



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

**SPECIAL ORDINANCE NO. 11**

---

---

COMMON ADDRESS OF LOTS TO BE REZONED: 2528 South 7<sup>th</sup> Street Terre Haute IN 47802

Current Zoning: R-1, Single Family Residence District

Requested Zoning: R-1, Single Family Residence District Planned Development

Proposed Use: To allow two detached single family dwelling units on the lot

Name of Owner: Sharon L Ferguson, LeAnn Moore, Lisa Lively, Laura Wright

Address of Owner: 10875 S Hutchinson St. Terre Haute, IN 47802

Phone Number of Owner: 812-201-0740

Attorney Representing Owner (if any): None

For Information Contact: Lisa Lively

Council Sponsor: Amy Auler

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

FILED

APR 08 2019

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 11, 2019**

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:

Lot 7 in Kussner's Subdivision D-423/342 34-12-9 addition to the city of Terre Haute, Indiana as the same appears on the recorded plat thereof recorded in Plat Record 5 Page 5 in the Vigo County Recorder's Office.

Commonly known as: 2528 South 7<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47802

Be and the same is hereby established as a R-1, Single Family Residence District Planned Development, 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."

For the purposes of carrying out the intent of this Article, the Area Plan Commission may recommend, and the City Council may approve variances to:

1. Set back requirements; and
2. Off street parking requirements.

That the real estate described shall be a Planned Development in an R-1 Planned Development as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and condition set forth herein.

1. The real estate at 2528 South 7<sup>th</sup> Street will require a variance for two detached single family dwellings on one lot and a parking variance for off street parking for both dwellings.
2. That the Owner has met all of the criteria determined by Area Planning Commission, except as stated above by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the non-conforming improvements on the land and scattered incompatible uses in the area, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and that substantial justice will be done for the neighborhood.
3. In the event this Planned Development has not materialized within (6) months of approval, it is understood that said Planned Development become void.
4. All such rights granted herein shall be fully transferable
5. Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of the approval by the Council.

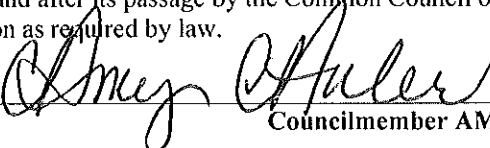
**SECTION II**, WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999 being Division III Planned Development; and

WHEREAS, This ordinance 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

WHEREAS, a public hearing Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of Said Ordinance and that said Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety and the general welfare.

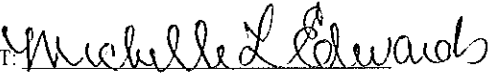
Be it ordained by the Common Council of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorizes and approves the use of the real estate described as a R-1, Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed described will be in the public interest and that substantial justice will be done.

**SECTION III**. Whereas, 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.

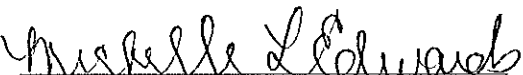
Presented by Council Member,   
Councilmember AMY AULER - District 1

Passed in Open Council this 9<sup>TH</sup> day of MAY, 2019.

  
Council President Martha Crossen

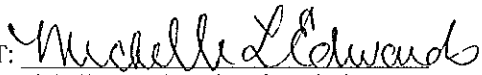
ATTEST:   
Michelle L. Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 13<sup>TH</sup> day of MAY 2019

  
Michelle L. Edwards, City Clerk

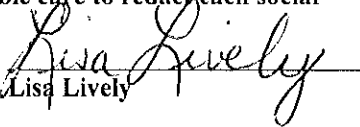
Approved by me, the Mayor, this 13<sup>TH</sup> day of MAY, 2019.

  
Duke Bennett, Mayor

ATTEST:   
Michelle L. Edwards, City Clerk

This instrument prepared by: Lisa Lively 10875 S. Hutchinson St. Terre Haute, IN 47802

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.

  
Lisa Lively

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, Sharon Ferguson, LeAnn Moore, Lisa Lively, Laura Wright, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot 7 in Kussner's Subdivision D-423/342 34-12-9 addition to the city of Terre Haute, Indiana as the same appears on the recorded plat thereof recorded in Plat Record 5 Page 5 in the Vigo County Recorder's Office.

Commonly known as: 2528 South 7<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47802

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-1, Single Family Residence District.

Your petitioner would respectfully state that the real estate is now the site of two nonconforming detached dwelling units on lot 7 in Kussner's Subdivision. Your petitioner intends to use the real estate to allow the two detached nonconforming unit as a permitted and legal use of property.

Your petitioner would request that the real estate described herein shall be zoned as an R-1, Single Family Residence Planned Development. Your petitioner would allege that the R-1, Single Family Residence Planned Development 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 R-1, Single Family Residence Planned Development 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 WITNESS WHEREOF, This petition has been duly executed this 8th day of April, 2019.

BY: Sharon Ferguson, LeAnn Moore, Lisa Lively, Laura Wright

PETITIONER: Sharon Ferguson, LeAnn Moore,  Lisa Lively, Laura Wright

This instrument was prepared by Lisa Lively 10875 S. Hutchinson St. Terre Haute, IN 47802



Parcel: 84-06-34-305-007.000-002

M-1

0 50 100 Feet

**AFFIDAVIT OF:**

COMES NOW affiant Sharon Ferguson, LeAnn Moore, Lisa Lively, Laura Wright

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

at 2528 S. 7<sup>th</sup> St. Terre Haute, IN 47802

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.

Sharon Ferguson, LeAnn Moore, Lisa Lively, Laura Wright

SIGNATURE: Sharon L Ferguson

SIGNATURE: LeAnn Moore

SIGNATURE: Lisa Lively

SIGNATURE: Laura Wright

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo County, 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 8<sup>th</sup> day of April, 2019.

Notary Public:

Kimberly S Stephenson

Printed Name:

Kimberly S Stephenson

My Commission Expires: Jan 6<sup>th</sup>, 2027

My County of Residence: Vigo



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

2015013467 00 \$18.00  
12/29/2015 03:06:12P 2 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



DEC 29 2015

*Nancy M. Allsup*  
VIGO COUNTY AUDITOR

EXEMPT FROM DISCLOSURE FEE

Recording requested by: <u>SHARON FERGUSON</u>	Space above reserved for use by Recorder's Office
When recorded, mail to:	Document prepared by:
Name: <u>SHARON FERGUSON</u>	Name _____
Address: <u>2528 S. 7th ST.</u>	Address _____
City/State/Zip: <u>TERRE HAUTE, IN 47802</u>	City/State/Zip _____
Property Tax Parcel/Account Number: <u>84-06-34-305-007.000-002</u>	

### Quitclaim Deed

This Quitclaim Deed is made on DECEMBER 27, 2015, between  
SHARON L. FERGUSON, Grantor, of 2528 S. 7th ST.  
 \_\_\_\_\_, City of TERRE HAUTE, State of INDIANA,  
 and SHARON FERGUSON, LEANN MOORE, LISA LIVELY & LAURA WRIGHT Grantee, of 2528 S. 7th ST.  
 \_\_\_\_\_, City of TERRE HAUTE, State of INDIANA.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 2528 S. 7th ST.  
 \_\_\_\_\_, City of TERRE HAUTE, State of INDIANA :

KUSSNER'S SUB-D-423/342 34-12-9 LOT 7

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.  
 Taxes for the tax year of 2015 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

Dated: DECEMBER 27, 2015

Sharon L Ferguson  
Signature of Grantor

SHARON L FERGUSON  
Name of Grantor

Sheila R Nicoson  
Signature of Witness #1

Sheila R NICOSON  
Printed Name of Witness #1

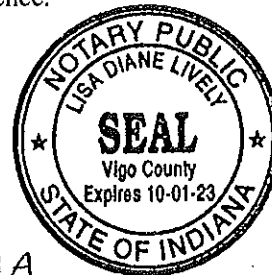
\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Printed Name of Witness #2

State of INDIANA County of VIGO

On 12/27/2015, the Grantor, SHARON L. FERGUSON, personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Lisa Lively - LISA LIVELY  
Notary Signature



Notary Public,  
In and for the County of VIGO State of INDIANA  
My commission expires: 10/1/23

Seal

Send all tax statements to Grantee.





Receipt

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

Date: 04.8.19

Name: Risa Lively

Reason: Rezoning Fee

TERRE HAUTE, IN  
PAID

APR 10 2019

Cash: \$45.00

CONTROLLER

Check: \_\_\_\_\_

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

Total: \$45.00

Received By: [Signature]



# 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 8, 2019

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 11-19,

CERTIFICATION DATE: May 9, 2019

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.11-19. This Ordinance is a rezoning of the property located at 2528 S 7<sup>th</sup> St. The Petitioners, Sharon Ferguson, LeAnn Moore, Lisa Lively, Laura Wright, petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-1PD, Single Family Residence District Planned Development. 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. 11-19 at a public meeting and hearing held Wednesday, May 8, 2019. 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. 11-19 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-19 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. 11-19 was FAVORABLE WITH THE FOLLOWING CONDITION: Must be recorded in 90 days, A hardship must be demonstrated, it must be determined, that if approved, the P.D. will be in the public's interest and that substantial justice will be done to that neighborhood.



  
Fred L. Wilson, President

  
Jared Bayler, Executive Director

Received this 9th day of May, 2019