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#REZ-2020-0028

BILL NO. Z-20-10-09

ZONING MAP ORDINANCE NO. Z-27-20

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-27 (Sec. 28 of Wayne Township)**

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

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

Lot Number One (1) in Wiegman's Subdivision of Lots 79, 80, 115, and 116 of Elzey's First Addition to Waynedale, an addition to the City of Fort Wayne according to the plat thereof recorded in Plat Record 13, page 65, in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. I-27 (Sec. 28 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.


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



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney



Rezoning Petition REZ-2020-0028 (7111 Old Trail)

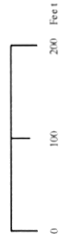


Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the data or any information and there are no warranties, express or implied, arising from any error or omission in this map.

© 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: 8/2/20

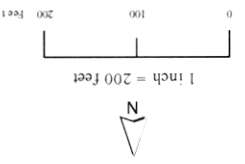


1 inch = 200 feet



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Photos and Coordinate System: Spring 2009
Date: 8/5/2020



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Patty Sheneman
 Address 7111 Old Trail
 City Fort Wayne State Indiana Zip _____
 Telephone 260-443-8002 Fax _____ E-mail pattys@diversified-metals.com

Property Ownership
 Property Owner same
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ Fax _____ E-mail _____

Contact Person
 Contact Person same
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ Fax _____ E-mail _____

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 7111 Old Trail
 Present Zoning I2 Proposed Zoning R1 Acreage to be rezoned 0.26
 Proposed density n/a units per acre
 Township name Wayne Township section # 28
 Purpose of rezoning (attach additional page if necessary) Existing single family home was used residentially for 80 years. It has recently been converted back to residential from an office use. The current property owner lives in the home
 Sewer provider Fort Wayne Water provider Fort Wayne

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.

 (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.
8/3/20	134740	9/14/20	REZ-2020- <input checked="" type="checkbox"/>

FACT SHEET

Case #REZ-2020-0028	Bill # Z-20-10-09	Project Start: August 2020
APPLICANT:	Patty Sheneman	
REQUEST:	To rezone property from I2/General Industrial to R1/Single Family Residential to permit residential use of the property.	
LOCATION:	The site is located to the east of the 7100 block of Old Trail Road. The address of the subject property is 7111 Old Trail Road (Section 28 of Wayne Township).	
LAND AREA:	Approximately 0.3 acres	
PRESENT ZONING:	I2/General Industrial	
PROPOSED ZONING:	R1/Single Family Residential	
COUNCIL DISTRICT:	4-Jason Arp	
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 Judi Wire and seconded by Tom Freistroffer 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 residential structure was built on the site in the 1925 as a single family house. At some point the structure was converted to a law office which was a permitted use in the current zoning district.
- The structure was recently converted back to a single family residential structure.

DISCUSSION

The petitioner is requesting a rezoning from I2/General Industrial to R1/Single Family Residential. The property is approximately 0.27 acres, which is being used residentially. 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 I2/General Industrial zoning was established in 1959. It is part of a commercial block area, which runs from Church street to Lower Huntington Road between Bluffton Road and Old Trail Road. This block is predominately developed commercially with only a few remaining single family homes. The block includes a mixture of commercial and office uses from a light office to a grocery store.

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: Patty Sheneman, current property owner, presented the proposal as outlined above.

Public Comments:

none



Rezoning Petition REZ-2020-0028 (7111 Old Trail)



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North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contour © Spring 2009
 Date: 8/3/2020



1 inch = 200 feet





Rezoning Petition REZ-2020-0028 (7111 Old Trail)

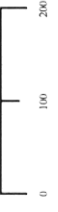


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 (printed name of property owner) (signature of property owner) (date)

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Received	Receipt No.	Hearing Date	Petition No.
8/3/20	134740	9/14/20	REZ-2020-4

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0028
Bill Number: Z-20-10-09
Council District: 4-Jason Arp

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

Synopsis of Ordinance: To rezone approximately 0.26 acre from I2/General Industrial to R1/Single Family Residential.

Location: 7111 Old Trail

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

Applicant: Patty Sheneman

Property Owner: Patty Sheneman

Related Petitions: none

Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which will allow the house-turned-office to be used as a home once more, in compliance with the zoning ordinance.

Effect of Non-Passage: The property will remain zoned industrial and the use as a house will be non-conforming. The house is under new ownership and the owner and the house should be a permitted use by right.

REPORT OF COMMITTEE ON REGULATIONS

October 13, 2020

Glynn Hines Chair

Tom Freistroffer Co-Chair

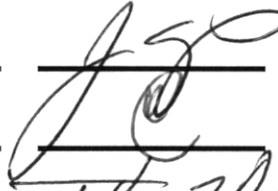



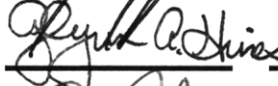
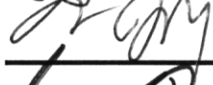


All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. I-27 (Sec. 28 of Wayne Township)

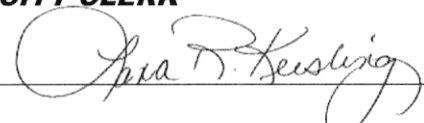
To rezone approximately 0.26 acre from I2/General Industrial to R1/Single Family Residential at 7111 Old Trail

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

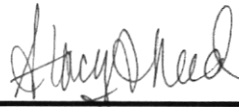
Read the first time in full and on motion by Councilperson Freistroffer.

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

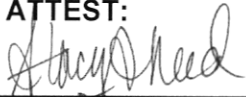


STACY A. REED, DEPUTY CITY CLERK

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

Zoning Ordinance No. Z-20-10-09 on the 13th day of October, 2020

ATTEST:




STACY A. REED
DEPUTY CITY CLERK



PRESIDING OFFICER

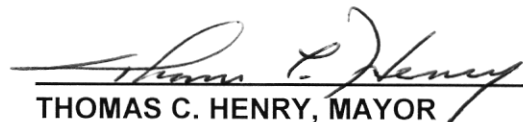
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of October 2020, at the hour of 9:45 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 14TH day of OCTOBER

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


THOMAS C. HENRY, MAYOR