

1 #REZ-2026-0025

2 BILL NO. Z-26-05-15

3 ZONING MAP ORDINANCE NO. Z-_____

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. G11 (Sec 17 of Wayne Township)

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby designated a R2/Two Family
8 Residential zoning district under the terms of Chapter 157 Title XV of the Code of the City of Fort
9 Wayne, Indiana:

10 LEGAL DESCRIPTION

11 **4036 Westbury Legal Description:**

12 A parcel of land located in the Southeast One-Quarter of Section 17, Township 30 North,
13 Range 12 East, in Allen County, Indiana and more particularly described as follows, to-
14 wit:

15 Commencing at the Southeast corner of Section 17, Township 30 North, Range 12 East,
16 Allen County, Indiana, thence Westerly along the South line of said Section 17 a distance
17 of 357.0 feet; thence Northerly parallel to the East line of said Section 17 and along the
18 West right-of-way line of Westbury Drive a distance of 515.0 feet to the point of
19 beginning. BEGINNING at the above described point, thence continuing Northerly along
20 said West right- of-way line a distance of 70.0 feet to an iron pin; thence Westerly
parallel to said South line of Section 17 a distance of 141.0 feet to an iron pin; thence
Southerly parallel to the West right-of-way line of Westbury Drive a distance of 70.0
feet; thence Easterly and parallel to said South line a distance of 141.0 feet to the point
of beginning, said in previous deed to contain 0.23 acres of land, more or less.

21 **ALSO:**

22 Part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range
23 12 East, described as follows, to wit:

24 Beginning at a point situated 357.0 feet West of the Southeast corner of the South Half
25 of the Southeast Quarter of Section 17, Township 30 North, Range 12 East and 375 feet
26 North of the South line of the said South Half of the Southeast Quarter of Section 17,
27 Township 30 North, Range 12 East, said point being also situated on the West line of
28 Westbury Drive in said Section, Township and Range; thence West 141.0 feet parallel to
the South line of the said Quarter Section; thence North 70.0 feet parallel to the East line
of said Quarter Section; thence East 141.0 feet to the aforementioned West line of
Westbury Drive; thence South 70.0 feet along said line to the place of beginning, said in
previous deed to contain 0.23 acres of land, more or less.

29

30

AND:

Part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, described as follows, to wit:

Beginning at a point situated 357.0 feet West of the Southeast corner of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East and 445.0 feet North of the South line of said South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, said point being also situated on the West line of Westbury Drive in said Section, Township and Range; thence West 141.0 feet parallel to the South line of the said Quarter Section; thence North 70 feet parallel to the East line of said Quarter Section; thence East 141.0 feet to the aforementioned West line of Westbury Drive; thence South 70 feet along said line to the place of beginning, said in previous deed to contain .23 acres of land, more or less.

EXCEPTING THEREFROM:

A part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter in said Section 17, assumed bearing and basis for this description being the West line of Westbury Drive (South 00 degrees 00 minutes 05 seconds East); thence North 89 degrees 40 minutes 59 seconds West, on the South line of said Southeast Quarter, a distance of 357.28 feet (357.0 feet recorded) to the intersection of the West right of way of Westbury Drive and said South line; thence North 00 degrees 00 minutes 05 seconds West, on said West right of way of Westbury Drive, a distance of 375.11 feet (375.0 feet recorded) to a 5/8" rebar (capped Weber 20800107) monumenting the point of beginning; thence North 89 degrees 10 minutes 37 seconds West, on the North line of a tract conveyed in Document #95-2925, a distance of 141.0 feet to a point 1.8 feet Westerly of a 1" pipe found; thence North 00 degrees 01 minute 56 seconds West, a distance of 95.03 feet to a 5/8" rebar (capped Weber 20800107) monumenting the North edge of a fenceline; thence North 89 degrees 28 minutes 14 seconds East, along the North edge of said fenceline as determined this date of this survey, a distance of 140.81 feet to a 5/8" rebar (capped Weber 20800107) on said West right of way of Westbury Drive; thence South 00 degrees 08 minutes 05 seconds East, on said West right of way, a distance of 98.35 feet to the point of beginning, said in previous deed to contain 0.31 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. G11 (Sec. 17 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.

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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-2026-0025
Bill Number: Z-26-05-15
Council District: 4 – Dr. Scott Myers

Introduction Date: May 26, 2026

Plan Commission
Public Hearing Date: June 8, 2026 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.36 acres from R1/Single Family Residential to R2/Two Family Residential

Location: 4036 Westbury Dr (Section 17 of Wayne Township)

Reason for Request: To permit a two-family dwelling

Applicant: 501PennAve LLC (Taylor Sorg)

Property Owner: 501PennAve LLC

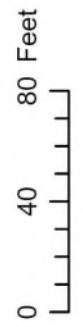
Related Petitions: None

Effect of Passage: Property will be rezoned to the R2/Two Family Residential zoning district, which would permit a two-family dwelling.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, which does not permit a two-family dwelling. The site may continue with existing or non-conforming uses, and may be redeveloped with similar single-family residential uses.



Rezoning Petition REZ-2026-0025 - 4036 Westbury Dr

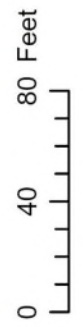
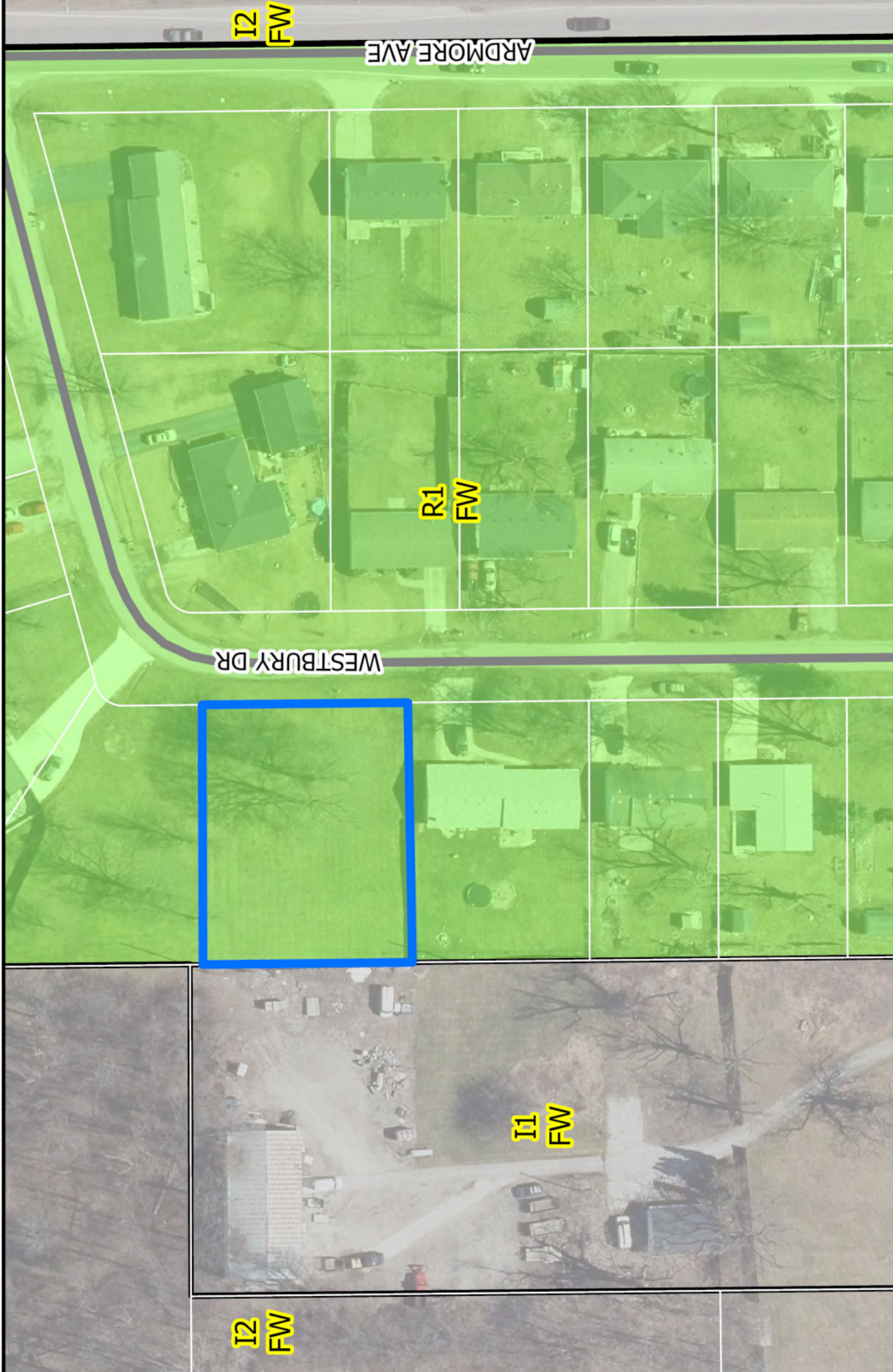


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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 5/11/2026



Rezoning Petition REZ-2026-0025 - 4036 Westbury Dr

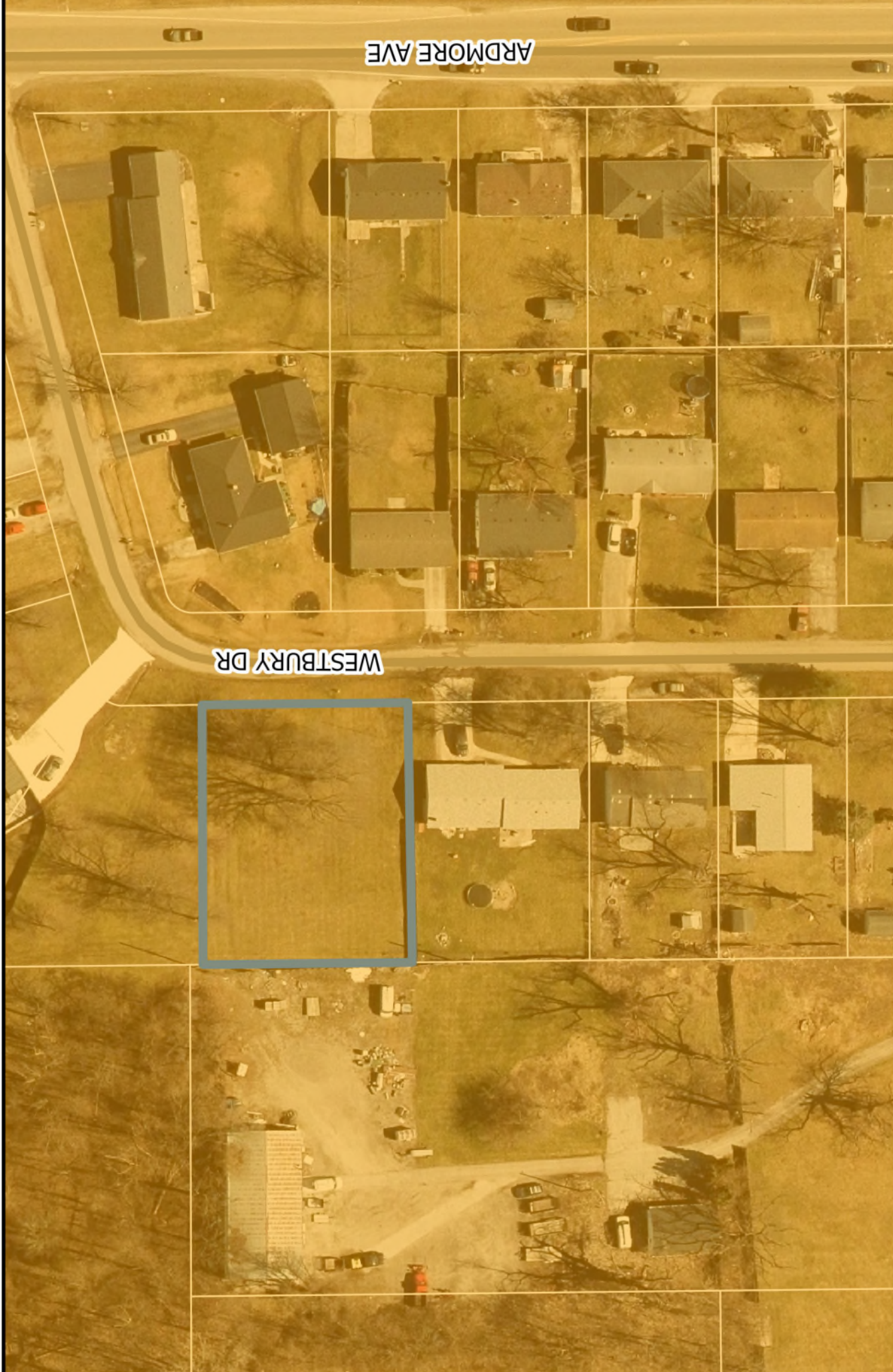


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Rezoning Petition REZ-2026-0025 - 4036 Westbury Dr



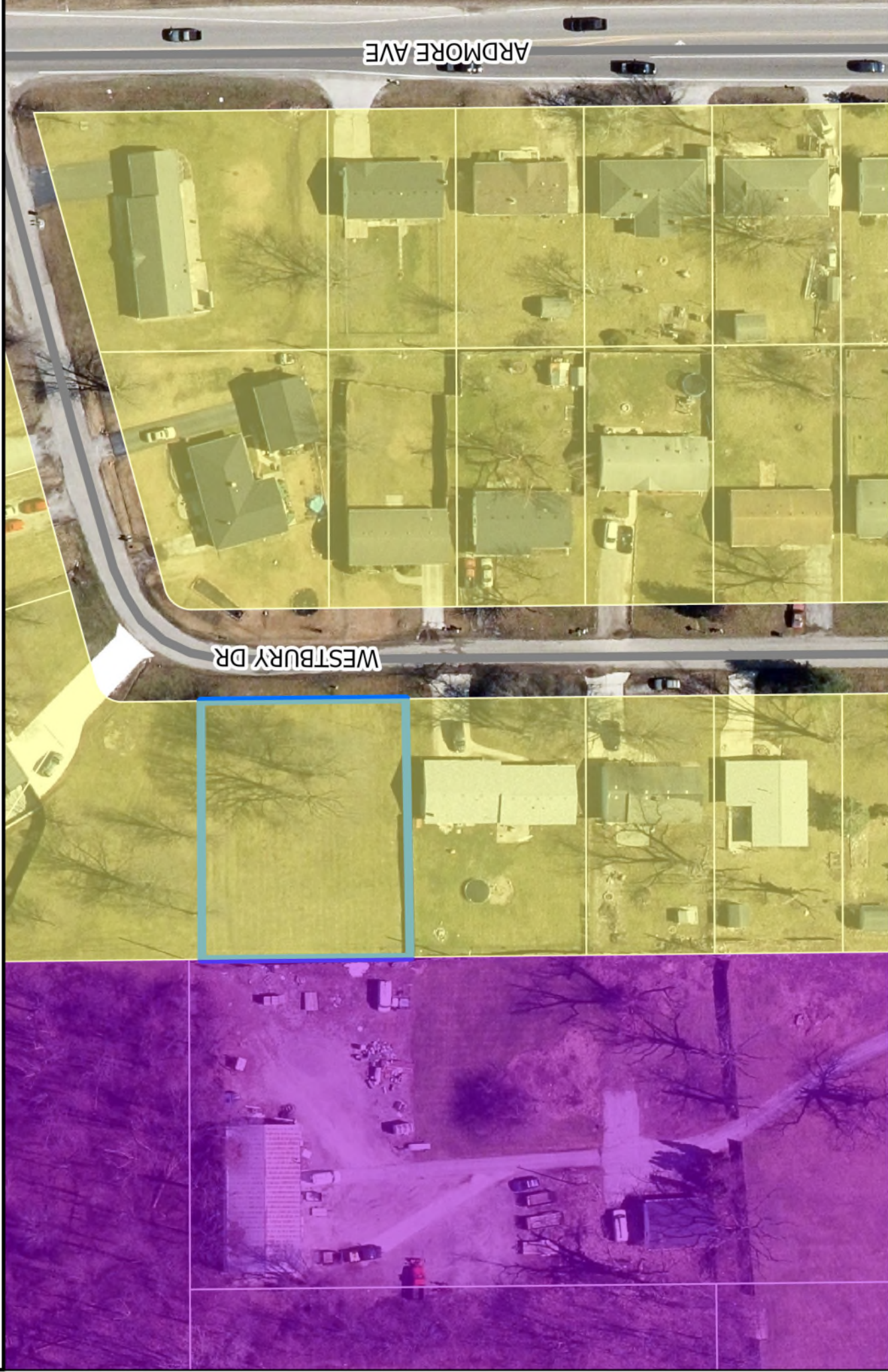
Urban Infill Area



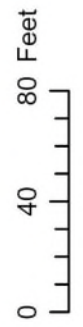
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Rezoning Petition REZ-2026-0025 - 4036 Westbury Dr



Production Center
Suburban Neighborhood



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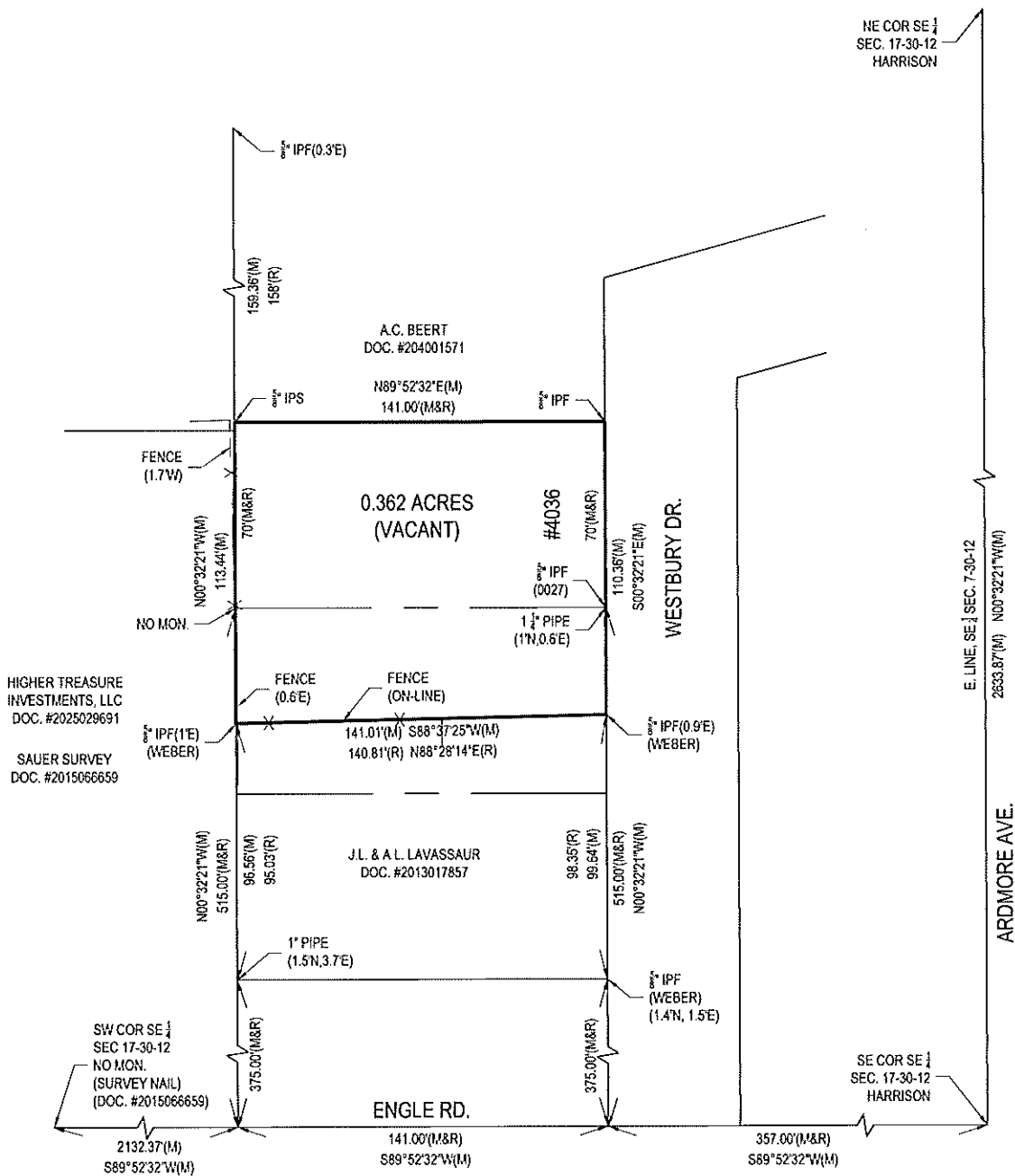
PLAT OF SURVEY

ABONMARCHE-DONOVAN

229 W. Berry Street, Suite 100
Fort Wayne, IN 46802
T 260.218.2500
abonmarche.com

KENNETH W. HARRIS PS 29500021 IN

MICHAEL W. HARRIS PS 21100018 IN

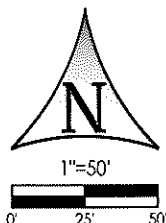


Job No.: 25-1442 Date: 08/26/2025
Job for: 7001 ELZEY, LLC & HIGHER TREASURE INVESTMENTS, LLC

LEGEND

IPF	Iron Pin (Rebar) Found		
PIPE	Pipe Found		
RRF	Railroad Spike Found or (S) Set		
PKF	P.K. Nail Found or (S) Set		
MNF	MAG Nail Found or (S) Set		
MSF	MAG Spike Found or (S) Set		
IPS	5/8" rebar set w/cap stamped "ABONMARCHE FIRM #0059"		
C.M.	Controlling Monument		
B.L.	Building Line		
(M)	Measured	(P)	Plotted
(R)	Recorded	(C)	Calculated

Date of latest field work: 08/15/2025



Michael W. Harris

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 665 IAC 1-12.

PLAT OF SURVEY



229 W. Berry Street, Suite 100

Fort Wayne, IN 46802

T 260.218.2500

abonmarche.com

KENNETH W. HARRIS PS 29500021 IN

MICHAEL W. HARRIS PS 21100018 IN

The undersigned has made a survey of the real estate located in Allen County, Indiana, as shown and described below. The description of the real estate is as follows:

A parcel of land located in the Southeast One-Quarter of Section 17, Township 30 North, Range 12 East, in Allen County, Indiana and more particularly described as follows, to-wit:

Commencing at the Southeast corner of Section 17, Township 30 North, Range 12 East, Allen County, Indiana, thence Westerly along the South line of said Section 17 a distance of 357.0 feet; thence Northerly parallel to the East line of said Section 17 and along the West right-of-way line of Westbury Drive a distance of 515.0 feet to the point of beginning, BEGINNING at the above described point, thence continuing Northerly along said West right-of-way line a distance of 70.0 feet to an iron pin; thence Westerly parallel to said South line of Section 17 a distance of 141.0 feet to an iron pin; thence Southerly parallel to the West right-of-way line of Westbury Drive a distance of 70.0 feet; thence Easterly and parallel to said South line a distance of 141.0 feet to the point of beginning, said in previous deed to contain 0.23 acres of land, more or less.

ALSO:

Part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, described as follows, to wit:

Beginning at a point situated 357.0 feet West of the Southeast corner of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East and 375 feet North of the South line of the said South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, said point being also situated on the West line of Westbury Drive in said Section, Township and Range; thence West 141.0 feet parallel to the South line of the said Quarter Section; thence North 70.0 feet parallel to the East line of said Quarter Section; thence East 141.0 feet to the aforementioned West line of Westbury Drive; thence South 70.0 feet along said line to the place of beginning, said in previous deed to contain 0.23 acres of land, more or less.

AND:

Part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, described as follows, to wit:

Beginning at a point situated 357.0 feet West of the Southeast corner of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East and 445.0 feet North of the South line of said South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, said point being also situated on the West line of Westbury Drive in said Section, Township and Range; thence West 141.0 feet parallel to the South line of the said Quarter Section; thence North 70 feet parallel to the East line of said Quarter Section; thence East 141.0 feet to the aforementioned West line of Westbury Drive; thence South 70 feet along said line to the place of beginning, said in previous deed to contain .23 acres of land, more or less.

EXCEPTING THEREFROM:

A part of the South Half of the Southeast Quarter of Section 17, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter in said Section 17, assumed bearing and basis for this description being the West line of Westbury Drive (South 00 degrees 00 minutes 05 seconds East); thence North 89 degrees 40 minutes 59 seconds West, on the South line of said Southeast Quarter, a distance of 357.28 feet [357.0 feet recorded] to the intersection of the West right of way of Westbury Drive and said South line; thence North 00 degrees 00 minutes 05 seconds West, on said West right of way of Westbury Drive, a distance of 375.11 feet [375.0 feet recorded] to a 5/8" rebar (capped Weber 20800107) monumenting the point of beginning; thence North 89 degrees 10 minutes 37 seconds West, on the North line of a tract conveyed in Document #95-2925, a distance of 141.0 feet to a point 1.8 feet Westerly of a 1" pipe found; thence North 00 degrees 01 minute 56 seconds West, a distance of 95.03 feet to a 5/8" rebar (capped Weber 20800107) monumenting the North edge of a fence line; thence North 89 degrees 28 minutes 14 seconds East, along the North edge of said fence line as determined this date of this survey, a distance of 140.81 feet to a 5/8" rebar (capped Weber 20800107) on said West right of way of Westbury Drive; thence South 00 degrees 08 minutes 05 seconds East, on said West right of way, a distance of 98.35 feet to the point of beginning, said in previous deed to contain 0.31 acres, more or less.

Job No.: 25-1442

Date: 08/26/2025

Job for: 7001 ELZEY, LLC &
HIGHER TREASURE INVESTMENTS, LLC

SURVEYOR'S REPORT

ABONMARCHE·DONOVAN

229 W. Berry Street, Suite 100

Fort Wayne, IN 46802

T 260.218.2500

abonmarche.com

KENNETH W. HARRIS PS 29500021 IN

MICHAEL W. HARRIS PS 21100018 IN

1) In accordance with Title 865, Article 1, Rule 12, Section 1 through 30, 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) Degree of Precision and Accuracy;
- B) Variances in the reference monuments;
- C) Discrepancies in record descriptions and plots;
- D) Inconsistencies in lines of occupation;

A) The acceptable relative positional accuracy of the corners of the subject tract established on this survey is within the specifications for a Rural Survey (0.26 feet (79 millimeters) plus 200 parts per million) as defined in IAC 865.

B) Variances in the reference monuments of as much as 1.5 feet North-South, and as much as 3.7 feet East-West, exist as shown hereon.

C) Discrepancies in record descriptions of as much as 1.53 feet North-South, and as much as 0.2 feet East-West, exist as shown hereon.

D) Inconsistencies in lines of occupation exist due to the current location of the fence along the West boundary line. The fence runs from 0.6 feet East of the Southwest boundary corner to 1.7 feet West of the Northwest boundary corner. A fence is also located along the South boundary line, all as shown hereon.

The survey has been prepared to facilitate the transfer of this property and is not to be used for other purposes without the written permission of Abonmarche Consultants, Inc. Copies of this survey may be used for archival purposes only. This document is not valid without the original hand and seal and full remittance.

A commitment for title insurance was not provided at the time of this survey. 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. Abonmarche Consultants, Inc. should be notified of any additions or revisions that may be required.

2) This is a retrocession survey of the net parcel of real estate conveyed to Higher Treasure Investments, LLC in the deed recorded in Document Number 2025029691 in the Office of the Recorder of Allen County, Indiana.

THEORY OF LOCATION:

A specific type of monument is not called for in the recorded deed for the parent parcel. Therefore, none of the survey monuments found can, with any reliability, be called original. Monuments found appear to be in general uniformity with the recorded deed. The boundary lines are established by using monuments by common report.

The Controlling Monuments for the boundary of the subject parcel are (1) the Harrison Monument at the Northeast corner of the Southeast Quarter; (2) the Harrison Monument at the Southeast corner of the Southeast Quarter; (3) the reference location of a monument at the Southwest corner of the Southeast Quarter. The reference is from a survey of the West adjoiner by John C. Sauer recorded in Document No. 2015066659; and (4) the two "WEBER" rebars controlling the North-South position of the South boundary line.

The East and West boundary lines were established as parallel with the East line of the Southeast Quarter per the record description.

The South boundary line was established as the North line of the South adjoiner, controlled by the "WEBER" rebars per the recorded deed for that parcel.

The North boundary line was established as 585.00 feet North of and parallel with the South line of the Southeast Quarter per the record description.

A survey of the West adjoiner prepared by John C. Sauer dated November 2, 2015 and recorded in Document No. 2015066659 was used for reference.

The basis of bearings for this survey are Indiana State Plane Coordinate System East Zone GPS Grid bearings, Geodetic Datum: NAD 83.

Subsurface and environmental conditions were not examined or considered to be part of this survey.

This survey and report do not investigate the possibility of unwritten rights.

It is not the intent of this survey or Surveyor to determine ownership, rights of ownership, nor title of the property. This survey is the opinion of a licensed Professional Surveyor in the State of Indiana as to the actual location of the lines and corners called for on the deed description/plot. This opinion is based on logic, relevant field and research evidence, and established Standard of Care.

Job No.: 25-1442

Date: 08/26/2025

Job for: 7001 ELZEY, LLC &
HIGHER TREASURE INVESTMENTS, LLC

Department of Planning Services Rezoning Petition Application

Applicant
 Applicant 501PennAve LLC
 Address 513 Clark St
 City Avilla State In Zip 46710
 Telephone 260-431-7103 E-mail sorg.taylor@gmail.com

Property Ownership
 Property Owner 501PennAve LLC
 Address 513 Clark St
 City Avilla State In Zip 46710
 Telephone 260-431-7103 E-mail sorg.taylor@gmail.com

Contact Person
 Contact Person Taylor Sorg
 Address 513 Clark St
 City Avilla State In Zip 46710
 Telephone 260-431-7103 E-mail sorg.taylor@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 4036 Westbury Dr Township and Section Wayne:0173012
 Present Zoning R1 Proposed Zoning R2 Acreage to be rezoned .36
 Purpose of rezoning (attach additional page if necessary) Allow for diversified housing options, specifically construction of duplexes.
 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

Taylor W Sorg [Signature] 5/5/2026
 (printed name of applicant) (signature of applicant) (date)
501PennAveLLC [Signature] MGR/MBR 5/5/2026
 (printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
9-2-25	148219	6-8-26	RE2-2026-

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;

Actualizes planning themes Equity: Goal 1 and Sustainability Goal 1; along with Housing and Neighborhoods Goal 1.1, 1.4.2, Goal 2.1 with creation of higher density diversified housing choices (family size duplexes).

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

Neighborhood of maintained and active residential manufactured housing surrounded by I1/I2 properties located in heavy commercial/industrial corridor.

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

District is adapted to commercial/industrial use with pockets of residential neighborhoods which are desirable candidates for diversified housing infill options.

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

Purposed development likely to support the conservation of property values through adjacent new construction residential housing with valuations 10-20% greater per square foot than adjacent homes.

- (5) Responsible development and growth.

Purposed rezone allows for increased utilization of vacant lot in an area with demand for quality/diversified housing.

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*

