

RECEIVED

FEB 03 2012

yan

TOWN OF WESTFIELD, INDIANA

Petition Number:
Date of Filing:

1203-vu-02

**Application for VARIANCE OF USE
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name LA Landscapes, Inc., Lee Ackerman, Owner
 Address P.O Box 30186
Indianapolis, IN 46230
 Telephone Number 317 776 1974

2. Landowner's Name Robert E. Hart
 Address 8020 Meridian Street N
Indianapolis, IN 46260
 Telephone Number _____

3. *Representative Jeffrey M. Bellamy of Thrasher Buschmann & Voelkel
 *Address 151 N. Delaware Street, No. 1900
Indianapolis, IN 46204
 *Telephone Number 317 686 4773
 *Email Address bellamy@indiana-attorneys.com

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
800 E. Main Street, Westfield, Indiana
Parcel 09-06-31-00-00-017.000
Accessory building located at the north east corner of site.

5. Legal description of property (list below or attach)
see attached

6. Complete description of the nature of the variance of use applied for:
To permit a landscaping contractor business with office
space, indoor equipment storage, and signage. All operations
will be located in the existing structure. No new structures
are proposed.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of use shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

The proposed use will be located in an enclosed building with additional fencing around the parking area. Primary activity will be in the mornings and evenings with little use of the site on weekends and during the day time hours. The site is improved with an existing steel sheathed structure which is best suited for the proposed or similar use.

- b. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:

Petitioner will install screening at the subject to limit any potential adverse affects. The subject site is commercial zoned presently. With the proposed screening and operational commitments, the proposed use will have less impact than other businesses operating at the subject site by right.

- c. That the need for the variance of use arises from some condition particular to the property involved:

The site is a small portion of a much larger parcel which is developed with multiple commercial - light industrial style structures. The overall parcel is very large. Without variance relief, the subject site would need to be completely redeveloped to reconcile the types of buildings on site, the best uses for those buildings, and the existing zoning class.

TOWN OF WESTFIELD, INDIANA

- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

Denial of the variance would suggest that the buildings as constructed are not suitable for the site and require redevelopment. Rezoning could also be required which may not be an appropriate long term solution for the site. The structures at the site were lawfully constructed. To deny uses at the site compatible with the structures would unnecessarily limit the economic productivity of the site.

- e. That such variance does not interfere substantially with the comprehensive plan:

The proposed variance is consistent with the Plans commercial recommendation for the site. It is likewise consistent with its employment corridor recommendation by providing employment opportunities as well providing services to other businesses and residences in the area.

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

W. M. Kelly for LA LANDSCAPES, INC.
Applicant

SUBSCRIBED AND SWORN TO ME THIS 3rd DAY OF February, 2012.

Lauren L. Short
Notary Public Lauren L. Short

My commission expires: April 4, 2019

EXHIBIT A - LEGAL DESCRIPTION

Part of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Four (4) East, and more specifically described as follows:

Commencing at the Southeast corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Four (4) East; thence West on and along the South Section line of said Section, Seven Hundred Seventy-three point three (773.3) feet to the point of beginning; thence West on and along said South Section line, Three Hundred Fifteen point Seven (315.7) feet; thence North Zero degrees and (0) Seven minutes (7') East, Five Hundred Sixty-six point Zero (566.0) feet to a point marked by an iron pin; thence South Eighty-eight degrees (88) and Four minutes (4') East; Three Hundred Twelve point Seven (312.7) feet to a point marked by an iron pin; thence South Zero degrees (0) and Thirteen minutes (13') East, Five Hundred Fifty-six point Zero (556.0) feet to the point of beginning.

EXCEPT:

A part of the Southwest Quarter of the Southeast Quarter of Section 31, Township 19 North, Range 4 East, recorded in Deed Book 350, page 369, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the South Line of said Quarter-Quarter Section, South 89 degrees 20 minutes 12 seconds West, 867.16 feet (record), and 867.11 feet obtained from adjoining deeds records in Book 156, page 334, Book 295, page 432, Book 319, page 306 and Book 249, page 244, from the Southeast corner thereof (no monument found), the Point of Beginning, said point being also 2982.19 feet (measured) North 89 degrees 20 minutes 12 seconds East from the Southwest corner of Section 31, Township 19 North, Range 4 East. Thence, continuing South 89 degrees 20 minutes 12 seconds West 191.97 feet; thence, North 00 degrees 12 minutes 30 seconds West 258.18 feet; thence North 89 degrees 44 minutes 37 seconds East 183.51 feet; thence, South 02 degrees 05 minutes 40 seconds East to the Point of Beginning.

EXCEPT:

A part of the Southwest Quarter of the Southeast Quarter of Section 31, Township 19 North, Range 4 East, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Commencing from a point on the South line of said Quarter-Quarter Section, South 89 degrees 20 minutes 12 seconds East, 867.16 feet (record), and 867.11 feet obtained from adjoining deeds recorded, in Book 156, page 334, Book 295, page 432, Book 319, page 306 and Book 249, page 244, from the Southeast corner thereof (no monument found), said point being also 2982.19 feet (measured) North 89 degrees 20 minutes 12 seconds East from the Southwest corner of Section 31, Township 19 North, Range 4 East; also being the Southeast corner of Parcel No. 017.001; thence North 02 degrees 05 minutes 40 seconds West a distance of 256.95 feet to the Point of Beginning; thence Continuing North 02 degrees 05 minutes 40 seconds West; 10.74 feet; thence North 89 degrees 14 minutes 20 seconds West, 183.18 feet; thence South 00 degrees 12 minutes 30 seconds East, 13.99 feet; thence North 89 degrees 44 minutes 37 seconds East 183.51 feet, returning to the Point of Beginning.

**BOARD OF ZONING APPEALS
CITY OF WESTFIELD, INDIANA**

NOTICE OF CONSENT

The undersigned, ROBERT E. HART, being the owner of the property commonly known as 800 E. Main Street, Westfield, Indiana, hereby authorizes Lee Ackerman and his attorney, Jeffrey M. Bellamy of the law firm of Thrasher Buschmann & Voelkel, P.C. to file land development petitions necessary for the aforementioned address.

This consent shall remain in effect until these land development petitions are resolved.

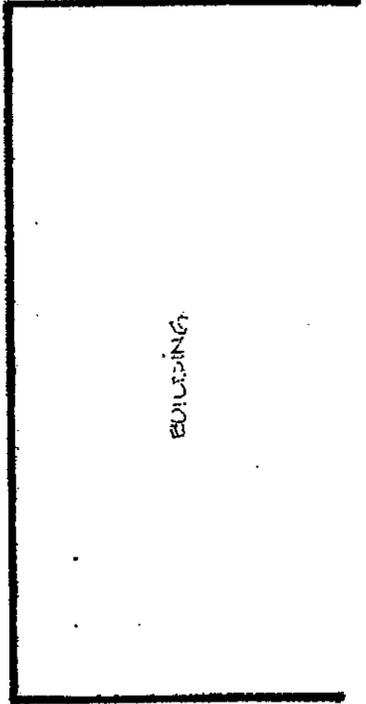
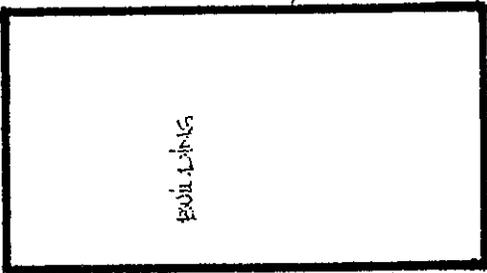
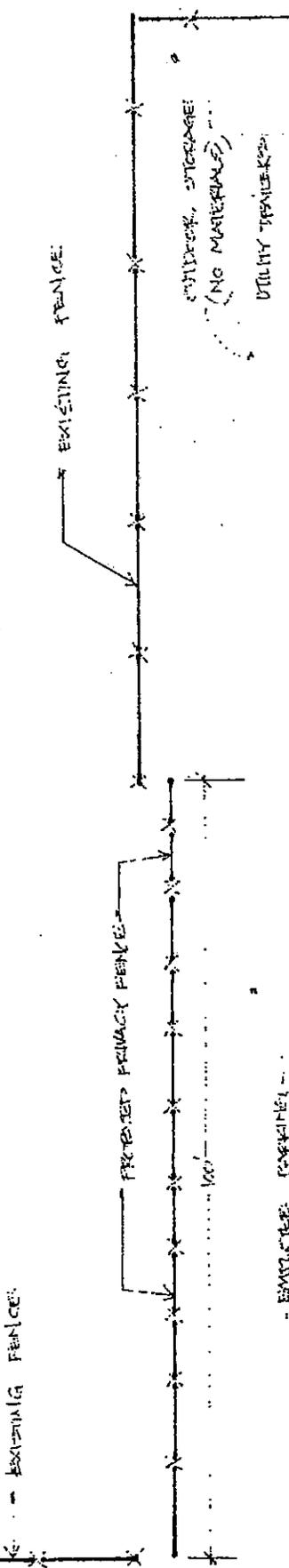
Robert E Hart
Signature(s) of Owner (s)

1/31/12
Date

Signature(s) of Owner(s)

1 1
Date

LIA LANDSCAPE
SCALE: 1"=16,0'
NORTH



800 E. MAIN ST. WESTFIELD IN

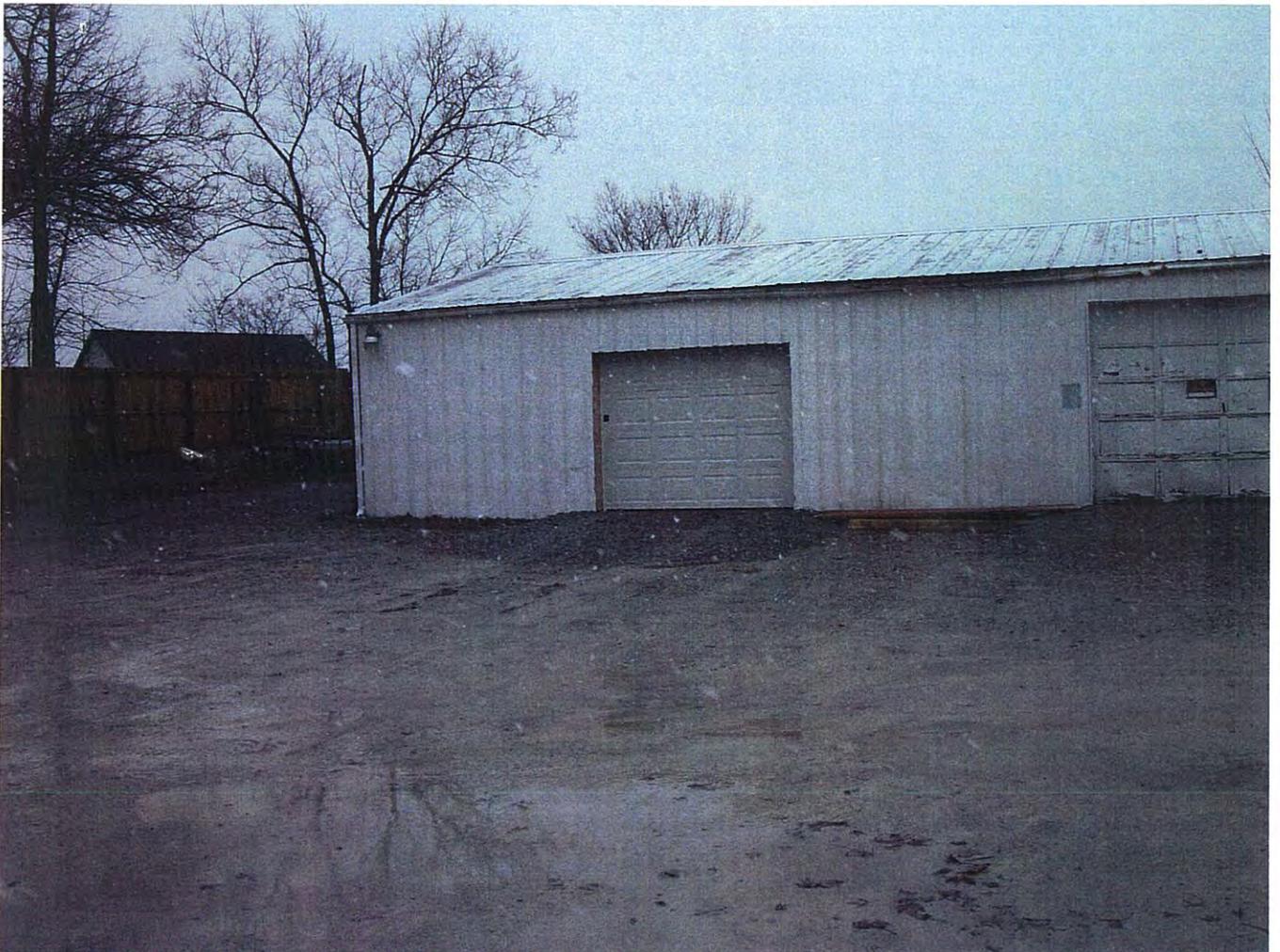


Google earth

feet 400
meters 100

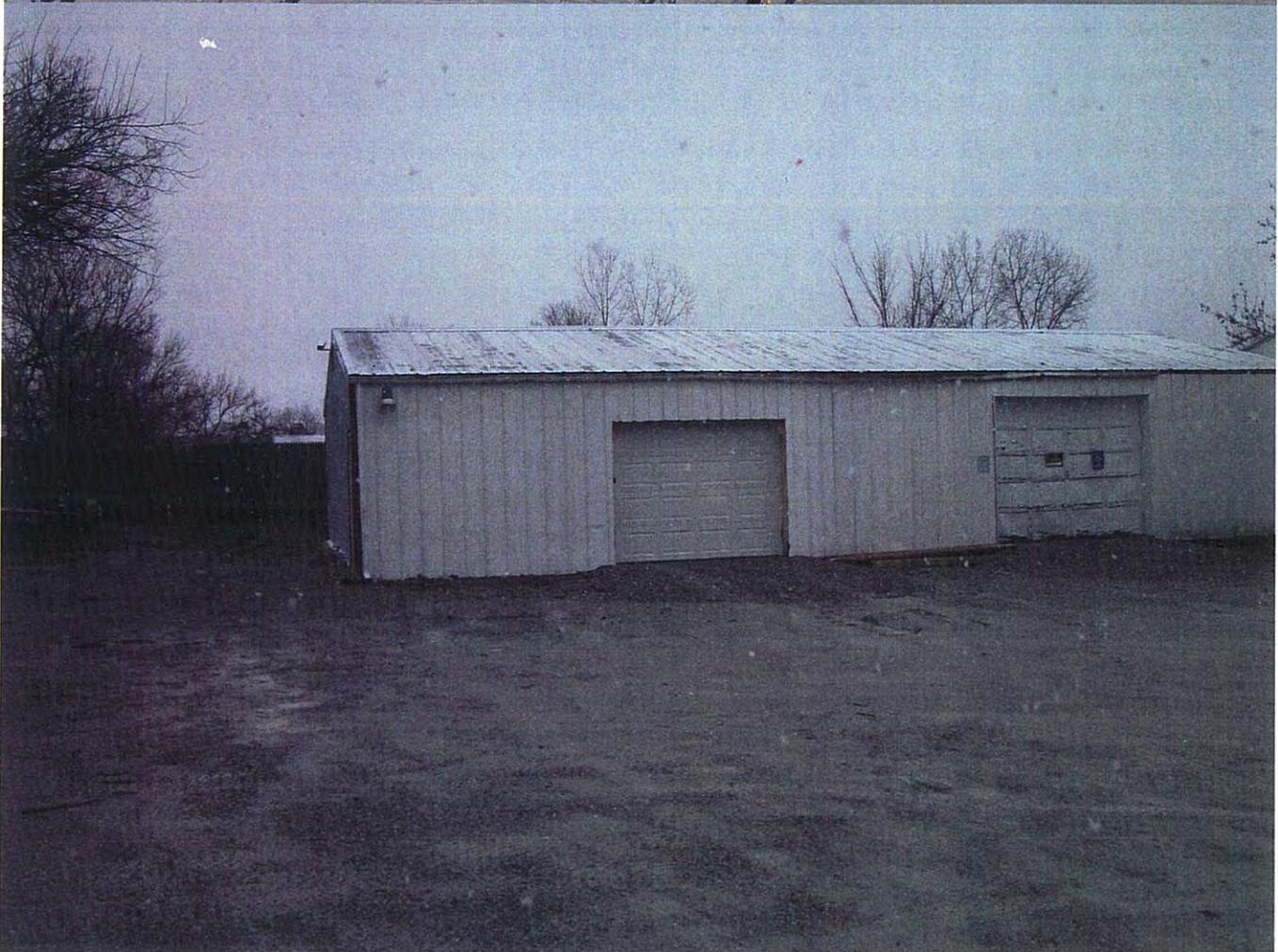


SUBJECT PARCEL
LEASED AREA





 **LA LANDSCAPES, INC.**
Architecture • Hardscapes • Grounds Management
Lighting **317-776-1974** Irrigation



STATEMENT OF COMMITMENTS and PLAN OF OPERATION

LA LANDSCAPES – 800 E. Main Street, Westfield, Indiana

Introduction:

LA Landscapes, owned by Lee Ackerman, is a full service residential and commercial landscaping maintenance, design and construction firm located in Hamilton County, Indiana. Since 2006, LA Landscapes has served homes and businesses in Hamilton and its surrounding counties. LA Landscapes' services include mowing, lawn treatments, designing landscaping and hardscaping, installing designed products and maintenance of projects.

Operations:

Employees arrive at work in the morning. Employees are given their assignments for the day by the shop manager and crews are routed to jobs. On occasion, crews will report directly to the job site rather than the office. Crews usually don't return until the late afternoon. Very little activity is conducted at the shop during the day. No materials are stored at the office. All materials for the day's work are picked up at the supplier's facility or delivered by the supplier to the customer's site. With the work being primarily seasonal in nature, operations decrease significantly in the winter months.

Hours:

Hours of operation will be Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday from 8:00a.m. to 4:00 p.m. There will be no operations on Sunday.

Specific Commitments:

1. No storage or delivery of bulk landscaping materials on-site; indoors or outdoors.
2. No outdoor storage of equipment. All equipment will be located indoors.
3. No repair or maintenance of equipment outdoors. All maintenance will be done indoors.
4. No Semi-trucks on site.
5. No bulk fuel / petroleum storage at the on-site; indoors or outdoors.
6. All lighting for LA Landscaping will be directed toward the interior of the site.
7. LA Landscaping will extend the wooden stockade fence, 6' in height, along the northern boundary of the subject site no later than May 1, 2012 at a distance indicated on its site plan.
8. No speakers will be installed on the exterior of the building.