

EXHIBIT 4. APPLICATION

CITY OF NOBLESVILLE ♦ VARIANCE OF USE APPLICATION



CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF USE APPLICATION

Application Number: BZNA-0078-2019

The undersigned requests a Variance of Use as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Leafspring School
Common Address 15688 Hazel Dell Road, Noblesville, IN

Applicant Name: THINK Holdings, LLC
Applicant Address: 10243 Port View Lane

Applicant City/State/Zip: McCordsville, IN 46055 E-mail: sramos@leafspringindy.com

Applicant Phone #1: 317-213-8156 Phone #2: 317-401-3800 Fax: N/A

Owner Name: Striker Property Group, LLC

Owner Address: 13867 Smokey Ridge Drive

Owner City/State/Zip: Carmel, IN 46033 E-mail: dan@strikerrealtygroup.com

Owner Phone #1: 317-694-7520 Phone #2: N/A Fax: N/A

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: N/A

Subdivision Section: N/A Lot Number: N/A Last Deed of Record Number 2017052803

Existing Land Use: Vacant

Use variance to permit:
Common Description of Request: Early Learning Center; Offices; and Medical Offices

Zoning District of Property: SR Code Section(s) Appealed: UDO § Article 8, Part B, Section 1(B)

Date: 5/28/19

Applicant's Signature:

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Use from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Use may be approved only upon a determination in writing that the following five (5) statements are true (see Indiana Code § 36-7-4-918.4):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:
The proposed uses will be complimentary to the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:
The proposed uses will be complimentary to the community.
3. The need for the proposed variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:
The current zoning for the property is residential (SR), and thus a variance is needed to allow for the proposed uses.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which this variance is sought. Explain why this statement is true in this case:
The proposed uses would not be possible without the variance.

[See following page]

5. The approval of this variance does not interfere substantially with the provisions of the Comprehensive Master Plan for the City of Noblesville, Indiana. Explain why this statement is true in this case:

The proposed uses will be complimentary to the community.

PROPERTY OWNER CONSENT FORM

The undersigned, Striker Property Group LLC, being the owner of the real estate generally described as the 5 +/- acres more particularly described as Parcel No. 10-10-10-00-00-022.001 (the "Real Estate"), hereby authorizes Think Holdings, LLC, and Faegre Baker Daniels LLP to file all necessary petitions, applications, and supporting materials for the Real Estate with the City of Noblesville, Hamilton County, Indiana, and/or any other relevant government entity to annex and/or develop the Real Estate.

By: [Signature] / Striker Property Group, LLC
Property Owner Signature

Dan J Toole / Striker Property Group, LLC

Property Owner (printed)

Agent

Property Owner Title

3/28/19

Date

By: _____
Property Owner Signature

Property Owner (printed)

Property Owner Title

Date

Stacia L O'Toole
SIGNATURE OF NOTARY PUBLIC

State of Indiana, County of Hamilton, SS:

Subscribed and Sworn before me this 28 day of May, 2019.

Printed Name of Notary Public Stacie L O'Toole

My Commission Expires 27 April, 2025.



NKC

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
24th day of October 2017 - ALC
Robin M. Miller Auditor of Hamilton County
Parcel # 10-10-10-00-022.001

2017052803 WD \$25.00
10/25/2017 10:19:34AM 3 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented


Warranty Deed

This Indenture Witnesseth, that Dan O'Toole ("Grantor") CONVEY(S) AND WARRANT(S) to Striker Property Group LLC ("Grantee") of Hamilton County, in the State of Indiana, FOR NO CONSIDERATION, the following real estate in Hamilton County, State of Indiana, commonly known as o Hazel Dell Road, Noblesville, IN 46062, and more particularly described as:

See attached Exhibit "A"

Subject to taxes for 2017 payable 2018, now a lien, not yet due and payable.

Subject to covenants, agreements, easements, restrictions and all rights of way of record.

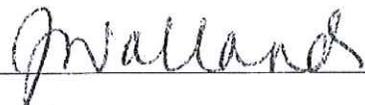
In Witness Whereof, Grantor has caused this deed to be executed this 23rd day of October, 2017.


Dan O'Toole

STATE OF INDIANA)
COUNTY OF Hamilton

Before me, a Notary Public in and for said County and State, personally appeared Dan O'Toole, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 23rd day of October, 2017.

Signature: , Notary Public
Printed: _____

My Commission Expires:
My County Of Residence is:
IN1707318

JENNIFER JO WALLANDER
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires May 13, 2021

**EXEMPT FROM
SALES DISCLOSURES**

BEG

Prepared by and return deed to:
Jennifer J. Wallander, Esq.
Hamilton National Title LLC, 865 W. Carmel Drive, Suite 110, Carmel, IN 46032

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, Jennifer J. Wallander.

Grantee mailing address and please send tax statements/notices to:

13867 Smokey Ridge Dr.
Carmel, IN 46033

EXHIBIT "A"

Tract 1: (fee parcel)

Part of the Southwest Quarter of Section 10, Township 18 North, Range 4 East, located in Noblesville Township, Hamilton County, Indiana, being bounded as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 4 East; thence North 00 degrees 49 minutes 19 seconds East (assumed bearing) along the West line of said Southwest Quarter a distance of 572.00 feet to the Southwest corner of property to Dishon, recorded as Instrument Number 200500006575, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 29 minutes 52 seconds East along the South line thereof a distance of 457.08 feet to the East line of property to Fazekas as described in Instrument Number 200029853; thence South 00 degrees 49 minutes 19 seconds West along the East line thereof a distance of 572.00 feet to the South line of said Southwest Quarter; thence North 89 degrees 29 minutes 19 seconds West along the South line thereof a distance of 457.08 feet to the POINT OF BEGINNING, containing 6.0 acres, more or less. **EXCEPTING THEREFROM** part of the Southwest Quarter of Section 10, Township 18 North, Range 4 East, Hamilton County, Indiana, conveyed to the City of Noblesville, Indiana, by Final Order of Judgment recorded August 30, 2007, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 05 minutes 52 seconds East 572.00 feet along the West line of said quarter section to the Southwest corner of a tract of land conveyed by a Warranty Deed recorded as Instrument Number 200500006575, in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 49 minutes 20 seconds East 75.00 feet along the South line of said tract of land; thence South 0 degrees 05 minutes 52 seconds West 572.00 feet to the South line of said quarter; thence South 89 degrees 49 minutes 28 seconds West 75.00 feet along said South line to the Point of Beginning and containing 0.985 acres, more or less.

Parcel No.: 29-10-10-000-022.001-013

Samuel E. Swafford
Associate
samuel.swafford@FaegreBD.com
Direct +1 317 569 4879

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600 East 96th Street ▼ Suite 600
Indianapolis ▼ Indiana 46240-3789
Main +1 317 569 9600
Fax +1 317 569 4800

June 21, 2019

Re: Use Variance Request for LeafSpring Early Learning Center

Dear BZA Members:

On behalf of LeafSpring Early Learning Center (“LeafSpring”), we respectfully request a land use variance to permit LeafSpring’s proposed Early Learning Center (the “School”) on the 5 +/- acres located generally at 15720 Hazel Dell Road, Noblesville, Indiana 46062 (the “Real Estate”) (please see the enclosed aerial location maps).

LeafSpring School is a premier early learning education program receiving the highest honors and accreditations from the State of Indiana (Paths to Quality Level 4) and the highest national ranking accreditation through AdvancED. LeafSpring School at Geist opened in January 2017. The Geist school is located at 10408 Olio Road in Fishers, Indiana (<https://geist.leafspringschool.com/>).

As with the Geist location, the Noblesville LeafSpring School will serve children from ages 6 weeks to 11 years of age. The structure is segmented into three areas called Early Learning, the Village and the Get Well Place. Early Learning hosts early childhood learners from 6 weeks to 5 years of age. The Village hosts before/after/summer school age children. The Village interior looks like an actual village complete with Café, Theater, Apothecary, Library, STEM Research Center and a gymnasium. The Get Well Place has a pediatric nurse on staff and provides for the opportunity for families to have a mildly ill child cared for while the parents work.

Attached please find the concept plan and building elevations for the School. The residential-style School building will be all brick with a pitched roof to fit within the surrounding residential area. Much like the nearby elementary school, the proposed site is attractive for the School because the School prefers to locate near the families and children whom they serve. The School is a low-impact use and is not open during the evenings or weekends (the School will be open 6:30 am to 6:30 pm, Monday through Friday).

Upon the advice of the City of Noblesville’s Engineering Department, LeafSpring has agreed to make the following road improvements: (i) a left turn lane on Hazel Dell Road to allow traffic traveling south on Hazel Dell Road to turn left into the Real Estate; (ii) a deceleration lane at the entrance of the Real Estate to assist traffic entering the Real Estate from the south; and (iii) an acceleration lane at the entrance of the Real Estate assist traffic in exiting the Real Estate to travel north. The plan also will include approximately 113 parking spaces and an on-site circulation plan.

Finally, the School will include a landscape plan along the perimeter of the Real Estate.

Thank you for your consideration.

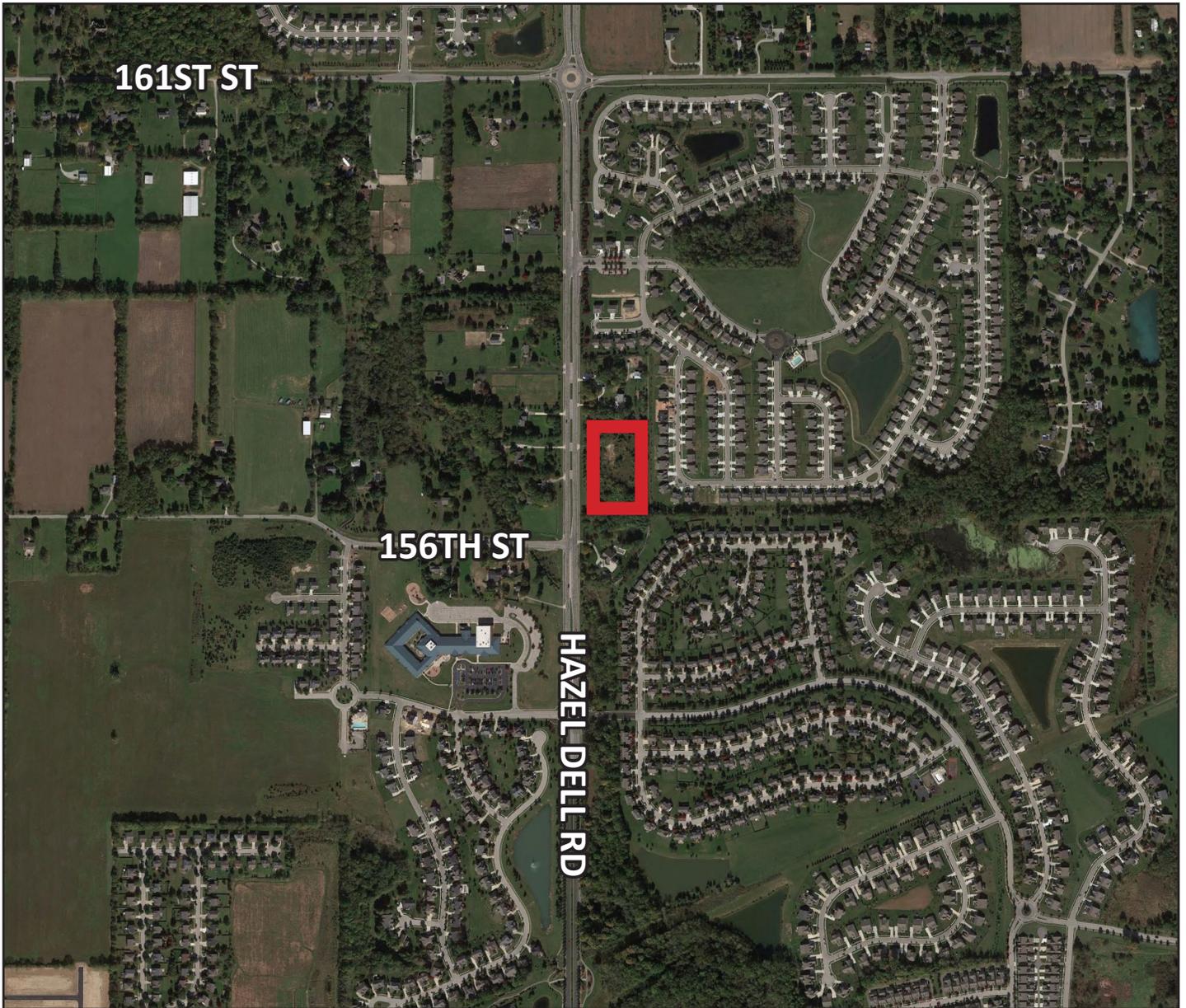
Sincerely,

A handwritten signature in black ink, appearing to read "S. Swafford". The signature is written in a cursive style with a large initial "S" and a distinct "Swafford" following.

Samuel E. Swafford

AERIAL LOCATION MAP

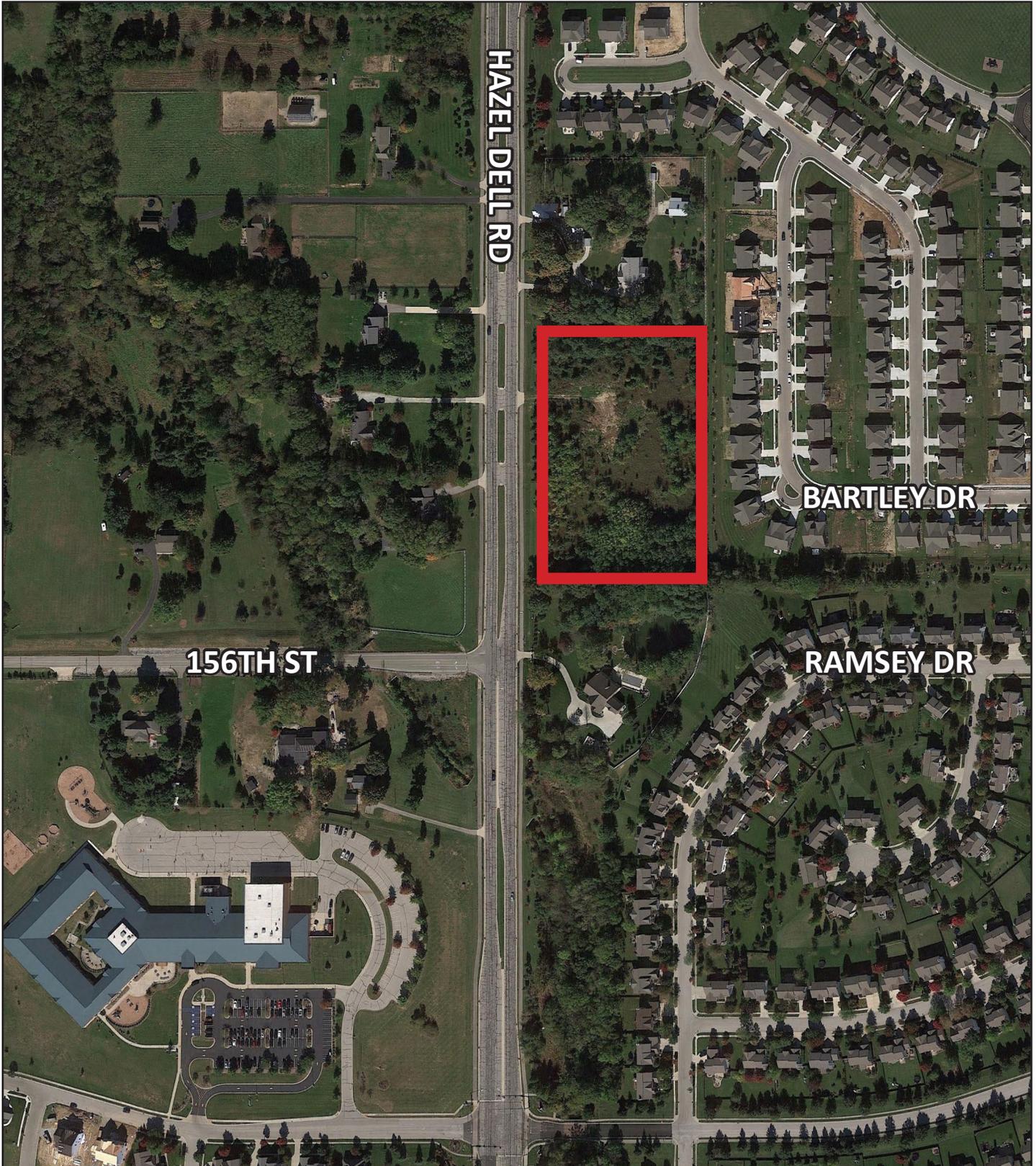
LEAFSPRING EARLY LEARNING CENTER



REAL ESTATE

AERIAL LOCATION MAP

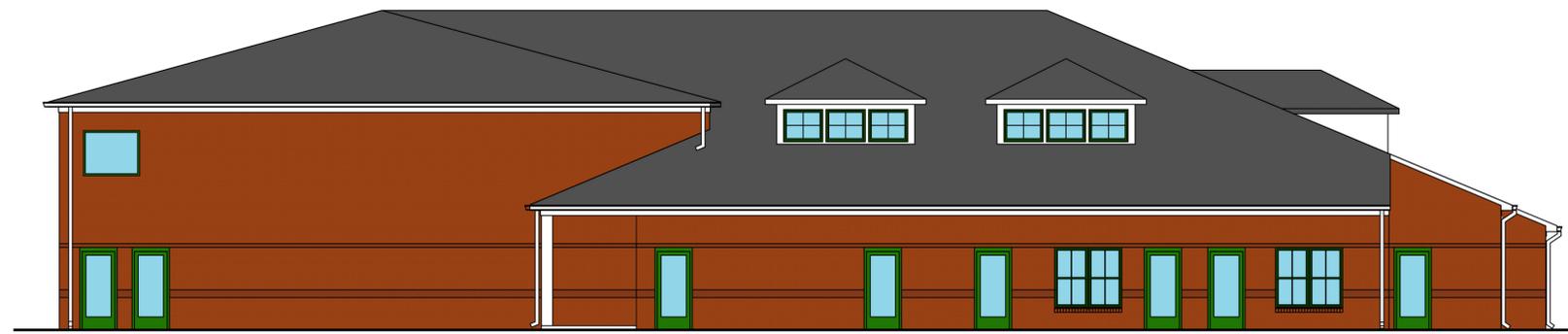
LEAFSPRING EARLY LEARNING CENTER



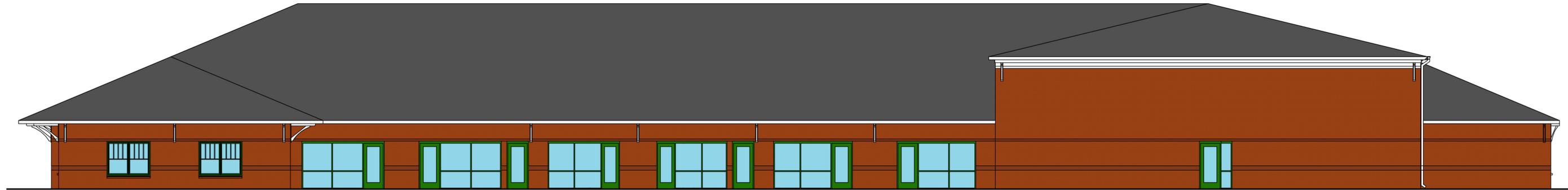
REAL ESTATE



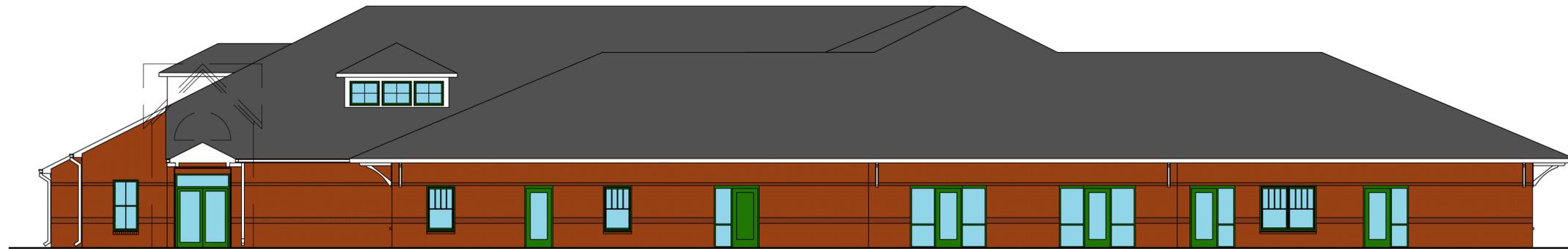
EXHIBIT 5. ELEVATIONS



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION (HAZEL DELL ROAD)