

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND PLACE OF MEETING: Friday, March 30, 2007, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS IN ATTENDANCE:

Members: Gene Carroll, Tim Francis, George Hancock, Gerry Krieser and Bob Kuzelka.
Others: Terry Kathe (Building & Safety); Brian Will and Michele Abendroth (Planning Dept.); applicants and other interested parties.

STATED PURPOSE OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Chair Gene Carroll called the meeting to order at 1:30 p.m.

Election of Chair and Vice-Chair

Krieser made a motion to nominate Gene Carroll as Chair, seconded by Francis. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

Carroll made a motion to nominate Bob Kuzelka as Vice-Chair, seconded by Krieser. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

Approval of the minutes of the June 30, 2006 meeting

Krieser moved approval of the June 30, 2006 meeting minutes, seconded by Hancock. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

Appeal No. 07001 by Jeff Downing for a variance of the rear yard setback on property generally located at 828 D Street.

HEARING

March 30, 2007

Jeff Downing, appearing on behalf of Zion Church, stated that they are requesting a reduction to the north setback on a proposed education addition that Zion Church wants to build on the west side of church. The purpose of the request is to seek an education addition with expanded setbacks to the south and north. The portion before the Board today deals with north end only. The church is a beautiful, old historic building located at 9th and D Streets. One of the historical components is that it was built at a time when there were no zoning districts in place, so it is built close to the sidewalk. The merger of Zion and Covenant Presbyterian Church has been a great success story and has added new life and vigor in the surrounding area. The congregation has continued to grow and there is a need for education space. They have used the existing space as much as they can. They have also purchased nearby buildings for other uses. They purchased a house at 828 D Street and they want to remove the house and garage and place an addition to the west of the church. The house is situated 3' 8" off the alley. They will create a little more space in the alley with the setback. The selected design is built within the existing setback on the west so as not to encroach upon the neighbor in the alley as well as to maintain the view of the stained glass windows which is a beautiful architectural feature of the building. To get the maximum space, it is necessary to expand as far out as possible to the north. They feel this meets exceptional and unusual

circumstances because it is an historic building in a landlocked area. They want to keep within the historical character of the building. Downing noted that they received approval of the design of the addition from the Historic Preservation Commission. They are requesting a 10' setback instead of the required 30'. If they do not get the variance, they will be forced to build a much taller building which will not solve the problems identified. After significant discussions with neighbors, they felt there was an agreement, but they have received one written opposition.

Will distributed copies of three emails from nearby property owners in opposition to the variance. The complaints were in regard to the proximity of building to the alley and the north property line.

Jack Wade, 4400 S. 80 Street, stated that he is appearing in favor of this appeal. He is the chairman of building committee of this church. Improvements along the alley being proposed are badly needed. The church purchased the alley from the City and gave the other half to the adjacent property owner.

Stu Kearns, Pastor at Zion Church, stated that the church has grown significantly but their growth has not increased the past three years. We need strong churches in this neighborhood and educational facilities are part of that. They also want to remain in this area.

Danny Walker, 427 E Street, past President of the South Salt Creek Community Organization, feels the Board should approve this variance. It is a good church and they are in need of more space. D Street has a lot of traffic and it is high speed traffic. The church also approached the Neighborhood Association about donating money for improvements at Cooper Park, which is great for this area. He also noted that the Neighborhood Association approved the original expansion which was larger than the current plans.

Carroll asked if there was further testimony in favor of or against this application. With no one appearing, Carroll closed the public hearing.

ACTION

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Francis stated that he heard this presentation at Historic Preservation Commission, and it is a well thought out plan. Churches make good neighbors, and he would rather have a growing church than a dwindling congregation.

Hancock stated that while he enjoyed hearing about the history of the church, it does not bear on the action the Board is permitted to take. He is concerned about neighborhood objections, although the Board cannot make a decision based upon that. The property does not meet the requirement for unusual, exceptional or peculiar circumstances with respect to the land. However, the Board has not received a legal opinion from the City Law Department in regards to these kinds of actions, so he is going to vote in favor of this application as he likes the plan.

Carroll stated that he believes the vacated alley makes the property unique in how it sits on the land. He believes the Board has the jurisdiction to grant this variance.

Francis moved approval of the variance, seconded by Kuzelka. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

Appeal No. 07002 by Jim Berg for a variance of the front yard setback on property generally located at 540 D Street.

HEARING

March 30, 2007

Jim Berg, appearing on behalf of Friedens Lutheran Church, explained that this matter was approved by the Board of Zoning Appeals in June of last year. However, the filing was not done in the proper amount of time, so they are asking for an extension.

Carroll asked if there were any changes to the variance from when it was approved in June. Berg responded that there were no changes.

Will noted that there is no provision for extending the time. The Board will need to vote upon the variance.

Carroll asked if there was further testimony in favor of or against this application. With no one appearing, Carroll closed the public hearing.

ACTION

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Hancock moved to approve the variance, seconded by Krieser. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

The meeting was adjourned at 2:21 p.m.

***Please note that these minutes will not be formally approved until the next meeting of the Board of Zoning Appeals. ***