WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 1506-VU-06 FILING DATE: _____

FILING FEE: $_____ FEE PLUS $ _____ PER ADDITIONAL VARIANCE (@ ___) = $_____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 4/30/15

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Jeff Kelich TELEPHONE: 317-710-3989

ADDRESS: 05710 Devaney Rd Arcadia, IN 46030 EMAIL: jeffk@carmelturf.com

PROPERTY OWNER'S NAME: Pettijohn & Banks, Inc. TELEPHONE: _____

ADDRESS: 14939 Ditch Road Westfield, IN 46074 EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14939 Ditch Road, Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-09-15-00-00-013.000

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

VARIANCE REQUEST

☒ VARIANCE OF LAND USE CODE CITATION: _____

☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): To operate a full Lawn & Landscape business on property.

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Applicant/Representive (signature) — Jeff McLich (Applicant/Representative (printed))

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 15 *day of* May, *20* 15.

State of Indiana, County of Hamilton, SS:

OFFICIAL SEAL
BRENDA C. KROESCHEN
NOTARY PUBLIC – INDIANA
HAMILTON COUNTY
My Comm. Expires Oct. 31, 2015

Notary Public Signature

Brenda C Kroeschen
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Property Owner (signature)* — STANLEY E. BANKS JR. (Property Owner (printed))

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 15 *day of* May, *20* 15

State of Indiana, County of Hamilton, SS:

OFFICIAL SEAL
BRENDA C. KROESCHEN
NOTARY PUBLIC – INDIANA
HAMILTON COUNTY
My Comm. Expires Oct. 31, 2015

Notary Public Signature

Brenda C Kroeschen
Notary Public (printed)

**A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: _____ PUBLIC HEARING DATE: 6-9-15

APPLICANT'S NAME: Jeff Kellish

REPRESENTATIVE'S NAME: _____ COMPANY: _____

PROJECT TO BE KNOWN AS: _____

APPLICATION TYPE: ☐ CHANGE OF ZONING ☐ TEXT AMENDMENT ☐ COMMITMENTS ☐ PRIMARY PLAT

☐ DEVELOPMENT PLAN (SITE PLAN) ☒ BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

*IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as **Exhibit A**, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 3 day of June, 2015, being at least ten (10) days prior the scheduled public hearing.*

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the 3 day of June, 2015, being at least ten (10) days prior the scheduled public hearing.

Jeff Kellish
Applicant/Representative (signature)*

Jeff Kellish
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 8th day of June, 2015.

State of IN, County of ~~HAMILTON~~ HAMILTON, SS:

Charlene Samples
Notary Public Signature

CHARLENE SAMPLES
Notary Public (printed)

Charlene Samples
Notary Public, State of Indiana
Hamilton County
My Commission Expires: 07-15-2021

NOTARY PUBLIC SEAL INDIANA

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: J+R KeLich Farms LLC DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: a Landscape Company / Nursery promotes green industry

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: A Landscape Company is an improvement in appearance and helps improve the land

C. The need for the variance arises from some condition particular to the property involved because: Its a residential area with a commercial buisness use

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: It cant be used as a buisness to sell

E. The varianace of use does not interfere substantially with the Comprehensive Plan because: Its an Approved use in the area since 1979

WESTFIELD-WASHINGTON TOWNSHIP

BOARD OF ZONING APPEALS PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, June 9th, 2015, at 7:00p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition(s)_____#, filed by **Jeff Kelich** on behalf of **Pettijohn & Banks, INC**. The request pertains to real estate comprising approximately **4** acres and generally located at **14939 Ditch Road**, Washington Township, Westfield, Indiana.

The request is for approval of a **Variance of Use** to allow a commercial landscape business.

Specific details regarding this request, including the applications, file, and property legal descriptions, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:

Jeff Kelich

25710 Devaney Rd, Arcadia, IN. 46030

(317) 710-3927

REPRESENTATIVE:

Pettijohn & Banks INC

14939 Ditch Road, Westfield, IN. 46074

(317) 873-8686

CITY OF WESTFIELD:

Economic and Community Development Department

2728 East 171st Street

Westfield, IN. 46074

Telephone: (317) 804-3170

www.westfield.in.us

Use of this form constitutes practice of [illegible]

[redacted] 7417 WARRA[redacted]Y DEED BOOK 312 [redacted] 796

THIS INDENTURE WITNESSETH, That Stanley E. Banks & Patricia B. Banks, his wife and Joseph E. Pettijohn & Beverly I. Pettijohn, his wife ("Grantor") of Hamilton County, in the State of Indiana, CONVEY AND WARRANT to Pettijohn & Banks, Inc.

of Hamilton County, in the State of Indiana, for the sum of One---------- Dollars ($ 1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

Tract 2F: A part of the Northwest quarter of the Southwest quarter of Section 15, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, more particularly described as follows: Beginning at a point on the West line of the Southwest quarter of Section 15, Township 18 North, Range 3 East, said point being S 00 degrees 10 minutes 33 seconds E 608.04 feet from the Northwest corner thereof, thence N 88 degrees 43 minutes 27 seconds E 655.04 feet, thence S 00 degrees 09 minutes 40 seconds E 241.61 feet, thence S 00 degrees 13 minutes 33 seconds E 24.45 feet, thence S 88 degrees 43 minutes 27 seconds W 655.00 feet to a point on the West line of said quarter, thence N 00 degrees 10 minutes 33 seconds W on and along said West line 266.06 feet to the place of beginning and containing 4.000 acres, subject to all legal easements and rights of way of record.

This document referred to in Document No. 2008043766 8/27/08

RECEIVED FOR RECORD JUN 12 2 48 PM '79 MARY L. CLARK RECORDER HAMILTON CO., IND.

This document referred to in Document No. 2001-33467 5-18-01

This Instrument Recorded June 12 1979 MARY L. CLARK, RECORDER, HAMILTON COUNTY, IND.

DULY ENTERED FOR TAXATION 12 day June 1979 Barbara J. Jennings Auditor Hamilton County

This document referred to in Document No. 200100025813 5.8.01

IN WITNESS WHEREOF, Grantor has executed this deed this 6 day of JUNE, 1979.

Signature Stanley E. Banks (SEAL) Signature Joseph E. Pettijohn (SEAL)

Printed Stanley E. Banks Printed Joseph E. Pettijohn

Patricia B. Banks Beverly I. Pettijohn

Patricia B. Banks Beverly I. Pettijohn

STATE OF INDIANA
COUNTY OF } SS:

Before me, a Notary Public in and for said County and State, personally appeared Stanley E. Banks, Patricia B. Banks, Joseph E. Pettijohn & Beverly I. Pettijohn who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 6 day of JUNE, 1979.

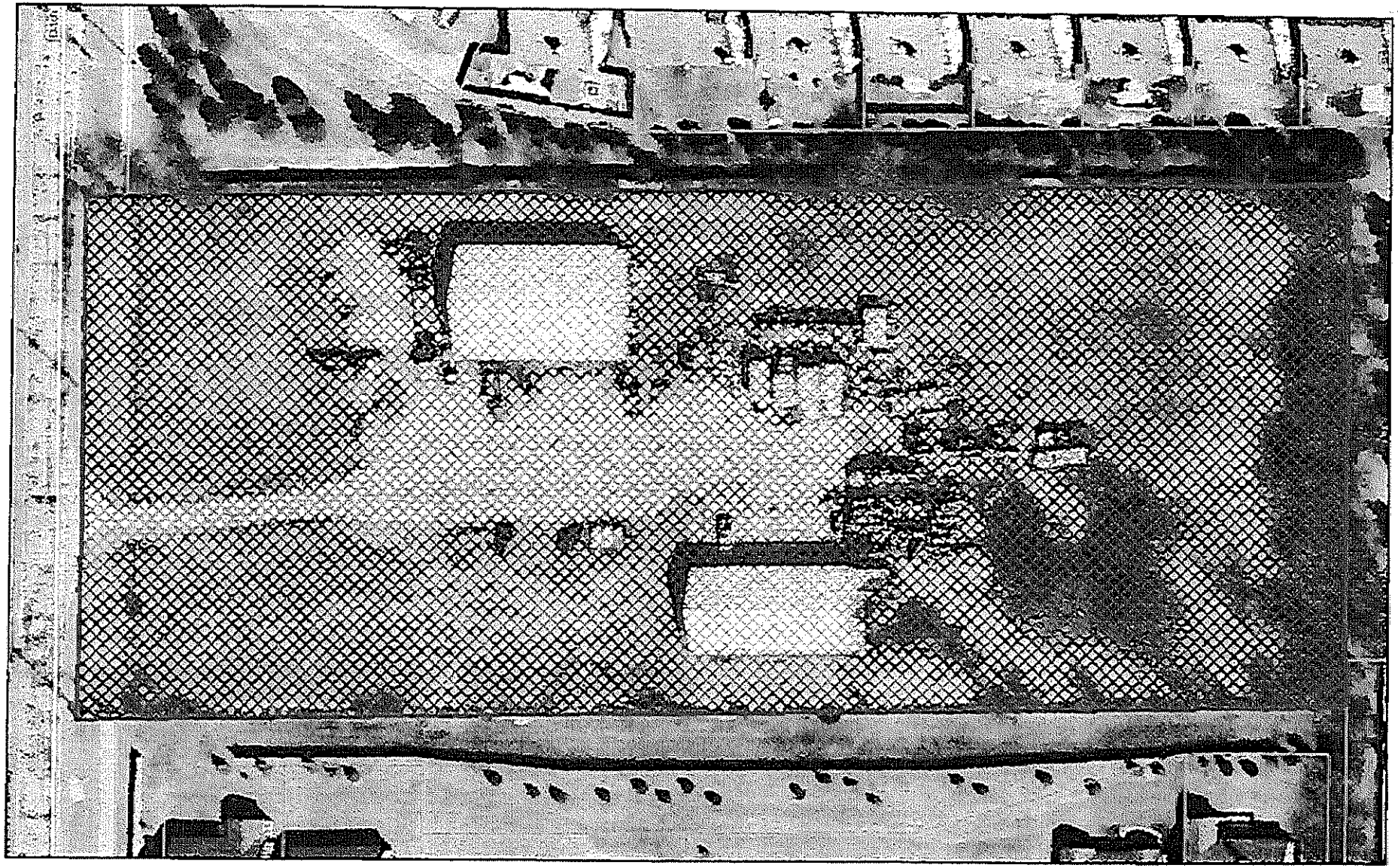
My commission expires: Signature Donald R. Peyton

Printed Donald R. Peyton, Notary Public

County of Hamilton, State of Indiana

This instrument was prepared by Donald R. Peyton, attorney at law.

14939 Ditch Road



March 16, 2015

Parcels

N

1:830

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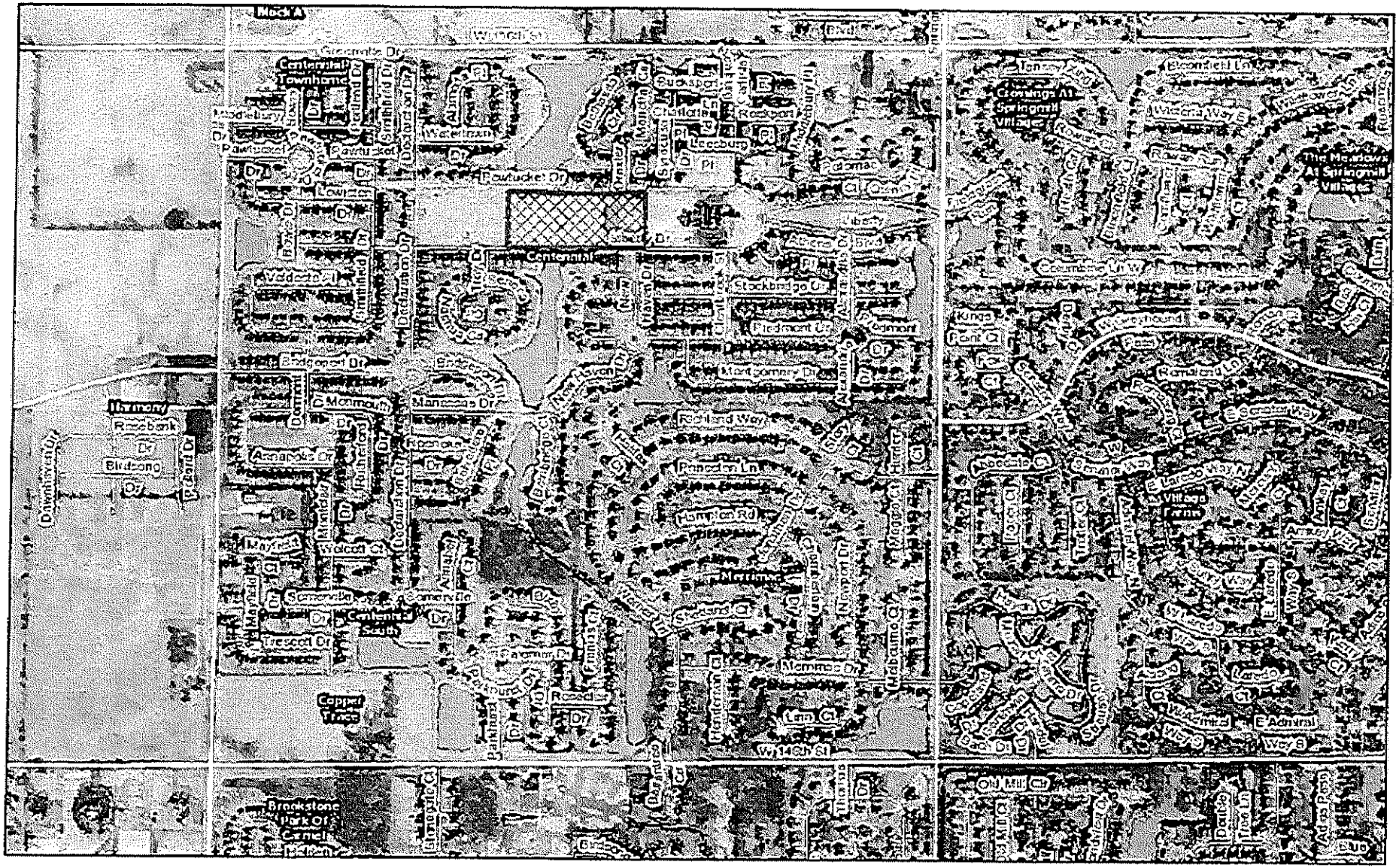
Basemap information here

14939 Ditch Road



March 16, 2015

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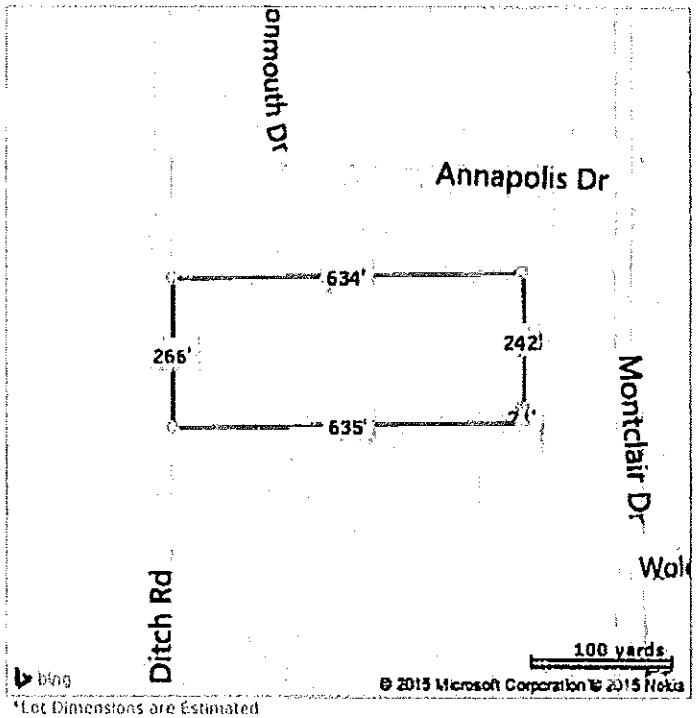
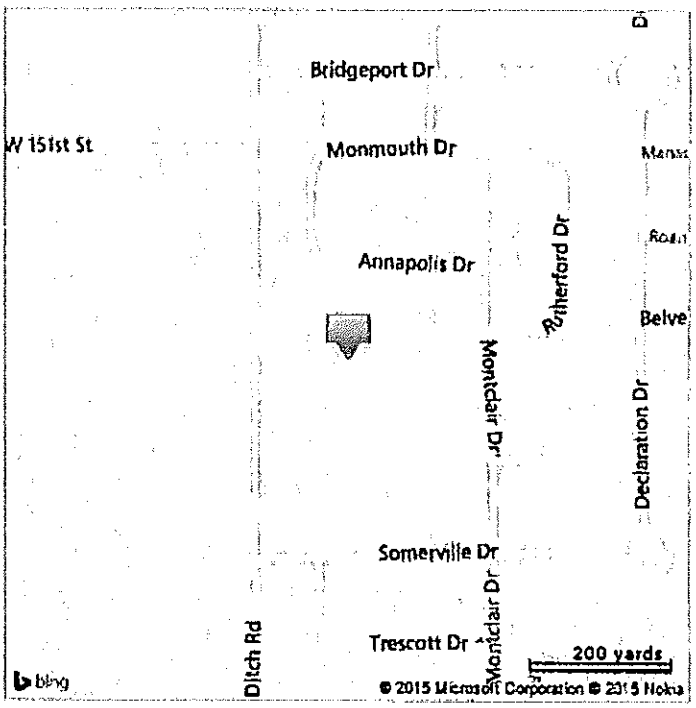
0 0.15 0.3 0.6 km

Basemap information here

Mezzanine	S	672

Property Map





*Lot Dimensions are Estimated

Building 1 of 2

Characteristics

Lot Acres:	**4**	Year Built:	**1980**
Lot Sq Ft:	**174,240**	Stories:	**1**
Land Use - County:	**Other Commercial Structures**	Finished Bldg Sq Ft:	**4,992**
Land Use - CoreLogic:	**Shopping Center**	Total Building Sq Ft:	**9,024**
Building Type:	**Shops**	Total Adjusted Bldg Sq Ft:	**4,992**

Features

Feature Type	Unit	Size/Qty	Year Built
Small Shop			1980
Mezzanine	S	832	
Fencing - Chain Link	S	240	1980
Small Shop			1976
Lean-To	S	360	1976
Mezzanine	S	672	

Building 2 of 2

Characteristics

Lot Acres:	**4**	Stories:	**1**
Lot Sq Ft:	**174,240**	Finished Bldg Sq Ft:	**4,032**
Land Use - County:	**Other Commercial Structures**	Total Building Sq Ft:	**9,024**
Land Use - CoreLogic:	**Shopping Center**	Total Adjusted Bldg Sq Ft:	**4,032**
Year Built:	**1976**		

The data within this report is compiled by CoreLogic from public and private sources. To the best of the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.