

## ROME CITY BOARD OF ZONING APPEALS

### Regular Meeting

May 18, 2023

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, May 18, 2023 at 7:00 p.m. in the Rome City Town Hall. The meeting was called to order by Chair Judy Fox.

Members Present:

Barb Tatman

Mike Friskney

Judy Fox

Christine Coe

Leigh A. Pranger-Secretary

Members Absent:

Kelly Morris

Rollcall determined a quorum was present.

Interested Parties in attendance: Town Attorney Dustin Glick, Dale DeGroff, Val Bergdall, Jim and Cheryl Collett.

Member Tatman 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

Nothing for the agenda.

### NEW BUSINESS

#### **Tabled from the April meeting.**

#### **Variance #2023-06**

Patrick Costello and Valerie Bergdall, 6431 Newgrange Dr., Dublin, OH 43016 are requesting a variance for 560 Spring Beach Rd, Rome City, IN 46784 for relief from Rome City Unified Development Ordinance Section 2.12 District Development Standards: minimum side yard setback requirements of seven feet down to 5.23 feet on all four corners of the proposed house. Valerie Bergdall directed the board to the PowerPoint she presented. She stated the lot is 40'x250', the Collett's live on the north side and Plassman's on the south side. She noted the house was built in 1928 right next to the seawall and obstructs the view of the neighbors whose homes are set back from the seawall. They purchased the property in the fall of 2020, the foundation is bad, along with the roof and the rest of the house needs significant repairs. The house is fine for a cottage, but they would like to retire and live in the house, and it is not suitable for year-round living. She noted the lot is legal nonconforming. On the north side of the house, it is built too close to the property line with no setback from the lake. The new build (house) will be setback 25' from the lake, it will be centered on the lot with equal side yard setbacks of 5'23" which includes the eaves and gutters of approximately 1' which actually makes the setback 6'23". The house will have square footage of 1300 on the first floor. The separation between Plassman on the south side will be 10' front corner and 14' back corner. The Collett's separation will be 10' front corner and 8'9" on back corner. The impact to the area: this will improve safety by allowing more separation between houses, the materials used will be more fire resistant. They are in compliance with the fire code with more than a 5' setback. She added that

P.O. Box 338

402 Kelly Street

(260) 854-2412

Rome City, IN 46784

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she spoke with the fire chief who stated with a 10' separation between the house the equipment will not fit, and the firefighting will be done using manpower and hoses. Fire chief Gene Landers stated the new house will definitely be safer than the current structure. She noted they meet the Unified Development Ordinance 9.12 G1. In regard to public health and safety, the new house will be moved back on the lot and allow the neighboring homes to have a better view of the lake. The eastern portion of the lot will remain open space and allow for full use of the driveway and a turnaround. This proposal is more desirable than repairing the existing structure. Chair Fox asked about the lot coverage ratio. Secretary Pranger stated the lot is 25' deep and nothing will be built on the east section of the lot. Chair Fox asked about a deck along the lake front. Mrs. Bergdall stated they will have a patio, no deck.

There being no further discussion Chair Fox called for interested parties on Variance Petition #2023-06. Mr. Jim Collett, neighbor to the north, stated his approval and support of the project. Secretary Pranger informed the board six interested parties notices were sent out and 2 returned with positive comments in favor of the project, the other four returned signed with no comments. The board then discussed the need to know the structure will comply with the variance. Attorney Glick stated the board can place an as built survey upon the completion of the house as a restriction of the variance. The board agreed this needs to be a restriction. There being no further discussion Chair Fox called for a motion.

Member Tatman made a motion to approve Variance #2023-06 with a restriction that an as built survey be completed and turn into the town hall by the owners prior to final inspection. Second by Member Coe. All in favor-aye. Motion Carried.

#### **Variance #2023-07**

Dale A & Robin M DeGroff, 340 Bernice Avenue, Rome City, IN 46784 are requesting a variance for relief from Rome City Unified Development Ordinance Section 2.12 Lake Residential District Development Standards: minimum lake yard setback requirement of 25' down to 15' for the construction of two deck and an addition to the existing house. Also, a variance from Section 5.66 SB-02 Setback Exception Standards, A. Exceptions 3. Architectural Features allowing the soffit to be 1'5" from the required 3' on the southeast side of the existing house.

Chair Fox called for Mr. DeGroff to present his petition to the board. Mr. DeGroff stated the existing deck will have a roof added and it will be 15' from the lake. They will also extend the deck across the addition of the house on the west side. He showed the board a photo taken from his neighbor to the east (The Schrock's) showing the deck and roof will not impede the view. Member Tatman asked whether Mr. DeGroff had a new floor plan to submit to the board since the current floor plan shows the apartment in the basement. The apartment was denied at the April meeting when the use variance was denied by the board. Chair Fox stated the paperwork all needs to match the request you are presenting to the board. Mr. DeGroff stated he can turn in a new floor plan. Member Tatman asked about the condition of the existing foundation that has been exposed to the weather since 2012? Member Tatman also asked who will be doing the construction work on the proposed addition? Mr. DeGroff stated he had a company come in ten years ago to reinforce the concrete foundation. Sunset Construction will be doing the exterior work. Mr. DeGroff stated on the soffit variance the existing walls will stay in place and a new

soffit will be added which brings the variance of 18" for the soffit on the east side. Mr. DeGroff stated he will hire a professional painter to apply fire-resistant paint to the exterior. Fire retardant windows will be used, and the attic sprayed with 5/8 drywall to maintain a fire-resistant wall. He noted the fire-retardant windows are designed to automatically shut when they detect the heat from a fire. After some discussion the board informed Mr. DeGroff he will not be allowed any windows on the east side. The State Building code says you must have at least three feet from the adjoining property, and he only has 2'5". Member Friskney asked who will be doing the work inside the home? Mr. Degroff stated he will be doing the work. Member Tatman stated it took a long time for your last project to be completed and we don't want a repeat. Mr. Degroff stated he is retired now and has more time to work on the project. The board discussed restrictions for the proposal should it be approved by the board. The conditions as-built survey to be completed and turned into the town hall prior to final inspection, submit updated floorplan removing the apartment in basement, existing basement window on the east side will be the only window allowed, the soffit, attic, walls and window will all be fire retardant as presented by the petitioner. Chair Fox called for interested parties on Variance #2023-07. Secretary Pranger informed the board adjoining owner Larry and Tonya Black are not in support of the variance requests per email. The interested parties appeared at the April meeting to voice their opinion. There being no further discussion Chair Fox called for the findings of fact for Variance #2023-07.

Attorney Glick informed the board a yes vote is in favor of the use variance and a no vote is not in favor.

1. The board finds, the proposed variance will not be injurious to the public health, safety, morals and general welfare of the community because: Proposal will pose a minimal risk to the public and will not make any changes on the roadside of the property. The proposal also does not cause any fire hazards beyond what currently exists. Roll call for vote: Barb Tatman-Yes, Judy Fox-Yes, Mike Friskney-Yes, Christine Coe-Yes.
2. The board finds, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:  
The proposed addition may improve neighboring property values. The lakeside encroachment should not interfere with neighboring landowners' use and enjoyment of their properties. No remonstrators appeared at the hearing. Roll call for vote: Barb Tatman-Yes, Judy Fox-Yes, Cristine Coe-Yes, Mike Friskney-Yes.
3. The board finds, the strict application of the terms of the Zoning Ordinance will not constitute an usual and unnecessary hardship if applied to the property for which the Variance is sought because: the petitioner by proposing the addition has created his own hardship, as the property can continue to be utilized for residential purposes without the variance. Rollcall for Vote- Barb Tatman-No, Judy Fox-No, Mike Friskney-No, Christine Coe-No.
4. The Board finds, the variance granted does not correct a hardship caused by an owner, previous or present, of the property, because: The proposal simply seeks to make a reasonable expansion on the existing lot while not encroaching further on the adjacent property owners. Roll Call for vote: Christine Coe-Yes, Judy Fox-Yes, Mike Friskney-Yes, Barb Tatman-Yes.
5. The board finds, the Variance granted is the minimum necessary for the project because: the proposed addition is reasonable in scope and size given the size of the lot and the space available

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thereon. Rollcall for Vote: Mike Friskney-Yes, Barb Tatman-Yes, Christine Coe-Yes, Judy Fox-Yes.

Petition failed on #3. Variance Denied.

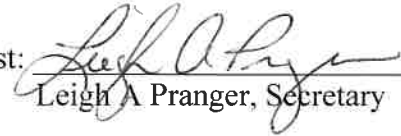
**MISCELLANEOUS BUSINESS**

Nothing for the agenda.

Next Meeting: June 15, 2023 at 7:00 p.m.

There being no further business, Member Tatman made a motion to adjourn the meeting at 8:35 p.m. Second by Member Coe. All in favor-aye. Motion Carried.

  
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Judy Fox, Chair BZA

Attest:   
\_\_\_\_\_  
Leigh A Pranger, Secretary