on an ordinance regarding solar power.

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

There being no further business Member Tatman made a motion to adjourn the meeting at 8:22 p.m. Second by Member Coe. All in favor-aye. Motion Carried.



Judy Fox, Chair BZA

Attest: 

Leigh A. Pranger, Secretary