

TOWN OF WESTFIELD, INDIANA

Petition Number: 1011-VS-06
Date of Filing: 10/21/2010

**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 Speedway SuperAmerica LLC
Address 5000 W. 86th Street
Indianapolis, IN 46268
Telephone Number (317) 872-3146
E-Mail Address jmlee@ssallc.com

2. Landowner's Name Marathon Petroleum Company LP
Address 539 S. Main Street, Room 1604
Findlay, OH 45840
Telephone Number (419) 421-2216

3. *Representative Mike Lee
*Address 5000 W. 86th Street
Indianapolis, IN 46268
*Telephone Number (317) 872-3146, x2020
*Email Address jmlee@ssallc.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.)
519 W. Main Street
Westfield, IN 46074

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

6. Complete description of the nature of the development standard variance applied for:
Installation of two sets of internally illuminated signs on canopy faces, 46.5
square feet each, totaling 93 square feet

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:

This variance, if approved, will not 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:

This variance, if approved, will not cause the use and value of the area adjacent to the property to be affected in a substantially adverse manner

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

Reduced visibility of the store, particularly from U.S. 31, would result in practical difficulties in the use of the subject property

TOWN OF WESTFIELD, INDIANA

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

Mike Lee

Applicant

SUBSCRIBED AND SWORN TO ME THIS 21 DAY OF October, 2010.

Bonnie J. Trosky
Notary Public

My commission expires: 4/11/17

EXHIBIT "A"

Legal Description of Premises @ 519 W. Main (IN 32) & Maple Sts. Westfield, IN

The following described real estate in Hamilton County, in the State of Indiana:

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

Beginning on the North line of the Northeast Quarter of Section 1, Township 18 North, Range 3 East, 290.00 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) from the Northwest corner thereof; thence South 00 degrees 11 minutes 40 seconds West parallel with the West line of said Quarter 581.25 feet; thence South 90 degrees 00 minutes 00 seconds East parallel with the North line aforesaid 462.58 feet (to the West right-of-way line of Maple Street, as now located and established by the plat of Abel Doan's Addition to Westfield, recorded in Deed Record 49, page 516 in the Hamilton County Recorder's Office); thence North 00 degrees 04 minutes 26 seconds East on and along said West right-of-way line 581.25 feet to the intersection of the West line of said Maple Street extended to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on and along said North line 462.58 feet (461.36 feet measured) to the Beginning Point; EXCEPT: Commencing at the Northwest corner of Lot 12 in Abel Doan's Addition to the Town of Westfield, the plat of which is recorded in Deed Record 49, page 516 in the office of the Hamilton County Recorder; thence North 00 degrees 04 minutes 26 seconds East parallel with the West line of Maple Street in said Abel Doan's Addition 16.50 feet to the True Beginning Point of this Description; thence North 00 degrees 04 minutes 26 seconds East parallel with said Maple Street right-of-way 78.38 feet; thence North 90 degrees 00 minutes 00 seconds East parallel with the North line of Lots 12 and 13 in said Abel Doan's Addition 165.00 feet to the West right-of-way line of Maple Street aforesaid; thence South 00 degrees 04 minutes 26 seconds West on and along said right-of-way line 78.38 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with the North line of Lots 12 and 13 aforesaid 165.00 feet to the Beginning Point; containing exclusive of the foregoing described exception, 6.164 acres, more or less.

Subject, however, to the rights-of-way for U. S. Highway #31 and State Road #32, as shown by right-of-way grant and located by I.S.H.C. plans for Project F-24(3) dated 1954.

EXCEPTING THEREFROM that portion of the premises conveyed to Hardee's Food Systems, Inc. by Warranty Deed dated February 6, 1989, more particularly described as follows:

Part of the Northeast Quarter of Section 1 Township 18 North, Range 3 East of the Second Principal Meridian in Hamilton County, Indiana being described as follows:

Commencing at the intersection of the north line of said northeast quarter with the northerly extension of the west right-of-way line of Maple Street as per the plat of Abel Doan's Addition to the Town of Westfield, Indiana recorded in Deed Record 49, Page 516 in the Office of the Hamilton County Recorder; thence South 00 degrees 04 minutes 26 seconds East (basis of bearings is north line of said northeast quarter - North 90 degrees 00 minutes 00 seconds East) along said northerly extension and along said west right-of-way line a distance of 260.00 feet to the Point of Beginning; thence continuing South 00 degrees 04 minutes 26 seconds East along said west right-of-way line a distance of 226.37 feet to the northeast corner of the tract of land described in a deed to Norma L. Robeson (Deed Record 276, Page 385); thence South 90 degrees 00 minutes 00 seconds West along the north line of said Robeson tract a distance of 165.00 feet to the northwest corner thereof; thence South 00 degrees 04 minutes 26 seconds East along the west line of said Robeson tract a distance of 78.38 feet to the southwest corner thereof; thence North 90 degrees 00 minutes 00 seconds East along the south line of said Robeson tract a distance of 165.00 feet to the southeast corner thereof; thence South 00 degrees 04 minutes 26 seconds East along the west line of Maple Street a distance of 16.50 feet to the northeast corner of Lot 13 in said Doan's Addition; thence South 90 degrees 00 minutes 00 seconds West along the north line of Lots 13, 12, 11 and 10 in said Doan's Addition a distance of 280.82 feet to the east 87 foot right-of-way line of U.S. Highway 31; thence North 00 degrees 32 minutes 00 seconds East along said east right-of-way line a distance of 321.27 feet; thence North 90 degrees 00 minutes 00 seconds East parallel with the north line of said northeast quarter a distance of 277.41 feet to the Point of Beginning.

Subject property is further described as follows, said description and survey prepared by Evan J. Evans, Registered Land Surveyor #910024 dated December 20, 1994.

Parcel A

Part of the Northeast Quarter of Section 1 Township 18 North, Range 3 East of the Second Principal Meridian in Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of said northeast quarter; thence North 90 degrees 00 minutes 00 seconds East along the north line of said quarter section a distance of 751.36 feet to the northerly extension of the west right of way line of Maple Street as per the plat of Abel Doan's Addition to the Town of Westfield, Indiana recorded in Deed Record 49, Page 516 in the Office of the Hamilton County Recorders Office; thence South 00 degrees 04 minutes 26 seconds West along said northerly extension and along said west right of way line a distance of 26.00 feet; thence North 90 degrees 00 minutes 00 seconds West parallel with said north quarter line a distance of 80.00 feet to the POINT OF BEGINNING; thence South 00 degrees 32 minutes 00 seconds West

parallel with the east right of way line of U.S. Highway 31 a distance of 134.00 feet; thence North 89 degrees 28 minutes 00 seconds West a distance of 194.92 feet to said east right of way line; thence North 00 degrees 32 minutes 00 seconds East along said east right of way line a distance of 58.38 feet; thence North 29 degrees 55 minutes 53 seconds East a distance of 80.55 feet; thence South 90 degrees 00 minutes 00 seconds East parallel with said north quarter line a distance of 82.00 feet; thence North 00 degrees 32 minutes 00 seconds East parallel with said east right of way line a distance of 4.00 feet; thence North 90 degrees 00 minutes 00 seconds East parallel with said north quarter line a distance of 73.43 feet to the POINT OF BEGINNING. Containing 0.553 acres, more or less.

Parcel B

Part of the Northeast Quarter of Section 1 Township 18 North, Range 3 East of the Second Principal Meridian in Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of said northeast quarter; thence North 90 degrees 00 minutes 00 seconds East along the north line of said quarter section a distance of 751.36 feet to the northerly extension of the west right of way line of Maple Street as per the plat of Abel Doan's Addition to the Town of Westfield, Indiana recorded in Deed Record 49, Page 516 in the Office of the Hamilton County Recorders Office; thence South 00 degrees 04 minutes 26 seconds West along said northerly extension and along said west right of way line a distance of 26.00 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 04 minutes 26 seconds West along said west right of way line a distance of 234.00 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with said north quarter line a distance of 276.81 feet to the east right of way line of U.S. Highway 31; thence North 00 degrees 32 minutes 00 seconds East along said east right of way line a distance of 101.82 feet; thence South 89 degrees 28 minutes 00 seconds East a distance of 194.92 feet; thence North 00 degrees 32 minutes 00 seconds East parallel with said east right of way line a distance of 134.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 80.00 feet to the POINT OF BEGINNING. Containing 0.886 acres, more or less.

STATE OF OHIO)
)
COUNTY OF CLARK) SS:

AFFIDAVIT OF BRIAN K. PARTEE

Comes now Affiant BRIAN K. PARTEE, of legal age and under oath, and deposes and says:

1. I am the Commercial Director of Speedway SuperAmerica LLC, which is a limited liability company organized and existing under the laws of the State of Delaware.
2. Marathon Petroleum LP, formerly known as Marathon Petroleum LLC, is a limited partnership organized and existing under the laws of the State of Delaware.
3. Speedway SuperAmerica LLC and Marathon Petroleum LP are both fully-owned subsidiaries of Marathon Oil Corporation, a corporation organized and existing under the laws of the State of Ohio.

FURTHER AFFIANT SAYETH NOT.



Brian K. Partee, Affiant

Sworn to and subscribed before me this
19th day of October, 2010.





Notary Public

(SEAL)



Katherine S Borgwald
Notary Public, State of Ohio
My Commission Expires March 16, 2014

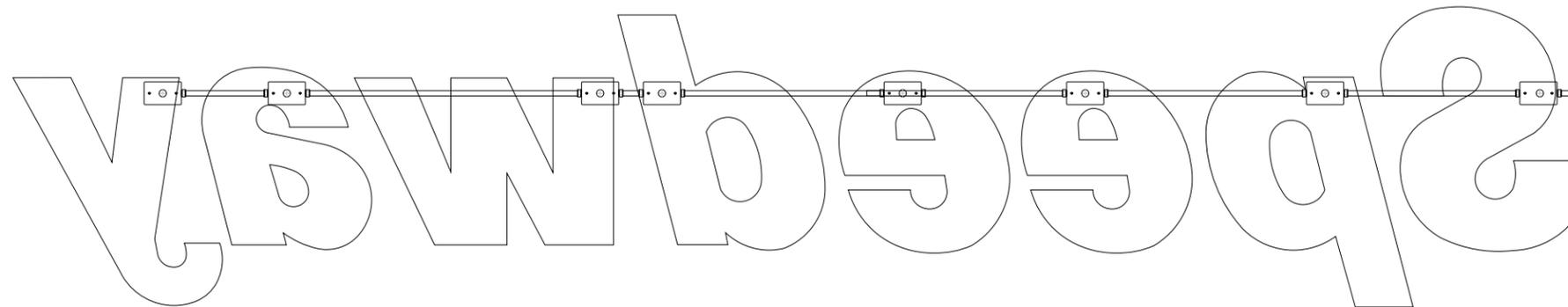
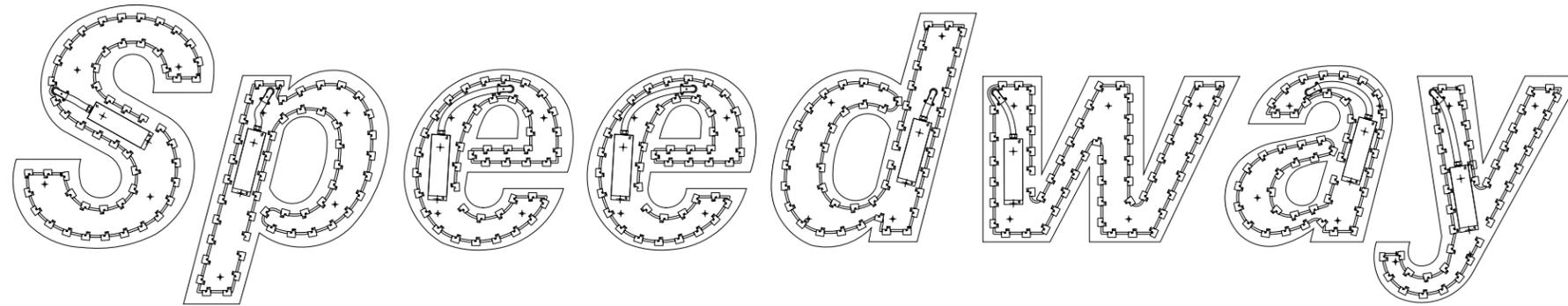
Speedway

Locate 12"
From End Of
Canopy

15'-9"

3'-0"

Speedway



Rivnut w/ Threaded Rod
Attachment

5" Depth

NO SCALE



FACES: 2283 Acrylic .187	RETURNS: .050 Aluminum	BACKS: .050 Aluminum
-----------------------------	---------------------------	-------------------------

ILLUMINATION: G.E. Gelcore LED Red/Red Wide Angle 5 Per Foot	POWER SUPPLIES: G.E. Tetra System	INPUT: 100~240V .5 Amps Each / Total 4.0 50~60 Hz
--	--------------------------------------	--

OUTPUT: 5 Amp/14 Watt Class II	MOUNTING: Rivnuts Provided In Letter Backs	 Bacon Signs Listing # E79339
--------------------------------------	--	--

TRIM CAP: 1" Red Jewelite Attached w/ #10x 1/2" Screws	FINISH EXTERIOR: Speedway Gray PMS 428C	FINISH INTERIOR: White
--	--	---------------------------

CAD GENERATED DRAWING DO NOT MANUALLY UPDATE	
APPROVALS	DATE
DRAWN: RS	10/13/04
CHECKED:	REVISED 12/15/05
UNITS: INCHES	
SCALE:	

DESCRIPTION: ILLUMINATED CHANNEL LETTERS	DRAWING NUMBER: 36847	CAD FILE: SPEEDWAY36LED
These plans are the exclusive property of Bacon Signs Inc. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Bacon Signs Inc. a sign manufactured according to these plans. Distribution of these plans to anyone other than employees of your company, or use of these plans to construct a sign similar to the one embodied herein is expressly forbidden.		SHEET 1 OF 1
		REV:

