

**SPECIAL ORDINANCE NO. 16, 2021**

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

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Common Address of lots to be rezoned:

2231 Hulman Street, Terre Haute, Indiana 47803

Parcel No. 84-06-35-1004-005.000-002

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Rezone From: R-1 Single Family Residence District

Rezone To: C-1 Neighborhood Commerce District

Proposed Use: Beauty Salon

Name of Owners: Shannon Nicole Erlenbush

Address of Owners: 517 North Court Street  
Sullivan, Indiana 47882

Phone Number of Owners: c/o Richard J. Shagley II  
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact: [ ] Owner [x] Attorney

Council Sponsor: Amy Auler

=====

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

**FILED**

MAY 05 2021

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 16, 2021**

**CITY CLERK**

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

SECTION I. BE IT ORDIANED 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, Indiana" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lot Number (7) and 10 feet off the East side of Lot Number Six (6) in South View Place, a Subdivision of the East half (1/2) of the East half (1/2) of Seventeen (17) acres off the North side of the Northwest Quarter of the Northwest Quarter of Section Thirty-five (35) in Township Twelve (12) North, Range Nine (9) West. Located in Vigo County, Indiana.

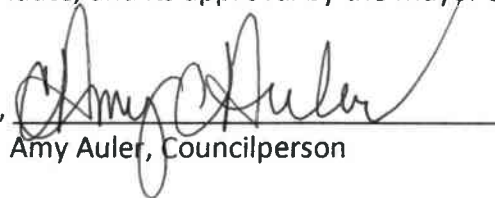
Parcel No. 84-06-35-104-005.000-002

Commonly known as: 2231 Hulman Street, Terre Haute, Indiana 47803.

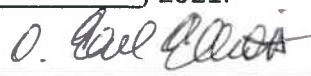
Be and the same is hereby established as a C-1 Neighborhood Commerce District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

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,

  
Amy Auler, Councilperson

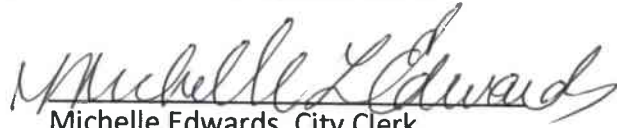
Passed in open Council this 3RD day of JUNE, 2021.

  
O. Earl Elliott, President

ATTEST:

  
Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 4<sup>TH</sup> day of JUNE, 2021.

  
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 4<sup>TH</sup> day of JUNE, 2021.

  
Duke A. Bennett, Mayor

ATTEST:

  
Michelle Edwards, City Clerk

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

  
Richard J. Shagley II

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

**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, Shannon Nicole Erlenbush, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot Number (7) and 10 feet off the East side of Lot Number Six (6) in South View Place, a Subdivision of the East half (1/2) of the East half (1/2) of Seventeen (17) acres off the North side of the Northwest Quarter of the Northwest Quarter of Section Thirty-five (35) in Township Twelve (12) North, Range Nine (9) West. Located in Vigo County, Indiana.

Parcel No. 84-06-35-104-005.000-002

Commonly known as: 2231 Hulman Street, Terre Haute, Indiana 47803

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 this real estate for a beauty salon. This real estate has been used for a beauty salon for several years. Your Petitioner would request that the real estate described herein shall be zoned as a C-1 Neighborhood Commerce District.

Your Petitioner would allege that the C-1 Neighborhood Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood, and the real estate has been used for this purpose for several years.

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 Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-1 Neighborhood 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 WITNESS WHEREOF, this petition has been duly executed this 26 day of April, 2021.

**PETITIONER:**

**Shannon Nicole Erlenbush**

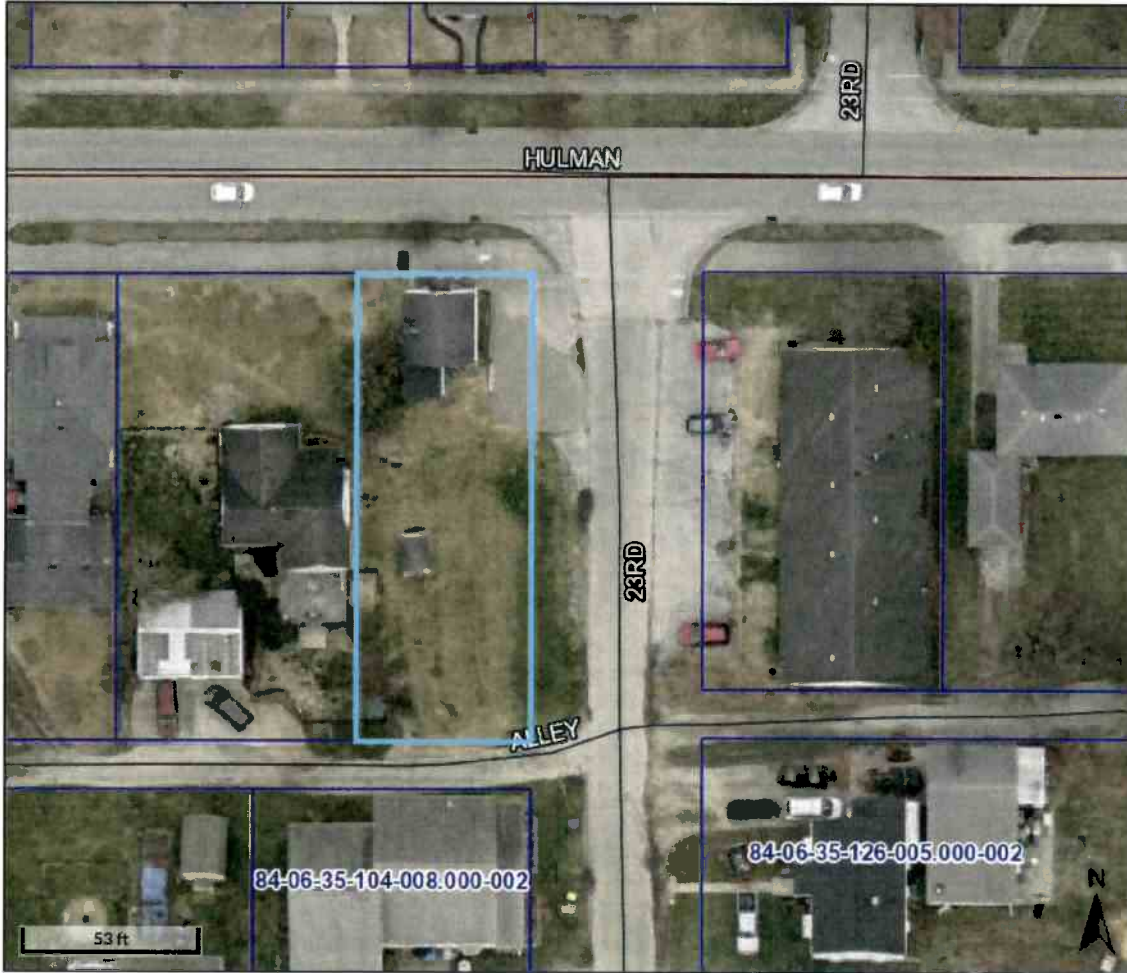
A handwritten signature in blue ink, appearing to read 'Shannon Nicole Erlenbush', is written over a solid horizontal line.

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

# Beacon™ Vigo County, IN / City of Terre Haute

2231 Hulman St.

R-1 to C-1



Overview



Legend

- Corporate Limits
- Political Township
- Sections
- Blocks
- Parcels
- Road Centerlines
- 2021 Sales

<b>Parcel ID</b>	84-06-35-104-005.000-002	<b>Alternate ID</b>	84-06-35-104-005.000-002	<b>Owner Address</b>	Erlenbush Shannon Nicole
<b>Sec/Twp/Rng</b>	35	<b>Class</b>	Com Small retail LT 10000 SF		C/O MADELINE ERLENBUSH
<b>Property Address</b>	2231 HULMAN ST	<b>Acreage</b>	n/a		517 N Court St
	TERRE HAUTE				Sullivan, IN 47882
<b>Neighborhood</b>	118321 - HARRISON				
<b>District</b>	002 HARRISON				
<b>Brief Tax Description</b>	SOUTH VIEW PLACE 10' E PRT LOT 6 (2231 HULMAN)				
	200209148 35-12-9 LOTS 6-7				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 5/5/2021  
 Last Data Uploaded: 5/5/2021 5:08:45 AM

Developed by Schneider  
 GEOSPATIAL



STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF VIGO    )

**AFFIDAVIT**

Comes now, Shannon Nicole Erlenbush, being duly sworn upon her oath, deposes and says:

1. That Shannon Nicole Erlenbush is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number (7) and 10 feet off the East side of Lot Number Six (6) in South View Place, a Subdivision of the East half (1/2) of the East half (1/2) of Seventeen (17) acres off the North side of the Northwest Quarter of the Northwest Quarter of Section Thirty-five (35) in Township Twelve (12) North, Range Nine (9) West. Located in Vigo County, Indiana.

Parcel No. 84-06-35-104-005.000-002

Commonly known as: 2231 Hulman Street, Terre Haute, Indiana 47803

2. That a copy of the Affidavit of Heirship, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Shannon Nicole Erlenbush is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Shannon Nicole Erlenbush.

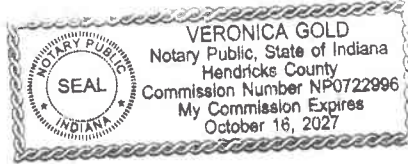
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 24 day of April, 2021.

Shannon Nicole Erlenbush



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ~~VIGO~~ )  
                  Marion



I, a Notary Public in and for said county and state, do hereby certify that Shannon Nicole Erlenbush, personally appeared before me this 26<sup>th</sup> day of April 2021, and, being first duly sworn, acknowledged that s he signed and delivered said Affidavit as a free and voluntary act as such, and that she is duly authorized to make, execute, and deliver this Affidavit and that the representations contained therein are true.

Veronica Gold, Notary Public


My Commission expires: 10-16-27

My County of Residence: Hendricks

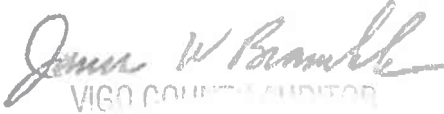
This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



ENTERED FOR REVISION  
Subject to final acceptance for Transf.

2020000205 AFFIDAVIT \$25.00  
01/08/2020 01:25:45P 2 PGS  
Stacey Todd  
VIGO County Recorder IN  
Recorded as Presented  


JAN 08 2020

  
VIGO COUNTY AUDITOR

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF VIGO         )

State ID 84-06-35-104-005.000-002

**AFFIDAVIT OF HEIRSHIP**

SHANNON NICOLE ERLENBUSH, having been duly sworn upon her oath, states the following:

1. She is the daughter of Natalie J. Erlenbush, and by virtue of her relationship as her daughter, she has personal knowledge of the information set forth herein.
2. Natalie J. Erlenbush acquired the following described real estate by a Warranty Deed dated April 5, 2002 and recorded April 5, 2002 as Instrument Number 200209148:  
  

Lot Number Seven (7) and 10 feet off the East side of Lot Number Six (6) in South View Place, a Subdivision of the East half (1/2) of the East half (1/2) of Seventeen (17) acres off the North side of the Northwest Quarter of the Northwest Quarter of Section Thirty-five (35) in Township Twelve (12) North, Range Nine (9) West. Located in Vigo County, Indiana.
3. Natalie J. Erlenbush died intestate on March 11, 2019 and no estate proceedings were opened for the decedent. At the time of the death of Natalie J. Erlenbush, she was survived by her daughter, Shannon Nicole Erlenbush (affiant herein), her only heir at law.
4. That the gross value of the estate of Natalie J. Erlenbush, as determined for purposes of federal estate taxes, was less than the value required for the filing of a federal estate tax return and as a consequence thereof, the decedent's estate was not subject to federal estate tax.
5. That this affidavit is made solely for purpose of requesting that the Auditor and Recorder of Vigo County, Indiana transfer the above described real estate to Shannon Nicole Erlenbush, due to the death of Natalie J. Erlenbush.

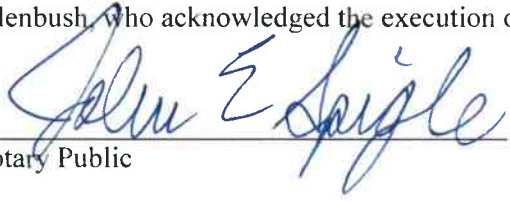
Further affiant saith not.

DATED this 2 day of January, 2020.

  
\_\_\_\_\_  
**Shannon Nicole Erlenbush**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF TIPPECANOE )

Before me, a Notary Public in and for said County and State, personally appeared Shannon Nicole Erlenbush, who acknowledged the execution of the foregoing Affidavit this 2 day of January, 2020.



Notary Public

County of Residence

Printed Name

My Commission Expires



This instrument was prepared by John E. Spigle, Attorney at Law  
Stallard & Schuh, Inc.

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social security number in this document, unless required by law. John E. Spigle

STALLARD AND SCHUM INC  
PO BOX 929  
LAFAYETTE IN 47902

Receipt

TERRE HAUTE, INC

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

PAID  
MAY 05 2021

Date: 5/5/21

Name: Brandon Smith

CONTROLLER

Reason: Reopening Notice of Filing 25.00  
Petition 20.00

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

Check: # 71581 \$45.00

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: June 3, 2021

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 16-21

CERTIFICATION DATE: June 2, 2021

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. 16-21. This Ordinance is a rezoning of the property located at 2231 Hulman Street. The Petitioner, Shannon Nicole Erlenbush, petitioned the Plan Commission to rezone said real estate from zoning classification R-1 to C-1 Neighborhood Commerce District in order to build a beauty salon.

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. 16-21 at a public meeting and hearing held Wednesday, June 2, 2021. 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. 16-21 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 16-21 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. 16-21 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) If required by City Engineering, a landscape plan be approved for visual screening 2) BZA approval for relief from 10-137(d).(14) 3) BZA approval for relief from 10-137(e).



Handwritten signature of Fred L. Wilson.

Fred L. Wilson, President

Handwritten signature of Jared Bayler.

Jared Bayler, Executive Director

Received this 3rd day of June, 2021

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-21

Doc: # 36

Date: June 2021

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**APPLICATION INFORMATION**

Petitioner: Shannon Nicole Erlenbush

Property Owner: Same as above

Representative: Richard Shagley II

Proposed Use: Beauty Salon

Proposed Zoning: C-1, Neighborhood Commerce District

Current Zoning: R-1 Single Family Residence District

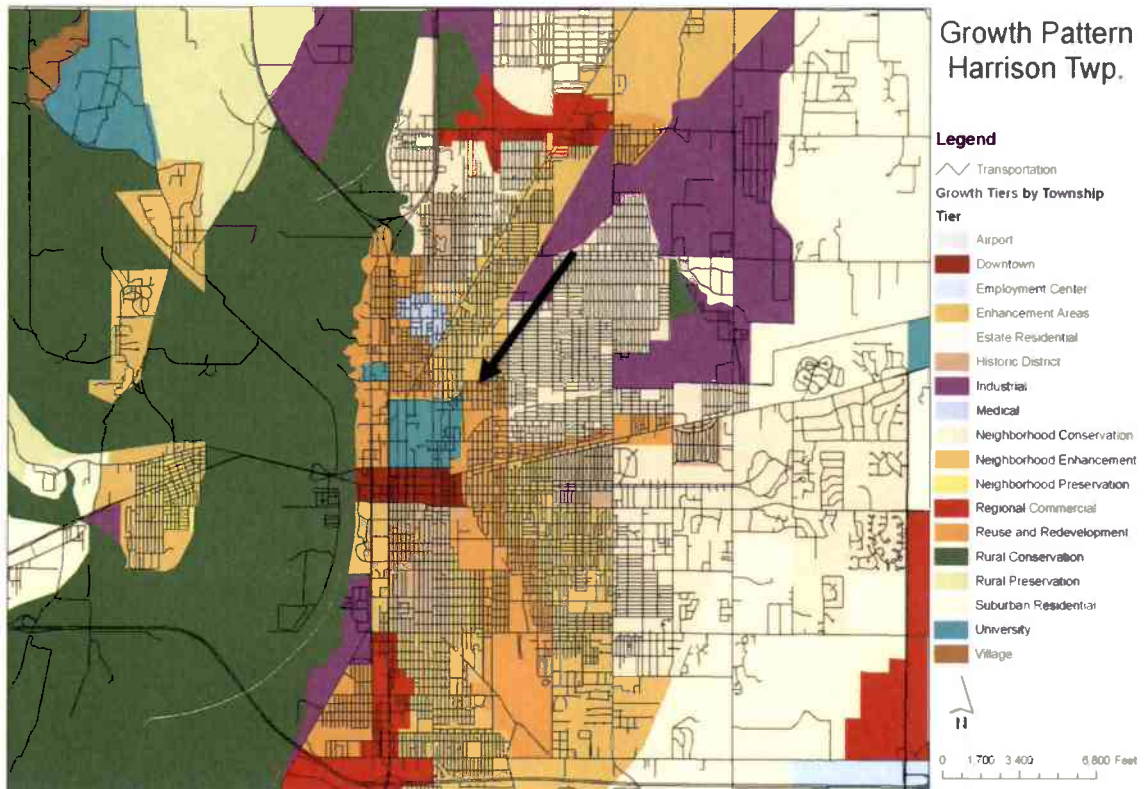
Location: The property is located on SW corner of Hulman and 23<sup>rd</sup> Streets

Common Address: 2231 Hulman St., Terre Haute IN, 47803

Parcel#: 84-06-35-104-005.000-002

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-21

Doc: # 36

Date: June 2021

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**Reuse and Redevelopment Areas**

These are areas that offer potential future reuse and redevelopment potential. These areas are a result of underutilization of land relative to potential development. Brownfield and blighted categorization establishes the need to apply policies established for these areas.

Additional policies for Reuse and Redevelopment Areas include:

- Incentives to be provided to support redevelopment.
- Density bonuses may be appropriate to support redevelopment
- Sponsor the development of redevelopment plans
- All policies from Neighborhood Enhancement Areas

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Locust Street

Dev. Priority: This area is neighborhood commercial with low to high intensity residential areas with appropriate buffering.

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**ZONING COMPATIBILITY**

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

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Character of Area: The petitioned property is on a district boundary line between single family and the two family districts.

**ZONING REGULATIONS**

C-1 Purpose: The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-21

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Date: June 2021

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- C-1 Uses: Uses permitted in C-1, Community Commerce District are; Barber shops and Beauty shops; Branch banks and Business and professional offices, Clothes pressing establishments; Colleges and universities, but not business colleges or trade schools, Drug stores, Dry cleaning and laundry receiving stations where processing is to be done elsewhere, Grocery stores, meat markets, bakeries, delicatessens, food stores, Hardware stores, Hobby, art, and school supply stores, Ice storage for retail, Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each, Nursery schools, non-boarding, in a single-story building.
- C-1 Standards: Minimum Lot Size: 3,300 Sq. Ft.  
FAR 0.7 %  
Street Setback: 55 feet from centerline;  
Rear setback 11’;  
Interior setback of 5’ from the interior lot line;  
Office Space, Three (3) spaces per one thousand (1000) square feet of gross floor area.
- 

## FINDINGS and RECOMMENDATION

### Staff Findings:

The property was a barber shop spanning back to the late 70’s. As it sits the use proposed is in keeping with the legal nonconforming established use. We have informed the petitioner, the lender, the real-estate agent and the property owner that rezoning is not necessary.

This rezoning will bring the property into conformance. However, extra steps will be needed.

The C-1 district does not require any visual screening or buffering against residential uses. In fact, it is intended to be incorporated into the residential setting. Given the nature of the use however, visual screening would be recommend for the parking areas.

BZA relief from §10-137(c)(14) backing into a street from an off street parking area will be needed. Also, relief from §10-137(e) will be needed for the driveway not meeting the minimum distance from the street intersection.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 16-21

Doc: # 36

Date: June 2021

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Recommendation: The staff gives a Favorable Recommendation with the following condition(s):

1. If required by City Engineering a landscape plan be approved for visual screening.
2. BZA approval for relief from §10-137(d.)(14)
3. BZA approval for relief from §10-137(e.)