

#REZ 2024 0040

BILL NO. Z-24-10-09

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-03 (Sec. 10 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:

The West 30 feet of the East 150 feet of the North 60 feet of (Block) Lot 4 in Evans
Place Addition to the City of Fort Wayne

and the symbols of the City of Fort Wayne Zoning Map No. K-03 (Sec. 10 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-2024-0040
Bill Number: Z-24-10-09
Council District: 5 – Geoff Paddock

Introduction Date: October 22, 2024

Plan Commission
Public Hearing Date: November 4, 2024 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.41 acres from C2/Limited Commercial to R1/Single Family Residential

Location: 1115 Maple Avenue (Section 10 of Wayne Township)

Reason for Request: To conform an existing use of a single family-residential dwelling

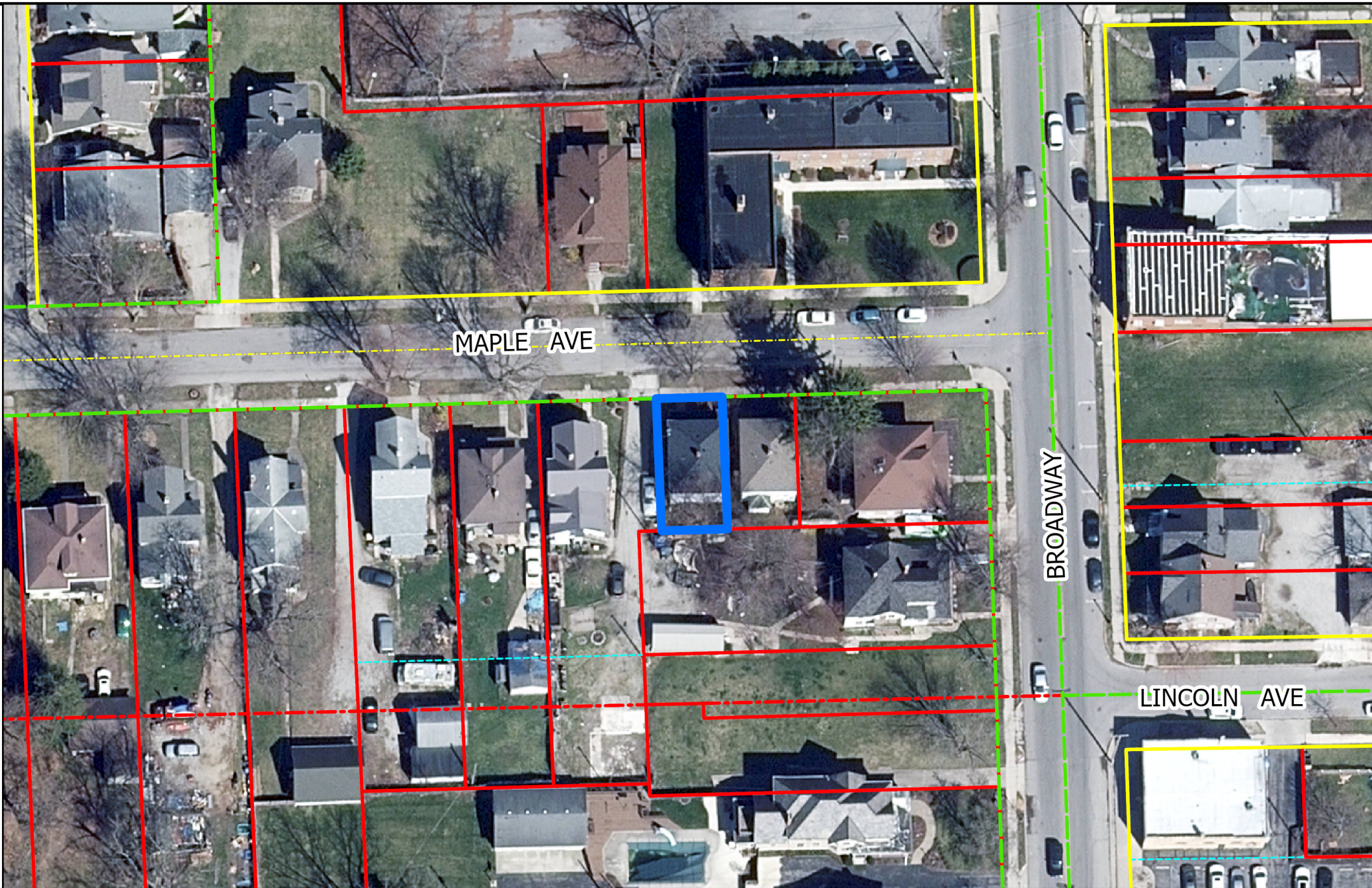
Applicant: Select Property Management

Property Owner: Imperial Valley Properties

Related Petitions: None

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

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



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.

© 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: 10/11/2024

0 40 80 Feet



R2
FW

MAPLE AVE

C2
FW

BROADWAY

LINCOLN AVE

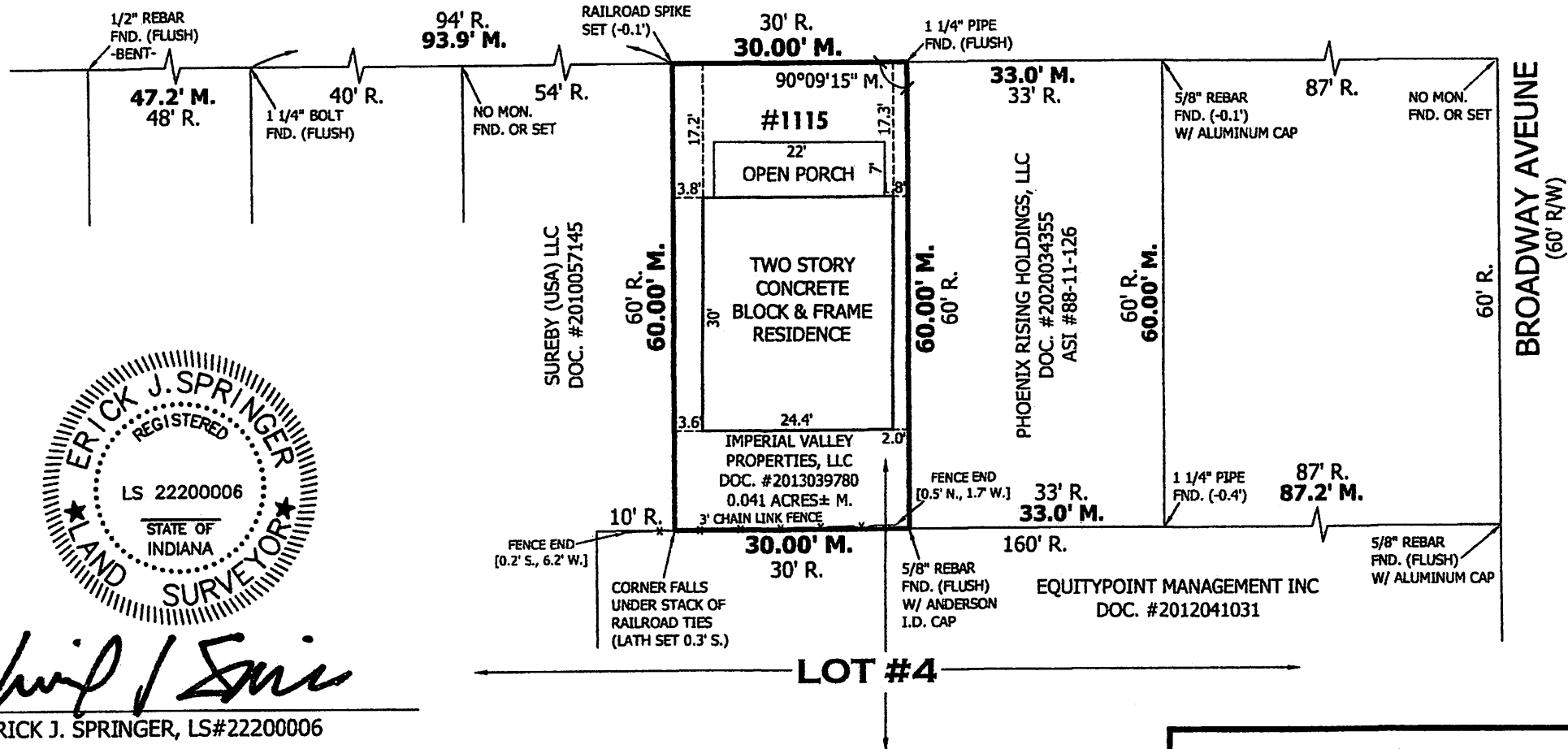
C2
FW

PLAT OF SURVEY

Page 1 of 2

This document is a Retracement Survey of a parcel of land located in Allen County, Indiana.
SEE PAGE 2 OF 2 FOR THE SURVEYOR'S REPORT AND LEGAL DESCRIPTION.

MAPLE AVENUE (50' R/W)



Erick J. Springer

ERICK J. SPRINGER, LS#22200006

I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Fieldwork completed on the 10th day of SEPTEMBER, 20 24.

Certified this 16th day of SEPTEMBER, 20 24.

Prepared exclusively for: IMPERIAL VALLEY PROPERTIES, LLC /

Survey Number: 24-08-114



SCALE IN FEET: 1"=20'

ANDERSON SURVEYING

Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29.

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Sch
Columbia C
Phone: (26
Fax: (260



WWW.ANDERSONSURVEYING.COM

RECORDED DESCRIPTION OF REAL ESTATE:

Present Owner(s): Imperial Valley Properties, LLC

Property Address: 1115 Maple Avenue, Fort Wayne, IN 46807

Recorder's Document #2013039780 – Parcel I:

The West 30 feet of the East 150 feet of the North 60 feet of (Block) Lot 4 in Evans Place Addition to the City of Fort Wayne, according to the recorded plat thereof.

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for a "Suburban" Survey (0.13 feet plus 100 parts per million) as defined in I.A.C. 865.

The boundary lines of the above-described tract were retraced during this survey on the basis of monumentation found essentially in agreement with platted and record dimensions. The ancient plat of Evans Place Addition was recorded on May 17, 1884 and does not state the type, size, or material of the monuments set at each Lot corner during platting. As a result, the found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners. Reference a prior survey by this firm of this east adjoining property dated November 19, 2019, as Survey Number 88-11-126. The northwest corner of the subject tract reestablished by record geometry and accessory monuments. A large stack of railroad ties was located over the southwest corner and a lath was set being 0.3 feet south calculated corner location. All as shown on the Plat of Survey.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this Plat of Survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: Up to 0.8 feet due to existing monumentation as shown on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. Bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be of greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See the fence location along the south line of the subject tract as shown on the Plat of Survey. Unwritten rights may be associated with these occupations.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This is certified as a "Suburban" Survey in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

Department of Planning Services Rezoning Petition Application

Applicant
 Applicant Select Property management
 Address 416 S. Scott Rd
 City Ft. Wayne State IN Zip 46814
 Telephone 260-702-3636 E-mail support@selectpropertymgmt.com

Property Ownership
 Property Owner Imperial Valley Properties
 Address P.O. Box 368
 City Imperial State CA Zip 92251
 Telephone 678-485-9678 E-mail wendy@ivprops.com

Contact Person
 Contact Person Tom Tiernon
 Address 416 S. Scott Rd
 City Ft. Wayne State IN Zip 46814
 Telephone 260-441-6601 E-mail Tom@selectpropertymgmt.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 1115 Maple Ave Township and Section Wayne 0153012
 Present Zoning Commercial Proposed Zoning R-1 Acreage to be rezoned .041
 Purpose of rezoning (attach additional page if necessary)
The zoning is incorrect
 Sewer provider Ft. Wayne City Utilities Water provider Ft. Wayne 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 (please complete attached document)

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

Tom Tiernon - Select Property
 (printed name of applicant)

Tom Tiernon

dotloop verified
09/17/24 3:34 PM EDT
9MGX-9AUM-3TVY-7RAX

(signature of applicant)

9/17/24
 (date)

Imperial Valley Properties
 (printed name of property owner)

Mike Heim

dotloop verified
09/19/24 1:37 PM PDT
RGPL-U0D-BHWJ-SIOF

(signature of property owner)

9/17/24
 (date)



Received	Receipt No.	Hearing Date	Petition No.
9/20/24	146363	11/4/24	RE2-2024-0040

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;

This property is currently zoned as a commercial property but was built as, and has been used as a single family residential as it is a single family dwelling in a residential neighborhood

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

good condition, single family home

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

R-1

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

should increase the property value when zoned correctly

- (5) Responsible development and growth.

I believe this has been zoned commercial for a very long time but as far as I know it has always been a single family home

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*



FACT SHEET

Case #REZ-2024-0040

Bill # Z-24-10-09

Project Start: October 2024

PROPOSAL:	Rezoning Petition REZ-2024-0040 – 1115 Maple Avenue
APPLICANT:	Select Property Management
REQUEST:	To rezone 0.41 acres from C2/Limited Commercial to R1/Single Family Residential to conform to existing use
LOCATION:	1115 Maple Avenue (Section 10 of Wayne Township)
LAND AREA:	0.41 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R1/Single Family Residential
COUNCIL DISTRICT:	5 – Geoff Paddock
SPONSOR:	Fort Wayne Plan Commission

November 4, 2024 Public Hearing

- No one spoke in support or with concerns.
- Rachel Tobin-Smith, Paul Sauerteig, and Amos Norman were absent.

November 18, 2024 Business Meeting

Plan Commission Recommendation: DO PASS,

A motion was made by Paul Sauerteig and seconded by Ryan Neumeister 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
December 10, 2024

PROJECT SUMMARY

The applicant is requesting to rezone an existing home from C2/Limited Commercial to R1/Single Family Residential. The home was constructed in 1915 and no Board of Zoning Appeals was found for the site. This home is located two houses from the Broadway corridor. Previous iterations of the zoning ordinance permitted dwellings as primary uses in commercial and residential zones, but the city has adopted a more exclusionary zoning ordinance that no longer contains that allowance. Like many rezoning petitions the Plan Commission sees, petitions to rezone properties built as homes arise when new buyers need financing, or when existing homeowners refinance. Aligning zoning to current uses not only allows for easier financing, but the owners can take advantage of residential zoning provisions, making reinvestment easier as well. The rezoning petition is a good demonstration of infill investment in established Fort Wayne neighborhoods.

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 Mixed Urban Commercial Corridor generalized land use category.
- Single-Family Residential is one of several primary uses in this category.

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 Mixed Urban Commercial Corridor designated land use.

Other applicable plans: none

PUBLIC HEARING SUMMARY:

Presenter: Eric Hand, property owner, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

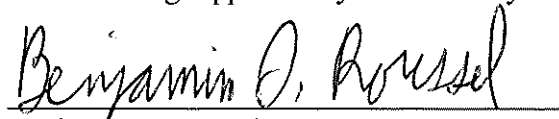
Rezoning Petition REZ-2024-0040 – 1115 Maple Ave

APPLICANT:	Select Property Management
REQUEST:	To rezone property from C2/Limited Commercial to R1/Single Family Residential to permit existing residential home.
LOCATION:	1115 Maple Ave, 135 feet west of its intersection with Broadway (Section 10 of Wayne Township)
LAND AREA:	0.041 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R1/Single Family Residential

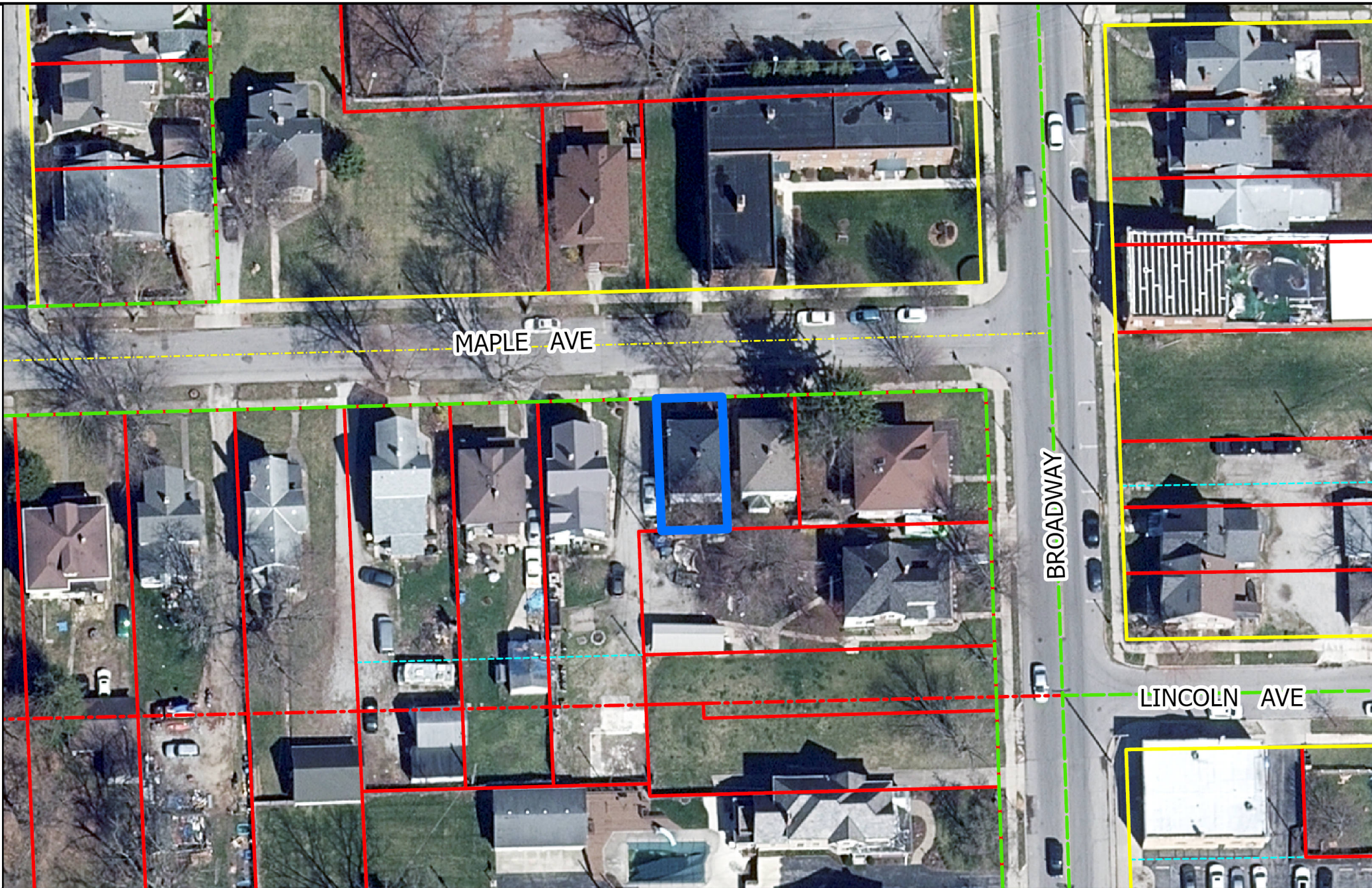
The Plan Commission recommends that Rezoning Petition REZ-2024-0040 be returned to Council, with a “Do Pass” recommendation after considering the following:

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 an area of infill development, and rezoning to align with existing and current uses demonstrates active reinvestment in an established area in Fort Wayne.
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. Rezoning a home on a local “side street” will deter commercial investment encroaching into residential areas.
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 November 18, 2024.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



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.

© 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: 10/11/2024

0 40 80 Feet



R2
FW

MAPLE AVE

C2
FW

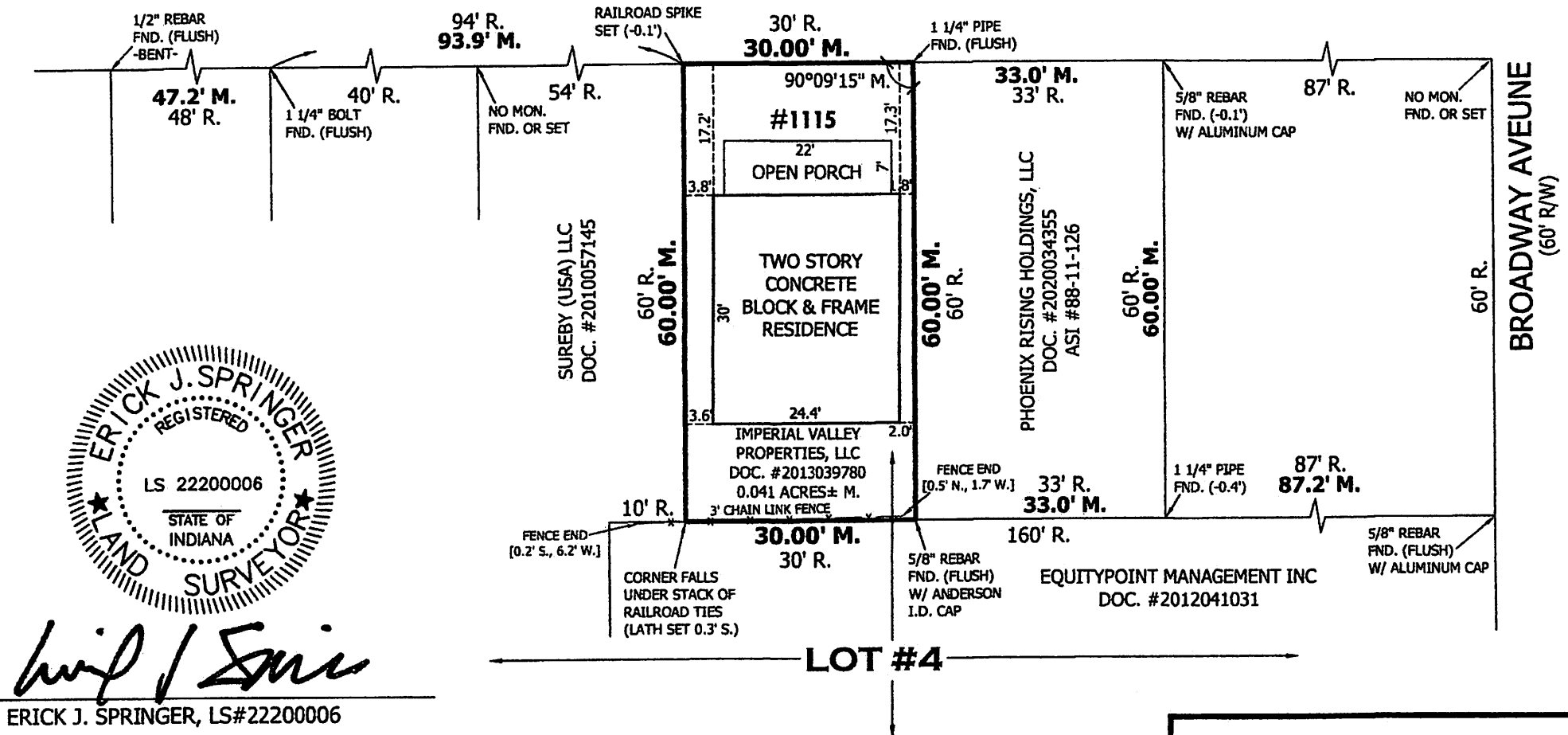
BROADWAY

LINCOLN AVE

C2
FW

Page 1 of 2

MAPLE AVENUE (50' R/W)



ERICK J. SPRINGER, LS#22200006

I hereby certify that the above Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Fieldwork completed on the 10th day of SEPTEMBER, 2024.

Certified this 16th day of SEPTEMBER, 20 24.

Prepared exclusively for: IMPERIAL VALLEY PROPERTIES, LLC /

Survey Number: **24-08-114**

ANDERSON SURVEYING

Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29.

**1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724**

**1947 E. St
Columbia C
Phone: (26
Fax: (260**