

1 #REZ-2014-0049

2 BILL NO. Z-14-05-19

3 ZONING MAP ORDINANCE NO. Z- 21-14

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. I-07 (Sec. 16 of Wayne 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 R1
9 (Single Family Residential) District under the terms of Chapter 157 Title XV of the Code of
10 the City of Fort Wayne, Indiana:


11 Commencing at the Southeast corner of the Southwest Quarter of the Northeast
12 Quarter of Section 16, Township 30 North, Range 12 East; thence North on the East
13 line of said Southwest Quarter, a distance of 688.38 feet; thence West parallel with
14 the South line of said Southwest Quarter, a distance of 37.27 feet; thence South and
15 parallel with the East line of said Southwest Quarter, a distance of 688.38 feet to the
16 South line of said Southwest Quarter; thence East on said South line, a distance of
17 237.27 feet to the point of beginning, such parcel of real estate being sometimes
18 known as the East Half of Lot 5 in the Plat of Survey and Subdivision of the Tielker
19 Homestead, as recorded in Book 47, page 250 of the Miscellaneous Records of said
20 Allen County.

21 and the symbols of the City of Fort Wayne Zoning Map No. I-07 (Sec. 16 of Wayne
22 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
23 Wayne, Indiana is hereby changed accordingly.

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

26 
27 _____
28 Council Member

29 APPROVED AS TO FORM AND LEGALITY:

30 

Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2014-0049
Bill Number: Z-14-05-19
Council District: 5 – Geoff Paddock

Introduction Date: May 27, 2014

Plan Commission
Public Hearing Date: May 12, 2014

Next Council Action: Ordinance will return to Council on June 10, 2014 with a recommendation from the Plan Commission.

Synopsis of Ordinance: To rezone approximately 3.75 acres of property from IN2-General Industrial to R1-Single Family Residential

Location: 2822 Nuttman Avenue

Reason for Request: To bring the current use into compliance with the zoning ordinance.

Applicant: Tanas B. Donev

Property Owner: Tanas B. Donev

Related Petitions: none

Effect of Passage: Property will be rezoned to R1-Single Family Residential to allow the current use of a single family home.

Effect of Non-Passage: The property will remain zoned IN2-General Industrial. The property owner has a prospective buyer for the home and the lending institution will not approve the loan while the property is zoned industrial.

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant TANAS B. DONEV
 Address 5401 BLUFFTON ROAD
 City FT. WAYNE State IN Zip 46809
 Telephone 260-704-3574 Fax 1-888-282-9704 E-mail tmdonev@gmail.com

Property Ownership
 Property Owner SAME AS ABOVE
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ Fax _____ E-mail _____

Contact Person
 Contact Person MARGIE V. BROOKS
 Address 5401 BLUFFTON RD
 City FT. WAYNE State IN Zip 46809
 Telephone 260-466-1013 Fax 1-888-282-9704 E-mail mbrooks3@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 2822 NUTTMAN AVE
 Present Zoning IN2 Proposed Zoning R-1 Acreage to be rezoned 3.75
 Proposed density _____ units per acre
 Township name _____ Township section # _____
 Purpose of rezoning (attach additional page if necessary) MAKE EXISTING HOME PERMITTED USE
 Sewer provider CITY Water provider well

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)
<u>TANAS B. DONEV</u> (printed name of property owner)	<u>Tanas B. Donev</u> (signature of property owner)	<u>4-1-14</u> (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.
<u>4-1-14</u>	<u>114292</u>	<u>5/12/14</u>	

Rez-2014-0049

UPDIKE SURVEYING, INC.

1305 E. State Blvd. - Suite 3
Fort Wayne, In. 46805
Office: 260-496-9699
Fax: 260-496-8799

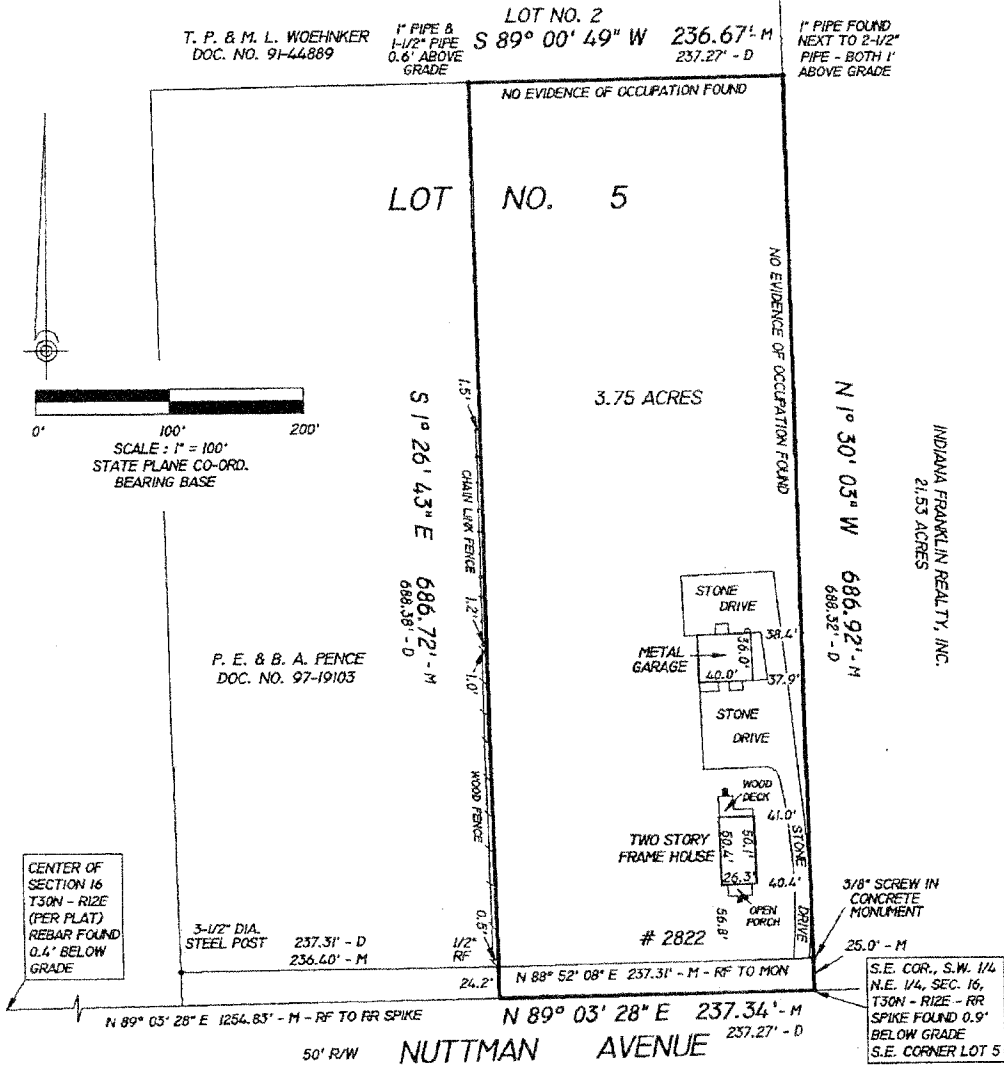
Sheet 1 of 2

Job No. 14-C-18

SURVEY PLAT

This document is a retracement survey of land located in Wayne Township, Allen County, Indiana, made in accordance with the pertinent records on file in the Office of the Recorder and/or Auditor of said county.

SEE ATTACHED SHEET FOR DESCRIPTION



FLOOD PLAIN NOTE: The described property lies in Zone X, as determined by scaled distances from N.F.I.P. Flood Insurance rate Map 18003C0291 G, effective August 3, 2009, for Allen County, Indiana, and does not lie in a Special Flood Hazard Area.

FIELD WORK COMPLETED: March 28, 2014

Original document only when signed and sealed in BLUE INK

Owner of Record: DONEV

Buyer: JOHNSON

Title Company: FIDELITY NATIONAL TITLE

Lender:

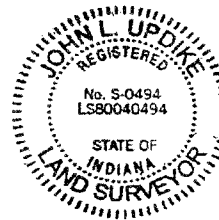
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

Date: March 31, 2014

Found monuments have no documented history, except as noted.

John L. Updike, L.S.#S0494
LS 80040494

- RF - Rebar Found at grade
- RS - 5/8" dia. x 24" long Rebar, set at grade, with UPDIKE cap
- RRS - Railroad Spike
- PK - P.K. nail
- MAG - Mag nail
- PF - Pipe Found
- P - Platted
- D - Deed
- R - Recorded (as noted)
- M - Measured



John L. Updike

UPDIKE SURVEYING, INC.

1305 E. State Blvd. - Suite 3
Fort Wayne, In. 46805
Office: 260-496-9899
Fax: 260-496-9799

Sheet 2 of 2

Survey No.: 14-C-18

Date: March 31, 2014

RECORD DESCRIPTION
DOCUMENT NUMBER 2014005363

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 16, Township 30 North, Range 12 East; thence North on the East line of said Southwest Quarter, a distance of 688.38 feet; thence West parallel with the South line of said Southwest Quarter, a distance of 37.27 feet; thence South and parallel with said East line of said Southwest Quarter, a distance of 688.38 feet to the South line of said Southwest Quarter; thence East on said South line, a distance of 237.27 feet to the point of beginning, such parcel of real estate being sometimes known as the East Half of Lot 5 in the Plat of Survey and Subdivision of the Tielker Homestead, as recorded in Book 47, page 250 of the Miscellaneous Records of said Allen County.

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 19 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.) CLARITY OR AMBIGUITY OF RECORD DESCRIPTIONS
- B.) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
- C.) OCCUPATION OR POSSESSION LINES

THIS SURVEY IS CLASSIFIED AS AN SUBURBAN SURVEY. RELATIVE POSITIONAL ACCURACY FOR THIS SURVEY IS 0.13 FEET PLUS 100 PARTS PER MILLION, AS DEFINED IN 865 IAC 1-12-7.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR ABSTRACT OF TITLE. A COMPLETE TITLE SEARCH MAY REVEAL FACTS THAT MAY AFFECT PORTIONS OF THIS SURVEY. NO OPINION OF TITLE IS MADE NOR IMPLIED IN THIS REPORT. THE OPINIONS EXPRESSED HEREIN ARE ON MATTERS OF SURVEY.

2822 Nuttman Avenue, Fort Wayne, Indiana.
The East Half of Lot 5 in Tielker Homestead.

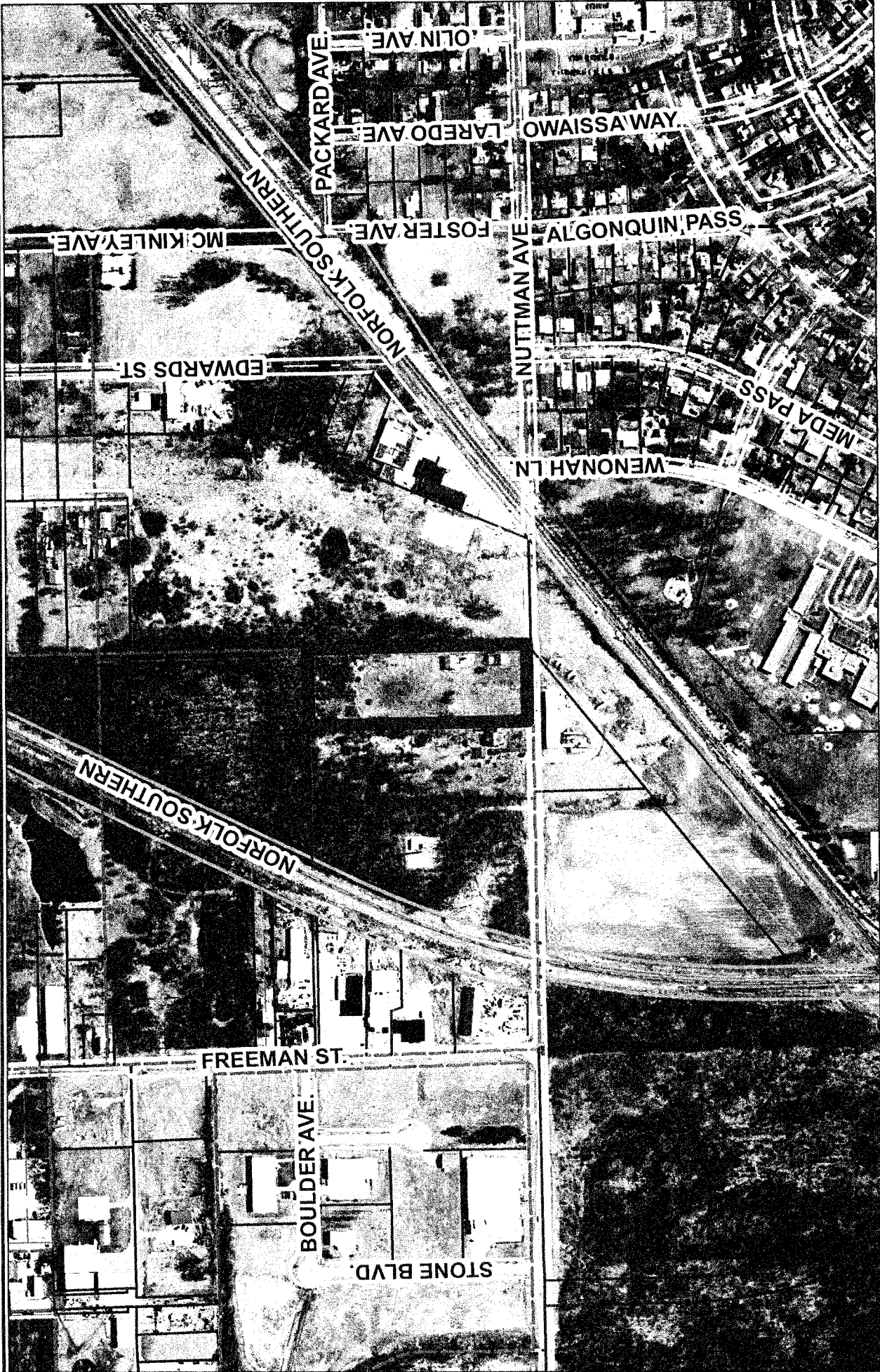
A.) This survey is based on the record plat of Tielker Homestead, as recorded in Miscellaneous Record 47, page 250, in the Office of the Recorder of Allen County, Indiana. This is a survey of the parcel described in Document Number 2014005363, with title vested in Tanas B. Donev.

B.) Spikes, rebars and pipes of various sizes were found in this area of the subdivision. They are not believed to be the original monuments set when the plat and parcels were laid out. They were probably set for the retracement surveys of the parcels in this area. Measurements between the found monuments were within 1.7 feet of plat and deed dimensions. The found monuments on the surveyed parcel were held as marking the deeded parcel corners.

C.) The lines of occupation and possession are as follows: The center of a chain link fence runs from 1.2 to 1.5 feet West of the West line of the surveyed parcel. the East face of a wood fence runs from 0.5 to 1.0 feet West of the West line of the surveyed parcel.



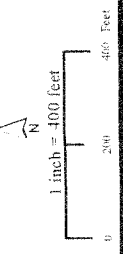
Rezoning Petition REZ-2014-0049



Project boundaries represented by bold colored lines are for representational purposes only.

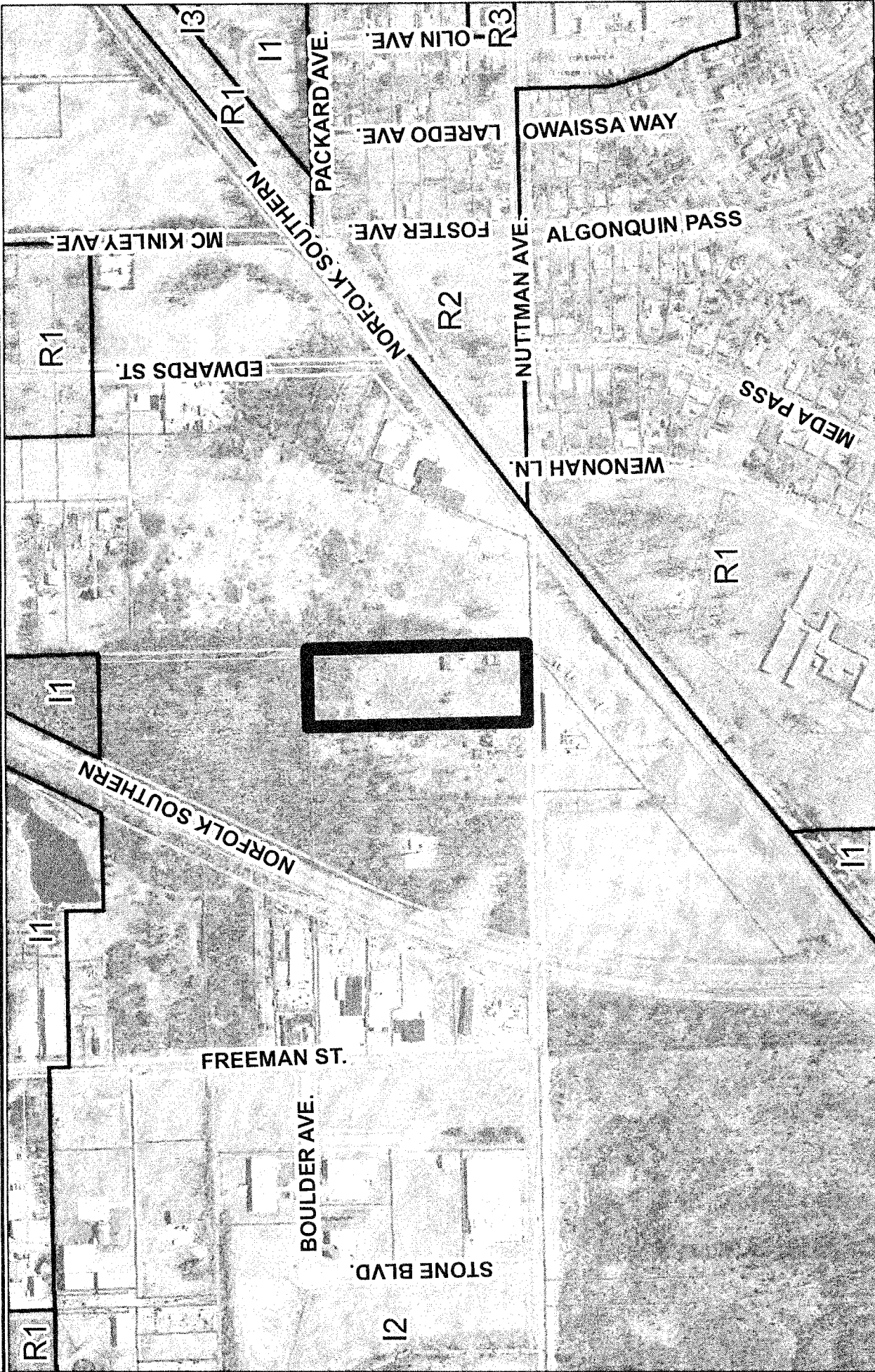
© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photo and Contours, Spring 2009
Date 4/23/2014

Although the 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.





Rezoning Petition REZ-2014-0049



Project boundaries represented by bold colored lines are for representational purposes only.

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© 2014 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009



Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Didier

Read the second time by title and referred to the Regulation

Committee. Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 6-24-14 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. 2-21-14 on the 24th day of June, 2014

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

Marshall A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of June, 2014, at the hour of 2 o'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of JUNE 2014, at the hour of 3 o'clock PM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. Z-14-05-19

REPORT OF COMMITTEE ON REGULATIONS

JUNE 24, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*








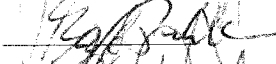

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-07 (Sec. 16 of Wayne Township). The property to be rezoned is at 2822 Nutman Avenue.
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**SANDRA E. KENNEDY
CITY CLERK**