

2. That said real estate is located at 1016 South Evans Street on the corner of Noble and Evans Street, Lebanon, Indiana; that the improvements thereon consist of an unoccupied one story garage and a dwelling house presently used as rental property.

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

4. The Board further finds that the petitioners propose to remodel the interior and exterior of the existing garage into an office building and store house for building materials to be used in connection with their business of constructing swimming pools; that said proposed reconstruction does not conform to the requirements and restrictions of the Zoning Ordinance contained in the Master Plan of said City in that the planned use of the property is not permitted in an area zoned "C" Residential District.

5. The Board further finds that the petitioners have obtained from all adjoining and abutting land owners signed waivers of notice, consent and joinder, which read as follows: (H.I.); that the said waivers of notice, consent and joinder state that the signators have been informed of the request for a variance, have seen a copy of the petition before the Board of Zoning Appeals and do consent to the granting of said variance by the Board of Zoning Appeals and do request that a variance be granted as set forth in the petition.

6. 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. Impair the adequate supply of light and air to adjacent property.
- b. Increase the hazard from fire, flood and other dangers of 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. The Board further finds that the petitioners qualify for a variance to use said garage as an accessory building under the terms of 30.43, Accessory Use, as found in the Master Plan of the City of Lebanon, Indiana; also, that all adjoining property owners have, by signed waivers of notice, consent and joinder, joined with the petitioners in requesting the variance as sought.

IT IS, THEREFORE, ORDERED AND DECREED by the Board of Zoning Appeals that based on the findings enumerated above, the petitioners are hereby authorized to remodel a garage on the above described real estate into an office building and store house for building materials to be used in connection with their business of constructing swimming pools.

IT IS FURTHER ORDERED AND DECREED that the petitioners be and they are hereby granted a variance from the listed uses permitted in a "C" Residential District by the Master Plan of the City of Lebanon, Indiana, to the extent required for the remodeling of said garage as an accessory use into an office and store house.

IT IS FURTHER ORDERED AND DECREED that upon an application being duly made by the petitioners herein, an improvement location permit shall be issued by the City Building Inspector for the proposed office and store house to be constructed by petitioners.

Dated this 5th day of April, 1976.

BOARD OF ZONING APPEALS

BY James L. Goodwin (Signed)
Chairman

ATTEST: Vern Martin (Signed)

Secretary
STATE OF INDIANA }
 } SS:
COUNTY OF BOONE }

BEFORE THE BOARD OF ZONING
APPEALS,
LEBANON, INDIANA

PETITION OF LLOYD O. BURTNER
AND OTIS S. BURTNER, OWNERS OF
BURTNER BROTHERS CONSTRUCTION
FOR A VARIANCE

Come now Lloyd O. Burtner and Otis S. Burtner, owners of Burtner Brothers Construction, and for their petition for a variance from the terms of the Zoning Ordinance contained in the Master Plan of the City of Lebanon, Indiana, allege and say:

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

Lot C-1 in Spencer and McLaughlin
Addition, Lebanon, Indiana.

2. That said real estate is located at 1016 South Evans Street on the corner of Noble and Evans Street; that the improvements thereon consist of an unoccupied one story garage and a dwelling house presently used as rental property.

3. That said real estate is presently zoned as "C" Residential.

4. That the petitioners' proposed use of said premises is not in compliance with all of the requirements and provisions of the Zoning Ordinance contained in the Master Plan of the City of Lebanon in that petitioners propose to remodel the interior and exterior of the existing garage into an office building and store house for building materials to be used in connection with their business of constructing swimming pools. The outside dimensions of the proposed office building will remain the same as those of the presently existing garage.

5. That, therefore, a variance from the provisions and requirements set forth in said Zoning Ordinance as to "C" residential property is necessary in order to permit petitioners to remodel said garage as an accessory use into an office building and store house.

6. That a literal enforcement of said Zoning Ordinance will result in unnecessary hardship and inconvenience to petitioners unless a variance is granted.