

#REZ-2023-0045

BILL NO. Z-23-09-12

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-11 (Sec. 13 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 a R1 (Single
Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana:

Weisser Park Add Lot 198 Ex N 19' of W 66.5' & Ex S 20' of W 50'

and the symbols of the City of Fort Wayne Zoning Map No. O-11 (Sec. 13 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:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2023-0045
Bill Number: Z-23-09-12
Council District: 6-Sharon Tucker

Introduction Date: September 12, 2023

Plan Commission
Public Hearing Date: September 11, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.06 acres from C2/Limited Commercial to R1/Single Family Residential.

Location: 3502 Oliver Street

Reason for Request: To permit existing residential use.

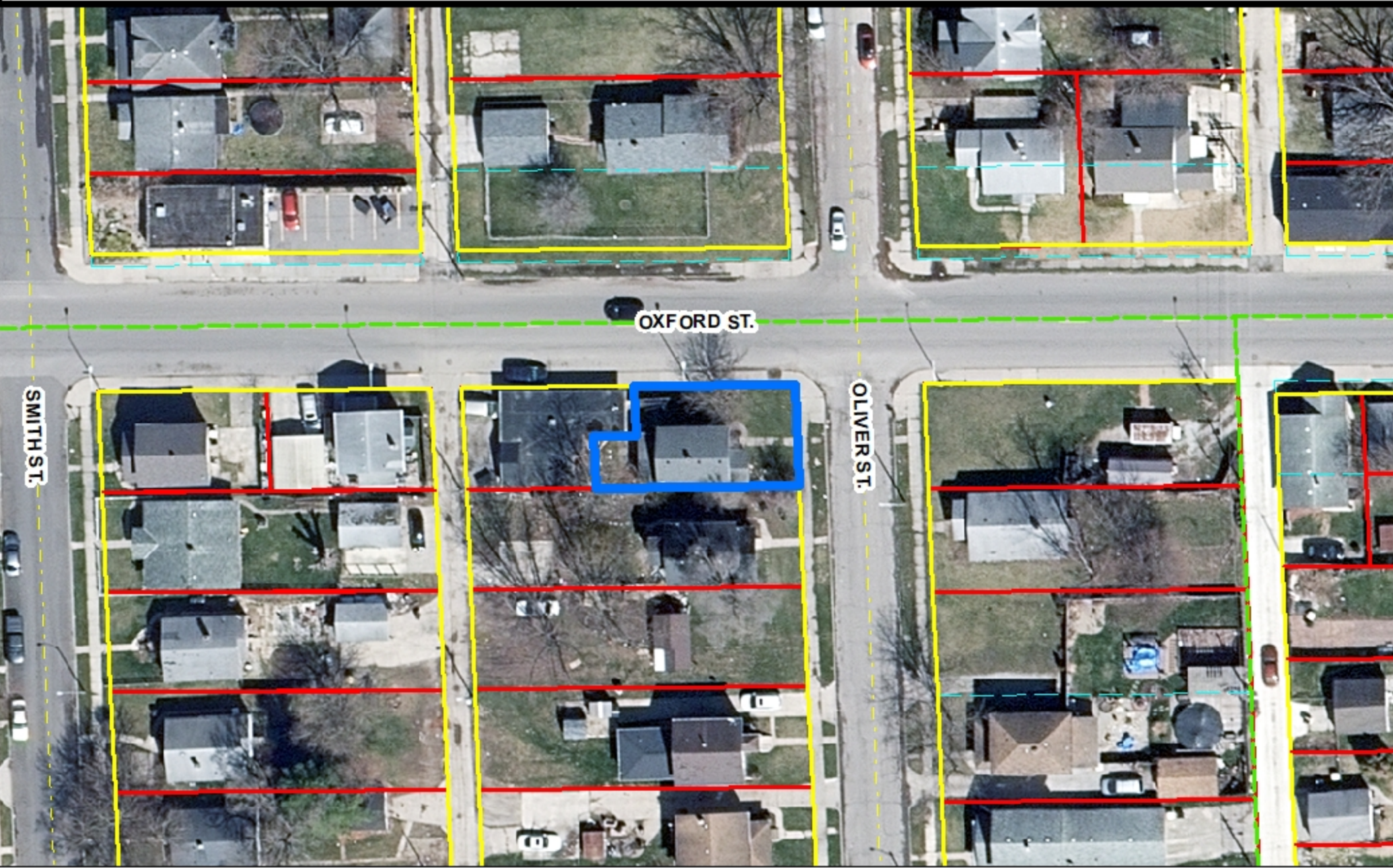
Applicant: Ram Ma Zan Be

Property Owner: Ram Ma Zan Be

Related Petitions: None

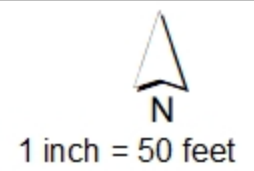
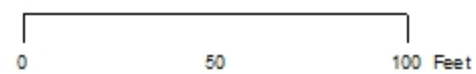
Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which supports single family development.

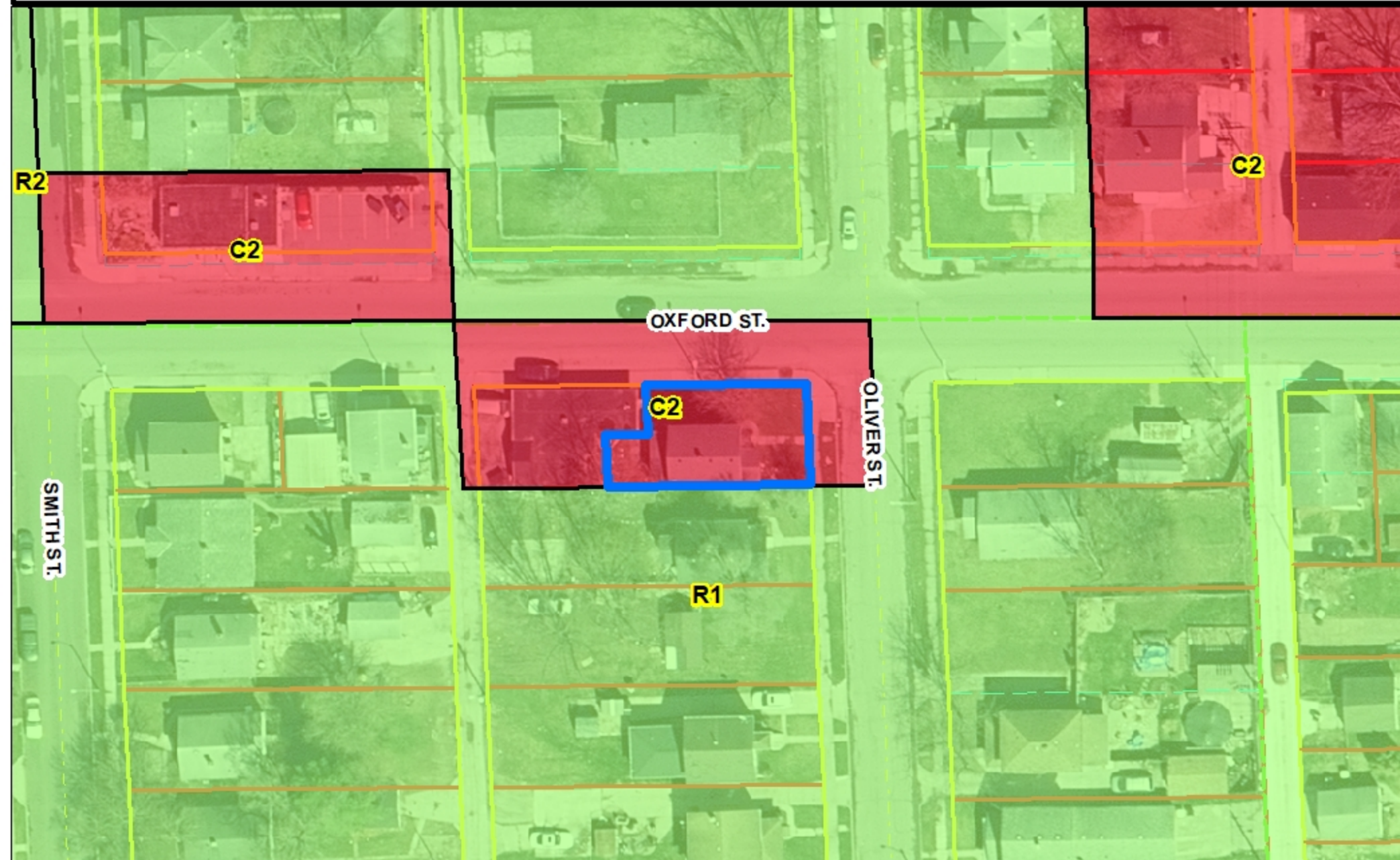
Effect of Non-Passage: The property will remain zoned C2/Limited Commercial, which supports moderate intensity business, community, office, personal service and limited retail uses, along with certain residential facilities.



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Photos and Contours: Spring 2009
Date: 8/10/2023





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0 50 100 Feet



1 inch = 50 feet

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Ram Ma Zan Be
Address 4510 Standish dr
City Fort Wayne State Indiana Zip 46806
Telephone _____ E-mail _____

Property Ownership

Property Owner _____
Address _____
City _____ State _____ Zip _____
Telephone _____ E-mail _____

Contact Person

Contact Person Ma Ra Ya Be
Address 4034 3/4 Wayne trace
City Fort Wayne State Indiana Zip 46806
Telephone 402-913-8485 E-mail marayabe137@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 3502 Oliver st Township and Section Wayne, 13
Present Zoning L2 Proposed Zoning R1 Acreage to be rezoned .06
Purpose of rezoning (attach additional page if necessary) To have the house match the zoning
Sewer provider _____ Water provider _____

Filing Checklist

Applications will not be accepted unless the following filing requirements are submitted with this application.

- ☐ Filing fee \$1000.00
- ☐ Surveys showing area to be rezoned
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Ram Ma Zan Be (printed name of applicant) [Signature] (signature of applicant)

8-1-23 (date)

Ram Ma Zan Be (printed name of property owner) [Signature] (signature of property owner)

8-1-23 (date)



Received	Receipt No.	Hearing Date	Petition No.
8-1-23	143782	9-11-23	2023-0045

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

Infill development

- (2) Current conditions and the character of current structures and uses in the district;

conditions won't be change

- (3) The most desirable use for which the land in the district is adapted;

It was build as a house. Hard to add a parking lot because it small space.

- (4) The conservation of property values throughout the jurisdiction;

No changes effected

- (5) Responsible development and growth.

Utilities are ~~avail~~ available.
not suitable for commercial

COMPLETE FILING TO INCLUDE:

- ☐ Filing Fee
- ☐ Complete application signed by property owner*
- ☐ Legal description (in Word document format)*
- ☐ Boundary/Utility Survey*
- ☐ Rezoning Criteria *
- ☐ Written Commitment (if applicable)*

**All documents may be digital*





DocId:8925130

Tx:4589917

2022057442

RECORDED: 10/24/2022 03:42:34 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

QUIT CLAIM DEED

This Indenture Witnesseth, That MAT RA FI
 of Allen County, in the State of Indiana Release and Quit-Claim to
RAM MAZAN BE of Allen County, in the
 State of Indiana for and in consideration of 65,000 Dollars,
 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following
 described Real Estate in Allen County in the State of Indiana to wit

TAX Bill Address

granted Property and address

M 13502 Oliver St

Fort Wayne Indiana 46806

Tax No-02-12-13-402-012-000-074

MAT RA FI

Lot number one hundred ninety Eight (198) Except North 19
 feet of West 66.5 feet and except South 20 feet of the West 50 feet in the Amended
 Plat of weisser Park addition to the city of Fort Wayne Allen county Indiana

In Witness Whereof, The said

ha hereunto set hand and seal, this 24th day of October, 2022

MAT RA FI

Seal

Seal

MAT RA FI

Seal

Seal

Seal

Seal

State of Indiana, County of Allen, ss

Before me, a Notary Public in and for said County and State, personally appeared MAT RA FI
 and RAM MAZAN BE who acknowledged the execution of the
 foregoing Quit Claim Deed.

Witness my hand and Notarial Seal this date October 24, 2022

CARRIE L. PFLUEGER, Notary Public

My commission expires June 29, 2024 Allen County, State of Indiana

My Commission Expires June 29, 2024

County

Signature

Carrie L. Pflueger Notary Public

(Printed)

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless
 required by law. Indiana Code §36-2-11-15(d) and

This instrument prepared by: mohamda scpi Resident of Allen County

Form # 163



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 Consult a lawyer if you doubt this form's fitness for your purposes and use. Jurisprudence Forms makes no representation or warranty, expressed
 or implied, with respect to the merchantability or fitness of this form for an intended use or purpose.

AUDITOR'S OFFICE
 Duty ordered for location. Subject
 to final acceptance for transfer.

OCT 24 2022

AUDITOR OF ALLEN COUNTY

FACT SHEET

Case #REZ-2023-0045		Bill # Z-23-09-12	Project Start: August 2023
APPLICANT:	Ram Ma Zan Be		
REQUEST:	To rezone property from C2/Limited Commercial to R1/Single Family Residential to permit existing residential use.		
LOCATION:	3502 Oliver Street, southwest corner of its intersection with Oxford Street (Section 13 of Wayne Township)		
LAND AREA:	0.06 acre		
PRESENT ZONING:	C2/Limited Commercial		
PROPOSED ZONING:	R1/Single Family Residential		
COUNCIL DISTRICT:	6-Sharon Tucker		
SPONSOR:	City of Fort Wayne Plan Commission		

September 11, 2023 Public Hearing

- No one from the public spoke at the hearing.
- Tom Freistroffer, Ryan Neumeister, Karen Richards and Rachel Tobin-Smith were absent.

September 18, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

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

8-0 MOTION PASSED

- Ryan Neumeister was absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
September 20, 2023

PROJECT SUMMARY

- The site is part of Weisser Park Addition that was platted in 1916.
- The single-family residence was constructed in 1925.

The applicant petitioned to rezone the property from C2/Limited Commercial to R1/Single Family Residential to conform to the existing use. The majority of the surrounding properties in the area are zoned R1/Single Family Residential, with a few areas of C2/Limited Commercial and C3/General Commercial. The current home was constructed in 1925 as a single-family residence, at a time when this was a permitted use in C2/Limited Commercial. The parcel directly to the west is also zoned C2/Limited Commercial; however, it has a commercial building that was constructed in 1941 and is currently a grocery store. The requested rezoning would bring the property into compliance with the current zoning ordinance, allowing the existing use as single-family residential. It would be beneficial to the property owner with items such as financing, insuring, and improvements to the property. The rezoning petition will also allow for investing in an established part of Fort Wayne and further neighborhood and city led initiatives for the southeast quadrant of Fort Wayne.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

The project site is located within the Priority Investment Area.

- The following Goals and Strategies would be applicable:
 - LUD1** - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
 - LUD 1.3** - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities.

Overall Land Use Policies

The following Land Use Policies would be applicable and supportive of this request:

- **LUD Policy 1** - Support and promote a diversity of housing types within the applicable land use categories defined in the comprehensive plan.

Generalized Future Land Use Map

- The project site is located within the Traditional Neighborhood generalized land use category.
- Primary Land Uses in this category are Single-Family Residential. Some Secondary Land Uses are Two-Family and Multiple-Family Residential, and Low-Intensity, Neighborhood-Scale Retail.
- Adjacent properties are also categorized as Traditional Neighborhood.

Land Use Related Action Steps

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **HN.1.1.4** - Promote residential development with compact block structure, a mix of uses and housing types, and active transportation access to nearby jobs, recreation, fresh and nutritious food, and schools as well as connections to nearby neighborhoods.

Compatibility Matrix

- This proposed rezoning to R1/Single-Family residential is encouraged in the Traditional Neighborhood of the comprehensive plan. Both the neighborhood and street are stable and maintain residential character.

Other applicable plans: Southeast Strategy, Oxford Community Association

PUBLIC HEARING SUMMARY:

Presenter:

Ram Ma Zan Be, property owner, presented the request as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

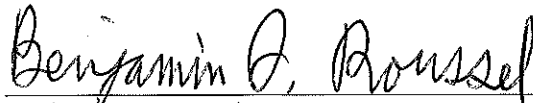
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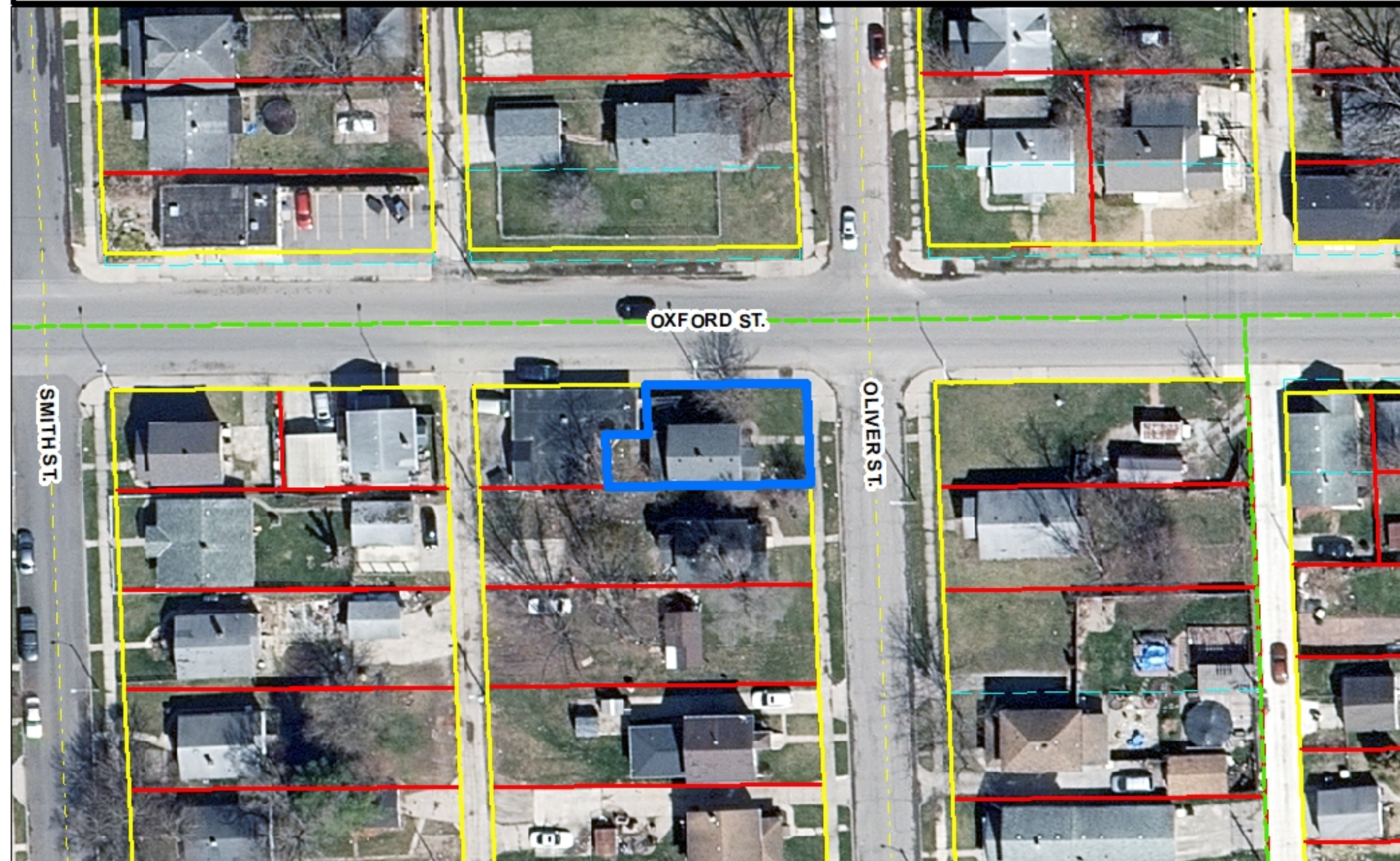
The Plan Commission recommends that Rezoning Petition REZ-2023-0045 be returned to Council, with a “Do Pass” recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The R1/Single Family Residential zoning will provide the opportunity to redevelop the site to its desired use. The Comprehensive Plan categorizes this property as Traditional Neighborhood.
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. The property is adjacent to R1/Single Family Residential on the north, south and east, and C2/Limited Commercial zoning directly to the west. The existing building was constructed as a residential structure.
3. Approval is consistent with the preservation of property values in the area. The site has historically been a residential use. The surrounding area has already been developed.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The rezoning is consistent with adjacent residential zoning.

These findings approved by the Fort Wayne Plan Commission on September 18, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



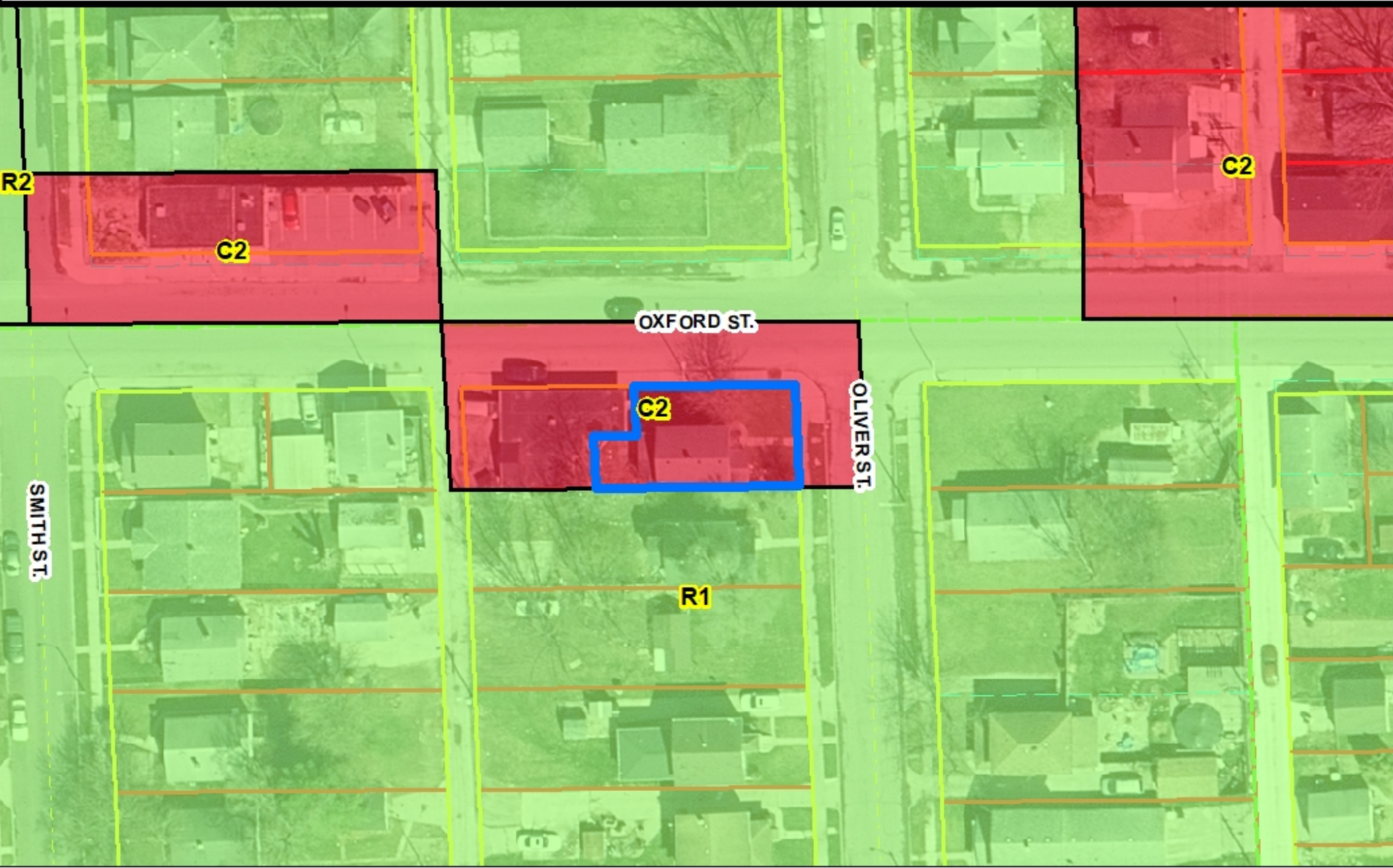
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