

IT IS FURTHER ORDERED THAT costs in this matter in the sum of \$16.00 shall be assessed to the petitioners.

DATED this 28th day of May, 1974.

BOARD OF ZONING APPEALS,

BY Carroll Dickerson (Signed)
Acting Chairman

ATTEST: Roy L. Lynch (Signed)
Acting Secretary

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE BOARD OF ZONING APPEALS
CITY OF LEBANON, INDIANA

IN THE MATTER OF THE PETITION OF
BET-THE-MAR INC., AN INDIANA
CORPORATION, AND DONALD J. BRADBEN-
BURG AND ARTHUR O. DICKERSON FOR
A VARIANCE.

PETITION FOR VARIANCE

Come now the petitioners, Bet-The-Mar Inc., an Indiana corporation, and Donald J. Brandenburg and Arthur O. Dickerson, and for their joint and several petition for a variance before the Board of Zoning Appeals of the City of Lebanon, Boone County, Indiana, allege and say:

1. That the petitioner Bet-The-Mar Inc. is an Indiana corporation and is the owner in fee simple of the following described real estate, to-wit:

TRACT I A part of the northwest quarter of the southeast quarter of Section 25, Township 19 North, Range 1 West of the Second Principal Meridian, in Lebanon, Boone County, Indiana, being more particularly described as follows: Commencing on the east line of said tract 444.84 feet south of the northeast 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 Tract I fronts on North Lebanon Street, Lebanon, Indiana, bearing the street address of 1310 North Lebanon Street, Lebanon, Indiana, is zoned "A" residential and has situate on said tract a dwelling house; that Tract II is located and situate immediately behind and to the west of Tract I and extends in a north and south direction so that the north boundary line of Tract II is a continuation of the north boundary line of the shopping center to the west occupied by Standard Grocery and other businesses at 1602, 1608 and 1612 North Lebanon Street, Lebanon, Indiana; that the eastern boundary line of Tract II is contiguous with the west boundary line of the shopping center land heretofore described.

4. That the real estate heretofore described is located in close proximity to Witham Memorial Hospital, Myers Funeral Home, the apartments formerly known as the Sloan Apartments, the existing shopping center occupied by the Standard Grocery Store and other business and professional offices.

5. Petitioners desire to build and construct a nursing home located and situate on Tract II in so far as possible to utilize the present parking area located west of the doctor and professional offices already constructed at the shopping center and south of the shopping center now in place at the southwestern corner of the paved area at the shopping center.

6. The undersigned petitioners would further show to this Board that according to the zoning regulations of the City of Lebanon, Boone County, Indiana, there is no classification specifically for nursing homes and attendant facilities; that the petitioners desire a variance pursuant to Chart 6, Local Business Use, of the aforescribed real estate to utilize the same in conjunction with the existing zoning for the shopping center.

7. That said proposed facilities to be constructed will not create any conditions detrimental to the peace, health and safety of said neighborhood and will not in any way interfere with the quiet and peaceful use and enjoyment of the residential property in the area; will be of public benefit of the community and to the citizens thereof generally, and that said facilities are needed.