

APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 12

COMMON ADDRESS OF LOTS TO BE REZONED:
2920 and 2930 Fenwood Avenue
Parcel 84-06-23-230-004.000-002 and 84-06-23-230-006.000-002
Current Zoning: M-2 Heavy Industrial District
Requested Zoning: R-1 Single Family Residence District
Proposed Use: Single Family Residence Home
Name of Owner: Anita Webb, John Halter and Casey Halter
Address of Owner: _2920 and 2930 Fenwood Avenue
Phone Number of Owner: (812) 208-6881
Attorney Representing Owner (if any): N/A
Address of Attorney: N/A
Phone Number of Attorney: N/A_
For Information Contact: Anita Webb
Council Sponsor: Cheryl Loudermilk

*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION

JUN 1 2 2024

SPECIAL ORDINANCE NO. 12, 2024

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number One Hundred Sixty-seven (167) in Schaal's Subdivision of a part of the North half (1/2) of the Northeast Quarter (1/4) of Section 23, Township 12 North of Range 9 West, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 10, Page 30.

Commonly known as 2920 Fenwood Avenue, Terre Haute, Indiana 47803

Lot Number 169 in Schaal's Second Subdivision of a part of the North ½ of the North East ¼ of Section 23-12-9 as per recorded plat of the same recorded in the Recorder's office of Vigo County, Ind., in Plat Record 10, Page 30.

Commonly known as 2930 Fenwood Avenue, Terre Haute, Indiana 47803

be and the same is, hereby established as a **R-1 Single Family Residence District** together with all rights and privileges that may inure 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 except as specifically authorized under the terms of this ordinance.

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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, Cheryl Loudermilk, Councilperson

Passed in open Council this day of Agust, 2024.

Tammy Boland, President

ATTEST:	V
Michelle L. Edwards, City Clerk	
Presented to me the Mayor of the City of Terre 2024 at 6.58p.m., o'clock.	Haute, this <u>the</u> day of August,
	Michelle L. Edwards, City Clerk
Approved by me, the Mayor of the City of Terr 2024.	e Haute, this Man day of August,
ATTEST:	Brandon C. Sakbun, Mayor
Michelle L. Edwards, City Clerk	<u> </u>

This instrument prepared by Anita Webb, 1132 S Wild Rose Pl, West Terre Haute, Indiana 47885

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.

Anita Webb

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, Anita Webb, John Halter and Casey Halter respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number One Hundred Sixty-seven (167) in Schaal's Subdivision of a part of the North half (1/2) of the Northeast Quarter (1/4) of Section 23, Township 12 North of Range 9 West, as per recorded plat of the same recorded in the Recorder's Office of Vigo County, Indiana, in Plat Record 10, Page 30.

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Commonly known as 2930 Fenwood Avenue, Terre Haute, Indiana 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 M-2 Heavy Industrial District.

Your petitioner would respectfully state that the real estate is now single family residence. Your petitioner intends to continue to use the real estate as a single family residence.

Your petitioner would request that the real estate described herein shall be zoned as a R-1 Single Family Residence District. Your petitioner would allege that the Single Family Residence District 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 R-1 Single Family Residence District 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 WITNESS WHEREOF, This petition has been duly executed thi	s lath	day of
JUNE , 2024.		

BY: Anita Webb

John Halter

BY:

Casey Halter

PETITIONER: Anita Webb, John Halter, and Casey Halter, 2920 and 2930 Fenwood Avenue, Terre Haute, IN 47803

This instrument prepared by Anita Webb, 1132 S Wild Rose Pl, West Terre Haute, Indiana 47885

COMES NOW affiant, Casey Halter, and affirms under penalty of law that affiant is the owner of record of the property located at 2920 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE: Casey Halter

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Notary Public:

Personally appeared before me, a Notary Public in and for said County and State, Casey Halter, who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 5 day of MARCH, 2024.

My Commission Expires

My County Of Residence:

COMES NOW affiant, John Halter, and affirms under penalty of law that affiant is the owner of record of the property located at 2920 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE:

ohn Halter

STATE OF INDIANA)	
)	SS:
COUNTY OF VIGO)	

Personally appeared before me, a Notary Public in and for said County and State, John Halter, who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and notarial seal; this 5 day of MARCY, 2024.

My Commission Expires NA// 130/2026

My County Of Residence: 1/66

COMES NOW affiant, Anita Webb, and affirms under penalty of law that affiant is the owner of record of the property located at 2930 Fenwood Avenue and 2920 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE: Anita Webb

STATE OF INDIANA)

SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Anita Webb, who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and notation seal, this 5 day of MARCH, 2034.

My Commission Expires: 4/30/2826

My County Of Residence: VI60



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: August 8, 2024

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL ORDINANCE NUMBER 12-24

CERTIFICATION DATE: August 7, 2024

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. 12-24. This Ordinance is a rezoning of property located at 2920 and 2930 Fenwood Avenue, Terre Haute, IN. Parcel numbers 84-06-23-230-004.000-002/006. The Petitioners, Anita Webb, John and Casey Halter petitions the Plan Commission to rezone said single family home from zoning classification M-2 to R-1 Single Family 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. 12-24 at a public meeting and hearing held Wednesday, August 7, 2024. Remonstrators were not 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. 12-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-24 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. 12-24 was FAVORABLE with the following conditions: 1) Setback and buffering waiver to be recorded with the deed or title 2) Variance from the minimum lot size requirement through the BZA.

SEAL

Jared Bayler Executive Director

Norm Froderman, APC Secretary

Received this 8th day of August, 2024

STAFF REVIEW - CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 12-24 Doc: # 53 Date: August 2024 Page 1 of 4

APPLICATION INFORMATION

Property Owner:

Anita Webb, John Halter & Casey Halter

Proposed Use:

Single Family Residence Home

Proposed Zoning:

R-1, Single Family Residence District

Current Zoning:

M-2, Heavy Industrial District

Location:

The properties are on the north side of Fenwood Avenue approximately 128 ft. & 76 ft. west of the intersection of

Fenwood Avenue and Ashland Avenue.

Common Address:

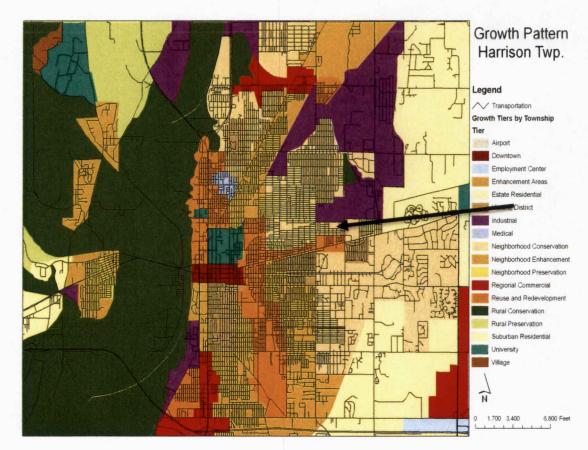
2920~&~2930 Fenwood Avenue, Terre Haute, IN 47803/ 84-06-

23-230-004.000-002 & 006/Schaals 2nd Sub Lots 167 & 169

COMPREHENSIVE PLAN GUIDANCE

Service Area:

The City of Terre Haute



STAFF REVIEW - CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 12-24 Doc: # 53 Date: August 2024 Page 2 of 4

Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along the frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward "drive-by" markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multipurpose shopping. These single-purpose ores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles, and related activities are special-purpose region-serving activities. They require a large site with good visibility. Finally, commercial areas include a range of neighborhood-level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community-serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of a commercial-oriented structure should be limited to retail activities
 that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial "strips" i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of these commercial "strips" should be limited to the provision of additional space to ensure compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Dev. Priority: There is a low development priority in this area. The focus should remain on stability and reinvestment in the neighborhood.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 12-24 Date: August 2024 Doc: # 53 Page 3 of 4

ZONING COMPATIBILITY

Sur. Zones and Uses: North - M-2

East - M-2 South - R-1

West -R-1

ZONING REGULATIONS

Uses, Permitted - R-l Single-Family Residence District.

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. b., 7-6-67)
- (8) Child Care.
- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)
 - (A) Unlicensed Child Care.

An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.

(B) Licensed Child Care

An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide childcare services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their children, at any one time.

(C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply with Subsections (a) and (b) above.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 12-24 Doc: # 53 Date: August 2024 Page 4 of 4

- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic field's incidental thereto.
- (12) Signs, as regulated by Sec. 10-141 and Table 5.
- (13) Temporary buildings and trailers for construction purposes, for a period not to exceed the lawful duration of such construction.
- (14) Accessory uses.
- (15) A private outdoor swimming pool, fully enclosed by a barrier fence five feet (5') high or an equivalent barrier.
- (16) Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98)
- (17) Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98)

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner is requesting to rezone the property from M-2, Heavy Industrial District to R-1, Single Family Residence District. The property was originally zoned M-2 due to the proximity of the property owned by Public Service Co of Indiana Inc. (Duke Energy).

We have seen the same issue many times in the past area with homes in this area. Several homes surrounding the Duke Energy property are zoned M-2 despite being single-family homes. The lots have only been utilized as a single-family home.

The properties do not meet the City Code for minimum lot size for a single-family home (6600 sq. ft. requirement). The property owner will need to request a variance for minimum lot size for both lots.

Because the surrounding properties are still zoned M-2, the property owner must agree to waive any buffering requirements to surrounding M-2 zoned properties. The waiver must be in writing and attached to the deed or title.

Recommendation: The Department of Engineering offered a favorable recommendation. Staff also offers a Favorable Recommendation for this petition with the following conditions:

- 1. Setback and buffering waiver to be recorded with the deed or title.
- 2. Variance from the minimum lot size requirement through the BZA.



CITY OF

TERRE HAUTE ENGINEERING DEPARTMENT **MEMORANDUM**

TO:

Sydney Shahar

Vigo County Area Planning Department

City Hall

17 Harding Avenue, Room 200

Terre Haute, IN 47807 Phone: 812.244.4903 FROM: Jason Holler

Lead Building Inspector

Phone: 812.244.4903 www.terrehaute.in.gov

DATE:

July 10, 2024

MARCUS MAURER, P.E.

CITY ENGINEER

RE:

2920 & 2930 Fenwood Ave

As requested by Area Planning, the Department of Engineering has reviewed the property located at 2920 & 2930 Fenwood Ave:

 Rezoning of 2920 & 2930 Fenwood Ave from M-2 Heavy Industrial to an R-1 Single Family Residence District.

The parcels surrounding this property are zoned M-2 to the North, to the south zoned R-1 and to the east and west they are Single Family homes and zoned M-2. The intended use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

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



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SPECIAL ORDINANCE NO. 12

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Phone Number of Owner: (812) 208-6881		
Attorney Representing Owner (if any): N/A		
Address of Attorney: N/A		
Phone Number of Attorney: N/A		
For Information Contact: Anita Webb		
Council Sponsor: Cheryl Loudermilk		

*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION

JUN 1 2 2024

SPECIAL ORDINANCE NO. 12, 2024

CITY CLERK

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BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

<u>SECTION I</u>. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

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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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member,		
_	Cheryl Loudermilk,	Councilperson
Passed in open Council this	day of	, 2024.

ATTEST:	Tammy Boland, President
Michelle L. Edwards, City Clerk	
Presented to me the Mayor of the City of	Terre Haute, this day of,
2024 at o'clock.	
	Michelle L. Edwards, City Clerk
Approved by me, the Mayor of the City of 2024.	of Terre Haute, this day of,
ATTEST:	Brandon C. Sakbun, Mayor
Michelle L. Edwards, City Clerk	
This instrument prepared by Anita Webb, 47885	, 1132 S Wild Rose Pl, West Terre Haute, Indiana
I affirm, under the penalties for perjury, the security number in this document, unless	hat I have taken reasonable care to redact each social required by law.
	Anita Webb

BY: Anita Webb

John Halter

BY:

Casey Halter

PETITIONER: Anita Webb, John Halter, and Casey Halter, 2920 and 2930 Fenwood Avenue, Terre Haute, IN 47803

This instrument prepared by Anita Webb, 1132 S Wild Rose Pl, West Terre Haute, Indiana 47885

COMES NOW affiant, John Halter, and affirms under penalty of law that affiant is the owner of record of the property located at 2920 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

SIGNATURE:

John Halter

STATE OF INDIANA)

SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, John Halter, who acknowledges the execution of the above and foregoing, after being duly sworn upon their oath and after having read this Affidavit.

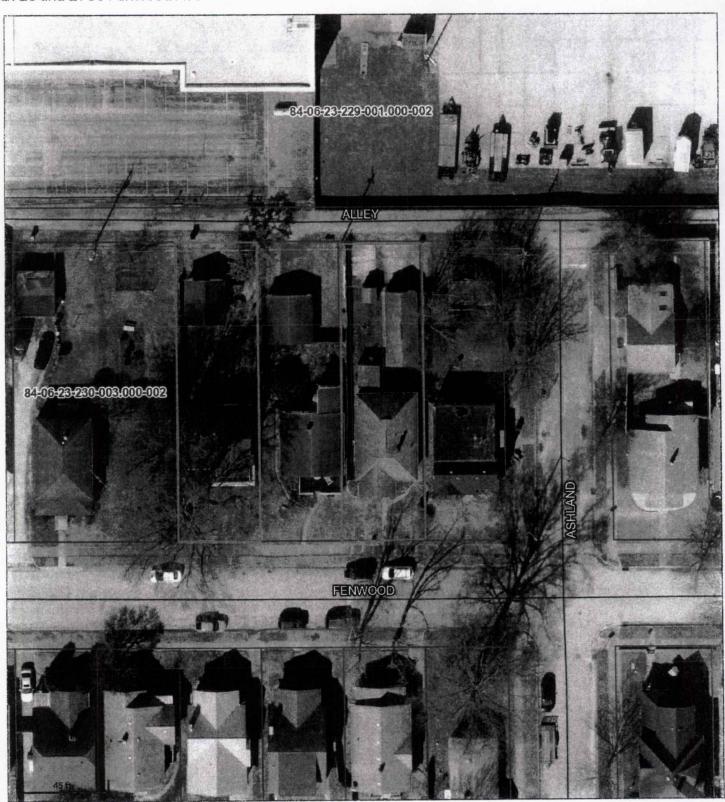
WITNESS my hand and notarial seal, this 5 day of MARCY, 2024.

My Commission Expire

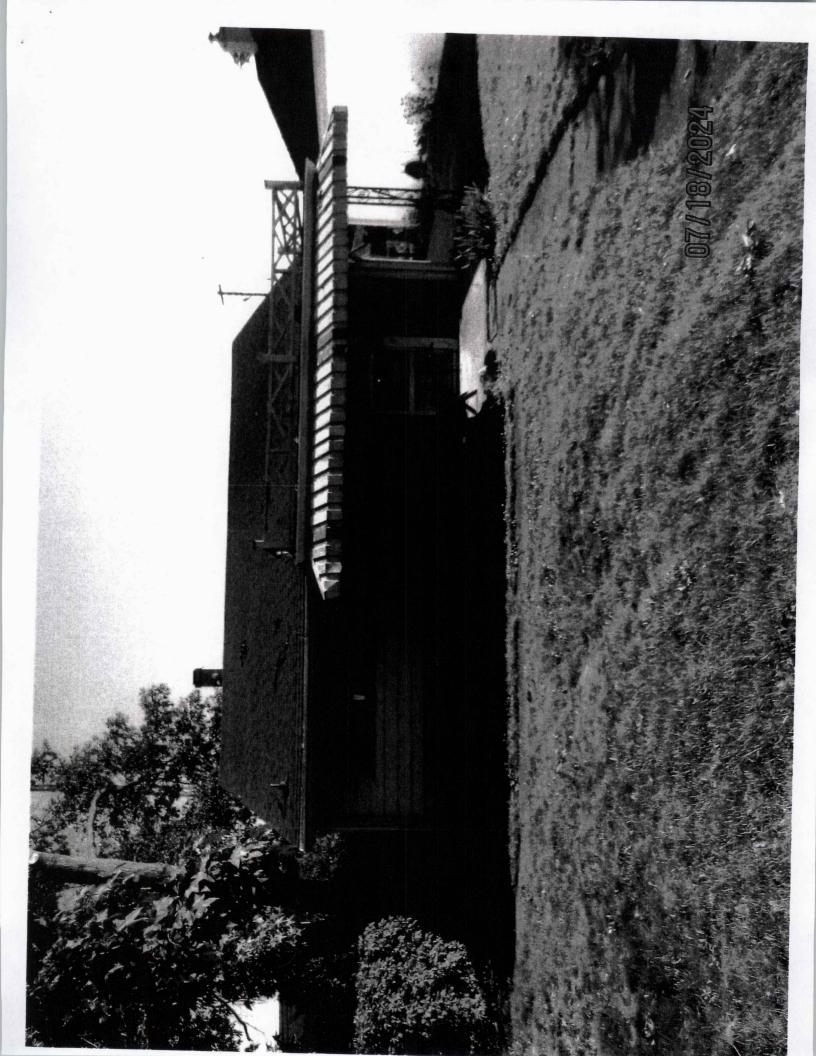
My County Of Residence:

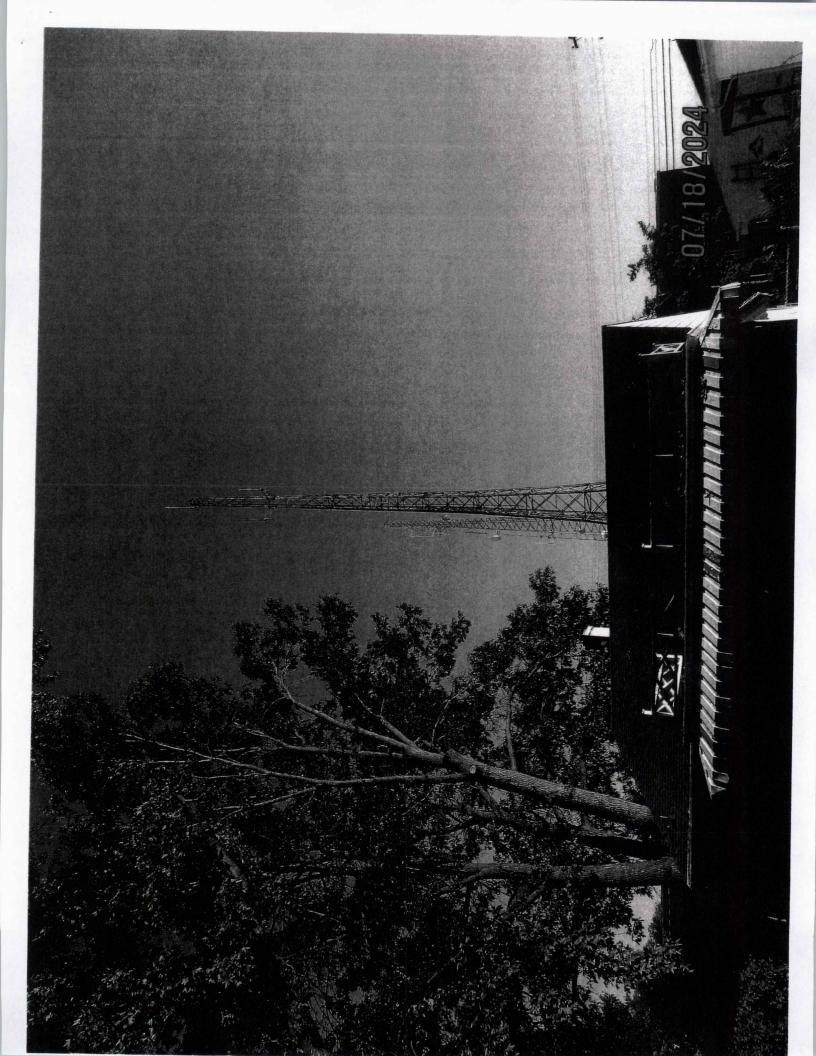
Beacon Vigo County, IN / City of Terre Haute

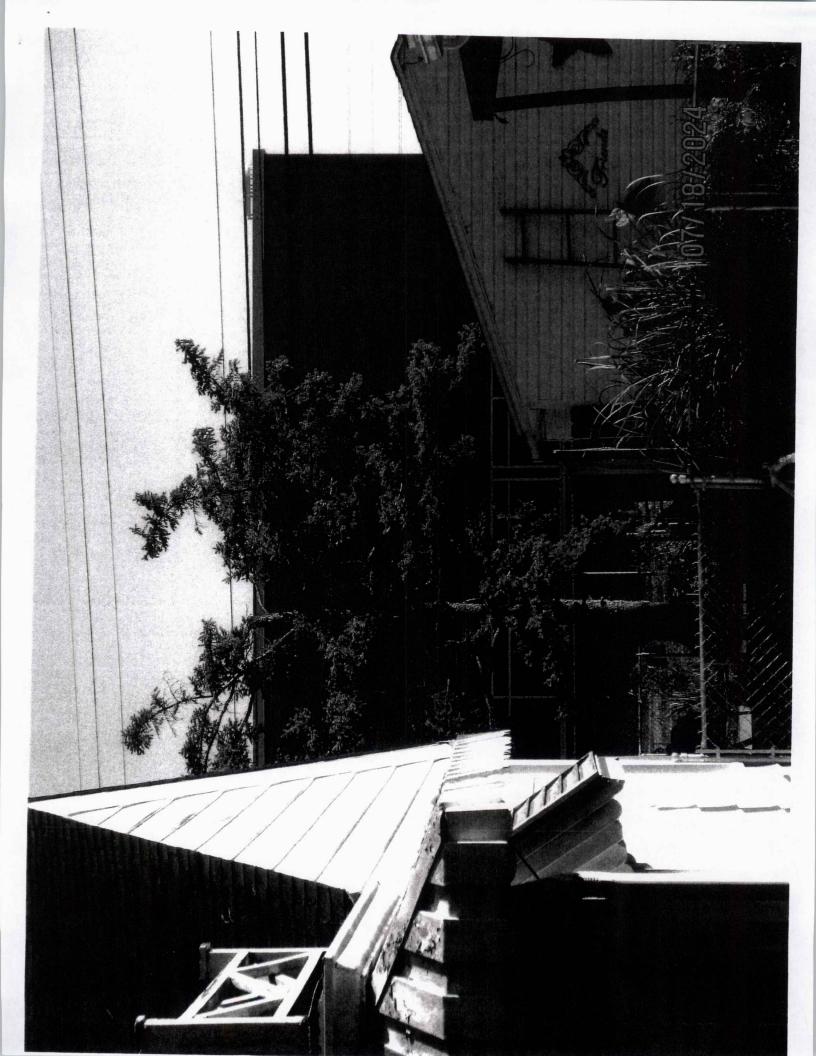
Docket #53 SO #12-24 2920 and 2930 Fenwood Ave



2920 07/18/2024







<u>07/18/2024</u> 5930

