

#REZ 2024 0021

BILL NO. Z-24-05-11

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. K-07 (Sec. 15 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:

**LEGAL DESCRIPTION:**

Lot 2 of Veseys B.W. & S.W., Sub., Amended

and the symbols of the City of Fort Wayne Zoning Map No. K-07 (Sec. 15 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

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### Department of Planning Services

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2024-0021  
Bill Number: Z-24-05-11  
Council District: 5 – Geoff Paddock

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Introduction Date: May 28, 2024

Plan Commission  
Public Hearing Date: June 10, 2024 (not heard by Council)

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

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Synopsis of Ordinance: To rezone 0.09 acres from C2/Limited Commercial to R1/Single Family Residential

Location: 3426 Broadway (Section 15 of Wayne Township)

Reason for Request: To permit a single-family residential dwelling.

Applicant: Tony Ervin

Property Owner: 3426 Broadway LLC

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Related Petitions: None

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Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which will allow for a single-family residential dwelling.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial which does not permit a single-family residential dwelling. The site will continue with existing uses, and may be redeveloped with areas for moderate intensity business, community, office, personal service, and limited retail uses, along with certain residential facilities uses.





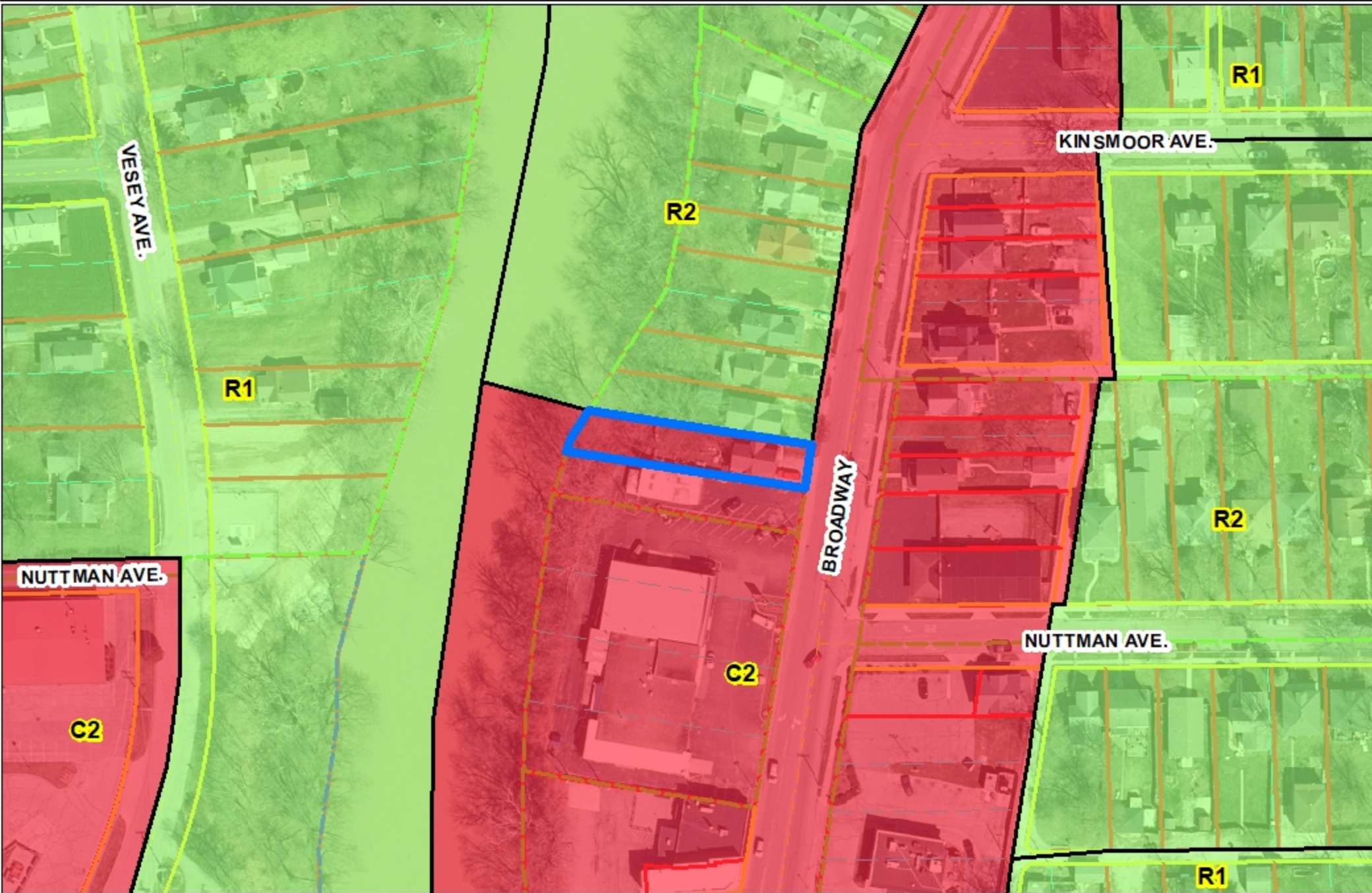
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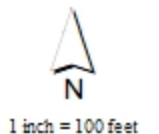
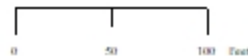
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**Legal Description – REZ-2024-0021**

Lot 2 of Veseys B.W. & S.W., Sub., Amended

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Firefox

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Department of Planning Services  
Rezoning Petition Application

tonster72@hotmail.com

**Applicant**  
Applicant Tony ERVIN  
Address 805 W. Wayne STR  
City Fort Wayne State IN Zip 46802  
Telephone 260-494-4376 E-mail tonster72@hotmail.com

**Property Ownership**  
Property Owner Leo Vodde / 3426 Broadway LLC  
Address 3426 Broadway  
City Fort Wayne State IN Zip 46807  
Telephone 727-385-3868 E-mail lvod1057@aol.com

**Contact Person**  
Contact Person Leo Vodde  
Address Same as Property Owner  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone 727-385-3868 E-mail lvod1057@aol.com

Also: london.buesching@exp Realty.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 3426 Broadway Township and Section Wayne / 0015  
Present Zoning C2 Proposed Zoning Residential / R2 Acreage to be rezoned .09  
Purpose of rezoning (attach additional page if necessary) Currently on the market need to put back to R2 to be able to sell and transfer to new owner  
Sewer provider City utilities Water provider city utilities

**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

Leo Vodde Leo Vodde 04/23/24 4/23/24  
(printed name of applicant) (signature of applicant) (date)

(printed name of property owner) (signature of property owner) (date)



|          |             |              |               |
|----------|-------------|--------------|---------------|
| Received | Receipt No. | Hearing Date | Petition No.  |
| 4/23/24  | 145284      | 6.10.24      | REZ-2024-0521 |

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



3426 Broadway

Fort Wayne, Ind 46807

LOT 2 (Vesseys Add.)

Rezoning to R1.

#### Questions.

1. The comprehensive plan is to resale as a R1 home for the new homeowners.
2. Current conditions are single family home, has been a rental for years. As you can tell by looking at the pictures, this is and has been residential. No parking lots of any kind to support any type of commercial property for this home.
3. Desirable use is to keep as a family dwelling home, as it has been used for family dwelling as a rental for years and a new family wants to make it home.
4. Conservation of property values, well, the current offer on the home was accepted and appraised for a amount higher than the current list price. The lender was good with the home and value until discovered it was zoned commercial instead of residential.
5. Responsible development and growth. Well, the potential home is ready for the next homeowner, and they are ready to make it their own.

I hope this helps satisfy all parties.

Thanks you

# FACT SHEET

Case #REZ-2024-0021

Bill # Z-24-05-11

Project Start: May 2024

|                   |                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------|
| PROPOSAL:         | Rezoning Petition REZ-2024-0021 – 3426 Broadway                                                      |
| APPLICANT:        | Tony Ervin                                                                                           |
| REQUEST:          | To rezone property from C2/Limited Commercial to R1/Single Family to permit existing home.           |
| LOCATION:         | 3426 Broadway, 110 feet north of its intersection with Nuttman Avenue (Section 15 of Wayne Township) |
| LAND AREA:        | 0.09 acre                                                                                            |
| PRESENT ZONING:   | C2/Limited Commercial                                                                                |
| PROPOSED ZONING:  | R1/Single Family Residential                                                                         |
| COUNCIL DISTRICT: | 5 – Geoff Paddock                                                                                    |
| SPONSOR:          | Fort Wayne Plan Commission                                                                           |

## **June 10, 2024 Public Hearing**

- No one spoke in support or with concerns.
- Patrick Zaharako and Scott Myers were absent.

## **June 17, 2024 Business Meeting**

### **Plan Commission Recommendation: DO PASS**

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

### **9-0 MOTION PASSED**

- All members were present.

Fact Sheet Prepared by:  
Karen Couture, Associate Land Use Planner  
June 18, 2024



## **PROJECT SUMMARY**

The applicant is requesting to rezone an existing home from C2/Limited Commercial to R1/Single Family Residential. This home is the southernmost existing home on Broadway, before entering the commercialized section before the Bluffton Road bridge. Historic imagery shows homes constructed up to what is now Modern Mill and the '07 Pub but have since been torn down to accommodate what is now Gouty's Service Center. Previous iterations of the zoning ordinance permitted dwellings as primary uses in commercial and residential zones, but currently a single-family residence is not permitted in the C2 zoning district. The applicant has a buyer for the home, but the transaction cannot happen without accurate zoning. With a general greater interest in living in the urban core, demand of housing, and since the structure was constructed as a residence, no concerns were anticipated with this rezoning petition.

### **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.

#### **Overall Land Use Policies**

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

- **LUD Policy 2** – Promote complete neighborhoods through sustainable development, preservation, and growth by encouraging and enhancing mixed use neighborhood areas.

#### **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.

#### **Land Use Related Action Steps**

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

- **HN.1.1.2** - Promote smart growth development practices to support efficient use of land and resources.

#### **Compatibility Matrix**

- This proposed rezoning R1/Single-Family Residential is considered compatible to Traditional Neighborhood designated land use.

**Other applicable plans:** none

### **PUBLIC HEARING SUMMARY:**

Presenter: Tony Ervin, applicant, presented the request as outlined above.

Public Comments: None

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2024-0021 – 3426 Broadway

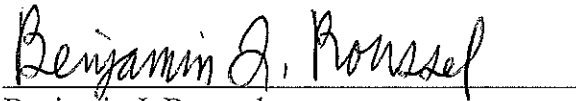
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| APPLICANT:       | Tony Ervin                                                                                           |
| REQUEST:         | To rezone property from C2/Limited Commercial to R1/Single Family to permit existing home.           |
| LOCATION:        | 3426 Broadway, 110 feet north of its intersection with Nuttman Avenue (Section 15 of Wayne Township) |
| LAND AREA:       | 0.09 acre                                                                                            |
| PRESENT ZONING:  | C2/Limited Commercial                                                                                |
| PROPOSED ZONING: | R1/Single Family Residential                                                                         |

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**The Plan Commission recommends that Rezoning Petition REZ-2024-0021 be returned to Council, with a “Do Pass” recommendation after considering the following:**

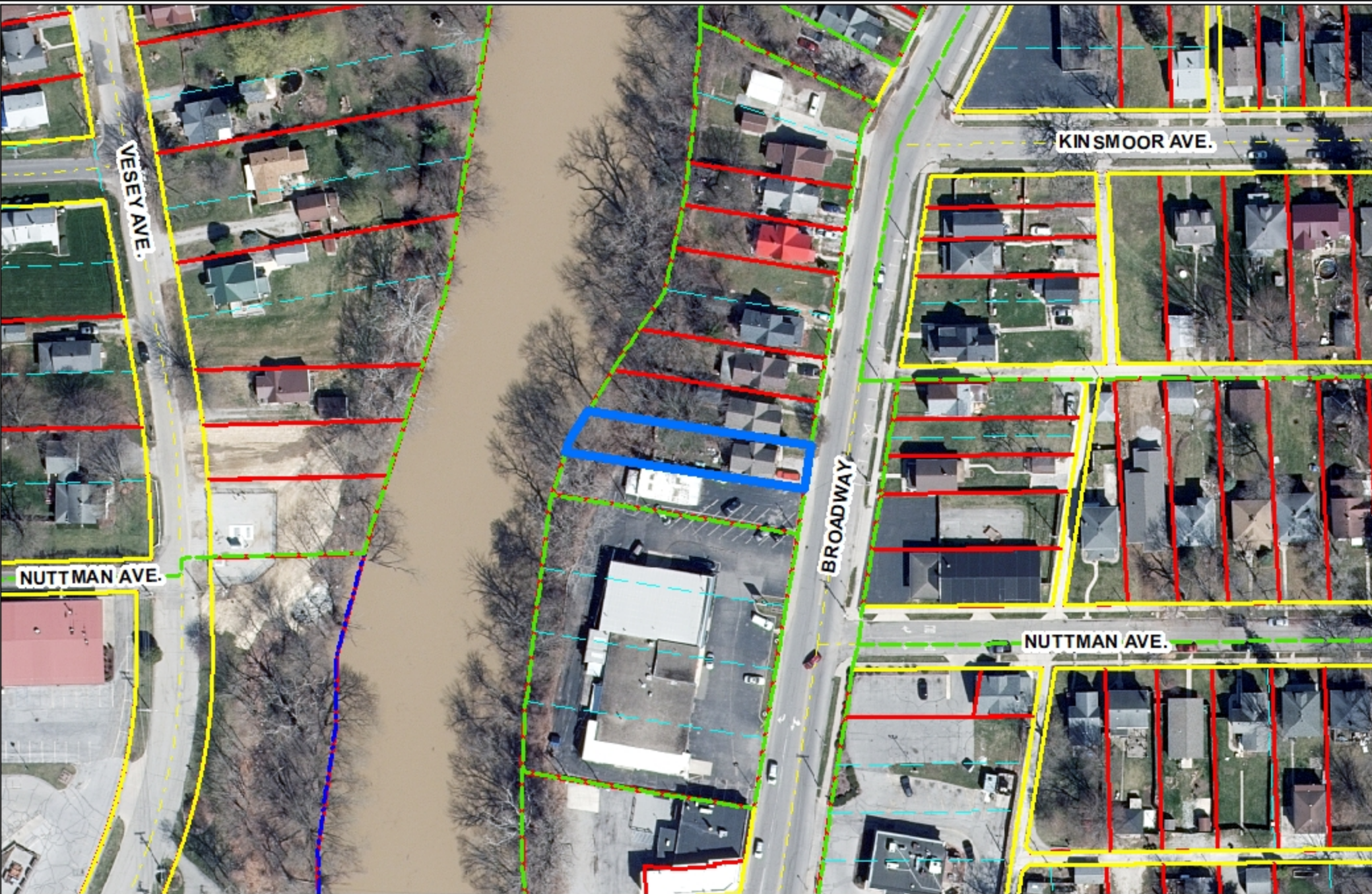
1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. The site is identified as a “traditional neighborhood” designation in the Fort Wayne Comprehensive Plan.
2. Approval of the 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 structure was built as a residence – prior zoning ordinances permitted residential uses in commercial districts – this rezoning request will bring the house into compliance with today’s ordinance.
3. Approval is consistent with the preservation of property values in the area. No substantial changes are anticipated since the request is to permit existing use.
4. Approval is consistent with responsible development and growth principles based on existing uses in the area. The applicant will not need to justify use since the site will be zoned, and the house can be approved with residential zoning codes and not need to use nonconforming clauses.
5. The rezoning is consistent with the mandate for responsible growth and development. The rezoning request follows a pattern of urban investment and development in the City of Fort Wayne.

These findings approved by the Fort Wayne Plan Commission on June 17, 2024.



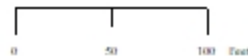
Benjamin J. Roussel  
Executive Director  
Secretary to the Commission





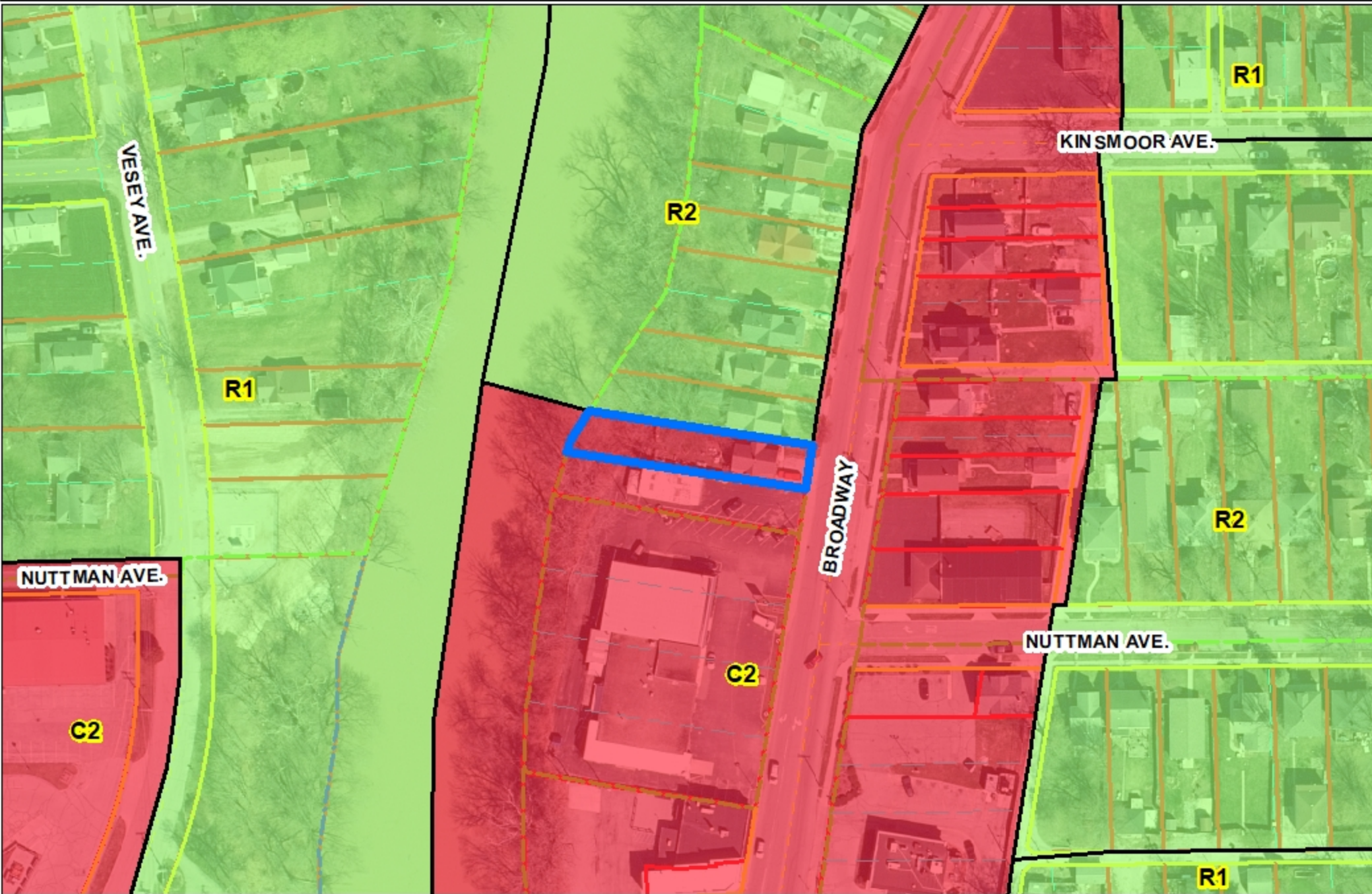
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