



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 1601-VU-02 FILING DATE:
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: November 18, 2015

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:
PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Brian Ewen/ Rock's Auto Exchange TELEPHONE: 317-224-3607
ADDRESS: 3407 Carey Glen Ct., Westfield, IN 46074 EMAIL: brianewen@comcast.net
PROPERTY OWNER'S NAME: Frances Michelle Turner TELEPHONE: 317-710-5440
ADDRESS: 16411 Carter Ct Westfield, IN 46074 EMAIL:
REPRESENTATIVE'S NAME: Brian Ewen TELEPHONE: 317-224-3607
COMPANY: Rock's Auto Exchange EMAIL: brianewen@comcast.net
ADDRESS: 124 E. Main St., Westfield, IN 46074

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 518 E. Main St., Westifeld, IN 46074
COUNTY PARCEL ID #(S): 09-06-31-03-09-023.000
EXISTING ZONING DISTRICT(S): SF-3 EXISTING LAND USE(S): Hair Salon

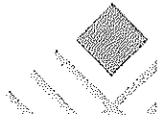
VARIANCE REQUEST

[X] 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):
Please see Exhibit A, attached

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF USE)



APPLICANT: Brian Ewen/Rock's Auto Exchange

DOCKET #: 1601-VU-02

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 will not interfere substantially with the comprehensive plan. Additionally, although the property is currently zoned Single Family - Medium Density, the property is currently being used as a hair salon, and surrounded by properties zoned for Local Business, and Local Business - Historic District uses. No construction or significant alteration of the existing improvements will be necessary. Applicant's proposed use will add needed commerce and employment opportunities to Westfield's downtown area.

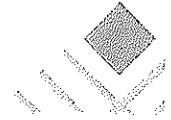
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: Applicant's use will not interfere substantially with the comprehensive plan and will be identical in nature to Applicant's current use of 124 E. Main St. where Applicant has built a thriving and growing business that increases commerce in Westfield's downtown area.

- C. The need for the variance arises from some condition particular to the property involved because: The property is zoned Single Family - Medium Density although it is within very close proximity to properties zoned for Local Business and Local Business - Historic District uses. Additionally, the property will be used to grow Applicant's existing business operated at 124 E. Main St.

- 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: Applicant's business has outgrown its current operations at 124 E. Main St. Applicant desires to maintain its business in downtown Westfield and continue to serve this community. Without the requested variance, Applicant will be forced to pursue other options for supporting the growth of its business, which may include removing all of its operations from downtown Westfield.

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: one of the principles for Westfield's downtown area in the Comprehensive Plan is establishing an identity, with a focus to be given to Westfield's roots. In conjunction with Applicant's request for a variance of the zoned use for 518 E. Main St., Applicant has agreed to make certain improvements to the building of its current facility at 124 E. Main St., including redesigning its current building to resemble an old Sinclair filling station. As a result, Applicant's proposed use in conjunction with the proposed improvements for 124 E. Main and Applicant's continued operation in Westfield's downtown area will not interfere with but will support Westfield's Comprehensive Plan.

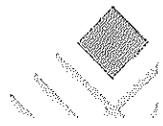
WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield") |
| <input checked="" type="checkbox"/> Legal Description | <input checked="" type="checkbox"/> Copy of Property Deed |
| <input checked="" type="checkbox"/> Draft Public Notice | <input checked="" type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input checked="" type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input checked="" type="checkbox"/> Site Plan (to scale) | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet) |
| <input checked="" type="checkbox"/> Statement of Intent | <input checked="" type="checkbox"/> Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- D. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- F. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

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



DOCKET #: 1601-VU-02

PUBLIC HEARING DATE: January 12, 2016

APPLICANT'S NAME: Brian Ewen/ Rock's Auto Exchange

REPRESENTATIVE'S NAME: Brian Ewen COMPANY: Rock's Auto Exchange

PROJECT TO BE KNOWN AS: 518 E. Main Street

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 16th day of December, 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 16th day of December, 2015, being at least ten (10) days prior the scheduled public hearing.

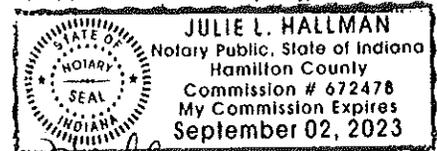
[Signature]
Applicant/Representative (signature)*

Brian Ewen/Rock's Auto Exchan
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 16 day of December, 2015.

State of Indiana, County of Hamilton, ss:



[Signature]
Notary Public Signature
Julie Hallman
Notary Public (printed)

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)

Brian Egan
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 day of December, 2015.

State of Indiana, County of Hamilton ss:



[Signature]
Notary Public Signature
Julie Hallman
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.

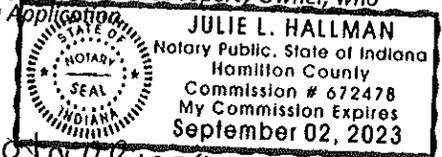
[Signature]
Property Owner (signature)*

Frances Michelle Turner
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 day of December, 2015.

State of Indiana, County of Hamilton ss:



[Signature]
Notary Public Signature
Julie Hallman
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.

Exhibit A

Applicant desires that the following described use be permitted: sales of pre-owned automobiles.

Applicant plans to expand its existing pre-owned automobile sales business, currently located at 124 E. Main St., Westfield, IN to include an additional location at 518 E. Main St., Westfield, Indiana. Applicant anticipates utilizing 5-7 employees to operate its expanded business at 518 E. Main St. (For more information regarding Applicant's business, please see Applicant's website: <http://rocksautoexchange.com/>)

No building or construction on 518 E. Main St. will be necessary, except for interior finish of the existing building.

Interior operations

The existing building will be used for sales and office space for the business. Management offices will be located upstairs. The downstairs office area will include sales cubicles along with a customer lounge and restroom facilities. The sales operations will not be operated as a "buy here, pay here" facility. Instead, sales operations will be conducted similar to that of a traditional car dealership. Automobile purchases will be financed via third party lenders, such as Indiana Members Credit Union and similar lending institutions.

Exterior operations

Paved areas, primarily to the north and south of the existing building on the property, will be used for displaying the business's pre-owned automobiles that are for sale, which will not be more than thirty-five (35) vehicles at any one time. Customer and employee parking will exist to the east of the existing building, and will accommodate approximately ten (10) vehicles at a time.

Legal Description

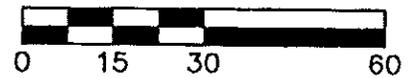
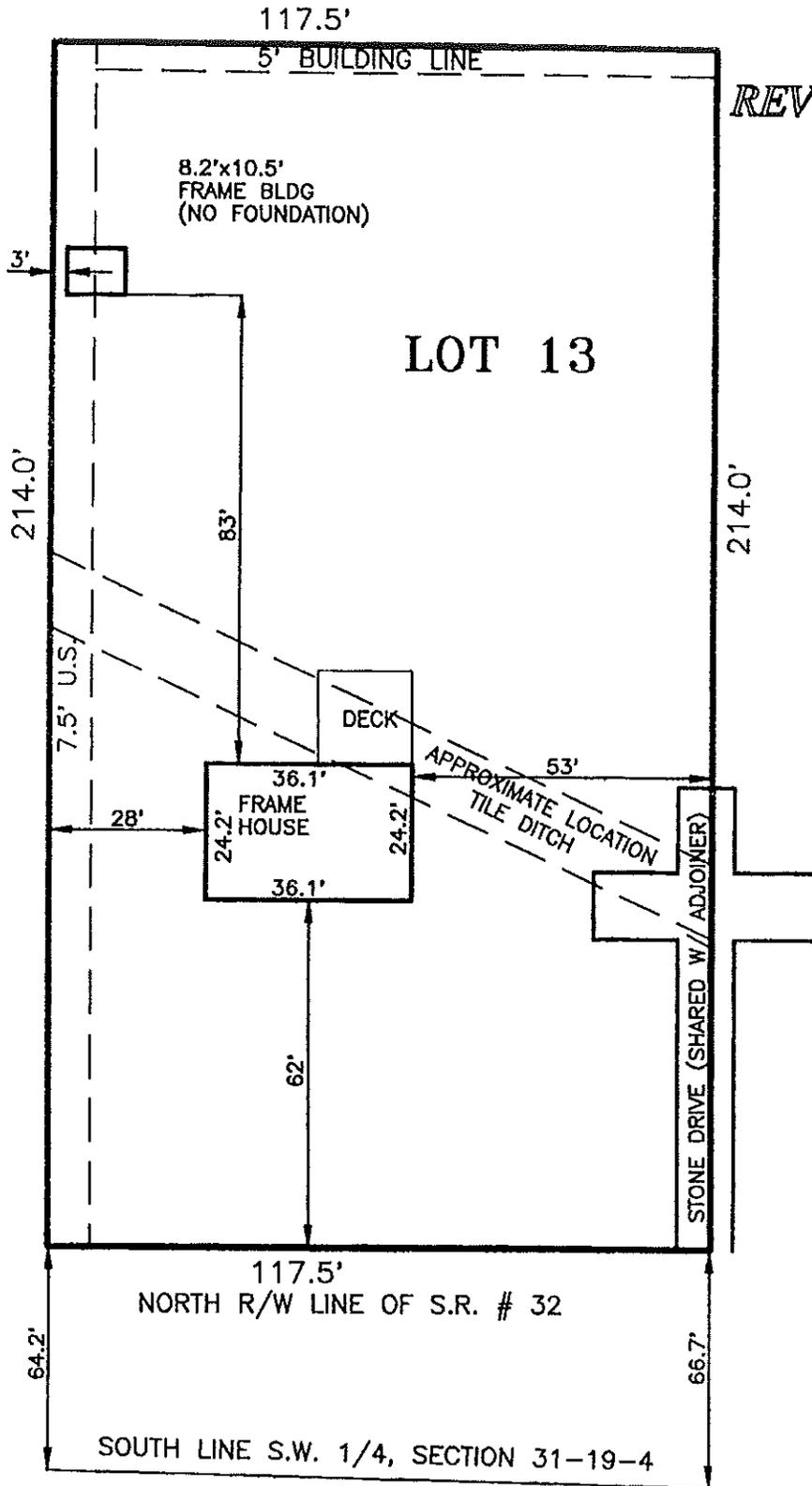
Lot Numbered Thirteen (13) in Roberts Revised Rolling Acres, an Addition to the Town of Westfield, in Hamilton County, Indiana, as per plat thereof recorded in Plat Book 2, pages 40-41, in the Office of the Recorder of Hamilton County, Indiana

Property Address: 518 E. Main Street, Westfield, Indiana 46074

County Parcel #: 09-06-31-03-09-023.000

State Parcel #: 29-06-31-309-023.000-015

*LOT 13 ROBERTS
REVISED ROLLING ACRES*



SCALE : 1" = 30'
F.B. 389, PG. 46
JOB NO. M7996

518 E. MAIN ST.

Site Plan/Photographs of Proposed Automobile Layout









MIRROR IMAGES
Hair Salon
896-3838



