

2. That the Petitioner was the owner of certain real estate located in the City of Lebanon, which real estate was platted and is commonly known as Section 4 of Chadwick Village, an addition to the City of Lebanon.

3. That said real estate was zoned for residential use and contained lots designated as numbers 41 through 57.

4. That the plat of said Section 4 was drawn by William K. Elsey, a registered land surveyor.

5. That on Lots 45, 46, 48, 49 and 50 there have been improvements placed on the same, which improvements consist of residence structures.

6. That due to an error either in the plat or in locating the structures upon the lots, the houses do not contain the side yard clearances as required by the Zoning Ordinance of the City of Lebanon.

7. That said discrepancies were not intentional and that due to the unforeseen error, a variance should be granted from the Zoning Ordinance requiring 10% of the total width for the side yards.

8. That your Petitioner states that the requested variance will not interfere with the use and enjoyment of other real estate by contiguous property owners, nor would the granting of the variance be contrary to public interest.

9. Petitioner further states that the granting of the requested variance:

(a) 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) 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) Will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and district in which the property is located.

(d) 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, Petitioner respectfully prays the Board of Zoning Appeals of the City of Lebanon for a variance as set forth above and for all other proper relief in the premises.

CHADWICK VILLAGE, INC.

BY Lloyd G. Smith (Signed)
Lloyd G. Smith, President

ATTEST: Kathryn Jacqueline Smith (Signed)
Kathryn Jacqueline Smith, Secretary

STATE OF INDIANA)
COUNTY OF BOONE)

SS:

Paul W. & Geri Esch
Variance 1975

BEFORE THE BOARD OF ZONING
APPEALS
LEBANON, INDIANA

FINDING AND ORDER ON PETITION OF
PAUL W. ESCH AND GERI S. ESCH
FOR A VARIANCE

Come now Paul W. Esch and Geri S. Esch, husband and wife, petitioners herein, and file their petition for a variance from the terms and provisions of the Zoning Ordinance found in the Master Plan of the City of Lebanon, Indiana, with the Board of Zoning Appeals of said city, which petition is in the words and figures following, to-wit: (H.I.).

And now proof of publication to all interested parties in the Lebanon Reporter is filed herein, which proof of publication reads as follows: (H.I.).

And now said petition is heard by the Board of Zoning Appeals of Lebanon, Indiana, in the council chambers, City Hall, Lebanon, Indiana, with all interested parties, including the general public present, and now evidence is heard on said petition.

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

1. That petitioners are the buyers on contract of the following described real estate, to-wit:

Section 2, Lot No. 67 in Northfield Addition,
Lebanon, Indiana

2. That said real estate is located at 802 Harney Drive, Lebanon, Indiana, fronting on said Harney Drive on the north side of said drive and also fronting on Douglas Lane on the west side of said lane; that the improvements thereon consist of a one story dwelling, and that the dwelling is utilized as a residence and occupied by the petitioners and three minor children.

3. That said real estate is presently zoned as "A" residential.

4. The Board further finds that the petitioners propose to construct a garage adjacent to and connected with the side of the dwelling on said real estate; that said proposed construction of a garage adjacent to and connected with said dwelling does not conform to the requirements and restrictions of the Zoning Ordinance contained in the Master Plan of said City in that as planned it will extend 9 feet beyond the minimum front yard set back required in an "A" Residence District.

5. That the literal enforcement of said ordinance in this instance will result in unnecessary hardship to petitioners and that upon the evidence presented said proposed use will not:

(a) 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;

(b) 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.