

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 20, 2007 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 07020

PROPOSAL: Expand a nonstandard single-family dwelling into the required front yard setback.

LOCATION: S. 40th Street and Calvert Street

LAND AREA: .24 acres more or less

EXISTING ZONING: R-4 Residential

CONCLUSION: The special permit for the expansion of a non standard dwelling should not adversely affect surrounding residents.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

LOT 14, & S40' OF LOT 15 JENKINS ADDITION TO COLLEGE VIEW, located in the NE 1/4 of Section 6-9-7, Lancaster County, Nebraska

EXISTING LAND USE: Single-family dwelling Residential

SURROUNDING LAND USE AND ZONING: Residential on all sides

North, East , West R-4 Residential

South R-2 Residential

ANALYSIS:

1. This is an application to expand a nonstandard single-family dwelling into the required front yard for the purpose of constructing an addition onto the back side of an existing residence. Along Calvert Street the existing house is set back 17 and a half feet. The property is zoned R-4 with a required 25 foot front yard. The addition would not extend any further into the front yard along Calvert Street than the existing residence.

2. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This house was built in 1926 before this zoning district and its setbacks were established.

3. LCM §27.63.540 provides conditions under which this permit may be granted:
 1. **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

The proposed addition is shown in-line with the 17 1/2' setback of the existing residence from Calvert Street.
 2. **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed addition is shown not to encroach into any other required setback. The building permit review process will ensure the height requirements are met.
 3. **The use of the building shall remain a single- or two-family dwelling.**

The applicant has indicated this request will allow for an expansion of the home to provide additional living space, and will remain used as a single-family residence.

4. There are only two other houses with frontage on Calvert Street. They are both set back further than the dwelling in this application but are buffered by its large rear yard.

5. No City Department has raised an objection to this permit.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required front yard along Calvert Street to allow an addition onto the west side of the home.

2. The expansion shall not extend further into the required front yard along Calvert Street than the furthest extension of the existing dwelling.

3. The expansion shall meet the height limit of the zoning district.

4. The use of the main structure shall remain single- or two-family dwelling.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the addition all development and construction is to comply with the approved plans.
 - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks.
 - 5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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

Christy Eichorn
Planner

DATE: June 7, 2007

APPLICANT/ OWNER/ CONTACT

Albert T. Williams
3539 S. 40th Street
Lincoln, NE 68506



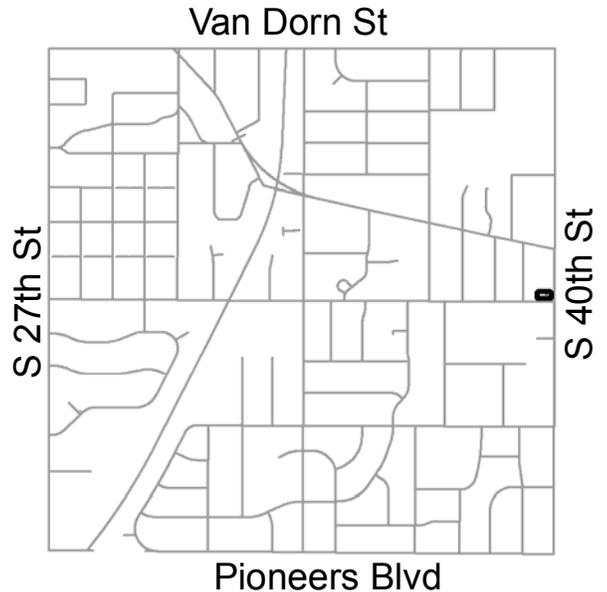
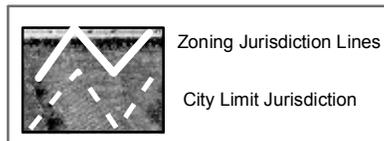
**Special Permit #07020
S 40th & Calvert St**

2005 aerial

Zoning:

One Square Mile
Sec. 06 T09N R07E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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



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May 23, 2007

Marvin Krout, planning director
Planning Commission
City of Lincoln
Room 213
555 S 10th Street
Lincoln, NE 68508

Dear Mr. Krout and Planning Commission:

With this letter I am applying for a special permit for expansion of ^{nonstandard dwelling} nonconforming use on my residential property at 3539 S 40th Street (corner of S 40th and Calvert).

Our house, built in 1926, sits approximately 17 ½ ft from the south property line, which parallels Calvert Street. We wish to build an addition onto the back side of the house. The proposed addition, approximately 24 ½ ft x 20 ft, will provide for storage and other general space in the basement, and a new family room and kitchen on the main floor. The addition will not be extended to the second floor. With this addition, we propose to expand the footprint of the house into the backyard to the west. The addition will be built the same distance as the existing house from Calvert Street. The lot measures approximately 72 ft x 148 ½ ft.

I am enclosing a site plan for the proposed addition and a check for the \$250 application fee. I understand from a phone conversation with Steve Hendrickson that the planning commission will take this up at its June 20 meeting.

Yours sincerely,



Albert T. Williams
property owner

