



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 33, 2014

COMMON ADDRESS OF LOTS TO BE REZONED:

706 S 7th St
Terre Haute, IN 47807

Current Zoning: R-2 – Two-Family Residence District

Requested Zoning: R-3 – General Residence District

Proposed Use: Four unit apartment building

Name of Owner: 7TH ST LLC

Address of Owner: 2901 Ohio Blvd, Suite 121, Terre Haute, IN 47803

Phone Number of Owner: (812)243-4790

Attorney Representing Owner (if any): None

Address of Attorney: Not Applicable

Phone Number of Attorney: Not Applicable

For Information Contact: Chris Senesac (812)243-4790

Council Sponsor: Todd Nation

WITHDRAWN

FILED

SEP 08 2014

CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 33, 2014

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

SECTION 1. BE IT ORDAINED 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:

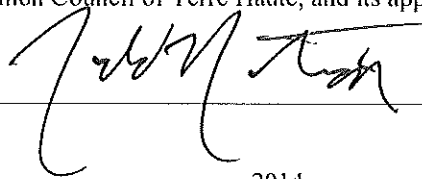
Nine feet and Eight (8) inches off the South side of Lot No. One (1) and Twenty-three (23) feet 8 inches off the North side of Lot No. Two (2) in the Subdivision made by St. Stephen's Church of 3.22 acres off the North side of Lot No. 13 in the Subdivision made by Charles Dewey Executor of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West.
ALSO Five (5) feet in width off the north side of 38 ft. in width off the South side of Lot number 2 in the Subdivision made by St. Stephens Church of 3.22 acres off of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West.

Commonly known as: 706 South 7th Street, Terre Haute, Vigo County Indiana 47807

Be and the same is hereby established as a 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, _____



Todd Nation, Councilman

Passed in Open Council this _____ day of _____, 2014.

ATTEST: _____

Amy Auler, President

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 2014.

Charles P. Hanley, City Clerk

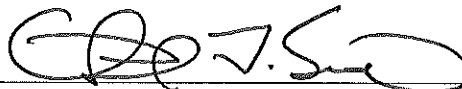
Approved by me, the Mayor, this _____ day of _____, 2014.

Duke A. Bennett, Mayor

ATTEST: _____
Charles P. Hanley, City Clerk

This instrument prepared by: Christopher T Senesac, 2901 Ohio Blvd, Suite 121, Terre Haute, IN 47803.
Phone: (812)243-4790

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.



Christopher T. Senesac

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, **7TH ST LLC**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Nine feet and Eight (8) inches off the South side of Lot No. One (1) and Twenty-three (23) feet 8 inches off the North side of Lot No. Two (2) in the Subdivision made by St. Stephen's Church of 3.22 acres off the North side of Lot No. 13 in the Subdivision made by Charles Dewey Executor of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West. ALSO Five (5) feet in width off the north side of 38 ft. in width off the South side of Lot number 2 in the Subdivision made by St. Stephens Church of 3.22 acres off of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West.

Commonly known as: 706 South 7th Street, Terre Haute, Indiana 47807.

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**.

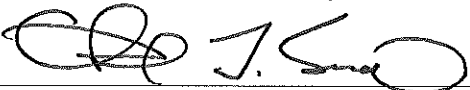
Your petitioner would respectfully state that the real estate is now **Rental Property**. Your petitioner intends to use the real estate to **Four Unit Apartment Building**.

Your petitioner would request that the real estate described herein shall be zoned as a **R-3 - General Residence District**. Your petitioner would allege that the **General 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-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 SEPTEMBER, 2014.

BY: 
7TH ST LLC, Christopher T. Senesac, Managing Member

PETITIONER: 7TH ST LLC, 2901 Ohio Blvd, Suite 121, Terre Haute, IN 47803.

This instrument was prepared by Christopher T. Senesac, 2901 Ohio Blvd, Suite 121, Terre Haute, IN 47803. (812)243-4790

AFFIDAVIT OF:

COMES NOW affiant **7TH ST LLC**

and affirms under penalty of law that affiant is the owner of record of the property located
at **706 South 7th Street, Terre Haute, IN 47807**

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.

7TH ST LLC

SIGNATURE: 

SIGNATURE: _____

STATE OF INDIANA)
SS: (COUNTY OF VIGO)

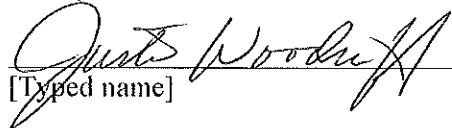
Personally appeared before me, a Notary Public in and for

said County and State, Christopher Senesac

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

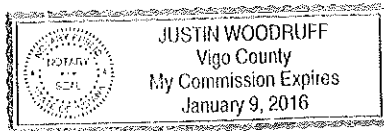
WITNESS my hand and notarial seal, this 5^m day of SEPTEMBER, 2014.

Notary Public:


[Typed name]

My Commission Expires:

My County Of Residence:



JUN 30 2014

Nancy M. Allsup
VIGO COUNTY AUDITOR

2014007678 WD \$20.00
06/30/2014 10:43:31A 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH, that ROI DEVELOPMENT, LLC ("Grantor"), an Indiana Limited Liability Company, hereby CONVEYS AND WARRANTS to 7th St LLC ("Grantee"), an Indiana Limited Liability Company, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

Nine feet and Eight (8) inches off the South side of Lot No. One (1) and Twenty-three (23) feet 8 inches off the North side of Lot No. Two (2) in the Subdivision made by St. Stephen's Church of 3.22 acres off the North side of Lot No. 13 in the Subdivision made by Charles Dewey Executor of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West.
ALSO Five (5) feet in width off the north side of 38 ft. in width off the South side of Lot number 2 in the Subdivision made by St. Stephens Church of 3.22 acres off the north side of Lot No. 13 in the Subdivision made by Charles Dewey Executor of David Raymond of the North West quarter of Section 27, Township 12 North of Range 9 West.

Commonly known as: 706 So. 7th Street, Terre Haute, IN 47807

ALSO

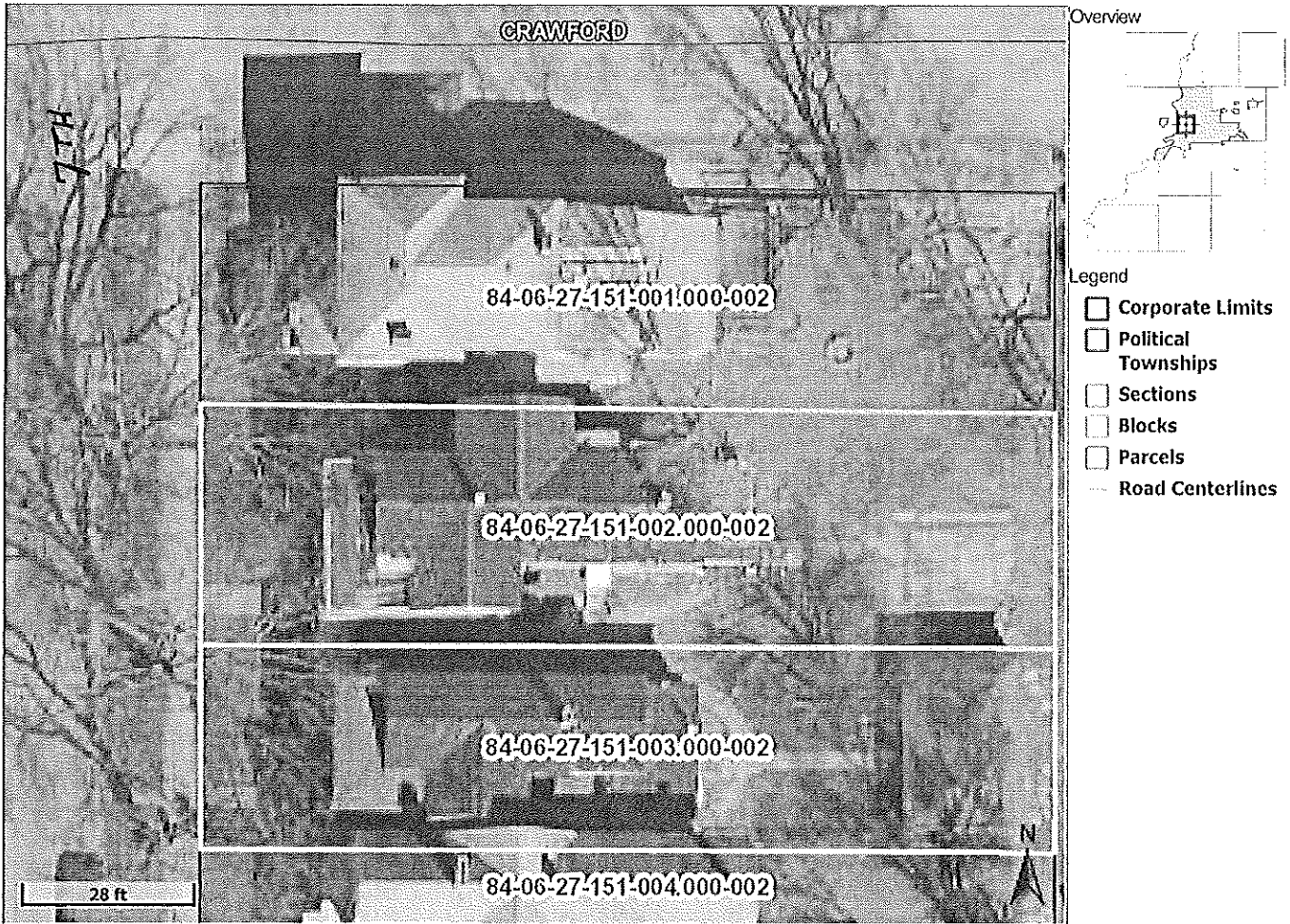
Thirty-three (33) feet in width off the South side of Lot Number Two (2) in the Church of St. Stephens Subdivision of the North one-third of Lot No 13 in the Subdivision made by Charles Dewey Executor of David Raymond of the North West quarter of Section 27, Township 12 North, of Range 9 West.

Commonly known as: 708 South 7th Street, Terre Haute, IN 47807

Subject to the covenants, conditions, restrictions, setback lines, utility easements and any amendments thereto contained in the plat of the St. Stephens Church Subdivision, Plat Record 1, Page 109, except any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 U.S.C. 3604(c).

Further Subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record; (ii) all current, non-delinquent real estate taxes and assessments; and (iii) all matters that would be disclosed by an accurate survey or physical inspection of said real estate.

Date Created: 9/4/2014



Parcel ID	84-06-27-151-002.000-002	Alternate ID	118-06-27-151-002	Owner Address	7TH ST LLC
Sec/Twp/Rng	n/a	Class	Res 3 fam dwelling platted lot		2901 OHIO BLVD
Property Address	706 S 7TH ST TERRE HAUTE	Acreage	n/a		TERRE HAUTE, IN 47803
District	002 HARRISON				
Brief Tax Description	ST STEPHENS CHURCH SUB 28.66' N-2 & 9'8" S-1 (706 S 7TH ST) 2004024433 2003037348 D-440/45 27-12-9 LOTS 1-2 (Note: Not to be used on legal documents)				

Last Data Upload: 9/4/2014 2:55:17 AM

Receipt

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

Date: 9/8/2014

Name: HT St LLC

Reason: _____

ck# 3583 Reopening Filing 25.00
Reopening Petition 20.00

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

TERRE HAUTE, IN.
PAID

SEP 08 2014

CONTROLLER

Received By: E. Allen / RL



TERRE HAUTE
A LITTLE ABOVE

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: October 2, 2014

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #33-14

CERTIFICATION DATE: October 1, 2014

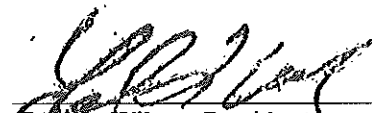
TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 33-14. This Ordinance is a rezoning of the property located at 706 South 7th Street. The Petitioner, 7th Street, LLC/Christopher Senesac, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-3, General Residence District for a 4 unit apartment building. 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. 33-14 at a public meeting and hearing held Wednesday, October 1, 2014. 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. 33-14 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 33-14 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. 33-14 was WITHDRAW.


Fred L. Wilson, President


Darren Maher, Executive Director

Received this 2nd day of October, 2014

Good morning,

Any chance we could get an official nod today on your decision with regards to the fate of Docket #46, S.O. #33-14 706 S. 7th St. a Rezoning from R-2 to R-3. A reminder, the meeting is tomorrow.

Thanks,
Jared Bayler

Assistant Director
Vigo County Area Planning Department
Telephone: (812) 462-3354 Fax: (812) 234-3248
Jared.Bayler@VigoCounty.In.Gov



TERRE HAUTE
A LITTLE ABOVE

Bayler, Jared

From: Louis F. Britton <Lbritton@coxlaw.net>
Sent: Tuesday, September 30, 2014 3:30 PM
To: Bayler, Jared
Subject: RE: 706 S. 7th St.

Please withdraw this application.
I will submit a NEW ONE TOMORROW.

Louis F. Britton
Cox, Zwerner, Gambill & Sullivan LLP
511 Wabash Ave, Terre Haute, IN 47807
812-232-6003
LBritton@coxlaw.net

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If you have received this transmission in error please notify the sender and delete the transmission from your system and destroy any copies of it.

From: Bayler, Jared [<mailto:Jared.Bayler@VigoCounty.IN.Gov>]
Sent: Tuesday, September 30, 2014 9:37 AM
To: Louis F. Britton
Subject: RE: 706 S. 7th St.

He did call but there was no mention of what would come the petition. I think he depending on you to help him either make that decision or make the call for him.

From: Louis F. Britton [<mailto:Lbritton@coxlaw.net>]
Sent: Tuesday, September 30, 2014 9:20 AM
To: Bayler, Jared
Subject: RE: 706 S. 7th St.

Sure- I hope to meet with him today- I thought he had already talked to you. Sorry.

Louis F. Britton
Cox, Zwerner, Gambill & Sullivan LLP
511 Wabash Ave, Terre Haute, IN 47807
812-232-6003
LBritton@coxlaw.net

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If you have received this transmission in error please notify the sender and delete the transmission from your system and destroy any copies of it.

From: Bayler, Jared [<mailto:Jared.Bayler@VigoCounty.IN.Gov>]
Sent: Tuesday, September 30, 2014 8:37 AM
To: Louis F. Britton
Subject: 706 S. 7th St.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #33-14

Doc: # 46

Date: October 2014

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APPLICATION INFORMATION

Petitioner: Chris Senesac

Owner: 7th St. LLC.

Representative: Chris Senesac

Proposed Use: Four unit apartment building

Proposed Zoning: R-3, General Residence District

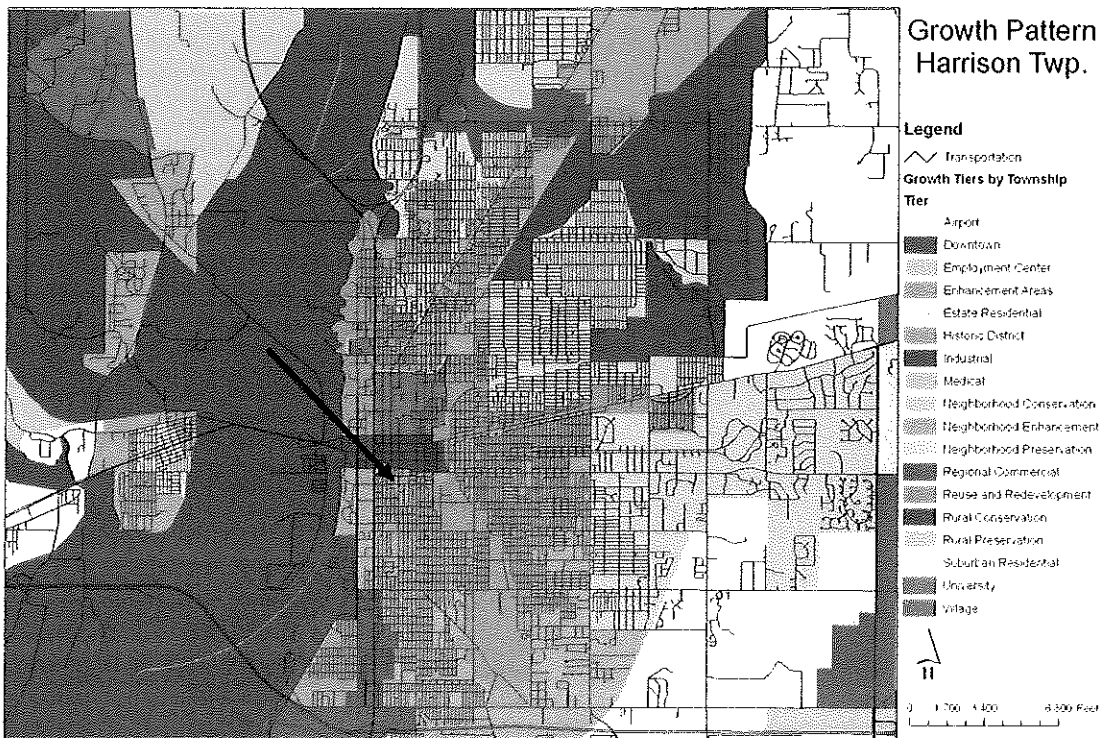
Current Zoning: R-2, Two-Family Residence District

Location: The property is located on the east side of 7th Street south of Crawford and north of Deming.

Common Address: 706 S 7th St., Terre Haute, IN 47807

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Guiding Policies: Historic District

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 standards 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.

Street Access: 7th Street is a Secondary Arterial road.

Dev. Priority: Reinvestment and rehabilitation are a high priority.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2
East – R-2
South – R-2
West – R-3

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #33-14

Doc: # 46

Date: October 2014

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Character of Area: The petitioned property is located in a residential neighborhood adjacent to Farrington Grove. Many homes in this area are rental properties for ISU students.

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, and convalescent homes, Institutions for the aged and for 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 (for this property at this location):

Minimum Lot Size: 1000 Square Feet per unit (4000 total);

FAR 0.70 % or 512 Square Feet per bed

Street Setback: 55 feet from centerline;

Rear setback 11’;

Interior setback of 5’ from the interior lot line;

A parking plan must be approved by the Engineering and Planning Departments.

FINDINGS and RECOMMENDATION

Staff Findings: Staff findings are in four main categories.

1. The proposed rezoning is a logical step up in density for this area of the community. Located only a short distance from the downtown district, renters will be most likely students from ISU.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #33-14

Doc: # 46

Date: October 2014

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This rezoning could continue the trend of encouraging increased pedestrian activity in the C-9 district.

2. The property currently being renovated is in keeping with the Farrington Grove architectural designs. Currently in a state of disrepair, any investment or renovation in this historic housing is an encouraged activity.
3. There are challenges in meeting the zoning requirements. The foremost challenge is with parking. If four single bedroom apartments are to exist within the structure then according to Table 4 *Schedule of Minimum Off-Street Parking Requirements* (Gen. Ord. No. 18, 2004, As Amended, 11-9-04) 6 spaces are needed. Currently, there is insufficient space onsite to accommodate the parking requirements. Thus, a variance for a reduction in parking is needed. Also, if onsite parking is permitted a variance for lot line setbacks will be needed.
4. The minimum floor area in square feet for a 70% F.A.R. is 512. The developer will have 4 units at 578, 360, 445 and 315 square feet respectively. Thus a variance for relief from Table 8 *Zoning and Subdivision Regulations* is required. Requested would be a variance for 3 apartments one less 152 sq. ft., a second less 67 sq. ft. and a third less 197 sq. ft.

Recommendation: Staff offers a Favorable Recommendation with the following condition due to challenges in meeting the zoning requirements.

1. All necessary variances be submitted to and approved by the city B.Z.A.
2. Exterior must be remodeled within historical context of the architectural esthetics of Farrington Grove.