



2016010901 VARIANCE \$22.00
03/10/2016 03:45:55P 5 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2008045590

This ACKNOWLEDGEMENT, made this 17th day of February, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

Mayor
Andy Cook

City Council
Chuck Lehman
Jim Ake
Joe Edwards
Steven Hoover
Robert L. Horkay
Dr. Mark Keen
Cindy L. Spoljaric

Clerk Treasurer
Cindy J. Gossard

WHEREAS, on Tuesday, February 9, 2016, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1601-VU-02 (the "Petition"), filed by Brian Ewen of Rock's Auto Exchange (the "Business Owner"), for a Variance of from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 518 East Main Street, Westfield, IN 46074 (Parcel No: 09-06-31-03-09-023.000 and more particularly described in Exhibit A (the "Property"), owned by Frances Michelle Turner (the "Property Owner").

The Business Owner requested approval of the following:
1601-VU-02 – Variance of Use to allow sales of pre-owned automobiles in the SF3: Single-Family Medium Density District (Chapter 13: Use Table).

WHEREAS, the Board voted three (5) to zero (0) to approve the Petition with the following conditions:

1. That approval of this variance shall expire on March 1, 2019. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to March 1, 2019.
2. That no more than thirty-two (32) vehicles that are for sale be on the Property at any one time;
3. That the parking surface and paved area not expand;
4. That designated customer and employee parking spaces be identified and striped;
5. That vehicles are not permitted to be parked in the grass;
6. That landscaping be installed and/or maintained as generally depicted on the submitted concept plan/landscaping plan (see Exhibit 4 of the Staff Report);
7. That no existing landscaping be removed without being replaced with a similar size and species of plant;
8. That no additional signage or sign types be permitted on the Property;
9. That banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, feather flags or signs, balloons, or inflatable signs be prohibited on the Property;

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Development**

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Westfield, IN 46074

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10. That individual vehicle pricing and other displayed vehicle information be limited to a maximum of four (4) window "stickers" or tags per vehicle; and,
11. That outdoor speakers for music and/or announcements be prohibited.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the Variance of Use approved by the Board on February 9, 2016. Unless otherwise modified herein, this Variance of Development Standard shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variance of Development Standard, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

"DIRECTOR"



MATTHEW S. SKELTON, DIRECTOR

Economic and Community Development Department, City of Westfield, IN

Administration

(317) 804-3040 office
(317) 804-3190 fax

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"PROPERTY OWNER"

I, Frances M. Turner, Owner of the Property, hereby acknowledge the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition, as set forth herein.

IN WITNESS WHEREOF, the Owners have executed this instrument, on the 32 day of 2, 2016.

Frances M. Turner
Owner Signature

Frances M. Turner
Printed

owner
Title

2-27-16
Date

STATE OF _____)

COUNTY OF _____)

) SS)



Signed and acknowledged before me this 3rd day of March 2016.

(SEAL)

Julie Hallman
Signature of Notary Public

Julie Hallman
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires: Sept. 2nd 2023

Administration

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"PETITIONER"

I, Brian Eves, Rocks Auto Exchange, hereby acknowledge the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition, as set forth herein.

IN WITNESS WHEREOF, the Owners have executed this instrument, on the _____ day of _____, 2016.

[Signature]

Signature

Brian Eves

Printed

Owner

Title

2/22/16

Date

STATE OF _____)

COUNTY OF _____)

)
) SS
)



Signed and acknowledged before me this 3rd day of March, 2015.

(SEAL)

Julie Hallman
Signature of Notary Public

Julie Hallman
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires Sept. 2nd 2023

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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

Administration

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EXHIBIT A
THE PROPERTY

Lot Numbered Thirteen (13) in Roberts Revised Rolling Acres, and Addition to the Towne 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.

Administration

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