WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

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OFFICE USE ONLY

DOCKET #: 1604-VS-06 FILING DATE: _____

FILING FEE: $_____ FEE PLUS $ ____ PER ADDITIONAL VARIANCE (@ __) = $_____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: MAC's Convenience Stores LLC TELEPHONE: 812.379.9227 ext 1216

ADDRESS: 4080 Jonathan Moore Pike Columbus, IN 47201 EMAIL: jcarroll@circlek.com

PROPERTY OWNER'S NAME: MAC's Convenience Stores LLC TELEPHONE: 812.379.9227 ext 1216

ADDRESS: 4080 Jonathan Moore Pike Columbus IN 47201 EMAIL: jcarroll@circlek.com

REPRESENTATIVE'S NAME: Robert Wellert TELEPHONE: 330.239.2699

COMPANY: Wellert Corporation EMAIL: robert.wellert@wellert.com

ADDRESS: 5136 Beach Road Medina OH 44256

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1821 E 151st Street Westfield IN 46033

COUNTY PARCEL ID #(S): 09-10-18-00-00-015.001

EXISTING ZONING DISTRICT(S): GB -PD US Highway 31 Overlay EXISTING LAND USE(S): Gasoline service station

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: 4.23 F, 5.2, 6.1 H, 6.3, 6.8, 6.12

■ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

MAC's Convenience Stores LLC currently owns and operates a Circle K gasoline station on the property. The facility is becoming aged and could better serve the community if upgrades are performed. Their desire is to raze and rebuild the facility.

~~An variance from the requirements of the US 31 overlay district is being requested. Article 5.2~~

A variance from several Development standards is being requested.

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.

Applicant/Representive (signature) _____ 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 ____ day of _____, 20____.

State of _____, County of _____, SS:

_____
Notary Public Signature

_____
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.

Property Owner (signature)* _____ 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 ____ day of _____, 20____.

State of _____, County of _____, SS:

_____
Notary Public Signature

_____
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.*

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.

Applicant/Representive (signature) _____ 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 ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature _____

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.

Property Owner (signature)* _____ Property Owner (printed) Bruce Landini as VP MW Ops for Mac's Convenience Stores LLC

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 11th *day of* Jan. *, 20*16*.*

State of Indiana, County of Bartholomew, SS:

Notary Public Signature _____

Notary Public (printed) _____

MELISSA A. MAHONEY
Notary Public, State of Indiana
Bartholomew County
My Commission Expires
December 03, 2022

**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.*

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FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: MAC's Convenience Stores LLC 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: The development will meet state and federal building codes. Adequate room exists on site for pedestrian and vehicular access. The development will be a sigmnificant improvement to the aged nature of the exisitng facility.

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 development is located in a commercial area with similar uses. The requested variances will not restrict development of adjacent peroperties.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: If strict application of the ordinance is enforced, the operational characteristics of the site will be compromised resulting in an underperforming business. Underperforming businesses are not sustainable.