



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 45

COMMON ADDRESS OF LOTS TO BE REZONED:

3518 Buckeye Street, Terre Haute, IN 47803
921 N 36th St, Terre Haute, IN 47803

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Current Zoning: R-1, Single Family Residential

Requested Zoning: O-1, Agricultural

Proposed Use: Residential, house farms animals (including but not limited to goats)

Name of Owner: Ronald E Smith

Address of Owner: 3518 Buckeye St, Terre Haute, IN 47803

Phone Number of Owner: 812-240-1045

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Ronald E Smith

Council Sponsor: Cheryl Loudermilk

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

DEFEATED

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 45, 2023**

FILED

OCT 30 2023

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as
"Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute,
Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the
"Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps,
be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of
Indiana, to-wit:

**LOT 1, IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF
OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 9 WEST, AS PER RECORDED PLAT
IN PLAT RECORD 15, PAGE 20, OF THE RECORDER'S OFFICE OF VIGO COUNTY,
IN.**

**SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER
MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.**

**LOT FOUR (4), LOT FIVE (5), LOT SIX (6) AND LOT SEVEN (7) IN SECTION B,
FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION
THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, AS PER
RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDS IN THE
RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.**

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Commonly known as: **3518 Buckeye Street, 921 N 36th St, Terre Haute, IN 47803**

Be and the same is hereby established as O-1 Agricultural, together with all rights and privileges that may
insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all
limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same
shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its
approval by the Mayor and publication as required by law.

Presented by Council Member, _____
Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 20__.

Curtis DeBaun IV-President

ATTEST: _____
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 20__.

Michelle Edwards, City Clerk


Approved by me, the Mayor, this _____ day of _____, 20__.

Duke A Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by: Ronald E Smith, 3518 Buckeye Street, Terre Haute, IN 47803,
812-240-1045.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Ronald E Smith

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Ronald E Smith, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOT 1, IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 9 WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDER'S OFFICE OF VIGO COUNTY, IN.

SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

LOT FOUR (4), LOT FIVE (5), LOT SIX (6) AND LOT SEVEN (7) IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDS IN THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Commonly known as: 3518 Buckeye Street, 921 N 36th St, Terre Haute, IN 47803.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1, Single Family Residential**.

Your petitioner would respectfully state that the real estate is now a house, and **vacant lots**. Your petitioner intends to use the real estate for residential, as well as **house farms animals, including but not limited to goats**.

Your petitioner would request that the real estate described herein shall be zoned as a O-1 Agricultural. Your petitioner would allege that the O-1 Agricultural, would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **O-1 Agricultural**, of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 29 day of October, 2020.

BY: 
Ronald E Smith

PETITIONER: **Ronald E Smith, 3518 Buckeye St, Terre Haute, IN 47803**

This instrument was prepared by **Ronald E Smith, 3518 Buckeye St, Terre Haute, IN 47803**
812-240-1045

AFFIDAVIT OF:

COMES NOW affiant Ronald E Smith

and affirms under penalty of law that affiant is the owner of record of the property located

at 3518 Buckeye Street and 921 N 36th Street, Terre Haute, IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Ronald E Smith

SIGNATURE: *Ronald E Smith*

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, IN

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

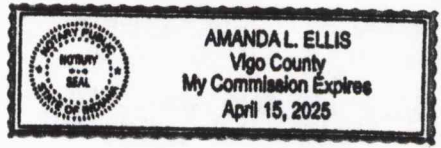
WITNESS my hand and notarial seal, this 29th day of October, 2023.

Notary Public: Amanda L. Smith

Amanda L. Ellis
[Typed name]

My Commission Expires: 4/15/25

My County Of Residence: Vigo



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

32623

OCT 23 2003

RAYMOND MATTS
VIGO County Recorder IN
IN 2003032623 MO
10/23/2003 09:41:43 1 PGS
Filing Fee: \$14.00

James W. Beall
VIGO COUNTY AUDITOR

WARRANTY DEED

90320008903

THIS INDENTURE WITNESSETH, THAT Garry Woods and Brian Woods, for and in consideration of the sum of One Dollar (\$1 00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, convey and warrant unto Ronald E. Smith, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lot 1, in Section B, Fruitridge Acres, a Subdivision in the West half of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, page 20, of the records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate

Subject to taxes prorated to the date hereof

IN WITNESS WHEREOF the above referred to Garry Woods and Brian Woods have hereunto set their hands and seals, this 20TH day of OCTOBER, 2003.

Garry W. Woods (SEAL)
Garry Woods

Brian Woods (SEAL)
Brian Woods

STATE OF INDIANA, VIGO COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 20TH day of OCTOBER, 2003, personally appeared Garry Woods and Brian Woods and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.


My Commission Expires:
JANUARY 22, 2010
My County of residence is:
VIGO

T. Kolodziej
Notary Public
T. KOLODZIEJ
Typewritten or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: *Ronald E. Jumps*
Ronald E. Jumps, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807
In preparing this instrument, Preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 3518 BUCKEYE STREET, TERRE HAUTE, IN 47803

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2013002527 QD \$18.00
02/08/2013 10:49:19A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


FEB 08 2013

Timothy M. Stegman
VIGO COUNTY AUDITOR

QUITCLAIM DEED

Rachel E. Smith, surviving spouse of Larry J. Smith, deceased on July 26, 2010, hereby conveys and quitclaims to Ronald E. Smith, her interest in the following described real estate situated in Vigo County, State of Indiana, more particularly described as follows, to-wit:

Lot Four (4), Lot Five (5), Lot Six (6) and Lot (7) in Section B, Fruitridge Acres, a Subdivision in the West Half of Section Thirteen (13), Township Twelve (12) North, Range Nine (9) West, as per recorded plat in Plat Record 15, Page 20, of the records in the Recorder's Office of Vigo county, Indiana

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid.

16th IN WITNESS WHEREOF, said Rachel E. Smith hereunto set her hand and seal this day of January, 2013.

Rachel E. Smith
Rachel E. Smith

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN to before me, the undersigned, a Notary Public in and for said County and State, personally appeared Rachel E. Smith, and acknowledged execution of the above and foregoing Quitclaim Deed to be her free and voluntary act and will for the purposes expressed therein.

WITNESS my hand and seal this 16th day of January, 2013.



[Signature]
Notary Public

Tiffany L. Ennen
Printed Name

My Commission Expires:

8.1.18

County of Residence

Sullivan

SEND TAX STATEMENTS TO:

Ronald E. Smith
3518 Buckeye St.
Terre Haute, IN 47803

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law.

[Signature]
Robert D. McMahan
Attorney at Law

THIS INSTRUMENT PREPARED BY ROBERT D. MCMAHAN, MCMAHAN LAW FIRM, 1360 OHIO STREET, P.O. BOX 3105, TERRE HAUTE, INDIANA 47803, TELEPHONE NUMBER (812) 235-2800.



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

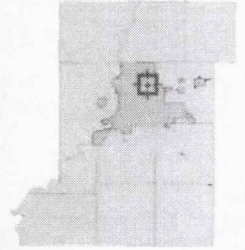
Parcel ID	84-06-13-105-001.000-002	Alternate ID	84-06-13-105-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res 1 fam dwelling platted lot		3518 Buckeye St
Property Address	3518 BUCKEYE ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B OF 3A TAKEN FOR CREEK 2003032623 D 444/1428 13-12-9 1- (Note: Not to be used on legal documents)				

Date created: 10/6/2023
Last Data Uploaded: 10/6/2023 7:54:40 AM

Developed by Schneider
GEO SPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

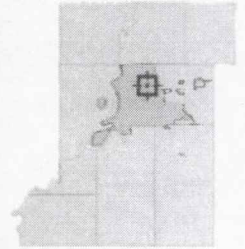
Parcel ID	84-06-13-105-001.000-002	Alternate ID	84-06-13-105-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res 1 fam dwelling platted lot		3518 Buckeye St
Property Address	3518 BUCKEYE ST TERRE HAUTE	Acres	n/a		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B OF 3A TAKEN FOR CREEK 2003032623 D 444/1428 13-12-9 1- (Note: Not to be used on legal documents)				

Date created: 10/5/2023
Last Data Uploaded: 10/5/2023 7:40:53 AM

Developed by Schneider
GEOSPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

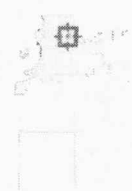
Parcel ID	84-06-13-152-001.000-002	Alternate ID	84-06-13-152-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res Vacant platted lot		3518 Buckeye St
Property Address	921 N 36TH ST	Acreage	0.49		Terre Haute, IN 47803
	TERRE HAUTE				
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B				
	D-439/1344 13-12-9 LOT 7 .490 AC				
	(Note: Not to be used on legal documents)				

Date created: 10/5/2023
 Last Data Uploaded: 10/5/2023 7:40:53 AM

Developed by Schneider
 GEOSPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-13-152-001.000-002	Alternate ID	84-06-13-152-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res Vacant platted lot		3518 Buckeye St
Property Address	921 N 36TH ST TERRE HAUTE	Acreage	0.49		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B D-439/1344 13-12-9 LOT 7 .490 AC (Note: Not to be used on legal documents)				

Date created: 10/6/2023
Last Data Uploaded: 10/6/2023 7:54:40 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

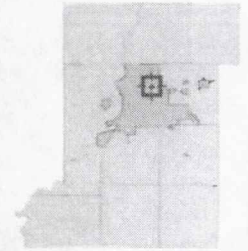
Parcel ID	84-06-13-105-001.000-002	Alternate ID	84-06-13-105-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res 1 fam dwelling platted lot		3518 Buckeye St
Property Address	3518 BUCKEYE ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B OF 3A TAKEN FOR CREEK 2003032623 D 444/1428 13-12-9 1- (Note: Not to be used on legal documents)				

Date created: 10/6/2023
Last Data Uploaded: 10/6/2023 7:54:40 AM

Developed by Schneider
GEOSPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

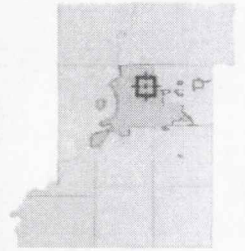
Parcel ID	84-06-13-105-001.000-002	Alternate ID	84-06-13-105-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res 1 fam dwelling platted lot		3518 Buckeye St
Property Address	3518 BUCKEYE ST	Acreage	n/a		Terre Haute, IN 47803
	TERRE HAUTE				
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B OF 3A TAKEN FOR CREEK 2003032623 D 444/1428 13-12-9 1-				
	(Note: Not to be used on legal documents)				

Date created: 10/5/2023
Last Data Uploaded: 10/5/2023 7:40:53 AM

Developed by Schneider
GEOSPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines
- Rights-of-Way
- 2022 Sales

Parcel ID	84-06-13-152-001.000-002	Alternate ID	84-06-13-152-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res Vacant platted lot		3518 Buckeye St
Property Address	921 N 36TH ST	Acreage	0.49		Terre Haute, IN 47803
	TERRE HAUTE				
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B				
	D-439/1344 13-12-9 LOT 7.490 AC				
	(Note: Not to be used on legal documents)				

Date created: 10/5/2023
 Last Data Uploaded: 10/5/2023 7:40:53 AM

Developed by Schneider
 GEOSPATIAL



Receipt of Payment

The following was paid to the City of Terre Haute Controller's Office

Date 10/30/23
Name RONALD E. SMITH
Reason REZONING - \$ 45.00
3518 BUCKEYE St.
TERRE HAUTE, IN 47803

Cash 45.00
Check D. 00 Ck# _____
Credit D. 00
Total 45.00

Received By Louise [initials]

TERRE HAUTE, IN
PAID
OCT 30 2023



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: December 7, 2023

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 45-23

CERTIFICATION DATE: December 6, 2023

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 45-23. This Ordinance is a rezoning of 3518 Buckeye Street and 921 N. 36th Street, Terre Haute, IN. Parcel numbers 84-06-13-105-001.000-002/84-06-13-152-001.000-002. The Petitioner, Ronald Smith, petitions the Plan Commission to rezone said residential house, farm animals from zoning classification R-1 to O-1, Agricultural District.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 45-23 at a public meeting and hearing held Wednesday, December 6, 2023. Remonstrators were present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 45-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 45-23 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 42-23 was UNFAVORABLE.

A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 7th day of December, 2023

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-23
Date: December 2023

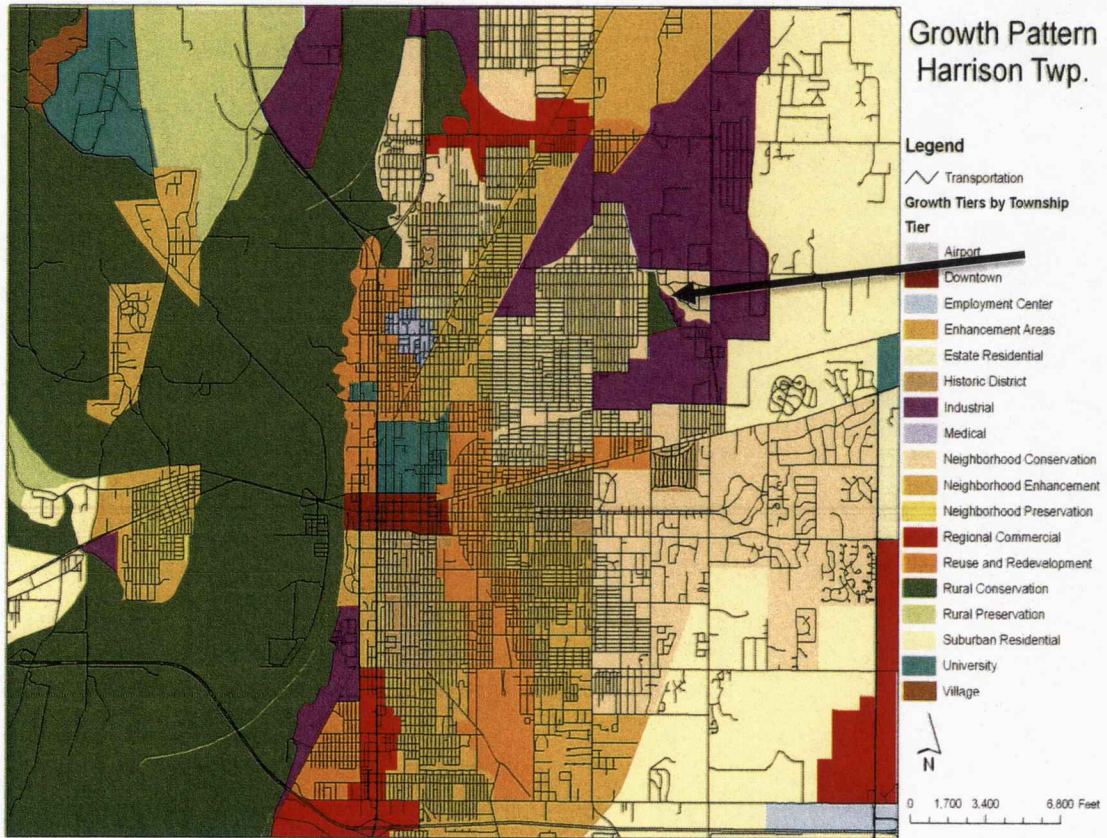
Doc: # 97
Page 1 of 3

APPLICATION INFORMATION

Property Owner: Ronald E. Smith
Proposed Use: Residential house, farm animals (including but not limited to goats)
Proposed Zoning: O-1, Agricultural District
Current Zoning: R-1, Single Family Residential District
Location: The properties are located on Buckeye Street and N. 36th Street and abutting Lost Creek.
Common Address: 3518 Buckeye Street & N. 36th Street, Terre Haute, IN 47803/
84-06-13-105-001.000-002/84-06-13-152-001.000-002/
Fruitridge Acres SEC B Lot 1 & Lot 7

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-23

Doc: # 97

Date: December 2023

Page 2 of 3

Industrial Areas

Industrial Areas shown on the Growth Pattern maps incorporate existing or planned industrial parks and industrial facilities. Allocation of additional land for future development of industrial facilities is also shown. Areas appropriate for industrial use include large, uninterrupted tracts of level land with few environmental constraints and with excellent highway and arterial access. The plan, in general, accommodates expansion of existing industries.

Available Services: Area should be well served by utilities.

Dev. Priority: There is a low development priority in this area.

ZONING COMPATIBILITY

Sur. Zones and Uses:**North** – R-1
East – R-1
South – R-1
West – M-2

ZONING REGULATIONS

Uses, Permitted: O-1- Agricultural.

The Agricultural District includes that large area of land which is predominately either general farming, residential farming, or farm land undergoing a change into suburban usage. It does not include new subdivisions but only suburban homes that are scattered or exist in small clusters. c. Uses Permitted - O-1 Agricultural. (1) Agricultural uses, including nurseries and truck gardens. (2) Any use, special or permitted, in an R-1 District. (3) Farm animals. (4) Orchards. (5) Clubs or lodges. (6) Home Occupations. (7) Kennels. (8) Mobile Homes, (Trailer) Park District as provided for in Sec. 10-180 e. (9) Private, outdoor, and public recreation facilities (non-commercial). (10) Signs. (11) Tourist Home. (12) Heliports. (13) Airports. (Ord. No. 1, 1967, § 1137.01, 7-6-67)

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-23

Doc: # 97

Date: December 2023

Page 3 of 3

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone to O-1, Agricultural, in order to have a residential home as well as farm animals. The petitioner has stated that they currently have Nigerian Dwarf, Pygmy, Saneen, Alpine, and Fainting Goats. The petition did reference to possibly having other animals (the proposed use was stated as “including, but not limited to goats”. The parcels requested have approximately 0.49 ac (3518 Buckeye St) and 2.25 ac (921 N 36th St).

The petition is the result of a Code Enforcement violation. City Code prohibits agricultural animals within city limits. Code Enforcement did not have any additional information to provide when contacted.

This could be considered spot zoning. A spot zoning exists if:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Lost Creek borders both parcels. Permits from the Indiana Department of Natural Resources are required for any fencing or development that occurs in the regulatory floodway.

Recommendation:

The Department of Engineering provided an unfavorable recommendation, but did not provide further explanation. Staff defers to the recommendation of the Department of Engineering.



CITY OF
TERRE HAUTE
ENGINEERING
DEPARTMENT

City Hall
17 Harding Avenue, Room 200
Terre Haute, IN 47807
Phone: 812.244.4903
www.terrehaute.in.gov

MARCUS MAURER, P.E.
CITY ENGINEER

MEMORANDUM

TO: Sydney Shahar
Vigo County Area Planning Department

FROM: Josey Daugherty
Assistant City Engineer

DATE: November 16, 2023

RE: **Special Ordinance No. 45-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Ronald Smith for the following:

- Rezoning of 3518 Buckeye Street from R-1 Single Family Residential to O-1 Agricultural.

The intent of this rezoning is to allow for farm animals on the property. The parcels surrounding this property are zoned R-1 to the north, south and east and M-2 to the west. The current property is currently zoned R-1 and City Code prohibits agricultural animals within the city limits.

The Department of Engineering offers a negative recommendation for this rezoning.



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 45

COMMON ADDRESS OF LOTS TO BE REZONED:

3518 Buckeye Street, Terre Haute, IN 47803
921 N 36th St, Terre Haute, IN 47803

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Current Zoning: R-1, Single Family Residential

Requested Zoning: O-1, Agricultural

Proposed Use: Residential, house farms animals (including but not limited to goats)

Name of Owner: Ronald E Smith

Address of Owner: 3518 Buckeye St, Terre Haute, IN 47803

Phone Number of Owner: 812-240-1045

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Ronald E Smith

Council Sponsor: Cheryl Loudermilk

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

OCT 30 2023

CITY CLERK

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 45, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LOT 1, IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 9 WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDER'S OFFICE OF VIGO COUNTY, IN.

SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

LOT FOUR (4), LOT FIVE (5), LOT SIX (6) AND LOT SEVEN (7) IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDS IN THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Commonly known as: 3518 Buckeye Street, 921 N 36th St, Terre Haute, IN 47803

Be and the same is hereby established as O-1 Agricultural, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, _____ **Cheryl Loudermilk**

Passed in Open Council this _____ day of _____, 20____.

Curtis DeBaun IV-President

ATTEST: _____

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 20__.

Michelle Edwards, City Clerk

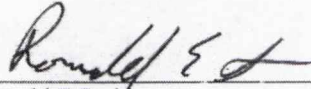
Approved by me, the Mayor, this _____ day of _____, 20__.

Duke A Bennett, Mayor

ATTEST: _____
Michelle Edwards, City Clerk

This instrument prepared by: Ronald E Smith, 3518 Buckeye Street, Terre Haute, IN 47803,
812-240-1045.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Ronald E Smith

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Ronald E Smith, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

LOT 1, IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 9 WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDER'S OFFICE OF VIGO COUNTY, IN.

SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

LOT FOUR (4), LOT FIVE (5), LOT SIX (6) AND LOT SEVEN (7) IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDS IN THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Commonly known as: 3518 Buckeye Street, 921 N 36th St, Terre Haute, IN 47803.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1, Single Family Residential**.

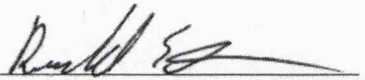
Your petitioner would respectfully state that the real estate is now a house, and **vacant lots**. Your petitioner intends to use the real estate for residential, as well as **house farms animals, including but not limited to goats**.

Your petitioner would request that the real estate described herein shall be zoned as a O-1 Agricultural. Your petitioner would allege that the O-1 Agricultural, would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **O-1 Agricultural**, of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 29 day of October, 2020.

BY: 
Ronald E Smith

PETITIONER: **Ronald E Smith, 3518 Buckeye St, Terre Haute, IN 47803**

This instrument was prepared by **Ronald E Smith, 3518 Buckeye St, Terre Haute, IN 47803**
812-240-1045

AFFIDAVIT OF:

COMES NOW affiant Ronald E Smith

and affirms under penalty of law that affiant is the owner of record of the property located at 3518 Buckeye Street and 921 N 36th Street, Terre Haute, IN 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Ronald E Smith

SIGNATURE: *Ronald E Smith*

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Vigo, IN

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

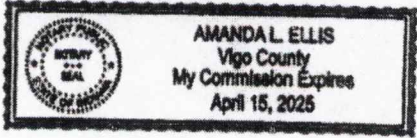
WITNESS my hand and notarial seal, this 29th day of October, 2023.

Notary Public: *Amanda L. Smith*

Amanda L. Ellis
[Typed name]

My Commission Expires: 4/15/25

My County Of Residence: Vigo

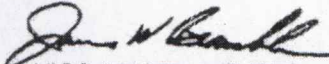


DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

32623

OCT 23 2003

RAYMOND WATTS
VIGO County Recorder IN
IN 2003032623 WD
10/23/2003 09:41:43 1 PGS
Filing Fee: \$14.00


VIGO COUNTY AUDITOR

WARRANTY DEED

90320008903

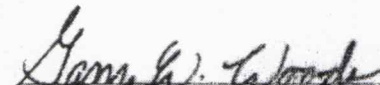
THIS INDENTURE WITNESSETH, THAT Garry Woods and Brian Woods, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, convey and warrant unto Ronald E. Smith, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

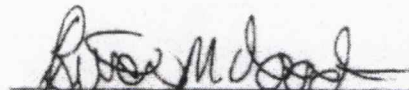
Lot 1, in Section B, Fruitridge Acres, a Subdivision in the West half of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, page 20, of the records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate

Subject to taxes prorated to the date hereof

IN WITNESS WHEREOF the above referred to Garry Woods and Brian Woods have hereunto set their hands and seals, this 20TH day of OCTOBER, 2003

 (SEAL)
Garry Woods

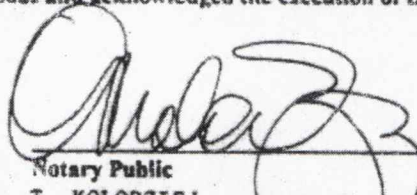
 (SEAL)
Brian Woods

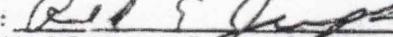
STATE OF INDIANA, VIGO COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 20TH day of OCTOBER, 2003, personally appeared Garry Woods and Brian Woods and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:
JANUARY 22, 2010
My County of residence is:
VIGO


Notary Public
L. KOLODZIEL
Typewritten or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: 
Ronald E. Jumps, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 111 Wabash Avenue, Terre Haute, IN 47807
In preparing this instrument, Preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 3518 BUCKEYE STREET, TERRE HAUTE, IN 47803

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2013002527 00 \$18.00
02/08/2013 10:49:19A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

FEB 08 2013

Timothy M. [Signature]
VIGO COUNTY AUDITOR

QUITCLAIM DEED

Rachel E. Smith, surviving spouse of Larry J. Smith, deceased on July 26, 2010, hereby conveys and quitclaims to Ronald E. Smith, her interest in the following described real estate situated in Vigo County, State of Indiana, more particularly described as follows, to-wit:

Lot Four (4), Lot Five (5), Lot Six (6) and Lot (7) in Section B, Fruitridge Acres, a Subdivision in the West Half of Section Thirteen (13), Township Twelve (12) North, Range Nine (9) West, as per recorded plat in Plat Record 15, Page 20, of the records in the Recorder's Office of Vigo county, Indiana

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid.

16th IN WITNESS WHEREOF, said Rachel E. Smith hereunto set her hand and seal this day of January, 2013.

Rachel E. Smith
Rachel E. Smith

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN to before me, the undersigned, a Notary Public in and for said County and State, personally appeared Rachel E. Smith, and acknowledged execution of the above and foregoing Quitclaim Deed to be her free and voluntary act and will for the purposes expressed therein.

WITNESS my hand and seal this 16th day of January, 2013.



Tiffany L. Ennen
Notary Public
Tiffany L. Ennen
Printed Name

My Commission Expires:
8.1.18

County of Residence
Sullivan

SEND TAX STATEMENTS TO:

Ronald E. Smith
3518 Buckeye St.
Terre Haute, IN 47803

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law.

Robert D. McMahan
Robert D. McMahan
Attorney at Law

THIS INSTRUMENT PREPARED BY ROBERT D. MCMAHAN, MCMAHAN LAW FIRM, 1360 OHIO STREET, P.O. BOX 3105, TERRE HAUTE, INDIANA 47803, TELEPHONE NUMBER (812) 235-2800.

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-13-105-001.000-002	Alternate ID	84-06-13-105-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res 1 fam dwelling platted lot		3518 Buckeye St
Property Address	3518 BUCKEYE ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B OF 3A TAKEN FOR CREEK 2003032623 D 444/1428 13-12-9 1- (Note: Not to be used on legal documents)				

Date created: 10/6/2023
Last Data Uploaded: 10/6/2023 7:54:40 AM

Developed by Schneider
GEO SPATIAL



Overview



Legend

- Corporate Limits
- Political Townships
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2022 Sales

Parcel ID	84-06-13-152-001.000-002	Alternate ID	84-06-13-152-001.000-002	Owner Address	Smith Ronald E
Sec/Twp/Rng	13	Class	Res Vacant platted lot		3518 Buckeye St
Property Address	921 N 36TH ST TERRE HAUTE	Acreege	0.49		Terre Haute, IN 47803
Neighborhood	118514 - HARRISON				
District	002 HARRISON				
Brief Tax Description	FRUITRIDGE ACRES SEC B D-439/1344 13-12-9 LOT 7 .490 AC (Note: Not to be used on legal documents)				

Date created: 10/6/2023
Last Data Uploaded: 10/6/2023 7:54:40 AM

Developed by Schneider
GEOSPATIAL



Receipt of Payment

The following was paid to the City of Terre Haute Controller's Office

Date 10/30/23
Name RONALD E. SMITH
Reason REZONING - \$ 45.00
3518 BUCKBROOK St.
TERRE HAUTE, IN 47803

Cash 45.00
Check 0.00 Ck# _____
Credit 0.00
Total 45.00

Received By LOUIG / ms

TERRE HAUTE, IN
PAID
OCT 30 2023

Docket #97 SO #45-23

3518 Buckeye St

