

Hedges Addition (bearing the street address of 1017 South Lebanon Street, Lebanon, Indiana);

that said real estate is located and immediately situate in the northeast corner of the intersections of South Lebanon Street and West Noble Street; that said real estate is presently zoned "C" Residential; that the improvements located on said real estate consist of two single family dwelling houses.

2. The petitioners would further state that they 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 aforescribed real estate; that the proposed Lessee with option to purchase intends to erect and construct on said real estate an automatic auto wash service basically covered under Chart 6, Section 1, Automobile Service.

3. The petitioners would further state that the use of said real estate for residential purposes is no longer desirable by reason in the change in the use of the surrounding neighborhood; that directly across South Lebanon Street to the west is located an automatic coin laundry; that immediately north of the coin laundry is located and situate the Lebanon Street Wesleyan Church; that in the southwest corner of the intersection of West Noble and South Lebanon Street is located the Jim Russell Real Estate Agency and a mobile home park; that basically from the 900 block on South Lebanon Street to Interstate 65, the entire area is business oriented.

4. The petitioners would further say that the use of the captioned realty herein for residential purposes does not provide maximum use of the property herein; that the granting of a variance for the location of an auto service center to be erected and constructed upon the real estate is in the best interests of the petitioners and is in the best interests of the community and more particularly, the general community area where the real estate is located since there is no business service of a like nature in the same general area.

5. The petitioners would further show to the Board that the requested grant of a variance from the present use of "C" Residential to a Local Business Use pursuant to Chart 6 of the Zoning Ordinance of the City of Lebanon, Indiana, will not be contrary to the public interest.

6. The undersigned petitioners would further state and allege that the granting of a variance will not:

- A. Impair the adequate supply of light and air to adjacent property,
- B. Increase the hazard from fire, flood and other dangers to said property,
- C. Diminish the marketable value of adjacent lands and buildings,
- D. Increase the congestion in the public streets,
- E. Otherwise impair the public health, safety, comfort and general welfare.

7. Petitioners further allege that the variance requested will not be contrary to public interest and that failure to grant said variance would result in unnecessary hardship to the petitioners and further would not be in harmony with the spirit of the present Zoning Ordinance.

8. Petitioners would finally show to the Board:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.
- D. That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets.

WHEREFORE, petitioners respectfully pray that the Board of Zoning Appeals of the City of Lebanon grant a variance from the terms of the existing Zoning Ordinance so as to allow the petitioners to construct an auto service type center pursuant to Chart 6 of the Zoning Ordinance upon the real estate described herein and for all other just and proper relief in the premises.

CLEO SMITH AND DORIS E. SMITH,

Cleo Smith (Signed)  
Cleo Smith

STATE OF INDIANA )  
                          )SS:  
COUNTY OF BOONE  )

TO THE BOARD OF PUBLIC WORKS  
AND SAFETY OF THE CITY OF  
LEBANON, BOONE COUNTY,  
INDIANA.

IN THE MATTER OF THE PROPOSED ULEN  
DRIVE AND ELIZAVILLE ROAD SEWER  
CONSTRUCTION

REMONSTRANCE

Come now Mrs. Mary Tyre, 2001 Elizaville Road, Lebanon, Boone County, Indiana, and James R. Tyre and Janet Tyre, husband and wife, 702 Tyre Drive, Lebanon, Boone County, Indiana, owners of real estate shown and/or listed as affected by the proposed construction of the Ulen Drive and Elizaville Road sewer, and for their remonstrance to said construction as the same was considered and/or ordered by the Board of Public Works and Safety October 28, 1974, allege and say as follows:

- 1. That said proposed improvement is not required by the public needs.
- 2. That the cost of the proposed improvement will be excessive considering the character and value of remonstrators' real estate.
- 3. That the cost of said proposed construction will exceed the benefits to