

**ROME CITY BOARD OF ZONING APPEALS**  
**Regular Meeting**  
**April 18, 2024**

The Rome City Board of Zoning Appeals held their regular meeting on Thursday, April 18, 2024 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	Christine Coe
Kelly Morris	Leigh A. Pranger-Secretary
Tom Clifton	Gerrit Geurs

Members Absent:

Christine Coe

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, Larry Weisenberger, Kevin Noll, and D. Alan Lawson.

**OLD BUSINESS**

Nothing for the agenda

**NEW BUSINESS**

**Variance #2024-11**

Larry J. & Leslie M. Weisenberger, owners of both 1115 & 1105 Pleasant Point, Rome City, IN 46784 are requesting a variance from the Rome City Unified Development Code, Lake Residential District, Article 5.23 FW-04 Residential Fence Standards; Section B. Location, 3. Fences shall not be permitted in the lake yard. The variance will allow for a black, aluminum, up to six feet in height fence across the lake front of 1115 & 1105 Pleasant Point to keep their dogs contained within their yards.

Chair Morris called for Mr. Weisenberger to present his petition to the board. Mr. Weisenberger informed the board that his daughter had moved back home last year, and she has two rescue dogs, they have taken both to obedience school. However, homeowners on Pleasant Point allow their dogs to run free and they have had five encounters with unleashed dogs in the last year. One incident the neighbor dog repeatedly ran into a gate they had between the two houses which eventually broke to get at their dogs in their own yard. This past winter Mr. Weisenberger was walking one of the dogs on a leash and an unleashed dog attacked him and his dog. They are no longer walking their dogs around the point for fear of being attacked. He noted the fence is to keep other dogs out of their yard. Mr. Weisenberger informed the board he owns both houses and would like to run the fence from his home along the lake yard of the property to the

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neighboring house staying three feet from the property line with the fence. He stated the fence will match the existing railings on his deck. The fencing is black and can be seen through the slats. He noted there is no room in the street yards, and he doesn't want to have to remove a tree in the street yard. He noted they can keep an eye on their dogs if they can be located to the lake side rather than the street yard. Mr. Weisenberger stated there are currently three fences in lake yards in his basin. The board stated two were grandfathered and one was allowed by variance. Mr. Weisenberger stated he would like 36" panels with 40"-42" posts black with slats, the black appears to be invisible and does not affect views. Mr. Weisenberger noted the neighbor to the north has a walkout with a deck on the first story, their view will not be impacted by the fence. The neighbor to the south view will not be impacted as the fence is in line with the four-season room on the south edge. Member Tatman asked how close to the seawall will the fence be located? Mr. Weisenberger stated it will be 22' lakeward. Chair Morris asked if the fence will be running across the two properties he owns? Mr. Weisenberger stated yes, to maximum the area so the dogs can run around a little. Chair Morris asked what kind of dogs and how big are they?

Mr. Weisenberger stated one is a Staffordshire terrier 52 lbs. and the other is mix, chow, lab, German Shepard. Member Geurs asked how big the dogs were that they have encountered? Mr. Weisenberger stated the other dogs are large dogs and the requested three-foot fence will not keep them out, it will just be a deterrent. Chair Morris asked about installing the fence in the backyard or installing an underground fence? Mr. Weisenberger stated the underground fence will do nothing to deter other dogs from entering their property. They do not have a problem with their dogs leaving the property, they have a problem with dogs entering their property. He added the area in the backyard does not have much room and the dogs would be safer located in the lake yard and be out of the site of other dogs. There being no further question Chair Morris called for interested parties on behalf of Variance #2024-11. Mr. Kevin Noll and D. Alan Lawson, owners to the south of Mr. Weisenberger stated their concern about the allowance of a six-foot-high fence and stated that height could deter them from the view of the lake. Mr. Weisenberger stated he is requesting 36" panel and up to 42" posts, he will only install this height if approved. Mr. Noll asked about the setbacks on the side yards. Mr. Weisenberger stated he will not be running the fence in front of his deck so the existing four-season room will remain the setback on the south side. On the north side he is requesting a setback of three, code allows two feet without adjoining owner approval. Member Geurs stated concern about ownership of the two properties and crossing the property lines. Mr. Weisenberger stated he will remove the fence should either of the properties be listed for sale. Chair Morris stated she is ok with the style and panel height of 36". Mr. Lawson, adjoining owner to the south, stated his concern about setting a precedent by allowing the variance. Attorney Glick stated we always have to consider setting a precedent but ultimately all variance requests have differences, and we have to view them individually. Attorney Glick stated this request is different from allowing a privacy fence as this will allow for views through the fence and does not deter from the lake view. **Member Tatman stated it's obvious we have a dog problem on the point with dogs running at large, this needs to be enforced by our Marshal's department.** The board **encouraged Mr. Weisenberger to attend the Town Council meeting, held on the second Monday of Every month at 6:30 p.m. to discuss how enforcement can be done.**

Member Tatman asked if Mr. Weisenberger could move the fence back to meet the 25' setback on the lake yard. Mr. Weisenberger said yes, but it might look weird to start the fence in the middle of the step. The proposal to set the fence at the end of his deck is lineal and would look better then setting it back. There were no further discussion or questions Chair Morris called for a motion. Member Geurs made a motion to approve Variance #2024-11 with fence to be 36" or less and Posts maximum height of 42". The fence type to be black aluminum with no solid panels with a setback of 25' from the lake. Second by Member Tatman. Roll call for vote. Barb Tatman-yes, Kelly Morris-No, Gerrit Geurs-yes, Tom Clifton-Yes. Motion carried.

**MISCELLANEOUS BUSINESS**

Nothing for the agenda.

Next Meeting: May meeting canceled due to lack of an agenda.

There being no further business, Member Clifton made a motion to adjourn the meeting at 7:45 p.m. Second by Member Geurs. All in favor-aye. Motion Carried.

  
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Kelly Morris, Chair BZA

Attest:   
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Leigh A Pranger, Secretary