

February 11, 2025

Council Chambers
Vigo County Government Center
Terre Haute, Indiana

Present: Chris Switzer, Mike Morris and Mark Clinkenbeard, Jared Bayler.

9:31 a.m. the Board held a rezoning hearing.

UZO #3-25: Parcel No. 84-09-11-302-035.000-004. This is property located at 2059 E. Springhill Drive, Terre Haute, Indiana. Currently zoned R-1 Single Family Residential District, with a proposed zoning to be R-2 Two Family Residential District. Surrounding uses are C-2/A-1 to the north, R-1 to the south, R-1 to the east, R-1 to the west. Petitioner and property owner is AMZ Development, LLC. The petitioner is requesting to bring their existing Child Care Center into compliance with the UZO for Vigo County. The child care center has been in operation prior to the UZO taking affect and was legal non-conforming. The petitioner wants to add an addition on to the existing building which would forfeit the legal non-conforming status. The petitioner has applied for a special exception to allow for the child care center in an R-2 and a variance of 20ft. from the 25ft. rear yard setback through the Vigo County Board of Zoning Appeals. Staff offered a favorable recommendation with the following condition: 1.) Approval of the special exception and variance through the Board of Zoning Appeals. The Area Plan Commission also offered a favorable recommendation with the same condition. There were no remonstrators. Chris Switzer made a motion to approve the proposed zoning. Mike Morris seconded the motion. Upon a 3-0 vocal vote, the motion unanimously passed.

UZO#2-25: Parcel No. 84-09-08-200-012.000-004. This property is located at 985 W. Springhill Drive Terre Haute. Currently zoned an A-1 Agricultural District, with the proposed zoning to be C-4 Commercial Office District. Surrounding uses are A-1 to the north, O-S to the south, M-1 to the west, and C-7 to the east. Property owner is and petitioner is Elnorily, LLC. The petitioner requests a zoning change to open a child care center which is a permitted use by right in a C-4. There are commercial and industrial uses near this location. It was recommended that fences be constructed to prevent children from entering Springhill or any other adjacent commercial uses. A minimal site plan was submitted. Adequate parking and hard surfacing of public use areas will be required. The property is in a FEMA identified Special Flood Hazard Area the building is pre-FIRM (Flood Insurance Rate Maps.) which may limit future development. Any development or remodeling, as defined in the Flood Hazard Ordinance for Vigo County, must be permitted and comply with the Ordinance. The staff offered a favorable recommendation with the following needed: 1.) A revised site plan to include adequate parking. 2.) Detail on the size and location of the commercial drive cut. Area Plan Commission also offered a favorable recommendation with the same conditions. There were no remonstrators. Chris Switzer made a motion to approve the proposed zoning. Mike Morris seconded the motion. Upon a 3-0 vocal vote, the motion unanimously passed.

UZO#1-25: Parcel No. 84-08-25-158-003.000-017. The property is located at 3862 Hotel Street, Terre Haute, Indiana. The property is on the south side of Hotel Street approximately 454 ft. east of S. St. Rd. 63. Surrounding uses are R-S to the north, R-S to the south, R-S to the west, and R-S to the east. The owner and petitioner is the Prairieton Volunteer Fire Association. The property is the current location of the Prairieton Volunteer Fireman Association and is considered a legally established nonconforming use. The staff indicated this rezoning request will not alter the general characteristics of the neighborhood. The property in the past was a school. Fire stations are listed in an R-1 zoning with a special exception. The Volunteer Fire Department plans on building a new structure that will be training quarters and offices. The building to the east will be demolished at a later date. Expansion of the use at the location would forfeit the nonconformity requiring the property to be brought into compliance. The petitioners have requested a special exception from the County Board of Zoning Appeals. The staff offered a favorable recommendation for this rezoning request

with the following condition: 1.) The Board of Zoning Appeals approval for the special exemption. The Area Plan Commission also offered a favorable recommendation. There were no remonstrators present the day of the Area Plan Commission meeting. Since that meeting, the Area Planning Department had received e-mail communication from the Prairieton/Prairie Creek Fire Protection District Board.

Darrell Summerlot, a contractor on the project, then took the podium and explained the Prairie Creek Volunteer Fireman's Association had been working with the Indiana Department of Homeland Security on the project. He said when he went to file for a permit in mid-December, he had the Indiana DHS release for the foundation and the building. He said he was told he could do the foundation work for the project. Darrell then said at that time there was rapid temperature changes and the Prairieton Volunteer Fire Association did not want the foundation work to be damaged. He said they decided to put the structure up to protect the foundation and the investment. Darrell said a permit was acquired from the Department of Health for the septic system.

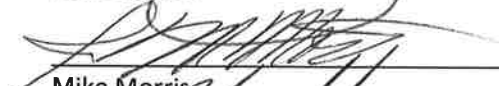
Treasurer of the Prairie Creek Fire Protection District Board Paul Fouts then took the podium and said the Board is not wholly opposed the building, but the Prairieton Volunteer Fireman's Association did not receive any approval from the Board, nor did it share anything with the Board about its process other than the Association than the submission of a plan to the Department of Homeland Security for approval. Paul said he doesn't know how the Association is funding this project and how taxpayer funds are being applied to the project.

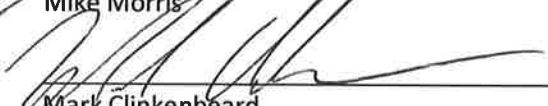
Paul said the Prairie Creek Fire Protection District Board and the Volunteer Fireman's Association had not had a signed agreement since 2021. He said both bodies' legal counsels were working at the time of the meeting on a signed agreement. Paul stressed there needed to be more communication with the project. He said the Zoning Board meeting the following day would be the final step to get the building permit, and the whole process has been avoiding ordinances.

Terry Modesitt disclosed he had done work with the volunteer fire department and is representing Vigo County, and said the construction of the building was an oversight. He said attorneys are involved now and there needed to be more communication between the political subdivision and the volunteer fire department going forward. Mark Clinkenbeard asked if approval needed to wait until the process between the attorneys was complete. Terry Modesitt said he didn't think the Board needed to wait due to the amount of money already invested into the project. Paul Fouts noted he did not know where the funding for the project was coming from. He said the Volunteer Fireman's Association non-profit is taking care of it so they would be accountable for any debt related to the project. Darrell Summerlot noted he was doing this project as a donation to the volunteer fire department and no profit was being made. The process of permit approval and inspections for the project was briefly discussed. Paul Fouts reiterated the Prairieton/Prairie Creek Fire Protection District is not apposed to the new project, the board just wanted the process for new projects to proceed the correct way. Chris Switzer said communication needed to improve between the two parties. Mike Morris made a motion to approve the proposed zoning. Chris Switzer seconded the motion. Upon a vocal vote of 3-0, the motion passed.

The meeting was adjourned at 9:55 a.m.

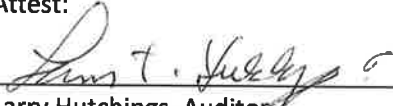


Chris Switzer

Mike Morris

Mark Clinkenbeard

Attest:



Larry Hutchings, Auditor