

March 7, 2023

Council Chambers  
Vigo County Government Center  
Terre Haute, Indiana

**Present:** Mike Morris, Chris Switzer, and Mark Clinkenbeard  
9:25 a.m. the Board held a rezoning hearing.

**UZO #2-23:** This matter was tabled.

**UZO #3-23:** Parcel No. 84-07-15-251-006.000-008. This property is located on the south end of North Moore Street off of a private drive. The proposed use is for two single family dwellings. Currently zoned A-1 Agricultural District with the proposed zoning to be R-2 Two-Family Residential District. The address is 1733 North Moore Street, Terre Haute, Indiana. Surrounding uses are A-1, R-T, and R-S to the north, A-1 to the south, east, and west. Property owners and petitioners are Rachel Wade and John Petrowski. The petitioners are requesting rezoning to two single-family dwellings from A-1 to R-2, Two Family Residential District.

The petitioner is requesting a rezoning to allow for an existing second residence on property that their daughter lives in. In 2004, a prior owner was issued an ILP for a 1-bedroom/1-bathroom. The ILP noted that the bedroom and bathroom must be removed from the garage once the house was built. In 2008, an ILP was issued for a 1 ½ story house with the ILP containing the comment stating that the residential living quarters needed to be omitted from the garage once the house was completed. The original owners did not fulfill the original terms of the permits and in 2022 listed and sold the property to the current owners as having a 2-car garage with mother-in-law quarters. The property does exceed the minimum requirement for R-2 2-family residential. If the property is further developed or subdivided, then connection to a public or semi-public water and sewer will be required. An address will need to be assigned to the garage for 911 services.

Staff offers a favorable recommendation. Area Plan offered a favorable recommendation. There were no remonstrators.

Attorney Richard Shagley was present for the Petitioners. Petitioners purchased this property in the last couple of months and they bought it for the sole purpose of this detached living quarter that they needed/desired for their adult child. There was no disclosure of any zoning issues during the sale. Because of the lack of disclosure, they are here requesting the property be rezoned from A-1 to R-2 to allow for continued use of the building as a residence.

There was a brief discussion. Chris Switzer made a motion to approve the zoning for the property. Mark Clinkenbeard seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

Discussion then turned to questions about a flood plain area. Mark Clinkenbeard said that he had received two emails about a flood plain issue in North Terre Haute. People are very upset. He asked if Mr. Bayler and Ms. Shahar could shed any light on the situation. This area was added to the maps in February of this year. The area in question encompasses several very nice neighborhoods in the north part of town. Mike Morris asked if any other parts of the County had been impacted. Ms. Shahar has not seen anything else added (she is now on the list to be notified if anything else is updated). Questions were raised and the hydraulic engineers were again consulted and they are sticking with their original models as of now. Indiana now has a rule that we have to use their data as it updates rather than FEMA's. They are currently remapping the entire

state so things will probably continue to pop up. Mr. Clinkenbeard asked if as of now, people can or cannot get a building permit to build or add on and do they now have to pay flood insurance? The Indiana Flood Control Act states that no new residential properties can be built in the floodway except for some grandfathered areas in the Ohio River Valley that were placed into the code originally. That is state-wide rules. They are also beholden to the 50% substantial improvement rule. If under 50%, a permit can be given. If they are above 50%, if they have provided an assessed value or if they provide an appraised value, such can be used but it has to be on paper. Once they hit the 50%, they are required to bring it into correct compliance. The flood fringe would be similar. They will not have to get flood insurance until it becomes FEMA-adopted. There was discussion about whether or not this could be appealed and what the steps would be. Rachel Leslie indicated she would be gathering information about this since she only found out about this yesterday. She indicated that this is a state-wide conversation. Ms. Shahar said it is her understanding that they want to repeal the use of the DNR best available layer, however, it is built into all local codes for the State of Indiana to use the best available layer. So, unless we were to repeal that from our Code, we will still be required, regardless, to use the best available layer even if they repeal that as state wide code. There was further lengthy discussion. Everything is basically on hold for the moment in that area.

With no further business, the Board recessed at 9:40 a.m.



Mike Morris



Chris Switzer



Mark Clinkenbeard

Attest:



James W. Bramble, Auditor