#REZ-2020-0027

BILL NO. Z-20-10-08

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-14 (Sec. 33 of Wayne 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 R1 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Southeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Starting on the West line of the right of way of the former Grand Rapids and Indiana Railroad at a point situated 290 feet normally distant South of the North line of said Southeast Quarter of Section 33, to a 5/8 inch rebar stake at the Northeast corner of of the .058 acre tract described in Document Number 202022953; thence South 14 degrees 10 minutes 50 seconds East along the aforesaid right of way line, 95 feet to a mag nail at the Southeast corner of said 0.58 acre tract; thence North 90 degrees 00 minutes 00 seconds West, 132.19 feet along said South line to a 5/8 inch rebar stake which shall be the Place of Beginning; thence South 14 degrees 34 minutes 04 seconds East, 80 feet to a 5/8 inch rebar stake; thence South 00 degrees 22 minutes 36 seconds East, 52.52 feet to a 5/8 inch rebar stake; thence South 86 degrees 50 minutes 31 seconds West, 115.03 feet; thence North 00 degrees 02 minutes 00 seconds East, 136.28 feet to the South line of said 0.58 acre tract; thence South 90 degrees 00 minutes 00 seconds East, 94.31 feet along said South line to the Place of Beginning.

Together with the right of ingress and egress over the following described tract: Starting on the West line of the right of way of the former Grand Rapids and Indiana Railroad at a point situated 290 feet normally distant South of the North line of said Southeast Quarter of Section 33, also being the Northeast corner of the 3.16 acre tract described in Document Number 80-26424, thence Southeasterly, along the aforesaid right of way line, 52 feet to the Place of Beginning; thence continuing Southeasterly 43 feet along said right of way line; thence Westerly, deflecting right

104 degrees 10 minutes 05 seconds, 239 feet parallel with the North line of said 3.16 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 49 feet parallel with the West line of said 3.16 acre tract; thence Northwesterly, deflecting left 58 degrees 44 minutes 30 seconds, 34.87 feet; thence Westerly, deflecting left 31 degrees 17 minutes 30 seconds, 130 feet, parallel with the North line of said 3.16 acre tract, to the West line of said 3.16 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 25 feet along said West line to the Northwest corner of said 3.16 acre tract; thence Easterly, deflecting right 89 degrees 58 minutes 00 seconds, 185.00 feet along the North line of said 3.16 acre tract; Thence Southerly, deflecting right 90 degrees 02 minutes 00 seconds, 40 feet, parallel with the West line of said 3.16 acre tract; thence Southeasterly, deflecting left 71 degrees 01 minutes 49 seconds, 32 feet to a point on the North line of an existing asphalt driveway; thence Easterly, 173.08 feet along said North line to the Place of Beginning.

and the symbols of the City of Fort Wayne Zoning Map No. I-14 (Sec. 33 of Wayne 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. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. 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

Rezoning Petition REZ-2020-0027 (2128 Lakeview Dr)

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.

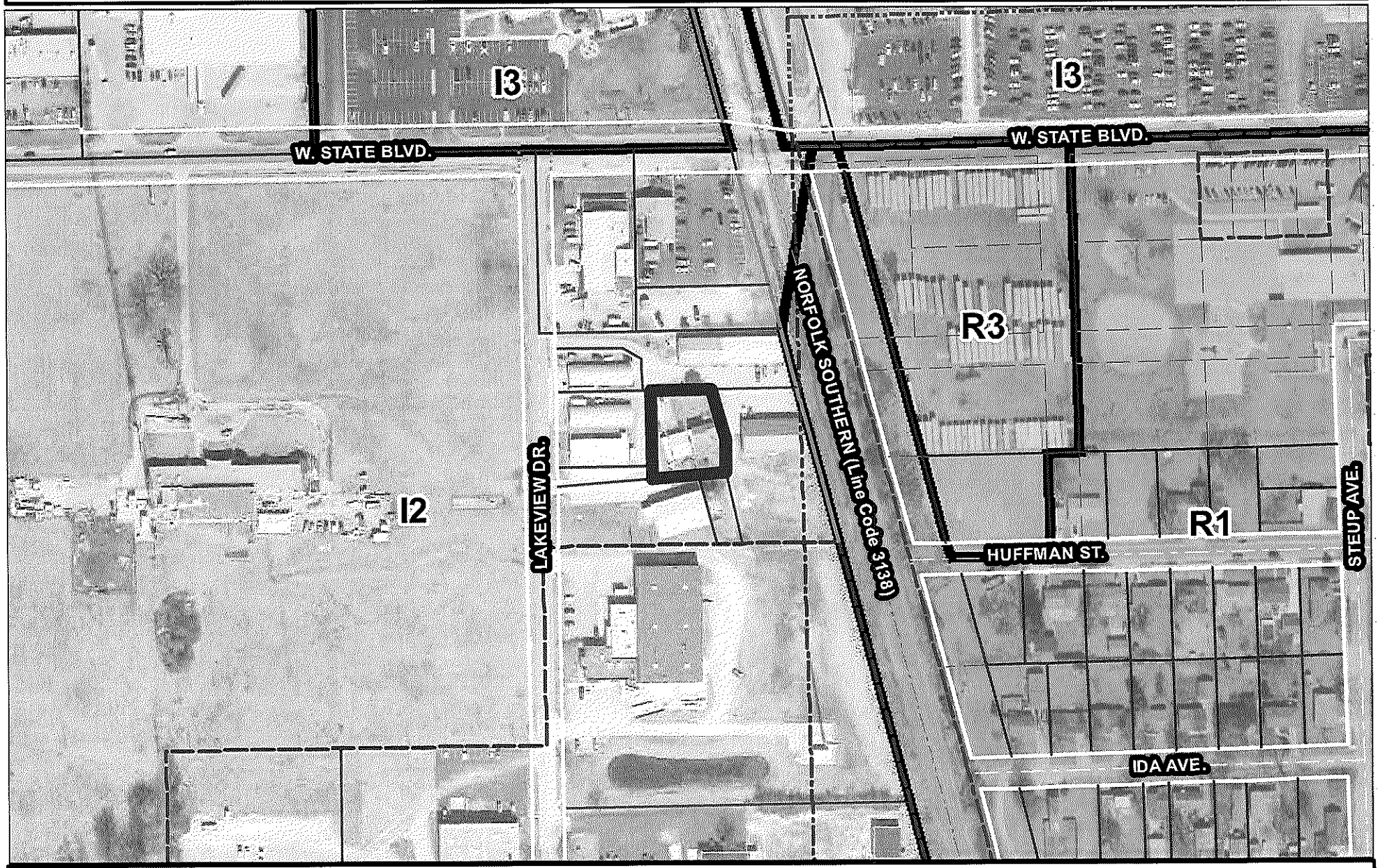
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 8/19/2020

N

1 inch = 200 feet

0 100 200 Feet

Rezoning Petition REZ-2020-0027 (2128 Lakeview Dr)



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Department of Planning Services
Rezoning Petition Application

Applicant

Applicant JAMES D. Smith
Address 2128 LAKEVIEW DR
City Ft WAYNE State IN Zip 46808
Telephone 260.414.1237 E-mail CARSmart3322@yahoo.com

Contact Person

Contact Person JIM Smith
Address 6111 LANDMARK DR
City Ft WAYNE State IN Zip 46815
Telephone 260.414.1237 E-mail CARSmart3322@yahoo.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 2128 LAKEVIEW DR
I2 Present Zoning COM Proposed Zoning RES Acreage to be rezoned .33
Proposed density _____ units per acre
Township name WASHINGTON Township section # 33
Purpose of rezoning (attach additional page if necessary)
Residents Living For Property For Last 10 YRS
Sewer provider City Water provider City

Filing Requirements

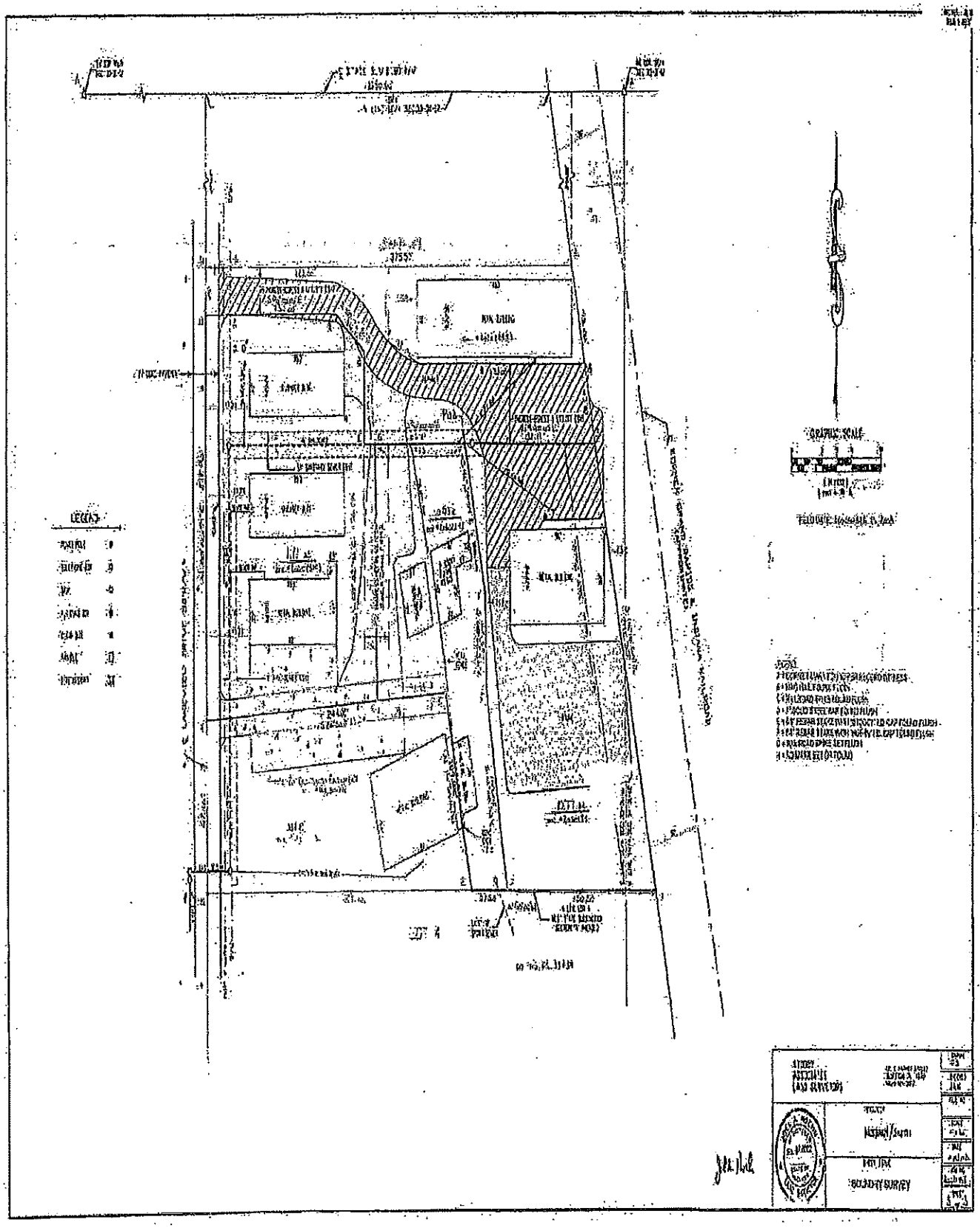
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

☐ Applicable filing fee
☐ 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 Rezonings 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.

JAMES D Smith	[signature]	7/23/2020
(printed name of applicant)	(signature of applicant)	(date)
JAMES D Smith	[signature]	7-23/2020
(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.
7/23/2020	134650	8/10/2020	REZ-2020-0027



FACT SHEET

Case #REZ-2020-0027	Bill # Z-20-10-08	Project Start: August 2020

APPLICANT:	James D. Smith
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit the existing residential use of the property.
LOCATION:	The site is located to the east of the 2100 block of Lakeview Drive. The address of the subject property is 2128 Lakeview Drive (Section 33 of Washington Township).
LAND AREA:	Approximately 0.4 acres
PRESENT ZONING:	I2/General Industrial
PROPOSED ZONING:	R1/Single Family Residential
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECT:	none
SPONSOR:	City of Fort Wayne Plan Commission

September14, 2020 Public Hearing

- No one from the public spoke at the hearing.
- Don Schmidt and Patrick Zaharako were absent.

September 21, 2020 – Business Meeting
Plan Commission Recommendation: DO PASS
A motion was made by Justin Shurley and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
7-0 MOTION PASSED

- Don Schmidt and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
September 28, 2020

PROJECT SUMMARY

SITE HISTORY:

- The property record card shows the residence being constructed in 1930. The industrial zoning has existed for decades. From historical aerials it appears that the home was the farmhouse associated with the agricultural use of the site before it was developed industrially around it.

- In July 2019, the property owner filed for a rezoning from I2 to R1. The petition received a Do Pass recommendation from the Fort Wayne Plan Commission, but was denied by Common Council.

DISCUSSION

The petitioner is requesting to rezone the property to R1/Single Family Residential from I2/General Industrial. The property today is utilized as a single family dwelling, which is not a permitted use in the I2 zoning district. There continues to be an interested party in purchasing the property, and the proper zoning is being requested for the transaction to occur. With a rezoning to R1, the use would be permitted. The property is landlocked from a public street, but from the documentation provided, it appears there is an ingress/egress easement in place to allow for access to Lakeview Drive.

From historical aerials, it appears that this residence was the farmhouse associated with agricultural uses surrounding it. When the agricultural land was developed with industrial uses, it appears that the general area became industrially zoned, including the residence.

As mentioned, there is no development plan associated with this request and there are no structures proposed for this site at this time.

The same rezoning proposal was filed in 2019, and denied by the City Council. According to the Rules of Procedure, the applicant may file for the same rezoning petition at this point.

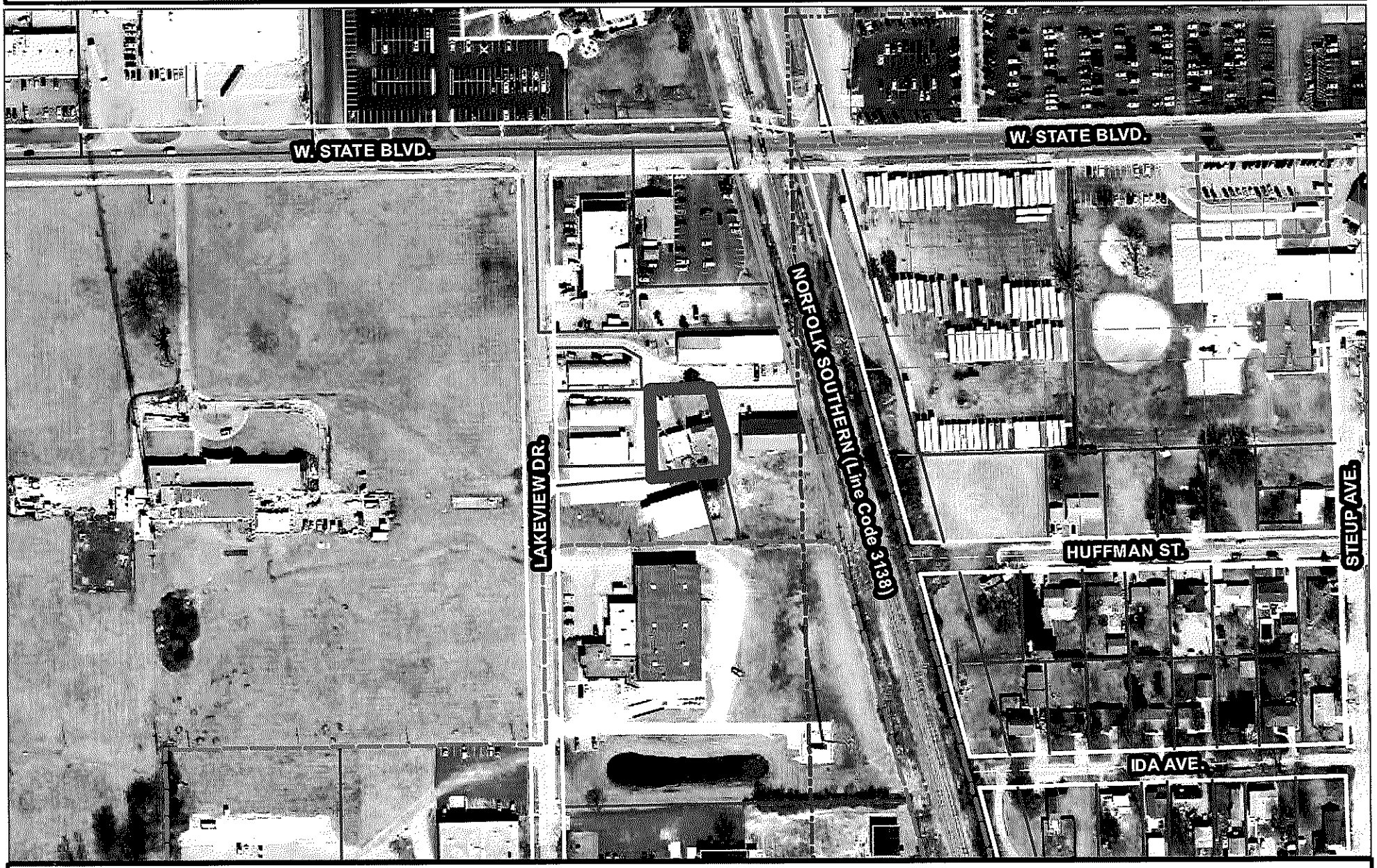
PUBLIC HEARING SUMMARY:

Presenter: James D. Smith, current property owner, presented the proposal as outlined above.

Public Comments:

none

Rezoning Petition REZ-2020-0027 (2128 Lakeview Dr)



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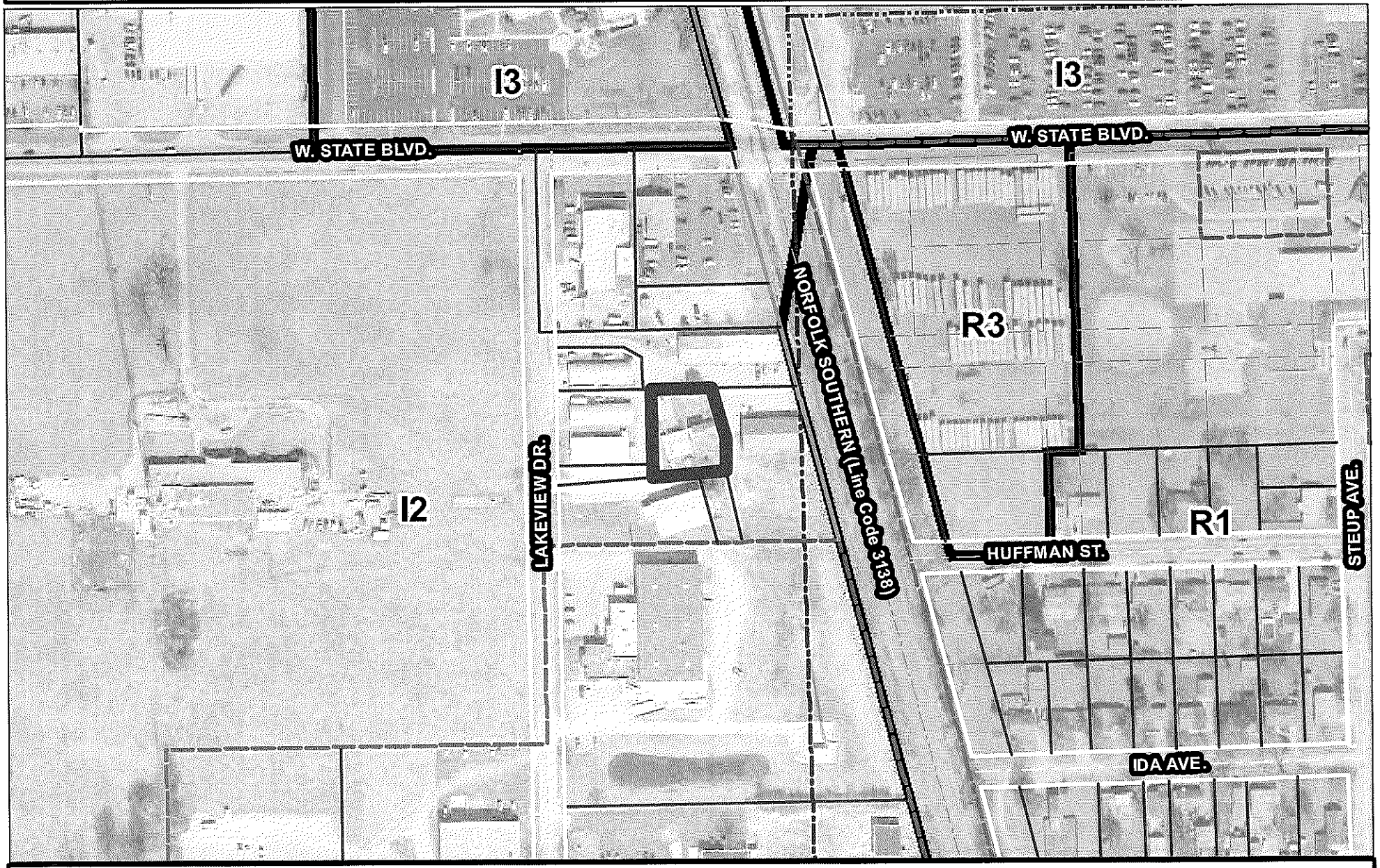

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Township name Washington Township section # 33
Purpose of rezoning (attach additional page if necessary) Residents Living In Property For Last 10 YRS
Sewer provider City Water provider City

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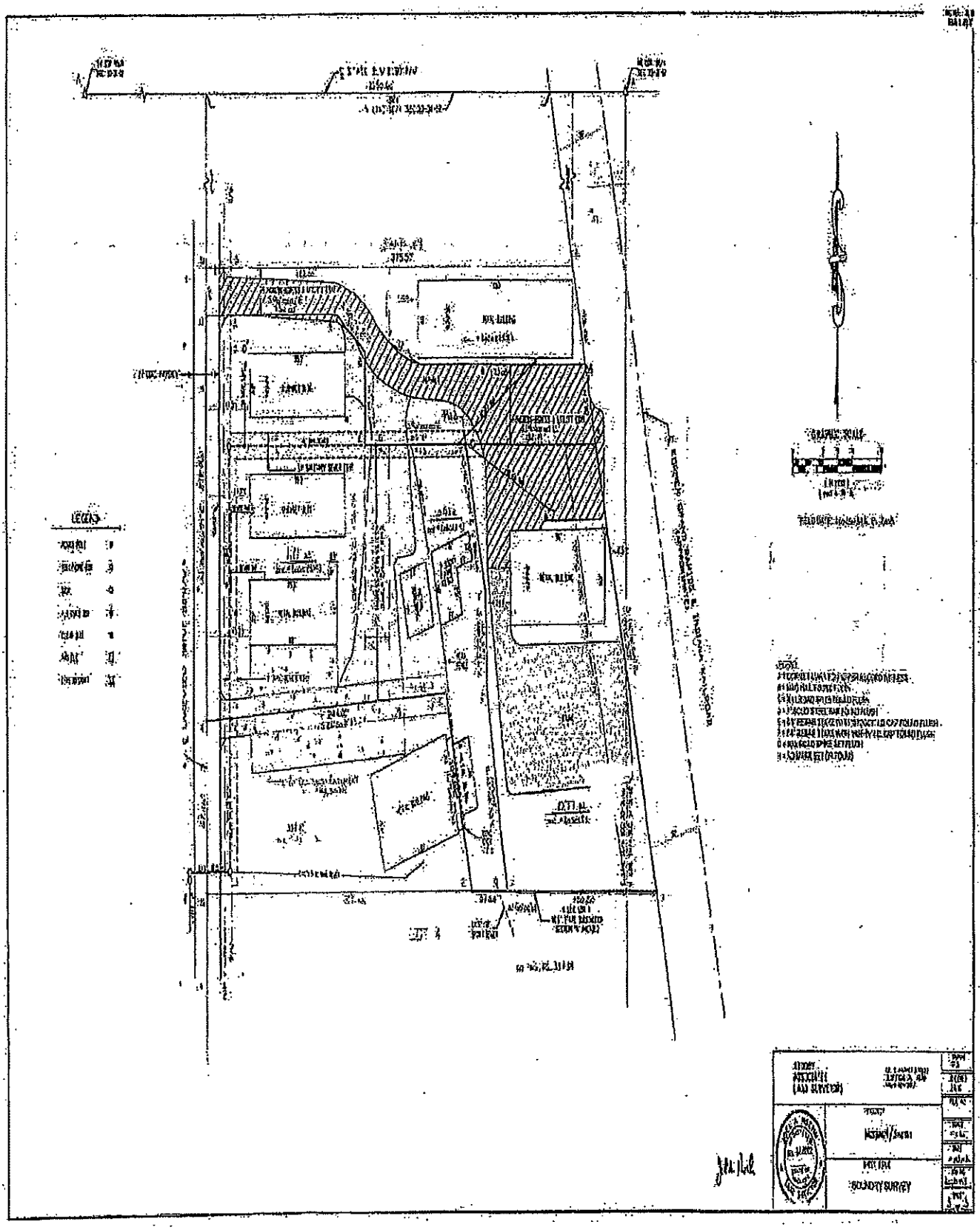

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Zoning Map Amendment
Case Number:	REZ-2020-0027
Bill Number:	Z-20-10-08
Council District:	3-Tom Didier

Introduction Date:	October 13, 2020
Plan Commission Public Hearing Date:	September 14, 2020 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance:	To rezone approximately 1.00 acre from I2/General Industrial to R1/Single Family Residential.
Location:	2128 Lakeview Drive
Reason for Request:	To allow an existing home to be compliant with the zoning ordinance.
Applicant:	James D. Smith
Property Owner:	James D. Smith

Related Petitions:	none

Effect of Passage:	Property will be rezoned to the R1/Single Family Residential zoning district, which will bring the current use on the property into compliance with the zoning ordinance.
Effect of Non-Passage:	The property will remain zoned industrial and the existing use will continue to be non-conforming. The applicant cannot refinance the property with the current zoning.