

reporter is filed herein, said proof of publication being in the following words and figures, towit: (H.I.).

And said petition is now heard by the Board of Zoning Appeals of the City of Lebanon at the Council Chambers, City Building, Lebanon, Indiana, with all interested parties, including the general public being present.

And now said Board of Zoning Appeals having heard the evidence herein and being duly advised in the premises finds:

1. That the petitioners have entered into an option with a third party, subject to zoning for commercial use for the third party, to lease with an option to purchase the real estate described as follows, towit:

Lot 16 in Hedges Addition to Lebanon, Indiana, (bearing the street address of 1007 South Lebanon Street, Lebanon, Indiana); also Lot 17 in Hedges Addition to Lebanon, Indiana; and also part of the southeast quarter of the southeast quarter of Section 36, Township 19 North, Range 1 West, being 9 feet in width, located and situate immediately south of said Lot 17 in Hedges Addition (bearing the street address of 1017 South Lebanon Street, Lebanon, Indiana);

2. That the real estate is located within the corporate boundaries of the City of Lebanon; that the improvements located on said real estate consist of two single family dwelling houses; that said real estate is presently zoned "C" residential.

3. Petitioner, Robert L. Schreiner, at the hearing continuation on January 21, 1974, made further request of the Board of Zoning Appeals that permission be granted for the installation of gasoline pumps as a part of the car wash, and in consideration of limiting his petition to an automatic auto wash service and gasoline pumping only agreed that the same would be a covenant running with the variance and that any relief granted by the Board of Zoning Appeals under Chart 6, Section 1, Automobile Service, would be limited exclusively to an automatic auto wash service with gasoline pumps and none other.

4. After notice to the general public, a hearing was had on the petition before the Board of Zoning Appeals on Monday, January 14, 1974, at 7:00 o'clock P.M. and an additional investigation was made and additional hearing had before the same Board January 21, 1974, at 7:00 o'clock P.M. in the City Building, Lebanon, Indiana, at which times opponents appeared representing themselves and other interested parties in the neighborhood, the Lebanon Street Wesleyan Church, the tenor of such opposition being that the proposed facility as requested by petitioners would be disruptive to Lebanon Street Wesleyan Church, would increase traffic in the general area, and particularly to school children crossing South Lebanon Street to the Stokes School located immediately to the east; and further, that such a facility as proposed by petitioners would aggravate an already pre-existing condition as to surface drainage in the general area.

5. And now the Board of Zoning Appeals having heard the evidence and testimony of witnesses on behalf of petitioners and having heard evidence, testimony and petitions against the petition by remonstrators, made the following decision in open meeting, towit:

Roy L. Lynch made a motion to reject the petition as filed by the petitioners and amended by petitioner Robert L. Schreiner for the reasons he stated, towit: that said proposed facility was not necessary; that the same would probably result in a traffic hazard at the corner of West Noble Street and South Lebanon Street; that the same could be dangerous and detrimental to Stokes School children attempting to cross South Lebanon Street during school hours, and further, that the proposed variance as requested by petitioners should be denied pending a re-study of the location to be made by the new city planners in an up-dating of the City Zoning Ordinance as the same would pertain to South Lebanon Street and more particularly to the intersection of South Lebanon Street and West Noble Street in Lebanon, Indiana, the same being seconded by Vern Martin, and the same was carried by the Board on a vote of four to zero.

IT IS, THEREFORE, THE FINDING AND ORDER of the Board of Zoning Appeals of the City of Lebanon, Indiana, that the petition as filed by petitioners for an automatic car wash facility with the amendment offered as and for part of a covenant as to installation of gasoline pumps be and the same is hereby denied.

Read and signed in open meeting this 21st day of January, 1974.

James L. Goodwin. (Signed)
James L. Goodwin, Chairman

ATTEST: Vern Martin (Signed)
Vern Martin, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE THE BOARD OF ZONING
APPEALS, CITY OF LEBANON,
BOONE COUNTY, INDIANA

IN THE MATTER OF THE PETITION
OF CLEO SMITH AND DORIS E. SMITH,
HUSBAND AND WIFE, FOR A VARIANCE.

PETITION FOR VARIANCE

The undersigned petitioners, Cleo Smith and Doris E. Smith, husband and wife, for their petition for a variance allege and say as follows:

1. That the petitioners are the owners in fee simple of the following described real estate, towit:

Lot 16 in Hedges Addition to Lebanon, Indiana, (bearing the street address of 1007 South Lebanon Street, Lebanon, Indiana); also Lot 17 in Hedges Addition to Lebanon, Indiana; and also part of the southeast quarter of the southeast quarter of Section 36, Township 19 North, Range 1 West, being 9 feet in width. located and situate immediately south of said Lot 17 in