

- as Mar-Kel Meadows Subdivision, an Addition to the City of Lebanon.
- 3. That said real estate is zoned for residential use and contains lots 1 through 12.
- 4. That the plat of said Subdivision was prepared by Robert F. Hutchinson a Registered Land Surveyor.
- 5. That Lot No. 1 has improvements placed upon said real estate in that a residence has been constructed.
- 6. That at the time of placing said improvements upon the real estate, the front set back line was placed at a distance from the street as would conform to the Zoning Ordinance of the City of Lebanon.
- 7. That after a survey was made, it was learned that the set back line is 9 feet 6 inches from the structure to the edge of the lot line which is less than is required by the Zoning Ordinance of the City of Lebanon.
- 8. That the distance from the edge of the permanent structure to the edge of the street would conform to the requirements of the Zoning Ordinance. That due to said unforeseen error a variance should be granted from the Zoning Ordinance and that said 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 in requesting the Variances:
 - (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) It 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 improvements 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.

MAR-KEL BUILDERS, INC.

By Jerry W. Ershire (Signed)

Attest: Donald Brown (Signed)

NOTICE

Notice is hereby given that on the 21st day of September, at 7:30 o'clock P.M. the Board of Zoning Appeals of the City of Lebanon will hear an application for variance on behalf of Mar-Kel Builders, Inc., for Lot No. 1 in Mar-Kel Meadows Subdivision, an Addition to the City of Lebanon.

The Variance requested by the Petitioner is to alter or amend the front, set-back line on Lot No. 1 to 9 feet 6 inches.

Persons having objections to said requested Variance should appear before the Board of Zoning Appeals of the City of Lebanon at the Municipal Building on the date and time above set forth or file written objections to said request for a Variance on or before said hearing.

James L. Goodwin
by Richard B. Ports (Signed)
Board of Zoning Appeals

FINDING AND ORDER Ruckriegel

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

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

FINDING AND ORDER

Comes now Robert Ruckriegel, and having filed herein his Petition for Variance, which petition is in the following words and figures, to-wit: (H.I.)

And proof of notice having been given as to the public hearing held on the 12th day of July, 1976, which proof of notice is in the following words and figures, to-wit: (H.I.)

And the owners of certain lots contiguous to the following described real estate:

A part of the northeast quarter of Section 25, Township 19 North, Range 1 West, situated in Lebanon, Boone County, Indiana; and being more particularly described as follows, to-wit:

From the northwest corner of the aforesaid northeast quarter, proceed thence South 69°21'53" East (the bearing computed from solar observation), along the section line, 1,326.93 feet; thence South 09°54'01" East, with the centerline of the old Lebanon-Frankfort gravel road, 370.68 feet; thence South 80°03'07" West, 42.61 feet to the point of beginning. From said point of beginning, proceed thence South 80°03'07" West, 151.39 feet; thence North 09°56'53" West, 114.00 feet; thence North 80°03'07" East, 153.40 feet; thence curve left, with a 49,867.42 foot radius curve, along the state highway right-as-way, 114.02 feet (The chord bearing South 08°56'25" East, 114.02 feet), to the point of beginning, containing 0.3988 Acres, more or less. All dimensions computed from electronic measurements.

commonly known as 2302 North Lebanon Street, Lebanon, Indiana, either having executed a waiver of notice, which waiver of notice is in the following words and figures,