

80°03'07" East, 153.40 feet; thence curve left, with a 49,867.42 foot radius curve, along the state highway right-of-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.

and is commonly known as 2302 North Lebanon Street, Lebanon, Indiana.

3. That said real estate is zoned "PB-2", Planned Business District.

4. That the General Provisions of the Master Plan Code of Lebanon, Indiana 1974 Sec. 30.21 (a) (5) require that "no structure or building, driveway or accessory use shall be located closer than ten (10) feet to any side or rear lot line."

5. 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 five (5) feet from the south lot line rather than ten (10) feet as required by the Master Plan Code of Lebanon, Indiana 1974.

6. That in order to protect the public using the Petitioner's restaurant from potential harm due to cars being parked on the land located to the south of the above described property, the Petitioner proposes to construct a retaining wall on his south property line as shown by the attached plan.

7. 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.

8. Petitioner further states in support of his request for a variance that:

(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 in the same vicinity and district but which is denied to the property in question.

(c) It 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) It 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.

ROBERT RUCKRIEGEL

By Ronald P. Causey (Signed)
Ronald P. Causey, agent for
Robert Ruckriegel

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

WAIVER OF NOTICE

The undersigned, being property owners of land adjacent 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 89°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-of-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, do hereby waive any and all notice of a public hearing before the Board of Zoning Appeals for a Petition for a Variance to allow the Petitioner to deviate from the requirements of The Master Plan Code of Lebanon, Indiana, 1974, which are that no structure shall be located closer than ten (10) feet to any side or rear lot line, and enable the Petitioner to construct a proposed Long John Silver Restaurant five (5) feet from the side lot on the south side of the above described real estate, said hearing to be had at the Lebanon City Building at 7:00 o'clock P.M. July 12, 1976.

Dated this 1st day of July, 1976.

Northfield Corp.
By: Robert Hulse (Signed)
Title: Secretary Treasurer

STATE OF INDIANA)
)
COUNTY OF BOONE)

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