

corner thereof, thence south along said east line 571.38 feet to a point 315 feet north of the southeast corner of aforesaid quarter quarter section, thence west 198 feet to an existing fence line, thence north along said fence line 571.38 feet, thence east 196.02 feet, more or less, to the place of beginning, containing 2.584 acres, more or less, subject to legal recorded easements and subject to an easement ten (10) feet wide for a sanitary sewer, and for purposes of this petition using the address of 1310 North Lebanon Street, Lebanon, Indiana, but which has no designated street address.

2. That the petitioners, Donald J. Brandenburg and Arthur O. Dickerson, are the owners in fee simple of the following described real estate, to wit:

TRACT II A part of the northeast quarter of the southeast quarter of Section 25, Township 19 North, Range 1 West of the Second Principal Meridian and being more particularly described as follows:

Beginning at a point 744.08 feet south of the northwest corner of the northeast quarter of the southeast quarter of Section 25, and running thence south 260.37 feet; thence east 641.52 feet to the center of the Lebanon and Frankfort Road; State Road No. 39; thence north 10 degrees west with the center of said road a distance of 121.6 feet; thence west 320.31 feet; thence north 139.37 feet; thence west 300 feet to the place of beginning and containing 2.7 acres, more or less, and located in Lebanon, Boone County, Indiana, bearing the street address of 1310 North Lebanon Street, Lebanon, Indiana.

3. That both tracts of real estate as heretofore described front on North Lebanon Street, Lebanon, Indiana, and are located and situate on the west side of North Lebanon Street, Lebanon, Indiana; that Tract I bears the street address of 1310 North Lebanon Street, Lebanon, Indiana; that Tract II is located immediately to the west and to the south of the shopping center presently occupied by Standard Grocery and other businesses bearing the street address of 1602, 1608 and 1612 North Lebanon Street, Lebanon, Indiana; that the improvements located on Tract I consist of a dwelling house; that there are no improvements located on Tract II.

4. That said real estate is presently zoned "A" residential, but that petitioners propose to erect on Tract I, and so much as is necessary of Tract II, a nursing home with all the necessary parking and other facilities in the operation thereof; that petitioners propose to utilize the remainder of Tract II as an extension of the shopping center occupied by Standard Grocery and other businesses as heretofore described for local business use.

5. That the proposed change in the use of both Tract I and Tract II does not conform with existing requirements and restrictions of the land as it is presently zoned; that in order for petitioners to more effectively utilize both Tract I and Tract II a variance is necessary to enable petitioners to build and/or construct improvements and to use said real estate according to Chart 6, or Local Business Use, of the Zoning Ordinance of the City of Lebanon, Indiana.

6. That the variance as requested should be granted, subject to certain terms and conditions hereinafter stated, to wit:

a. That approval for said shopping area be obtained from the Indiana State Highway Department and the Indiana Board of Health.

b. That construction of the shopping area shall not drain on the residential properties located to the north of said shopping area and that said petitioners make adequate provisions for drainage of said shopping area.

c. That the shopping area to be erected thereon shall be approved by the City Planning Commission of Lebanon, Indiana, prior to its construction.

7. That the literal enforcement of the Zoning Ordinance will result in unnecessary hardship to the petitioners and that the construction, as proposed, 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.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that based upon the facts enumerated above, the petitioners, jointly and severally, are hereby authorized to construct, build and erect to the existing improvements on both tracts for the use of a nursing home and are further authorized to construct and erect an additional shopping area with parking facilities, all pursuant to Chart 6 of the Zoning Ordinance of the City of Lebanon, Indiana, and pursuant to the evidence heard by this Board and in addition thereto, subject to the following conditions:

a. That approval for said shopping area be obtained from the Indiana State Highway Department and the Indiana Board of Health.

b. That construction of the shopping area shall not drain on the residential properties located to the north of said shopping area, and that said petitioners make adequate provisions for drainage of said shopping area.

c. That the shopping area to be erected thereon shall be approved by the City Planning Commission of Lebanon, Indiana, prior to its construction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the variance requested in the petition filed herein is granted subject to the above and subject to the conditions as heretofore stated, and upon application being made by the petitioners herein, either jointly or severally, and in conformity to this judgement and order, an improvement location permit shall be issued by the City Building Inspector of Lebanon, Indiana, for the proposed improvements of a nursing home and enlargement of the existing shopping area presently occupied by Standard Grocery and other businesses and described as Tract II in this order, for the proposed improvements to be made on both tracts as heretofore described.