

1 #REZ-2023-0027

2 BILL NO. Z-23-06-31

3  
4 ZONING MAP ORDINANCE NO. Z- 31-23

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. M-02 (Sec. 11 of Wayne Township)

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

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

12 Lot 163 of Hamilton's 4<sup>th</sup> Addition, as recorded in the Office of the Recorder of Allen  
13 County, Indiana, in Plat Book 69, Page 397.

14 and the symbols of the City of Fort Wayne Zoning Map No. M-02 (Sec. 11 of Wayne  
15 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
16 Wayne, Indiana is hereby changed accordingly.

17  
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.

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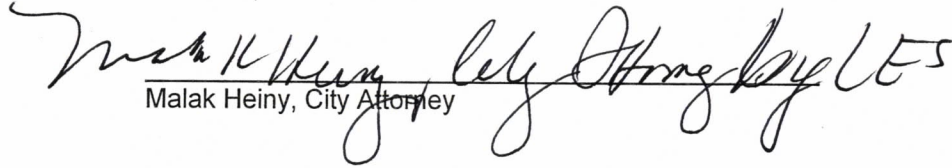
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Malak Heiny, City Attorney

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-2023-0027  
Bill Number: Z-23-06-31  
Council District: 6-Sharon Tucker

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Introduction Date: June 27, 2023

Plan Commission  
Public Hearing Date: July 10, 2023 (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 0.20 acres from I1/Limited Industrial to R1/Single Family Residential

Location: 317 East Masterson

Reason for Request: To bring existing house into compliance with the zoning ordinance.

Applicant: Alfreda Fields

Property Owner: Alfreda Fields

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Related Petitions: none

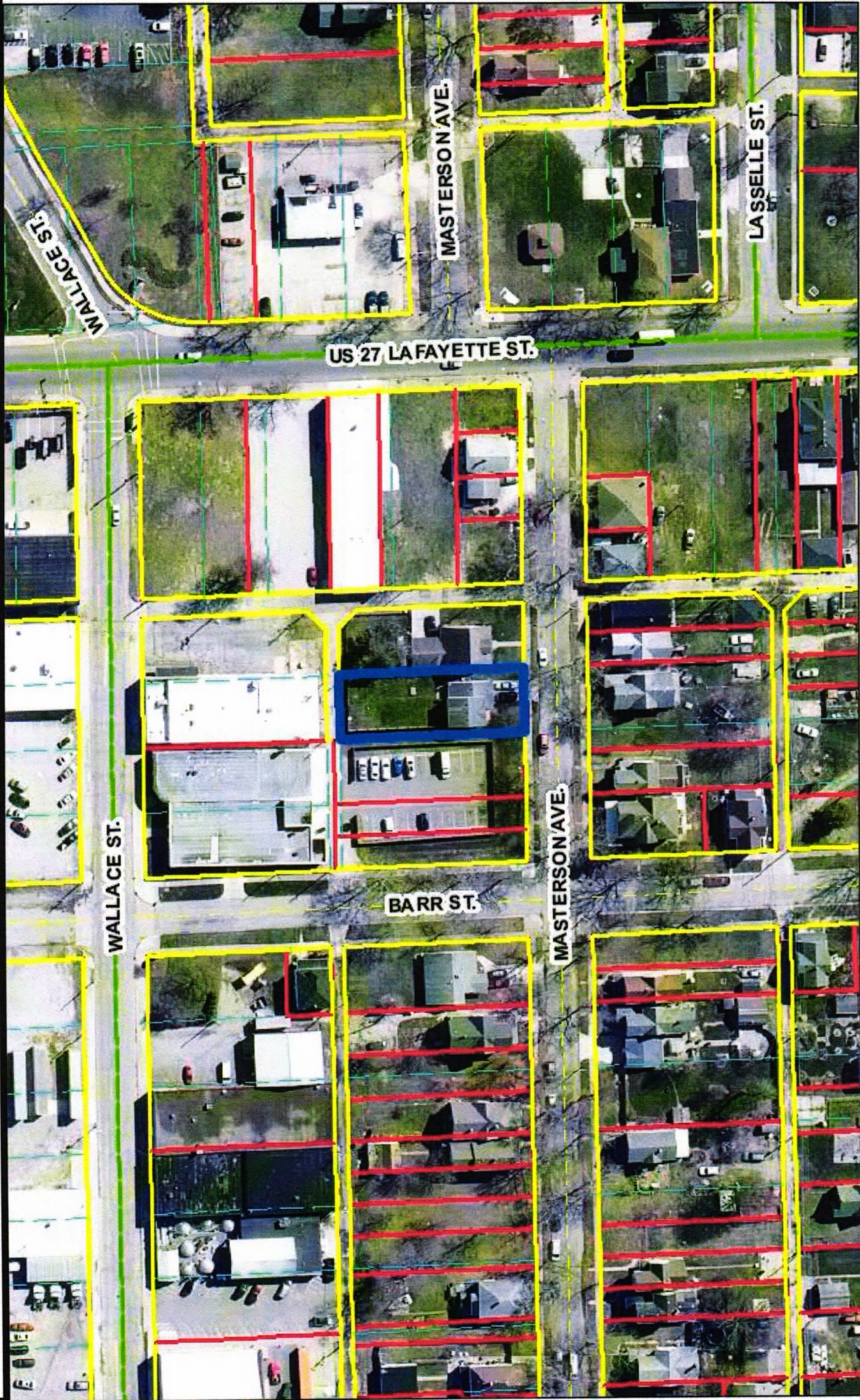
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Effect of Passage: Property will be rezoned to the R1/Single Family Residential zoning district, which permits a single family home.

Effect of Non-Passage: The property will remain zoned I1/Limited Industrial which would not permit a new single family home. Existing home will remain non-conforming.



Rezoning Petition REZ-2023-0027 - 317 E Masterson Ave



Although some accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained hereon and disclaims any and all liability resulting from any error or omission in this map.

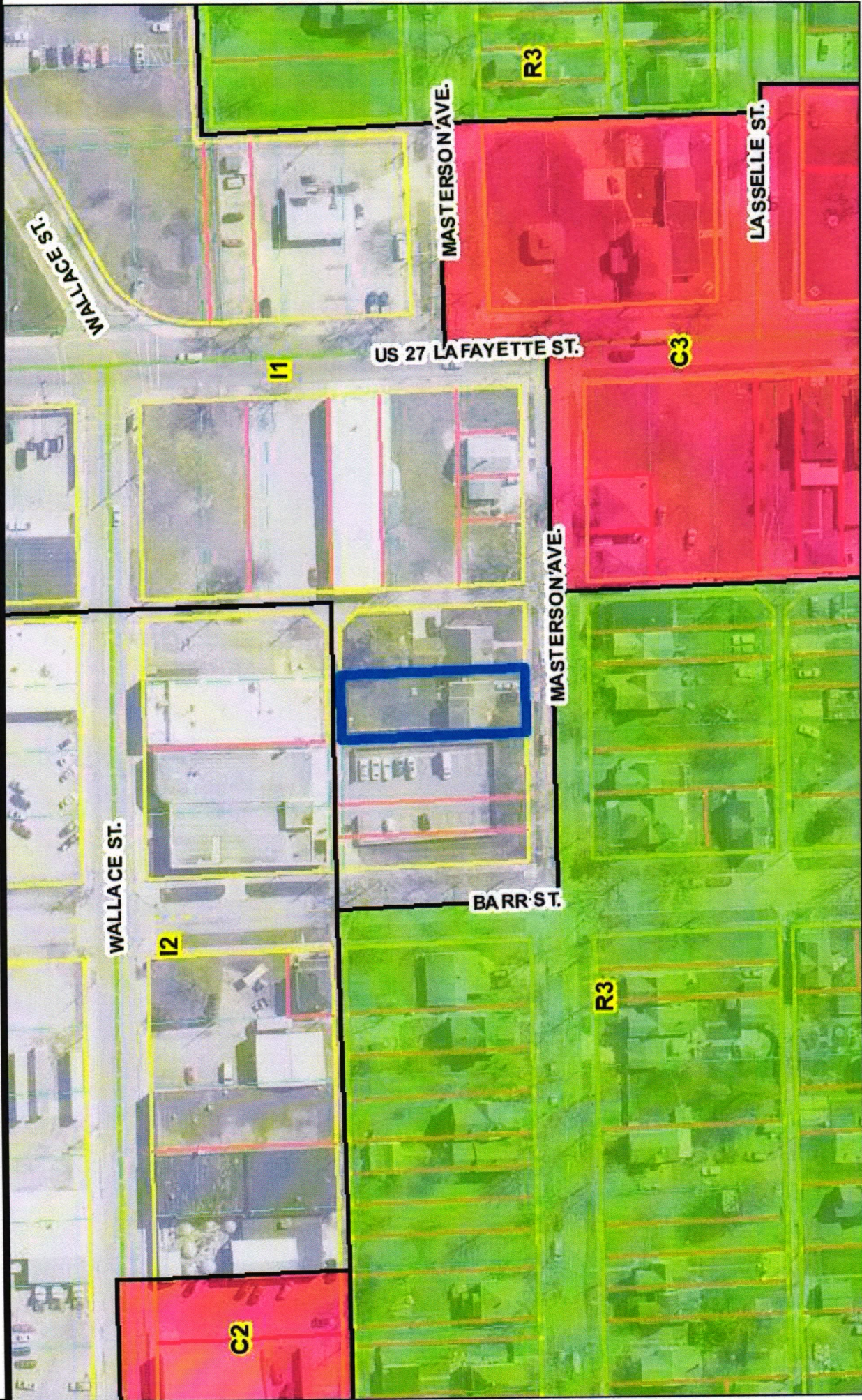
© 2004 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009  
Date: 07/27/2023



1 inch = 100 feet

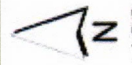


# Rezoning Petition REZ-2023-0027 - 317 E Masterson Ave



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 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 6/22/2023



1 inch = 100 feet

**Department of Planning Services  
Rezoning Petition Application**

Applicant

Applicant Alfreda Fields (Taylor)  
 Address 317 E. Masterson Ave  
 City Ft. Wayne State IN Zip 46803  
 Telephone 260-449-1420 E-mail Fredaa6271@gmail.com

Property Ownership

Property Owner Alfreda Fields  
 Address 317 E. Masterson Ave  
 City Ft. Wayne State IN Zip 46803  
 Telephone 260-449-1420 E-mail Fredaa6271@gmail.com

Contact Person

Contact Person Alfreda Fields  
 Address 317 E. Masterson Ave  
 City Ft. Wayne State IN Zip 46803  
 Telephone 260-449-1420 E-mail Fredaa6271@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 317 E. Masterson Ave Township and Section Wayne <sup>NUS</sup>  
 Present Zoning \_\_\_\_\_ Proposed Zoning R1 Acreage to be rezoned about 0.18 acres  
 Purpose of rezoning (attach additional page if necessary) TO refinance my home for property updates and increase home value.  
 Sewer provider \_\_\_\_\_ Water provider Allen county

Filing Checklist

*Applications will not be accepted unless the following filing requirements are submitted with this application.*

- Filing fee \$1000.00
- Surveys showing area to be rezoned
- Legal Description of parcel to be rezoned
- Rezoning Criteria (see attached checklist)

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 Fort Wayne and Allen County Plan Commissions 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

Alfreda Fields (printed name of applicant)      Alfreda Fields (signature of applicant)      6/11/23 (date)  
Alfreda Fields (printed name of property owner)      Alfreda Fields (signature of property owner)      6/11/23 (date)



Received	Receipt No.	Hearing Date	Petition No.
6-1-23	143325	7-10-23	REZ-2023-0027

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802  
 Phone (260) 449-7607 • Fax (260) 449-7682 • [www.allencounty.us](http://www.allencounty.us) • [www.cityoffortwayne.org](http://www.cityoffortwayne.org)



# Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

The Comprehensive plan is mixed residential single detached family home. I would like to refinance my property, to do so I need to rezone my property from industrial to Residential (R1)

- (2) Current conditions and the character of current structures and uses in the district;

There will be no changes to current use & structure.

- (3) The most desirable use for which the land in the district is adapted;

The desirable use will be the existing use to conform to other properties in the area.

- (4) The conservation of property values throughout the jurisdiction;

No changes to property value or jurisdiction anticipated.

- (5) Responsible development and growth.

I am trying to invest in my property to update & beautify my property in Allen County.

### COMPLETE FILING TO INCLUDE:

- Filing Fee
- Complete application signed by property owner\*
- Legal description (in Word document format)\*
- Boundary/Utility Survey\*
- Rezoning Criteria \*
- Written Commitment (if applicable)\*

\*All documents may be digital



**Legal Description**  
**Rezoning Petition REZ-2023-0027 – 317 E Masterson**

- Lot 163 of Hamilton's 4<sup>th</sup> Addition

## FACT SHEET

Case #REZ-2023-0027	Bill # Z-23-06-31	Project Start: June 2023
APPLICANT:	Alfreda Fields	
REQUEST:	Rezone property from I1/Limited Industrial to R1/Single Family Residential to permit existing residential uses.	
LOCATION:	317 E Masterson, 140 feet east of its intersection with Barr Street (Section 11 of Wayne Township)	
LAND AREA:	0.17 acre	
PRESENT ZONING:	I1/Limited Industrial	
PROPOSED ZONING:	R1/Single Family Residential	
COUNCIL DISTRICT:	6 – Sharon Tucker	
SPONSOR:	Fort Wayne Plan Commission	

### **July 10, 2023 Public Hearing**

- One resident spoke in support.
- Tom Freistroffer, Ryan Neumeister, and Paul Sauerteig were absent.

### **July 17, 2023 Business Meeting**

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

A motion was made by Karen Richards 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**

- Ryan Neumeister and Patrick Zaharako were absent.

Fact Sheet Prepared by:  
Michelle Wood, Senior Land Use Planner  
August 8, 2023

## PROJECT SUMMARY

- The site was platted in 1876.
- The structure was constructed in 1995 as a single-family residence.

The applicant is petitioning to rezone the site from I1/Limited Industrial to R1/Single Family Residential so the applicant can invest in her house. In past iterations of the zoning ordinance, residential uses were permitted in industrial zoning districts, which is most likely how the home was built. Despite the inconsistent zoning, the street maintains a residential character. The owner would like to invest in the home, as it is approaching 30 years of age, but the zoning could provide as an impediment, since industrial setbacks and uses are non-conducive to this development pattern. Appropriate zoning also helps with other elements like financing and insuring the property. The rezoning petition will allow for investing in an established part of Fort Wayne and further neighborhood and city led initiatives for the southeast quadrant of Fort Wayne.

### COMPREHENSIVE PLAN REVIEW

#### Future Growth and Development Map, Goals, and Strategies

The project site is located within the Priority Investment Area.

- The following Goals and Strategies would be applicable:
  - LUD1** - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.
  - LUD 1.3** - Encourage compatible higher density residential and mixed-use development in infill areas that are near public transit routes, employment centers, institutions, and other amenities

#### Overall Land Use Policies

The following Land Use Policies would be applicable and supportive of this request:

- **LUD Policy 1** - Support and promote a diversity of housing types within the applicable land use categories defined in this chapter.

#### Generalized Future Land Use Map

The project site is located within a Production Center area in the Comprehensive Plan.

#### Land Use Related Action Steps

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **HN.1.1.4** - Promote residential development with compact block structure, a mix of uses and housing types, and active transportation access to nearby jobs, recreation, fresh and nutritious food, and schools as well as connections to nearby neighborhoods.

#### Compatibility Matrix

This proposed rezoning district to R1 is discouraged in the Production Center of the comprehensive plan, but the owner of the current property constructed the house in 1995, well after the zoning was put in place. Both the neighborhood and street are stable and maintain residential character.

#### Other applicable plans: Southeast Strategy (2020)

- Provide incentives and tools to encourage residential and neighborhood investment (p 53)
- Support efforts to renovate, repair, and maintain existing housing... (p 53)

Staff received no remonstrance against the proposal.

The applicant submitted the following information related to the rezoning criteria set forth in state code:

1. The Comprehensive Plan: *This would fit within mixed residential and single family detached homes. I would like to refinance my property and to do so I need to rezone my property from industrial to residential.*
2. Current conditions and the character of current structures and uses in the district: *There will be no changes to the current use and structure.*
3. The most desirable use for which the land in the district is adapted: *The desirable use will be the existing use to conform to other properties in the area.*
4. The conservation of property values throughout the jurisdiction: *No changes to property value or jurisdiction anticipated.*
5. Responsible development and growth: *I am trying to invest in my property to update and beautify my property in Allen County.*

**PUBLIC HEARING SUMMARY:**

Presenter: The property owner Alfreda Fields presented the request as outlined above.

Public Comments:

Robert Taylor, 308 East Masterson – Lives across the street and is in favor of the rezoning.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2023-0027

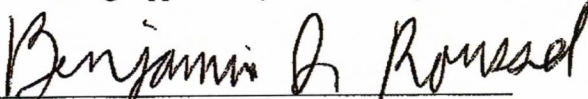
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LAND AREA: 0.17 acre  
PRESENT ZONING: I1/Limited Industrial  
PROPOSED ZONING: R1/Single Family Residential

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The Plan Commission recommends that Rezoning Petition REZ-2023-0027 be returned to Council, with a "Do Pass" recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. The request helps conform an existing home and permit a homeowner to further invest in their property. The investment should further enhance the character and condition of the property.
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. The anticipated investment if the homeowner secures financing should improve the current conditions of the home.
3. Approval is consistent with the preservation of property values in the area. The home will continue to be used as single family home, which the owner has used the property for since building the home in the mid-1990's.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The home targets a priority investment area and encourages infill investment and growth.

These findings approved by the Fort Wayne Plan Commission on July 17, 2023.



Benjamin J. Roussel  
Executive Director  
Secretary to the Commission

**BILL NO. Z-23-06-31**

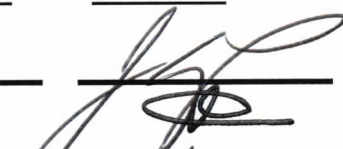
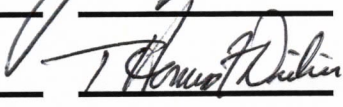


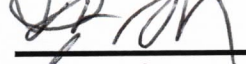


**REPORT OF COMMITTEE ON REGULATIONS  
August 15, 2023**

**Sharon Tucker Chair  
Tom Freistroffer Co-Chair  
All Council Members**

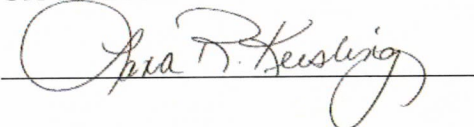
An Ordinance amending the City of Fort Wayne Zoning Map No. M-02 (Sec. 11 of Wayne Township)

*To rezone approximately 0.20 acres from I1/Limited Industrial to R1/Single Family Residential at 317 East Masterson, to bring existing house into compliance with the zoning ordinance.*

**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

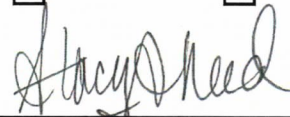
Read the first time in full and on motion by Councilperson Tucker.

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

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

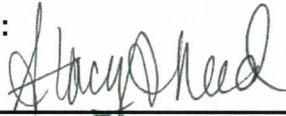
DATED: August 22, 2023



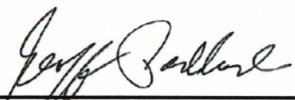
STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. Z-23-06-31 on the 22nd day of August, 2023

ATTEST:

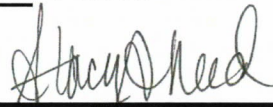


STACY REED  
DEPUTY CITY CLERK



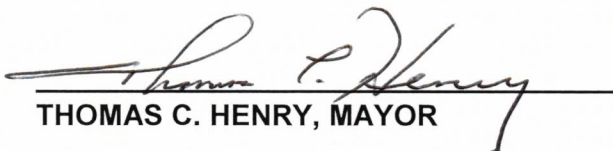
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of August 2023, at the hour of 9:35 o'clock A.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 25<sup>th</sup> day of August 2023, at the hour of 11:30 o'clock AM . E.S.T.

  
THOMAS C. HENRY, MAYOR