

Petition Number: 1210-VU-05
Date of Filing: 8/30/2012

**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 BRAD BARNES
Address 11308 LAKE SHORE DR. E.
CARMEL IN 46033
Telephone Number 317-846-5025
- 2. Landowner's Name WESTFIELD CROSSING CO.
Address _____
Telephone Number _____
- 3. *Representative JEFF KUSZ ENTERPRISE HOLDINGS
*Address 711 W. WASHINGTON ST.
INDIANA POLLS IN 46241
*Telephone Number 317-757-7123
*Email Address JEFFREY.D.KUSZ@EHI.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.)
3144 EAST STATE ROAD 32
WESTFIELD CROSSING SHOPPING CENTER
- 5. Legal description of property (list below or attach)
ATTACHED (See Exhibit C) SUR
- 6. Complete description of the nature of the variance of use applied for:
ENTERPRISE CAR RENTAL WOULD LIKE
TO OPERATE AN OFFICE AND SMALL
CAR RENTAL BUSINESS.

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:

THIS USE IS A RETAIL TYPE USE. A MAXIMUM (see Exhibit B) ^{SEE} OF EIGHT CARS WILL BE PARKED IN THE FRONT LOT. IT IS A CONVENIENCE FOR THE COMMUNITY TO HAVE RENTAL CARS AVAILABLE IN A LOCAL LOCATION FOR SHORT TERM 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:

THIS USE ONLY REQUIRES THE USE OF PARKING SPACES THAT WILL NOT OUTWARDLY APPEAR ANY DIFFERENT THAN ANY OF THE OTHER USES OF THE SHOPPING CENTER.

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

LOCATION IS LIMITED TO LOCAL BUSINESS YET IN TOWN WE HAVE AUTO SALES AND AUTO REPAIR. ORDINANCE PROBABLY NEEDS UPDATING TO MODERN USES IE - TELEGRAPH OFFICE.

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:

IT ELIMINATES A VIABLE AND COMPLIMENTARY USE TO THE SHOPPING CENTER WHILE POSING NO HARMFUL OR NOXIOUS ENVIRONMENT TO THE COMMUNITY.

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

THE COMPREHENSIVE PLAN IS FOR LOCAL BUSINESS OF WHICH THIS SMALL COMMUNITY SERVICE ORIENTED USE IS NOT SIGNIFICANTLY DIFFERENT FROM THE OTHER ALLOWED USES IN THE CENTER.

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

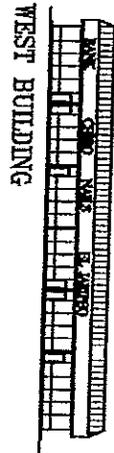
Brenda Bus
Applicant

SUBSCRIBED AND SWORN TO ME THIS 29th DAY OF August, 2012

MELISA JEAN RUMP
Notary Public, State of Indiana
My Commission Expires Oct. 17, 2019

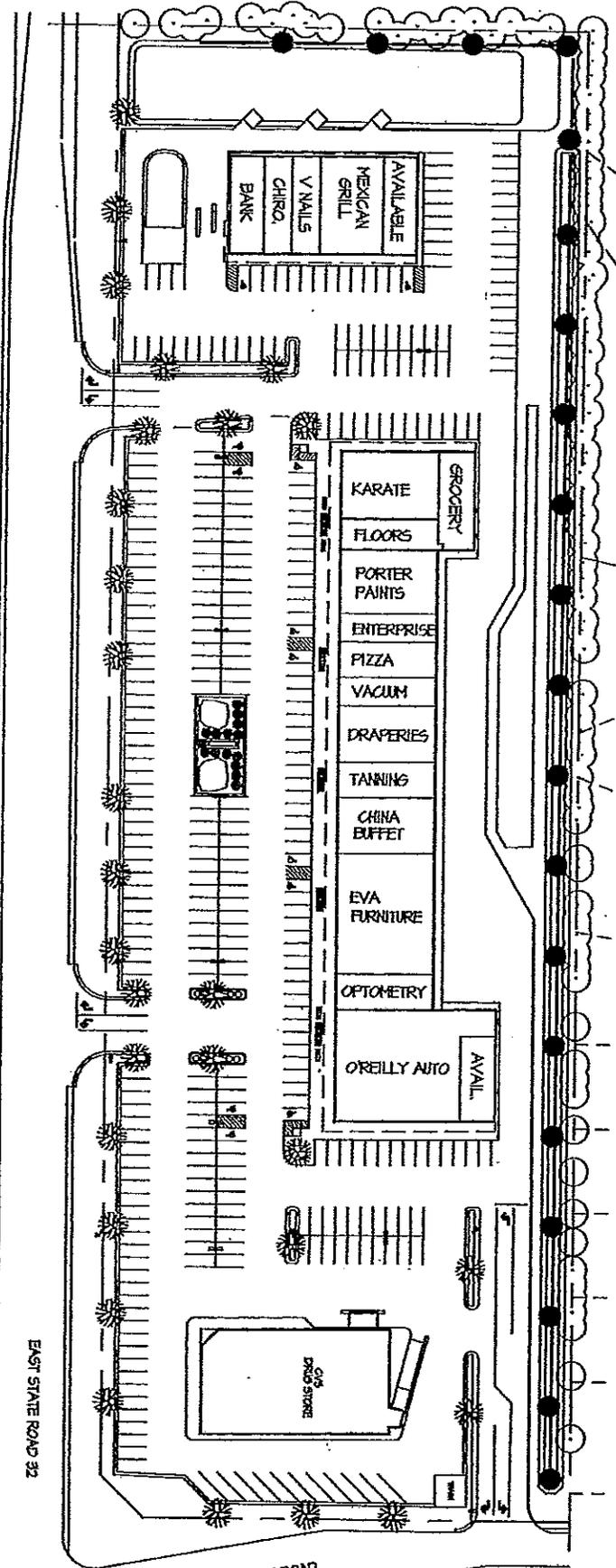
[Signature]
Notary Public

My commission expires: Oct. 17, 2019



WEST BUILDING

WESTFIELD CROSSING
 SHOPPING CENTER
 3000-3300 EAST STATE ROAD 32
 WESTFIELD, IN 46074



MAIN BUILDING

CAREY ROAD

GRASSY BRANCH ROAD

EAST STATE ROAD 32

EXHIBIT "B"

SPACES NUMBERED 1 TO 8 FOR PARKING OF CARS TO BE RENTED.

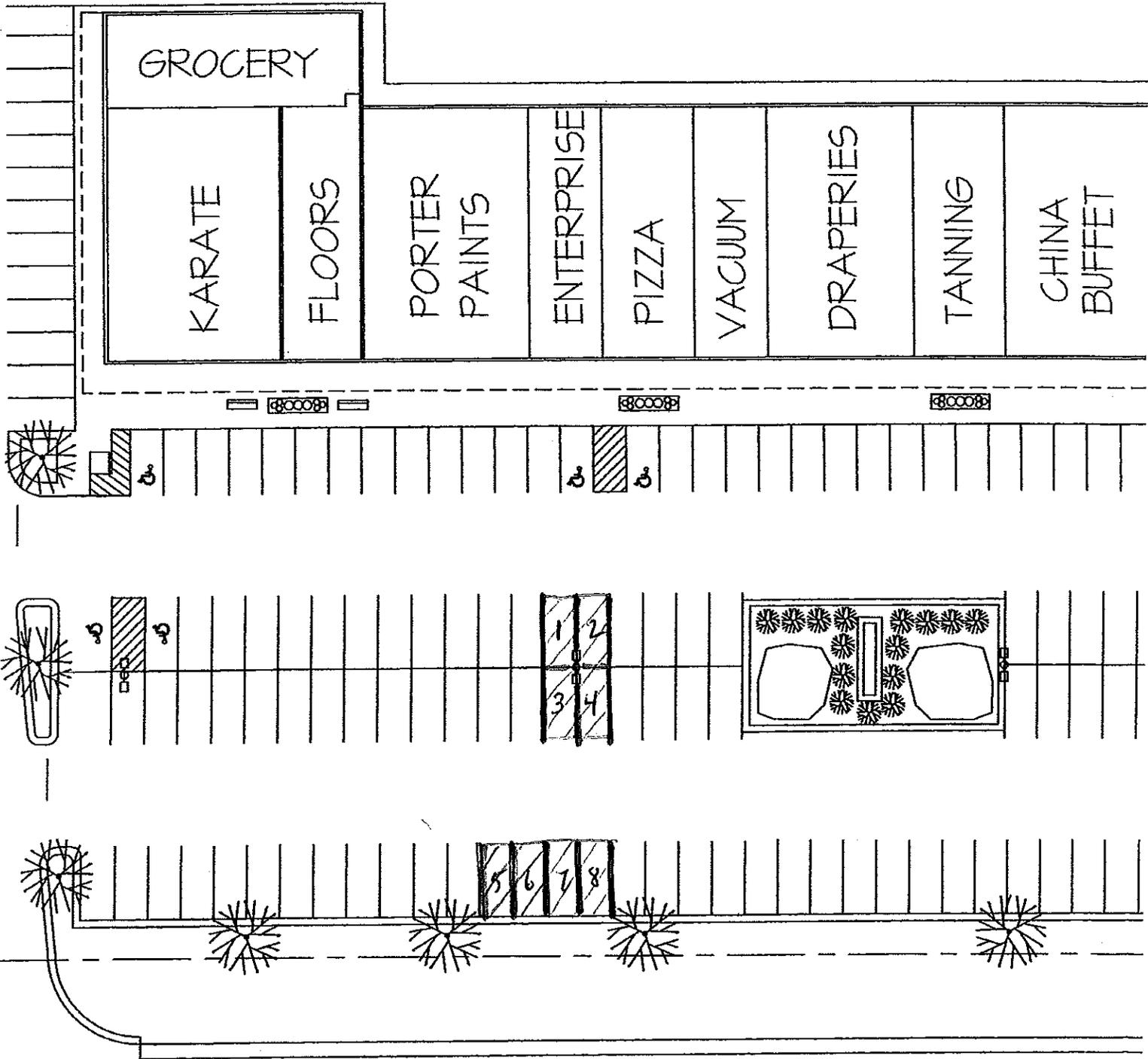


EXHIBIT C

LEGAL DESCRIPTION

The following described real estate located in Hamilton County, Indiana:

A part of the Southeast Quarter of Section 31, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 31, Township 19 North, Range 4 East, thence South 89 degrees 20 minutes 12 seconds West (assumed bearing) 269.71 feet on and along the South line of said Southeast Quarter to the point of beginning of this description; thence South 89 degrees 20 minutes 12 seconds West 809.39 feet on and along the South line of said Southeast Quarter, thence North 00 degrees 01 minutes 35 seconds West 383.80 feet parallel with the East line of said Southeast Quarter, thence North 89 degrees 20 minutes 12 seconds East 809.39 feet parallel with the South line of said Southeast Quarter; thence South 00 degrees 01 minutes 35 seconds East 383.80 feet parallel with the East line of said Southeast Quarter to the point of beginning, and containing 7.131 acres, more or less.

Except that part of the aforesaid conveyed State of Indiana in Warranty Deed (with partial limitation of access) to State of Indiana, dated January 19, 2007 and recorded July 13, 2007 as Instrument Number 2007-39412 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

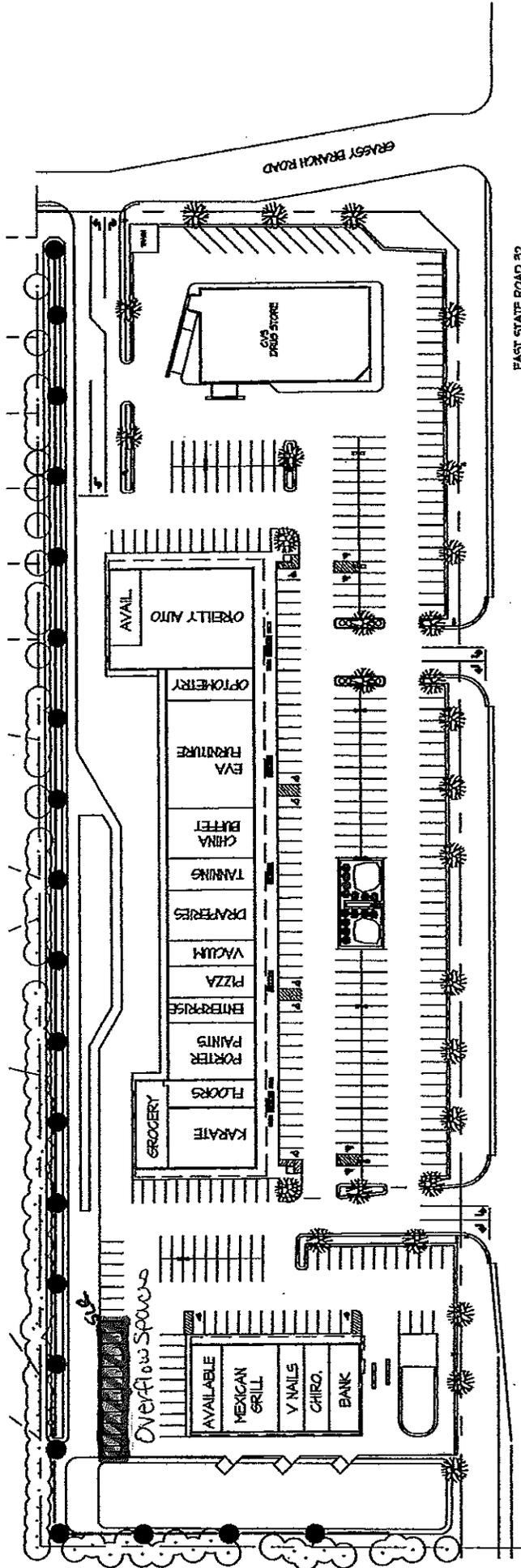
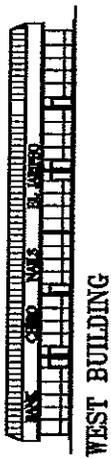
A part of the Southeast Quarter of Section 31, Township 19 North, Range 4 East, Hamilton County, Indiana, being all that part of the grantor's land identified as Parcel No. 13 that lies within the right of way lines depicted upon the Right of Way Parcel Plat for Parcel 13 of INDOT Project STP- 088-6(005) and attached as Exhibit "B", described as follows: Commencing at the southeast corner of said section, designated as point "22" on said Exhibit "B"; thence South 89 degrees 43 minutes 46 seconds West 250.01 feet along the south line of said section to the prolonged east line of the grantors' land; thence North 0 degrees 23 minutes 35 seconds East 46.94 feet along said east line prolonged to the north boundary of S.R. 32; thence along the boundary of said S.R 32 Westerly 19.70 feet along an arc to the right having a radius of 57,245.78 feet and subtended by a long chord having a bearing of South 89 degrees 42 minutes 24 seconds West and a length of 19.70 feet to the east line of a 7.131-acre tract of land

10-3894; Revision #1 December 6, 2010

Exhibit "D" 11/15/82

WESTFIELD CROSSING
SHOPPING CENTER
3000-3300 EAST STATE ROAD 32
WESTFIELD, IN 46074

OVERFLOW SPACES (12)



CAREY ROAD

