

1 #REZ-2013-0041

2 BILL NO. Z-13-04-12

3 ZONING MAP ORDINANCE NO. Z- 12-13

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. N-26 (Sec. 25 of Washington Township)

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

8 SECTION 1. That the area described as follows is hereby designated an RP
9 (Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the
10 City of Fort Wayne, Indiana:

11 Lot Numbered 25 and Lot Numbered 26 in Highland Park Forest Addition as
12 recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

13 and the symbols of the City of Fort Wayne Zoning Map No. N-26 (Sec. 25 of Washington
14 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
15 Wayne, Indiana is hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force and effect from and after its
17 passage and approval by the Mayor.

18 
19 Council Member

20 APPROVED AS TO FORM AND LEGALITY.

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22 Carol T. Helton, City Attorney

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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2013-0041
Bill Number: Z-13-04-12
Council District: 3 – Tom Didier

Introduction Date: April 23, 2013

Plan Commission
Public Hearing Date: May 13, 2013

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

Synopsis of Ordinance: To rezone approximately 0.38 acres of property from R1-Single Family
Residential to RP-Planned Residential

Location: 3940 Foresthill Avenue

Reason for Request: To allow the property owner to apply for a Special Use to allow the existing
music recording studio without residing on the property. Currently the music
studio is allowed as a “home-based business” because the operator lives on
the property.

Applicant: Tom Tempel

Property Owner: Tom Tempel and Kim Waldschmidt

Related Petitions: Special Use request with the Board of Zoning Appeals

Effect of Passage: Property will be rezoned to RP-Planned Residential which will allow the BZA
to approve a Special Use for certain professional uses. The Special Use
approval would not require the owner to reside on the property.

Effect of Non-Passage: The property will remain zoned R1-Single Family Residential. The music
studio may remain in use, so long as the property owner is living on the
property.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant *Tom Tempel*
 Address *3940 Foresthill Ave.*
 City *Ft. Wayne* State *IN* Zip *46805*
 Telephone *260-482-3190* Fax _____ E-mail *tempelrecording@aol.com*

Property Ownership
 Property Owner *Tom Tempel & Kim Waldschmidt*
 Address *3940 Foresthill Ave.*
 City *Ft. Wayne* State *IN* Zip *46805*
 Telephone *260-482-3190* Fax _____ E-mail *tempelrecording@aol.com*

Contact Person
 Contact Person *Tom Tempel*
 Address *3940 Foresthill Ave.*
 City *Ft. Wayne,* State *IN* Zip *46805*
 Telephone *260-482-3190* Fax _____ E-mail *tempelrecording@aol.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 *3940 Foresthill Ave., Ft. Wayne, IN*
 Present Zoning *R-1* Proposed Zoning *R-2* Acreage to be rezoned _____
 Proposed density _____ units per acre
 Township name *Thorn Creek* Township section # _____
 Purpose of rezoning (attach additional page if necessary) *to allow transfer of special use to future small business owners to keep the N. Clinton corridor vital and allow us to sell to those potential buyers. SEE ATTACHED, PLEASE.*
 Sewer provider *City utilities* Water provider *City Utilities*

Filing Requirements
*Applications will not be accepted unless the following filing requirements are submitted with this application
 Please contact staff for applicable filing fees and plan/survey submittal requirements.*
 Applicable filing fee
 Applicable number of surveys showing area to be rezoned (plans must be folded)
 Legal Description of parcel to be rezoned
 Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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 Allen County Plan Commission 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 I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

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

Received Receipt No Hearing Date Petition No

4 2 13 111127 5/13/13

Rez-2013-0041

MAIL TAX BILLS TO:
3940 Forest Hill Ave.
Ft. Wayne IN 46805

TAX KEY NUMBER:
80-3022-0025 : 0026
WASH

DEED OF PERSONAL REPRESENTATIVE

Boneta K. Kellams, as Personal Representative of the estate of Margaret A. Caldwell, deceased, pending as Cause Number 02D01-0301-EU-93 in Allen County, Indiana.

1. **XX** conveys to Thomas Tempel and Kim Waldschmidt, of Allen County in the State of Indiana, for good and sufficient consideration, and as joint tenants with rights of survivorship.

1.1 By Order of the _____ Court of _____ County, Indiana dated _____

1.2 By virtue of the decedent's will.

1.3 **XX** By virtue of power given a personal representative in unsupervised administration under Indiana law

2. distribute(s) to _____ of _____ County in the State of Indiana, as an heir or devisee in unsupervised administration.

RECORDED
14/06/2004 10:28:29
RECORDER
PATRICIA J. CRICK
ALLEN COUNTY, IN

The following described real estate located in ALLEN County, Indiana:

Lots Numbered Twenty-five (25) and Twenty-six (26) in Highland Park Forest Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 8, page 32, in the Office of the Recorder of Allen County, Indiana

*Subject to real estate taxes currently due and payable or overdue and payable
And all subsequent taxes and assessments which buyer assumes and agrees to pay*

Subject further to all easements, restrictions and covenants of record.

Subject further to any state of facts an accurate survey would disclose

Doc. No. 204024390
Receipt No. 11665
DUPH 2.00
DEED 1.00
FEE 1.00
POST 5.00
Total 15.00

Samuel Caldwell and Margaret Caldwell held title to the insured real estate as husband and wife, and that such marital relationship continued in an uninterrupted fashion from the date of their acquisition of the insured premises until the date of his death.

This deed has been made pursuant to and for the purposes of IC 29-1-15-18, IC 29-1-7.5-3.4, and/or IC 29-1-7.5-3.6, and any laws amendatory or in substitution thereto.

Dated this 26th Day of March, 2004

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

REC'D
APR 5 2004

Boneta K. Kellams
(signature)

APR 05 2004

APR 05 2004

Boneta K. Kellams
(typed name)

Elizabeth A. Glover
AUDITOR OF ALLEN COUNTY

SALE - DISCLOSE USE
FORM

04-945
ALLEN COUNTY AUDITOR'S NUMBER

STATE OF Indiana)
)SS;
COUNTY OF Allen)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Boneta K. Kellams**, as Personal Representative of Margaret Caldwell, deceased, and acknowledged the execution of the foregoing deed.

WITNESS MY HAND AND SEAL This 26th day of March, 2004.

My commission expires

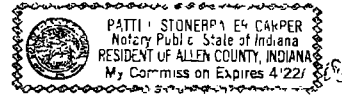
Resident of Allen County

Signature
Printed

Notary Public

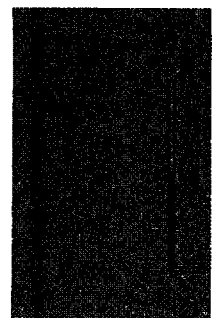
This instrument prepared by **VAN GILDER & TRZYNKA, P.C.** by **David C. Van Gilder**,
15290-02

Mail to: 202 W. Berry St., Suite 200, Fort Wayne, IN 46802





This map is for representational purposes only - Boundaries identified by bold colored lines represent the general location of the proposed project



Rezoning Petition REZ-2013-0041

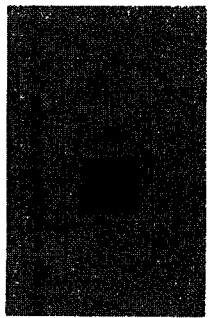
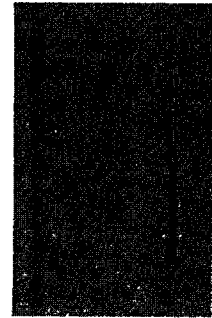
Printed April 12, 2013
 © 2013 by the City of New York
 City Planning Department
 115 West 42nd Street, 12th Floor
 New York, NY 10018-3211

Although City Planning staff has reviewed this map, it is not a guarantee of accuracy. The City Planning Department is not responsible for any errors or omissions in this map.





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Rezoning Petition REZ-2013-0041

Printed April 09, 2013
 © 2004 Board of Permit Appeals of the County of Allen
 1000 North Main Street, Suite 100, Independence, MO 64050
 State Plane Coordinate System, Indiana 12-34
 Project: Spring 2006, Contours: 1996



Allough 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 here in and disclaims any and all liability resulting from any error or omission in this map.

Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*
Read the second time by title and referred to the *Regulation Committee*
Committee. Read the third time in full and on motion by Councilman
Glynn Hines, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BENDER				✓
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: *10-25-13* *Sandra E. Kennedy*
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. *7-12-13* on the *25th* day of
June, 2013

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *26th* day
of *June*, 2013, at the hour of *4:00* o'clock *P.M.* . E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *27th* day of *June*
2013, at the hour of *10:30* o'clock *AM* . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-13-04-12

REPORT OF COMMITTEE ON REGULATIONS

JUNE 25, 2013

**GLYNN HINES – CHAIR
RUSSELL JEHL – CO-CHAIR
ALL COUNCIL MEMBERS**

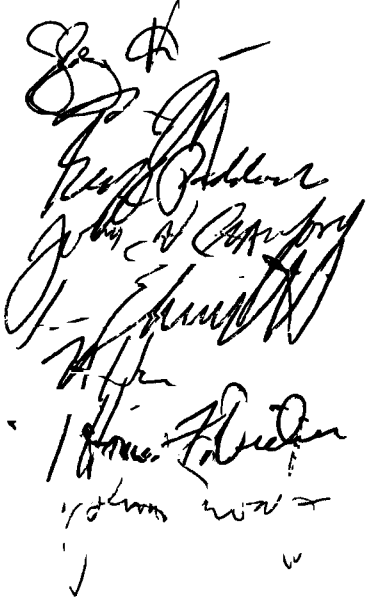
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED **AN ORDINANCE AMENDING THE CITY OF Fort Wayne Zoning Map No. N-26 (Sec. 25 of Washington Township). This property is located at 3940 Foresthill Avenue.** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC



A collection of handwritten signatures in black ink, including names like Glynn Hines, Russell Jehl, and others, written over the 'DO PASS' column.

SANDRA E. KENNEDY
CITY CLERK