



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO.27 _____

COMMON ADDRESS OF LOTS TO BE REZONED:

1225 N 8th St. Terre Haute

Current Zoning: R-2, two family residence district

Requested Zoning: C-2, Community Commerce district

Proposed Use: Building addition for auto body repair

Name of Owner: Bradley L. Bole

Address of Owner: 7290 N Private Rd 130 W Brazil, In. 47834

Phone Number of Owner: 812-239-8999

Attorney Representing Owner (if any): _____

Address of Attorney: _____

Phone Number of Attorney: _____

For Information Contact: Bradley L Bole @ 812-239-8999

Council Sponsor: Neil Garrison

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

FILED

MAY 22 2017

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 27 _____, 2017

CITY CLERK

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

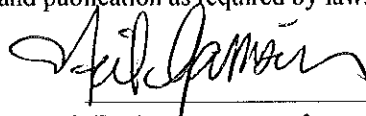
SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute,
Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the
"Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps,
be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of
Indiana, to-wit:

The North Half of Lot 5 in Block 5 in Roache and McGaughey's Subdivision of 56 66/100 acres in the
middle part of the south West Quarter of Section 15 in Township 12 North of Range 9 West
Commonly known as: 1225 N 8th St, Terre Haute, Vigo County Indiana 47807

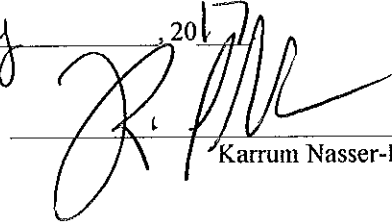
Be and the same is hereby established as a C-2, Community Commerce district, together with all rights
and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases
provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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.

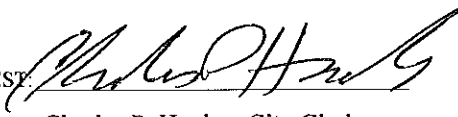


Presented by Council Member, Neil Garrison

Passed in Open Council this 13th day of July, 2017

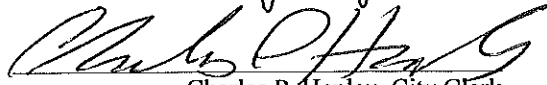


Karrum Nasser-President

ATTEST: 

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 17 day of July, 2017

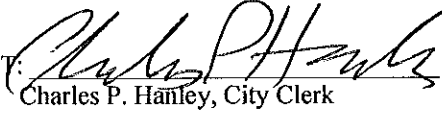


Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 17th day of July, 2017



Duke Bennett, Mayor

ATTEST: 

Charles P. Hanley, City Clerk

This instrument prepared by: Bradley L. Bole 7290 N Private RD 130 W Brazil IN 47834 (812)239-8999

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.



<Name>

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, **Bradley L. Bole**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The North Half of Lot Number 5 in Block Number 5 in Roache and McGaughey's Subdivision of 56 66/100 acres in the middle part of the south West Quarter of the south West Quarter of Section 15 in Township 12 North of Range 9 West

Commonly known as: 1225 N 8th St, Terre Haute, Indiana 47807.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-2 two family residence district**

Your petitioner would respectfully state that the real estate is now **Vacant Lot**. Your petitioner intends to use the real estate for **Building Extension**.

Your petitioner would request that the real estate described herein shall be zoned as a **C-2, Community Commerce District**. Your petitioner would allege that the **Community Commerce District** would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **C-2, Community 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 18 day of May, 2017.

BY: 
Bradley L. Bole

PETITIONER: **Bradley L. Bole 7290 N Private RD 130 W Brazil IN 47834**

This instrument was prepared by **Bradley L. Bole 7290 N Private RD 130 W Brazil IN 47834 (812)239-8999**

AFFIDAVIT OF:

COMES NOW affiant Bradley L. Bole _____

and affirms under penalty of law that affiant is the owner of record of the property located

at 1225 N 8th St. Terre Haute IN 47807

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

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

Bradley L. Bole

SIGNATURE: _____

Bradley L. Bole

SIGNATURE: _____

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo / Indiana

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

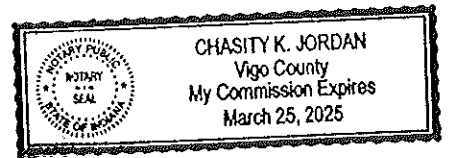
WITNESS my hand and notarial seal, this 18 day of May, 2017.

Notary Public: *Chasity K. Jordan*

Chasity K. Jordan
[Typed name]

My Commission Expires: March 25, 2025

My County Of Residence: Vigo





CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: May 5, 2017

Indiana Department of Homeland Security
 DIVISION OF FIRE & BUILDING SAFETY
 PLAN REVIEW DIVISION
 402 W. Washington St., Room E245
 Indianapolis, IN 46204



Available At Your Local Licence Branch
SUPPORT HOOSIER SAFETY

| | | |
|--------------------------------------------|----------------|--------------------------------------|
| Project number 391834 | | Release date 05/05/17 |
| Construction type V-B | | Occupancy classification S-1, ADD |
| Scope of release ARCH ELEC FDN MECH STR | | |
| Type of release Standard | | |
| Project name Blackburn Collision | | |
| Street address 1245 N 8th St | | |
| City TERRE HAUTE | County VIGO | |

To: Owner / Architect / Engineer
 D.B. Tarr & Co.
 Daniel B. Tarr PE10100918
 8728 W Co Rd 175 S
 French Lick IN 47432

Fax & e-mail: 0000000000, dbtarr@yahoo.com

The plans, specifications and application submitted for the above referenced project have been reviewed for compliance with the applicable rules of the Fire Prevention and Building Safety Commission. The project is released for construction subject to, but not necessarily limited to, the conditions listed below. THIS IS NOT A BUILDING PERMIT. All required local permits and licenses must be obtained prior to beginning construction work. All construction work must be in full compliance with all applicable State rules. Any changes in the released plans and/or specifications must be filed with and released by this Office before any work is altered. This release may be suspended or revoked if it is determined to be issued in error, in violation of any rules of the Commission or if it is based on incorrect or insufficient information. This release shall expire by limitation, and become null and void, if the work authorized is not commenced within one (1) year from the above date.

CONDITIONS:

Note :(A1A & A1B): In accordance with the affidavit sworn under penalties of perjury in the application for construction design release the plans and specifications filed in conjunction with this project shall comply with all of the applicable rules and laws of Fire Prevention and Building Safety Commission. Providing false information constitutes an act of perjury, which is a Class D felony punishable by a prison term and a fine up to \$10,000.

In accordance with Section 19 of the General Administrative Rules (675 IAC 12-6-19) a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction jobsite as well as a copy of the design release.

- 14B01 The current building code for this project is the 2014 Indiana Building code (675 IAC 13-2.6).
- 14B03071 The aggregate quantity of hazardous materials shall not be greater than the amounts specified in Tables 307.1(1) and 307.1(2) in accordance with Section 307.1, IBC (675 IAC 13-2.6).
- 14B0602T Exterior walls shall have fire-resistance ratings in accordance with Table 602, IBC (675 IAC 13-2.6). (3 hour)
- 4G0603AN This release does not include plumbing work. Plans and specifications for adding or remodeling this system shall be filed as a new project or as a partial before commencing work in accordance with 675 IAC 12-6-3.

Please be advised that if an administrative review of this action is desired, a written petition for review must be filed at the above address with the Fire Prevention and Building Safety Commission identifying the matter for which a review is sought no later than eighteen (18) days from the above - stated date, unless the eighteenth day falls on a Saturday, a Sunday, a legal holiday under State statute, or a day in which the Department of Fire and Building Services is closed during normal business hours. In the latter case, the filing deadline will be the first working day thereafter. If you choose to petition, and the before-mentioned procedures are followed, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Fire Prevention and Building Safety Commission. If a petition for review is not filed, this Order will be final, and you must comply with its requirements.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Code review official GERALD KELLEY gkelley@dhs.in.gov | Director, Division of Fire and Building Safety |
| Address (name,title of local official,street,city,state and ZIP code) BUILDING COMMISSIONER Daniel Bell 17 HARDING AVENUE ROOM 203 TERRE HAUTE, IN 47807 Fax & e-mail: 8122343973, daniel.bell@terrehaute.in.gov | |

Revisions:

Blackburn Colson
Terre Haute, IN

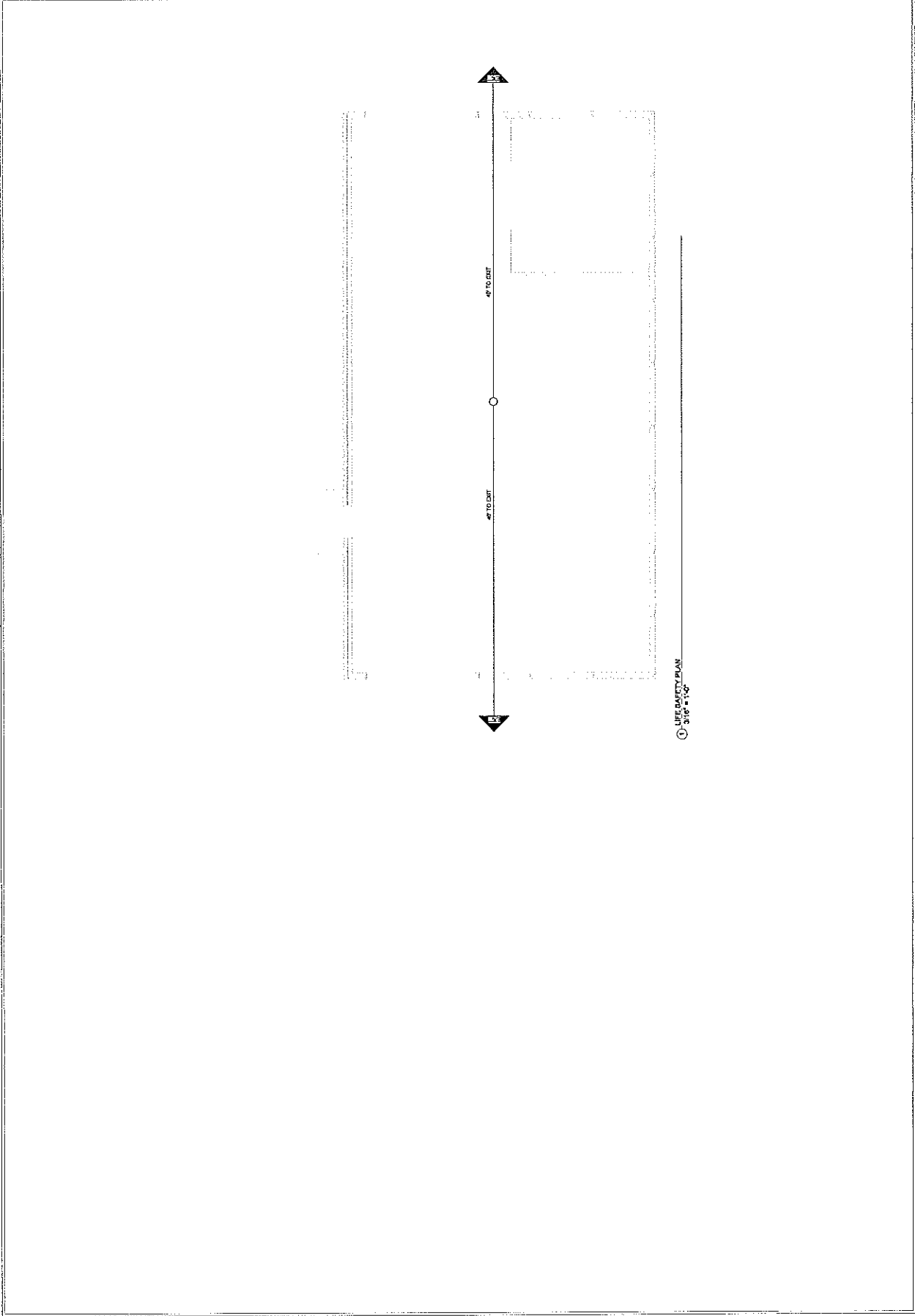
dtb
db tarr
8728W CR176S
French Lick, IN 47432
dbarr@dtb.com
812.278.0060



4-24-17

L1

LIFE SAFETY



Revisions:

Blackburn Collins
Terre Haute, IN

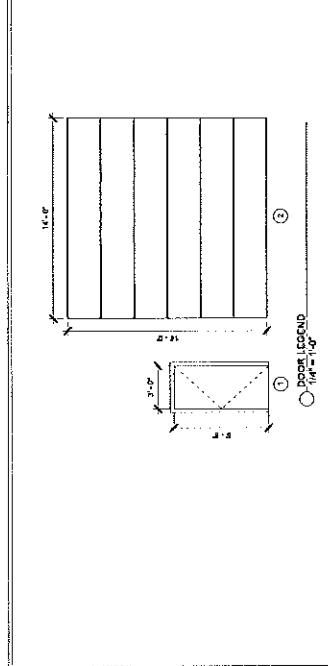
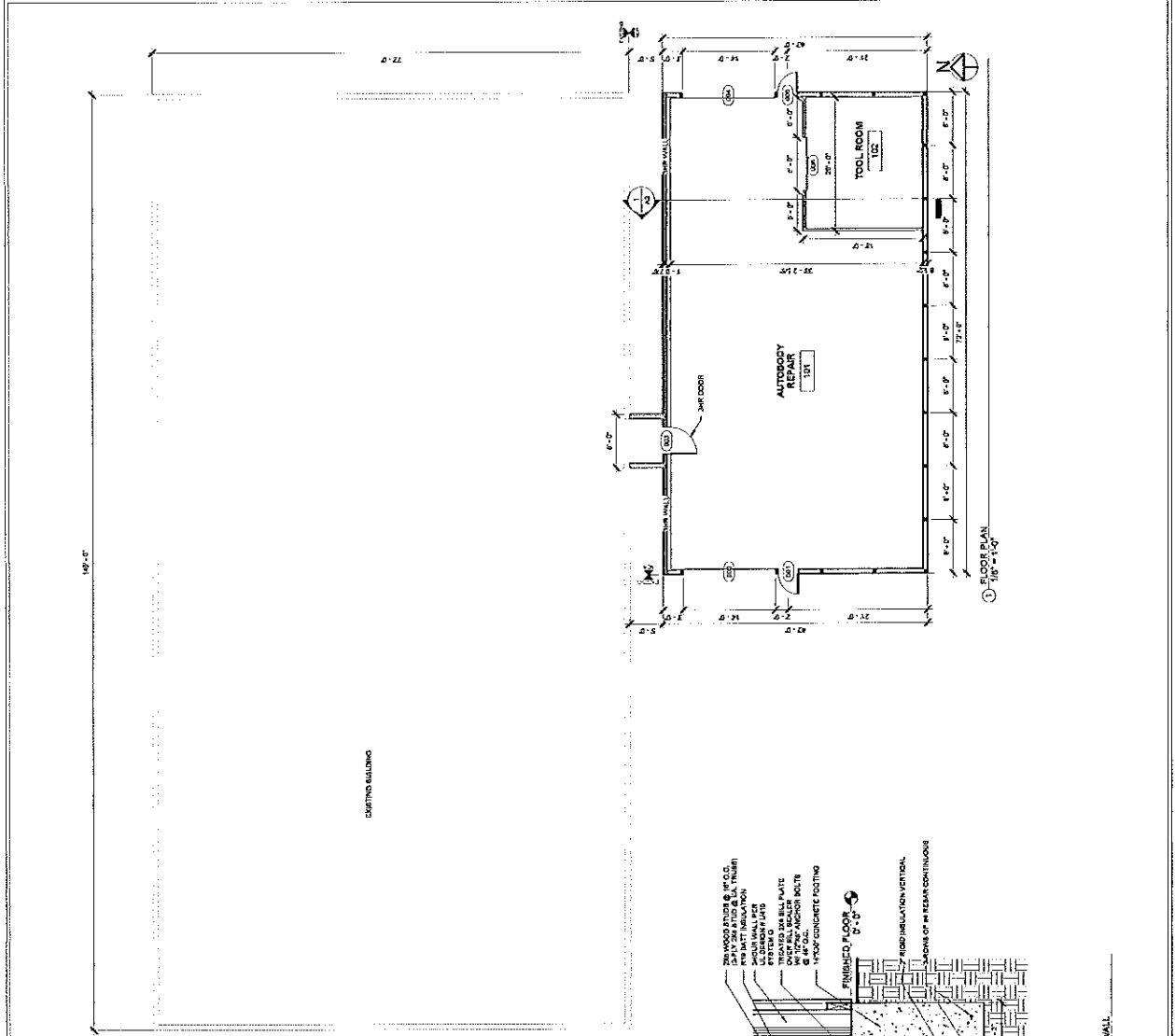
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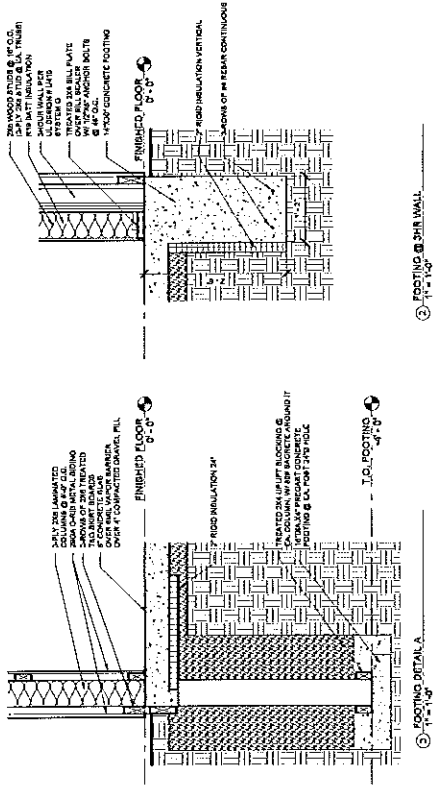
4-24-17

A1

FLOOR PLAN



| DOOR SCHEDULE | | | | ROOM FINISH SCHEDULE | | | | | | | |
|---------------|--------|-------|------|----------------------|---------|-----|-----------------|----------|-------|---------|---------|
| DOOR NUMBER | SIZE | HT. | THK. | MATERIAL | REMARKS | NO. | NAME | FLOOR | WALL | CEILING | REMARKS |
| | | | | | | | | | | | |
| 001 | 6'-0" | 7'-0" | 2" | PRE-PATINO | | 101 | AUTOBODY REPAIR | CONCRETE | BRICK | PLASTER | |
| 002 | 14'-0" | 7'-0" | 2" | PRE-PATINO | | 102 | TOOL ROOM | CONCRETE | BRICK | PLASTER | |
| 003 | 4'-0" | 7'-0" | 2" | | | | | | | | |
| 004 | 14'-0" | 7'-0" | 2" | | | | | | | | |
| 005 | 3'-0" | 7'-0" | 2" | | | | | | | | |
| 006 | 8'-0" | 7'-0" | 2" | | | | | | | | |



FOOTING @ 3/4\"/>

FOOTING @ 3/4\"/>

Revisions:

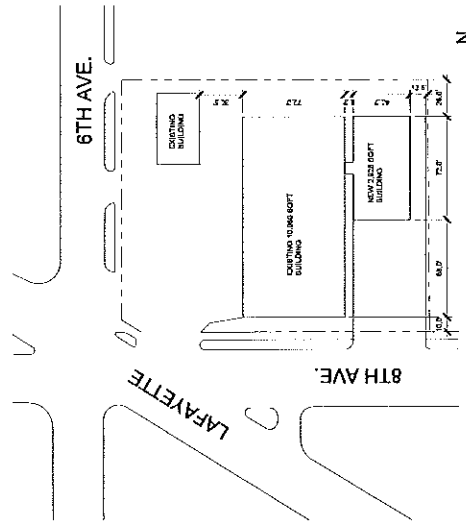
Blackburn Colson
Terra Haute, IN

dtb
db tarr
8728W CR176S
French Lick, IN 47432
dbtarr@yahoo.com
812.278.0060

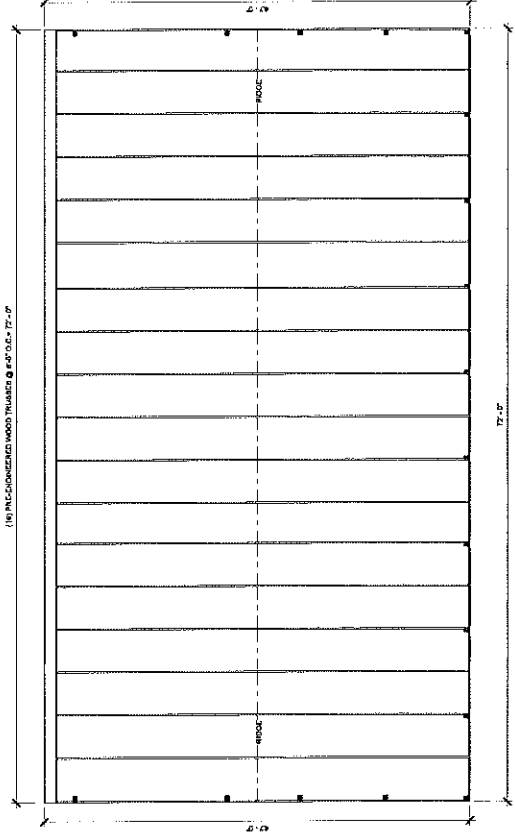


4-24-17

S1
STRUCTURAL PLAN



① SITE PLAN
1" = 400'



③ ROOF FRAMING PLAN
3/16" = 1'-0"

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2016006167 SWD \$18.00
06/20/2016 02:30:34P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



JUN 20 2016

Tammy M. Stephens
VIGO COUNTY AUDITOR

SPECIAL WARRANTY DEED

This Indenture Witnesseth That

Riddell National Bank
a national banking institution organized under the laws
of the United States of America with its principal offices
in the City of Brazil of the State of Indiana

CONVEYS and WARRANTS to

Bradley L. Bole
of Vigo County in the State of Indiana,

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Vigo County in the State of Indiana, to-wit:

The North Half of Lot Number 5 in Block Number 5 in Roache and McGaughey's Subdivision of 56 66/100 acres in the middle part of the south West Quarter of Section 15 in Township 12 North of Range 9 West.

Common Street Address: 1225 N. 8th St., Terre Haute, IN
Parcel No. 83-06-15-309-006.000-002

Grantor warrants only as against its own acts and against claims and demands of all persons claiming by, through or under Grantor, but not otherwise.

The undersigned person(s) executing this deed represent(s) and certify (certifies) on behalf of the Grantor, that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 16th
day of June, 2016.

Riddell National Bank

BY *Bradley A. Bush*
Bradley A. Bush, Vice President

STATE OF INDIANA, COUNTY OF CLAY) SS:

Before me, a Notary Public in and for said county and state, this 16 day of JUNE, 2016, personally Bradley A. Bush, Vice President of Riddell National Bank, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

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

My Commission Expires:

5-1-2017

[Signature]
Notary Public

County of Residence:

VERMILION

Printed: HENRY L. ANTONINI

This instrument prepared by: Henry L. Antonini, Antonini & Antonini, 224 South Main Street, P.O. Box 325, Clinton, IN 47842-0325 Tel: (765) 832-3527 <45VIG016.ded>

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Henry L. Antonini

Mail tax bills to: 1245 N. 8th ST., TERRE HAUTE, IN 47807

Mail to: same

Receipt

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

Date: 5/22/17

Name: Bradley Bole

| | |
|--------------------------------------------|----------------|
| Reason: <u>Rezoning - notice of Filing</u> | <u>\$25.00</u> |
| <u>Rezoning - Petition</u> | <u>\$20.00</u> |
| | <u>\$45.00</u> |

Cash: _____

Check: _____

Credit: \$45.00

Total: \$45.00

TERRE HAUTE, IN
PAID
MAY 23 2017
CONTROLLER

Received By: L Ells/cy



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: July 6, 2017

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #27-17

CERTIFICATION DATE: July 5, 2017

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. 27-17. This Ordinance is a rezoning of the property located at 1225 N. 8th Street. The Petitioner, Bradley L. Bole, petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Community Commerce District, for a building addition for auto body repair. 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. 27-17 at a public meeting and hearing held Wednesday, July 5, 2017. 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. 27-17 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 27-17 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. 27-17 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Vacation of the alley between lots 3 and 5; 2) BZA approval for a reduction in the required buffering.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 6th day of July, 2017

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 27-17

Doc: # 43

Date: July 5, 2017

Page 1 of 4

APPLICATION INFORMATION

Petitioner: Bradley Bole

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Building addition for Auto body repair

Proposed Zoning: C-2, Community Commerce District

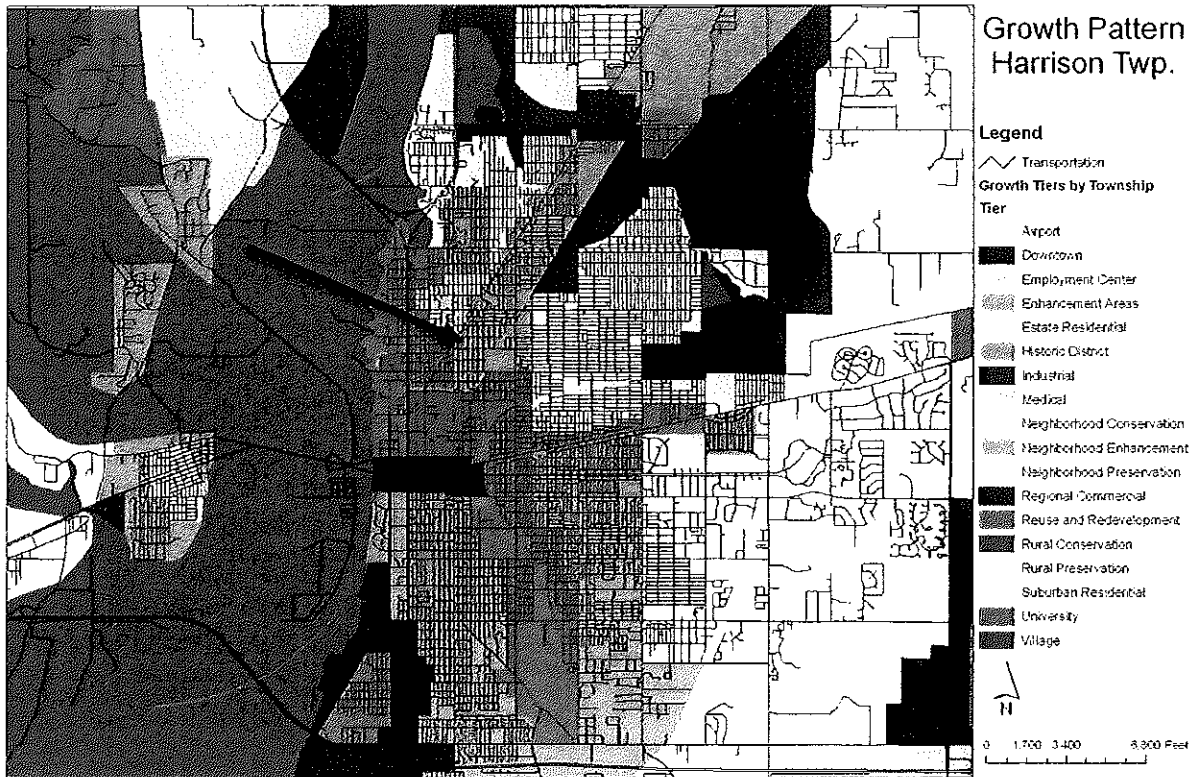
Current Zoning: R-2, Two Family Residential District

Location: The property is located approximately 200 ft. south of the intersection of Lafayette Avenue, 6th Avenue and N. 8th Street.

Common Address: 1225 N. 8th Street, Terre Haute, IN

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Guiding Policies: Neighborhood Enhancement

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- 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 the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- 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.

Street Access: N. 8th Street

Dev. Priority: This area is a high intensity residential area.

ZONING COMPATIBILITY

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

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 27-17

Doc: # 43

Date: July 5, 2017

Page 4 of 4

FINDINGS and RECOMMENDATION

Staff Findings: The business located just north of the proposed rezoning would like to expand their current location south and utilize the property. The rezoning encompasses a portion of lot 5 of McGaughey (McGoy) & Roach's Sub.

Beacon indicates a narrow alley between the two lots. It is recommended that this alley be vacated if it has not already been done.

The C-2 zoning requires a 50 ft. buffer where residential adjoins. As this cannot be met by the proposed development. BZA approval for relief from the buffer must be granted.

Recommendation: Staff offers a Favorable Recommendation on the C-2 Community Commercial District at this location with the following conditions.

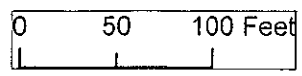
1. Vacation of the alley between lots 3 and 5
2. BZA approval for a reduction in the required buffering

Docket #43, S.O. #27-17

1225 N. 8th St. From R-2 to C-2



Parcel: 84-06-15-309-006.000-002



Area-of-Interest

Prepared by the Vigo County
Department of Area Planning