

# VARIANCE APPLICATION

OFFICE  
USE ONLY

DOCKET #: 1902-VU-02 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: Rocks Auto Exchange TELEPHONE: 317-399-7854

ADDRESS: 518 E. Main St., Westfield, IN 46074 EMAIL: brianewen83@gmail.com

PROPERTY OWNER'S NAME: Frances Michelle Turner TELEPHONE: 317-710-5440

ADDRESS: 16411 Carter Ct, Westfield, IN 46074 EMAIL: \_\_\_\_\_

REPRESENTATIVE'S NAME: Doug Goin TELEPHONE: 317-710-0126

COMPANY: \_\_\_\_\_ EMAIL: doug@directmoney

ADDRESS: \_\_\_\_\_ lenders.com

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 518 E. Main St, Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-06-31-03-09-023.000

EXISTING ZONING DISTRICT(S): SF-3 EXISTING LAND USE(S): Pre-owned Auto Sales

## 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): A variance of land use for this property was approved approximately three years ago for pre-owned auto sales. The applicant has been operating as a pre-owned auto sales business since the variance was approved. It is the applicant's intention to continue operating a pre-owned auto sales business in the same manner - displaying, promoting and selling pre-owned vehicles and promoting ancillary vehicle cleaning and repair services performed off-site. The applicant has proven over the last three years that the business is an asset to the community and has a positive economic impact on the city of Westfield.

# FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Frances Michelle Turner

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 business has proven over the last three years that it in no way poses any threat to public health, safety, morals or general welfare of the community. Even though the property is currently zoned Single Family- Medium Density, the property has been operating as a pre-owned sales business for the last three years and is surrounded by properties zoned for local business and local business - historic district use. No construction or alteration of the existing improvements will be necessary. The applicant will continue to to add needed commerce and employment opportunities to Westfield's downtown area.  
\_\_\_\_\_  
\_\_\_\_\_
  
- 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: Applicant has proven over the last three years operating as a pre-owned sales business that it has not and will not interfere in the use and value of the property, any adjacent property or any property included in the variance. The applicant intends to continue operating in the same manner; as a result there is no reason to believe that the business would have any adverse impact.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- C. The need for the variance arises from some condition particular to the property involved because: The property is zoned Single-Family Medium Density although it is within very close proximity to properties zoned for Local Business and Local Business- Historic District uses. Providing the variance for this property has allowed the small business to grow and thrive and become a vital part of the Westfield community over the last 3 years; the applicant wishes to continue providing its much needed products and services at this location.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 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 applicant has built a thriving business at this location. The business quite honestly may not be able to continue if it had to relocate and try to find another location with the same traffic at a similar price. The business is driven by high traffic volume and the price of locations that offer comparable traffic counts and visibility would most likely prevent the company from being profitable. The business would most likely have to cease operations and would no longer provide the products, services, employment or economic value to the community.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: One of the principles for Westfield's downtown area's Comprehensive plan is establishing identity. The applicant feels like the business compliments the plan by relating to and connecting with the community through its name sake (Go Rocks!), as a small business owned by a family that lives, works and plays in the city of Westfield and its efforts to get involved with the community through sports sponsorships, local events, and more. The business truly loves and cares about the community and identifies with its citizens. The business in no way would interfere in Westfield's Comprehensive plan, but rather should provide it support.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**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)

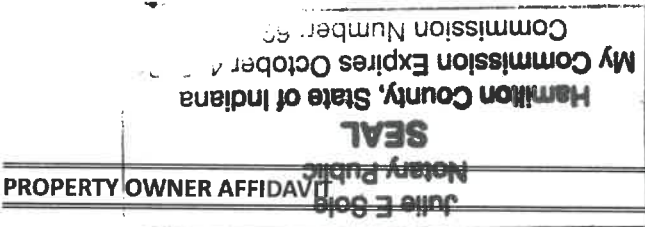
Brian Ewer  
Applicant/Representative (printed)

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 22 day of January, 2019.

State of Indiana, County of Hamilton, ss:

[Signature]  
Notary Public Signature  
Julie Sole  
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)\*

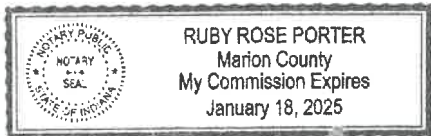
Francis Turner  
Property Owner (printed)

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 21 day of January, 2019.

State of Indiana, County of Hamilton, ss:

[Signature]  
Notary Public Signature  
Ruby Rose Porter  
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.