

#REZ-2020-0043

BILL NO. Z-20-11-06

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-07 (Sec. 14 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:

The North 17 feet of Lot Number 7 and the South 14 feet of Lot Number 8 in Cour's
Subdivision of Lots 10 and 13 of Bennet's Out Lots to the City of Fort Wayne as
recorded in Deed Record 65, page 342, in the Office of the Recorder of Allen County,
Indiana.

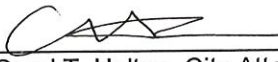
and the symbols of the City of Fort Wayne Zoning Map No. M-07 (Sec. 14 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

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.

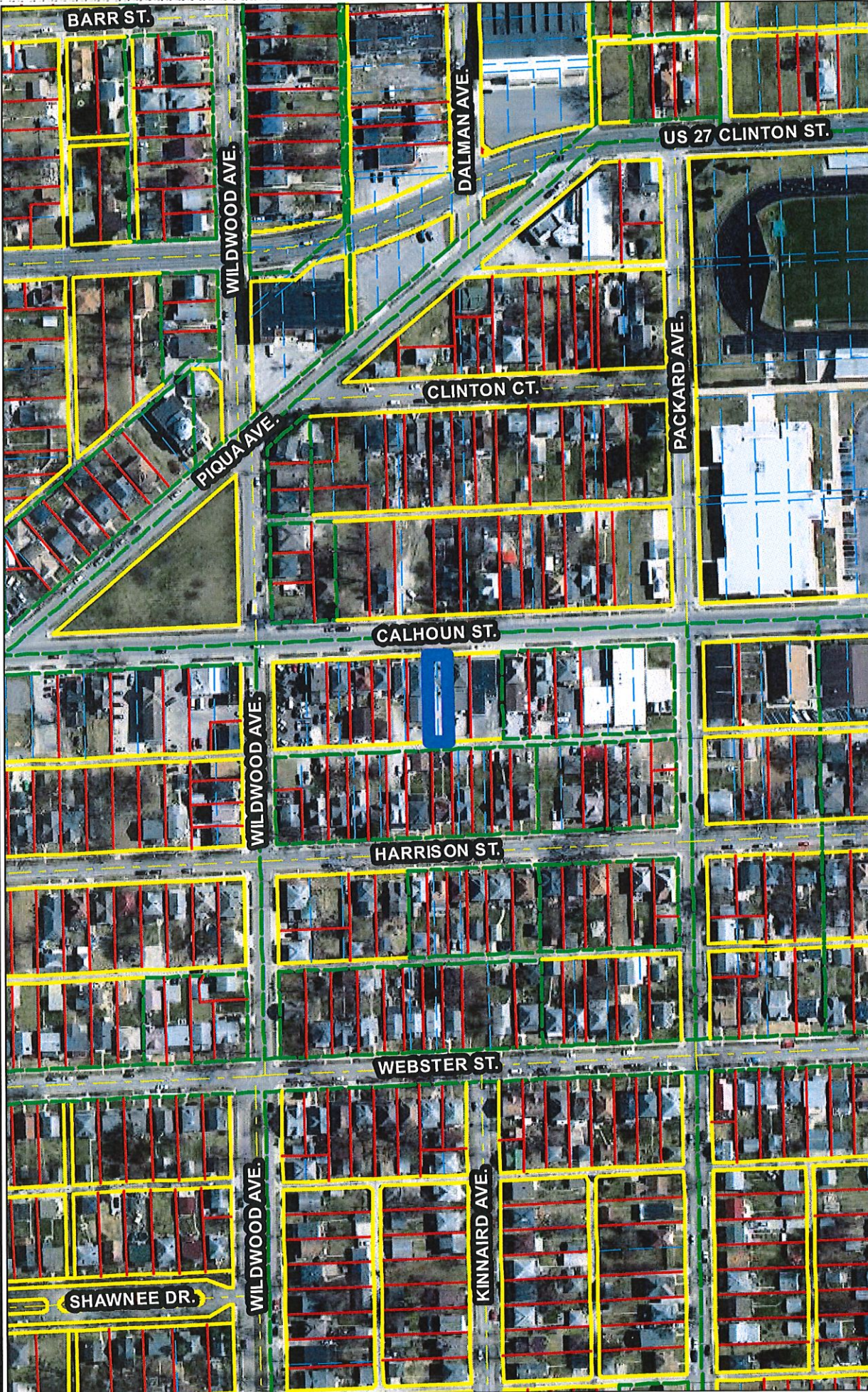
SECTION 3. That this Ordinance shall be in full force and effect from and after its
passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

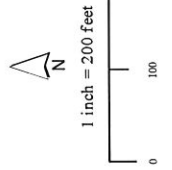


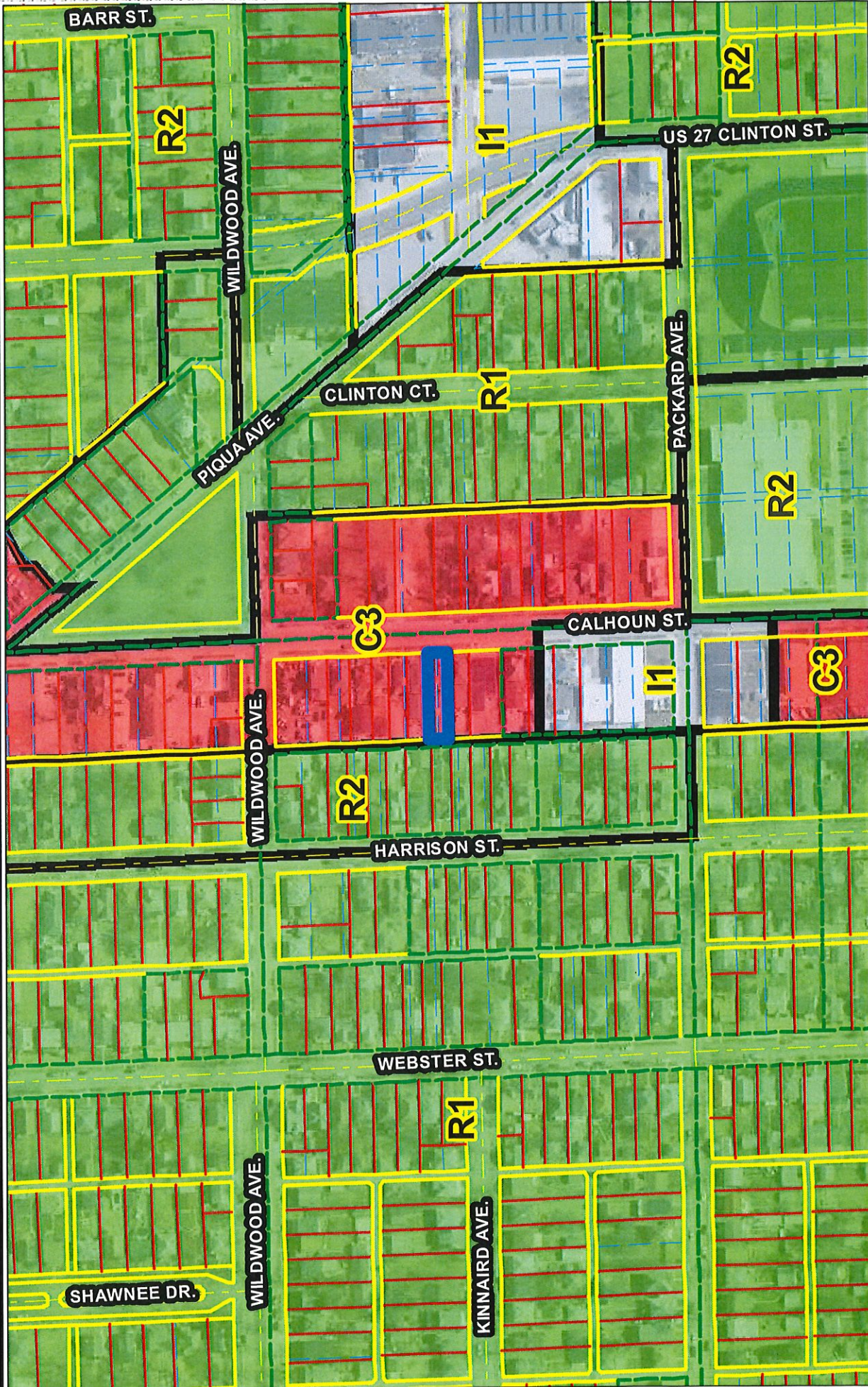
Carol T. Helton, City Attorney



Although official 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.

©2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 11/16/2020



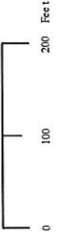


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Date: 11/16/2020



1 inch = 200 feet



**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant HTAY HTAY
Address 3132 S CALHOUN ST
City FORT WAYNE State IN Zip 46807
Telephone 517 897 7742 E-mail _____

Contact Person
Contact Person OMAR KHAN BIN NUR AHADIAT KHAN
Address 3132 S CALHOUN ST
City FORT WAYNE State IN Zip 46807
Telephone 517 897 7742 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 3132 S CALHOUN ST, FORT WAYNE, IN, 46807
Present Zoning C3 Proposed Zoning R1 Acreage to be rezoned _____
Proposed density _____ units per acre
Township name WAYNE Township section # 14
Purpose of rezoning (attach additional page if necessary) _____
1 SINGLE FAMILY HOME FROM COMMERCIAL
BEAUTY SALON
Sewer provider CITY UTILITIES Water provider CITY UTILITIES

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 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.

HTAY HTAY
(printed name of applicant)

Uin
(signature of applicant)

10/14/2020
(date)

HTAY HTAY
(printed name of property owner)

Uin
(signature of property owner)

10/14/2020
(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.
<u>10-14-2020</u>	<u>35543</u>	<u>12-7-2020</u>	<u>REZ-2020-0043</u>



8 6 2 6 0 9 4
Tx:4373285

2019031821

RECORDED: 07/08/2019 01:31:00 PM

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

Mail tax bills to: 3132 S CALHOUN ST
FORT WAYNE IN 46807

WARRANTY DEED

Parcel No. 02-12-14-256-028.000-074

THIS INDENTURE WITNESSETH that THONGSOM MOUNSAMROUATH (Grantor), being over the age of eighteen (18) years, of Allen County in the State of Indiana, CONVEYS AND WARRANTS to HTAY HTAY (Grantee), of Allen County in the State of Indiana, for the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Allen County, State of Indiana:

The North 17 Feet of Lot Number 7 and the South 14 Feet of Lot Number 8 in Cour's Subdivision of Lots 10 and 13 of Bennet's Out Lots to the City of Fort Wayne as recorded in Deed Record 65, page 342, in the Office of the Recorder of Allen County, Indiana.

COMMONLY KNOWN AS 3132 S. Calhoun Street, Fort Wayne, IN 46807

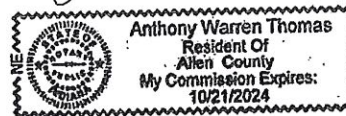
IN WITNESS WHEREOF, Grantor has executed this Warranty Deed on this 3rd day of July, 2019.

Signed: Thongsom Mounsamrouath, THONGSOM MOUNSAMROUATH, Grantor

STATE OF INDIANA) SS: ACKNOWLEDGEMENT
COUNTY OF ALLEN)

BEFORE ME, a Notary Public for said State and County, personally appeared THONGSOM MOUNSAMROUATH on this 3rd day of July, 2019, and acknowledged execution of the foregoing Warranty Deed.

Signed: Anthony Warren Thomas



"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." Signed: Anthony W. Thomas

This instrument prepared by Anthony W. Thomas, Attorney at Law, 810 W. State Blvd., Fort Wayne IN 46808

m7

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

JUL 08 2019

2019
AUDITOR OF ALLEN COUNTY

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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-2020-0043
Bill Number: Z-20-11-06
Council District: 5-Geoff Paddock

Introduction Date: November 24, 2020

Plan Commission
Public Hearing Date: December 7, 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 0.09 acres from C3/General Commercial to R1/Single Family Residential.

Location: 3132 South Calhoun

Reason for Request: To permit the single family home use of the property.

Applicant: Htay Htay

Property Owner: Htay Htay

Related Petitions: none

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which will allow the existing house to be used as a single family residence as a use by right.

Effect of Non-Passage: The property with an existing house will remain zoned commercial and is not permitted to be used for single family residential purposes.

FACT SHEET

Case #REZ-2020-0043		Bill # Z-20-11-06	Project Start: November 2020
APPLICANT:	Htay Htay		
REQUEST:	To rezone property from C3/General Commercial to R1/Single Family Residential to permit a single family residential use.		
LOCATION:	The address of the subject property is 3132 South Calhoun Street (Section 14 of Wayne Township).		
LAND AREA:	Approximately 0.5 acres		
PRESENT ZONING:	C3/General Commercial		
PROPOSED ZONING:	R1/Single Family Residential		
COUNCIL DISTRICT:	5- Geoff Paddock		
ASSOCIATED PROJECT:	none		
SPONSOR:	City of Fort Wayne Plan Commission		

January 13, 2020 Public Hearing

- No one from the public spoke at the hearing.
- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

January 13, 2020 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Paul Sauerteig and seconded by Judi Wire to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

6-0 MOTION PASSED

- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
January 19, 2021

PROJECT SUMMARY

SITE HISTORY:

- The structure was built on the site in 1900 according to property record card data.
- The property has historically been zoned for general commercial uses; the 1955 zoning map shows the site zoned as B3B.
- The structure was later converted to retail, and has been utilized most recently as a salon.
- The structure is being converted back to a single family residence

STAFF DISCUSSION:

The petitioner is requesting a rezoning from C3/General Commercial to R1/Single Family Residential. The property has recently been used as a salon, which is a permitted use in the C3 zoning district. The goal of the rezoning request is simply to allow for a single family residential use to be in compliance with the Zoning Ordinance permitted uses. From staff research, it appears that the C3 Commercial zoning (or past equivalent) has been present for decades. The 1955 zoning map shows the property being zoned B3B, a commercial zoning district. The structure is located on the west side of South Calhoun Street, in an area that has a mixture of residential and commercial uses. While this rezoning request is only to downzone one property, the corridor has the potential for other zoning districts in the future, perhaps an Urban Corridor district.

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 allow for a single family residential use. The Plan Commission has seen a number of rezoning petitions with similar cases of rezoning to a single family residential district to permit the proposed or nonconforming use. The C3 zoning district permits multiple family residential uses, but not single or two-family residential.

The Fairfield Neighborhood Association has submitted a letter of support.

PUBLIC HEARING SUMMARY:

Presenter: Omar Khan, representing Htay Htay, presented the proposal as outlined above. He confirmed that the salon would no longer be operating from the home.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2020-0043

APPLICANT:	Htay Htay
REQUEST:	To rezone property from C3/General Commercial to R1/Single Family Residential to permit a single family residential use.
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LAND AREA:	Approximately 0.5 acres
PRESENT ZONING:	C3/General Commercial
PROPOSED ZONING:	R1/Single Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2020-0043 be returned to Council with a "Do Pass" recommendation after considering the following:

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 commercially zoned property. Single family residences exist in the neighborhood. The proposal is to bring the residential 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.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for conveyance of the single family residential 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.

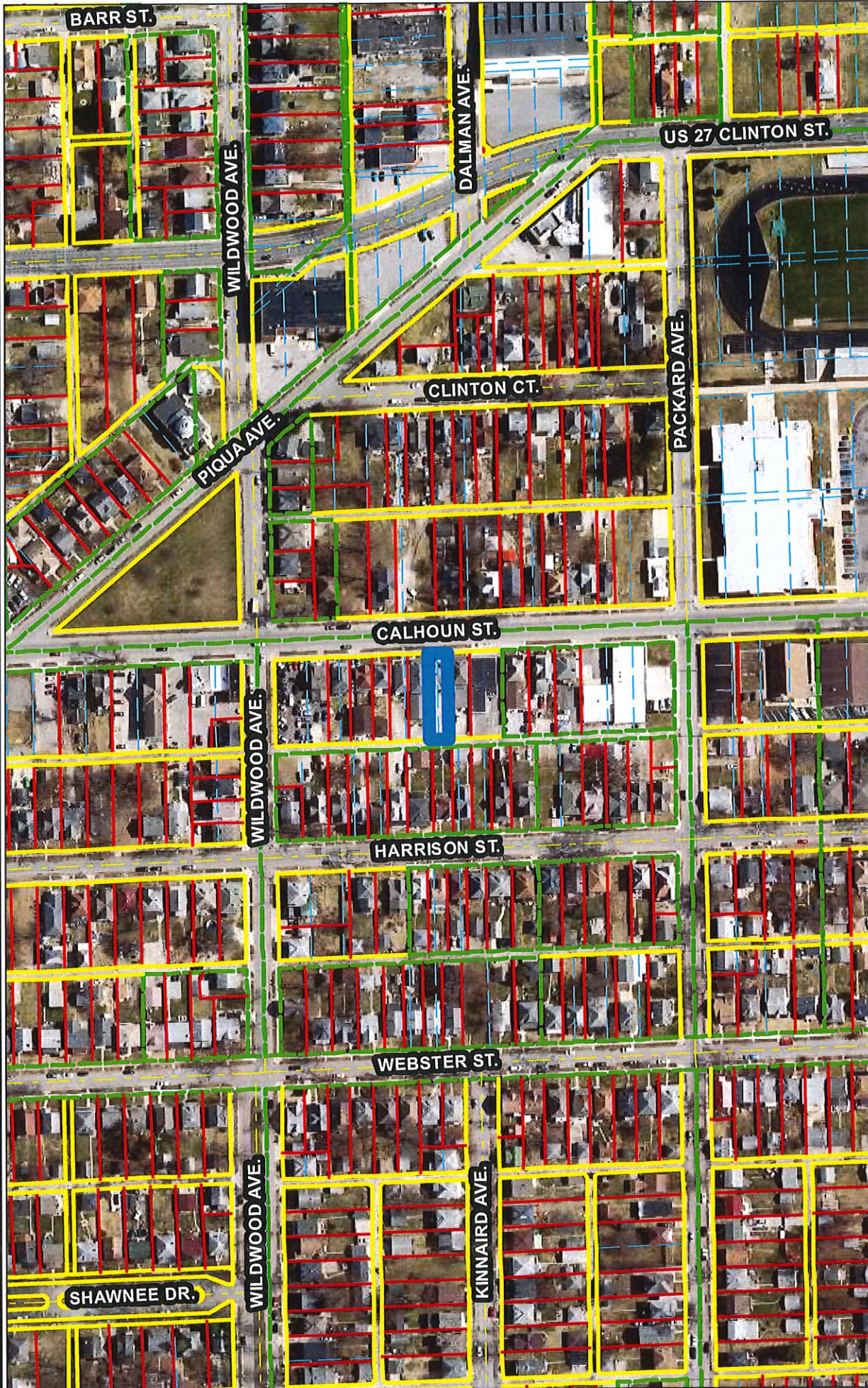
These findings approved by the Fort Wayne Plan Commission on January 13, 2021.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

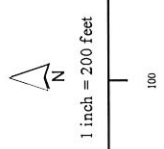


Rezoning Petition REZ-2020-0043 (3132 S Calhoun St)



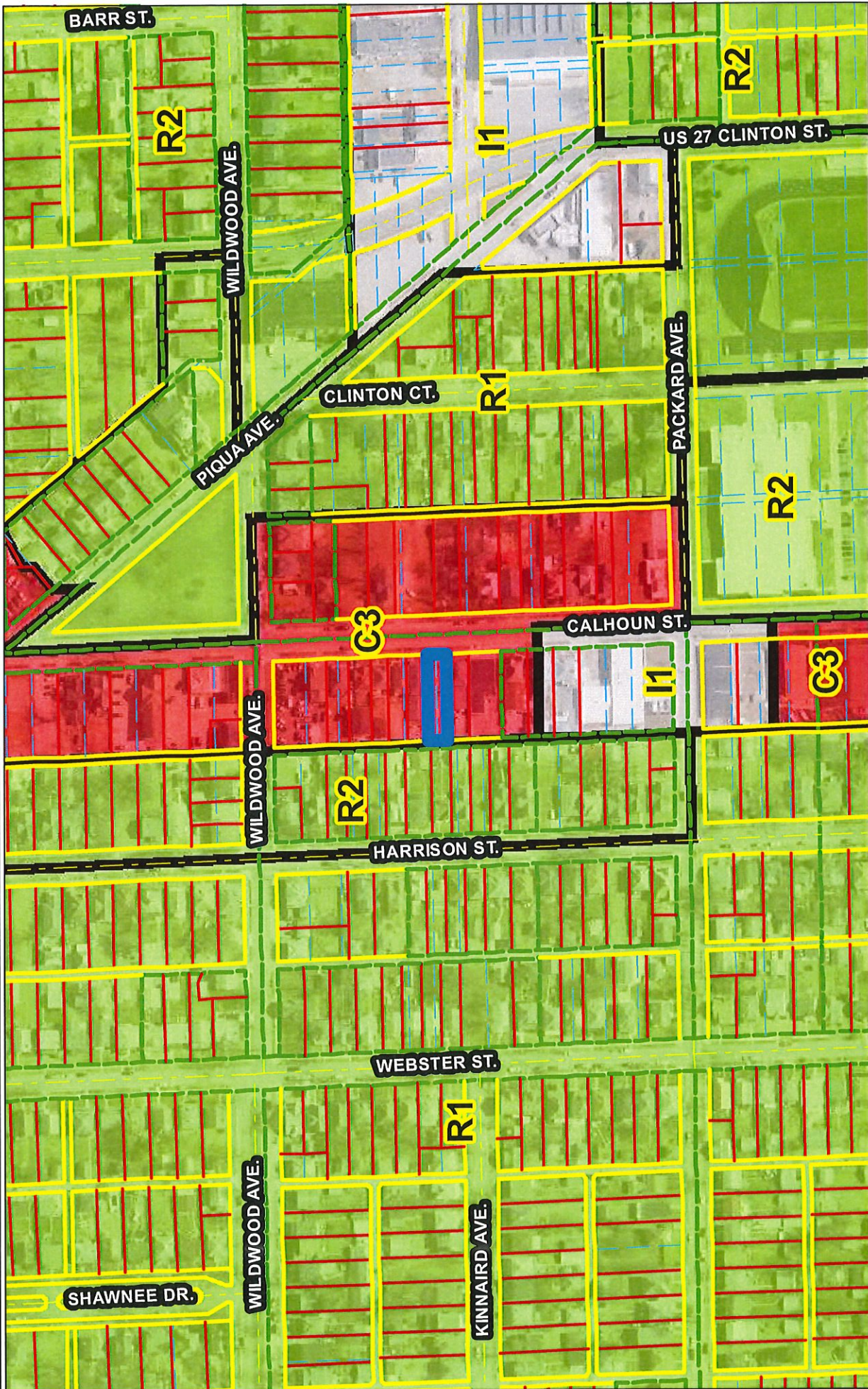
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Rezoning Petition REZ-2020-0043 (3132 S Calhoun St)



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Photo Aerial Coverage August 2009
Date: 11/16/2020

Department of Planning Services
Rezoning Petition Application

Applicant HTAY HTAY
Address 3132 S CALHOUN ST
City FORT WAYNE State IN Zip 46807
Telephone 517 897 7742 E-mail _____

Contact Person OMAR KHAN BIN NUR AHADIAT KHAN
Address 3132 S CALHOUN ST
City FORT WAYNE State IN Zip 46807
Telephone 517 897 7742 E-mail _____

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Sewer provider CITY UTILITIES Water provider CITY UTILITIES

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.

- Filing Requirements
- ☒ Applicable filing fee
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 - ☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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HTAY HTAY
(printed name of applicant)

CMD
(signature of applicant)

10/14/2020
(date)

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ANITA MATHER

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FORT WAYNE, IN

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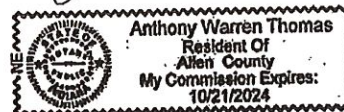
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Signed: Anthony Warren Thomas



"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." Signed: Anthony W. Thomas

This instrument prepared by Anthony W. Thomas, Attorney at Law, 810 W. State Blvd., Fort Wayne IN 46808

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

JUL 08 2019

AUDITOR OF ALLEN COUNTY

(1)

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