

February 8, 2021

Commissioners Conference Room  
Vigo County Annex  
Terre Haute, Indiana

**Present:** Chris Switzer and Brendan Kearns

**Others Present:** Jared Bayler, James Bramble, Kayla Sweet, Brenda Tryon, and Darwinson Valdez,

10:30 AM the Board held a rezoning hearing.

**UZO #2-21:** Parcel No. 84-07-10-476-001.000-008. This property is located at 8930 East US Hwy 40, Terre Haute, Indiana. Property is located on U.S. Highway 40 in Terre Haute. Rezone from A-1, Agricultural District, to C-2, Community Commercial District. Proposed use is for Mosaic of Terre Haute – healthcare services to people with intellectual and developmental disabilities which includes adult daycare, activities, personal care. Property owners and petitioners are The Rock Church of the Wabash Valley. This was adopted February 3, 2021, at the Area Plan Commission Meeting with a favorable recommendation with the following conditions: (1) hard surfacing of all public use areas; and (2) a completed site plan with staffing and client numbers so as to determine the adequacy of parking on site. There were no remonstrators at the Area Plan Commission meeting.

Jared Bayler, Executive Director of Area Plan, presented the facts of the existing zoning. Mr. Bayler noted that there was no direct mention in the zoning ordinance for the use as described by the petitioner. They used the closest coordinate zoning they could find as guidance. The recommendation of Area Plan was favorable with the following conditions: 1) hard surfacing of all public use areas; and (2) a completed site plan with staffing and client numbers so as to determine the adequacy of parking on site. Commissioner Kearns asked some questions of the representatives who were present at the meeting, Kayla Sweet, Executive Director of Mosaic, and Brenda Tryon, Community Relations Manager of Mosaic. Brendan Kearns made a motion to approve the zoning for The Rock Church of the Wabash Valley changing it to a C-1 Community Commercial District. Chris Switzer seconded the motion. Upon a voice vote of 2-0, the motion was unanimously passed.

**UZO #1-21:** Parcel No. 84-09-09-203-009.000-004. This property is located at 164 East Halt Drive, Terre Haute, Indiana. Property is located on East Halt Drive. Rezone from R-1, Single Family Residential District, to R-3, Multi-Family Residential District. Proposed use is for a detached garage to be converted into a 2-family dwelling. Property owners and petitioners are Z & S Properties, LLC. This was adopted February 3, 2021, at the Area Plan Commission Meeting with an unfavorable recommendation for R-3 zoning but favorable for an R-2 zoning. There were no remonstrators at the Area Plan Commission meeting although an email had been received earlier from Colleen Fisher on behalf of several residents on Halt Drive.


Jared Bayler, Executive Director of Area Plan, presented the facts of the existing zoning. This rezoning is in response to a complaint filed by a neighbor in 2019. A visual inspection at that time revealed violations of the Unified Zoning Ordinance of Vigo County, specifically, multiple dwellings were located on a single family residential zoned parcel. A certified letter was sent with no response. A citation was issued and an attorney made an appearance in March of 2020 with a promise to attempt to rectify the violation. Contact was again made in August 2020 since no rezoning petition had been filed. A Petition to Rezone was eventually filed in January 2021. The property only has a permit for a 2-car detached garage which was converted into a 2 family dwelling without permits or inspections. The existing home

and detached converted building will need Board of Zoning Appeals approval for variances. Both side yards and rear setbacks do not meet minimum standards. No floor plans were given to determine if each unit meets the livable size requirements and we are unsure of the number of units. Hard surfacing will be required for the drive and parking areas. It was the opinion of Area Plan that R-3 zoning at this location, in this one lot, is not in keeping with the development standards as intended by the developer and is not in keeping with the nature of the existing neighborhood. Based upon these findings, Area Plan offered an unfavorable recommendation for R-3 zoning. If a favorable recommendation is forwarded then staff would request the following conditions be added: (1) submittal of a floor plan depicting all relative information including proof of livable space per unit; (2) BZA approval for the variances needed; (3) building permits to be issued for the converted liable building from a detached garage; and (4) hard surface will need to be provided for all parking spaces. However, it is believed that the rear unit of the detached garage is being used for storage and, if so, then there are only 2 units in this location. Area Plan could support an R-2 zoning at this location and would offer a favorable recommendation on the R-2 zoning with approval of a major subdivision and confirmation that the bottom unit is and can only be used for storage. Certain conditions as listed for the R-3 zoning would still apply to the R-2 zoning. Attorney for the petitioners, Darwinson Valdez, was present at the meeting. He did confirm that the bottom part of the garage was being used as storage. They have no objection to an R-2 zoning. At the time petitioners acquired the property in 2015, it had already been modified to a 2-family dwelling and they were not aware of the conflict until citation received. They will be satisfied with an R-2 zoning and then apply for the variance to meet the standards. After some discussion and questions by Commissioner Kearns, Mr. Kearns made a motion to approve this rezoning to R-2 . Chris Switzer seconded the motion. Upon a voice vote of 2-0, the motion was unanimously passed.

There being no further business, it is now ordered the Board be recessed.

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Mike Morris, President

  
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Chris Switzer, Vice President

  
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Brendan Kearns, Secretary

Attest:

  
James W. Bramble, Auditor