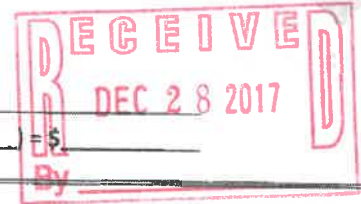


VARIANCE APPLICATION



OFFICE USE ONLY

DOCKET #: 1802-VU-01

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: Full Circle Renovation (Adam & Kory Henderson) TELEPHONE: 317-596-1777

ADDRESS: 8506 Evergreen Avenue Indianapolis, IN 46240 EMAIL: adam@fullcirclefloors.com

PROPERTY OWNER'S NAME: MCS Realty (Tim Martin) TELEPHONE: 317-223-8629

ADDRESS: 13936 Painter Court Carmel, IN 46032 EMAIL: timmartin@indy.rr.com

REPRESENTATIVE'S NAME: Brian Sanders TELEPHONE: 317-201-1070

COMPANY: Century 21 Scheetz EMAIL: bsanders@c21scheetz.com

ADDRESS: 4929 East 98th street Indianapolis, IN 46240

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17767 Sun Park Drive, Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-05-36-00-00-039.009

EXISTING ZONING DISTRICT(S): Commercial/Industrial EXISTING LAND USE(S): None, vacant

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):

The purpose of the variance application is to grant Full Circle Renovations & Hardwoods Floors a variance for use in the building located at 17767 Sun Park Drive, Westfield IN 46074. The applicants currently have an accepted offer to purchase the subject property contingent on the variance for use of the property. The applicants intend to purchase and do business as a commercial/residential flooring contractor specializing in high end hardwood and solid surface flooring. The applicants are a very professional/reputable company (established in 2002) now currently located in the Indianapolis area known as Nora. The 17767 Sun Park Drive property will used 30% showroom for new/current customers from all over Indiana. The property will also be used for office space approximately 30% for the management team/owners. The remaining 40% of the property will be for product storage as the back of the property is warehouse space. It should be noted that construction will NOT take place at the subject property location. The applicants are asking for "variance exception" to ENCLOSED INDUSTRIAL to RETAIL/OFFICE construction trade.

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

APPLICANT: \_\_\_\_\_

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: \_\_\_\_\_  
The approval for VARIANCE request by Full Circle Renovation will not have any negative effect on the public health & safety of the community because no harmful containments will be contained on premises and no actual construction will be taking place to put the community in harms way. The morals of the community will not be impacted as the property will be a retail/commercial office location for residential/commercial flooring. The property be maintained at a high level both inside and outside to ensure that the company will be a positive contributing member to the Westfield Business Community.

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 requested use of the subject property will not have an adverse affect on the surrounding value. The goal of the applicants is to increase the value of the surrounding area through cosmetic improvements both interior and exterior improvements. The applicants business relies on high-end clientele so the surrounding area and aesthetics of the property are important to their overall business growth. The current surrounding area is landscape construction, storage facilities and retail warehouse space so the applicant is hopeful that the surrounding area continues to improve so that the overall value will increase in value and in client traffic count. The applicants hope to be a positive contributor to the overall curb appeal of this specific location and the overall Sun Park development.

C. The need for the variance arises from some condition particular to the property involved because: \_\_\_\_\_  
The need for a variance from the applicants is due to the fact that the current zoning is Enclosed Industrial/Commercial. The applicants business will be Retail/Office by a construction trade. It is the applicants understanding that the area is located in the US 31 Overlay zone and this requires the future tenants to perform more due diligence on this zoning districts. The applicants also have personally met with the City of Westfield Planning Commission members and were told that a variance of use will be required.

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: \_\_\_\_\_  
The strict application does in fact create a "hardship" for the applicants because the property will not be purchased if the variance is not granted on the subject property. If the variance is not granted the applicants will need to refocus their efforts on purchasing a property in Hamilton County either Westfield, Carmel or Fishers. They currently desire moving out of Indianapolis Nora area to get more space and provide a convenient location to their high end residential/commercial clientele. One of the partners in Full Circle Renovations is a Westfield resident and would like to build their business with Westfield, Indiana as the central headquarters. The current offer on the subject property is "contingent" on this variance request and if not granted the current enclosed Industrial/Commercial zoning will not work for the applicants business.

E. The varianace of use does not interfere substantially with the Comprehensive Plan because: \_\_\_\_\_  
The variance of use does not interfere substantially with the Comprehensive Plan in our opinion. The applicants business will be bringing more exposure to the Sun Park development and to the City of Westfield. The applicants business model will be an improvement to the Sun Park development as the current business tenants do not seem to bring any traffic other than employees and construction traffic. The applicants understand that the current zoning is Industrial and the applicants goal is to move the park into the Retail sector. The property from the outside structure and overall grounds will be improved with the hopes that other Retail businesses will start to move into the park rather than Industrial warehouses, landscaping storage facilities and furniture warehousing. This variance of use request is a step in the right direction for the Comprehensive Plan. The subject property is currently vacant and the applicants intend to occupy the space immediately upon variance approval.

WESTFIELD WASHINGTON TOWNSHIP  
**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

APPLICANT: \_\_\_\_\_

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 approval for the variance request for the subject property will not be injurious to the public health, safety morals of the community in any way. The applicants are seeking approval for zoning variance from Industrial to retail/office which is a step down in zoning requirements. The manner of business which will be taking place does not involve chemicals harmful contaminants. The manner of business is construction retail and has no adverse effect on morals or the welfare of the community. The product focus is hardwood flooring and solid surface flooring with the construction taking place off-site in residential homes or business.

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 use and the value of the area adjacent to the property will not be affected in a adverse way. It is the applicants and applicants Realtors opinion that the area will be positively affected through investment and property improvements. The property currently sits vacant and is surrounded by Industrial warehouses and landscape construction facilities. The applicants hope to bring high clientele to the Sun Park development providing more exposure to the area. The variance request is seeking retail/office which is an exception to the current enclosed Industrial zoning. The applicants request is a step closer in the City of Westfield's plan to make the area a destination location. This has already been stated but one of the applicants is a Westfield resident and hopes to continue investing in Westfield with the relocation of their business.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
If the strict application of use of the Ordinance is applied in this variance request the applicants will not move forward with the purchase of the subject property. The applicants will need to continue searching for a new business location in Hamilton County.

## 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 type="checkbox"/> | Completed Application  | <input type="checkbox"/> | Legal Description  |
| <input type="checkbox"/> | Draft Public Notice    | <input type="checkbox"/> | List of Adjoining Property Owners (as provided by County)  |
| <input type="checkbox"/> | Property Owner Consent | <input type="checkbox"/> | TAC Delivery Affidavit (if TAC is determined to be necessary)  |
| <input type="checkbox"/> | Site Plan (to scale)   | <input type="checkbox"/> | Copy of Property Deed  |
| <input type="checkbox"/> | Statement of Intent    | <input type="checkbox"/> | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **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.
- E. **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:
- Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
  - Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, 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.
  - 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.
  - 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.
- F. **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.
- G. **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.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

\*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.

\_\_\_\_\_  
Notary Public (printed)

\_\_\_\_\_  
Notary Public Signature

State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

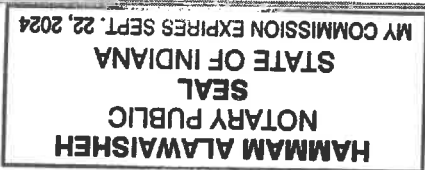
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

\_\_\_\_\_  
Property Owner (printed)

\_\_\_\_\_  
Property Owner (signature)\*

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 AFFIDAVIT



\_\_\_\_\_  
Notary Public Signature  
Hammam Alwaisheh  
Notary Public (printed)

State of Indiana, County of Marion, SS:

Witness my hand and Notarial Seal this 28 day of December, 2017.

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.

\_\_\_\_\_  
Applicant/Representative (printed)

Adam Henderson

\_\_\_\_\_  
Applicant/Representative (signature)

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 AFFIDAVIT

MCS Realty  
13936 Painter Court  
Carmel, IN 46032

January 10, 2018

Economic and Community Development

Att: Matt Pleasant

RE: 17767 Sun Park Dr.  
Westfield, IN 46074

Matt,

MCS Realty, an Indiana General Partnership, is the owner of 17767 Sun Park Dr., Westfield, IN, 46074. There are only two General Partners: F Tim Martin and David M. Porter and by our signatures below we are consenting to the variance process.

Sincerely,  
MCS Realty



David M. Porter



F. Tim Martin