

FILE

JUN 30 2023

For Office Use Only

File No. 23-53

Fees Paid Yes No

CITY OF LEBANON
2022
Planning & Zoning Department
CITY OF LEBANON

APPLICATION FOR REZONE OF PROPERTY AND AMENDMENT TO THE ZONING ORDINANCE

Project Address/ Location 102 Birchwood Dr, Lebanon, IN 46052
(attach legal description)

Parcel ID No. 06-07-06-000-026.000-002 Area (1.1 acres 1 lots)

Existing Zoning Planned Business Commercial Proposed Zoning Single-family residential (SF2)

Township Center Subdivision and Lot # _____

Existing land use Vacant Proposed land use Variance to permit model home with intent to sell for residential use afterwards

Name of Applicant/ Contact Person Davis Building Group, LLC, c/o Paul Carroll

Phone 317-260-2095 Fax _____ Email paul@wootonhoyle.com

Address 13 N. State St. Ste. 241, Greenfield, IN 46140

Name of Property Owner Carpenter Co. Inc.

Phone _____ Fax _____ Email _____

Address 8901 S MERIDIAN ST, INDIANAPOLIS, IN, 46217

Application Fee \$ 300.00

Procedures

1. The applicant shall first schedule a meeting with staff to discuss the proposed zoning classification in relationship to the Lebanon Comprehensive Plan prior to filing.
2. The applicant shall confer with Lebanon Utilities regarding sewer and utility availability.
3. Applicant shall submit an application, conceptual site plan and pay filing fees at least four (4) weeks prior to being placed on Lebanon Plan Commission agenda.
4. Prior to Plan Commission
 - a. Planning staff will review the conceptual site plan and prepare comments recommending approval or requesting revisions.
 - b. The Plan supporting documentation shall be available at the time of notice for the public hearing is published.
5. The Plan Commission meets the 3rd Monday of each month.

Legal Description

Property Address: 102 Birchwood Dr, Lebanon, IN 46052

Part of the Southwest Quarter to Section 6. Township 18 North, Range 1 East, Center Township, Boone County, Indiana, more fully described as follows:

Beginning at the Southwest corner of the Northwest Quarter or said section; thence along the Second Principal Meridian and the Section line, North $00^{\circ} 01' 45''$ West 285.17 feet to a point on a curve having a radius of 619.70 feet, then radius point of which bears North $48^{\circ} 49' 5''$ East; thence Southeasterly along said curve and along the Southwesterly described line of Tract II of the Road America, Inc. Property recorded in Deed Record 231, Pages 419-420, Boone County Recorder's Office, 50.01 feet to a point which bears South $44^{\circ} 12' 26''$ West from said radius point; thence along the East described line of said Road America, Inc. Property, North $00^{\circ} 01' 45''$ West 50.00 feet; thence along the Northeasterly described line of said Road America Inc. Property, North $43^{\circ} 28' 50''$ West 50.00 feet; thence along the Second Principal, the Section line and part of the East described line of the New Day, LLC Property recorded as Instrument #0006813, North $00^{\circ} 01' 45''$ West 82.35 feet to the Southwest corner of Lot No. 17 in Bryan's Addition recorded in Plat Book 2, Page 12; thence along part of the South described line of said Bryan's Addition, North $89^{\circ} 31' 24''$ East 312.00 feet; thence along the West described line of the Hallmark Homes, Inc. Property recorded as Instrument #9800268 and Instrument #9800270, South $00^{\circ} 00' 00''$ East 346.61 feet to a point on the Northeasterly right of way line of Birchwood Drive which said point lines on a curve having a radius of 11,309.26 feet, the radius point of which bears North $27^{\circ} 34' 59''$ East; thence Southeasterly along the Drive and said curve, 154.92 feet to a point which bears South $26^{\circ} 47' 54''$ West from said radius point; thence along the Quarter Section line, South $89^{\circ} 39' 15''$ West 449.58 feet to the point of beginning, containing 3.0647 acres, more or less.

EXCEPT THEREFROM

A of part of the Southwest Quarter of the Northwest Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Lebanon, Indiana, more fully described by:

Commencing at the Southwest corner of the Northwest Quarter of said Section 6, thence North $00^{\circ} 01' 45''$ West, along the Section line, a distance of 417.52 feet to the Southwest corner of Lot No. 17 in Bryan's Addition as recorded in Plat Book 2, Page 12; thence North $89^{\circ} 31' 24''$ East, along the South line of said Bryan's Addition, a distance of 312.00 feet; thence South $00^{\circ} 00' 00''$ East a distance of 346.61 feet to the point of beginning located on the Northerly right of way line of the Frontage Road adjacent to Interstate 65; thence along a curve, non-tangent to the preceding course, following the North right of way of said Frontage Road, having a radius of 11309.26 feet, an arc length of 154.92 feet, and a chord bearing South $62^{\circ} 48' 34''$ East a distance of 154.91 feet; thence South $89^{\circ} 39' 15''$ West, along the Quarter Section line, a distance of 137.80 feet; thence North $00^{\circ} 00' 00''$ West parallel with the West right of way line on East Street, a distance of 71.62 feet to the point of beginning, containing 0.1126 or an acre, more or less.

ALSO EXCEPT:

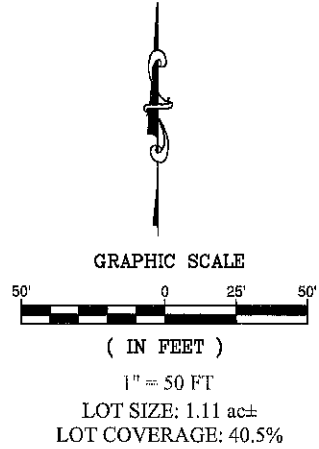
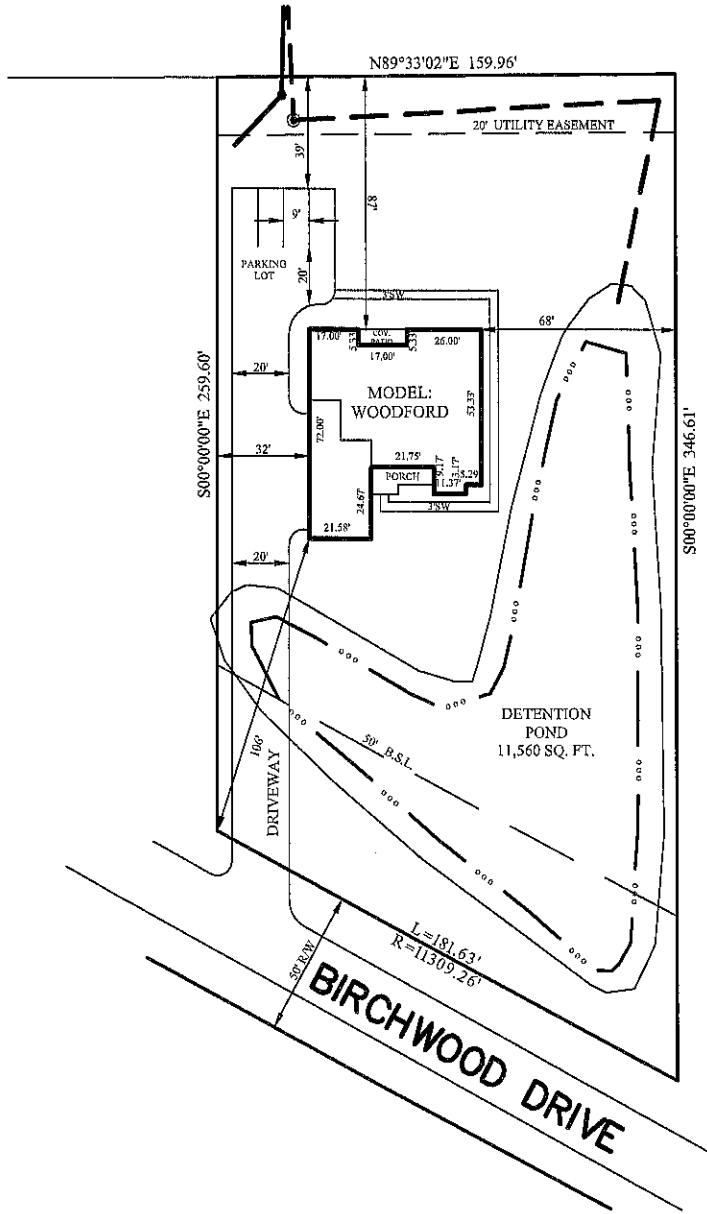
All that part of the aforesaid real estate lying South of the North Right of Way line of Birchwood Drive, containing after said exceptions 1.7828 acres, more or less.

ALSO EXCEPT:

Part of the Northwest Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southwest corner of the said Northwest Quarter Section; thence along the West line of said quarter section North 00 degrees 01 minutes 45 seconds West 285.17 feet to the POINT OF BEGINNING of this described tract; thence continuing North 00 degrees 01 minutes 45 seconds West along said West line a distance of 132.35 feet to the Southwest corner of Lot Number 17 in Bryan's Addition, recorded in Plat Book 2, page 12; thence along part of the South described line of said Bryan's Addition, North 89 degrees 31 minutes 24 seconds East 152.00 feet; thence South 00 degrees 00 minutes 00 seconds West 259.60 feet to the Northeasterly right-of-way line of Birchwood Drive and being a point on a non-tangent curve, concave Northeast, having a radius of 619.70 feet; thence along said curve in a Northwesterly direction, said curve being subtended by a chord having a bearing of North 50 degrees 19 minutes 54 seconds West and having a chord distance of 197.37 feet and an arc distance of 198.22 feet to the POINT OF BEGINNING, containing 0.708 acres, more or less.

102 BIRCHWOOD DRIVE
 LEBANON, IN 46052
 DAVIS HOMES MODEL HOME



- LEGEND**
- B.S.L. BUILDING SETBACK LINE
 - SANITARY MANHOLE
 - ⊙ STORM MANHOLE

ZONING: PBC
 Side Setback:
 Business/Industrial: 15 feet
 Residential: 10 feet
 Front Setback: 50 feet
 Rear Setback: 10 feet
 Maximum Lot Coverage: 75% for all
 impervious surfaces

 <p>STOEPPELWERTH</p> <p>ALWAYS ON</p> <p>7965 East 106th Street, Fishers, IN 46038-2505 phone: 317.849.5935 fax: 317.849.5942</p>	JOB NO. 106841DAV	PAGE <h1>1</h1> OF 1 SHEETS
	DRAWN BY: LAF	
	CHECKED BY: GDK	
	DATE DRAWN: 06/26/23	

Kristi Spencer

From: Lebanon <wo@iworq.net>
Sent: Friday, June 30, 2023 3:02 PM
To: Kristi Spencer
Subject: Request #633250316 created through portal

Request #633250316 was created through the online portal.

Project Address: 102 Birchwood Drive Lebanon Indiana 46052

Permit Type: Rezoning

Applicant Name: Davis Building Group, LLC

Applicant Address: 13 N. State St., Ste. 241

Applicant City, State, Zip: Greenfield

Applicant Phone: 317-460-2095

Applicant Email: john@wootonhoyle.com

Description: Rezone to SF-2

Project Cost: 0

Square Feet: 0

Click [Here](#) to open Request # 633250316

You are receiving this email because you are marked in the list "Email Options - Request Applications" in the Portal Setup Tab.

WOOTON HOY ^{LLC}

— ATTORNEYS AT LAW —

John D. Cross
Cell: (317) 250-6581
Office: (317) 318-1685
john@wootonhoylaw.com

June 28, 2023

Lebanon Planning Department
Via Online Filing Portal

Copy by email to: kspencer@lebanon.in.gov

RE: Application Package for Variance of Use and Rezoning
Property: 102 Birchwood Dr., Lebanon, IN 46052
Parcel: 06-07-06-000-026.000-002

Dear Planning Department:

We are filing two petitions for this property. (1) A variance of use petition and (2) a rezoning petition. These are being filed separately but with the same cover letter as we wish for them to be reviewed in their entirety. Enclosed for each petition are the following:

1. Application Paperwork with:
 - a. Legal Description
 - b. Owner's Authorization
 - c. Site Plan
 - d. Proposed Findings of Fact (Variance only)

The same have been sent by email. Thank you, and please feel free to contact me if you'd like to discuss.

Sincerely,

/s/ John D. Cross
John D. Cross

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) Carpenter Co. Inc., 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

102 Birchwood Dr, Lebanon, IN 46052. Parcel 06-07-06-000-026.000-002

(property address or legal description)

3. I (we) are aware of the variance requested by Davis Building Group, LLC,
(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.

David Caveness

06/26/2023

Signature

Date

John Albany, Vice President/Controller

06/26/2023

Signature

Date