Petition Number: 1201-VU-01
Date of Filing:

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 LAKESHORE DRIVE EAST
   CARMEL IN 46033
   Telephone Number: 317-846-5025

2. Landowner's Name: WESTFIELD CROSSING CO.
   Address: 11308 LAKESHORE DRIVE EAST
   CARMEL IN 46033
   Telephone Number: 317-846-5025

3. *Representative:
   *Address:
   *Telephone Number:
   *Email Address: WESTFIELDCROSS@AOL.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.)
   3246 EAST STATE ROAD 32
   WESTFIELD IN 46074

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

6. Complete description of the nature of the variance of use applied for:
   WC 16.04.050 D2

   PERMIT THE USE OF RETAIL SALES OF
   AUTO PARTS AND AUTO ACCESSORIES

   NO AUTOMOBILE SERVICE BAYS

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 APPLICANT IS REQUESTING ONLY RETAIL SALES WHICH DO NOT CHANGE THE CHARACTER OR NATURE OF THE EXISTING RETAIL SHOPPING CENTER.

   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 VARIANCE WILL NOT AFFECT THE ADJACENT AREA AS NO TANGIBLE DIFFERENCE TO THE SHOPPING CENTER SHALL OCCUR.

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

   I HAVE THE OPPORTUNITY TO HAVE A NEW ANCHOR TENANT THAT DOES NOT CHANGE THE RETAIL NATURE OF MY CENTER, WILL FILL A LARGE VOID AND ALLOW FOR THE CONTINUED OPERATION OF MY CENTER.

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 RETAIL SALES OF AUTO PARTS IS NO DIFFERENT THAN RETAIL SALES OF ANY OTHER GENERAL MERCHANDISE AND WOULD REMOVE AN EXCELLENT TENANT FROM MY CENTER.

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

TECHNICAL DIFFERENCE BETWEEN RETAIL SALES AND RETAIL SALES OF AUTO PARTS.

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

Applicant

SUBSCRIBED AND SWORN TO ME THIS 1 DAY OF DECEMBER, 2011.

Notary Public

My commission expires: 10-14-2015

Andrew J. Herche
Notary Public State of Indiana
Commission Number: 573504
My Commission Expires October 14, 2015

EXHIBIT C

LEGAL DESCRIPTION

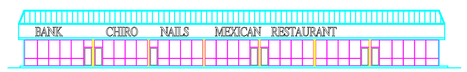
The following described real estate located in Hamilton County, Indiana:

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.

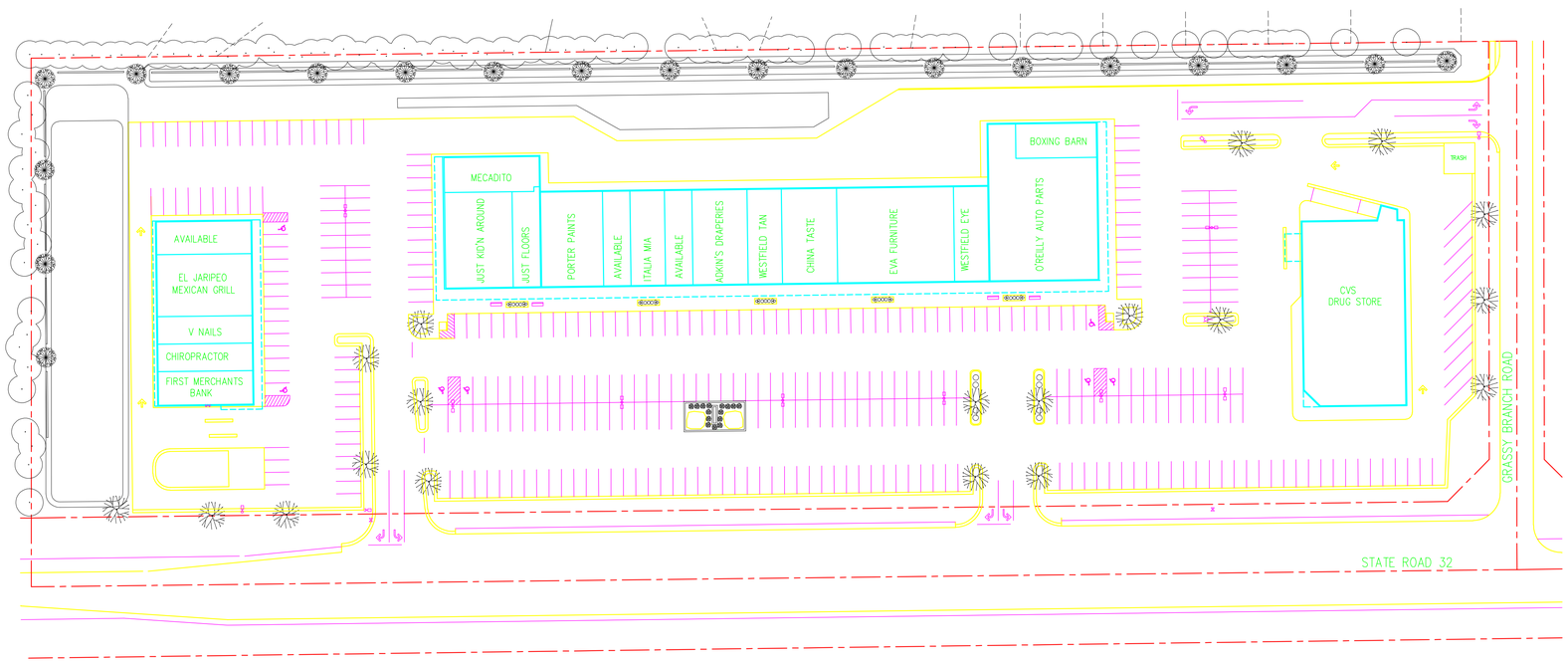
Except that part of the aforesaid conveyed State of Indiana in Warranty Deed (with partial limitation of access) to State of Indiana, dated January 19, 2007 and recorded July 13, 2007 as Instrument Number 2007-39412 in the Office of the Recorder of Hamilton County, Indiana, more particularly described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



WEST BUILDING

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



MAIN BUILDING

WESTFIELD CROSSING
SHOPPING CENTER
WESTFIELD, IN

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ISSUED/REVISED

FOR PLAN COMMISSION:
10 APR. 98 BAB

FOR REVIEW
01 DEC 2011

SITE PLAN

BARNES DEVELOPMENT CO.
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033
(317) 846-5025

DRAWN BY	CHECKED BY
BAB	BAB

PROJECT
97102

DRAWING
SW-1