

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE USE ONLY

DOCKET #: 1603-VU-03 FILING DATE: 1-28-16
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: X Andrew Murray (STAFF NAME) DATE: Jan. 14, 2016

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Robert J. Esler TELEPHONE: 317-867-2627

ADDRESS: 14736 Laredo Ct., Carmel, IN. 46032 EMAIL: bob@bobsgarage.biz

PROPERTY OWNER'S NAME: Esler Properties, LLC TELEPHONE: 317-867-2627

ADDRESS: 16708 Dean Rd., Westfield, In. 46074 EMAIL: bob@bobsgarage.biz

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 16708 Dean Rd., Westfield, IN. 46074

COUNTY PARCEL ID #(S): 09-09-01-00-00-014.000

EXISTING ZONING DISTRICT(S): Enclosed Industrial EXISTING LAND USE(S): Auto Repair

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): Requesting variance to continue to use this property for another 5 years as an auto repair facility and continuing to make improvements to property and building.



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.

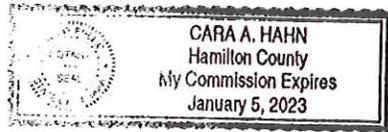
[Signature]
Applicant/Representative (signature)

ROBERT J. ESTER
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 28 day of January, 20 16

State of IN, County of Hamilton ss.



[Signature]
Notary Public Signature
Cara Hahn
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.

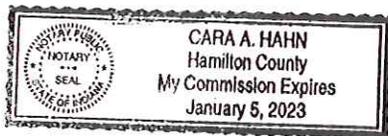
[Signature]
Property Owner (signature)*

ROBERT J. ESTER
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 28 day of January, 20 16

State of IN, County of Hamilton ss.



[Signature]
Notary Public Signature
Cara Hahn
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 USE)



APPLICANT: Robert J. Esler

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: I will continue to run an auto repair shop at this location while employing 8 people to service Westfield and Hamilton County with quality and honest auto repairs.

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: the property will continue to be improved and maintained as it has been for the last 5 years.

C. The need for the variance arises from some condition particular to the property involved because: of Westfield's change in zoning in the U.S. 31 corridor overlay.

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: closing an established and successful business would cause 8 employees to lose their jobs, loss of property and income revenues, and returning the building back to an eye sore.

E. The variance of use does not interfere substantially with the Comprehensive Plan because: there is currently no construction happening on the U.S. 31 corridor. I would be agreeable to moving my business to another appropriate location when Dean Rd. is extended to 161st St. from 169th St. and there is interest in purchasing the property on the U.S. 31 corridor overlay is realized.

**WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Board of Zoning Appeals will hold a public hearing on March 8, 2016, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition for a variance, filed by Esler Properties LLC. The request pertains to real estate comprising approximately 4.8 acres and generally located at 16708 Dean Rd., Washington Township, Westfield, Indiana.

The request is for a variance of use for the Board of Zoning Appeals to allow the continued use of an auto repair shop.

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT: Esler Properties LLC.
16708 Dean Rd.
P.O. Box 517
Westfield, IN 46074

REPRESENTATIVE: Robert J. Esler

CITY OF WESTFIELD:
Economic and Community Development Department
2728 East 171st Street
Westfield, Indiana 46074
Telephone: (317) 804-3170
www.westfield.in.us

RECEIPT OF PAYMENT



NAME: Bob Esler

ADDRESS: Bob Esler CITY: _____ ZIP: _____

DATE RECEIVED: 01, 28, 16

CHECK # 3299 CASH OTHER _____

PAYMENT RECEIVED BY: AE S

ACCOUNT # BZA Yaliny

AMOUNT PAID \$ 550.00

⑈003299⑈ ⑆07192189⑆ 4640547564⑈

FOR

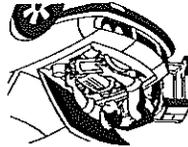
[Signature]

PNC Bank, N.A. 071



Five Hundred Fifty and 00/100 DOLLARS SECURITY FEATURES ON REVERSE OF BILLS

PAY TO THE ORDER OF Westfield-Washington Township \$ 550.00



BOBS GARAGE INC

PO BOX 517
16708 DEAN ROAD
WESTFIELD, IN 46074-0517

DATE 1-28-16

⑆CHECK AMT

70-2189/719 020

3299

AMOUNT OF CHECK	
TOTAL DEDUCTIONS	
LESS	
LESS FREIGHT	
LESS % DISCOUNT	
TOTAL	
DATE	
THIS CHECK IS DELIVERED FOR PAYMENT ON THE FOLLOWING ACCOUNTS AMOUNT	

RECEIPT OF PAYMENT



NAME Esler Properties, LLC

ADDRESS _____ CITY _____ ZIP _____

DATE RECEIVED 01 / 29 / 16

CHECK # 5043 CASH OTHER _____

PAYMENT RECEIVED BY ACS

ACCOUNT # BZA Filing

AMOUNT PAID \$ 550.00

ESLER PROPERTIES, LLC P.O. BOX 517 WESTFIELD, IN 46074		5043
DATE <u>1-29-16</u>		70-2189/719 045
PAY TO THE ORDER OF <u>City of Westfield</u>	\$ 550.00	
<u>FIVE HUNDRED FIFTY AND 00/100</u>		DOLLARS
PNC BANK PNC Bank, N.A. 071 Indianapolis, IN		
FOR <u>Variance</u>		
⑈005043⑈ ⑆071921891⑆ 4642615697⑈		

* Replaces ck #3299 that was payable to Westfield Washington-Township.

ADJOINER
(NOTIFICATION LIST)

2500

NOTE: DUE TO VOLUME AND TURNAROUND, ORDERS TAKE 3-5 BUSINESS DAYS FOR PROCESSING. TRANSFER AND MAPPING WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE PICKED UP.

FILED

DATE TAKEN: 1-20-16
TIME TAKEN: 9:43

JAN 20 2016

Duon Cozardale
AUDITOR HAMILTON COUNTY

NAME OF PROPERTY OWNER: Estler Properties LLC

NAME OF PETITIONER: Robert Estler

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:
09-09-01-00-00-014.000

ZONING AUTHORITY APPLYING TO

- | | |
|---|--|
| <input type="checkbox"/> ARCADIA | <input type="checkbox"/> FISHERS PLAN COMMISSION |
| <input type="checkbox"/> ATLANTA | <input type="checkbox"/> HAMILTON COUNTY PLANNING |
| <input type="checkbox"/> CARMEL BZA | <input type="checkbox"/> NOBLESVILLE HOME OCCUPATION |
| <input type="checkbox"/> CARMEL PLANNING | <input type="checkbox"/> NOBLESVILLE PUBLIC HEARING |
| <input type="checkbox"/> CICERO | <input type="checkbox"/> SHERIDAN |
| <input type="checkbox"/> FISHERS & FALL BZA | <input checked="" type="checkbox"/> WESTFIELD |

SIGNATURE OF APPLICANT: By Phone - Robert Estler

DATE: 1-20-16

PERSON TO CONTACT: Robert 317-867-2627

PHONE NUMBER: _____

FOR OFFICE USE ONLY

EMPLOYEE INITIALS: _____ PAYMENT RECEIVED: _____ RECEIPT NUMBER: _____

E-MAIL WHEN COMPLETED: _____

HAMILTON COUNTY TRANSFER AND MAPPING
33 N. NINTH ST. • NOBLESVILLE, IN 46060
plats@hamiltoncounty.in.gov
P: 317.776.9624 F: 317.776.9682

HAMILTON COUNTY AUDITOR

I, DAWN COVERDALE, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED: *Barton Griesenauer* 1/26/2016

SUBJECT PROPERTY:

09-09-01-00-00-014.000	Subject
Esler Properties LLC	
14736 Laredo Ct	
Carmel	IN 46032

Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

08-09-12-00-00-003.000		Neighbor
Menonna, Mary Catherine		
7905 Rosa Dr		
Indianapolis	IN	46237

08-09-12-00-00-004.000		Neighbor
Alvis, Patricia K Trustee of Patricia K Alvis Rev Trust, C Philip Smiley Trustee of Family Trust, James R & Judith G Alvis CoTrustees of James R Alvis Revocable Trust		
11030 Presbyterian Dr		
Indianapolis	IN	46236

09-09-01-00-00-012.000		Neighbor
Roush Real Estate LLC		
P O Box 391		
Westfield	IN	46074

09-09-01-00-00-013.000		Neighbor
Habig Brothers, Lynn Habig, Steven J Habig & Frank J Habig T/C		
8002 Meridian St N		
Indianapolis	IN	46260

09-09-01-00-00-014.001		Neighbor
Edward Hines Lumber Co		
1000 Corporate Grove Dr		
Buffalo Grove	IL	60089

09-09-01-00-00-015.000		Neighbor
Mountain Trace Development LLC dba Englewood Building Group		
860 E 86th St Ste 5		
Indianapolis	IN	46240

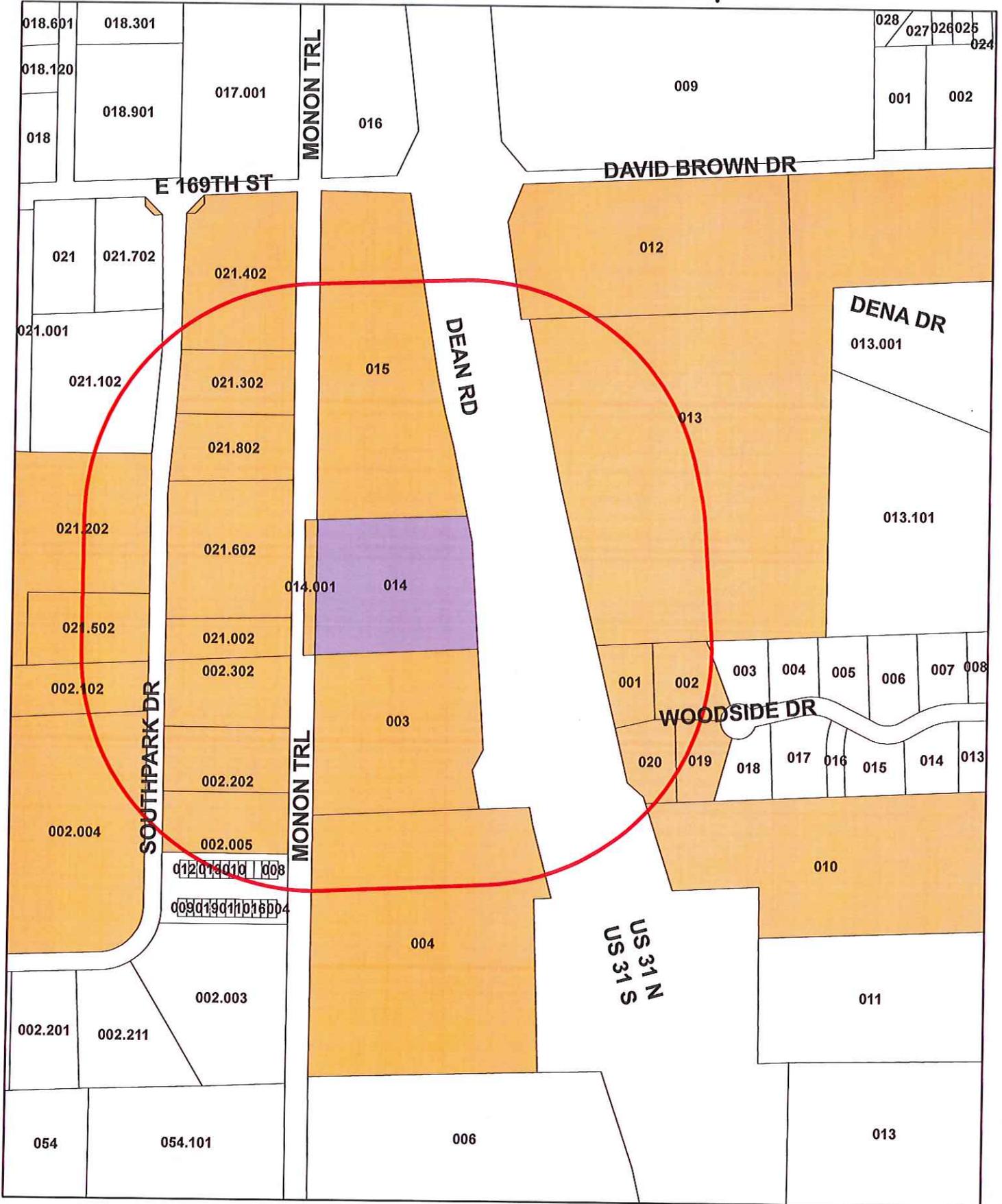
09-09-01-00-00-021.002		Neighbor
C K Properties Llc		
P O Box 930		
Westfield	IN	46074

09-09-01-00-00-021.202		Neighbor
-------------------------------	--	-----------------

Headfirst Holdings LLC 16708 Southpark Dr Westfield IN 46074	
09-09-01-00-00-021.302	Neighbor
Teamm Realty LLC P O Box 930 Westfield IN 46074	
09-09-01-00-00-021.402	Neighbor
South Park Investments LLC P O Box 930 Westfield IN 46074	
09-09-01-00-00-021.502	Neighbor
Weish Development LLC 1040 3rd Ave SW Carmel IN 46032	
09-09-01-00-00-021.602	Neighbor
Time Financial Corporation 14300 Clay Terrace Blvd Ste 249 Carmel IN 46032	
09-09-01-00-00-021.802	Neighbor
Halle Properties LLC 20225 Scottsdale Rd Scottsdale AZ 85255	
09-09-12-00-00-002.004	Neighbor
K A T LLC 16540 Southpark Dr Westfield IN 46074	
09-09-12-00-00-002.005	Neighbor
Southpark Real Estate LLC 16525 Southpark Dr Westfield IN 46074	
09-09-12-00-00-002.102	Neighbor
Welsh Development LLC	

1040 3rd Ave SW			
Carmel	IN		46032
09-09-12-00-00-002.202			Neighbor
16535 Southpark LLC			
2159 GLEBE ST STE 250			
Carmel	IN		46032
09-09-12-00-00-002.302			Neighbor
T H E LLC			
16545 South Park Dr			
Westfield	IN		46074
09-09-12-00-00-010.000			Neighbor
PTI Westfield LLC			
40 Skokie Blvd Ste 610			
Northbrook	IL		60062
09-09-12-02-01-001.000			Neighbor
Yang, Ta Lang & Linh Leha			
1400 Woodside Dr			
Westfield	IN		46074
09-09-12-02-01-002.000			Neighbor
Yang, Ta Lang & Linh Leha			
1400 Woodside Dr			
Westfield	IN		46074 9515
09-09-12-02-01-019.000			Neighbor
Yang, Ta Lang & Linh Leha			
1400 Woodside Dr			
Westfield	IN		46074 9515
09-09-12-02-01-020.000			Neighbor
Yang, Ta Lang & Linh Leha			
1400 Woodside Dr			
Westfield	IN		46074 9515

Adjoiner Notification Map



Legend

- Buffer
- Notification Parcels
- Subject





Image capture: Apr 2014 Photos are copyrighted by their owners



 BOB'S GARAGE

Photo - Apr 2014

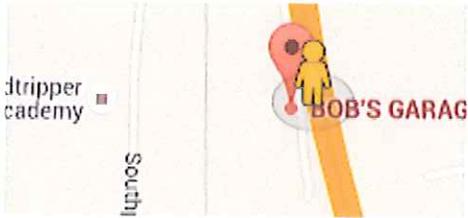
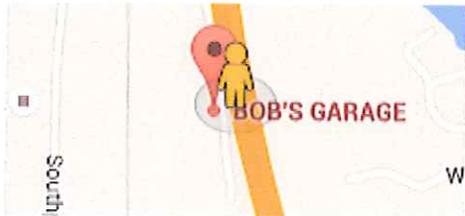




Image capture: Dec 2012 Photos are copyrighted by their owners 

 BOB'S GARAGE

Photo - Dec 2012



Google maps

Address **16899 U.S. 31**

Address is approximate

Save tree
Download Goo
phone at goog

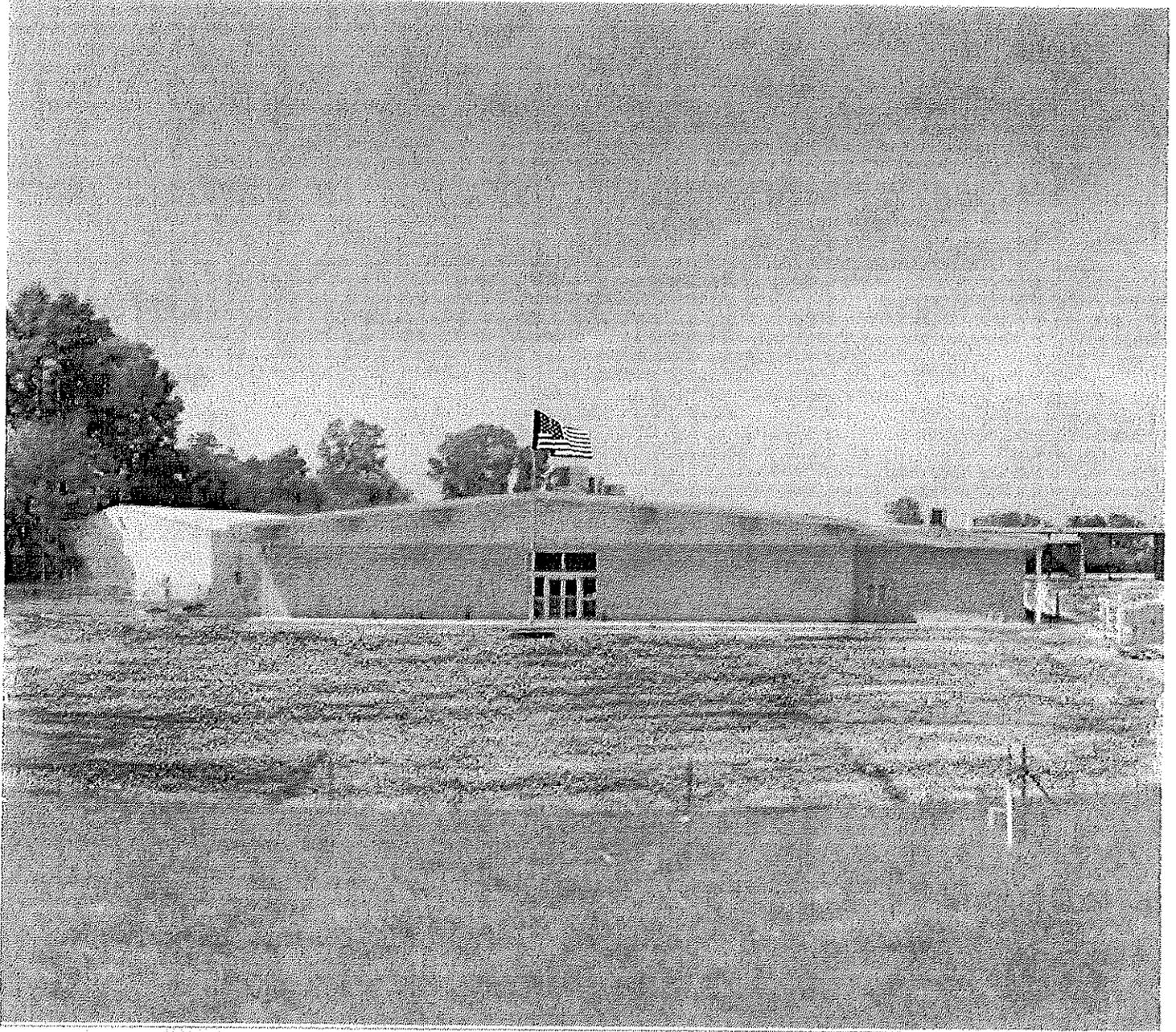




EXHIBIT "A"

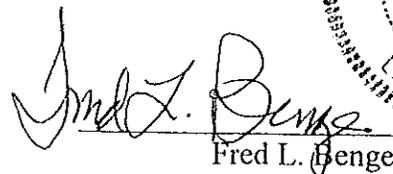
PROJECT: 0710215
CODE : 5311
PARCEL NO.: 249- Fee Simple with Partial Limitation of Access
Form WL-2
Key Number 29-09-01-000-014.000-015

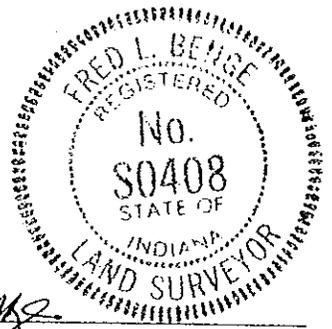
Sheet 1 of 1

Part of the Southeast Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked **Exhibit "B"**, described as follows: Beginning at a point on the south line of ssaid quarter section South 87 degrees 27 minutes 51 seconds West 1,978.42 feet from the southeast corner of said quarter section which point is on the western boundary of U.S. 31; thence continuing South 87 degrees 27 minutes 51 seconds West 117.66 feet along said line; thence North 3 degrees 55 minutes 35 seconds West 301.55 feet to point "24901" on said plat; thence North 11 degrees 37 minutes 11 seconds West 72.89 feet to the north line of said grantors' land; thence North 87 degrees 27 minutes 51 seconds East 70.73 feet along said line to the western boundary of U.S. 31; thence along said boundary southeasterly 379.19 feet along an arc to the left and having a radius of 11,546.02 feet and subtended by a long chord having a bearing of South 12 degrees 31 minutes 17 seconds East and a length of 379.17 feet to the point of beginning, containing 0.765 acres more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U.S. 31 and as Project 0710215), to and from the grantors' abutting lands, along the lines described as follows: Beginning at a point on the South line of said quarter section South 87 degrees 27 minutes 51 seconds West 2,016.68 feet from the southeast corner of said quarter section, which point is on the south line of said grantors' land; thence North 7 degrees 10 minutes 12 seconds West 78.09 feet to point "24902" on said plat; thence North 3 degrees 28 minutes 23 seconds West 154.98 feet to point "24912" on said plat; thence North 4 degrees 33 minutes 08 seconds West 34.31 feet to the western boundary of U.S. 31 designated as point "24910" on said plat and the terminus. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

This description was prepared for the Indiana Department of Transportation, by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 8th day of April, 2011


Fred L. Bengé



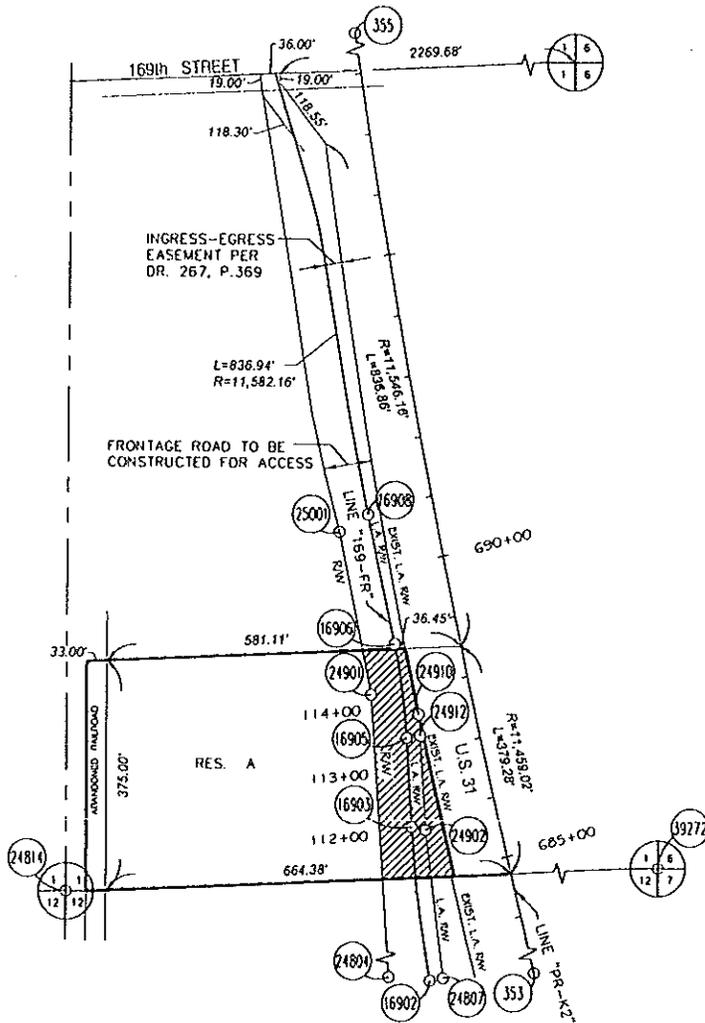
RIGHT-OF-WAY PARCEL PLAT

PREPARED BY R.W. ARMSTRONG & ASSOCIATES, INC.
FOR THE INDIANA DEPARTMENT OF TRANSPORTATION

SHEET 1 OF 1

0 100 200

SCALE: 1" = 200'



COORDINATE CHART (FEET)						
POINT	NORTHING	EASTING	STATION	OFFSET	STOC	LINE
353	53827.5171	48904.6038	679+85.52	0.00	--	'PR-K2'
355	58151.6862	48342.5853	723+59.67	0.00	--	'PR-K2'
16902	54123.6935	48651.4733	109+53.92	0.00	--	'169-FR'
16903	54373.8875	48620.3880	112+06.20	0.00	--	'169-FR'
16905	54520.2921	48611.5138	113+52.88	0.00	--	'169-FR'
16906	54671.2698	48590.7279	115+05.42	0.00	--	'169-FR'
16908	54881.0191	48545.3435	117+20.03	0.00	--	'169-FR'
24804	54006.7340	48592.1503	108+50.00	60.00	Lt	'169-FR'
24807	54127.8573	48673.0758	109+54.00	22.00	Rt	'169-FR'
24814	**	**	CALCULATED LOCATION			
24901	54588.9416	48552.5069	114+29.00	52.00	Lt	'169-FR'
24902	54369.0956	48642.7283	112+00.00	22.00	Rt	'169-FR'
24910	54557.9947	48630.6165	113+88.58	22.00	Rt	'169-FR'
24912	54523.7905	48633.3398	113+55.00	22.00	Rt	'169-FR'
25001	54852.4017	48496.3322	117+02.00	52.00	Lt	'169-FR'
39272			* REFER TO L.C.R.S			

NOTE: STATION AND OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES

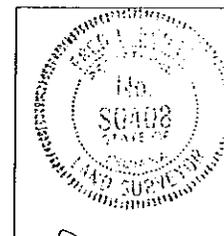
* SEE LOCATION CONTROL ROUTE SURVEY FOR ADDITIONAL POINTS

** CALCULATED LOCATION

SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT, TOGETHER WITH THE 'LOCATION CONTROL ROUTE SURVEY' RECORDED AS INSTRUMENT NO. 2002053314 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, (INCORPORATED AND MADE A PART HEREOF BY REFERENCE) COMPRISE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC 1-12, ('RULE 12').

OWNER: HOWARD B. SAMUELS, TRUSTEE	HATCHED AREA IS THE APPROXIMATE TAKING	DRAWN BY: D. TRUEBLOOD DATE: 04-05-11
PARCEL: 249		CHECKED BY: F. BENCE DATE: 04-07-11
ROAD: U.S. 31		QUITCLAIM DEED INSTR. #2010006827 DATED: 02-11-2010
COUNTY: HAMILTON		
SECTION: 1 PROJECT: Q710215		
TOWNSHIP: 18 NORTH DES. No.: Q900266		
RANGE: 3 EAST CODE: 5311	KEY No. 29-09-01-000-014.000-015	TAKING = 0.765 A.C.



Fred L. Benge
REG. LAND SURVEYOR No. LS0408