

Petition Number:

1011-V4-05

Date of Filing:

10/20/10

**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 Robert J. Esler
 Address 14736 Laredo Ct.
Carmel, IN. 46032
 Telephone Number (317) 846-2637
- 2. Landowner's Name Robert J. & Patricia L. Esler
 Address 14736 Laredo Ct.
Carmel, IN. 46032
 Telephone Number (317) 846-2637
- 3. *Representative _____
 *Address _____
 *Telephone Number _____
 *Email Address _____

*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.)
16708 N. US 31
Westfield, IN. 46074

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

- 6. Complete description of the nature of the variance of use applied for:
Use as an automobile repair facility in the US 31 corridor
overlay

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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 property will be used as an automobile repair facility.

- 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:

The property will be improved from its current condition.

The building will be cleaned up and the parking lot recapped.

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

The variance of use arises because of the US 31 corridor overlay.

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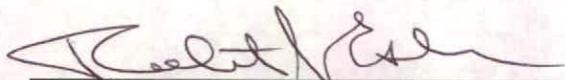
d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

The property has been vacant for several years and is in
great need of attention and maintenance. A variance of use
would prevent the property from degrading further.

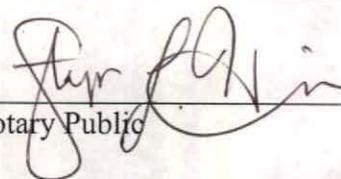
e. That such variance does not interfere substantially with the comprehensive plan:

The property will be used as an auto repair facility until
such time that the US 31 corridor overlay is realized.

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


Applicant Robert J. Esler

SUBSCRIBED AND SWORN TO ME THIS 19th DAY OF October, 2010.


Notary Public



My commission expires: 06/15/17

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PROPERTY DESCRIPTION - INSTRUMENT NO. 2010-20147

PARCEL I:

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID HALF SECTION AND THE CENTERLINE OF U.S. HIGHWAY NO. 31; THENCE NORTHWESTERLY ALONG SAID CENTERLINE ON A 00 DEGREES 30 MINUTES CURVE TO THE RIGHT 379.28 FEET TO A POINT; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER SECTION OF SAID SECTION 581.11 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF THE MONON RAILROAD; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 375.00 FEET TO A POINT IN THE SOUTH LINE OF SAID HALF OF SAID QUARTER SECTION; THENCE EAST ALONG SAID SOUTH LINE 664.38 FEET TO THE POINT OF BEGINNING.

EASEMENT PARCEL:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN A CORPORATE WARRANTY DEED DATED JULY 10, 1973 AND RECORDED JULY 13, 1973 IN DEED RECORD 267, PAGE 369 AS INSTRUMENT NO. 5005.

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SURVEYOR'S REPORT

Surveyor's Report for Job #100937

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

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Comm: Dev

NAME OF UNIT, AGENCY, BOARD OR DEPARTMENT

19947

NO.

FUND

IN, Date

10/20/10

RECEIVED FROM

Robert Esler

\$ 550.00

THE SUM OF

Five hundred fifty and zero cents

100

DOLLARS

ON ACCOUNT OF

BZA Filing fee

PAYMENT TYPE AND AMOUNT:

CASH _____ CHECK 2655 M.O. _____

EFT _____ CC/BC _____ OTHER _____



AUTHORIZED SIGNATURE

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DEVELOPMENT DEPARTMENT



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