



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

**SPECIAL ORDINANCE NO. 37**

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COMMON ADDRESS OF LOTS TO BE REZONED:

1800 s 25<sup>th</sup> Street, Terre Haute, Indiana 47802

Parcel Number: 84-06-35-205-001.000-002

Current Zoning: R-1 Single Family Residence

Requested Zoning: R-1 Planned Development

Proposed Use: Real estate business with a residential section

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Name of Owner: Jenny Jones Realty LLC

Address of Owner: 2506 Deming Street, Terre Haute, Indiana 47803

Phone Number of Owner: 812-264-5029

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: \_\_\_\_\_

Council Sponsor: Curtis DeBaun

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

FILED

AUG 29 2023

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 37, 2023

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 8 in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a subdivision of part  
of the Nort West quarter of the North East quarter of Section 35, Township 12 North, Range 9 West

Commonly known as: **1800 S. 25<sup>th</sup> Street, Terre Haute, Vigo County Indiana 47802**

Be and the same is hereby established as a **R-1 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.

The petitioner would allege a hardship exists due to adjacent, scattered incompatible uses coupled with the  
parcel being located near district boundary lines.

The petitioner requests that rezoning should be granted for the following reasons:

- A. That the real estate be used as a business with a residential section.
- B. No variances are requested
- C. The rezoning to R-1 Planned Development will not adversely affect surrounding property values and will not adversely affect the public health, safety, and the general public welfare.
- D. In the event the R-1 Planned Development had not materialized within six (6) months of approval, said Planned Development becomes void.
- E. The rights granted herein shall be transferable.
- F. The rezoning to R-1 Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval. Recording fees shall be the responsibility of the petitioner.

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,

Curtis DeBaun Jr  
Curtis DeBaun

Passed in Open Council this 5<sup>th</sup> day of October, 2023.

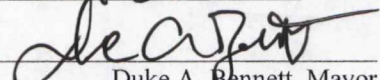
Curtis DeBaun  
Curtis DeBaun-President

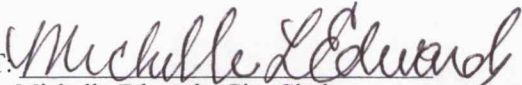
ATTEST: Michelle Edwards  
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 5<sup>th</sup> day of October 2023.

  
Michelle Edwards, City Clerk

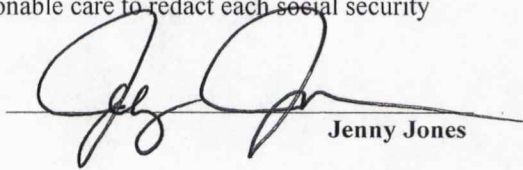
Approved by me, the Mayor, this 5<sup>th</sup> day of OCTOBER, 2023.

  
Duke A. Bennett, Mayor

ATTEST:   
Michelle Edwards, City Clerk

This instrument prepared by: **Jenny Jones, 2506 Deming Street, Terre Haute, Indiana 47803, 812-264-5029.**

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.

  
Jenny Jones

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, **Jenny Jones Realty LLC, Petitioner**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot 8 in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West quarter of the North East quarter of Section 35, Township 12 North, Range 9 West

Commonly known as: **1800 S 25th**, Terre Haute, Indiana **47802**.

The 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**.

The petitioner would respectfully state that the real estate is now **Single-Family Residence**.

The petitioner would request that the real estate described herein shall be zoned as a **R-1 Planned Development**. Your petitioner would allege that the **R-1 Planned Development** would not alter the general characteristics of this neighborhood.

The 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.

The petitioner proposes using two (2) rooms on the first floor of the real estate to operate a property management and realty offices.

The petitioner contends the real estate will remain in spirit as single-family residence consistent with the use of the property and consistent with other uses in the immediate vicinity, subject to all restrictions in this ordinance.

The petitioner would allege a hardship exists due to adjacent, scattered incompatible uses coupled with the parcel being located near district boundary lines.

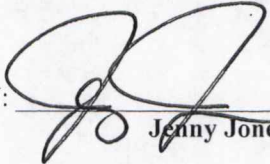
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- C. The rezoning to R-1 Planned Development will not adversely affect surrounding property values and will not adversely affect the public health, safety, and the general public welfare.
- D. In the event the R-1 Planned Development had not materialized within six (6) months of approval, said Planned Development becomes void.
- E. The rights granted herein shall be transferable.
- F. The rezoning to R-1 Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval. Recording fees shall be the responsibility of the petitioner.

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 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 WITNES WHEREOF, this petition has been duly executed this 25 day of August, 2023.

BY:   
Jenny Jones Realty LLC

PETITIONER: Jenny Jones, 2506 Deming Street, Terre Haute, Indiana 47803.

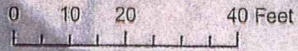
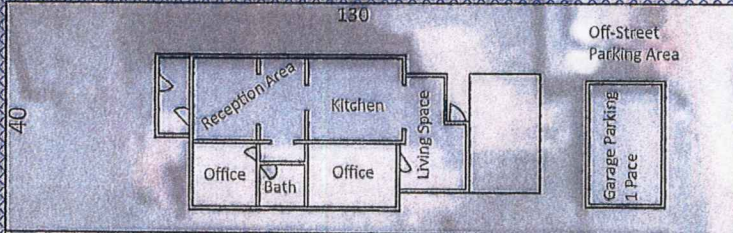
This instrument was prepared by Jenny Jones, 2506 Deming Street, Terre Haute, IN 47803, 812-264-5029.

New Beginnings Realty and Property Management  
Petition to Rezone 1800 South 25th Street



IDAHO

25TH



Property Owner DBA: Jenny Jones Realty, LLC

Maxar, Microsoft

**AFFIDAVIT OF:**

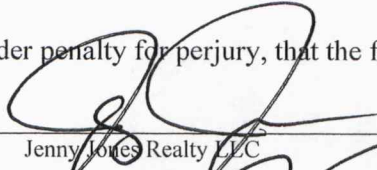
COMES NOW affiant Jenny Jones Realty LLC

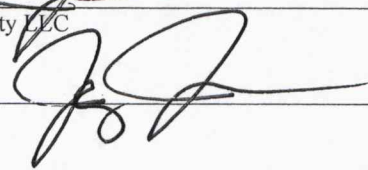
and affirms under penalty of law that affiant is the owner of record of the property located

at 1800 S 25<sup>th</sup> Street, Terre Haute, Indiana 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.

  
\_\_\_\_\_  
Jenny Jones Realty LLC

SIGNATURE:  \_\_\_\_\_

8/25/23

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo County, Terre Haute, IN

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

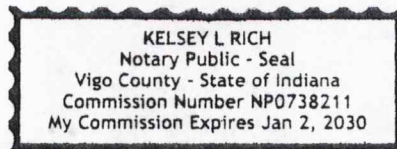
WITNESS my hand and notarial seal, this 25<sup>th</sup> day of August, 2023.

Notary Public:

KELSEY L. RICH  
\_\_\_\_\_  
[Typed name]

My Commission Expires: 01/02/2030

My County of Residence: Vigo County





**TERRE HAUTE**  
A LEVEL ABOVE

# 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: October 5, 2023

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 37-23

CERTIFICATION DATE: October 4, 2023

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. 37-23. This Ordinance is a rezoning of 1800 S. 25<sup>th</sup> Street, Terre Haute, IN. Parcel number 84-06-35-205-001.000-002. The Petitioner, Jenny Jones Realty, LLC, petitions the Plan Commission to rezone said real estate business with a residential section 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. 37-23 at a public meeting and hearing held Wednesday, October 4, 2023. 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. 37-23 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 37-23 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. 37-23 was FAVORABLE WITH THE FOLLOWING CONDITION: 1) Site plan and parking approval by the Department of Engineering



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.  
Jared Bayler, Executive Director

Received this 5th day of October, 2023



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #-37-23

Doc: # 83

Date: October 2023

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**APPLICATION INFORMATION**

Owner: Jenny Jones Realty LLC.

Proposed Use: Real estate business with a residential section

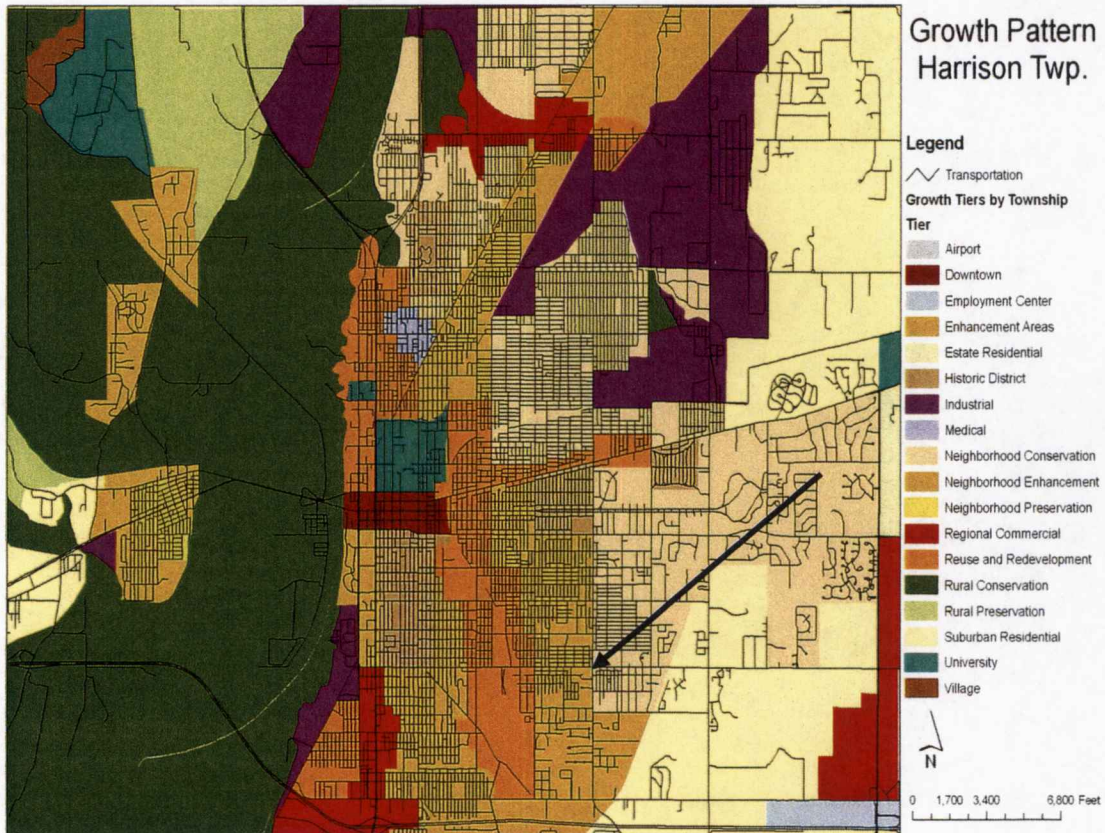
Proposed Zoning: R-1PD, Single Family Residence District Planned Development

Current Zoning: R-1, Single Family Residence District

Common Address: 1800 S. 25<sup>th</sup> Street, Terre Haute, IN  
Parcel# 84-06-35-205-001.000-002  
Location: The property is located on the corner of S. 25<sup>th</sup> Street and Idaho Street in Terre Haute.

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



### Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single purpose stores serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles and related activities are special purpose region-serving activities. They require large site with good visibility. Finally, commercial areas include a range of neighborhood level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- 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.
- Reuse of commercial oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of this commercial “strips” should be limited to the provision of additional space to ensure the compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased 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.

Dev. Priority: Medium residential intensity

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2  
**East** – R-1  
**South** – R-1  
**West** –C-2

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## ZONING REGULATIONS

- b. 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)
  - (8) Child Care.
  - (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)
  - (10) Parks and Playgrounds, publicly owned and operated.
  - (11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields incidental thereto.

## Planned Developments

Planned Developments are uses that may be permitted, under certain circumstances, that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

- (1) Hardship due to the physical characteristics of the land.  
Example - Peculiarities of the sizes, shape, or grade of the parcel in question.
- (2) Hardship due to the improvements on the land.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #-37-23

Doc: # 83

Date: October 2023

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Example - Commercial structure in a residential neighborhood that is not suitable for residential use.

(3) Hardship due to adjacent, scattered incompatible uses.

Example - Scattered commercial uses in a residential neighborhood.

(4) Hardship due to the general deterioration of the neighborhood.

Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.

(5) Parcel located near district boundary lines.

Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of the zoning regulations.

## **FINDINGS and RECOMMENDATION**

### Staff Findings:

The petitioner is requesting to rezone the property to R-1PD for a real estate business with a residential section. The petitioner intends to have two rooms on the first floor and a potential apartment in the back.

The area is mixed use with residential and commercial along 25<sup>th</sup> Street.

The fence on the north side of the property is located in the right-of-way. It will need to be moved to the property line. The petitioner may potentially need parking-related variances if Engineering determines they are necessary. The Department of Engineering has stated that the intended use of the property as a real estate office would not alter the neighborhood's characteristic.

Recommendation: Staff offers a favorable recommendation for this petition with the following conditions:

1. Site plan and parking approval by the Department of Engineering



CITY OF  
TERRE HAUTE  
ENGINEERING  
DEPARTMENT

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807  
Phone: 812.244.4903  
[www.terrehaute.in.gov](http://www.terrehaute.in.gov)

MARCUS MAURER, P.E.  
CITY ENGINEER

## MEMORANDUM

TO: Sydney Shahar  
Vigo County Area Planning Department

FROM: Josey Daugherty  
Assistant City Engineer

DATE: September 19, 2023

RE: **Special Ordinance No. 37-2023**

As requested by Area Planning, the Department of Engineering has reviewed the request by Jenny Jones Realty LLC. for the following:

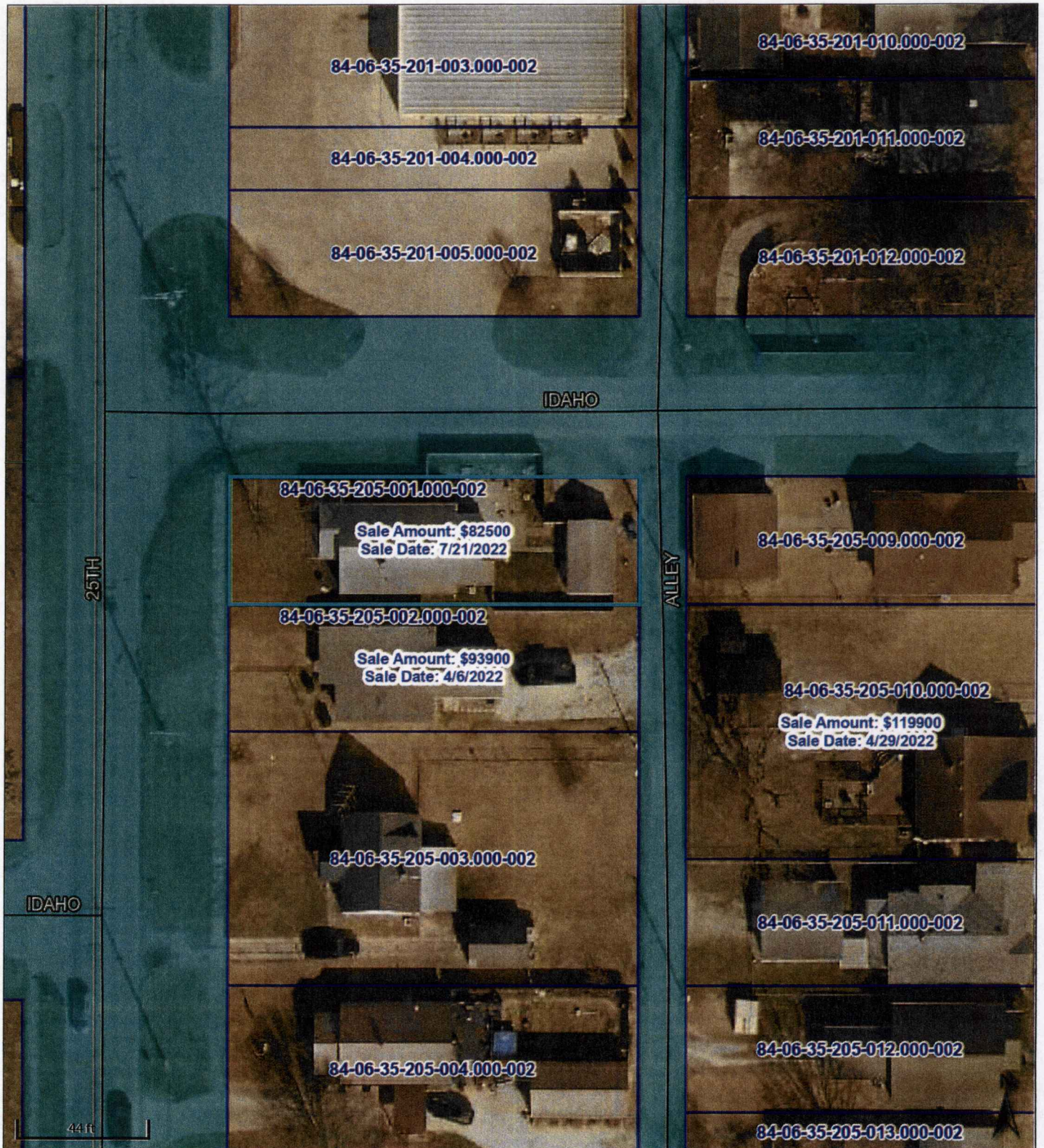
- Rezoning of 1800 S 25<sup>th</sup> Street from R-1 Single Family Residence to R-1 Planned Development for the proposed use of a real estate office with a residential section.

The petitioner intends to have two rooms on the first floor to operate a property management and real estate office with a possible apartment in the back. The intended use of the property as a real estate office would not alter the neighborhood's characteristic or create any traffic or parking issues.

The Department of Engineering offers a positive recommendation for this rezoning.

Docket #83 SO #37-23

1800 S. 25th Street





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

**SPECIAL ORDINANCE NO. 37**

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Phone Number of Owner: 812-264-5029

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: \_\_\_\_\_

Council Sponsor: Curtis DeBaun

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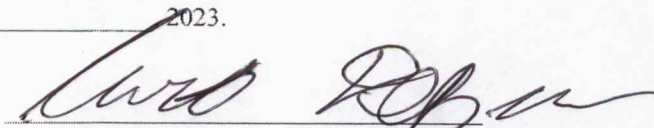
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Presented by Council Member,

  
Curtis DeBaun

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

  
Curtis DeBaun-President

ATTEST: \_\_\_\_\_

Michelle Edwards, City Clerk



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:

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Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Michelle Edwards, City Clerk

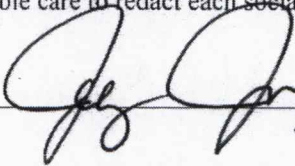
Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Duke A. Bennett, Mayor

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

This instrument prepared by: **Jenny Jones, 2506 Deming Street, Terre Haute, Indiana 47803, 812-264-5029.**

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.

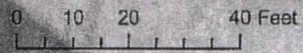
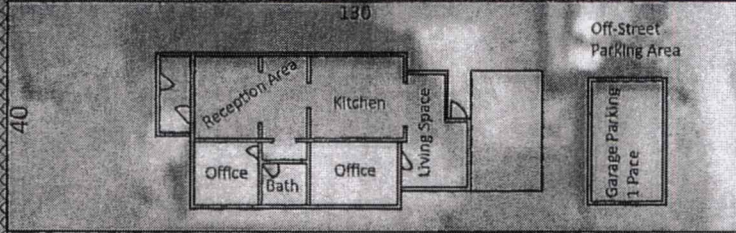
  
\_\_\_\_\_  
Jenny Jones

New Beginnings Realty and Property Management  
Petition to Rezone 1800 South 25th Street



IDAHO

25TH

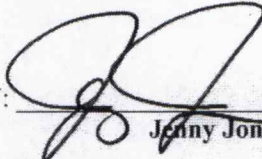


Property Owner DBA: Jenny Jones Realty, LLC

Maxar, Microsoft

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 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 WITNES WHEREOF, this petition has been duly executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BY:  \_\_\_\_\_  
Jenny Jones Realty LLC

PETITIONER: **Jenny Jones, 2506 Deming Street, Terre Haute, Indiana 47803.**

This instrument was prepared by **Jenny Jones, 2506 Deming Street, Terre Haute, IN 47803, 812-264-5029.**

**AFFIDAVIT OF:**

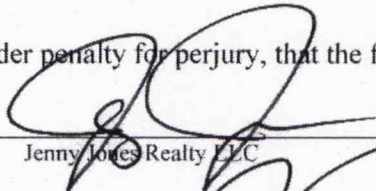
COMES NOW affiant Jenny Jones Realty LLC

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

at 1800 S 25<sup>th</sup> Street, Terre Haute, Indiana 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.

  
\_\_\_\_\_  
Jenny Jones Realty LLC

SIGNATURE:  8/25/23

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo County, Terre Haute, IN

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

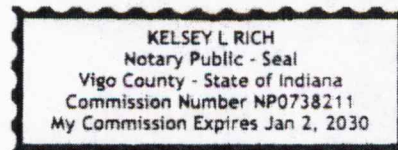
WITNESS my hand and notarial seal, this 25<sup>th</sup> day of August, 2023.

Notary Public:

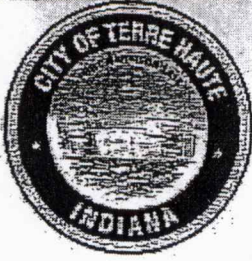
KELSEY L. RICH  
\_\_\_\_\_  
[Typed name]

My Commission Expires: 01/02/2030

My County of Residence: Vigo County



845733 0000  
TERRE HAUTE, IN 48064-3  
CITY OF TERRE HAUTE



# Receipt of Payment

TERRE HAUTE, IN  
**PAID**  
AUG 29 2023  
CONTROLLER

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

Date	<u>8-29-2023</u>	
Name	<u>Jenny Jones Realty LLC</u>	
Reason	<u>Rezoning- Notice of filing</u>	<u>\$25<sup>00</sup></u>
	<u>Rezoning- Petition</u>	<u>\$20<sup>00</sup></u>
		<u>45<sup>00</sup></u>

Cash	_____	
Check	_____	Ck # _____
Credit	<u>\$45<sup>00</sup></u>	
Total	<u>\$45<sup>00</sup></u>	

Received By J. Ellis / dn