

WITHDRAWN

SPECIAL ORDINANCE NO. 12, 2025

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

=====

Common Address of lots to be rezoned:
1011 Maple Ave., Terre Haute, IN 47804
Parcel # : 84-06-15-104-003.000-002

=====

Rezoned From: R-2 Two Family Residence District

Rezoned To: R-3 General Residence District

Proposed Use: 3 Unit Triplex

Name of Owners: Christopher Dailey and Kathleen M. Dailey

Address of Owners: 111 Woodridge
Terre Haute, IN 47803

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Jim Chalos

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 05 2025

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2025**

CITY CLERK

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

SECTION I. 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:

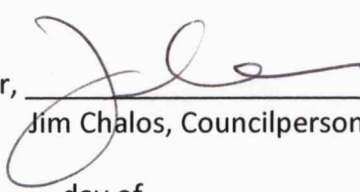
Lot Number Fifteen (15) in Indiana Lammert's Subdivision of part of Lots 12-13 and 14 of Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Parcel No.: 84-06-15-104-003.000-002
Commonly Known as 1011 Maple Ave., Terre Haute, IN 47804

Be and the same is hereby established as an R-3 General Residence District, 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, _____


Jim Chalos, Councilperson

Passed in open Council this _____ day of _____, 2025.

Todd Nation, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this _____ day of _____, 2025.

At _____ o'clock

Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2025.

Brandon Sakbun, Mayor

ATTEST:

Michelle Edwards, City Clerk

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.



Richard J. Shagley II

This instrument was prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

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 GENTLEMEN:

The undersigned, Christopher Dailey, 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 Fifteen (15) in Indiana Lammert's Subdivision of part of Lots 12-13 and 14 of Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Parcel No.: 84-06-15-104-003.000-002
Commonly Known as 1011 Maple Ave., Terre Haute, IN 47804

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-2 Two Family Residence District.

Your Petitioner intends to continue to use this property in its current set up which is a 3 unit apartment house. Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District.

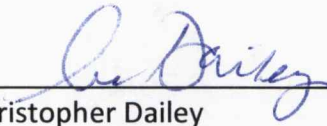
Your Petitioner would allege that the Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is primarily residential in nature.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-3 General 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.

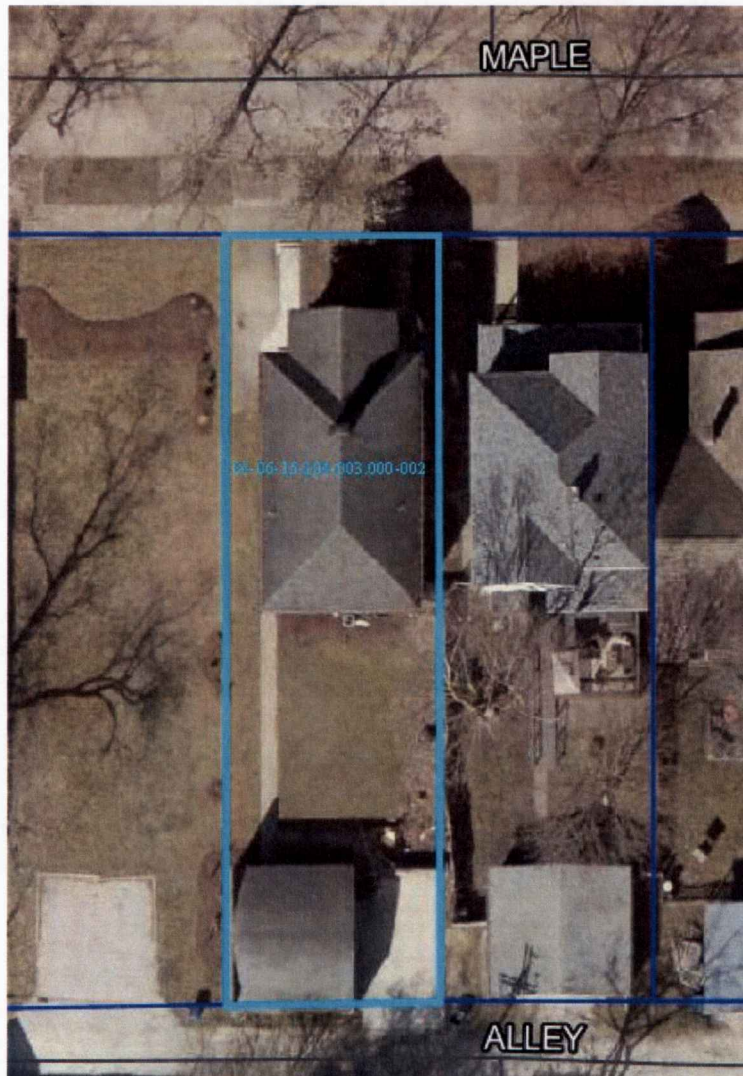
IN WITNESS WHEREOF, This petition has been duly executed this 5th day of March, 2025.

PETITIONERS:

By: 
Christopher Dailey

This instrument was prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. , 2025



1011 Maple Avenue, Terre Haute, IN 47804
Parcel No.: 84-06-15-104-003.000-002

From: R-2 Two Family Residence District

To: R-3 Multifamily Residential District

Proposed use: Continued use as a 3 Unit Triplex

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Christopher Dailey, being duly sworn upon his oath, deposes and says:

1. That Christopher Dailey and Kathleen M. Dailey are the owners of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number Fifteen (15) in Indiana Lammert's Subdivision of part of Lots 12-13 and 14 of Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Parcel No.: 84-06-15-104-003.000-002
Commonly Known as 1011 Maple Ave., Terre Haute, IN 47804

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the purpose of affirming that Christopher Dailey has the authority to petition for the proposed change to the zoning map of the City of Terre Haute, Indiana and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Christopher Dailey.

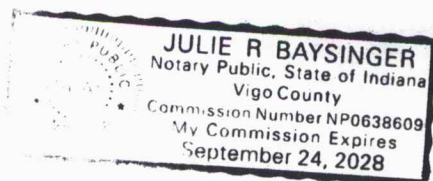
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5 day of March, 2025.

By: *Christopher Dailey*
Christopher Dailey

STATE OF INDIANA) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5th day of March, 2025.




Julie R. Baysinger
Julie R. Baysinger, Notary Public
My Commission expires: 9-24-2028
My County of Residence: Veumilion

This instrument was prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

RAYMOND L. WATTS
VIGO County Recorder IN
IN 2006003982 WD
02/21/2006 11:08:06 2 PGS
Filing Fee: \$16.00

FEB 21 2006


VIGO COUNTY AUDITOR

WARRANTY DEED

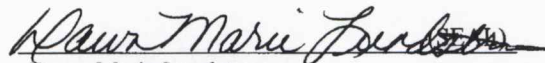
THIS INDENTURE WITNESSETH, THAT Dawn Marie Lundstrom, of Manatee
County, State of Florida, for and in consideration of the sum of One Dollar (\$1.00) and other
good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Conveys and
warrants unto Christopher J. Dailey and Kathleen M. Dailey, husband and wife, of Vigo
County, State of Indiana, the following described real estate located in the County of Vigo,
State of Indiana, to-wit:

- ✓ Lot Number Fifteen (15) in Indiana Lammert's Subdivision of part of Lots 12-13 and 14 of
Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9
West, in Vigo County, Indiana.

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

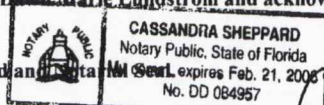
Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Dawn Marie Lundstrom has hereunto set her hand and
seal, this day of February, 2006.


Dawn Marie Lundstrom

STATE OF Florida, Manatee COUNTY, SS:

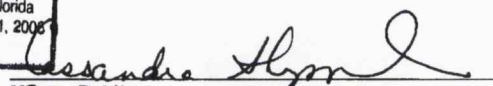
Before me, the undersigned, a Notary Public in and for said county and state, this 13 day of February,
2006, personally appeared Dawn Marie Lundstrom and acknowledged the execution of the annexed Deed to be her voluntary
act and deed.



WITNESS my hand and seal this day of February, 2006.

My Commission Expires: 2-21-06

My County of residence is: Manatee


Notary Public

Cassandra Sheppard
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. Note: In preparing this instrument,
preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 533 Ohio Street, Terre Haute, IN 47808

\\Lawfirm\user\WilliamsD\REALESTA\HENDRICH\LTIC\Dailey\Christopher J & Kathleen M
2/2/2006
dgw

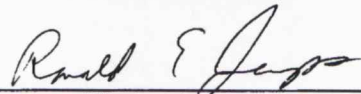
Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



Signature of Declarant

Ronald E. Jumps

Printed Name of Declarant



Receipt of Payment

TERRE HAUTE, IN

PAID

MAR 05 2025

CONTROLLER

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

Date 3/5/25
Name Richard Shagley
Reason Rezoning - 20
Fee - 25

Cash

Check \$45.00

Ck # 074894

Credit

Total \$45.00

Received By EK / J. Mame



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: April 10, 2025

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 12-25

CERTIFICATION DATE: April 9, 2025

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. 12-25. This Ordinance is a rezoning of property located at 1011 Maple Ave., Terre Haute, IN. Parcel number 84-06-15-104-00.000-002. The Petitioner, petitions the Area Plan Commission to rezone said property for use as a triplex, from zoning classification R-2 to R-3 General Residence 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. 12-25 at a public meeting and hearing held Wednesday, April 9, 2025. 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. 12-25 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 12-25 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

At the request of the Petitioner, Special Ordinance No. 12-25 was FAVORABLE, with one opposed, and with the following condition 1) Approved parking plan by the Department of Engineering.



Received this 10th day of April, 2025

A handwritten signature in black ink, appearing to read "Norm B. Froderman".
Norm Froderman, APC Secretary

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

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-25

Doc: #19

Date: April 2025

Page 1 of 4

APPLICATION INFORMATION

Property Owner: Christopher & Kathleen Dailey

Representative: Richard Shagley II

Current Zoning: R-2, Two Family Residence District

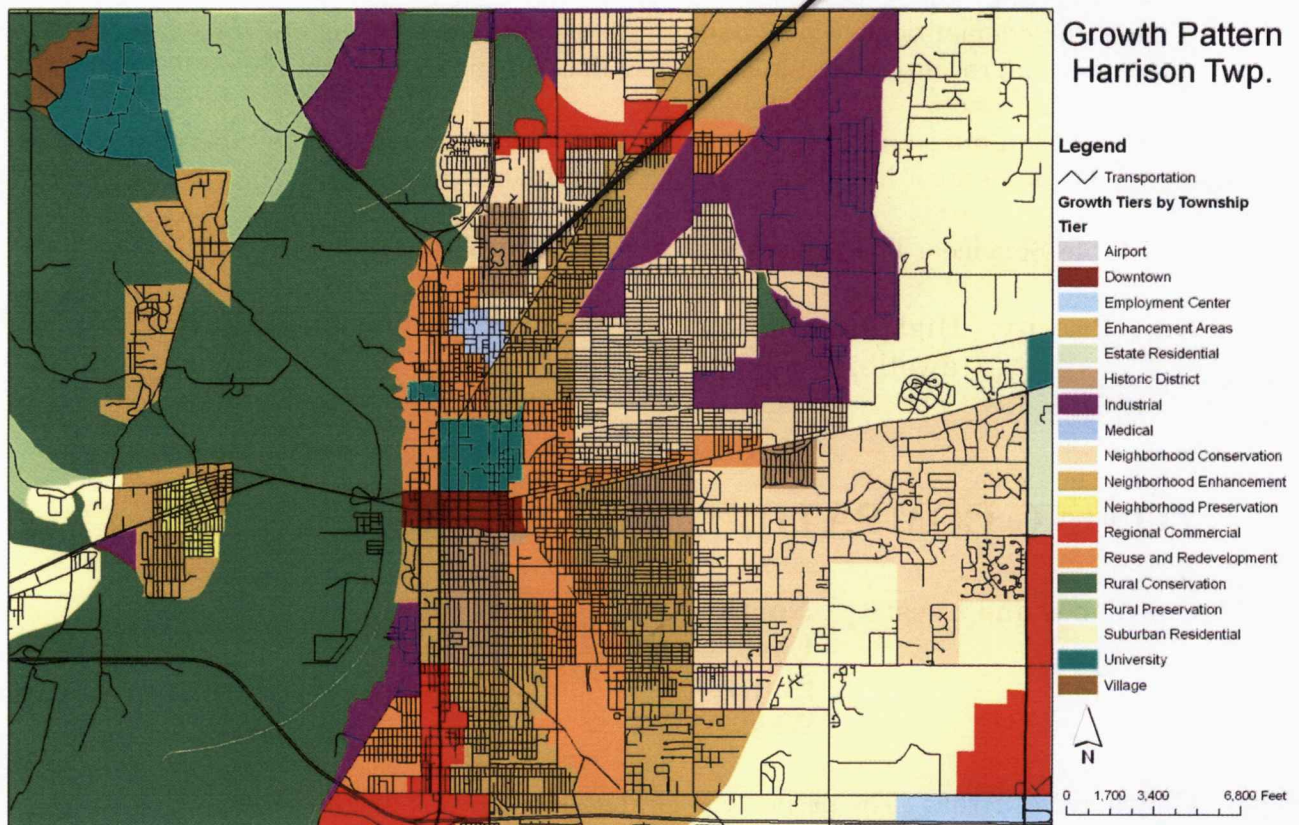
Proposed Zoning: R-3, General Residence District

Proposed Use: 3 Unit Triplex

Location: 1011 Maple Avenue, Terre Haute, In Parcel# 84-06-15-104-003.000-002/Lammerts Sub in Spencers Lot 15

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Historic Districts

Historic Districts are locations within the community that are important because of historic events, their architectural or cultural significance, or a connection to the lives of the people who lived there that should be protected and enhanced as an amenity to region. There are two types of historic districts:

- National Register Historic Districts. The National Register is a nation-wide list of buildings or areas certified by the Secretary of Interior as important architecturally, historically or culturally. Individual buildings and those in a district are eligible for Federal and Indiana tax credits for rehabilitation and tax reductions for easement donation. Listing a building on the National Register does not trigger local review of changes to the building unless the project is federally funded.
- Local Historic Districts. Local Historic Districts can be created by local ordinance, and are regulated by a historic district design standard in that ordinance. These standards vary from district to district and are developed by the neighborhood. “Certified” local historic districts have been determined to qualify for the National Register. These districts enjoy the same tax credit benefits as National Register districts.

Specific items to be utilized in identifying historic districts include:

- Buildings and structures within the district generally must be 50 years old.
- Many demolitions or new buildings have not altered its historic appearance.
- District resources should be similar in style, massing, detailing and/or date of construction.
- The buildings in the district must retain their original architectural character.
- The area must have clear and precise defined boundaries.

Available Services: The area is well served by utilities.

Dev. Priority: High intensity residential- A density of homes over 5 dwellings per acre.

ZONING COMPATIBILITY

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

Character of Area: The property is located in a Historic neighborhood.

ZONING REGULATIONS

R-3 Purpose: The General Residence District

R-3 Uses: Any use permitted in the R-1 and R-2 Districts, Apartment Hotels. Colleges and universities, but not business colleges or trade schools, Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space. Hospitals, sanitariums, convalescent homes, Institutions for the aged and children, Lodging Houses and Tourist Homes, Nursery Schools, Boarding, Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space, Apartment House.

R-3 Standards: Minimum Lot Size: F.A.R. 0.7 or 70%

A minimum Floor Area of 512 Sq. Ft., and a minimum Lot Area of 1000 Sq. Ft.

Parking Requirements

1.5 parking spaces per 1 bedroom unit.

2.0 parking spaces per 2-bedroom unit.

3.0 parking spaces per 3-bedroom unit.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioners are requesting to rezone the property for the use of a three-unit triplex. The surrounding area is single and two-family residential.

The petitioner states that there are two bedrooms in each of the upper floor apartments and one bedroom in the basement apartment, which would require 6 spaces. Hard-surface parking will need to be provided (City Code Section d(4)).

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #12-25

Doc: #19

Date: April 2025

Page 4 of 4

In their recommendation, the Department of Engineering states, “The intended use would not alter the neighborhood’s characteristic or create any significant problems for the surrounding area. The same property owner owns the empty lot to the West, which could handle the off-street parking that is required per City Code and a plan review will be required with the City Engineer’s office regarding a parking plan.

Recommendation: Staff also offers a favorable recommendation with the following conditions:

1. Approved parking plan by Department of Engineering