

FILED

MAY 09 2011

CITY CLERK

**SPECIAL ORDINANCE NO. 15, 2011**

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 Two Hundred Forty-six (246) in McKeen Park Place, a Subdivision of the following described real estate: Beginning at the center of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, running thence south fourteen hundred forty-five and four tenths (1445.4) feet thence east thirteen hundred (1300) feet, thence north fourteen hundred sixty and two tenths (1460.2) feet to the east and west half section line in said section, thence west thirteen hundred (1300) feet to the place of beginning as shown by plat thereof, recorded in Plat Record 9, on page 22, in the Office of the Recorder of Vigo County, Indiana.

Commonly known as 1510 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

Also,

Lot Number Two Hundred Forty-Seven (247) in McKeen Park Place, the same being a Subdivision of the following described Real Estate beginning at the center of Section Fourteen (14) Township Twelve (12) North, Range Nine (9) West and running thence South 1445 4/10 feet thence East 1300 feet thence 1460 2/10 feet the East and West half section line in said section, thence West 1300 feet to the place of beginning.

Commonly known as 1506 N. 29<sup>th</sup> Street, Terre Haute, Indiana

Also,

Lot Number Two Hundred Forty-eight (248) in McKeen Park Place, the same being a Subdivision of the following described real estate beginning at the Center of Section Fourteen (14) Township Twelve (12) North, Range Nine (9) West, and running thence South 1445 4/10 feet thence East 1300 feet thence 1460 2/10 feet the East and West half section line in said section, thence West 1300 feet to the place of beginning.

Commonly known as 1502 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

Also,

Also, Lot Number Two Hundred Forty-nine (249) in McKeen Park Place, the same being a subdivision of the following described real estate: Beginning at the center of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, and running thence South 1445.4 feet, thence East 1300 feet, thence North 1460.2 feet, to the East and West Half Section Line in said Section, thence West 1300 feet to the place of beginning.

Commonly known as 1504 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

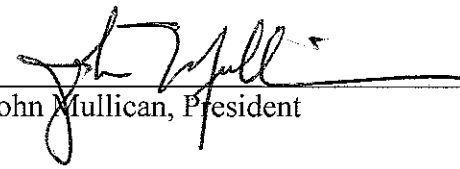
be and the same is, hereby established as a R-2 Two Family Residential District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

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 publication as by law provided.

Presented by Council Member,

  
Norm Loudermilk, Councilperson

Passed in open Council this 9<sup>th</sup> day of June, 2011.

  
John Mullican, President

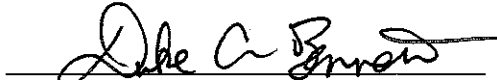
ATTEST:

  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 10<sup>th</sup> day of June, 2011.

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 10<sup>th</sup> day of June, 2011.

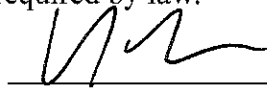
  
Duke A. Bennett, Mayor

ATTEST:

  
Charles P. Hanley, City Clerk

This instrument 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.

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

**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 PLANNING COMMISSION OF  
VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Mary Schell, surviving spouse of Stacy D. Schell, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Number Two Hundred Forty-six (246) in McKeen Park Place, a Subdivision of the following described real estate: Beginning at the center of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, running thence south fourteen hundred forty-five and four tenths (1445.4) feet thence east thirteen hundred (1300) feet, thence north fourteen hundred sixty and two tenths (1460.2) feet to the east and west half section line in said section, thence west thirteen hundred (1300) feet to the place of beginning as shown by plat thereof, recorded in Plat Record 9, on page 22, in the Office of the Recorder of Vigo County, Indiana.

Commonly known as 1510 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

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Commonly known as 1504 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

Your Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Your Petitioner would respectfully state that the real estate is now and has been used as a Single Family Residential home. Your Petitioner intends to use the real estate to build duplexes.

Your Petitioner would request that the real estate described herein shall be zoned as a R-2 District to allow for the use as proposed by the Petitioner. Your Petitioner would allege that the R-2 Two Family Residential District would not alter the general characteristics of this neighborhood, since the real estate is in a mixed residential area.

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 area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission 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 to be part of the R-2 Two Family Residential District of the City of Terre Haute, Indiana, and is 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, the undersigned Petitioner has executed this Petition to Rezone Real Property this 6<sup>th</sup> day of May, 2011.

**PETITIONER:**

By: Mary D. Schell  
Mary Schell, surviving spouse of Stacy D. Schell

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street, P.O. Box 9849

Terre Haute, IN 47807

Phone: (812) 232-3388

BY: 

Richard J. Shagley, II, #23135-84

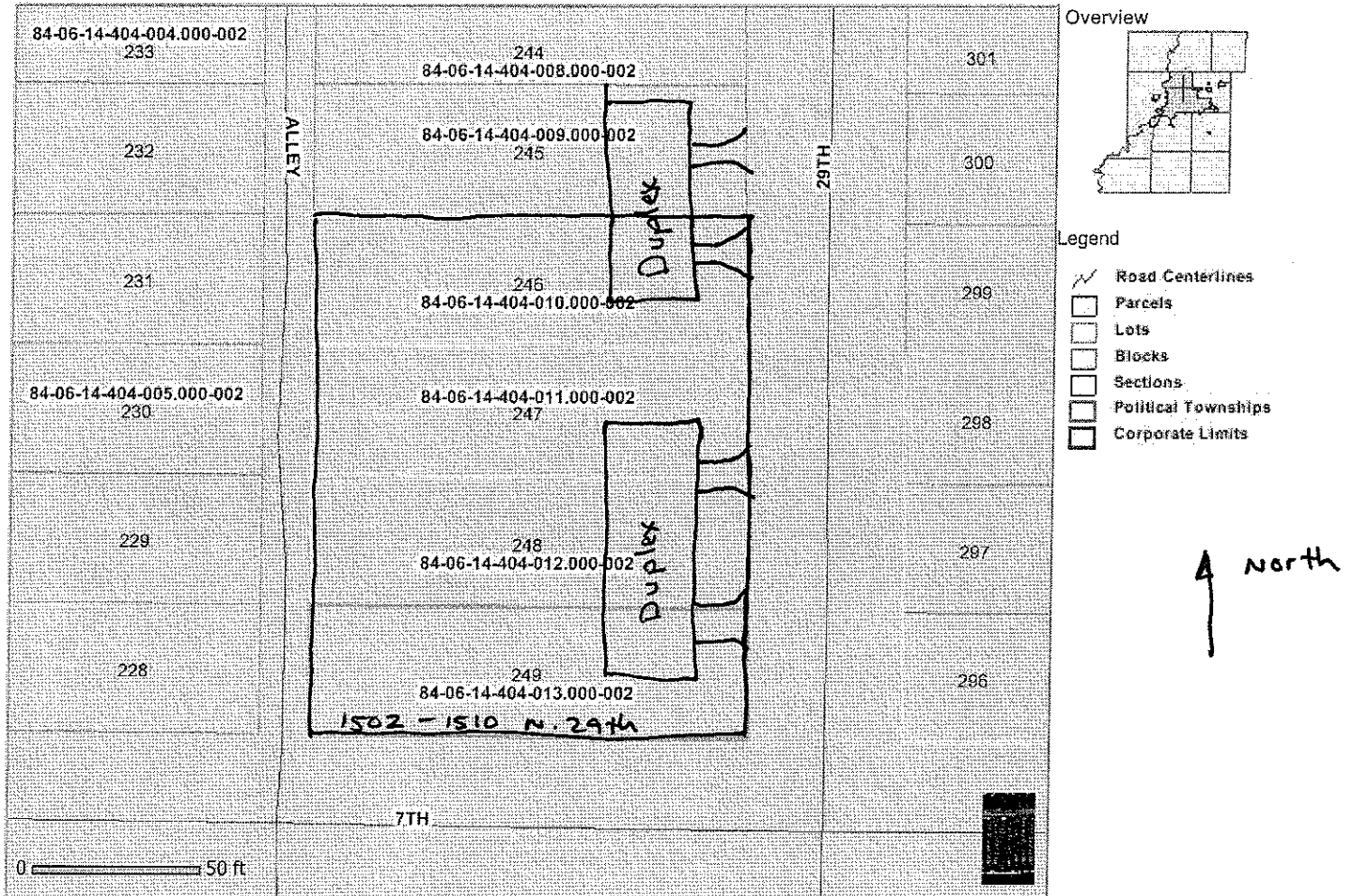
Attorneys for Petitioner

The owner and mailing address: Mary Schell, 1501 N. 29<sup>th</sup> Street, Terre Haute, IN 47807.

This instrument 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

Date Created: 5/9/2011  
Map Scale: 1 in = 50 ft



**Parcel ID** 84-06-14-404-013.000-002

**Sec/Twp/Rng**

**Property Address** 1500 N 29TH ST  
TERRE HAUTE

**Alternate ID** 118-06-14-404-013

**Class** Res Vacant platted lot

**Acreage** 0.00

**Owner Address** SCHELL STACY D

1501 N 29TH ST  
TERRE HAUTE, IN 47803

**District** 002 HARRISON

**Brief Tax Description** MC KEEN PARK PLACE  
2006003634 D- 395/604 & 755-758 14-12-9 LOT 249  
(Note: Not to be used on legal documents)

Last Data Upload: 5/7/2011 12:56:53 AM



developed by  
The Schneider Corporation  
www.schneidercorp.com

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

RAYMOND L. WATTS  
VIGO County Recorder IN  
IN 2006003834 WD  
02/13/2006 15:22:02 2 PGS  
Filing Fee: \$18.00

FEB 13 2006

*[Signature]*  
VIGO COUNTY AUDITOR

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, THAT Phillip Michael Frandzel and Malka Rae Frandzel, of Vigo County, State of Indiana, 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, Convey and warrant unto Stacy D. Schell, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

✓ Lot Number Two Hundred Forty-six (246) in McKeen Park Place, a Subdivision of the following described real estate: Beginning at the center of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, running thence south fourteen hundred forty-five and four tenths (1445.4) feet thence east thirteen hundred (1300) feet, thence north fourteen hundred sixty and two tenths (1460.2) feet to the east and west half section line in said section, thence west thirteen hundred (1300) feet to the place of beginning as shown by plat thereof, recorded in Plat Record 9, on Page 22, in the office of the Recorder of Vigo County, Indiana.

Also, Lot Number Two Hundred Forty-eight (248) in McKeen Park Place, the same being a Subdivision of the following described Real Estate Beginning at the Center of Section Fourteen (14) Township Twelve (12) North, Range Nine (9) West and running thence South 1445 4/10 feet thence East 1300 feet thence 1460 2/10 feet the East and West half section line in said section, thence West 1300 feet to the place of beginning.

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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 Phillip Michael Frandzel and Malka Rae Frandzel have hereunto set their hands and seals, this 6<sup>th</sup> day of February, 2006.

*[Signature]* (SEAL) *[Signature]* (SEAL)  
Phillip Michael Frandzel Malka Rae Frandzel  
STATE OF Indiana Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 6<sup>th</sup> day of February, 2006, personally appeared Phillip Michael Frandzel and Malka Rae Frandzel and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

5-5-13

My County of residence is:

Vigo

*[Signature]*  
Notary Public

*[Signature]*  
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: Stacy D. Schell 1501 N. 29<sup>th</sup> St.  
\\Lawfirm\user\WilliamsD\REALSTA\HENDRICH\TLC\Schell 2/6/2006 dgw Terre Haute, IN 47803



2

Prescribed by the  
State Board of Accounts  
(2005)

County Form 170

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(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

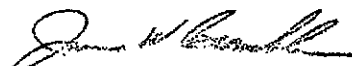
Ronald E. Jumps  
Printed Name of Declarant

DUPLICATE ENTERED FOR TAXATION  
Subject to final acceptance for transfer

RAYMOND L. WATTS  
VIGO County Recorder IN  
IN 2006006937 QD  
03/31/2006 11:17:37 2 PGS  
Filing Fee: \$18.00

MAR 31 2006

EXEMPT FROM DISCLOSURE

  
VICKI COUNTY AUDITOR

**QUIT CLAIM DEED**

THIS INDENTURE WITNESSETH:

**CITY OF TERRE HAUTE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF REDEVELOPMENT**, of Vigo County, State of Indiana, as Grantor, **RELEASES AND QUIT CLAIMS** to **STACY D. SCHELL**, as Grantee, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to wit:

Lot Number Two Hundred Forty-Seven (247) in McKean Park Place, the same being a Subdivision of the following described Real Estate beginning at the center of Section Fourteen (14) Township Twelve (12) North, Range Nine (9) West and running thence South 1445 4/10 feet thence East 1300 feet thence 1460 2/10 feet the East and West half section line in said section, thence West 1300 feet to the place of beginning.

Tax Parcel No. 18-06-14-404-011

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

All property taxes, liens, and assessments shall be paid before the date causing the payment to be delinquent.

The property must be maintained in compliance with any city ordinance concerning trash, weeds, or junk cars after 60 days from the date of this deed.

The property may not be used for the purposes of raising, breeding, or otherwise maintaining livestock, horses, poultry, swine, nor for the use of a kennel.

IN WITNESS WHEREOF, the City of Terre Haute by and through its Department of Redevelopment, of Vigo County, State of Indiana, has caused this Deed to be executed this 15th day of March, 2006.

City of Terre Haute for the use and benefit  
of its Department of Redevelopment

By: 

David I. Heath, President

ATTEST:

By: 

Brian Miller, Secretary

2

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF VIGO     )

Before me the undersigned, a Notary Public, in and for said County and State, this 15<sup>th</sup> day of March, 2006, personally appeared the within David I. Heath and Brian Miller, the President and Secretary respectively, of the City of Terre Haute for the use and benefit of its Department of Redevelopment, Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

H. Dean Branson  
H. DEAN BRANSON, Notary Public

My Commission Expires:

2/28/07

County of Residence: VIGO

*This instrument prepared by Kendall Boyd, 17 Harding Avenue, Terre Haute, IN, 47807 (812) 232-2508.*

STATE OF INDIANA           )  
COUNTY OF VIGO           ) SS:

**AFFIDAVIT**

Comes now Mary Schell, surviving spouse of Stacy D. Schell, being duly sworn upon her oath, deposes and says:

1. That Mary Schell, surviving spouse of Stacy D. Schell, is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

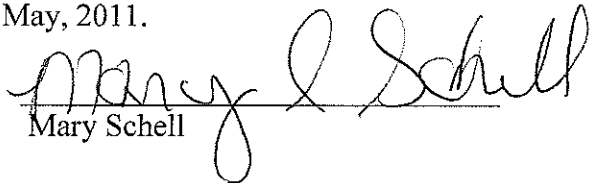
Commonly known as 1502 N. 29<sup>th</sup> Street, Terre Haute, Indiana.

2. That a copy of the Warranty Deed, dated June 16, 2008, and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Mary Schell, 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 Wallace Building Contractors, Inc.

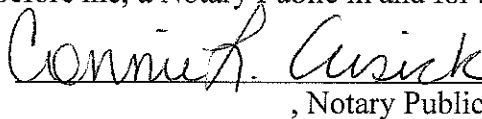
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 6<sup>th</sup> day of May, 2011.

  
Mary Schell

STATE OF INDIANA, COUNTY OF VIGO, SS:

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 6<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_, Notary Public

My Commission expires:

1-3-2018

My County of Residence:

Vigo



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



TERRE HAUTE

# 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: June 2, 2011

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #15-11

CERTIFICATION DATE: June 1, 2011

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. 15-11. This Ordinance is a rezoning of the property located at 1502, 1504, 1506, 1510 North 29<sup>th</sup> Street. The Petitioner, Mary Schell, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence District, for duplexes. 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. 15-11 at a public meeting and hearing held Wednesday, June 1, 2011. 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. 15-11 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 15-11 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. 15-11, was FAVORABLE.

  
Fred L. Wilson, President

  
Jeremy Weir, Executive Director

Received this 2<sup>nd</sup> day of June, 2011

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-11

Doc: # 35

Date: June 2011

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## APPLICATION INFORMATION

Petitioner: Mary Schell

Property Owner: Same-As-Above

Representative: Richard J. Shagley II

Proposed Use: 2 Duplexes

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

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the east side of North 29<sup>th</sup> St, on the northwest corner of North 29<sup>th</sup> St. and 7<sup>th</sup> Ave.

Common Address: 1502, 1504, 1506, and 1510 North 29<sup>th</sup> Street

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Conservation

- 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.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: North 29<sup>th</sup> Street (Local)

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-11

Doc: # 35

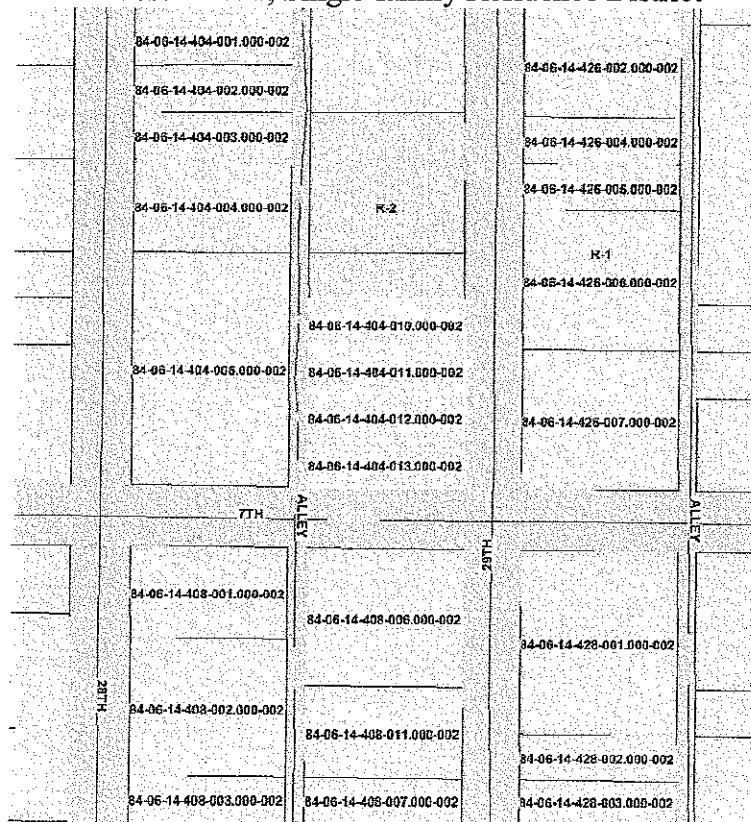
Date: June 2011

Page 2 of 3

Dev. Priority: Capital investment that matches the existing development intensity and pattern is a high priority

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-family Residence District  
**East** – R-1, Single-family Residence District  
**South** – R-1, Single-family Residence District  
**West** – R-1, Single-family Residence District



Character of Area: The property included in the petition is located in the south-east portion of the Sheridan Park neighborhood. This portion of the city is sparsely developed. The built environment consists of single-family and newly built two-family dwelling structures as the core improvement in the area

Contig. Uses & Zones: The contiguous zoning is R-1, Single Residence District its uses are single family residential structures and R-2, Two-Family

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #15-11

Doc: # 35

Date: June 2011

Page 3 of 3

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## ZONING REGULATIONS

R-2 Purpose: Single-family and Two-Family dwellings Units

R-2 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

R-2 Standards: Minimum Lot Size: 6,600 Sq. Ft.  
FAR 0.5 %  
Street Setback: 55 feet from centerline;  
Rear setback 11';  
Interior setback of 5' from the interior lot line;  
Two (2) parking space per two-bed room unit.

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## FINDINGS and RECOMMENDATION

Staff Findings: The petitioned real-property has a total area of 20,273 Sq. Ft. The City of Terre Haute Comprehensive Zoning Ordinance state in Table 8 R-2, Two-Family zoning lots with a F.A.R 0.5 need a minimum lot area per dwelling unit of 6,600 Sq. Ft.

Recommendation: Favorable Recommendation on the proposed R2 rezoning.