

- 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.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that based upon the facts enumerated above, the petitioners are hereby authorized to construct and erect the proposed addition to their house as set forth on petitioners' Exhibit "A" attached to the petition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a new building setback line be established on said real estate as described above so as to enable said petitioners to build and construct the proposed addition to their dwelling house to be occupied by the petitioners and their family.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the variance requested in the petition as heretofore filed before this Board is granted subject to the above and subject to the plans submitted before this Board, and upon application being duly made by the petitioners herein in conformity to this order and the plans as submitted to this Board, an improvement location permit shall be issued by the City Building Inspector of Lebanon, Indiana, for the proposed improvement.

IT IS FURTHER ORDERED that costs in this matter in the sum of \$9.52 shall be assessed to the petitioners.

Dated this 28th day of May, 1974.

BOARD OF ZONING APPEALS,

BY Carroll Dickerson (Signed)
Acting Chairman

ATTEST: Roy L. Lynch (Signed)
Acting Secretary

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE THE BOARD OF ZONING
APPEALS, LEBANON, INDIANA

IN THE MATTER OF THE PETITION OF
ERNEST TUCKER AND GILLIS TUCKER,
HUSBAND AND WIFE, FOR A VARIANCE.

PETITION FOR A VARIANCE

Come now the petitioners, Ernest Tucker and Gillis Tucker, husband and wife, and for their petition for a variance from the terms of the Zoning Ordinance of the City of Lebanon, Indiana, allege and say:

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

Lot #12 in Cox's Addition to the City of Lebanon,
Boone County, Indiana, as per plat thereof, recorded
in Plat Book 4, page 40 in the office of the Recorder
of Boone County, Indiana.

2. That said real estate is located at 116 West Cox Street, Lebanon, Indiana, and that said real estate is presently zoned as "B" residential.

3. That petitioners herein are contemplating an addition to their dwelling house on the south side of said dwelling house and fronting Cox Street 8 feet wide which will extend into and beyond the established building set back line of 26 feet; that attached hereto is a copy of the survey of Frank S. Alig dated August 12, 1968, showing the location of the dwelling house and the building set back line at 26 feet; that also attached hereto is a sketch prepared by the petitioners showing the proposed addition to be constructed to their dwelling house measuring 8 feet in width and constructed into the building set back line.

4. That to construct the proposed addition to the petitioners dwelling house a variance is needed on the property heretofore described to enable the petitioners to construct said addition as a variance to the existing building set back line.

5. That said proposed construction, if granted by variance of this Board, will not be contrary to the public interest, will be of benefit to petitioners and their family and is agreeable with neighbors on each side of petitioners dwelling house and will not in any manner or means harm adjoining property owners.

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

- (a) Impair the adequate supply of light and air to adjacent property.
- (b) Increase the hazard from fire, flood or other dangers to said property.
- (c) Diminish the marketable value of adjacent land and buildings.
- (d) Increase the congestion in the public streets.
- (e) Otherwise impair the public health, safety and comfort and general welfare.

WHEREFORE, the petitioners herein respectfully pray that the Board of Zoning Appeals of the City of Lebanon, Indiana, grant a variance from the terms of the Zoning Ordinance and from the plat as to the established building set back line so as to permit the petitioners to erect and construct an 8 foot addition to their dwelling house in the manner shown on the exhibit attached hereto and made a part hereof and for all other just and proper relief.

Ernest Tucker (Signed)
Ernest Tucker

Gillis Tucker (Signed)
Gillis Tucker

Petitioners