

VARIANCE APPLICATION 1503-VU-03

OFFICE USE ONLY

DOCKET #: 1503-VS-03 FILING DATE: 2-17-15
FILING FEE: \$600 FEE PLUS \$ PER ADDITIONAL VARIANCE (@ ) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 2/10/15

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Scott Wolf TELEPHONE: 317-371-3046

ADDRESS: 15072 E. 146th St. Noblesville IN 46060 EMAIL: scott@wolfiesgrill.com

PROPERTY OWNER'S NAME: Ben Davis TELEPHONE: 317-250-8522

ADDRESS: 15034 Declaration Dr. Westfield, IN 46074 EMAIL: ben@bbgconstruction.com

REPRESENTATIVE'S NAME: Beth Hodgkin TELEPHONE: 317-281-1873

COMPANY: Wolfies Grill EMAIL: bhodgkin@wolfiesgrill.com

ADDRESS: 20275 Dayspring Ct Noblesville, IN 46062

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 228 Park St. Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-09-01-02-06-015.000

EXISTING ZONING DISTRICT(S): MF-1 EXISTING LAND USE(S): Single family residence

VARIANCE REQUEST

[X] VARIANCE OF LAND USE CODE CITATION: Article 4.15, B

[X] VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: see attached

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):

The intent is to install a parking lot for the planned restaurant at 219 Park St. as well as its patrons, guests and employees.

It is understood that the parking lot may be temporary prior to any re-development the city may have planned for permanent parking.

variances of Development Standard:

- US Highway 31 Overlay District – request that the US 31 Overlay does not apply (Article 5.2)
  
- Landscaping – request that the landscaping requirements not apply (Article 6.8)
  
- Parking Surfacing and Curbs – request that the parking area not be required to be paved (Article 6.14, G (7) (a))
  
- Parking Surfacing and Curbs – request that the parking area not be required to be curbed (Article 6.14, G (7) (b))
  
- Open Space—request that the MF-1 open space requirements not apply (Article 8.6)
  
- Perimeter/External Pedestrian Network Standards – request that these standards to not apply (Article 8.7, D)
  
- Street and Right-of-Way Standards – request that these standards do not apply (Article 8.9)
  
- Development Plan Review approval authority – request to delegate all Development Plan approvals to the Economic and Community Development Department Staff (Article 10.7, D)

**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.

[Signature]  
Applicant/Representative (signature)

Beth Hodgson  
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 17<sup>th</sup> day of Feb, 2015.

State of IN, County of Hamilton SS:



[Signature]  
Notary Public Signature  
Patricia J. Leuteritz  
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.

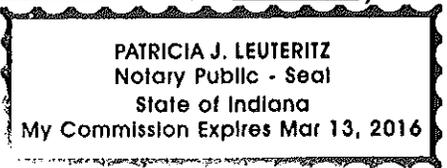
[Signature]  
Property Owner (signature)\*

Ben Davis  
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 17<sup>th</sup> day of Feb, 2015.

State of IN, County of Hamilton SS:



[Signature]  
Notary Public Signature  
Patricia J. Leuteritz  
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.

**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

APPLICANT: Scott Wolf

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 (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). 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 approval will not be injurious to the public health, safety, morals, and general welfare of the community because: it provides a safe parking area for all patrons, guests and employees.

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: parking will be limited to one specific area.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: patrons, guest and employees will be forced to park on the city streets, inconveniencing neighbors and disrupting traffic patterns



**FINDINGS OF FACT (VARIANCE OF USE)**

APPLICANT: Scott Wolf

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: it provides a safe parking area for all patrons, guests and employees.

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: parking will be limited to one specific area

C. The need for the variance arises from some condition particular to the property involved because: there is not adequate parking available for patrons, guests and employees.

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: patrons, guest and employees will be forced to park on the city streets inconveniencing neighbors and disrupting traffic patterns.

E. The varianace of use does not interfere substantially with the Comprehensive Plan because: \_\_\_\_\_