

**SPECIAL ORDINANCE No. 41, 2016**

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

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**Common Addresses of lots to be rezoned**

**3102 Plum Street, Terre Haute, Indiana 47803**

**3108 Plum Street, Terre Haute, Indiana 47803**

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<b>Rezone from</b>	<b>R-1 Single Family Residence</b>
<b>Rezone To:</b>	<b>R-2 Two Family Residence District</b>
<b>Proposed Use</b>	<b>Duplex</b>
<b>Name of Owner</b>	<b>Monte C. Wenzel and Marsha L. Wenzel, Husband and wife , and Marcus C. Wenzel</b>
<b>Address of Owner</b>	<b>4569 East Poplar Dr. Terre Haute, In. 47803</b>
<b>Phone Number of Owner</b>	<b>812-239-4826, 812-236-3238</b>
<b>Attorney Representing</b>	<b>N/A</b>
<b>For Information Contact</b>	<b>( x ) Owner      ( ) Attorney</b>
<b>Council Sponsor</b>	<b>Karrum Nasser</b>

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

FILED

NOV 04 2016

**SPECIAL ORDINANCE FOR A REZONING**

**CITY CLERK**

**SPECIAL ORDINANCE NO. 41, 2016**

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:

Part of Lots 828,829,830 and 831, in Sheridan Park, a subdivision in the Northeast Quarter of Section 14, Township 12 North Range 9 West, described as follows:

The West ½ of the following:

Beginning at the Southwest corner of Lot 828 in said Sheridan Park, and running North along the West line of said Lot 528, a distance of 80 feet, thence in a Northeasterly direction to the East line of 831, at a point of 87.8 feet North of the Southeast corner of said Lot 831, thence South along the East line of said Lot 831, 97.8 feet to the Southeast corner of said Lot 831, thence West along the South line of said Lots 831, 830, 829 and 828, 169.2 feet to the place of beginning.

Tax Parcel No. 84-06-14-282-011.000-002

Commonly known as: 3102 Plum Street, Terre Haute, Indiana

The East ½ of the following:

Beginning at the Southwest corner of Lot 828 in said Sheridan Park, and running North along the West line of said Lot 528, a distance of 80 feet, thence in a Northeasterly direction to the East line of 831, at a point of 87.8 feet North of the Southeast corner of said Lot 831, thence South along the East line of said Lot 831, 97.8 feet to the Southeast corner of said Lot 831, thence West along the South line of said Lots 831, 830, 829 and 828, 169.2 feet to the place of beginning.

Tax Parcel No. 84-06-14-282-012.000-002

Commonly known as: 3108 Plum Street, Terre Haute, Indiana

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.

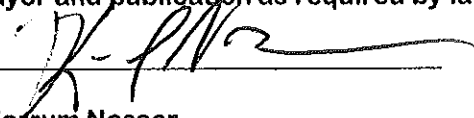
Approval of an occupancy permit or completion of the agreed construction must be done within one (1) year from the date of this deed.

Be and the same is hereby established as a R-2 Two Family Residence District.

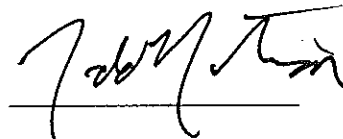
Together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking 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,

  
Karrum Nasser

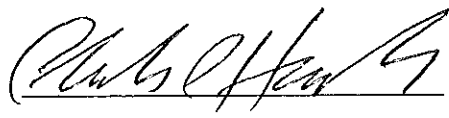
Passed in open Council this 9<sup>th</sup> day of December 2016

  
Todd Nation, President

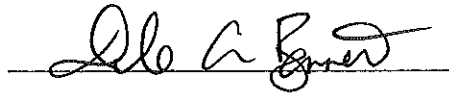
ATTEST

  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 9<sup>th</sup> day of December 2016

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 9<sup>th</sup> day of December 2016



Duke A. Bennett, Mayor

ATTEST:



Charles P. Hanley, City Clerk

I affirm under penalties for perjury, that I have taken reasonable care to deact each Social Security Security Number in this document, unless required by law.



Monte C. Wenzel

This instrument prepared by Marsha L. Wenzel, 4569 East Poplar Drive, Terre Haute, In. 47803

**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, Monte C. Wenzel and Marsha L. Wenzel, Husband and Wife, and Marcus C. Wenzel, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:**

**Part of Lots 828,829,830,and 831, in Sheridan Park, and Subdivision in the Northeast Quarter of Section 14, Township 12 North. Range 9 West, as described as follows:**

**The East ½ of the following:**

**Beginning at the Southwest corner of Lot 828 in said Sheridan Park, and running North along the West line of said Lot 828, a distance of 80 feet, thence in a Northeasterly direction to the East line of Lot 831, at a point 87.8 feet North of the Southeast corner of said Lot 831, thence South along the East line of said Lot 831, 87.8 feet to the Southeast corner of said Lot 831 thence West along the South line of said Lots 831, 830, 829, and 828. 169.2 feet to the place of beginning.**

**Commonly known as: 3108 Plum Street, Terre Haute, Indiana**

**Part of Lots 828,829,830,and 831, in Sheridan Park, and Subdivision in the Northeast Quarter of Section 14, Township 12 North. Range 9 West, as described as follows:**

**The West ½ of the Following:**

**Beginning at the Southwest corner of Lot 828 in said Sheridan Park, and running North along the West line of said Lot 828, a distance of 80 feet, thence in a Northeasterly direction to the East line of Lot 831, at a point 87.8 feet North of the Southeast corner of said Lot 831, thence South along the East line of said Lot 831, 87.8 feet to the Southeast corner of said Lot 831, thence West along the South line of said Lots 831, 830, 829 and 828. 169.2 feet to the place of beginning**

**Commonly known as: 3102 Plum Street, Terre Haute, Indiana**

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 intends to use the vacant real estate for Duplex's. Your Petitioner would request that the real estate described herein shall be zoned as a R-2 Two Family Residence District.

Your Petitioner would allege that the R-2, Two Family Residence District would not alter the general characteristics of this neighborhood. The zoning classification is consistent with the 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 petitioners respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana, and declaring the above described real estate to be part of R-2, Two Family 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 the limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 2 day of October 2016

PETITIONERS:

Monte C. Wenzel

Monte C. Wenzel

Marsha L. Wenzel

Marsha L. Wenzel

Marcus C. Wenzel

Marcus C. Wenzel

**AFFIDAVIT OF:**

COMES NOW affiant MONTZ C. WENZEL, MARSHA L. WENZEL, MARCUS WENZEL  
and affirms under penalty of law that affiant is the owner of record of the property located  
at 3102 and 3108 Plum Street, Terre Haute, IN 47804  
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.

MONTZ C. WENZEL, MARSHA L. WENZEL, MARCUS C. WENZEL  
[Typed name of owner(s) on deed]

SIGNATURE: Montz C. Wenzel & Marsha L. Wenzel

SIGNATURE: [Signature]

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for  
said County and State, MONTZ C. WENZEL, MARSHA L. WENZEL, & MARCUS C. WENZEL  
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 28th day of OCTOBER, 2016.

Notary Public: Stacey L. Orman  
STACEY L. ORMAN  
[Typed name]

My Commission Expires: 08/09/2017

My County Of Residence: VIGO



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

APR 25 2016

*Nancy S. Allsup*  
VIGO COUNTY CLERK

### QUIT CLAIM DEED

2016004064 0D \$18.00  
04/25/2016 10:27:25A 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



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 Monte C. Wenzel and Marsha L. Wenzel, husband and wife, and Marcus C. Wenzel** of Vigo County, as Grantees, 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:

Part of Lots 828, 829, 830 and 831, in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township 12 North, Range 9 West, described as follows:

Beginning at the Southwest corner of Lot 828 in said Sheridan Park, and running North along the West line of said Lot 828, a distance of 80 feet, thence in a Northeasterly direction to the East line of Lot 831, at a point 87.8 feet North of the Southeast corner of said Lot 831, thence South along the East line of said Lot 831, 87.8 feet to the Southeast corner of said Lot 831, thence West along the South line of said Lots 831, 830, 829 and 828, 169.2 feet to the place of beginning.

Tax Parcel No. 84-06-14-282-006.000-002

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.

Approval of an occupancy permit or completion of the agreed construction must be done within one (1) year from the date of this deed.







# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807  
Telephone: (812) 462-3354 Fax: (812) 234-3248

**TERRE HAUTE**

Terre Haute • West Terre Haute • Riley • Seelyville

October 21, 2016

Monte Wenzel  
Marsha Wenzel  
4569 E. Poplar St.  
Terre Haute IN 47803

## **NEW ADDRESS ASSIGNMENT: 3102 and 3108 Plum St Terre Haute IN 47804**

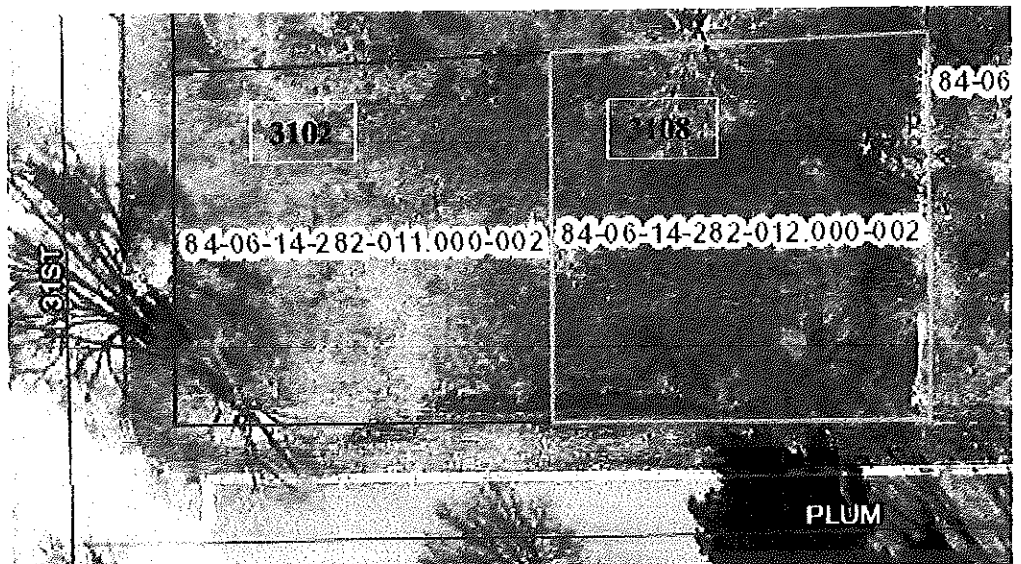
The Vigo County Area Planning Department has reviewed the location and is sending this confirmation of address letter to inform you of its findings.

The properties are located on the corner of 31<sup>st</sup> Street and Plum Street in Harrison Township. The Wenzel's are requesting addresses for these properties for rezoning purposes.

The address above is in compliance with the code. Confirmation of this address will be sent to the Vigo County E-911 Coordinator, the US Postal Service and the Harrison Township Assessor's Office on your behalf.

If you have any questions regarding this matter, please call (812) 462 - 3354.

Kindra Ernst  
Planning Assistant



**2 Story with 3 bedrooms & 3 total bathrooms**

Main Level Sq. Ft.: 654  
 Upper Level Sq. Ft.: 754  
 Total Finished Sq. Ft.: 1,408

Style: Traditional  
 Standard Foundation: Basement

Max Width: 52'-0" Wide  
 Max Depth: 47'-8" Deep  
 Main Level Ceiling Ht: 9'0"  
 Upper Level Ceiling Ht: 8'0"  
 Ridge Height: 29'1"

Front Garage Size: 2 stalls  
 Garage Sq. Ft.: 434

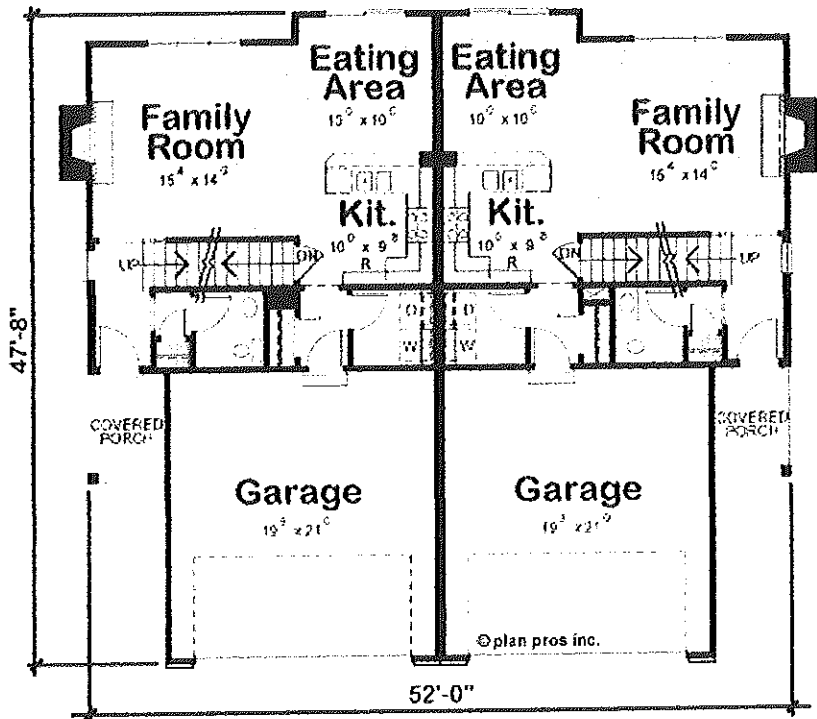
Kitchen Size: 10'-0" x 9'-8"  
 Breakfast Size: 10'-0" x 10'-0"

Master Suite Size: 15'-0" x 14'-0"  
 Master Suite Closet Size: 4'-8" x 6'-8"  
 Master Suite Bath Size: 5'-0" x 12'-3"



Plan 5

ENTERTAINING	
DE-STRESSING	
STORING	
FLEXIBLE LIVING	
<b>Livability Index<sup>SM</sup></b>	<b>17</b>
Entertaining   De-Stressing   Storing   Flexible Living	



**Plan Pricing**

Your right to build documents:  
 Construction license only - \$925.00  
 Dimensional plan - \$1,007.00

Construction sets/drawings:  
 PDF electronic file full price - \$1,730.00  
 1 set reproducible file full price - \$1,730.00  
 4 sets reproducible file full price - \$1,905.00  
 8 sets reproducible file full price - \$2,080.00  
 CAD file full price - \$2,230.00

Right reading reverse:  
 Available for this design. No Add. Cost

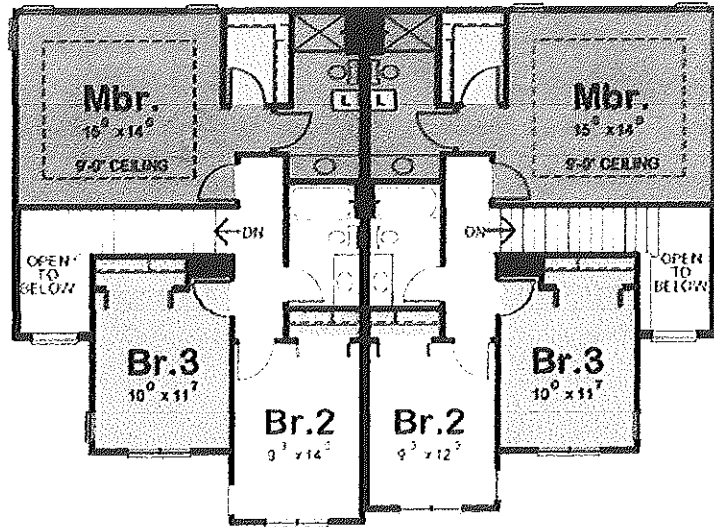
Livability at a Glance<sup>SM</sup>

**ORDER NOW!**

**800.947.7526**

**2 Story with 3 bedrooms & 3 total bathrooms**

Main Level Sq. Ft.: 654  
 Upper Level Sq. Ft.: 754  
 Total Finished Sq. Ft.: 1,408



Liveability at a Glance™

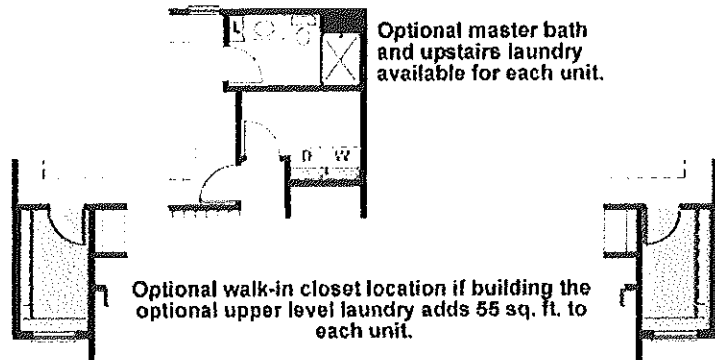
CONSTRUCTION

FINISHES

LANDSCAPE

PERFORMANCE

**Upper Level Floor Plan Options**



Liveability at a Glance™

CONSTRUCTION

FINISHES

LANDSCAPE

PERFORMANCE

Receipt

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

Date: 11/4/16

Name: Monte + Marsha Wenzel

Reason: Rezoning - Notice of Filing \$25.00

Rezoning - Petition \$20.00

\$45.00

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

Check: #3351 \$45.00

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

Total: \$45.00

Received By: L Ellis / jw

TERRE HAUTE, IN  
PAID  
NOV 11 2016  
CONTROLLER



# 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: December 8, 2016

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #41-16

CERTIFICATION DATE: December 7, 2016


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

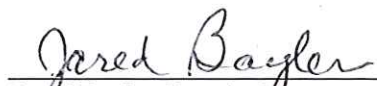
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 41-16. This Ordinance is a rezoning of the property located at 3102 and 3108 Plum St. The Petitioner, Monte, Marsha and Marcus Wenzel, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family R 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. 41 at a public meeting and hearing held Wednesday, December 7, 2016. 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. 41-16 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 41-16 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. 41-16 was NO RECOMMENDATION.

  
Fred L. Wilson, President

  
Jared Bayler, Interim Director

Received this 8th day of December, 2016

## APPLICATION INFORMATION

Petitioner: Monte C. Wenzel & Marsha L. Wenzel

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Two-family Dwelling

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

Current Zoning: R-1, Single Family Residence District

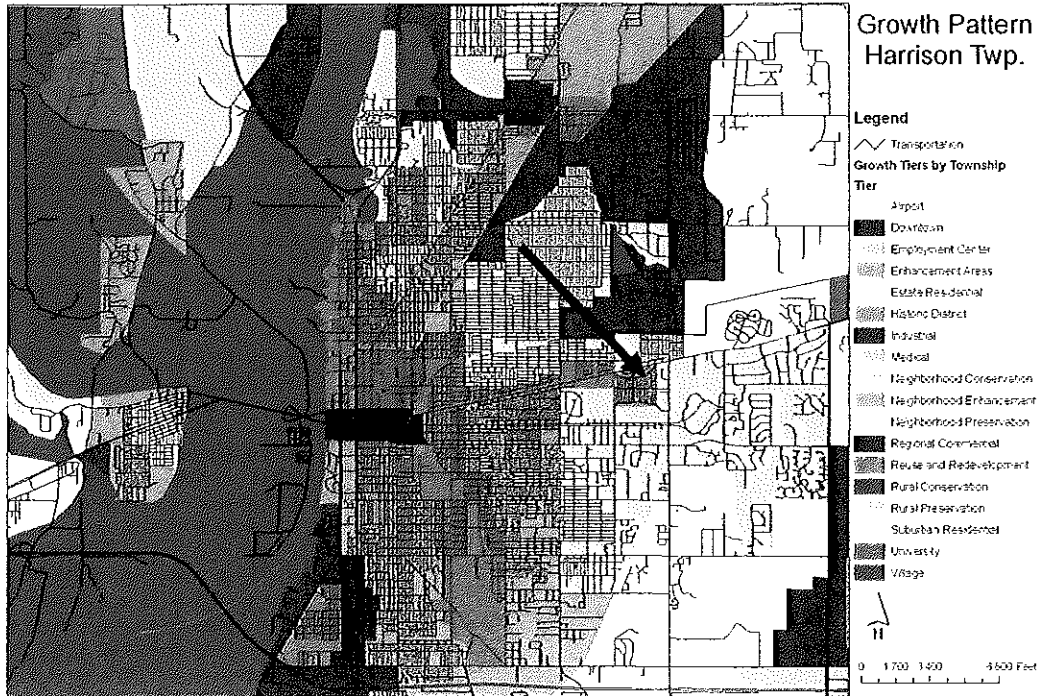
Location: The property is located on the southwest corner of Plum St. and 31<sup>st</sup> St.

Common Address: Temporary address have been assigned: 3102 and 3108 Plum St.  
Terre Haute, IN 47803

## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement



- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Access to the site will be from Plum St.

Dev. Priority: Capital investment and urban renewal that matches the existing development intensity and block pattern is a high priority within the City of Terre Haute

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## ZONING COMPATIBILITY

Surrounding Zones and Uses:      **North** MHCU Mobile Home Conditional Use  
   **East** R-1, Single-family Residence District  
   **South** R-1, Single-family Residence District  
   **West** R-1, Single-family Residence District

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Contiguous Uses & Zones: The contiguous zoning is R-1, Single Residence District with single family residential uses as permitted.

## 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: 7,200 Sq. Ft. FAR 0.5 %  
Street Setback: 55 feet from centerline on Plum St.;  
55 feet on 31<sup>st</sup> St.  
Rear setback: 11 feet (no alley)  
Interior setback: 5 feet from the interior lot line;

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## **FINDINGS and RECOMMENDATION**

Staff Findings: The petitioners are seeking to build two new duplex units for a total for 4 new residences. Each unit will have a floor area of 1,408 Sq. Ft. with an attached garage. Allowing a range of residential uses may encourage infill development that is compatible with the existing land uses.

Table 8 of the Comprehensive Zoning Ordinance lists the Floor Area Ratio of each district. An R-2, Two-Family Residence Zoning with a 50% ratio requires a minimum livable area of 512Sq. Ft. per unit and 7,200 Sq. Ft. of lot area per unit for new development. The west property has a total lot area of approximately 7088.54 Sq. Ft. and the east parcel has approximately 7440 Sq. Ft. Therefore, a variance approval by the City Board of Zoning Appeals will be necessary to allow for a reduction from the required 14,400 sq. ft. of lot area.

Road cut permits may be needed for each building. The area enjoys all major utility services.

Recommendation: Favorable recommendation on the proposed R-2 rezoning, with the condition that the petitioner receive a City Board of Zoning Appeals approval on the variance request to reduce the required minimum lot size for both parcels.