



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 8, 2022**

---

---

COMMON ADDRESS OF LOTS TO BE REZONED:

10 Home Avenue, Terre Haute, Indiana 47803

Current Zoning: C-2 Limited Community Commerce

Requested Zoning: R-1 Single Family Residential District

Proposed Use: Single family residence

Name of Owner: Highland Property Group, LLC

Address of Owner: 100 Circle Street, Terre Haute, IN 47803

Phone Number of Owner: 812-249-0238

Attorney Representing Owner (if any): David P. Friedrich

Address of Attorney: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: David P. Friedrich

Council Sponsor: Cheryl Loudermilk

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

FILED

APR 19 2022

CITY CLERK

**SPECIAL ORDINANCE FOR REZONING**  
**AMENDED SPECIAL ORDINANCE NO. 8, 2022**

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 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 of 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 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

Be and the same is, hereby established as an R-1 Single Family Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate shall be an R-1 Single Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana.

WHEREAS, Amended Special Ordinance No. 8, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

**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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk  
Cheryl Loudermilk

Passed in Open Council this 5<sup>th</sup> day of May, 2022.

Cheryl Loudermilk  
Cheryl Loudermilk-President

ATTEST: Michelle L Edwards  
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 5<sup>th</sup> day of May, 2022.

Michelle L Edwards  
Michelle Edwards, City Clerk

Approved by me, the Mayor, this 5<sup>TH</sup> day of MAY, 2022.

Duke Bennett  
Duke Bennett, Mayor

ATTEST: Michelle L Edwards  
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,  
Terre Haute, IN 47807

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

David P. Friedrich  
David P. Friedrich



**AMENDED PETITION TO REZONE REAL ESTATE**

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

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a rental property marketed to college students.

Your Petitioner would respectfully state the real estate herein shall be zoned as a R-1 Single Family Residential District. Your Petitioner would assert the proposed use 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, the Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance Amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-1 Single Family Residential District of the City of Terre Haute, 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 16th day of April, 2022.



**PETITIONER:**

By: Thomas P. Smith  
Thomas Smith  
Manager  
Highland Property Group, LLC

**FILED**

**MAR 28 2022**

**SPECIAL ORDINANCE FOR REZONING**

**SPECIAL ORDINANCE NO. 8, 2022**

**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 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 of 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 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

Be and the same is, hereby established as an R-2 Apartment Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate shall be an R-1 Single Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

WHEREAS, Special Ordinance No. 8, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

**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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk  
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 Bennett, Mayor

ATTEST: \_\_\_\_\_  
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,  
Terre Haute, IN 47807

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

David P. Friedrich  
David P. Friedrich



**PETITION FOR A PLANNED DEVELOPMENT**

**PETITION TO REZONE REAL ESTATE**

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

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a single family residence.

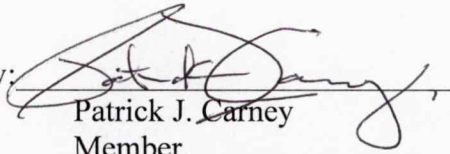
Your Petitioner would respectfully state the real estate herein shall be zoned as a R-1 Single Family Residential District. Your Petitioner would assert the proposed use would not alter the general characteristics of this neighborhood.

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, the Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance Amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-1 Single Family Residential District of the City of Terre Haute, 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 2/5/22 day of March, 2022.

**PETITIONER:**

By:  Member  
Patrick J. Carney  
Member  
Highland Property Group, LLC

**Special Ordinance No. 8, 2022**

**SITE PLAN**

**C-2 TO R-1**

10 Home Avenue

Terre Haute, IN 47803

Current Zoning: C-2

Proposed Zoning: R-1





ENTERED FOR TAXATION  
Subject to final acceptance for Transfer

SEP 16 2021

*James W Brumble*  
VIGO COUNTY AUDITOR

2021012172 PD \$25.00  
09/16/2021 09:14:50A 2 PGS  
Diana Winsted-Smith  
VIGO County Recorder IN  
Recorded as Presented



## PERSONAL REPRESENTATIVE'S DEED

Jonathan W. Tarrh, as personal representative of the Unsupervised Estate of William L. Tarrh, deceased October 29, 2019, under CAUSE NO. 84D03-2007-EU-003329 in the Office of the Clerk of the Superior Court of Vigo County, Indiana, for good and sufficient consideration, conveys to **Highland Property Group LLC**, the following described real estate in Vigo County, State of Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2d Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Subject to all restrictions, reservations, easements, and encumbrances of record.

Parcel No.: 84-06-23-252-037.000-002

Commonly known as: 10 Home Avenue, Terre Haute, IN 47803

Grantor warrants and affirms that the Estate of William L. Tarrh who died October 29, 2019, was not of sufficient size to incur liability for Federal Estate Tax or that such taxes due and owing have been paid.

IN WITNESS WHEREOF, the said Jonathan W. Tarrh, as personal representative of the estate of William L. Tarrh, has hereunto set his hand and seal this 15 day of September, 2021.

*Jonathan W. Tarrh*  
Jonathan W. Tarrh, Personal Representative of the Estate of  
William L. Tarrh

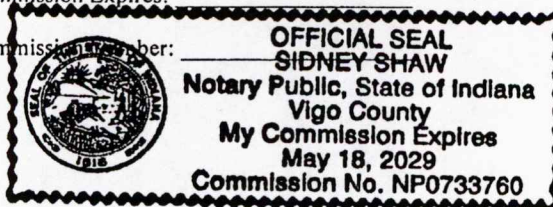
STATE OF INDIANA )  
COUNTY OF Vigo ) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared **Jonathan W. Tarrh**, as personal representative of the estate of William L. Tarrh, and acknowledged the execution of said deed to be his voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this 15 day of September, 2021.

My Commission Expires:

My Commission Number:



Notary Public

Name Printed:

A Resident of

*Sidney Shaw*  
Sidney Shaw  
Vigo County

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.

/S/ Thomas C. Newlin

Thomas C. Newlin

*Prepared by Thomas C. Newlin, #10883-84  
FLESHNER, STARK, TANOOS & NEWLIN  
201 Ohio Street, Terre Haute, IN 47807, (812) 232-2000*

Send Tax Statements to/Grantee address: 433 Wygenwood Ln. Terre Haute, IN 47803

**AFFIDAVIT OF PATRICK J. CARNEY**

Patrick J. Carney ("Carney"), being first duly sworn upon her oath, deposes and states:

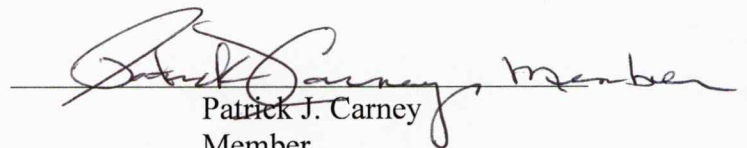
1. Carney is a Member of Highland Property Group, LLC.
2. Highland Property Group, LLC. is the fee simple owner of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

3. Copies of the deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Highland Property Group, LLC. is attached to this affidavit as Exhibit A.
4. Carney submits this affidavit for the sole purpose of affirming that Highland Property Group, LLC. is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Highland Property Group, LLC.
5. The affiant further sayeth not.

  
Patrick J. Carney  
Member  
Highland Property Group, LLC



STATE OF INDIANA)

:SS

COUNTY OF VIGO )

Subscribed and sworn to before me, a Notary Public, this 21st day of  
March, 2022.

MY COMMISSION EXPIRES:

\_\_\_\_\_

*Linda S. DeHaven*

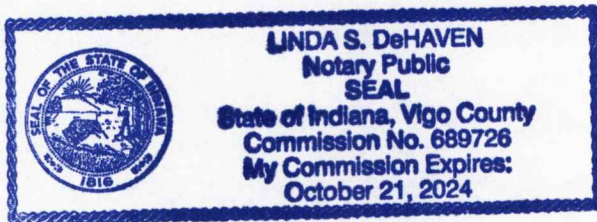
NOTARY PUBLIC

COUNTY OF RESIDENCE:

\_\_\_\_\_

\_\_\_\_\_

(Printed Name)



MAR 28 2022

CONTROLLER

**Receipt**

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

Date: 3/28/22

Name: Dave Friedman

Reason: Reznig - notice of filing 25.00

Reznig - Petition 20.00

Cash: \_\_\_\_\_

Check: 45.00 CN 104906

Credit: \_\_\_\_\_

Total: 45.00

Received By: Carl Dawson



# 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: May 5, 2022

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 8-22

CERTIFICATION DATE: May 4, 2022

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. 8-22. This Ordinance is a rezoning of 10 Home Avenue. The Petitioner, Highland Property Group LLC, petitions the Plan Commission to rezone said single family residence from zoning classification C-2 to R-1 Single Family Residence.

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. 8-22 at a public meeting and hearing held Wednesday, May 4, 2022. 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. 8-22 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 8-22 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. 8-22 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1.) Setback and buffering waiver to be recorded with the deed or title.

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 5th day of May, 2022



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-22

Doc: # 29

Date: May 2022

Page 1 of 4

### APPLICATION INFORMATION

Property Owner: Highland Property Group LLC.

Proposed Use: Single Family Residence

Proposed Zoning: R-1, Single Family Residence District

Current Zoning: C-2, Limited Community Commerce

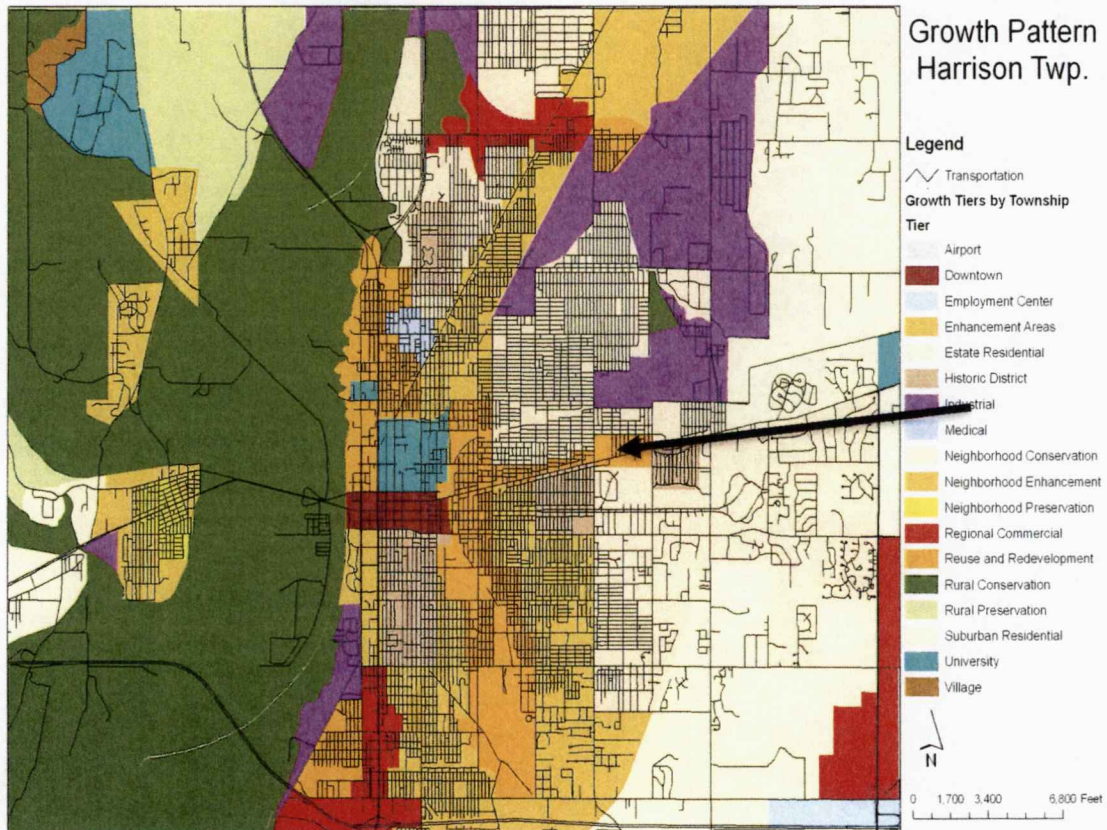
Representative: David P. Friedrich

Location: The property is approximately 81 ft. north of the intersection of Wabash Avenue & Home Ave. on the West Side of Home Ave.

Common Address: 10 Home Avenue, Terre Haute, IN 47803/ 84-06-23-252-037.000-002- Upland Place Lot 36

### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-22

Doc: # 29

Date: May 2022

Page 2 of 4

---

### Reuse and Redevelopment Areas

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

### ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2

**East** – C-2

**South** – C-6

**West** – C-2

Area is well served with public utilities.

---

### ZONING REGULATIONS

#### **Uses, Permitted - R-1 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)

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-22

Doc: # 29

Date: May 2022

Page 3 of 4

---

(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 child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.

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

(10) Parks and Playgrounds, publicly owned and operated.

(11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields 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)



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 8-22

Doc: # 29

Date: May 2022

Page 4 of 4

---

**FINDINGS and RECOMMENDATION**

**Staff Findings:**

The petitioner is requesting to rezone the property from C-2, Limited Community Commerce District to R-1, Single Family Residence District. There is currently a single family home on the property. Many of the homes in the area are zoned commercially due to the proximity to Wabash Ave. The petitioners would like to rezone to R-1 to reflect the current use of the property.

Because the surrounding properties are commercially zoned, the property owner must agree to waive any buffering requirements from the C-2 to the North and any setback and buffering requirements for the current use to the South. The waiver must be in writing and attached to a deed or title.

**Recommendation:** Staff offers a Favorable Recommendation for this petition with the following conditions:

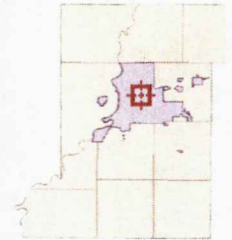
1. Setback and buffering waiver to be recorded with the deed or title.



# Beacon<sup>TM</sup> Vigo County, IN / City of Terre Haute



## Overview



## Legend

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

Parcel ID	84-06-23-252-037.000-002	Alternate ID	84-06-23-252-037.000-002	Owner Address	Highland Property Group LLC
Sec/Twp/Rng	23	Class	Res 1 fam dwelling platted lot		433 Wygenwood Ln
Property Address	10 HOME AVE TERRE HAUTE	Acreage	n/a		Terre Haute, IN 47803
Neighborhood	118528 - HARRISON				
District	002 HARRISON				
Brief Tax Description	UPLAND PLACE (10 HOME AVE) 2004005622 D-4401772 23-12-9 LOT 36 (Note: Not to be used on legal documents)				

Date created: 3/31/2022

Last Data Uploaded: 3/31/2022 5:27:47 AM

Developed by Schneider  
GEOSPATIAL



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 8, 2022**

---

---

COMMON ADDRESS OF LOTS TO BE REZONED:

10 Home Avenue, Terre Haute, Indiana 47803

Current Zoning: C-2 Limited Community Commerce

Requested Zoning: R-1 Single Family Residential District

Proposed Use: Single family residence

Name of Owner: Highland Property Group, LLC

Address of Owner: 100 Circle Street, Terre Haute, IN 47803

Phone Number of Owner: 812-249-0238

Attorney Representing Owner (if any): David P. Friedrich

Address of Attorney: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP, 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: 812-232-4311

For Information Contact: David P. Friedrich

Council Sponsor: Cheryl Loudermilk

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



## **SPECIAL ORDINANCE FOR REZONING**

### **SPECIAL ORDINANCE NO. 8, 2022**

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 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 of 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 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

Be and the same is, hereby established as an R-2 Apartment Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate shall be an R-1 Single Family Residential District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

WHEREAS, Special Ordinance No. 8, 2022, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

**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 publications as by law provided.

Presented by Council Member, Cheryl Loudermilk  
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 Bennett, Mayor

ATTEST: \_\_\_\_\_  
Michelle Edwards, City Clerk

This document prepared by:

David P. Friedrich, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, 333 Ohio Street,  
Terre Haute, IN 47807

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

David P. Friedrich  
David P. Friedrich

**PETITION FOR A PLANNED DEVELOPMENT**

**PETITION TO REZONE REAL ESTATE**

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

LADIES and GENTLEMEN:

The Petitioner, Highland Property Group, LLC., is the owner of the following described real estate in Vigo County, Indiana, to-wit:

Lot Number 36 in Upland Place, as platted by W.W. Cliver, being a Subdivision of part of the South Half of the Northeast Quarter of Section 23, Township 12 North of Range 9 West, of the 2<sup>nd</sup> Principal Meridian, as shown in plat dated February 9, 1891 and recorded February 10, 1891 at Plat Record 5, Page 58; and corrected by plat dated March 17, 1891 and recorded March 20, 1891 at Plat Record 5, Page 61, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 10 Home Avenue, Terre Haute, Vigo County, Indiana  
47803

Parcel No. 84-06-23-252-037.000-002

The Petitioner is informed and believes that in accordance with Chapter 10 of the Comprehensive Zoning Ordinance for Terre Haute, as amended, the above described real estate is now zoned as C-2, Limited Community Commerce.

Your Petitioner would state the real estate is a residential dwelling. The Petitioner intends to use the real estate as a single family residence.

Your Petitioner would respectfully state the real estate herein shall be zoned as a R-1 Single Family Residential District. Your Petitioner would assert the proposed use 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.

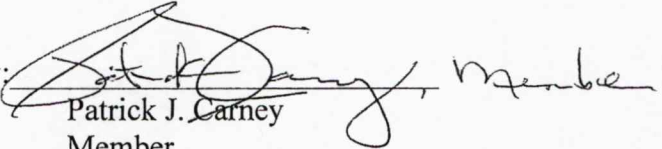
Wherefore, the Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance Amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate be zoned R-1 Single Family Residential District of the City of Terre Haute, 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 21st day of March,  
2022.

**PETITIONER:**

By:

A handwritten signature in black ink, appearing to read "Patrick J. Carney", followed by a comma and the word "Member" written in a cursive script.

Patrick J. Carney

Member

Highland Property Group, LLC

Special Ordinance No. 8, 2022

SITE PLAN

C-2 TO R-1

10 Home Avenue

Terre Haute, IN 47803

Current Zoning: C-2

Proposed Zoning: R-1

