

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for June 21, 2006 PLANNING COMMISSION MEETING**

**P.A.S.:** Special Permit #06037 - Friedens Lutheran Church

**PROPOSAL:** A request for a special permit to expand a nonstandard use to allow an addition to a church.

**CONCLUSION:** The church is considered nonstandard because it does not meet the setbacks for the R-4 zoning district. However, the adjustments for the proposed addition are less than the encroachment by existing building. The impact of the proposed expansion upon other properties in the area is not significant, and its continued viability as a church and its role in the National Register historic designation for the South Bottoms Historic District outweigh any adverse effects.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
-------------------------------	----------------------

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 6, Block 193, Original Town of Lincoln, Lancaster County, Nebraska.

**LOCATION:** 540 D Street

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Church

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-4
South:	Residential	R-4
East:	Cooper Park	P
West:	Residential	R-4

**ASSOCIATED APPLICATIONS:** BZA#06006 - A petition for a variance to adjust the front setback adjacent to South 6<sup>th</sup> Street from 17.8' to 2.8'.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F17** - Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

**Page F18** - Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.

**Page F25** - This site is designated for urban residential land uses in the Land Use Map.

**Page F69** - Support retention of public uses (elementary schools, churches) as centers of neighborhood - encourage shared parking whenever possible - permit minor incursions of accessory parking for public/semi-public uses into neighborhood if properly screened.

**Page F71** - For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities are important to the diversity of any area, provided they fit within the character of the block and neighborhood.

## **ANALYSIS:**

1. The applicant is proposing an addition to the existing church to provide improved circulation to and among the three levels (basement, sanctuary, and choir loft), and to allow space for new restrooms that comply with the requirements of the Americans with Disabilities Act (ADA).
2. The church is located on Lot 6, Block 193, in the original plat of the Lincoln. The lot is 50' x 134' in area, and is typical of others in the area. The church was built prior to 1900, and predates the Zoning Ordinance and setback requirements.
3. The setbacks in the R-4 district are as follows: Front - 25'; Side - 5'; and Rear - the smaller of 30' or 20% of the lot depth. However, churches are a conditional use in the R-4 per Lincoln Municipal Code (LMC) Section 27.13.030 which requires that the side and rear setbacks for churches be either 15', or the same as the district, whichever is greater. In this case, the side yard setback is 15', and the rear yard setback is 30'. The table below summarizes the applicable, existing, and proposed setbacks.

### SETBACK SUMMARY

	R-4	Church in R-4	Existing Church	Proposed Add'n
Front (S. 6 <sup>th</sup> St.)	17.8*	17.8*	7.25'	2.8'
Front (D St.)	25'	25'	2.6'	10.4'
Side	5'	15'	2.5'	5.5'
Rear	30'	30'	40.5'	N/A

\*NOTE - The front setback along South 6<sup>th</sup> Street is 17.8' instead of 25', per LMC Section 27.71.170(b)2 which allows an adjustment to the front setback based upon the setback of other buildings on the block.

4. The setback summary shows that the existing church does not comply with the front and side setbacks for a church in the R-4. LMC Section 27.63.280 provides for a special permit to expand a nonstandard use where the expansion does not encroach further into required yards. The special permit would apply to the setback conditions at the north and south lot lines where the proposed expansion does not encroach any further into the required yards. However, because the proposed expansion encroaches further than the existing building into the required yard along South 6<sup>th</sup> Street, the special permit does not apply to that setback. The only way the setback can be adjusted is by a variance granted by the Board of Zoning Appeals. A petition has been submitted and BZA#06006 will be heard by the BZA on June 30, 2006, after the Planning Commission's public hearing on this request.
  
5. This site is within the South Bottoms Historic District, a district listed on the National Register. While the City of Lincoln has no local design review authority relative to the National Register, staff does request the Historic Preservation Commission (HPC) to review and comment on discretionary applications affecting National Register properties, such as this special permit. The HPC is set to discuss this request on June 15, 2007, after this report had to be published. As a result, their comments could not be included but will be forwarded separately to the Planning Commission.
 

It is not possible to anticipate the comments from the HPC, however the intent is to seek their guidance and input for use in the decision-making process. If negative findings or adverse comments are made concerning the proposed addition relative to the historic significance of the church and/or neighborhood, the staff recommendation could change. In that case, staff would prepare an amended recommendation to the Planning Commission to accompany the comments from the HPC.
  
6. **SPECIAL PERMIT REQUIREMENTS FOR EXPANSION OF NONCONFORMING AND NONSTANDARD USES PER LMC 27.63.280.**

**(a) Effects on adjacent property, traffic, city utility service needs.**

The building has been determined to be nonstandard because it does not meet the front and side yard setbacks for a church in the R-4 zoning district. This request seeks to allow the addition to be built to within 5.5' of the side property line (north), and within 10.4' of the front property line along D Street.

In both cases, the proposed addition encroaches into the required yards less than the existing building. The most impacted property is the lot to the north which is occupied by a single-family residence. The front yards are adjacent to South 6<sup>th</sup> and D Streets which have unusually wide rights-of-way of 100' and 120' respectively. The church has existed in this neighborhood for over a century, and staff is not aware of negative effects as a result. There is no off-street parking provided on site and all patrons must park on the street. The parking requirement for a church is based the largest assembly area, and the plans for the proposed addition do not increase the size of the sanctuary so no new spaces would be required. Because the sanctuary is not expanding, the demand for parking spaces should not increase, and there should be no appreciable increase in traffic on the surrounding streets.

**(b) Density of land use zoning for the subject property and adjacent property.**

The church does not comply with the setbacks for the R-4 zoning district and could not be built in its present form today. While it is generally the intent of the nonconforming and nonstandard definitions to limit and discourage such uses, the provision for a special permit for expansion acknowledges that there may be situations when such uses are appropriate and even encouraged. Built over 100 years ago, this church is an integral part of the neighborhood and typical of churches built during that time. It is part of the fabric of this neighborhood and a contributing factor in the South Bottoms Historic District designation. The building is a well-maintained example of its kind, and its presence at this location has been long-accepted by the neighborhood.

**(c) The degree of hardship upon the applicant which would be caused by failure to grant such a permit.**

The applicant has stated that the proposed addition will accommodate modern restroom facilities and will provide improved internal access, improvements designed to serve the needs of the patrons of the church. The layout of the church does not lend itself to making the addition at any other location. If the addition were located at the west end of the church, then the annex building must be removed. Also, the addition would encroach into the sanctuary and reduce seating, and it would not align with the existing stairwells found at the east end of the church.

The applicant has stated that it is the intent of the church to respect the historic heritage, but also to remain a viable facility that can continue to serve the needs of its patrons. If it does not remain viable and does not continue as a church, its contribution to the neighborhood and the National Register designation will be diminished.

**CONDITIONS:**

Site Specific:

1. This approval permits the expansion of the nonstandard use to allow an addition onto the building consistent with the site plan.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
    - 2.1.1 Five copies of a revised site plan showing the following revisions:
      - 2.1.1.1 Show the setbacks from the church to all property lines, and delete the setback dimensions measured to the back of curb.
  - 2.2 The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the building, all development and construction is to comply with the approved plans.
  - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

---

Brian Will, AICP, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
June 7, 2006

**OWNER:** Friedens Lutheran Church  
540 D Street  
Lincoln, NE 68508

**APPLICANT:** Al Scribner  
402.761.8209

**CONTACT:** Jim Berg  
Bahr Vermeer Haecker  
121 South 13<sup>th</sup> Street  
Lincoln, NE 68508  
402.489.4923



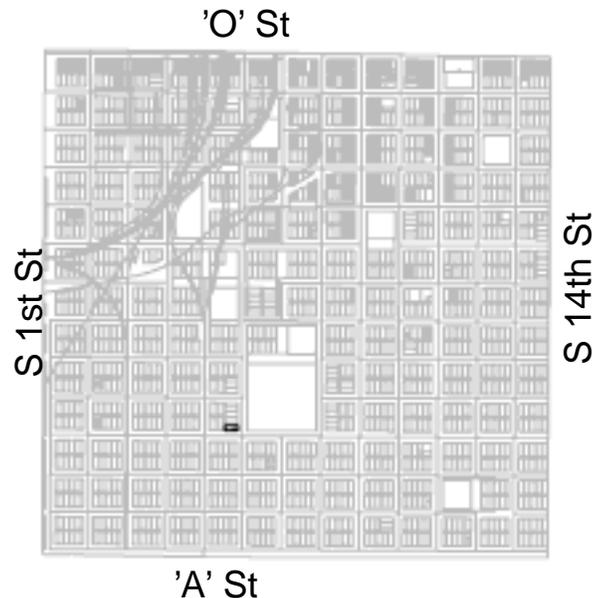
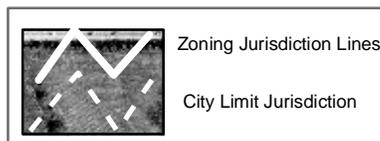
**Special Permit #06037**  
**S 6th & D St**

2005 aerial

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 26 T10N R06E





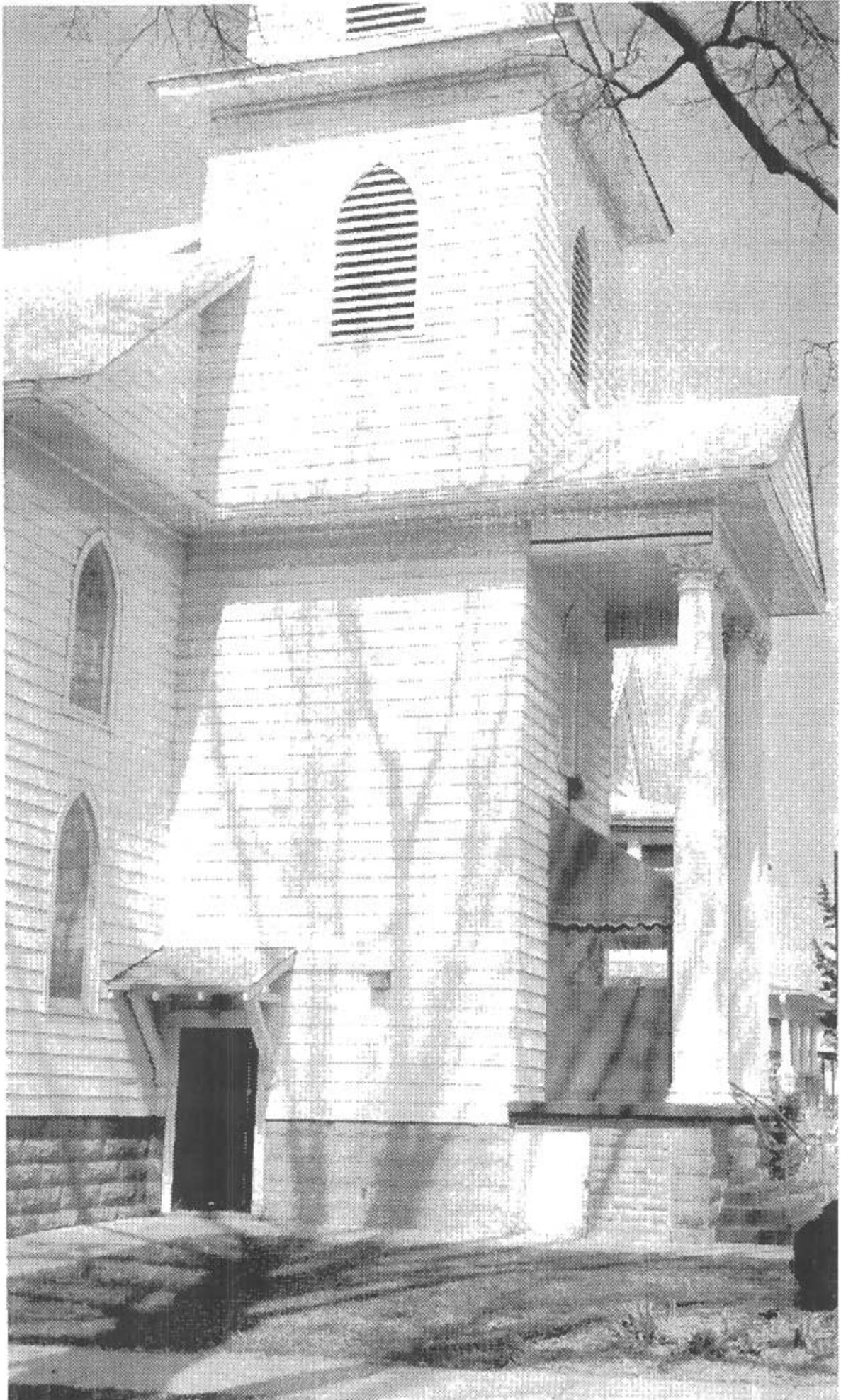
Existing Church, Looking  
West from South 6<sup>th</sup> Street

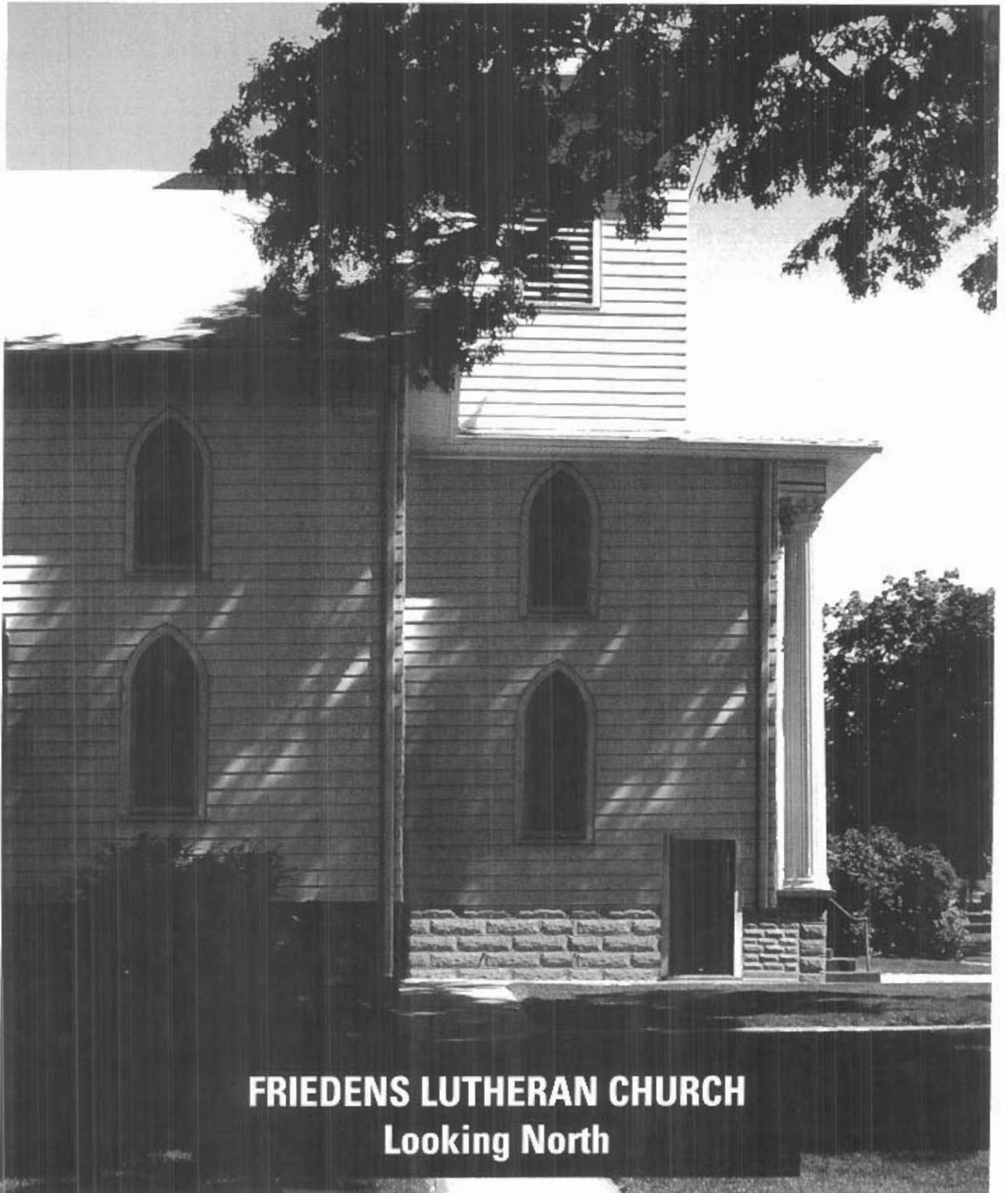




With Proposed Addition, Looking West from South 6<sup>th</sup> Street

Existing Church, Looking North from D Street





**FRIEDENS LUTHERAN CHURCH**  
**Looking North**

With Proposed Addition, Looking North from D Street

# BAHR VERMEER HAECKER

Architects

## PRINCIPALS

GEORGE HAECKER AIA  
GARY BOWEN FAIA  
DAN M. WORTH AIA  
PAUL JEFFREY AIA  
DANIEL A. SPIRY AIA  
ROBERT G. LEZOTTE AIA  
JOHN SINOVIC AIA  
JAMES B. BERG AIA  
PAM SCHOONOVER

June 9, 2006

## ASSOCIATE PRINCIPALS

MICHAEL E. DAILY AIA  
GILL PEACE AIA

Mr. Brian Will, Planner  
Lincoln City/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

## EMERITUS

DEON F. BAHR FAIA  
LYNN E. VERMEER AIA  
GARY L. GOLDSTEIN AIA

RE: Friedens Lutheran Church  
540 D Street  
Lincoln, NE  
BVH Project No. L05091

## SENIOR ASSOCIATES

PAUL E. NELSON AIA  
JAMES L. HANDELAND  
SCOTT RICHARDSON  
JOETTE DEITERING  
DAVID D. COOPER  
STEPHEN CLYMER AIA

## ASSOCIATES

ROGER E. SLOSSON  
NICOLETTE AMUNDSON AIA  
JIM BRINKMAN  
CRAIG A. WOHLGEMUTH AIA  
R. SCOTT CAMP AIA  
KELLEY ROSBURG  
STAN D. PETERSON  
CLEVELAND REEVES AIA

Dear Mr. Will:

SUBJECT: Special Permit Request

This letter is written in support of the special permit request for a waiver of the north and south setback requirements to allow the construction of an addition to the east end of the Friedens Lutheran Church located at the northwest corner of 6<sup>th</sup> and "D" Streets.

The church building in question has historical significance in Lincoln and the Friedens Lutheran Church congregation is original to this building. Like many other churches in Lincoln the needs of the church have evolved and renovations are needed to meet these needs.

The proposed addition would meet two pressing needs for the Church:

1. Better and safer stair access to all three levels of the Church and
2. Handicapped accessible restrooms on the main and lower levels.

Several options were investigated to meet these needs. One option would have located the stairs and restrooms within the existing building envelope. This was rejected as it would have significantly altered the existing interior layout of the Church. The Church is very proud of its heritage and historical significance in Lincoln and these alterations would have significantly affected the historical features that are unique to the original church design.

Another option was to locate the new stair at the west end of the existing Church. This would not require any set back waivers but because of the layout of the existing Sanctuary this stair location would provide access to the lower and main levels but not to the balcony level. The existing stairs are very narrow and steep which is a safety concern. This option was rejected as it did not meet the need for safer access to all levels of the Church.

121 SOUTH 13<sup>th</sup> STREET  
NO. 200  
LINCOLN NEBRASKA  
68508

V 402.475.4551  
F 402.475.0226

OMAHA NEBRASKA  
COLORADO SPRINGS CO

www.bvh.com

Friedens Lutheran Church

9 June 2006

Page 2

---

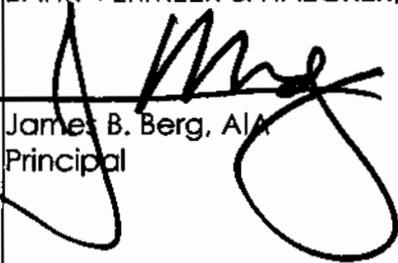
It was felt that the proposed addition would best meet the needs listed above without compromise to the existing interior and exterior historical features. Set back waivers will be required to construct this addition.

Thank you for your consideration of this waiver request. We hope this letter is helpful in giving you some background to the special permit request. We look forward to presenting this information in person to the Planning Commission in the near future and will be prepared to answer any questions at that time. Should there be questions in advance of this meeting please don't hesitate to contact our office.

Sincerely,

BAHR VERMEER & HAECKER, ARCHITECTS, LTD.

BAHR VERMEER HAECKER  
ARCHITECTS



James B. Berg, AIA  
Principal

121 SOUTH 13<sup>TH</sup> STREET  
NO. 200  
LINCOLN NEBRASKA  
68508

V 402 475 4551  
F 402 475 0226

OMAHA NEBRASKA  
COLORADO SPRINGS CO

www.bvh.com