

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 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-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 line on the south side of the above described real estate, said hearing to be held at the Lebanon City Building at 7:00 o'clock P.M. July 12, 1976.

Dated this 6<sup>th</sup> day of July, 1976.

Price-Dixner Properties  
By: David W. Price (Signed)  
Managing Partner

Finding and Order Fernand Perras 901 W. Elm

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 Fernand Perras, and having filed herein his application for conditional use, which application 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 19<sup>th</sup> day of July, 1976, which proof 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 northwest quarter of the southeast quarter of Section 36, Township 19 North, Range 1 West of the Second Principal as follows, to-wit:

From the southwest corner of the aforesaid quarter quarter section, proceed thence east along the quarter quarter section line for a distance of 270.70 feet to the point of beginning. From said point of beginning, deflect right 90 degrees for a distance of 339.40 feet; thence deflect right 90 degrees for a distance of 178.64 feet to the point of beginning, containing 1.3919 acres, more or less, subject to a 25 foot easement for ingress and egress on and along the entire easternmost boundary. Subject to legal highways, rights of way and easements,

commonly known as 901 West Elm Street, Lebanon, Indiana, 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 said real estate is presently zoned as I-1, Enclosed Industrial District; that there are improvements at this location at the present time, being used by applicant in a permitted use.
2. That the applicant proposes to engage in another use at the same location, that of a mini-warehouse; that warehousing is a permitted use in the I-1 Enclosed Industrial District.
3. 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 conditional use sought herein,

certain conditions are specified by the Board of Zoning Appeals for the purpose of protecting the safety of those persons who may be using the warehouse spaces in applicant's building; 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 applicant is hereby authorized and empowered to erect the proposed miniwarehouse, subject to the conditions and alterations herein.

IT IS FURTHER ORDERED AND DECREED by the Board of Zoning Appeals that the applicant shall construct the mini-warehouse with two (2) doors, additional to the