

to-wit: (H.I.) or having been given notice of the above public hearing by certified mail, to-wit: (H.I.)

And the Board of Zoning Appeals being duly and sufficiently advised in the premises now finds as follows:

1. That due to the nature of the proposed Long John Silver's Seafood Shoppe and the size of the lot described above, it will be impossible for the Petitioner to provide for adequate parking and driveway areas with sufficient turning space unless he is permitted to locate the proposed Long John Silver's Seafood Shoppe closer to the interior lot line on the south side of said tract than the present distance of ten (10) feet; towit: five (5) feet.

2. That said real estate is presently zoned as PB-2; that there are no improvements at this location at the present time, but that an entire new building, together with attendant appurtenances, including off street-parking, are to be built and constructed at said location.

3. That the literal enforcement of said ordinance in this particular petition will result in unnecessary hardship to the petitioner, 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.

4. That conditioned upon granting the proposed variance sought herein, certain conditions are specified by the Board of Zoning Appeals for the purpose of protecting traffic and pedestrians on and over the south boundary line of the tract heretofore described and the north boundary line of Northfield Shopping Center, which is immediately adjacent to and contiguous with the north boundary line of the real estate of petitioner to the south; that said conditions are heretofore stated as a part of the order of the Board of Zoning Appeals.

IT IS, THEREFORE, ORDERED AND DECREED by the Board of Zoning Appeals that based on the findings enumerated above, the petitioner is hereby authorized and empowered to erect the proposed Long John Silver's Seafood Shoppe so as to leave a five (5) foot interior lot line between the south boundary line of the real estate heretofore described and the north side of the proposed restaurant building.

IT IS FURTHER ORDERED AND DECREED by the Board of Zoning Appeals that the petitioner shall erect a guard rail and/or guard retaining strip to a height of 30 inches (30") with the post supports to be not less than 24" deep, said rail inches to be approximately 63.33 feet in length and to cover the area separating the Northfield Shopping Center's north line and the petitioner's south line boundary line between the concrete sidewalk at the northwest corner of the restaurant building to the southeast sidewalk corner at the southeast corner of the restaurant building.

IT IS FURTHER ORDERED that the remaining area forming the boundary between the petitioner's real estate and the real estate and the real estate of Northfield Shopping Center shall have installed parking type bumpers or curbing so as to prohibit automobiles from being able to travel from the south edge of petitioner's real estate onto the parking area at the north edge of the Northfield Shopping Center.

IT IS FURTHER ORDERED that the guard rail and/or guard retaining strip shall be so constructed and cushioned in its construction that it shall be able to withstand a ten (10) mile per hour speed if struck at right angles by an automobile.

IT IS FURTHER ORDERED AND DECREED that upon approved plans incorporating the conditions heretofore stated being presented to the City Building Inspector of Lebanon, Indiana, for a permit for construction, said Building Inspector shall issue an Improvement Location Permit for the proposed Long John Silver's Seafood Shoppe in accord with this finding and order.

Dated this 12th day of July, 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 OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA

IN THE MATTER OF THE PETITION OF ROBERT RUCKRIEGEL FOR A VARIANCE

Comes now the Petitioner, Robert Ruckriegel, and for petition for variance alleges:

- 1. That the Petitioner intends to build in the City of Lebanon, Indiana a Long John Silver's Seafood Shoppe.
- 2. That the Petitioner is purchasing, subject to this petition being granted, certain real estate located in the City of Lebanon, which real estate is described as follows:

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