

1 #REZ-2016-0044

2 BILL NO. Z-17-01-03

3 ZONING MAP ORDINANCE NO. Z-4-17

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. S-42 (Sec. 17 of St. Joseph 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 (Single
9 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
10 of Fort Wayne, Indiana:

11 Land situated in the county of Allen, State of Indiana, is described as follows:
12 Part of DeRome Reserve in Township 31 North, Range 13 East, Allen County, Indiana,
13 more particularly described as follows, to wit:

14 Commencing at the point of intersection of the centerline of St. Joe Road with centerline of
15 Evard Road; thence South 37 degrees 04 minutes 10 seconds West (County bearing and is
16 used as the basis for the bearings in this description), on and along said St, Joe Road
17 centerline, a distance of 704.0 feet; thence South 70 degrees 55 minutes 50 seconds East, a
18 distance of 71.66 feet to the Northeast corner of a 0.111 acre tract of land conveyed to the
19 City of Fort Wayne for St. Joe Road right-of-way purposes by deed dated August 10, 1987
20 and recorded in Document #87-041173 in the Office of the Recorder of Allen County,
21 Indiana, this point being the true point of beginning; thence Southwesterly, on and along the
22 Easterly line of said 0.111 acre tract, being also the East right-of-way line of St. Joe Road, as
23 defined by the arc of a regular curve to the left, not tangent to the last course, having a radius
24 of 2906.79 feet, an arc distance of 33.56 feet, being subtended by a long chord having a
25 length of 33.56 feet and a bearing of South 36 degrees 38 minutes 11 seconds West; thence
26 South 36 degrees 57 minutes 56 seconds West, continuing along the Easterly line of said
27 0.111 acre tract and said East right-of-way line, a distance of 66.32 feet to the Southeast
28 corner of said 0.111 acre tract; thence South 70 degrees 55 minutes 50 seconds East, a
29 distance of 157.94 feet; thence North 37 degrees 04 minutes 10 seconds East, a distance of
30 100.0 feet; thence North 70 degrees 55 minutes 50 seconds West, a distance of 158.34 feet to
the true point of beginning, containing 0.345 acres of land, subject to all easements of
record.

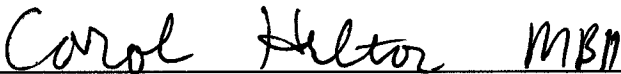
and the symbols of the City of Fort Wayne Zoning Map No. S-42 (Sec. 17 of St. Joseph
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

1 SECTION 2. If a written commitment is a condition of the Plan Commission's
2 recommendation for the adoption of the rezoning, or if a written commitment is modified and
3 approved by the Common Council as part of the zone map amendment, that written
4 commitment is hereby approved and is hereby incorporated by reference.

5
6 SECTION 3. That this Ordinance shall be in full force and effect from and after its
7 passage and approval by the Mayor.

8
9 
Council Member

10 APPROVED AS TO FORM AND LEGALITY:

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12  MBN
13 Carol T. Helton, City Attorney

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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Roger Dilley
 Address 6530 St. Joe Rd.
 City Fort Wayne State IN Zip 46835
 Telephone 260 348 9982 Fax - E-mail rogerldilley@yahoo.com

Property Ownership
 Property Owner Roger & Vicki Dilley
 Address 6530 St. Joe Rd.
 City Fort Wayne State IN Zip 46835
 Telephone 260 348 9982 Fax - E-mail rogerldilley@yahoo.com
260 441-6189

Contact Person
 Contact Person Roger Dilley
 Address 6530 St. Joe Rd.
 City Fort Wayne State IN Zip 46835
 Telephone 260 348 9982 Fax - E-mail rogerldilley@yahoo.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 6530 St. Joe Rd.
 Present Zoning L2 Proposed Zoning R1 Acreage to be rezoned .395 Ac.
 Proposed density _____ units per acre
 Township name * _____ Township section # _____
 Purpose of rezoning (attach additional page if necessary) _____

Sewer provider FW Water provider FW

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 Rezonings Only

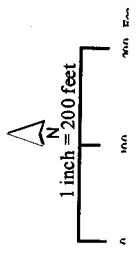
I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures 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.

<u>Roger Dilley</u> (printed name of applicant)	<u>Roger Dilley</u> (signature of applicant)	<u>9-29-2016</u> (date)
<u>Roger Dilley</u> (printed name of property owner)	<u>Roger Dilley</u> (signature of property owner)	<u>9-29-2016</u> (date)
<u>Vicki L. Dilley</u> (printed name of property owner)	<u>Vicki L. Dilley</u> (signature of property owner)	<u>9-29-2016</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received	Receipt No.	Hearing Date	Petition No.
12-6-16	122731	11/1/16	

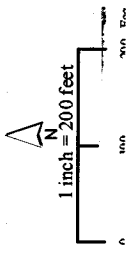
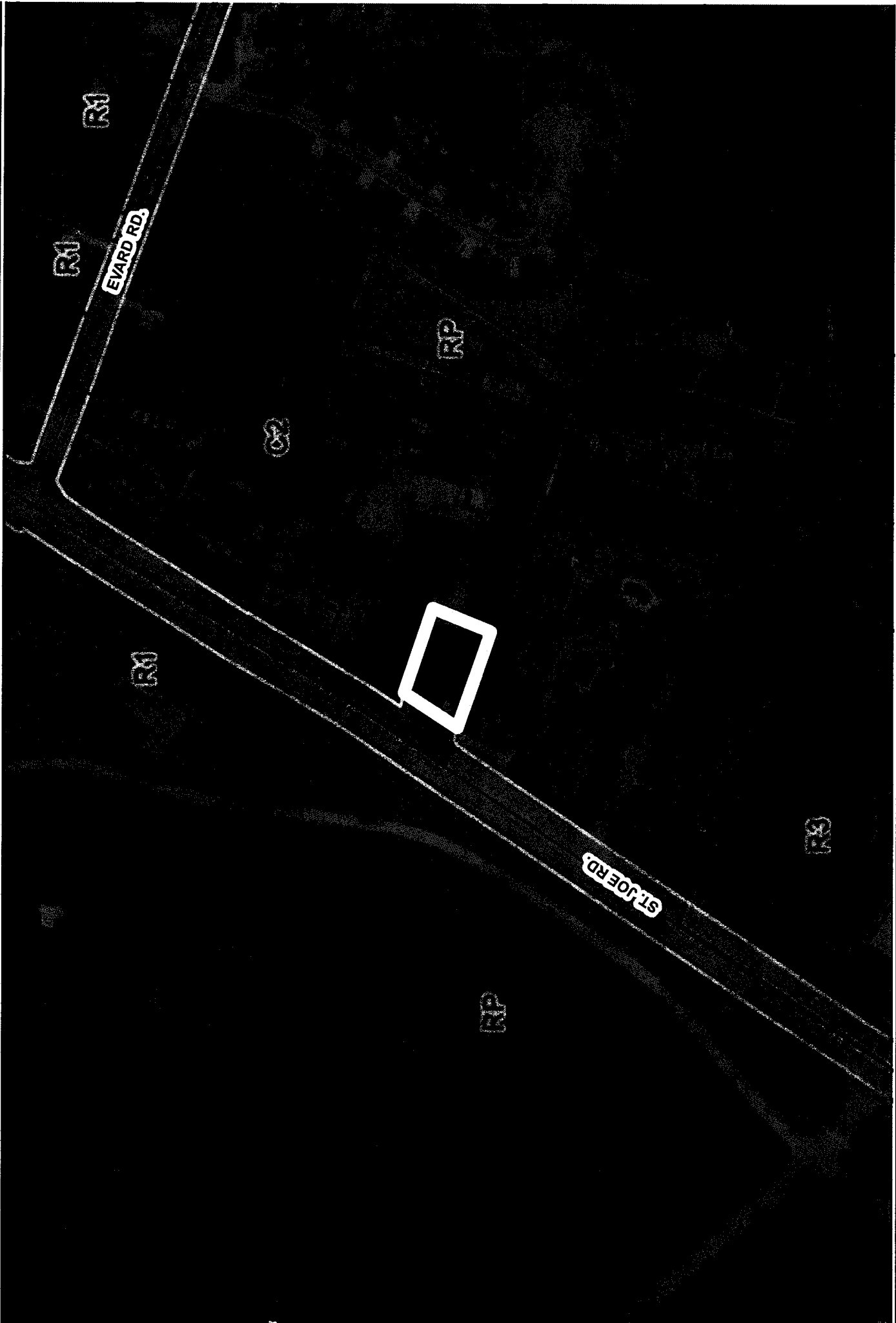
Rez-2016-0044

Rezoning Petition REZ-2016-0044 (6530 St Joe Road)



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Rezoning Petition REZ-2016-0044 (6530 St Joe Road)



Although not a warranty, the information contained herein is based on the best information available to the County at the time of the rezoning decision. The County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from the use of the information contained herein. © 2008 Board of Commissioners of the County of Allen, North America Datum 1983. Photo and Contour: Spring 2009.

FACT SHEET

Case #REZ-2016-0044 Bill # Z-17-01-03 Project Start: 10 January 2017	
APPLICANT:	Roger Dilley
REQUEST:	To rezone an existing single family residential dwelling from C2/Limited Commercial to R1/Single Family Residential, to permit the residential use.
LOCATION:	The site is located on the east side of the 6500 block of Saint Joe Road, to the east of Shoaff Park. The address of the subject property is 6530 Saint Joe Road (Section 17 of St. Joseph Township).
LAND AREA:	Approximately 0.35 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	R1/Single Family Residential
NEIGHBORHOOD	
ASSOCIATIONS:	Community Liaison, Northeast Area Partnership
COUNCIL DISTRICT:	2-Russ Jehl
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

9 January 2017 Public Hearing

- No one spoke at the hearing in favor or in opposition.
- All members were present.

23 January 2017 – Business Meeting

Plan Commission Recommendation: Do Pass

A motion was made by Don Schmidt and seconded by Tom Freistroffer to return the ordinance to Common Council for their final decision. **6-0 MOTION PASSED**

- Paul Sauerteig, Mike Bynum, and Judi Wire were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
2 February 2017

Reviewed By:



Kim Bowman, Executive Land Use Director

PROJECT SUMMARY

The petitioner is requesting a rezoning from C2/Limited Commercial to R1/Single Family Residential. The residential property is approximately 0.35 acres. The residential structure was built on the site in the 1940s according to the property record card. The goal of the rezoning request is to simply make the existing residential use in compliance with the Zoning Ordinance's permitted uses. From staff research, it appears that the C2/Limited Commercial zoning was established in 1970. It is part of a commercial area, which runs along St. Joe Road from this property to Evard Road.

As mentioned, there is no development plan associated with this request and there are no proposed changes to the site at this time. The main purpose of the rezoning is to make the existing residential use permitted with the R1/Single Family Residential zoning district. As the Plan Commission has seen recently, non-conforming situations have created financing issues for prospective buyers and sellers of property.

PUBLIC HEARING SUMMARY:

Presenter:

Roger Dilley, property owner, presented the proposal to the Plan Commission as outlined above. Mr. Dilley is pastor of the Rock Church, which is located just north of this property. He would like to build a garage and having proper zoning will help him refinance his mortgage and be beneficial if he were to sell the property in the future.

Comments in Favor:

none

Comments in Opposition:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT


Rezoning Petition REZ-2016-0044

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LAND AREA: Approximately 0.35 acres
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: R1/Single Family Residential

STAFF RECOMMENDATION: "Do Pass" of Rezoning Petition REZ-2016-0044 for the following reasons:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is a mixture of residential and commercial zoned property. Single family residences exist in the neighborhood. The proposal is to bring the existing use into compliance with the Zoning Ordinance.
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. There are no new uses proposed on the site. The rezoning will bring the property into the proper zoning district.
3. Approval is consistent with the preservation of property values in the area. This proposal would allow for conveyance of the property to other owners, if desired.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to the site

These findings approved by the Fort Wayne Plan Commission on January 23, 2017.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Roger Dilley
 Address 6530 St. Joe Rd.
 City Fort Wayne State IN Zip 46835
 Telephone 260 348 9982 Fax - E-mail rogerldilley@yahoo.com

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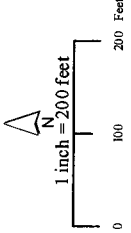
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_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>12-6-16</u>	Receipt No. <u>122731</u>	Hearing Date <u>1/7/17</u>	Petition No. <u>rez-2016-0044</u>
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Rezoning Petition REZ-2016-0044 (6530 St Joe Road)



Although every attempt has been made to ensure the accuracy of the information contained herein, the user assumes all liability for any error or omission in this map. © 2008 by the City of Allen, North American Datum 1983. Shaw Plans Coordinate System, Indiana East. Photo and Contour: Spring 2009. Date: 12/29/2016





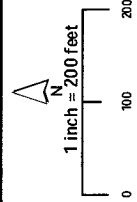
Rezoning Petition REZ-2016-0044 (6530 St Joe Road)



EVARD RD.

ST JOE RD.

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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-2016-0044
Bill Number: Z-17-01-03
Council District: 2-Russ Jehl

Introduction Date: January 10, 2017

Plan Commission
Public Hearing Date: January 9, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 0.35 acres of property from C2-Limited Commercial
to R1-Single Family Residential.

Location: 6530 St. Joe Road

Reason for Request: To allow the existing use as a single family home.

Applicant: Roger Dilley

Property Owner: Roger Dilley

Related Petitions: none

Effect of Passage: Property will be rezoned to the R1-Single Family Residential district,
which will bring the existing use into conformance with the zoning
ordinance.

Effect of Non-Passage: The property will remain zoned C2-Limited Commercial and the existing
single family home will continue to be considered a non-conforming use
on the property.

BILL NO. Z-17-01-03

REPORT OF COMMITTEE ON REGULATIONS

February 7, 2017

John Crawford Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. S-42 (Sec. 17 of St. Joseph Township)

Designating an R1 (Single Family Residential) District at the intersection of St Joe Rd and Evard Rd



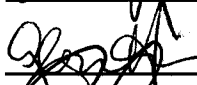





COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

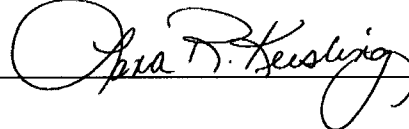
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: January 9 2017
 Read the first time in full and on motion by Councilman Crawford.
 Read the second time by title and referred to the Regulations Committee.
 Read the third time in full and on motion by Councilman Crawford, placed on passage by
 the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: February 14, 2017



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Zoning Ordinance No. Z-17-01-03 on the 14th day of February, 2017

ATTEST:



 LANA R. KEESLING
 CITY CLERK




 THOMAS F. DIDIER
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th
 of February 2017, at the hour of 9:45 o'clock A.M. 9 E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of FEBRUARY
 2017, at the hour of 10:00 O'clock AM . E.S.T.



 THOMAS C. HENRY, MAYOR