

STATE OF INDIANA)
) SS:
 COUNTY OF BOONE)

BEFORE BOARD OF ZONING APPEALS
 CITY OF LEBANON, INDIANA

IN THE MATTER OF THE PETITION OF
 CLAIR N. CUNNINGHAM, MARTHA M. CUNNINGHAM
 AND CLEO SMITH FOR A VARIANCE.

PETITION FOR A VARIANCE

The undersigned petitioners, Clair N. Cunningham and Martha M. Cunningham, husband and wife, and Cleo Smith for their petition for a variance before the Board of Zoning Appeals of Lebanon, Boone County, Indiana allege as follows:

1. That the petitioners Clair N. Cunningham and Martha M. Cunningham are the owners in fee simple of the following described real estate, to wit:

A part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of Section twenty-five (25), Township nineteen (19), North Range one (1) West, described as follows, to wit; Commencing at a point eleven and sixty-five thousandths (11,065) chains north and ten and five hundred eighty-five thousandths (10.585) chains west of the southwest corner of the northwest quarter (NW 1/4) of Section thirty (30) Township nineteen (19) North, Range one (1) East, and run thence north three (3) degrees west one and forty-nine hundredths (1.49) chains; thence north thirty-five (35) degrees west one and hundredths (1.03) chains, thence south eighty-eight (88) degrees and forty (40) minutes west three and forty-one hundredths (3.41) chains to the east line of the right of way of the T.H.I. & E. Traction Company; thence south ten (10) degrees east two and two hundredth seventy-five thousandths (2.275) chains with said east line, thence east three and sixty-nine hundredths (3.69) chains to the point of beginning.

Also, a part of the southeast quarter of the northeast quarter of section twenty-five (25) Township nineteen (19) North, Range one (1) West, formerly used by the Terre Haute, Indianapolis, and Eastern Traction Company for an interurban right of way and that portion of the State Road 39 adjoining the right of way, all of which adjoins and lies adjacent to the west boundary of the tract a above described.

Right of way tracts described as follows, to wit: A part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of Section twenty-five (25), Township nineteen (19) North, Range One (1) West described as follows: Commencing at three and sixty-nine hundredths (3.69) chains west of a point described as being eleven and sixty-five thousandths (11.065) chains north and ten and five hundred eighty five thousandths (10.585) chains west of the southwest corner of the northwest quarter (NW 1/4) of Section thirty (30) Township nineteen (19) North, Range one (1) East, and run thence north ten (10) degrees west two and two hundred seventy-five thousandths (2.275) chains thence south eighty eight degrees forty minutes (88 -40) west one and twenty three thousandths (1.023) chains thence south ten degrees (10) east two and two hundred sixty-five thousandths (2.265) chains thence east one and nineteen thousandths (1.019) chains to the point of beginning containing .233 acres more or less.

that said real estate is located at 1907-1911-1913 North Lebanon Street in Lebanon Boone County, Indiana; that the petitioner Cleo Smith is the holder of an option to purchase said real estate from the petitioners, Clair N. Cunningham and Martha M. Cunningham provided this petition for a variance can be granted Before this Board; that said real estate is presently zoned "A" residential, but that there is sufficient unoccupied land in the aforescribed tract for the petitioner Cleo Smith to erect an apartment building on said land.

2. The petitioners Cleo Smith would further show to the Board that the