

February 21, 2023

Council Chambers
Vigo County Government Center
Terre Haute, Indiana

Present: Mike Morris, Chris Switzer, and Mark Clinkenbeard
9:40 a.m. the Board held a rezoning hearing.

UZO #1-23: Parcel No. 84-03-29-327-003.000-012. This property is located on the south side of E. Devonald Avenue approximately 318 feet west of the intersection of E. Devonald Avenue and North Scott Street. The proposed use is for two single family dwellings. Currently zoned R-S Single-Family Residential Suburban District with the proposed zoning to be R-2 Two-Family Residential District. The address is 6121 E. Devonald Avenue, Terre Haute, Indiana. Surrounding uses are A-1 to the north, A-1 to the south, R-S to the east, and R-S to the west. The area is primarily medium intensity residential. Property owner and petitioner is Martha Corey. The petitioner is requesting rezoning to two single-family dwellings from R-S to R-2, Two Family Residential District.

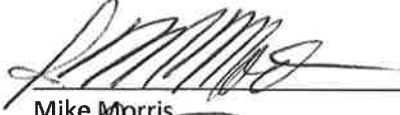
The petitioner is requesting a rezoning to allow for a second residence on property that her mother lives in. At some time in the past, the detached garage was converted to a home. There are no current permits on file for the conversion and no inspections have been completed. It is unknown if the conversion was done in keeping with IRC building requirements or how the sanitary systems are configured. The Assessor's Office has no record of the conversion. The Health Department has no septic permits on file. Staff is of the opinion that this would not alter the general characteristics of the neighborhood. Public water is believed to be available and must be utilized.

Staff can offer a favorable recommendation on this request so long as the following conditions can be met: 1) the converted garage must be inspected and found to be a habitable structure being constructed and in keeping with IRC; 2) building permits must be issued for the converted livable building; and 3) Health Department approval of the semipublic septic utility design and location. Area Plan offered a favorable recommendation. There were remonstrators present the day of the meeting and at today's meeting. An additional email has since been received since the initial meeting from Brian and Steffy Fink stating that they have zero objections to the property rezoning to accommodate additional living space.

Richard Shagley, attorney for the Petitioner, spoke on her behalf. This is a situation where a mother and daughter need to live close to each other in a caregiver situation but still retain individual independence. Petitioner has been made well aware of the requirements by Area Plan and is in the process of getting the inspections with both the house and the septic and will agree to make any necessary modifications brought out by those inspections. Remonstrator Stephanie Branson, a next door neighbor, said that she is not against the rezoning but does want the property to be safe. There were actually three people residing in the residence as well as the mother up front. The property had been rented out through Air B&B for a period of time along with a teepee and tents. There was concern about where sanitation had been dumped when the rentals were going on. She said as long as it is sanitary, up to code and safe and doesn't affect her property, they have no objections. There had been safety issues when the property was being used for rentals. She also said that they have well water and she was not aware of public water being available. Commissioner Clinkenbeard asked if city water was available. Jared Bayler said guidance is that if it is available, it has to be utilized for any new development. So if the existing set-up is wells, then a semi-public utility system has to be approved by DNR. Richard Shagley said that rentals are no longer happening and would not be an issue. It is just the mother in the main house and the daughter in the converted garage.

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.

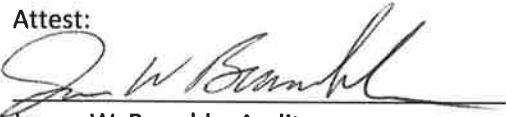
With no further business, the Board recessed at 9:50 a.m.


Mike Morris


Chris Switzer


Mark Clinkenbeard

Attest:


James W. Bramble, Auditor