

1 **#REZ-2020-0028**

2 **BILL NO. Z-20-10-09**

3
4 **ZONING MAP ORDINANCE NO. Z-_____**

5 **AN ORDINANCE amending the City of Fort Wayne**
6 **Zoning Map No. I-27 (Sec. 28 of Wayne Township)**

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

9
10 SECTION 1. That the area described as follows is hereby designated an R1 (Single Family
11 Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
12 Wayne, Indiana:

13 Lot Number One (1) in Wiegman's Subdivision of Lots 79, 80, 115, and 116 of
14 Elzey's First Addition to Waynedale, an addition to the City of Fort Wayne
15 according to the plat thereof recorded in Plat Record 13, page 65, in the Office of the
16 Recorder of Allen County, Indiana.

17 and the symbols of the City of Fort Wayne Zoning Map No. I-27 (Sec. 28 of Wayne
18 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
19 Wayne, Indiana is hereby changed accordingly.

20 SECTION 2. If a written commitment is a condition of the Plan Commission's
21 recommendation for the adoption of the rezoning, or if a written commitment is modified and
22 approved by the Common Council as part of the zone map amendment, that written
23 commitment is hereby approved and is hereby incorporated by reference.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

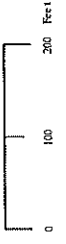
APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

Rezoning Petition REZ-2020-0028 (7111 Old Trail)



1 inch = 200 feet



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Rezoning Petition REZ-2020-0028 (7111 Old Trail)



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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contour are Spring 2009
Date: 8/2/2020

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Patty Sheneman
Address 7111 Old Trail
City Fort Wayne State Indiana Zip _____
Telephone 260-443-8002 Fax _____ E-mail pattys@diversified-metals.com

Property Ownership
Property Owner same
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

Contact Person
Contact Person same
Address _____
City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

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 7111 Old Trail
Present Zoning I2 Proposed Zoning R1 Acreage to be rezoned 0.26
Proposed density n/a units per acre
Township name Wayne Township section # 28
Purpose of rezoning (attach additional page if necessary) Existing single family home was used residentially for 80 years. It has recently been converted back to residential from an office use. The current property owner lives in the home
Sewer provider Fort Wayne Water provider Fort Wayne

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.
8/3/20	134740	9/14/20	REZ-2020-1

FACT SHEET

Case #REZ-2020-0028		Bill # Z-20-10-09	Project Start: August 2020
APPLICANT:	Patty Sheneman		
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit residential use of the property.		
LOCATION:	The site is located to the east of the 7100 block of Old Trail Road. The address of the subject property is 7111 Old Trail Road (Section 28 of Wayne Township).		
LAND AREA:	Approximately 0.3 acres		
PRESENT ZONING:	I2/General Industrial		
PROPOSED ZONING:	R1/Single Family Residential		
COUNCIL DISTRICT:	4-Jason Arp		
ASSOCIATED PROJECT:	none		
SPONSOR:	City of Fort Wayne Plan Commission		

September 14, 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 Judi Wire and seconded by Tom Freistroffer 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 residential structure was built on the site in the 1925 as a single family house. At some point the structure was converted to a law office which was a permitted use in the current zoning district.
- The structure was recently converted back to a single family residential structure.

DISCUSSION

The petitioner is requesting a rezoning from I2/General Industrial to R1/Single Family Residential. The property is approximately 0.27 acres, which is being used residentially. The goal of the rezoning request is to simply make the existing residential use in compliance with the Zoning Ordinance's permitted uses. From staff research, it appears that the I2/General Industrial zoning was established in 1959. It is part of a commercial block area, which runs from Church street to Lower Huntington Road between Bluffton Road and Old Trail Road. This block is predominately developed commercially with only a few remaining single family homes. The block includes a mixture of commercial and office uses from a light office to a grocery store.

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: Patty Sheneman, current property owner, presented the proposal as outlined above.

Public Comments:

none

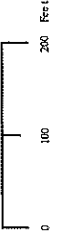


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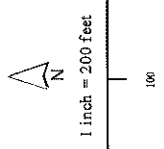


Rezoning Petition REZ-2020-0028 (7111 Old Trail)



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Photos and Contours: Spring 2009
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Received	Receipt No.	Hearing Date	Petition No.
8/3/20	134740	9/14/20	REZ-2020-4

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0028
Bill Number: Z-20-10-09
Council District: 4-Jason Arp

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 0.26 acre from I2/General Industrial to R1/Single Family Residential.

Location: 7111 Old Trail

Reason for Request: To allow an existing residential structure to be compliant with the zoning ordinance.

Applicant: Patty Sheneman

Property Owner: Patty Sheneman

Related Petitions: none

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which will allow the house-turned-office to be used as a home once more, in compliance with the zoning ordinance.

Effect of Non-Passage: The property will remain zoned industrial and the use as a house will be non-conforming. The house is under new ownership and the owner and the house should be a permitted use by right.