

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE USE ONLY

DOCKET #: 1606 - VS - 10 FILING DATE:
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 04/25/16

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: Omar Usmani TELEPHONE: 317-828-1694
ADDRESS: 16716 Gaither Blvd, Westfield, IN 46074 EMAIL: osusmani@gmail.com
PROPERTY OWNER'S NAME: Omar Usmani TELEPHONE: 317-828-1694
ADDRESS: 16716 Gaither Blvd, Westfield, IN 46074 EMAIL: osusmani@gmail.com
REPRESENTATIVE'S NAME: Omar Usmani TELEPHONE: 317-828-1694
COMPANY: EMAIL: osusmani@gmail.com
ADDRESS: 16716 Gaither Blvd, Westfield, IN 46074

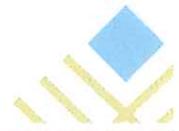
PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 4535 E 169th Street, Westfield, IN 46062
COUNTY PARCEL ID #(S): 08-10-05-00-00-013.000
EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S): SF3

VARIANCE REQUEST

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):
I am petitioning for a variance to ease the planting requirement from buffer yard C, which includes mounds and high density planting to buffer yard A, which eliminates the requirement for mounds and slightly reduces the planting requirement. The intent is to convert this property to an educational insitution, providing high quality and affordable preschool and kindergrtten to the surrounding community. In pursuit of this objective, our intent is to maintain a fully residential appearence, to avoid detracting from our neighbors, but also to create a warm and inviting atmosphere for our young students. The presence of large mounds and high density planting robs our neighbors of the community feel and creates the perception of living adjacent to a commercial property. We are requesting this varianceor reductions even beyond the ask, to maintain a cohesive neighborhood feel.



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)

Omar Usmani
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 29th day of April, 2016.

State of IN, County of Hamilton, SS:



[Signature]
Notary Public Signature
Michael Timothy Schultz
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.

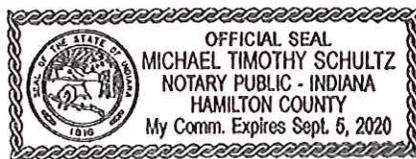
[Signature]
Property Owner (signature)*

Omar Usmani
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 29th day of April, 2016.

State of IN, County of Hamilton, SS:



[Signature]
Notary Public Signature
Michael Timothy Schultz
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: Omar Usmani

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: _____
My request is to modify the planting requirements to maintain the neighborhood appeal and would create no hazards to the public or adjacent properties.

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 existing requirements for a buffer yard C includes large mounds and high density planting creating the appearance of residing next to a commercial property. Our intent is to minimize the appearance of a commercial property, and so modifying the planting requirements will also contribute to lessening the appearance of residing adjacent to a commercial property.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The primary risk created by the requirement is the risk for flooding; the creation of mounds would block access to drainage at the north and west ends of my property.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

AFFIDAVIT OF NOTICE OF PUBLIC HEARING



DOCKET #: _____ PUBLIC HEARING DATE: June 14, 2016

APPLICANT'S NAME: Omar Usmani

REPRESENTATIVE'S NAME: Omar Usmani COMPANY: Children's Montessori House

PROJECT TO BE KNOWN AS: CMH Expansion

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 4 day of June, 2016, 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 3 day of June, 2016, being at least ten (10) days prior the scheduled public hearing.

[Signature]
Applicant/Representative (signature)*

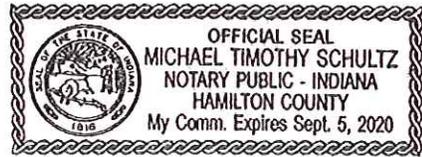
Omar Usmani
Applicant/Representative (printed)

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 29th day of April, 2016.

State of IN, County of Hamilton, SS:

[Signature]
Notary Public Signature
Michael Timothy Schultz
Notary Public (printed)



Tax ID Number(s):
08-10-05-00-00-013.000

29-10-05-000-013.000-015

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Donald W. Mendell Jr. and Carolyn P. Mendell, Husband and Wife

CONVEY(S) AND WARRANT(S) TO

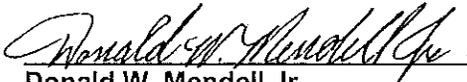
Omar S. Usmani and Sobia S. Usmani, Husband and Wife, for Ten Dollars (\$10.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Hamilton County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

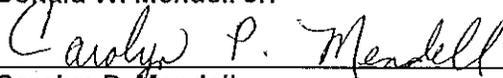
Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 14th day of January, 2013.



Donald W. Mendell Jr.



Carolyn P. Mendell

State of Indiana, County of Hamilton ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Donald W. Mendell Jr. and Carolyn P. Mendell, Husband and Wife** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 14th day of January, 2013.

My Commission Expires: _____

Leah Oberbroeckling
Signature of Notary Public

Printed Name of Notary Public _____

Notary Public County and State of Residence _____

This instrument was prepared by
Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
4535 East 169th Street
Westfield, IN 46062

Grantee's Address and Mail Tax Statements To:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

EXHIBIT "A"

Property Address: 4535 East 169th Street, Westfield, IN 46062

A part of the Northwest Quarter of the Southeast Quarter of Section 5, Township 18 North, Range 4 East more specifically described as follows:

Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 5, Township 18 North, Range 4 East, thence North 88°32'45" West 586.28 feet on and along the South line of said Northwest Quarter of the Southeast Quarter thence North 00°00'00" 743.00 feet; thence South 88°32'45" East 586.28 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter; thence South 00°00'00" 743.00 feet to the point of beginning, containing 10 acres, more or less.

EXCEPTING THEREFROM

Part of the Northwest Quarter of the Southeast Quarter of Section 5, Township 18 North, Range 4 East, in Hamilton County, Indiana, being described as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence North 88°56'36" West along the North line thereof a distance of 1336.07 feet to the Northeast corner of the Northwest Quarter of said Quarter; thence South 00°00'09" West along the East line thereof a distance of 576.54 feet to the point of beginning; thence continuing South 00°00'09" West along said line a distance of 419.71 feet to a point being North 00°00'09" East a distance of 321.79 feet from the Southeast corner of said Quarter Quarter; thence North 88°46'38" West parallel with the South line of said Quarter Quarter a distance of 290.00 feet; thence South 00°00'09" West parallel with said East line a distance of 321.79 feet to said South line; thence North 88°46'38" West along said South line a distance of 296.27 feet; thence North 00°00'09" East parallel with the East line thereof a distance of 741.50 feet; thence South 88°46'38" East parallel with said South line a distance of 586.27 feet to the point of beginning, containing 7.83 acres, more or less.

Tax ID Number(s):

08-10-05-00-00-013.000

29-10-05-000-013.000-015

Omar & Sobia Usmani
Children's Montessori House
4535 E 169th Street
Westfield, IN 46062

April 29, 2016

Dear Neighbors:

For the past three years we have been operating a Montessori School providing an early childhood education to the children in our community. Since our start we've focused on offering our neighbors a safe welcoming environment where children are happy and develop academically, socially, emotionally, and physically. During this time I am so happy that we've felt so welcome by all of you enabling us to have a positive impact on many young lives.

We are at a point we would like to increase our capacity so we can serve our community at a slightly larger scale, but we want to do so with your participation and feedback. Our plan is to simply convert the remainder of the house into a second classroom, we have no intention of adding on or altering the house in a fashion that would detract from the residential feel or appearance. We are very aware that building a commercial facility and installing imposing lights is not only an eyesore, but also devalues your property. The modifications we plan to make include the installation of a small parking pad to accommodate eight vehicles, connecting the walking path that dead end on the east and west ends of our property line, and planting several trees and bushes to along the perimeter of our property.

I am writing to your today because in accordance to code the requirements for a buffer separating our properties is extensive and includes the creation of large grass mounds with a large number of shade trees, ornamental trees, and shrubs. Which I believe would create detract from the residential feel we are trying to maintain. I am asking both the city and you as my neighbors to allow us to lessen the requirements and eliminate the need for mounds and reduce the planting requirement in order to promote a residential community appearance.

The attached letter provides information regarding a public hearing which you are welcome to attend to offer feedback. Or if you have questions please feel free to call us at 317-828-1694, email us at info@childrensmontessorihouse.com, or stop by for a quick chat. Please do offer your feedback, we sincerely want to make certain that your voice is heard and we maintain our relationship as neighbors.

Thank you for your time.

Kindest Regards,

Omar & Sobia Usmani