LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16009

PROPOSAL: A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate the construction of a carport.

LOCATION: 1801 Kings Highway

LAND AREA: 0.16 acres, more or less

EXISTING ZONING: R-2 Residential District

CONCLUSION: The nonconforming condition is caused by the existing house not meeting the ~~front and~~ side yard setback~~s~~. The carport will project into the ~~front,~~ side and rear yard setbacks. The proposal is to construct a carport over the driveway on the east side of the house. The proposed carport should not significantly impact surrounding properties or the Woodsshire Residential Historic District, and is consistent with the Comprehensive Plan.

RECOMMENDATION:		Conditional Approval
Waivers/modifications:		
~~1.~~	~~Reduction of the front yard setback from 25 feet to 21 feet~~	~~Approval~~
~~2.~~1.	Reduction of the side yard setback from 5 feet to 4.9 feet	Approval
~~3.~~2.	Reduction of the rear yard setback from 20 feet to 7 feet	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Block 3, Lot 14, Woodsshire, in the NW 1/4 of Section 1-9-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Single family dwelling

SURROUNDING LAND USE AND ZONING:

North: Single family dwelling; R-2
South: Single family dwelling; R-2
East: Single family dwelling; R-2
West: Park land; R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.8 - The 2040 Future Land Use Map shows this area as Urban Density Residential.

P. 7.2 - Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

P. 7.8 - For existing neighborhoods, housing 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 existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

UTILITIES: This site is served by existing utilities.

TRAFFIC ANALYSIS: Kings Highway and Woodsshire Parkway are classified as local streets.

AESTHETIC CONSIDERATIONS: The anticipated design of the carport is shown in the attached examples. The size and appearance will be of a typical carport design. Because this property is located within the Woodsshire Residential Historic District listed on the National Register of Historic Places, the Historic Preservation Commission will review this application on April 21, 2016.

ANALYSIS:

1. This is an application to expand a nonstandard house through constructing an attached carport that encroaches into the required rear yard on the east side of the property and into the required side yard on the south side of the property. The applicant would like to construct the carport over the existing driveway on the east side of the house to protect her vehicle from the elements. She has not been able to park in her garage, as the driveway arrangement requires a hard right turn into the garage bay, and this turn is difficult to negotiate.

2. The property is currently nonconforming because ~~the front yard on the north side is 18.4 feet and~~ the side yard on the south side is 4.9 feet. Since the new carport ~~garage~~ will be less than 6 feet from the main structure, the carport ~~garage~~ must meet the same setbacks as the house. ~~The required front yard is 25 feet. This property has two front yards along Kings Highway and Woodsshire Parkway. The carport will be located 21 feet at its closest point from the property line along Kings Highway. The house also extends into the front yard.~~ The carport will match the south wall of the house and will extend 0.1 feet into the required 5-foot side yard. The required rear yard on the east side of the carport is 20 feet. The house does not extend into the rear yard; however, the carport will extend into the rear yard and

will be located 7.0 feet from the rear property line.

3. A nonstandard use is defined by LMC §27.02.150 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 1949 and became nonstandard when the City adopted revised zoning regulations.

4. LCM §27.63.280 provides the following criteria shall be given specific consideration:

(a) Effects on adjacent property, traffic, city utility service needs;
There will be no significant impact to neighboring properties. The new carport will effectively extend the main structure 13 feet into the rear yard to the east, whereas no structures currently exist in the rear yard. However, the carport will not extend further to the south into the side yard than does the house. The house extends 0.1 feet into the side yard setback. The owner wishes the new carport to match the south line of the house. ~~Although the carport will also extend into the front yard, the north edge of the carport will be 2.6 feet further back from the street than the house.~~ This carport will involve constructing a structure over the driveway where there is currently no structure. Visual impacts will be limited as the carport will not have walls, only a roof and support columns.

(b) Density of land use zoning for the subject property and adjacent property;
There will be no significant impact. No additional habitable buildings are proposed with this application. If constructed, the carport would need to meet all current building codes.

(c) The degree of hardship upon the applicant which would be caused by failure to grant.
Given the small size of the lot (6,794 square feet), there are limited options of where a carport could be placed. Building the carport over the existing driveway is the most appropriate. If the special permit was not approved, the property owner could not proceed with construction as proposed. The property owner could conduct routine maintenance on the house and attached garage, but it could not be expanded.

5. This property is within the Woodsshire Residential Historic District, which is listed on the National Register of Historic Places. This application will be reviewed by the Historic Preservation Commission (HPC) on April 21, 2016. Woodsshire is a 1925 subdivision planned by landscape architect Ernst Herminghaus that showcases the work of several of Lincoln's leading architects. Most of the houses are period revival in style, displaying Colonial Revival or Tudor elements, as well as French Eclectic, International Style, and Ranch Style designs. The HPC meeting minutes and recommendation will be submitted to the Planning Commission at the hearing.

6. The special permit is warranted because 1) the construction will remove a

challenging parking condition for the owner; 2) the impact of a carport on neighboring properties will be minimal; 3) given the small lot size there are no feasible alternative locations for a carport; and 4) the new structure will meet current building codes.

CONDITIONS OF APPROVAL:

Per Section 27.63.280, this approval permits the expansion of a nonconforming use to accommodate the construction of a carport with waivers to the ~~front yard setback to 21 feet,~~ the side yard setback to 4.9 feet, and the rear yard setback to 7 feet.

Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies.

2. Before receiving building permits provide the following documents to the Planning Department:

   2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. The following conditions are applicable to all requests:

   3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

   3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

   3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

   3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner

DATE: April 19, 2016 (revised April 26, 2016)

APPLICANT: Window World
2940 Cornhusker Highway
Lincoln, NE 68504

OWNER: Barbara Phalen
1801 Kings Highway
Lincoln, NE 68502

CONTACT: Don W. Meinke
2940 Cornhusker Highway
Lincoln, NE 68504

F:\DevReview\SP\16000\SP16009 Phalen Carport.rkj revised.wpd

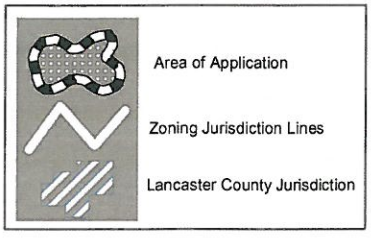
2013 aerial

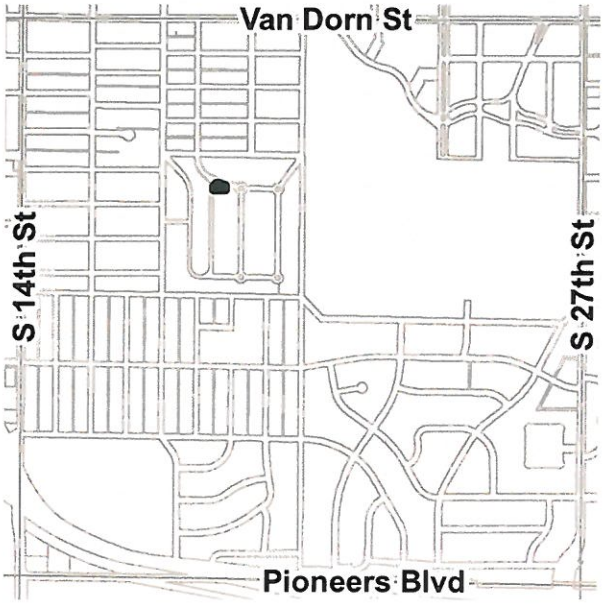
Special Permit #: SP16009
Woodshire Pkwy & Kings Hwy

Zoning:

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

One Square Mile:
Sec.01 T09N R06E





PDF: F:\Boards\PC\Internet\out\

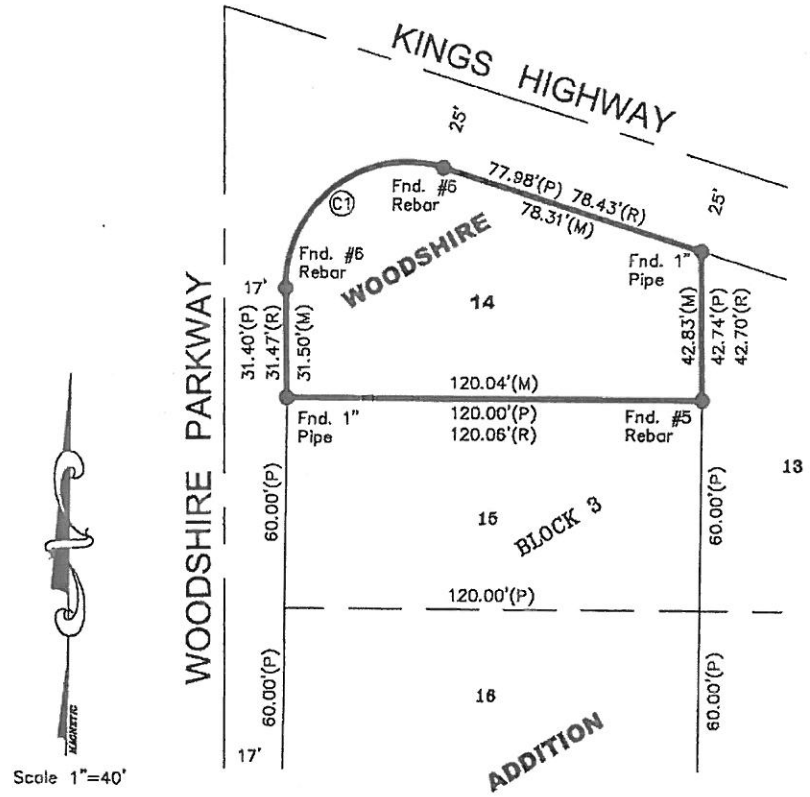
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP16009)

HUSKER SURVEYING
4535 Normal Blvd.
Suite 101
Lincoln, NE 68506
Ph: (402) 423-5202

SURVEY RECORD

Survey for: Window World
1801 King Highway
Lincoln, NE 68502

Survey of Lot 14, Block 3, Woodshire Addition
City of Lincoln
NW1/4, Section 1 T. 9 N. R. 6 E. of the 6th P.M.
Lancaster County, Nebraska
Date of Survey 03-15-16 Job No. 4814



Scale 1"=40'

● = Cor. Fnd.
○ = Cor. Set #5 Rebar w/Red Plastic cap HUSKER NE LS 440
X = Temp. Point
(M)= Meas. Dist.
(P)= Plat Dist.
(D)= Deed Dist.
(R)= Record Dist.
(C)= Computed Dist.

CURVE DATA

C1 Δ=109°12'11"
R=35.00'(P&M)
L=66.71'
C=56.76'(P) 56.91'(R) 57.06'(M)

Surveyor's Certificate

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Nebraska, certify the above survey was executed by me, on the date shown. Permanent monument corners as described in the survey drawing were placed at all missing or remonumented corners. Distances shown are measured in feet and decimals of a foot.

Signed this 16th day of March, 2016.

Jayme M. Malone

NEBRASKA REGISTERED LS-440 LAND SURVEYOR JAYME M. MALONE

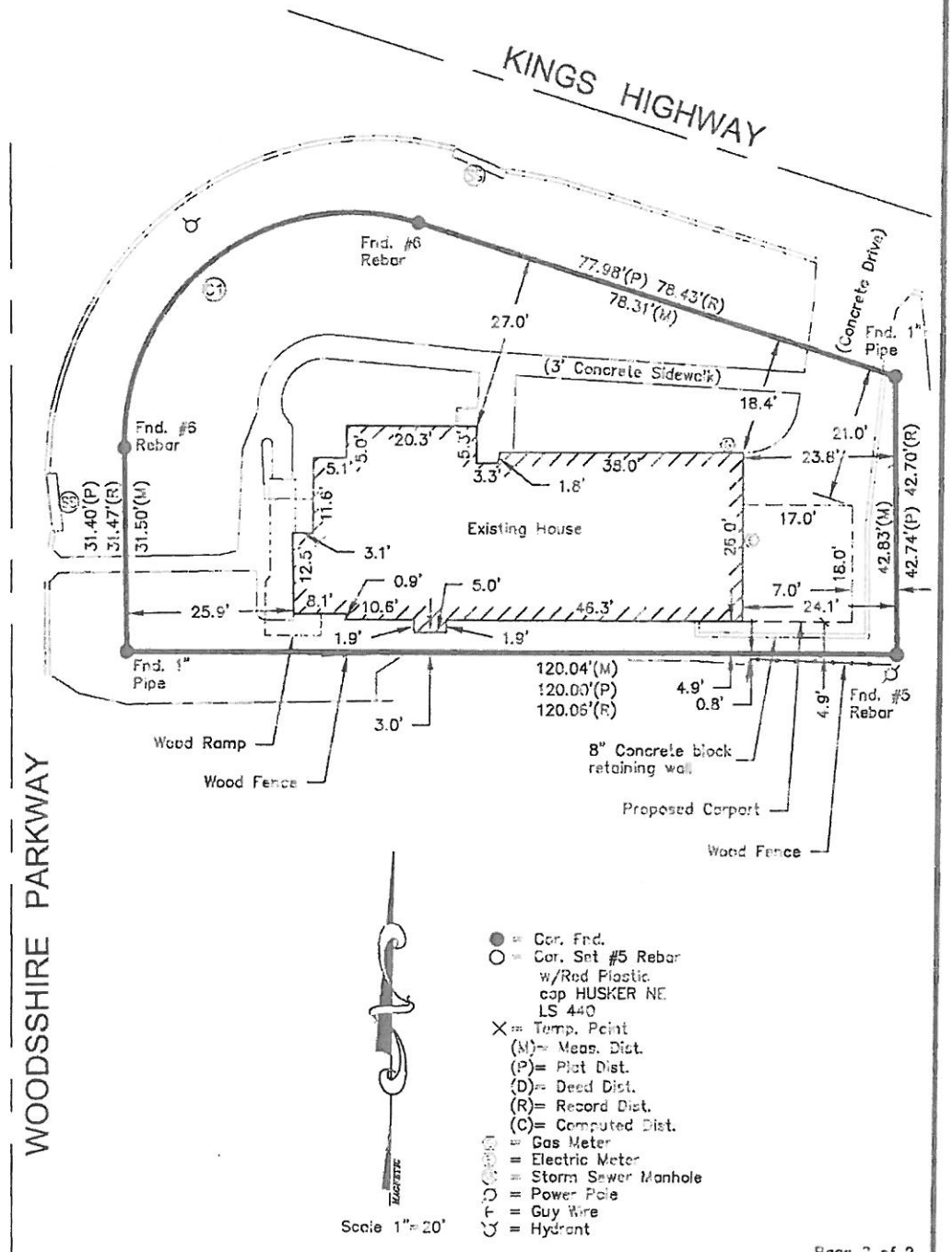
Page 1 of 2

HUSKER SURVEYING
4535 Normal Blvd.
Suite 101
Lincoln, NE 68506
Ph: (402) 423-5202

SURVEY RECORD

Survey for: Window World
1801 Kings Highway
Lincoln, NE 68502

SITE PLAN



Page 2 of 2

3/16/16

To Whom this concerns:

I want this structure to park my car under as I have not been able to park in my garage since I have lived here as it is a hard right turn. I wish to provide protection for my vehicle by keeping it out of the elements.

Barbara Phalen

Barbara C Phalen

aluminum carport cover

Modern Carports | DIY Carports | Flat Roof Carports | Aluminum Carport Kits | Carport Designs | Aluminum Carport Prices | Metal Carport Prices | Carports Kits Prices

View page: athomecontracting.com

582 x 312 - png Image may be subject to copyright

Aluminum Carports Florida

All of our aluminum carports are built to meet the Miami-

— athomecontracting.com

More about this image

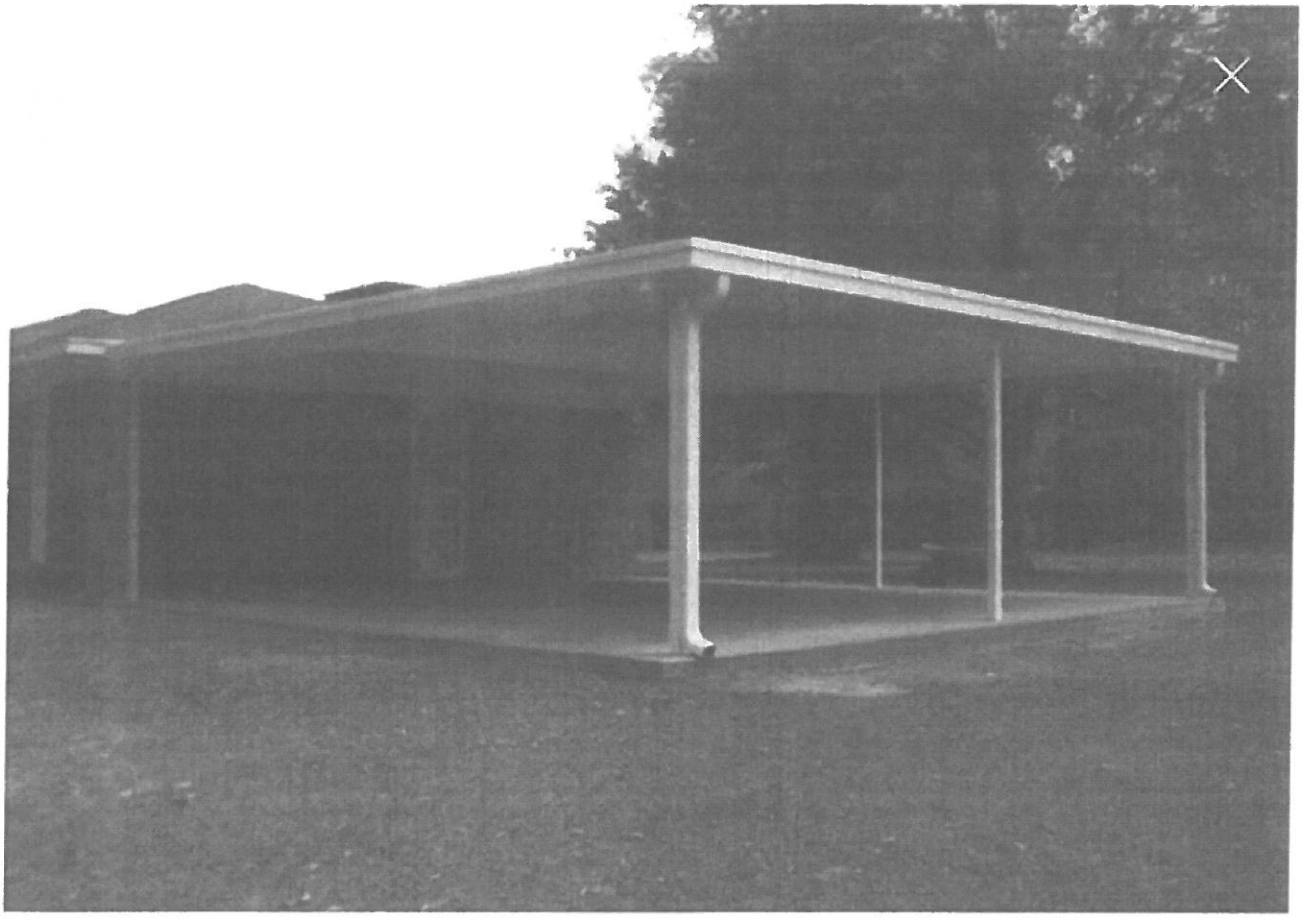
Learn more | Info for | Support

Privacy and Cookies | Advertise | Help | © 2016 Microsoft

Legal | About our ads | Feedback

aluminum carport cover

Aluminum Carports Enclosure | Aluminum Carport Kits | Carport Kits Do It Yourself



View page: aaaaluminumenclosures.com

929 x 609 · jpeg Image may be subject to copyright.

Aluminum Carport Covers

aluminum carport cover

View page: screen-house.com

400 x 268 jpeg Image may be subject to copyright

Aluminum Flat Pan Carport Kits

Each system is engineered according to your local code — screen-house.com

More about this image

Learn more | Info for | Support

Privacy and Cookies | Advertise | Help | © 2016 Microsoft

Legal | About our ads | Feedback