

FACT SHEET

Case #REZ-2016-0017

Bill # Z-16-05-23

Project Start: 24 May 2016

APPLICANT:	Dylan G. Roldan
REQUEST:	To rezone property to permit the existing use.
LOCATION:	1808 High Street
LAND AREA:	Approximately 0.14 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R1/Single Family Residential
NEIGHBORHOOD ASSOCIATIONS:	Community Liaison, Northwest Area Partnership, Nebraska Neighborhood Association
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

13 June 2016 Public Hearing

- One resident spoke at the hearing in favor.
- No one spoke at the hearing in opposition.
- Don Schmidt, Mike Bultemeier, Justin Shirley and Judi Wire were absent.
- Staff recommended Do Pass.

13 June 2016 – Business Meeting

Plan Commission Recommendation: Do Pass with a Written Commitment

- A motion was made by Tom Freistroffer and seconded by Mike Bynum to return the ordinance to Common Council for their final decision. 5-0 MOTION PASSED
- Don Schmidt, Mike Bultemeier, Justin Shirley and Judi Wire were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
16 June 2016

Reviewed By:



Kim Bowman, Executive Land Use Director

PROJECT SUMMARY

The petitioner is requesting a rezoning from C2/Limited Commercial to R1/Single Family Residential. The site is Lot 17, Block 14 of Rockhill Heir's Addition, which is being used residentially. The residential structure was built on the site in the 1920s according to the property record card. From records, it appears the C2 zoning was the original zoning for the property. The goal of the rezoning request is to simply make the existing use in compliance with the Zoning Ordinance's permitted uses. It is part of a commercial zoning area, which runs along Runnion Avenue from Sinclair Street to Howell Street.

As mentioned, there is no development plan associated with this request and there are no proposed changes to the site at this time. The main purpose of the rezoning is to make the existing residential use permitted with the R1/Single Family Residential zoning district. As the Plan Commission has seen recently, non-conforming situations have created financing issues for prospective buyers and sellers of property.

PUBLIC HEARING SUMMARY:

Presenter:

Dylan Roldan presented the request as outlined above in the project summary.

Comments in Favor:

Kris Roldan supports the zoning change.

Comments in Opposition:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2016-0017

APPLICANT:	Dylan G. Roldan
REQUEST:	To rezone property from C2/Limited Commercial to R1/Single Family Residential to permit the existing use.
LOCATION:	The address of the subject property is 1808 High Street (Section 3 of Wayne Township).
LAND AREA:	Approximately 0.14 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2016-0017, be returned to Council with a “Do Pass” recommendation for the following reasons:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of residential and commercial zoned property. Single family residences exist in the neighborhood. The proposal is to bring the existing use into compliance with the Zoning Ordinance.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. There are no new uses proposed on the site. The rezoning will bring the property into the proper zoning district.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for conveyance of the property to other owners, if desired.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on June 13, 2016.



Michael Bultemeier
Secretary to the Commission

Department of Planning Services
Rezoning Petition Application

Applicant
Applicant DYLAN G. ROLDAN
Address 1808 HIGH STREET
City FORT WAYNE State INDIANA Zip 46808
Telephone 260-240-0126 E-mail DYLAN.ROLDAN75@GMAIL.COM

Contact Person
Contact Person DYLAN G. ROLDAN
Address 1808 HIGH STREET
City FORT WAYNE State INDIANA Zip 46808
Telephone 260-240-0126 E-mail DYLAN.ROLDAN75@GMAIL.COM

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 1808 HIGH STREET
Present Zoning C2 Proposed Zoning R1 Acreage to be rezoned .14
Proposed density _____ units per acre
Township name _____ Township section # _____
Purpose of rezoning (attach additional page if necessary) PERMIT EXISTING USE.
Sewer provider CITY OF FORT WAYNE Water provider CITY OF FORT WAYNE

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application.
Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- ☒ Applicable filing fee 300
☒ 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.

<u>DYLAN G. ROLDAN</u> (printed name of applicant)	<u>Dylan G Roldan</u> (signature of applicant)	<u>5-2-16</u> (date)
<u>DYLAN G. ROLDAN</u> (printed name of property owner)	<u>Dylan G Roldan</u> (signature of property owner)	<u>5-2-16</u> (date)
<u>Justin Roldan</u> (printed name of property owner)	<u>Justin Roldan</u> (signature of property owner)	<u>5-2-16</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

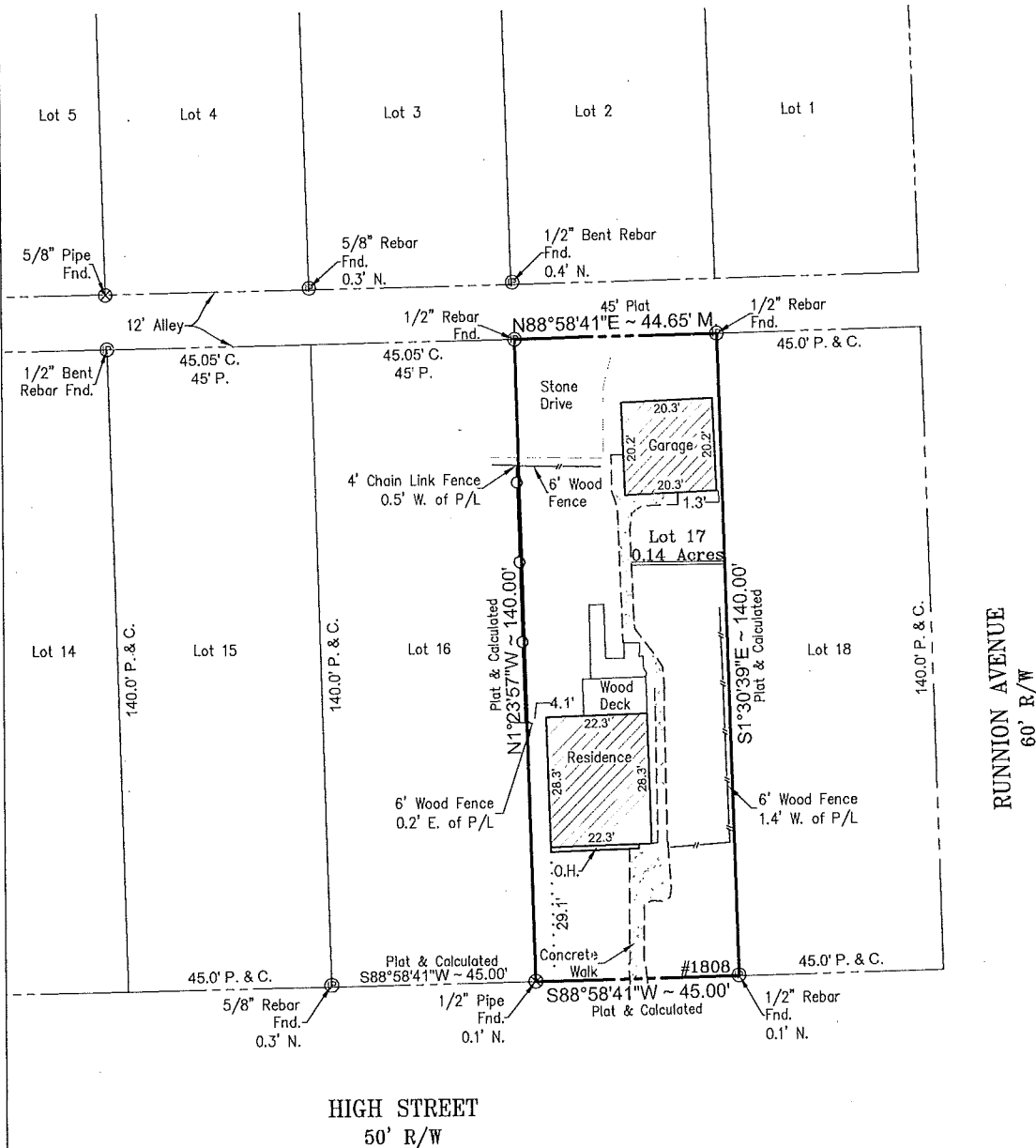
Received	Receipt No.	Hearing Date	Petition No.
5-2-2016	120664	6-13-16	REZ-2016-0017

CERTIFICATE OF SURVEY

PAGE 1 OF 2

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the Office of the Recorder of Allen County, Indiana. No encroachments existed, except as noted. The description of the real estate is as follows, to wit:

Lot 17, Block 14 in Rockhill's Heir's Addition, according to the plat thereof, recorded in Plat Book 65, Pages 516-517 in the Office of the Recorder of Allen County, Indiana.



For: Roldan
Job No. 16040097

Date of fieldwork: April 18, 2016

IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS
20TH DAY OF APRIL, 2016.

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.



Nana A. Opoku
Nana A. Opoku
Registered Land Surveyor 21200012
APEX CONSULTING & SURVEYING

SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the following opinion is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of:
a) Variances in the reference monuments; b) Discrepancies in the record descriptions and plats; c) Inconsistencies in lines of occupation; d) Relative Positional Accuracy;

An electronic total station and data collector were used to collect data for physical location of pavement and lot/parcel corner monumentation was accomplished employing the total station using standard radial surveying techniques and dual GPS receivers. The bearing used as basis for this survey was derived by dual frequency GPS receivers connected to INDOT CORS Network

Intent: To retrace Lot #17, Block 14 in Rockhill's Heir's Addition in Allen County, Indiana. This survey was completed without the benefit of a title commitment. A complete title search may reveal facts that may change portions of this survey. Client has requested we provide survey of said lot.

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS: In our field research for this survey, we located a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the deed/plat location of the subject property relative to the applicable found and accepted as adjacent deed/plat boundaries. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground. Various sized monuments were found during the course of this survey as shown on sheet no. 1. We have no documented history for these monuments. The monuments found at the corners of the subject parcel were accepted as the deeded and/or platted monuments because they were at or within the limits of the relative positional accuracy for this class of survey.

THEORY OF LOCATION: Based on the monuments found and the comparison of measurements taken between monuments and platted dimensions, found monuments and plat bearings and distances were held to establish the subject lot. A best fit line among found monuments was used to establish the North line of the subject lot and was held as the base line for this survey. Found monuments were held to establish the East and West lines of the subject lot. This line was used because the terminal ends appeared to be undisturbed, monuments which had virtually the same distance as given on the plat. Also, the angular and distance relationships to adjacent monuments were within the limits of the relative positional accuracy for this class of survey when compared to data given on the record plat. It is my opinion that the uncertainty associated with these corners is 0.35 feet based on measurements between monuments versus platted distances.

- A) **Discrepancies in the record descriptions and plats:** There are no apparent discrepancies in the record plat in this area. A copy of the plat of Rockhill's Heir's Addition recorded in Plat Book 65, pages 516-517 in the Office of the Recorder of Allen County, Indiana and documents noted on sheet no. 1. were reviewed and used in the completion of this survey.
- B) **Occupation or Possession lines:** Items, such as fences, indicating occupation or possession lines, are shown on the graphic portion of this survey with dimensions indicating their position relative to the lines and corners of this survey. The dimensions are given to the nearest tenth of a foot to illustrate the difference of the inconsistencies between said occupation or possession lines with the deed or plat line(s). Any uncertainty associated with these items is limited to the significant figures indicated by the dimensions.
- C) **Relative Positional Accuracy:** The calculated Relative Positional Accuracy due to random errors in measurement of the corners of this survey is within the specifications for a Suburban Survey as defined in IAC 865.

There are no front yard, side yard or rear yard setbacks given on the record plat and written evidence of setbacks has not been provided to this office as required by State Statute 865 IAC 1-12-13 (12) & (13).

"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" Nana Opoku



Rezoning Petition REZ-2016-0017 (1808 High St)

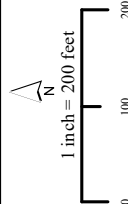


Project boundaries represented by bold colored lines are for representational purposes only.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

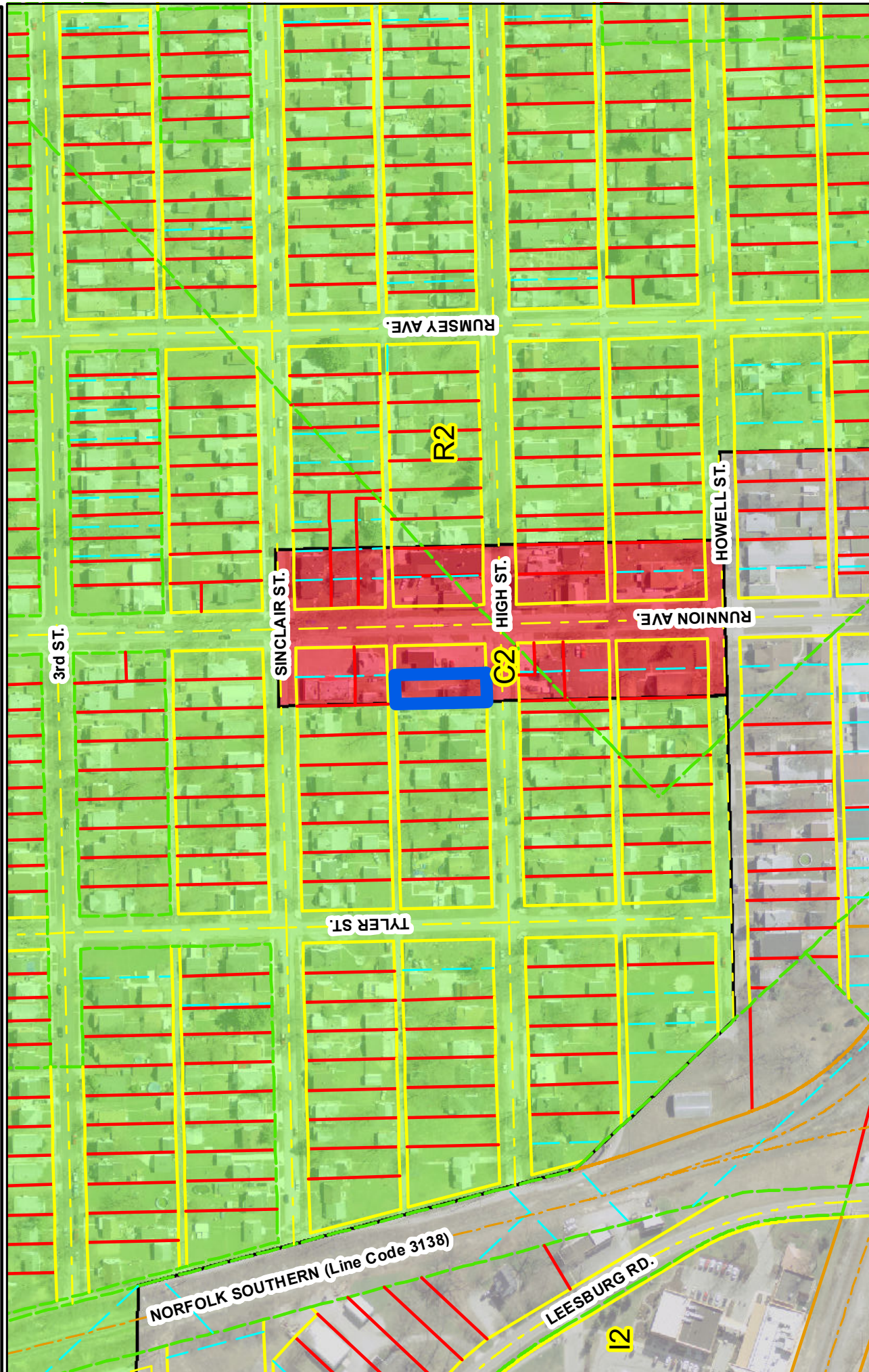
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

Date: 5/17/2016





Rezoning Petition REZ-2016-0017 (1808 High St)



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Date: 5/17/2016

