



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 48, 2022

COMMON ADDRESS OF LOT TO BE REZONED:

2522 N 17th St., Terre Haute, IN 47804

Parcel Number: 84-06-10-433-010.000-002

Current Zoning: R-1 Single Family Residence District

Requested Zoning: C-1 Neighborhood Commerce District

Proposed Use: Accessory off-site storage of motor vehicles for local business.

Name of Owner: Phil Deckert

Address of Owner: 1540 Spruce Street, Terre Haute IN 47807

Phone Number of Owner: 812-281-2108

Attorney Representing Owner (if any): Jeffrey A. Lewellyn

Address of Attorney: 333 Ohio Street Terre Haute IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: **Cheryl Loudermilk**

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

FILED

NOV 02 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 48, 2022**

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 ORDINATED 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:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 47804)

Be and the same is hereby established as a **C-1 Neighborhood Commerce 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,

Cheryl Loudermilk

Passed in Open Council this _____ day of _____, 2022.

Cheryl Loudermilk -President

ATTEST: _____

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 2022.

Michelle Edwards, City Clerk

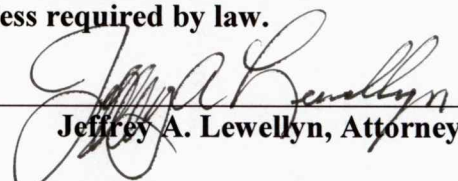
Approved by me, the Mayor, this _____ day of _____, 2022.

Duke A. Bennett, 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.



Jeffrey A. Lewellyn, Attorney

This instrument prepared by: **Jeffrey A. Lewellyn, 333 Ohio Street, Terre Haute Indiana 47807, 812-232-4311**

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, Phil Deckert, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 150 and 151 in Highland Place Subdivision, Section 10, Township 12, Range 9 in the City of Terre Haute Indiana.

(Commonly known as: 2522 N. 17th Street, Terre Haute, Vigo County, Indiana 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-1 Single Family Residence District**.

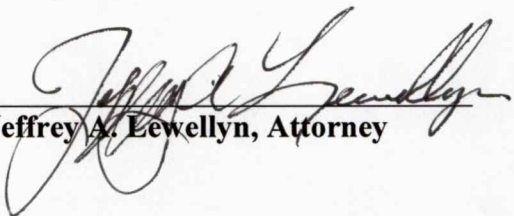
Your petitioner would respectfully state that the real estate at issue was recently acquired by the petitioner through tax sale proceedings and is currently classified as a commercial use premises for tax purposes and has a commercial building on the premises, although no current business use is operated on the property. Your petitioner intends to sell the property, contingent upon rezoning approval, for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business. The C-1 zoning designation will allow for a special use exception to be approved by the Board of Zoning Appeals to use the property as proposed.

Your petitioner would request that the real estate described herein shall be zoned as a **C-1 Neighborhood Commerce District**. Your petitioner would allege that the Neighborhood Commerce District and proposed special use will not alter the general characteristics of this neighborhood. As noted above, the property has already been developed and used for a commercial purpose.

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 C-1 Neighborhood Commerce 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 WITNES WHEREOF, this petition has been duly executed this 1st day of November, 2022.

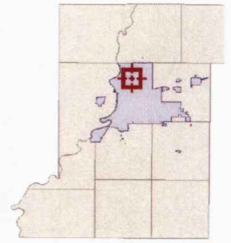
BY: 
Jeffrey A. Lewellyn, Attorney

PETITIONER: Phil Deckert
1540 Spruce Street,
Terre Haute IN 47807

































Prepared By: Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



Overview



Legend

-  Corporate Limits
-  Political Township
-  Sections
-  Blocks
-  Parcels
-  Road Centerlines
- Current Zoning Classifications**
-  A-1
-  A-1MO
-  A-1NR
-  C-1
-  C-1PD
-  C-2
-  C-2PD
-  C-2SU
-  C-3
-  C-3NR
-  C-3PD
-  C-3SU
-  C-4
-  C-5
-  C-6
-  C-6PD
-  C-6SU
-  C-7
-  C-7NR
-  C-8
-  C-8PD
-  C-9
-  C3PUD
-  M-0
-  M-1
-  M-1PD
-  M-2
-  M-2NR
-  M-2PD
-  M-O

- M2SPU
 - MHCU
 - MO
 - O-1
 - O-2
 - O-5
 - OS
 - PUD
 - R-1
 - R-1CU
 - R-1NR
 - R-1PD
 - R-1SU
 - R-2
 - R-2M
 - R-2PD
 - R-2SU
 - R-3
 - R-3H
 - R-3NR
 - R-3PD
 - R-S
 - R-T
 - R3PUD
- 2022 Sales**

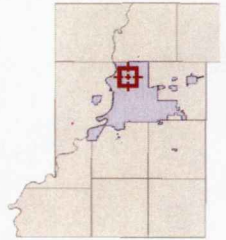
Parcel ID	84-06-10-433-010.000-002	Alternate ID	84-06-10-433-010.000-002	Owner Address	Deckert Phil
Sec/Twp/Rng	10	Class	Com Other commercial structure		1540 Spruce St
Property Address	2522 N 17TH ST	Acreage	n/a		Terre Haute, IN 47807
	TERRE HAUTE				
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	HIGHLAND PLACE (2522 N 17TH ST)				
	2005004323 10-12-9 LOTS 150-151				
	(Note: Not to be used on legal documents)				

Date created: 10/24/2022
 Last Data Uploaded: 10/24/2022 6:13:22 AM





Overview



Legend

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

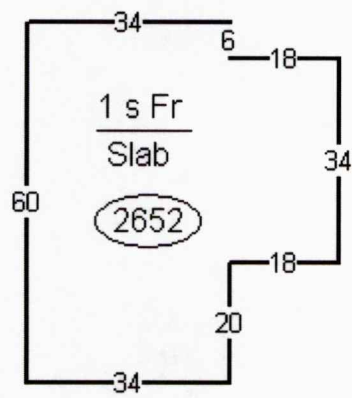
Parcel ID	84-06-10-433-010.000-002	Alternate ID	84-06-10-433-010.000-002	Owner Address	Deckert Phil
Sec/Twp/Rng	10	Class	Com Other commercial structure		1540 Spruce St
Property Address	2522 N 17TH ST TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47807
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	HIGHLAND PLACE (2522 N 17TH ST) 2005004323 10-12-9 LOTS 150-151 (Note: Not to be used on legal documents)				

Date created: 10/30/2022
Last Data Uploaded: 10/29/2022 8:37:14 PM





05/27/2022



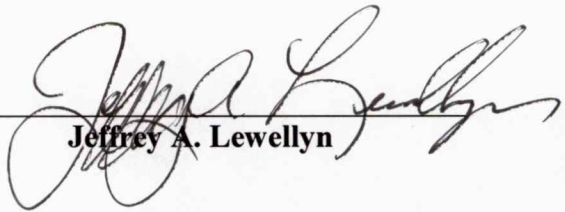
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20 (320)

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Jeffrey A. Lewellyn, Attorney for **Phil Deckert** and affirms under penalty of law that Phil Deckert is the owner of record of the property located at **2522 N. 17th St., Terre Haute, IN 47804, Parcel Number: 84-06-10-433-010.000-002** for which a rezoning is requested and attached hereto is a copy of the deed evidencing such ownership. Further, as attorney for Phil Deckert it is represented that he is seeking to rezone the subject property to **C-1 Neighborhood Commerce District** to allow for use as an off-site vehicle storage facility used in conjunction with a local vehicle collector and restoration business.

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

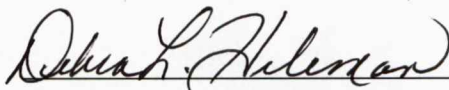


Jeffrey A. Lewellyn

STATE OF INDIANA)
 :ss
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Jeffrey A. Lewellyn**, who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 2nd day of November, 2022.



Debra L. Hileman, Notary
Resident of Vigo County,

My commission expires:
Public 05/19/2023
Indiana



Lots 150 and 151 in Highland Place Subdivision, Section
10 Township 12 Range 9 in the City of Terre Haute,
Indiana.

Receipt

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

Date: 11/2/22

Name: Wilkinson Law

Reason: reasoning - notice of filing \$25

reasoning - petition - \$20

Variance - B2A \$45

30

Cash: \$75-

Check: _____

Credit: _____

Total: \$75-

TERRE HAUTE, IN
PAID
NOV - 1 2022
CONTROLLER

Received By: Gavin WTC