

Petition Number: 210-VS-06
Date of Filing: _____

**Application for VARIANCE OF DEVELOPMENT STANDARD
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 Indy Unlimited Motors
Address 210 Elm Street, Westfield, In. 46062

Telephone Number 317-377-1111
E-Mail Address aelhaj@yahoo.com
- 2. Landowner's Name Westfield Properties & Trust, LLC
Address 20636 Anthony Road
Westfield, In. 46062
Telephone Number 317-377-1111
- 3. *Representative Michael R. Sells, Kruse Consulting, Inc.
*Address 7384 Business Center Drive
Avon, In 46123
*Telephone Number 317-272-5508
*Email Address msells@kruseconsulting.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.)
17317 Westfield Park Drive
Westfield, In 46074

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

- 6. Complete description of the nature of the development standard variance applied for:
A variance of the North Yard Setback from 45 feet to 36 feet to
accommodate the existing structure.

TOWN OF WESTFIELD, INDIANA

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 development standard shall be granted unless the BZA finds all of the following to be true:

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

The subject variance request is a result of the proximity of the existing building to the north property line and a perpetuation of an existing condition. The existing condition is compatible with other uses throughout the development and the petitioner is unaware of any reason such condition would be injurious to the public health, safety, morals, and general welfare of the community.

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

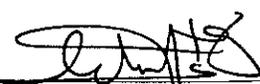
By granting the subject variance the adjoining properties shall not be affected in an adverse manner as a result of the subject property becoming no longer vacant, being maintained as a result of occupancy, and eventually upgraded to the standards and specifications of the US Highway 31 Overlay Zone.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Strict application of the terms of Ordinance would require modification (reduce width of building by 7-9 feet) of the existing building, if architecturally feasible, or cause the demolition and construction of an entirely new facility.

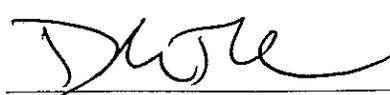
TOWN OF WESTFIELD, INDIANA

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



Applicant Adel M. Elhaj
Elhaj Group, LLC
dba Indy Unlimited Motors

SUBSCRIBED AND SWORN TO ME THIS 10th DAY OF SEPTEMBER, 20 12.



Notary Public Dale T. Kruse



My commission expires: 04-07-2016

CONSENT OF PROPERTY OWNER AND AUTHORIZATION OF AGENCY

Westfield Properties & Trust, LLC, as owners of property located at 17317 Westfield Park Drive, Westfield, Indiana, 46074, hereby consents and grants authority to Elhaj Group, LLC, dba as "Indy Unlimited Motors", to petition the City of Westfield Board of Zoning Appeals with regard to variances pertaining to the "US Highway 31 Overlay Zone" in which the referenced property is subject to the standards and specifications contained therein.

Furthermore, please accept this document as affirmation that with regard to the various required petitions, applications, and representation with respect to the request for approvals, as described above, the undersigned does hereby authorize Kruse Consulting, Inc. to serve as authorized agent relative thereto.



Adel M. Elhaj, Registered Agent
Westfield Properties & Trust, LLC

Before me, a Notary Public in and for said County and State, personally appeared the above who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of September, 2012.

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

My Commission Expires: 04-07-2016

Signature: 

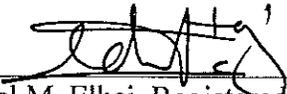
County of Residence: Hendricks

Dale T. Kruse
Printed Name



AUTHORIZATION OF AGENCY

With respect to property located at 17317 Westfield Park Drive, Westfield, Indiana, 46074, Elhaj Group, LLC, dba as "Indy Unlimited Motors", and as petitioner regarding variances pertaining to the "US Highway 31 Overlay Zone", in which the referenced property is subject to the standards and specifications contained therein, hereby designates Kruse Consulting, Inc. to serve as authorized agent relative to petitions, applications, and representation.



Adel M. Elhaj, Registered Agent
Elhaj Group, LLC, dba as "Indy Unlimited Motors",

Before me, a Notary Public in and for said County and State, personally appeared the above who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of September, 2012.

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

My Commission Expires: 04-07-2016

Signature: _____



County of Residence: Hendricks

Dale T. Kruse
Printed Name



LAND DESCRIPTION

Prepared for: INDY UNLIMITED MOTORS

Address: 17317 WESTFIELD PARK DRIVE

WESTFIELD, IN 46062

Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

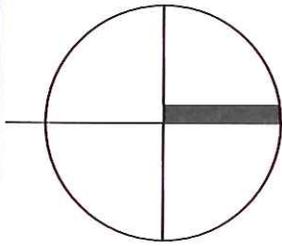
Commencing at the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) on and along the East line of said Northwest Quarter Section 1,244.73 feet; thence North 90 degrees 00 minutes 00 seconds West 177.27 feet to the POINT OF BEGINNING of the tract described herein; thence South 00 degrees 00 minutes 00 seconds East parallel with the East line of said Northwest Quarter Section 245.72 feet; thence North 90 degrees 00 minutes 00 seconds West 354.55 feet; thence North 00 degrees 00 minutes 00 seconds West parallel with the East line of said Northwest Quarter Section 245.72 feet; thence South 90 degrees 00 minutes 00 seconds East 354.55 feet to the point of beginning, containing 2.00 acres, more-or-less, and subject to all rights-of-way, easements, and restrictions of record.

TOGETHER WITH:

Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) on and along the East line of said Northwest Quarter Section 1,244.73 feet to the POINT OF BEGINNING of the tract described herein; thence continuing South 00 degrees 00 minutes 00 seconds East on and along the East line of said Northwest Quarter Section 245.72 feet; thence North 90 degrees 00 minutes 00 seconds West 177.27 feet; thence North 00 degrees 00 minutes 00 seconds West parallel with the East line of said Northwest Quarter Section 245.72 feet; thence South 90 degrees 00 minutes 00 seconds East 177.27 feet to the point of beginning, containing 1.00 acre, more-or-less, and subject to all rights-of-way, easements, and restrictions of record.

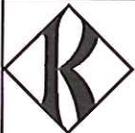
VARIANCE TO COMPLY WITH
NORTH YARD SETBACK



NORTH

SCALE: 1" = 50'



DATE: 09-05-12	DRAWN: P.L.A.	CHECKED: P.L.A.	DATE:	REVISION	BY
 <p>KRUSE CONSULTING Civil Engineers & Land Surveyors 7384 Business Center Drive Avon, Indiana 46123-9531 (317) 272-5508 • Fax: (317) 272-2410</p>	<p>VARIANCE EXHIBIT 17317 WESTFIELD PARK DRIVE WESTFIELD, IN 46074</p>			JOB NUMBER	1276
				SHEET	1 OF 1

Petition Number: 1210-15-06
Date of Filing: _____

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Westfield – Washington Township
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4. Common description of property (address, location, etc.)
17317 Westfield Park Drive
Westfield, In 46074
5. Legal description of property (list below or attach)
see attached.
6. Complete description of the nature of the development standard variance applied for:
A variance from perimeter parking lot provisions on and along the
west, north, and south parking lot boundaries.

TOWN OF WESTFIELD, INDIANA

7. ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE. Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - 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 development standard shall be granted unless the BZA finds all of the following to be true:

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

The subject variance request is the result of the proximity of the existing parking and paved area improvements to said property lines and is a perpetuation of an existing condition. The existing conditions are compatible with other uses throughout the development and the petitioner is unaware of any reason such conditions would be injurious to the public health, safety, morals, and general welfare of the community.

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

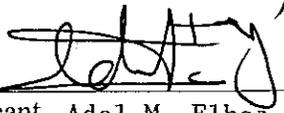
By granting the subject variance the adjoining properties shall not be affected in and adverse manner as a result of the property becoming no longer vacant, being maintained as a result of occupancy, and eventually upgraded to the standards and specifications of the US Highway 31 Overlay Zone.

- That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Strict application of the terms of the Ordinance would require major modifications, reduce and limit customer parking to a single row of parking along the west face of the building, and possibly reduce inventory storage area resulting from the removal of existing paved areas.

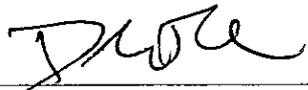
TOWN OF WESTFIELD, INDIANA

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



Applicant Adel M. Elhaj
Elhaj Group, LLC
dba Indy Unlimited Motors

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Notary Public Dale T. Kruse

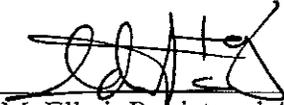


My commission expires: 04-07-2016

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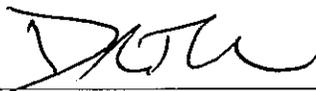
Adel M. Elhaj, Registered Agent
Westfield Properties & Trust, LLC

Before me, a Notary Public in and for said County and State, personally appeared the above who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 10th day of September, 2012.

STATE OF INDIANA)
) SS:
HENDRICKS COUNTY)

My Commission Expires: 04-07-2016

Signature: 

County of Residence: Hendricks

Dale T. Kruse
Printed Name



LAND DESCRIPTION
Prepared for: INDY UNLIMITED MOTORS
Address: 17317 WESTFIELD PARK DRIVE
WESTFIELD, IN 46062

Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) on and along the East line of said Northwest Quarter Section 1,244.73 feet; thence North 90 degrees 00 minutes 00 seconds West 177.27 feet to the POINT OF BEGINNING of the tract described herein; thence South 00 degrees 00 minutes 00 seconds East parallel with the East line of said Northwest Quarter Section 245.72 feet; thence North 90 degrees 00 minutes 00 seconds West 354.55 feet; thence North 00 degrees 00 minutes 00 seconds West parallel with the East line of said Northwest Quarter Section 245.72 feet; thence South 90 degrees 00 minutes 00 seconds East 354.55 feet to the point of beginning, containing 2.00 acres, more-or-less, and subject to all rights-of-way, easements, and restrictions of record.

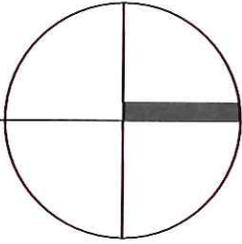
TOGETHER WITH:

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VARIANCE TO COMPLY WITH
PERIMETER PARKING LOT SETBACK

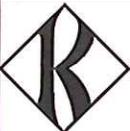
WESTFIELD PARK DRIVE



NORTH

SCALE: 1" = 60'



DATE: 09-05-12	DRAWN: P.L.A.	CHECKED: P.L.A.	DATE:	REVISION	BY
 <p>KRUSE CONSULTING Civil Engineers & Land Surveyors 7384 Business Center Drive Avon, Indiana 46123-9531 (317) 272-5508 • Fax: (317) 272-2410</p>	<p>VARIANCE EXHIBIT 17317 WESTFIELD PARK DRIVE WESTFIELD, IN 46074</p>			JOB NUMBER	1276
				SHEET	1 OF 1