

#REZ-2013-0041

BILL NO. Z-13-04-12

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-26 (Sec. 25 of Washington Township)**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an RP
(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Lot Numbered 25 and Lot Numbered 26 in Highland Park Forest Addition as
recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. N-26 (Sec. 25 of Washington
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its
passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0041
Bill Number: Z-13-04-12
Council District: 3 – Tom Didier

Introduction Date: April 23, 2013

Plan Commission
Public Hearing Date: May 13, 2013

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 0.38 acres of property from R1-Single Family Residential to RP-Planned Residential

Location: 3940 Foresthill Avenue

Reason for Request: To allow the property owner to apply for a Special Use to allow the existing music recording studio without residing on the property. Currently the music studio is allowed as a “home-based business” because the operator lives on the property.

Applicant: Tom Tempel

Property Owner: Tom Tempel and Kim Waldschmidt

Related Petitions: Special Use request with the Board of Zoning Appeals

Effect of Passage: Property will be rezoned to RP-Planned Residential which will allow the BZA to approve a Special Use for certain professional uses. The Special Use approval would not require the owner to reside on the property.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential. The music studio may remain in use, so long as the property owner is living on the property.

Department of Planning Services
 Rezoning Petition Application

Applicant	Applicant	<u>Tom Tempel</u>		
	Address	<u>3940 Foresthill Ave.</u>		
	City	<u>Ft. Wayne</u>	State	<u>IN</u> Zip <u>46805</u>
	Telephone	<u>260-482-3190</u>	Fax	E-mail <u>tempelrecording@aol.com</u>

Property Ownership	Property Owner	<u>Tom Tempel & Kim Waldschmidt</u>		
	Address	<u>3940 Foresthill Ave.</u>		
	City	<u>Ft. Wayne</u>	State	<u>IN</u> Zip <u>46805</u>
	Telephone	<u>260-482-3190</u>	Fax	E-mail <u>tempelrecording@aol.com</u>

Contact Person	Contact Person	<u>Tom Tempel</u>		
	Address	<u>3940 Foresthill Ave.</u>		
	City	<u>Ft. Wayne,</u>	State	<u>IN</u> Zip <u>46805</u>
	Telephone	<u>260-482-3190</u>	Fax	E-mail <u>tempelrecording@aol.com</u>

All staff correspondence will be sent only to the designated contact person.

Request	☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
	Address of the property <u>3940 Foresthill Ave., Ft. Wayne, IN</u>
	Present Zoning <u>R1</u> Proposed Zoning <u>RR</u> Acreage to be rezoned _____
	Proposed density _____ units per acre
	Township name <u>Thorncreek</u> Township section # _____
	Purpose of rezoning (attach additional page if necessary) <u>To allow transfer of special use to future small business owners to keep the N. Clinton corridor vital and allow us to sell to those potential buyers. SEE ATTACHED, PLEASE.</u>
Sewer provider <u>City utilities</u> Water provider <u>City Utilities</u>	

Filing Requirements	Applications will not be accepted unless the following filing requirements are submitted with this application. Please contact staff for applicable filing fees and plan/survey submittal requirements.
	☐ Applicable filing fee
	☐ Applicable number of surveys showing area to be rezoned (plans must be folded)
	☐ Legal Description of parcel to be rezoned
	☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

_____	_____	_____
(printed name of applicant)	(signature of applicant)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)

Received	Receipt No.	Hearing Date	Petition No.
4-2-13	111127	5/13/13	

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MAIL TAX BILLS TO:
3840 Forest Hill Ave.
Ft. Wayne IN 46805

TAX KEY NUMBER:
80-3022-0025 : 0026
WASH

DEED OF PERSONAL REPRESENTATIVE

Boneta K. Kellams, as Personal Representative of the estate of Margaret A. Caldwell, deceased, pending as Cause Number 02D01-0301-EU-93 in Allen County, Indiana.

1. **XX** conveys to Thomas Tempel and Kim Waldschmidt, of Allen County in the State of Indiana, for good and sufficient consideration, and as joint tenants with rights of survivorship.

1.1 By Order of the Court of County, Indiana dated

1.2 By virtue of the decedent's will.

1.3 **XX** By virtue of power given a personal representative in unsupervised administration under Indiana law.

2. distribute(s) to of County in the State of Indiana, as an heir or devisee in unsupervised administration.

RECORDED
04/06/2004 10:28:29
RECORDER
PATRICIA J CRICK
ALLEN COUNTY, IN

The following described real estate located in ALLEN County, Indiana:

Lots Numbered Twenty-five (25) and Twenty-six (26) in Highland Park Forest Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 8, page 32, in the Office of the Recorder of Allen County, Indiana.

*Subject to real estate taxes currently due and payable or overdue and payable
And all subsequent taxes and assessments which buyer assumes and agrees to pay.*

Subject further to all easements, restrictions and covenants of record.

Subject further to any state of facts an accurate survey would disclose

Samuel Caldwell and Margaret Caldwell held title to the insured real estate as husband and wife, and that such marital relationship continued in an uninterrupted fashion from the date of their acquisition of the insured premises until the date of his death.

Doc. No.	204024390
Receipt No.	11645
DCFD	3.00
DEED	8.00
MTSL	2.00
SCSF	5.00
Total	18.00

This deed has been made pursuant to and for the purposes of IC 29-1-15-18, IC 29-1-7.5-3.4, and/or IC 29-1-7.5-3.6, and any laws amendatory or in substitution thereto.

Dated this 26th Day of March, 2004

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

FILED

Boneta K. Kellams/PR
(signature)

APR 05 2004

APR 05 2004

Boneta K. Kellams
(typed name)

SALES DISCLOSURE
FORM
AUDITOR OF ALLEN COUNTY

04-945
ALLEN COUNTY AUDITOR'S NUMBER

Commonwealth/Dreibelbis
Title Company 04 30140

18 + 2003

STATE OF Indiana)
)SS;
COUNTY OF Allen)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Boneta K. Kellams, as Personal Representative of Margaret Caldwell, deceased, and acknowledged the execution of the foregoing deed.

WITNESS MY HAND AND SEAL This 26th day of March, 2004.

My commission expires: _____

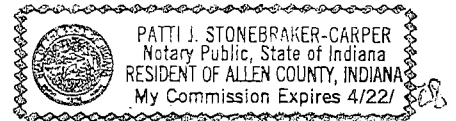
Signature [Signature]

Resident of Allen County

Printed _____ Notary Public

This instrument prepared by VAN GILDER & TRZYNKA, P.C. by David C. Van Gilder,
15290-02

Mail to: 202 W. Berry St., Suite 200, Fort Wayne, IN 46802



CERTIFICATE OF SURVEY

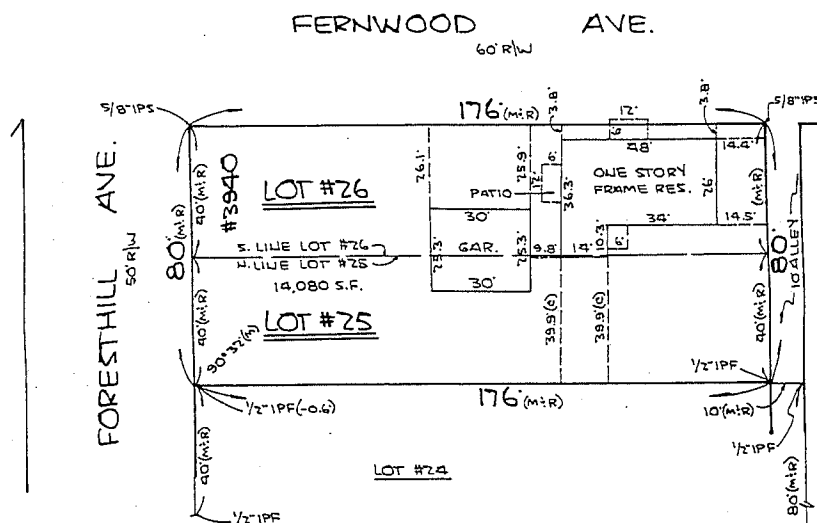
GREGORY L. ROBERTS PLS 50548 IN
KENNETH W. HARRIS PLS 9500021 IN

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9021 IN
FRANCIS X. MUELLER PLS S0193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Lot Numbered 25 and Lot Numbered 26 in Highland Park Forest Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the Flood Insurance Rate Map (FIRM) numbered 18003C0260 E, dated Feb. 16, 1995, the herein described real estate is located in Zone "X" and is not within the 100 year flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

Job No. 7541G
Job for: KELLAMA-
WALDSCHMIDT

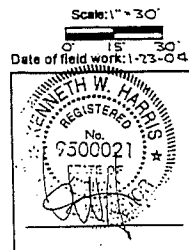
Date: 1-23-04

LEGEND

1PF Iron Pin Found
PF Iron Pipe Found
SP 5/8" rebar set
(with cap stamped #0027)
PK P.K. Nail
(M) Measured
(C) Calculated

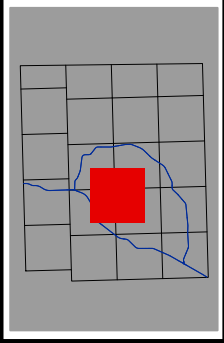
All monuments are of grade except as noted.
All property line distances are recorded
dimensions, except as noted.
Measurements found have no documented history,
except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.





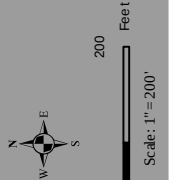
This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project

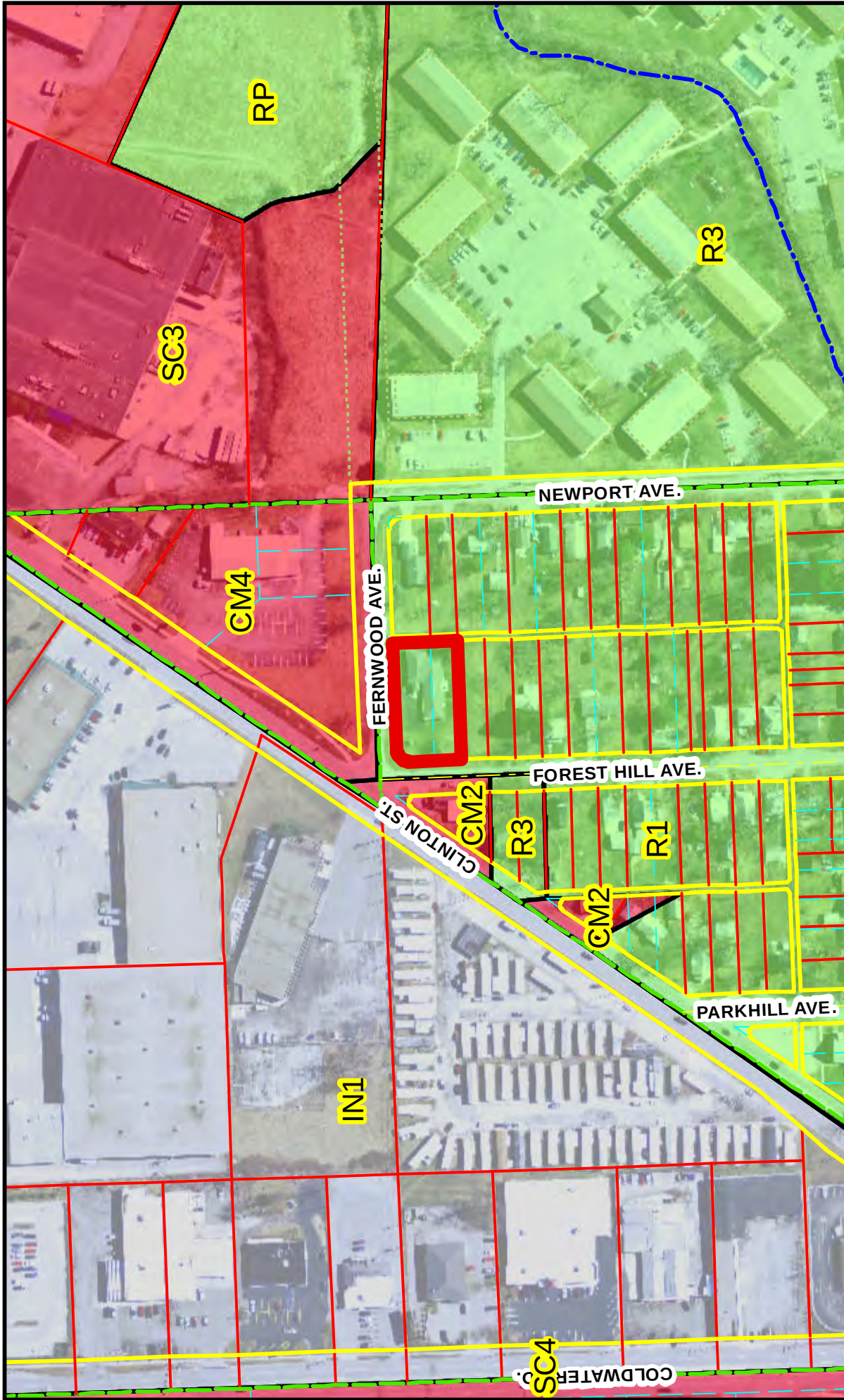


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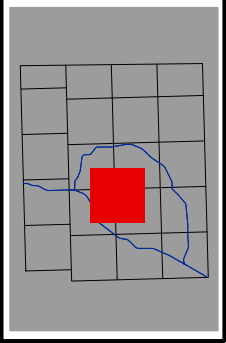
Printed: April 09, 2013
 © 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos: Spring 2006 / Contours: 1999

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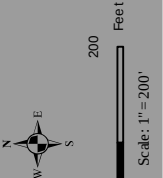
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