

CITY OF LEBANON
APPLICATION FOR VARIANCE
STATEMENT OF INTENT

FILE
MAY 16 2022
CITY OF LEBANON
Planning & Zoning Department

Docket # 22-39

This application and all accompanying information must be completed and filed in the City of Lebanon Planning & Zoning Office not less than 15 days prior to the regular meeting of the City Board of Zoning Appeals.

1. **Applicant:** Name KMAC Enterprises Phone # 479.646.2053

Address 688 Millsap Road, Fayetteville, AR 72703

E-Mail Address: jmoore@kmaccorp.com

2. **Property Owner:** Name S&S, LLC Phone # _____

Address 5750 North 275 West, Lebanon, IN 46052

E-Mail Address: _____

3. **Applicants agent, attorney or other contact (if any):**

Name Weihe Engineers, Inc Phone # 317.846.6611

Address 10505 N College Ave, Indianapolis, IN 46280

E-Mail Address: billt@weihe.net

4. **Subject Property:**

Street or road #/ address of subject property: 2437 N Lebanon Street

Zoning Classification of Property: PBC

Legal Description of property (attach sheet) attached

Size of property (dimensions and /or acreage): 1.57 acres

Current use of property: Car lot

Comprehensive Plan Designation: Taco Bell and 7 Brew w/ a lot split

5. **Requested Variance** (provide a detailed description of variances requested): see attached

6. **Site Survey:** Attach a survey of the property drawn to scale showing the dimensions of the property, all required setbacks, and the size and location of all existing and proposed buildings and other improvements, including but not limited to those involving the requested variances...

I affirm that the information contained in the application and its supplements is true and correct.

Date _____ Signature _____

VARIANCE FROM DEVELOPMENT STANDARDS

PROPOSED FINDINGS OF FACT

Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance from the development standards in the Ordinance. It is your burden to demonstrate that each of these factors is satisfied. In the space provided, please indicate how you believe the facts or circumstances in your case satisfy each factor. Attach additional sheets if needed.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

We do not see any effects to the site with the proposed design.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

It will remain the same or jump higher with the new development of the Taco Bell and 7 Brew

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

The site is shallow and with the proposed design, a few variances are needed to make the site design work

with 2 QSR side by side.

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

If the owner(s) of the subject is/are giving authorization for someone else to apply for the variance, this Affidavit must be completed and signed by the owner(s), and submitted with the Application.

I (we) S&S, LLC, being duly sworn, state as follows:
(owner of subject property)

1. I am a competent adult, over 21 years of age, and have personal knowledge of the matters stated in this affidavit.
2. I (we) am (are) the owner(s) of the property commonly known or legally described as

2437 N Lebanon Street
(property address or legal description)

3. I (we) are aware of the variance requested by Weihe Engineers, Inc.
(applicant's name)

relating to my property, and I (we) authorize the applicant to seek this variance.

I affirm under the penalties of perjury that the foregoing statements are true and correct.

Larry Green - member
Signature

5-13-22
Date

Signature

Date

OVERALL SURVEYED DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA, BEING THAT PARCEL CERTIFIED BY KAREN L. SUTTON, PS #LS21200013 ON MARCH 25, 2022 AS WEIHE ENGINEERS JOB NO. W220092, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THENCE ALONG THE SOUTH LINE OF SAID QUARTER SECTION SOUTH 89 DEGREES 42 MINUTES 48 SECONDS EAST 1290.34 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 42,486.32 FEET, ALSO BEING THE EASTERN BOUNDARY OF S.R. 39 AS DESCRIBED IN DEED BOOK 157, PAGE 196 IN THE OFFICE OF THE BOONE COUNTY RECORDER; THENCE ALONG SAID BOUNDARY OF S.R. 39 THE FOLLOWING TWO (2) COURSES: 1) THENCE NORTHWESTERLY ALONG SAID CURVE 847.96 FEET, HAVING A CHORD THAT BEARS NORTH 09 DEGREES 59 MINUTES 11 SECONDS WEST 847.95 FEET; (2) THENCE NORTH 10 DEGREES 34 MINUTES 21 SECONDS WEST 166.49 FEET TO THE SOUTH LINE OF STATE OF INDIANA PROPERTY RECORDED IN DEED BOOK 238, PAGES 500-501; THENCE NORTH 79 DEGREES 26 MINUTES 16 SECONDS EAST ALONG THE SOUTH LINE OF SAID PROPERTY 10.00 FEET TO THE EAST RIGHT OF WAY OF STATE ROAD 39 AS DESCRIBED IN SAID DEED BOOK 238, PAGES 500-501 AND IN INSTRUMENT 2005010321, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY NORTH 10 DEGREES 34 MINUTES 23 SECONDS WEST TO THE NORTH LINE OF A STRIP OF GROUND FIFTY (50) FEET IN WIDTH BY PARALLEL LINES OFF THE ENTIRE SOUTH SIDE OF THE DONALD AND DONNA CHAMBERLAIN PARCEL DESCRIBED IN INSTRUMENT 2003016012; THENCE ALONG SAID NORTH LINE NORTH 79 DEGREES 27 MINUTES 52 SECONDS EAST 199.85 FEET; THENCE SOUTH 10 DEGREES 28 MINUTES 42 SECONDS EAST 298.66 FEET TO THE NORTHERLY DESCRIBED LINE OF THE LEBANON 3D COMPANY PROPERTY, AS RECORDED IN DEED RECORD 208, PAGES 907-908; THENCE ALONG SAID NORTHERLY LINE, SOUTH 79 DEGREES 35 MINUTES 23 SECONDS WEST 199.36 FEET TO THE POINT OF BEGINNING. CONTAINING 1.367 ACRES, MORE OR LESS, (59,572 SQ. FT.).

PROPOSED LOT 1

PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA, BEING THAT PARCEL CERTIFIED BY KAREN L. SUTTON, PS #LS21200013 ON MARCH 25, 2022 AS WEIHE ENGINEERS JOB NO. W220092, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PROPOSED LOT 2

PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA, BEING THAT PARCEL CERTIFIED BY KAREN L. SUTTON, PS #LS21200013 ON MARCH 25, 2022 AS WEIHE ENGINEERS JOB NO. W220092, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Parcel	Owner 1	Address 1, City State, Zip
06-10-24-000-004.009-002	S & S SERVICES LLC	5750 N 275 W LEBANON, IN 46052
06-10-24-000-004.007-002	S & S SERVICES LLC	5750 N 275 W LEBANON, IN 46052
06-10-24-000-004.010-002	CHAMBERLAIN DONALD P & DONNA R	575 WOODLAND PASS MOUNT WASHINGTON, KY 40047
06-10-24-000-001.000-002	ALDI (INDIANA) LP #50 C/O RYAN TAX COMPLIANCE SERVICES LLC	P O BOX 460049 DEPT 501 HOUSTON, TX 77056
06-10-24-000-004.006-002	DAVE'S CAR WASH LLC	13057 PORTSMOUTH DR CARMEL, IN 46032
06-10-24-000-004.011-002	BLUE DOOR CAPITAL LLC	178 W 300 NORTH LEBANON, IN 46052
06-10-24-000-049.000-002	SLATE RUIN GARDENS LP	999 WATERSIDE DR, STE 2300 NORFOLK, VA 23510
06-10-24-000-004.004-002	S & S SERVICES LLC	5750 N 275 W LEBANON, IN 46052
06-10-24-000-004.005-002	SOLACE STYLING STUDIO LLC	3140 MIDDLE JAMESTOWN RD LEBANON, IN 46052
06-10-24-000-047.000-002	BAR1, LLC	1475 W OAK STREET, # 164 ZIONSVILLE, IN 46077
06-10-24-000-063.000-002	POPEYES LOUISIANA KITCHEN INC ATT PROP MANAGEMENT	5505 BLUE LAGOON DR MIAMI, FL 33126
06-10-24-000-050.001-002	WAL-MART REAL ESTATE BUSINESS TRUST ATTN: PROPERTY TAX DEPT	PO BOX 8050 MS 0555 BENTONVILLE, AR 72712
06-10-24-000-018.002-002	STATE BANK OF LITTON	900 E 56TH ST BROWNSBURG, IN 46112
06-10-24-000-018.003-002	K&J INVESTMENTS VIII, LLC	3501 E CONNER ST NOBLESVILLE, IN 46060
06-10-24-000-050.000-002	REGENCY CENTRAL INDIANA LLC	380 N CROSS POINTE BLVD EVANSVILLE, IN 47715
06-10-24-000-018.004-002	MURPHY OIL USA INC ATTN: GREG SMITH	200 E PEACH ST EL DORADO, AR 71730

Taco Bell

Variations Required:

- Parking Lot Front/Rear Setback – UDO 7.5.F.2.i
- Building Front Setback – UDO 4.13.D
- Corridor Buffer Setback – UDO 6.1.L.3.c
- Building Base Landscaping – UDO 6.1.L.3.d (I would prefer to see building base landscaping, but I don't know where you would be able to provide the space)

7 Brew

Variations Required:

- Overlay Prohibited Use – Drive-Thru Establishment – UDO 6.1.H
- Corridor Buffer Setback – UDO 6.1.L.3.c