

October 17, 2023

Commissioners' Conference Room
Vigo County Government Center
Terre Haute, Indiana

Present: Mike Morris, Chris Switzer and Mark Clinkenbeard

9:10 a.m. the Board held a rezoning hearing. Jared Bayler said UZO #14-23 had been tabled for today.

UZO #13-23: Parcel No. 84-03-21-101-012.000-012. This property is located at 6623 North 36th Street, Terre Haute, Indiana. The proposed use is for primary residence with rental duplex. Currently zoned R-1, Residential District, with the proposed zoning to be R-3 Multi-Family Residential District. Surrounding uses are R-1 to the north, south, east, and west. Property owners are Raymond and Barbara Stoffer and petitioner is Jamie Hashman.

The petitioner is requesting a rezoning to allow for the sale of the property. The home was constructed in 1945 and a detached garage converted to a dwelling in 1974. At some point a third dwelling was added but no permits were issued for the third dwelling. With that addition, the property was altered and lost legal non-conforming status. Consequently, the banks will not loan on the property and the owners are unable to sell until the property is brought into compliance. The petitioner will need variances to make this work with BZA approval as follows: 1) 5 feet from the 25 foot front yard setback; 2) an unknown distance from the required 15 feet per building side yard setback; and 3) Type B buffer and landscaping plan. To bring the property into compliance, the owners could convert the existing detached structure back into a non-livable structure or they could gain approval of the rezoning. There were remonstrators at the meeting and a petition with 20 signatures was submitted against the rezoning.

While this is not a straightforward or easy recommendation, staff is sympathetic to the situation in which the property owners find themselves. Staff offers a favorable recommendation with the following conditions: 1) BZA approval for 3 variances set out above; and 2) both dwellings (not the main home but rather the garage that has been converted) will need to be inspected by the Building Commissioner and found to be compliant with Indiana Residential Building Code. The Area Plan Commission also offered a favorable recommendation.

Richard Shagley, attorney for the petitioner, advised that the BZA had approved the variances. In talking about the petition against the rezoning that had been submitted by surrounding landowners, he noted that most, if not all, residents moved in after the property was there. These changes were done to the property before the Code was passed and before the petitioner had this property. They bought the property in its current condition although they did add on to the kitchen in the main structure. Had the current banking regulations been in effect 50 years ago, these proceedings would not be taking place. The current property under consideration has basically been an R-3 for 50 years. They do not believe this will be detrimental to the neighborhood.


Mark Clinkenbeard said that his biggest concern had been the garage and once he learned there would be inspections by the Building Commissioner, he was fine with it. Chris Switzer made a motion to approve this rezoning. Mark Clinkenbeard seconded the motion. Upon a 3-0 voice vote, the motion unanimously passed.

The meeting was adjourned at 9:18 a.m.


Mike Morris

Chris Switzer

Mark Clinkenbeard

Attest:

James W. Bramble, Auditor