

1 #REZ-2020-0027

2 BILL NO. Z-20-10-08

3  
4 ZONING MAP ORDINANCE NO. Z-28-20

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. I-14 (Sec. 33 of Wayne Township)

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

9  
10 SECTION 1. That the area described as follows is hereby designated an R1 (Single Family  
11 Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort  
12 Wayne, Indiana:

13 Part of the Southeast Quarter of Section 33, Township 31 North, Range 12 East,  
14 Allen County, Indiana, described as follows:

15 Starting on the West line of the right of way of the former Grand Rapids and Indiana  
16 Railroad at a point situated 290 feet normally distant South of the North line of said  
17 Southeast Quarter of Section 33, to a 5/8 inch rebar stake at the Northeast corner of  
18 of the .058 acre tract described in Document Number 202022953; thence South 14  
19 degrees 10 minutes 50 seconds East along the aforesaid right of way line, 95 feet to a  
20 mag nail at the Southeast corner of said 0.58 acre tract; thence North 90 degrees 00  
21 minutes 00 seconds West, 132.19 feet along said South line to a 5/8 inch rebar stake  
22 which shall be the Place of Beginning; thence South 14 degrees 34 minutes 04  
23 seconds East, 80 feet to a 5/8 inch rebar stake; thence South 00 degrees 22 minutes  
24 36 seconds East, 52.52 feet to a 5/8 inch rebar stake; thence South 86 degrees 50  
25 minutes 31 seconds West, 115.03 feet; thence North 00 degrees 02 minutes 00  
26 seconds East, 136.28 feet to the South line of said 0.58 acre tract; thence South 90  
27 degrees 00 minutes 00 seconds East, 94.31 feet along said South line to the Place of  
28 Beginning.

29 Together with the right of ingress and egress over the following described tract:  
30 Starting on the West line of the right of way of the former Grand Rapids and Indiana  
Railroad at a point situated 290 feet normally distant South of the North line of said  
Southeast Quarter of Section 33, also being the Northeast corner of the 3.16 acre  
tract described in Document Number 80-26424, thence Southeasterly, along the  
aforesaid right of way line, 52 feet to the Place of Beginning; thence continuing  
Southeasterly 43 feet along said right of way line; thence Westerly, deflecting right

1 104 degrees 10 minutes 05 seconds, 239 feet parallel with the North line of said 3.16  
2 acre tract; thence Northerly, deflecting right 90 degrees 02 minutes 00 seconds, 49  
3 feet parallel with the West line of said 3.16 acre tract; thence Northwesterly,  
4 deflecting left 58 degrees 44 minutes 30 seconds, 34.87 feet; thence Westerly,  
5 deflecting left 31 degrees 17 minutes 30 seconds, 130 feet, parallel with the North  
6 line of said 3.16 acre tract, to the West line of said 3.16 acre tract; thence Northerly,  
7 deflecting right 90 degrees 02 minutes 00 seconds, 25 feet along said West line to the  
8 Northwest corner of said 3.16 acre tract; thence Easterly, deflecting right 89 degrees  
9 58 minutes 00 seconds, 185.00 feet along the North line of said 3.16 acre tract;  
10 Thence Southerly, deflecting right 90 degrees 02 minutes 00 seconds, 40 feet,  
11 parallel with the West line of said 3.16 acre tract; thence Southeasterly, deflecting  
12 left 71 degrees 01 minutes 49 seconds, 32 feet to a point on the North line of an  
13 existing asphalt driveway; thence Easterly, 173.08 feet along said North line to the  
14 Place of Beginning.


15 and the symbols of the City of Fort Wayne Zoning Map No. I-14 (Sec. 33 of Wayne  
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
17 Wayne, Indiana is hereby changed accordingly.

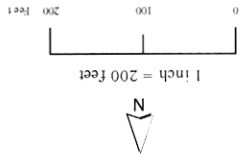
18 SECTION 2. If a written commitment is a condition of the Plan Commission's  
19 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
20 approved by the Common Council as part of the zone map amendment, that written  
21 commitment is hereby approved and is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

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

24   
25 \_\_\_\_\_  
26 Council Member

27 APPROVED AS TO FORM AND LEGALITY:

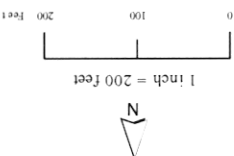
28   
29 \_\_\_\_\_  
30 Carol T. Helton, City Attorney



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 Photo and Contour: Spring 2009  
 Date: 8/19/2020



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Photo and Contour Spacing 2009  
Date: 8/19/2020



**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant James D. Smith  
 Address 2128 LAKEVIEW DR  
 City FT WAYNE State IN Zip 46808  
 Telephone 260-414-1237 E-mail CARSMArt3322@cfahcc.com

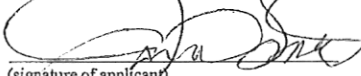
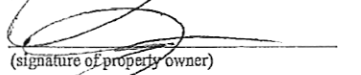
**Contact Person**  
 Contact Person Jim Smith  
 Address 6111 LANDMARK DR  
 City FT WAYNE State IN Zip 46815  
 Telephone 260-414-1237 E-mail CARSMArt3322@cfahcc.com  
*All staff correspondence will be sent only to the designated contact person.*

Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Address of the property 2128 LAKEVIEW DR  
 Present Zoning Com Proposed Zoning RES Acreage to be rezoned .33  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Washington Township section # 33  
 Purpose of rezoning (attach additional page if necessary)  
Residents Living In Property For Last 10 YRS  
 Sewer provider City Water provider City

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

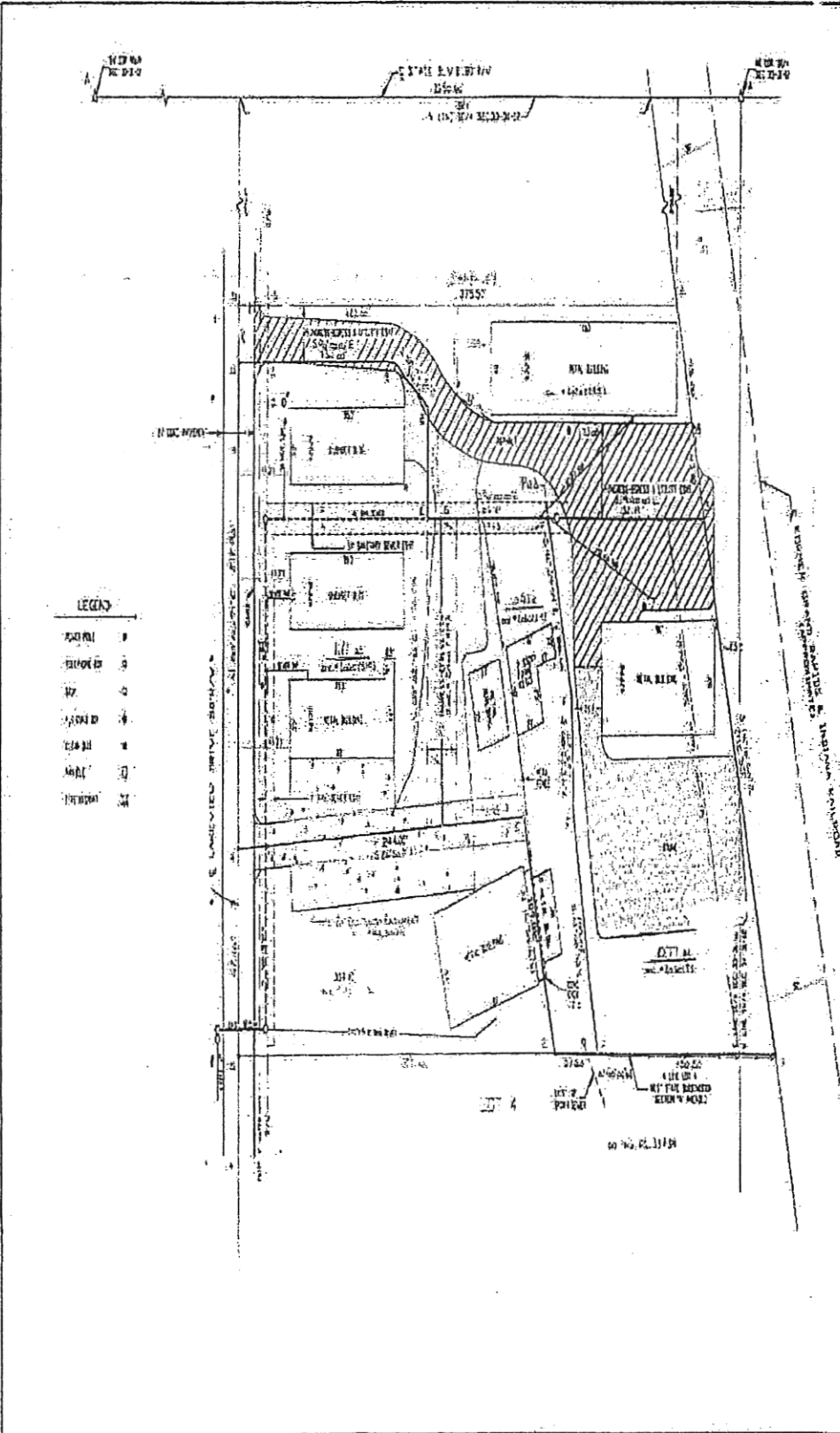
- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezonings Only

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.

James D Smith  7/23/2020  
 (printed name of applicant) (signature of applicant) (date)  
James D Smith  7-23/2020  
 (printed name of property owner) (signature of property owner) (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
 \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

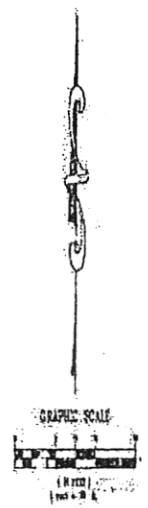
Received	Receipt No.	Hearing Date	Petition No.
7/23/2020	134650	8/10/2020	REZ - 2020 - 0027

2035572  
 10000 10 25  
 10000 10 25  
 10000 10 25  
 10000 10 25  
 10000 10 25  
 10000 10 25




LEGEND

1	2	3	4	5	6	7	8
ASPH	CONC	GR	PAV	DIRT	WOOD	IRON	STEEL



- FIELD NO. 10000-10-25
- 1 ASPHALT
  - 2 CONCRETE
  - 3 GRASS
  - 4 PAVEMENT
  - 5 DIRT
  - 6 WOOD
  - 7 IRON
  - 8 STEEL

STUDY ASSOCIATE (AND SURVEY)	DATE 10/25/20	SHEET 1 OF 1
	PROJECT 10000-10-25	DATE 10/25/20
	SURVEY 10000-10-25	DATE 10/25/20

J.P. [Signature]

## FACT SHEET

Case #REZ-2020-0027		Bill # Z-20-10-08	Project Start: August 2020
APPLICANT:	James D. Smith		
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit the existing residential use of the property.		
LOCATION:	The site is located to the east of the 2100 block of Lakeview Drive. The address of the subject property is 2128 Lakeview Drive (Section 33 of Washington Township).		
LAND AREA:	Approximately 0.4 acres		
PRESENT ZONING:	I2/General Industrial		
PROPOSED ZONING:	R1/Single Family Residential		
COUNCIL DISTRICT:	3-Tom Didier		
ASSOCIATED PROJECT:	none		
SPONSOR:	City of Fort Wayne Plan Commission		

### **September 14, 2020 Public Hearing**

- No one from the public spoke at the hearing.
- Don Schmidt and Patrick Zaharako were absent.

### **September 21, 2020 – Business Meeting**

#### **Plan Commission Recommendation: DO PASS**

A motion was made by Justin Shurley and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

#### **7-0 MOTION PASSED**

- Don Schmidt and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
September 28, 2020

## PROJECT SUMMARY

### SITE HISTORY:

- The property record card shows the residence being constructed in 1930. The industrial zoning has existed for decades. From historical aerials it appears that the home was the farmhouse associated with the agricultural use of the site before it was developed industrially around it.
- In July 2019, the property owner filed for a rezoning from I2 to R1. The petition received a Do Pass recommendation from the Fort Wayne Plan Commission, but was denied by Common Council.

### DISCUSSION

The petitioner is requesting to rezone the property to R1/Single Family Residential from I2/General Industrial. The property today is utilized as a single family dwelling, which is not a permitted use in the I2 zoning district. There continues to be an interested party in purchasing the property, and the proper zoning is being requested for the transaction to occur. With a rezoning to R1, the use would be permitted. The property is landlocked from a public street, but from the documentation provided, it appears there is an ingress/egress easement in place to allow for access to Lakeview Drive.

From historical aerials, it appears that this residence was the farmhouse associated with agricultural uses surrounding it. When the agricultural land was developed with industrial uses, it appears that the general area became industrially zoned, including the residence.

As mentioned, there is no development plan associated with this request and there are no structures proposed for this site at this time.

The same rezoning proposal was filed in 2019, and denied by the City Council. According to the Rules of Procedure, the applicant may file for the same rezoning petition at this point.

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### PUBLIC HEARING SUMMARY:

Presenter: James D. Smith, current property owner, presented the proposal as outlined above.

### Public Comments:

none



Rezoning Petition REZ-2020-0027 (2128 Lakeview Dr)



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Date: 6/19/2020

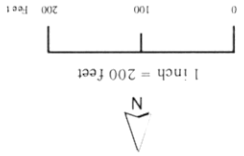


1 inch = 200 feet



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**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant James D. Smith  
 Address 2128 LAKEVIEW DR  
 City FT WAYNE State IN Zip 46808  
 Telephone 260-414-1237 E-mail CARSMART3322@YAHOO.COM

**Contact Person**  
 Contact Person Jim Smith  
 Address 6111 LANDMARK DR  
 City FT WAYNE State IN Zip 46815  
 Telephone 260-414-1237 E-mail CARSMART3322@YAHOO.COM  
*All staff correspondence will be sent only to the designated contact person.*

Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Address of the property 2128 LAKEVIEW DR  
**D** Present Zoning COM Proposed Zoning RES Acreage to be rezoned .33  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Washington Township section # 33  
 Purpose of rezoning (attach additional page if necessary)  
Residents Living In Property For Last 10 YRS  
 Sewer provider City Water provider City

*Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

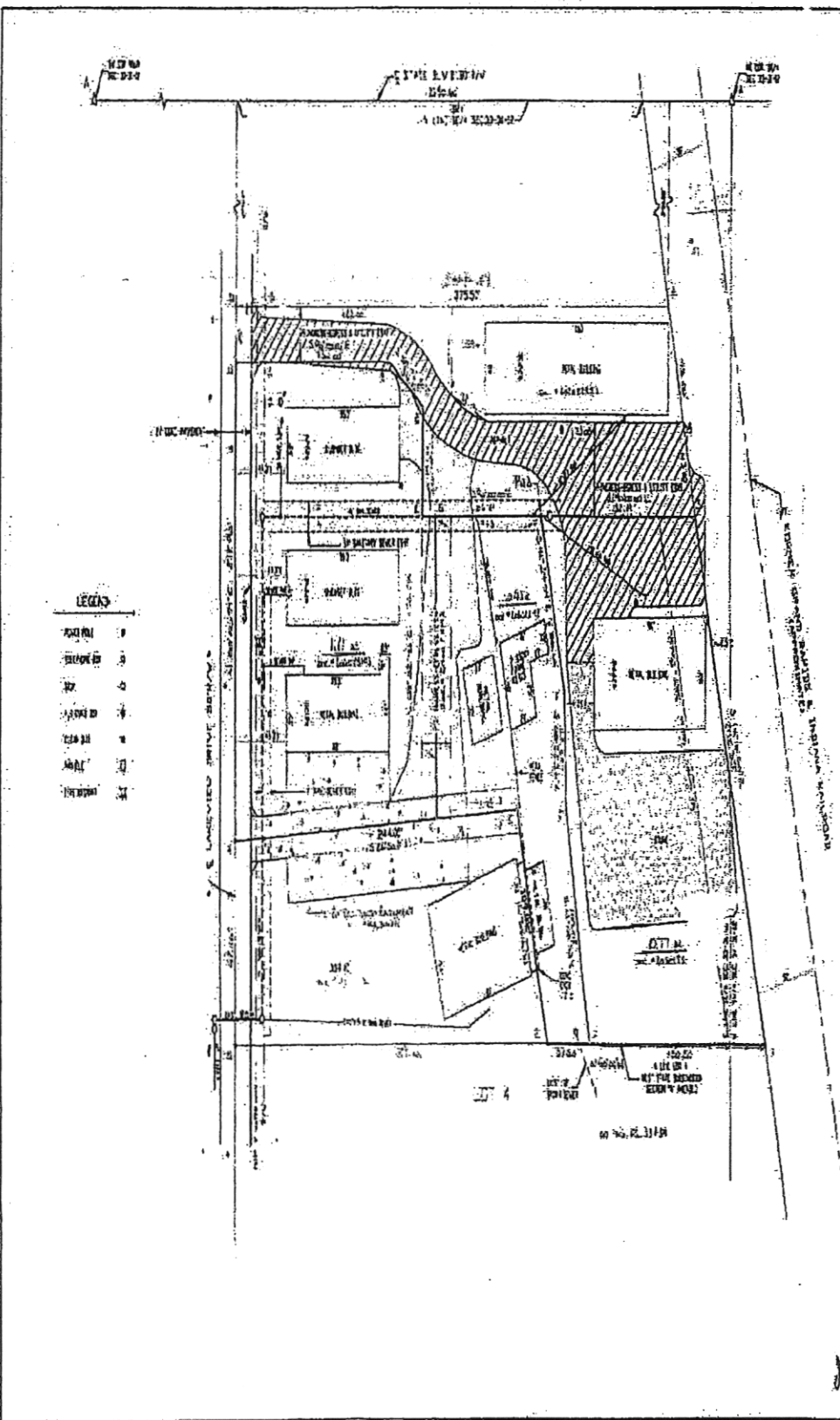
- Filing Requirements**
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  - Applicable number of surveys showing area to be rezoned (plans must be folded)
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  - Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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James D Smith (printed name of applicant) [Signature] (signature of applicant) 7/23/2020 (date)  
James D Smith (printed name of property owner) [Signature] (signature of property owner) 7-23/2020 (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.
7/23/2020	134650	8/10/2020	REZ-2020-0027

20235762  
 2023 01 23  
 2023 01 23  
 2023 01 23  
 2023 01 23  
 2023 01 23



**LEGEND**

1	CONCRETE
2	BRICK
3	WOOD
4	METAL
5	GLASS
6	CERAMIC
7	STONE
8	PLASTER
9	GYP
10	LUMBER
11	STEEL
12	COPPER
13	ZINC
14	LEAD
15	SILVER
16	GOLD
17	IRON
18	ALUMINUM



- 1 CONCRETE
- 2 BRICK
- 3 WOOD
- 4 METAL
- 5 GLASS
- 6 CERAMIC
- 7 STONE
- 8 PLASTER
- 9 GYP
- 10 LUMBER
- 11 STEEL
- 12 COPPER
- 13 ZINC
- 14 LEAD
- 15 SILVER
- 16 GOLD
- 17 IRON
- 18 ALUMINUM

OWNER	DATE	BY
ASST. SURV.	2023 01 23	JAT
(AND SURVEYOR)		
TITLE		
BOUNDARY SURVEY		

*JAT*

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2020-0027  
Bill Number: Z-20-10-08  
Council District: 3-Tom Didier

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Introduction Date: October 13, 2020

Plan Commission  
Public Hearing Date: September 14, 2020 (not heard by Council)

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

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Synopsis of Ordinance: To rezone approximately 1.00 acre from I2/General Industrial to  
R1/Single Family Residential.

Location: 2128 Lakeview Drive

Reason for Request: To allow an existing home to be compliant with the zoning ordinance.

Applicant: James D. Smith

Property Owner: James D. Smith

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning  
district, which will bring the current use on the property into compliance  
with the zoning ordinance.

Effect of Non-Passage: The property will remain zoned industrial and the existing use will  
continue to be non-conforming. The applicant cannot refinance the  
property with the current zoning.

**REPORT OF COMMITTEE ON REGULATIONS**

**October 13, 2020**

***Glynn Hines Chair***

***Tom Freistroffer Co-Chair***

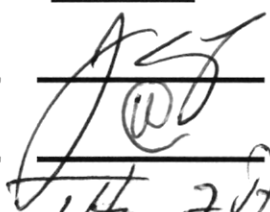
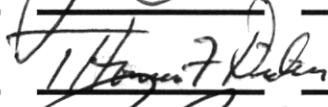

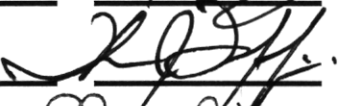
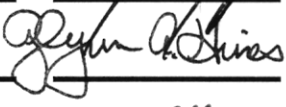
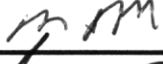


***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. I-14 (Sec. 33 of Wayne Township)

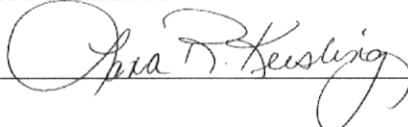
*To rezone approximately 1.00 acre from I2/General Industrial to R1/Single Family Residential at 2128 Lakeview Drive*

*This will require a suspension of the rules in order to be Introduced, Discussed and Voted for Passage in the same evening*

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

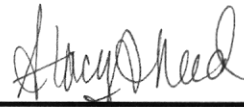
Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: October 13, 2020

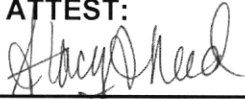


STACY A. REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-20-10-08 on the 13th day of October, 2020

ATTEST:

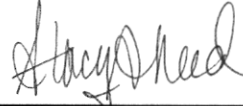


STACY A. REED  
DEPUTY CITY CLERK



PRESIDING OFFICER

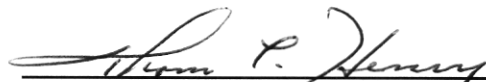
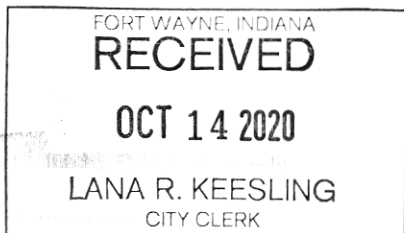
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of October 2020, at the hour of 9:45 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 14<sup>TH</sup> day of OCTOBER

2020, at the hour of 11:00 o'clock AM E.S.T.

  
THOMAS C. HENRY, MAYOR