

#REZ-2025-0036

BILL NO. Z-25-07-19

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I30 (Sec. 21 of Washington 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 R2/Two Family Residential under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

LEGAL DESCRIPTION

Lot Number 89 in Lincolndale being a subdivision of Lots 1 to 44 inclusive in Elmer E Gandy's Subdivision to Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 32, in the Office of the Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. I30 (Sec. 21 of Washington 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-2025-0036
Bill Number: Z-25-07-19
Council District: 3 – Nathan Hartman

Introduction Date: July 22, 2025

Plan Commission
Public Hearing Date: August 11, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.45 acres from R1/Single Family Residential to R2/Two-Family Residential

Location: 2832 Lincolndale Ave (Section 21 of Washington Township)

Reason for Request: To permit a duplex

Applicant: Cedar Falls Investments

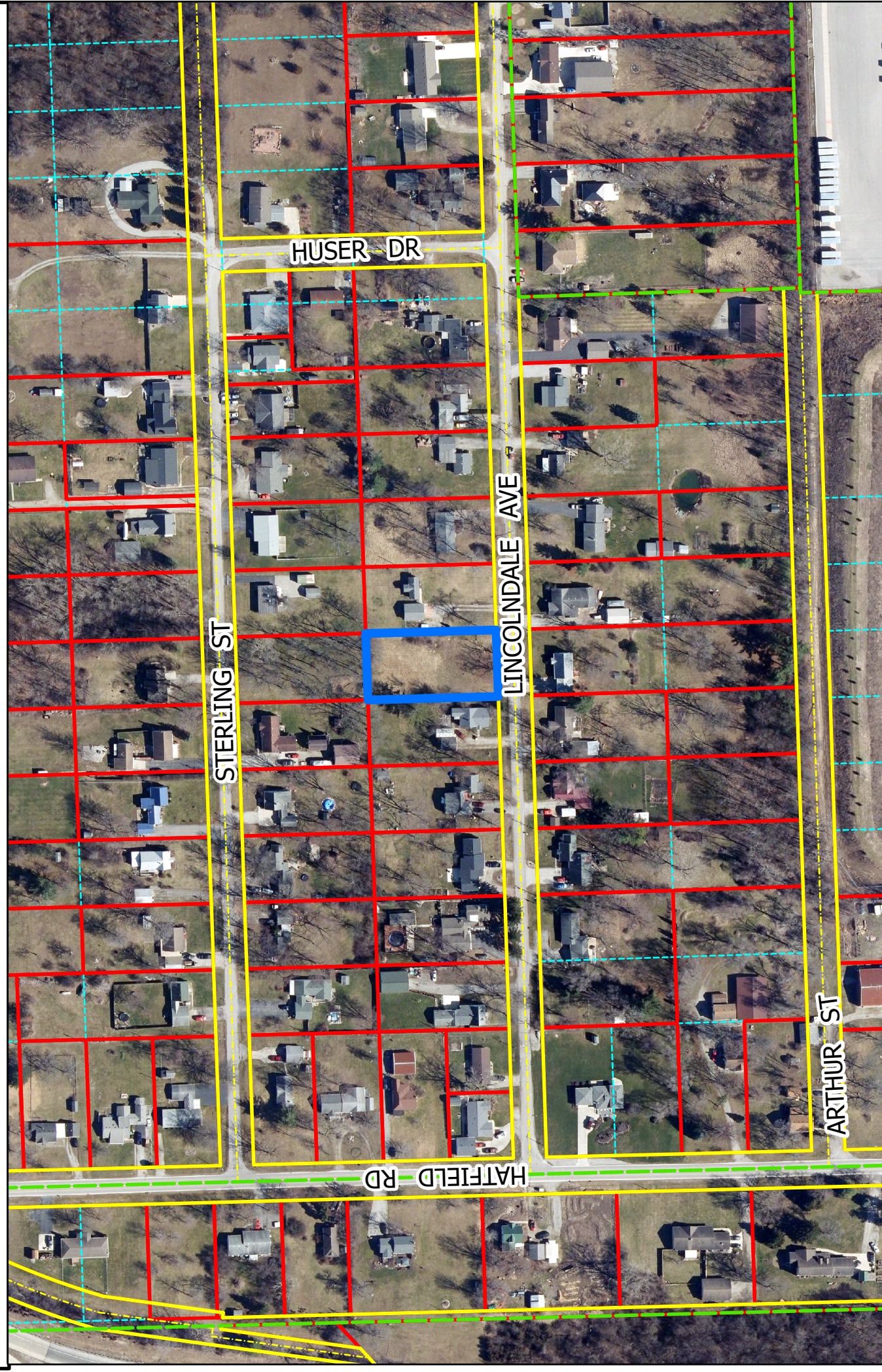
Property Owner: Cedar Falls Investments

Related Petitions: None

Effect of Passage: Property will be rezoned to the R2/Two-Family Residential, which would permit a duplex.

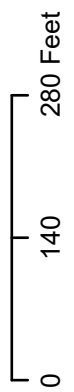
Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, which does not permit a duplex. The site may be developed for single family residential uses on individual lots or tracts, and similar uses.

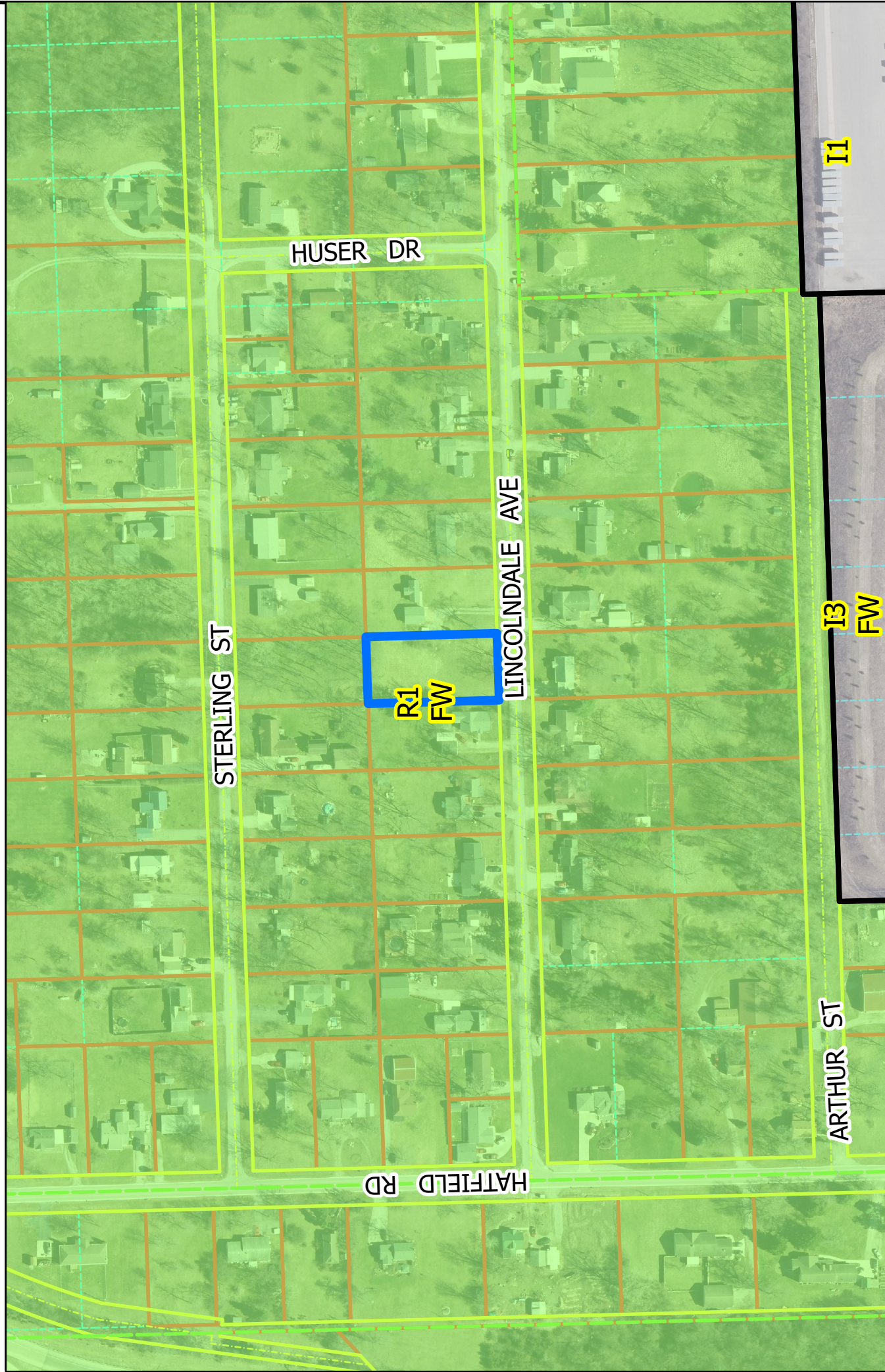
Rezoning Petition REZ-2025-0036 - 2832 Lincolndale Ave



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.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/9/2025



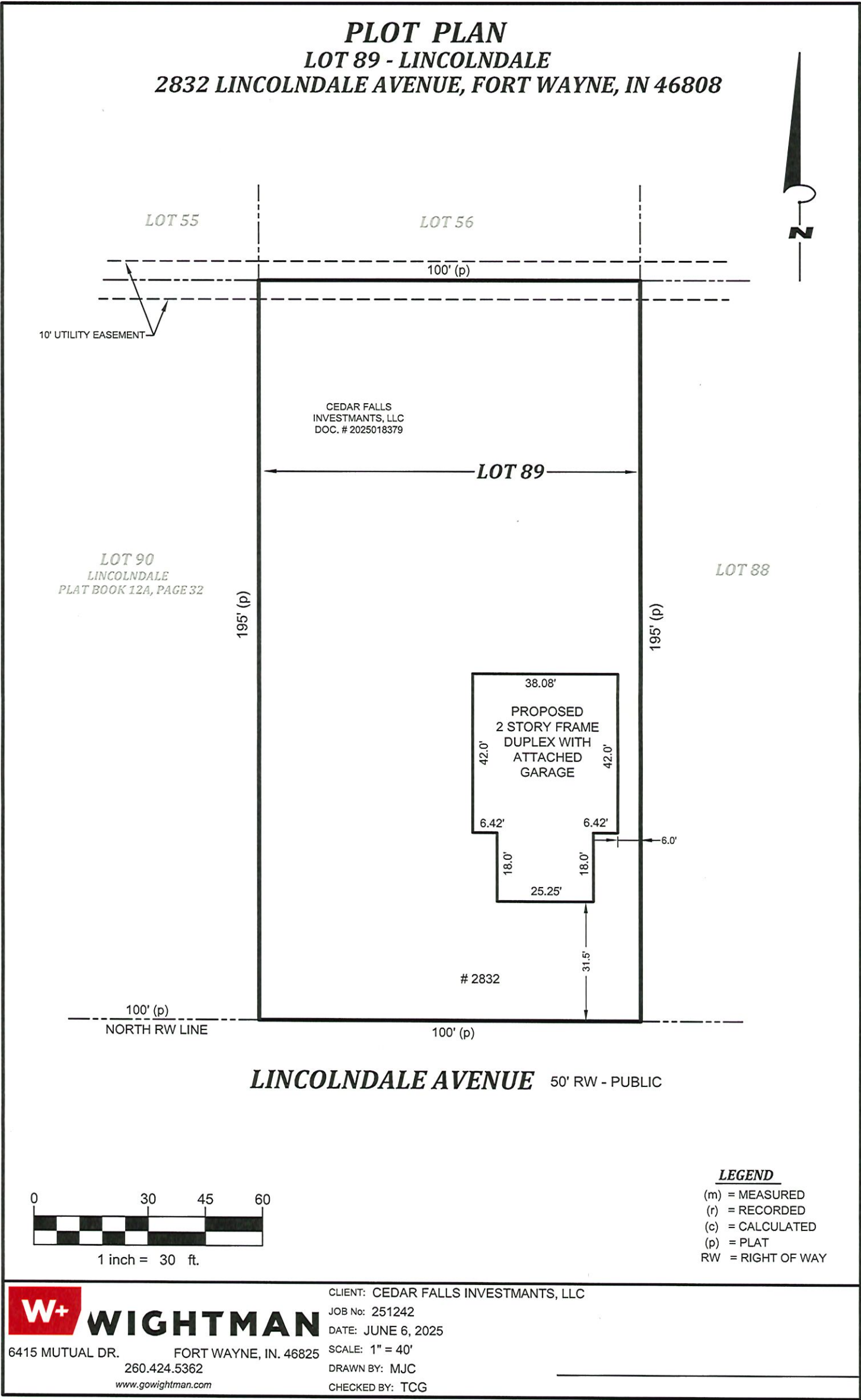


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PLOT PLAN
LOT 89 - LINCOLNDALE
2832 LINCOLNDALE AVENUE, FORT WAYNE, IN 46808





ACCDC
ALLEN COUNTY COMMUNITY DEVELOPMENT CORP.

200 E Berry St, Suite 170

Fort Wayne, IN 46802

ATTACHMENT "A"

Parcel Number: 02-07-21-402-023.000-073

Address: 2832 Lincolndale Ave
Fort Wayne, IN 46808

Legal Description: Lot Number 89 in Lincolndale being a subdivision of Lots 1 to 44 inclusive in Elmer E Gandy's Subdivision to Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 32, in the Office of the Recorder of Allen County, Indiana.



DocId:3108838
Tx:4719252

2025018379

RECORDED: 04/30/2025 11:02:34 AM

**Recorded as Presented
Allen County Indiana
Recorder Nicole Keesling**

Allen County Community Development Corporation

Mail Tax Bills to:

Pin Number: **02-07-21-402-023.000-073**

**16315 Darling Rd
New Haven, IN 46774**

Township: **Washington**

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that the Allen County Community Development Corp., an Indiana Not For Profit Corporation, by Therese M. Brown, its President (GRANTOR) of Allen County in the State of Indiana QUITCLAIMS to **Cedar Falls Investments LLC** (GRANTEE) of Allen County in the State of Indiana in consideration of **One Dollar (\$1.00)** and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, in the State of Indiana.

LEGAL DESCRIPTION: See "Attachment A"

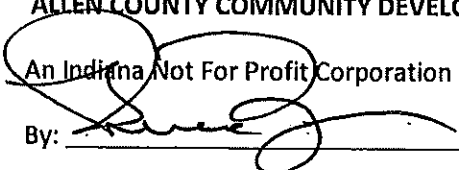
Property Address: 2832 Lincolndale Ave, Fort Wayne, IN 46808

Subject to all real estate taxes, assessments, other liens and encumbrances, and to all encroachments and easements, visible or of record, and to all restrictions, conditions and limitations of record.

Dated the **18th** day of **April, 2025**

ALLEN COUNTY COMMUNITY DEVELOPMENT CORP.,

An Indiana Not For Profit Corporation

By: 

Therese M. Brown

Allen County Community Development Corp

Its: President of ACCDC

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

APR 30 2025

AUDITOR OF ALLEN COUNTY

25

STATE OF INDIANA)

) ss:

COUNTY OF ALLEN)

Before me, undersigned, a Notary Public in and for said County and State, this 18 day of April, 2025, personally appeared, Therese M. Brown, President of Allen County Community Development Corp., an Indiana Not for Profit Corporation, and acknowledged the execution of the foregoing Quit Claim Deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: September 4, 2027



ROBIN L. MINNIEAR, Notary Public
Adams County, State of Indiana
Commission Number NP0722222
My Commission Expires September 4, 2027

Signature: Robin L. Minniear

Printed: ROBIN L MINNIEAR

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.

Printed: Francis Koch - ACCDC

Prepared By: Francis Koch

Allen County Community Development Corp.
200 East Berry St., Suite 170
Fort Wayne, IN. 46802

I/O

Return to: Allen County Community Development Corp.
200 East Berry St., Suite 170
Fort Wayne, IN. 46802

Department of Planning Services Rezoning Petition Application

Applicant
Applicant Cedar Falls Investments
Address 16315 Darling Rd
City New Haven State IN Zip 46774
Telephone 260-466-4575 E-mail Jdmconstruction3@gmail.com

Property Ownership
Property Owner Cedar Falls Investments
Address 16315 Darling Rd
City New Haven State IN Zip 46774
Telephone 260-466-4575 E-mail jdmconstruction3@gmail.com

Contact Person
Contact Person Dennis Miller
Address 16315 Darling Rd
City New Haven State IN Zip 46774
Telephone 260-466-4575 E-mail jdmconstruction3@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 2832 Lincoln Ave Township and Section _____
Present Zoning A1 Proposed Zoning R1 Acreage to be rezoned _____
Purpose of rezoning (attach additional page if necessary) is to Build a duplex
Sewer provider FW Water provider FW

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

Dennis Jay Miller Dennis Jay Miller MCR 6/27-2025
(printed name of applicant) (signature of applicant) (date)
Dennis Jay Miller Dennis Jay Miller MCR 6/27/2025
(printed name of property owner) (signature of property owner) (date)



Received 6/27/25 Receipt No. 147820 Hearing Date 7/14/25 Petition No. REZ-2025-0036

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;

residential By residential

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

vacant land just trying to build affordable housing

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

It is vacant ^{lot} ~~lot~~ just investing

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

investing in the area

- (5) Responsible development and growth.

residential By residential

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-2025-0036 Bill # Z-25-07-19 Project Start: July 2025

APPLICANT:	Cedar Falls Investments
REQUEST:	To rezone from R1/Single Family Residential to R2/Two Family Residential to permit a duplex
LOCATION:	2832 Lincolndale Ave (Section 21 of Washington Township)
LAND AREA:	0.45 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	R2/Two Family Residential
COUNCIL DISTRICT:	3 – Nathan Hartman
SPONSOR:	Fort Wayne Plan Commission

August 11, 2025 Public Hearing

- Four people spoke in opposition or with concerns.
- No one spoke in support.
- Two emails were received in opposition.
- Paul Sauerteig was absent.

August 18, 2025 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Ryan Neumeister and seconded by Scott Myers to return the ordinance with a Do Pass recommendation, with a written commitment, to Common Council for their final decision.

6-0 MOTION PASSED

- Rick Briley, Rachel Tobin-Smith, and Patrick Zaharako were absent.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
August 25, 2025

PROJECT SUMMARY

The applicant is requesting to rezone the property in question from R1 to R2 for a two-family dwelling. The site formerly housed a single-family home with a 2-car garage. However, a demolition order was decreed by the Building Department in 2022, and was demolished in early 2023. The site is in the Lincolndale neighborhood, which was platted in 1926 and has predominantly post-war homes, with some exceptions. The applicant is hoping to construct a two-family structure on the property. The property measures about 100 feet wide by about 195 feet deep. Sewer is available to the site, but water is not. The site will require a well for water. This size lot would accommodate two separate single-family homes on separate lots, and is 1.5 times the square foot area required by ordinance.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

The project site is located within the Urban Infill 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 1** Support and promote a diversity of housing types within the applicable land use categories

Generalized Future Land Use Map

- The project site is located within the Traditional Neighborhood land use category, which includes single-family attached residential as a secondary land use.

Land Use Related Action Steps

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

- **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

Compatibility Matrix

- This proposed rezoning of R2/Two-Family Residential is considered compatible with the Traditional Neighborhood land use category.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Dennis Miller, applicant, presented the request as outlined above.

Public Comments:

Nicole Colchin (2822 Lincolndale Ave): Opposed; not suited to neighborhood; application inaccurate – no city water/needs well; concerns with quality of finished product.

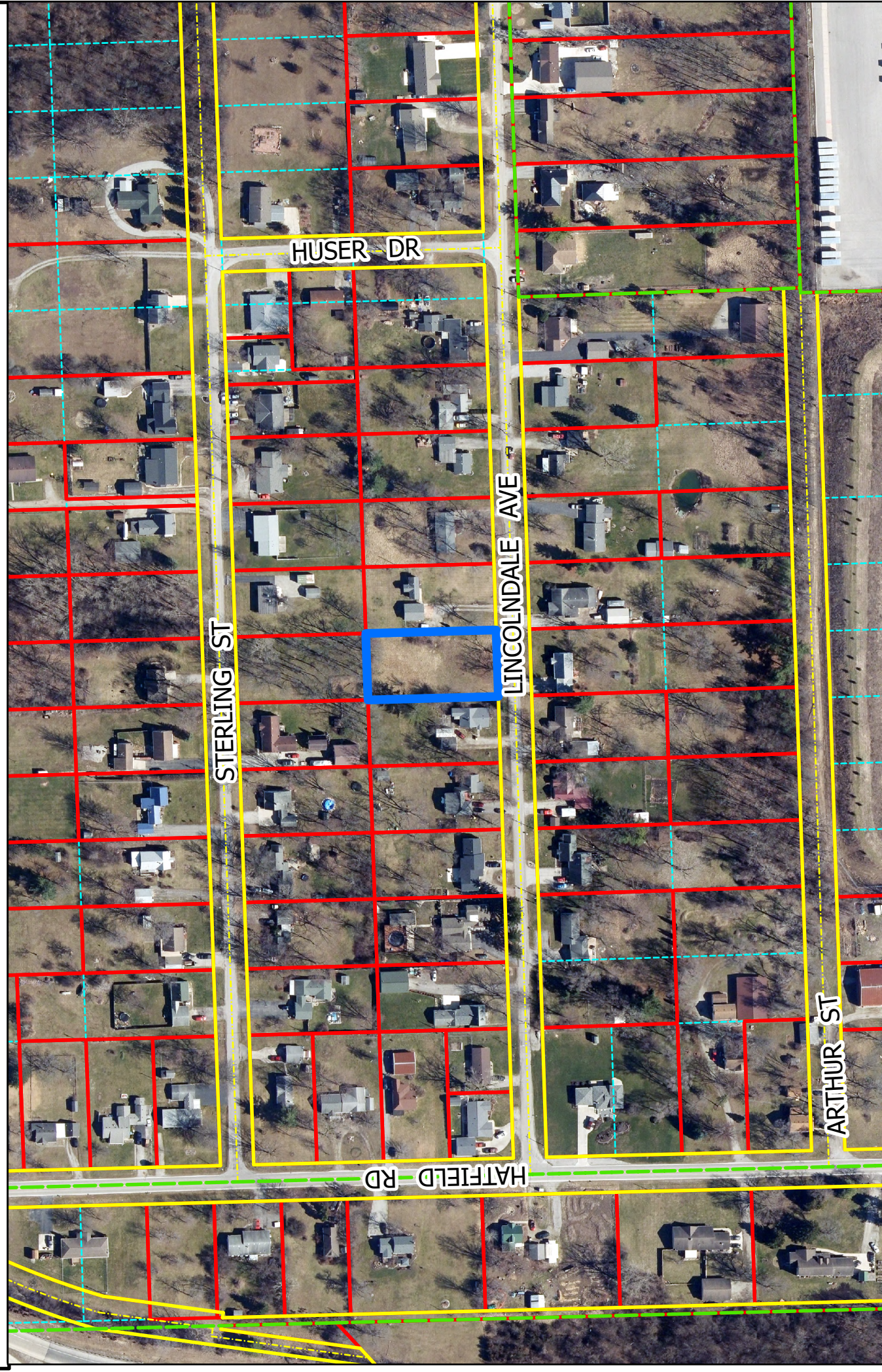
Dave Egoff (2719 Lincolndale Ave): Concerned that it's not a good fit; mostly single-family homes in neighborhood; drainage.

Anthony Eberle (4805 Hatfield Rd): Opposed; houses too close; drainage issues in area; inundated with other development in area.

Marc Lothamer (2821 Lincolndale Ave): Opposed; will need four wells if duplexes; will need fill to build; drainage.

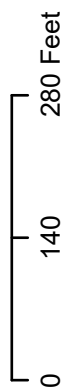
Rebuttal: Dennis Miller stated it will not be cheap housing, but it will be affordable. He understands there could be soil issues and will address it as needed.

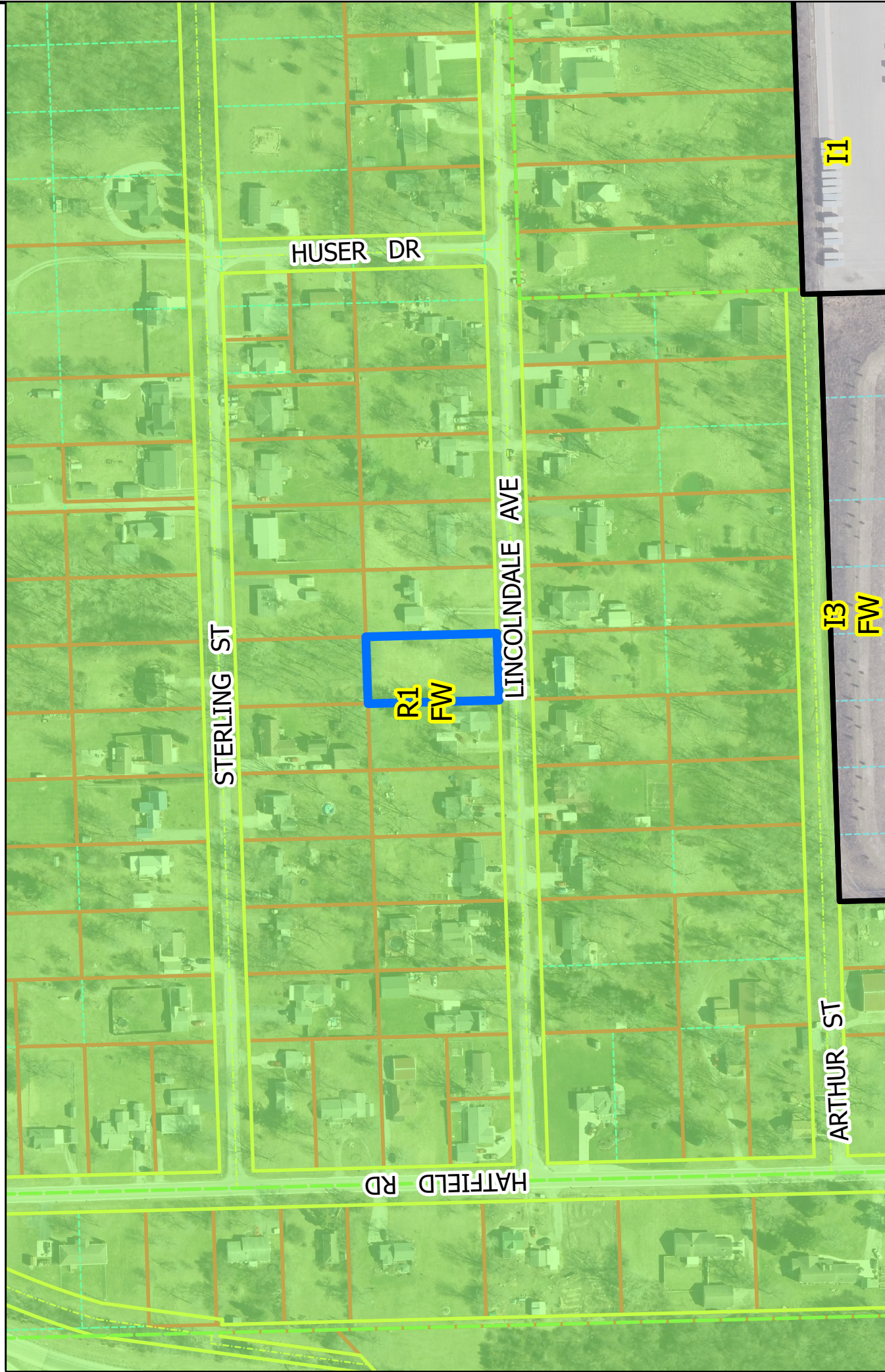
Rezoning Petition REZ-2025-0036 - 2832 Lincolndale Ave



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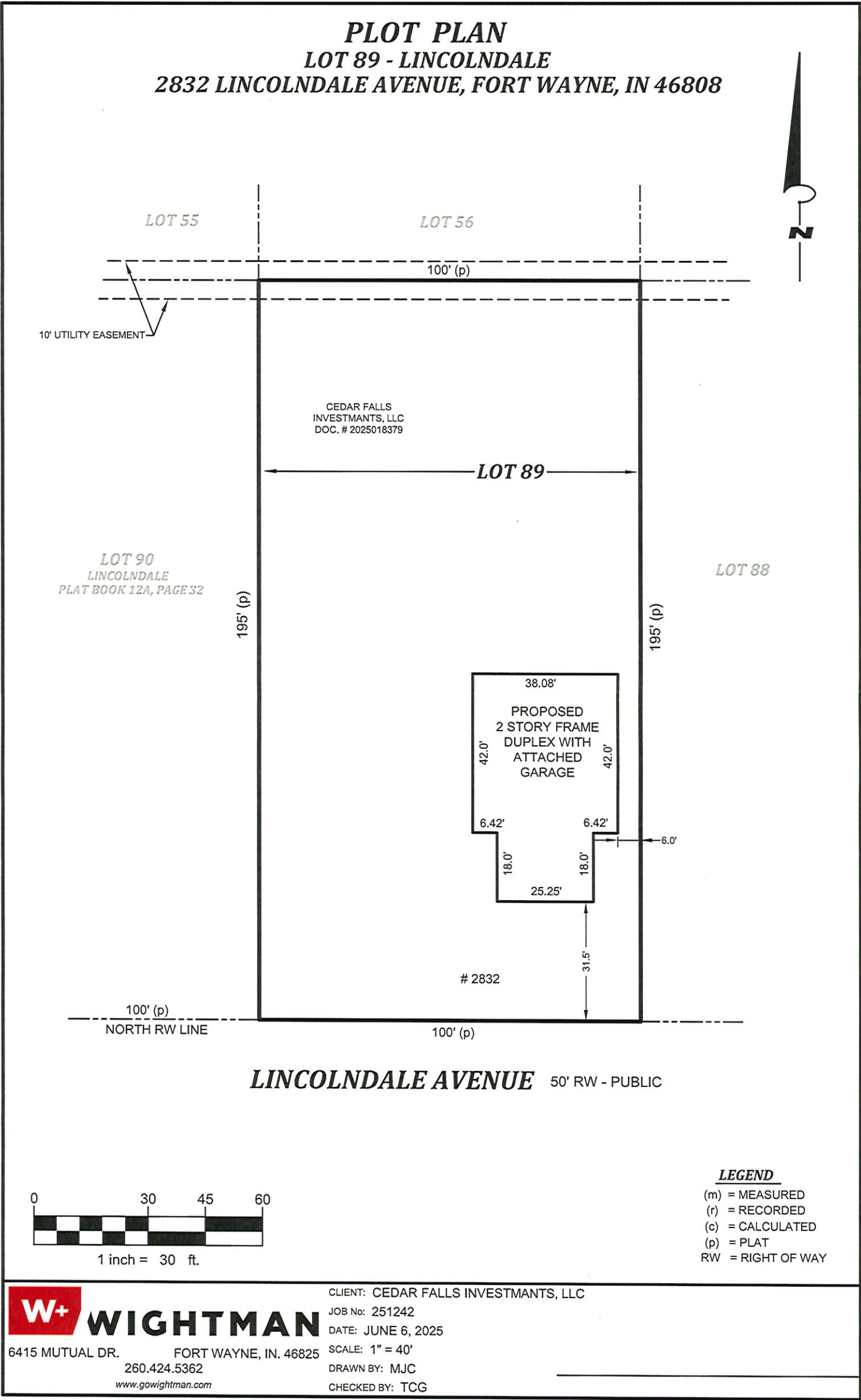


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PLOT PLAN
LOT 89 - LINCOLNDALE
2832 LINCOLNDALE AVENUE, FORT WAYNE, IN 46808



FORT WAYNE PLAN COMMISSION

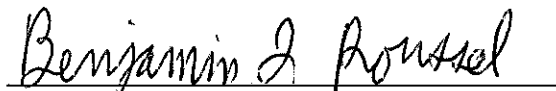
Findings of Fact • August 2025

PROPOSAL:	Rezoning Petition REZ-2025-0036 – 2832 Lincolndale Ave
APPLICANT:	Cedar Falls Investments
REQUEST:	To rezone property from R1/Single Family Residential to R2/Two-Family Residential for a proposed duplex.
LOCATION:	2832 Lincolndale Avenue, 720 feet east of its intersection with Hatfield Road (Section 21 of Washington Township)
LAND AREA:	0.45 acre
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	R2/Two-Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2025-0036 be returned to Council, with a “Do Pass” recommendation and a Written Commitment, 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. R2 is compatible to Lincolndale’s “Traditional Neighborhood” land use designation. The rezoning will continue the residential nature of Lincolndale Avenue.
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 current neighborhood is used residentially. As-built surveys allow verification that what is built meets zoning ordinance standards in platted neighborhoods. The attached Written Commitment will ensure that the proposed structure matches the character of the surrounding subdivision.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment in an established area of Fort Wayne. A Written Commitment will limit the number of structures and increase compatibility with the adjacent lots.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. City Sewer is available on site. The site is within the comprehensive plan’s “urban infill area” designation. The R2 designation enables more attainable housing and mitigates growth in the outer fringes of Allen County.

These findings approved by the Fort Wayne Plan Commission on August 18, 2025.



Benjamin J. Roussel

Executive Director

Secretary to the Commission

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this 28 day of Aug, 2025 by Dennis Jay Miller (the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 0.22 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit "A" (the "Real Estate"); and

WHEREAS, Declarant submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from R1/Single Family Residential to an R2/Two Family Residential zoning district, bearing number REZ-2025-0036 (the "Petition"), which Petition has been approved by the City of Fort Wayne Plan Commission (the "Plan Commission") and the Fort Wayne Common Council ("City Council"); and

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon approval of the Petition by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Building Limitation. There shall be no more than one primary structure on the real estate, containing no more than two attached dwelling units.
2. Location of Structure. The applicant shall make effort to locate the structure as close to the center of the lot as possible. The presence of site constraints like poor soils, steep terrain, or poor drainage may permit a reasonable shift, to be reviewed by the Department of Planning Services. Any site constraints will be identified on the plot plan for the primary structure by a licensed professional.
3. No Further Subdivision. The Applicant agrees to not further subdivide Lot 89 of Lincolndale Addition, for the purposes of a second structure or buildable residential lot.

4. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
5. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may be modified or terminated by the Plan Commission making findings of fact that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically terminate if: (i) the zoning district or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.
6. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.
8. Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number(s) _____

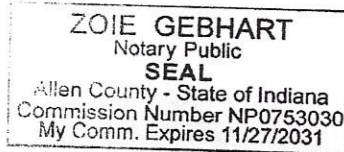
9. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
11. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

(The remainder of this page left intentionally blank.)

"DECLARANT"

By: Dennis Jay Miller MGR
Printed Name: owner Dennis Jay Miller
Title: owner

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)



Before me, the undersigned, a Notary Public, in and for said County and State, this 28th day of August, 2025, personally appeared Dennis Miller and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Zoe Gebhart
Notary Public

My Commission Expires: 11/27/2031

My County of Residence: Defiance

THIS INSTRUMENT prepared by: Name and address

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. Name

When Recorded, mail to: Name/Firm and address

EXHIBIT A

Legal Description:

Lot Number 89 in Lincolndale being a subdivision of Lots 1 to 44 inclusive in Elmer E Gandy's Subdivision to Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 32, in the Office of the Recorder of Allen County, Indiana.