LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 31, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16038

PROPOSAL: A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate a proposed new detached garage

LOCATION: 1220 N 51 Street

LAND AREA: 0.11 acres, more or less

EXISTING ZONING: R-2 Residential District

CONCLUSION: The nonconforming condition is caused by the existing house not meeting the 25 foot front yard setback. The proposal is to construct a new 20 foot by 24 foot detached garage that would be located 17 feet from the front property line to the north. The proposed construction of this garage should not significantly impact surrounding properties and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. Reduction of the front yard setback from 25 feet to 17 feet.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: North 47.66 feet of Lots 87-90 East Lawn Addition to University Place located in the NE 1/4 of Section 20-10-7, 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:	Single family dwelling	R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - 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: N 51st and Dudley Streets are classified as a local streets.

AESTHETIC CONSIDERATIONS: The proposed structure would be a typical detached garage design not out of scale or character with the general residential neighborhood.

ANALYSIS:

1. This is an application to build a new detached garage associated with a nonstandard principal use that encroaches into the front yard on the north side of the property. The proposed 20' by 24' detached garage would be located 17 feet from the front property line.

2. The south wall of the garage would be located 6' from the south lot line which is considered a side lot line and meets the minimum Zoning Ordinance 2' setback requirement for an accessory building.

3. The east wall of the garage would be located 16' from the east lot line which is considered the rear lot line and meets the minimum Zoning Ordinance 2' setback requirement.

4. The west wall of the garage would be located 16' from the existing house.

5. The property is nonconforming because the existing house does not meet the minimum 25' front setback for the R-2 zoning district. There are two front yards, one facing 51st Street and one facing Dudley Street. The house in the case of Dudley Street is approximately 10 feet from the front property line, qualifying the property as nonconforming.

6. A nonstandard use is defined by the Zoning Ordinance 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 1950 and became nonstandard when the City adopted revised zoning regulations.

7. Zoning Ordinance 27.63.280 provides the following criteria shall be given specific consideration:
(a) Effects on adjacent property, traffic, city utility service needs;
The will be no significant impact. The new garage will be 20' by 24' and will be set back further from Dudley Street than the existing house. Nearby properties also have accessory buildings. The height of the garage to the peak will be 12' which is consistent with other residential accessory building heights and is under the Zoning Ordinance height limit of 15' to the halfway point of a pitch roof.

(b) Density of land use zoning for the subject property and adjacent property;
There will be no significant impact. No additional buildings are proposed with this application. The size of the new garage is consistent with the size of accessory buildings on nearby properties.

(c) The degree of hardship upon the applicant which would be caused by failure to grant. Given the size of the lot at 47.66 feet from north to south property line coupled with the corner lot situation and 25 foot front setback, building a garage to meet the requirements would be significantly more difficult. Also, it should be noted that there is an existing sidewalk from the house and existing drive access from Dudley Street which the applicant seeks to match as far as location.

8. The special permit is warranted because: 1) the construction of the garage will be generally consistent in scale with other nearby accessory structures in an older established neighborhood; 2) the proposed garage will not extend any closer to the front yard than the existing house; 3) given the lot size combined with corner lot and front yard setback the applicant would be significantly more limited as far as placement and 4) the proposed detached garage would be located so as to tie into an existing drive access from Dudley Street.

CONDITIONS OF APPROVAL:

Per Section 27.63.280, this approval permits the construction of a detached garage with waiver to the front yard setback from 25 to 17 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

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George Wesselhoft, Planner
(441-6366, gwesselhoft@lincoln.ne.gov)
August 15, 2016

APPLICANT/ Debbie Hill
OWNER 1220 N. 51st Street
Lincoln, NE 68504

CONTACT: Todd Lycan (The Garage Company)
8301 Q. St.
Omaha, NE 68127

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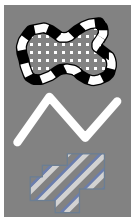
2016 aerial

Special Permit #: SP16038
N 51st St & Dudley St

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

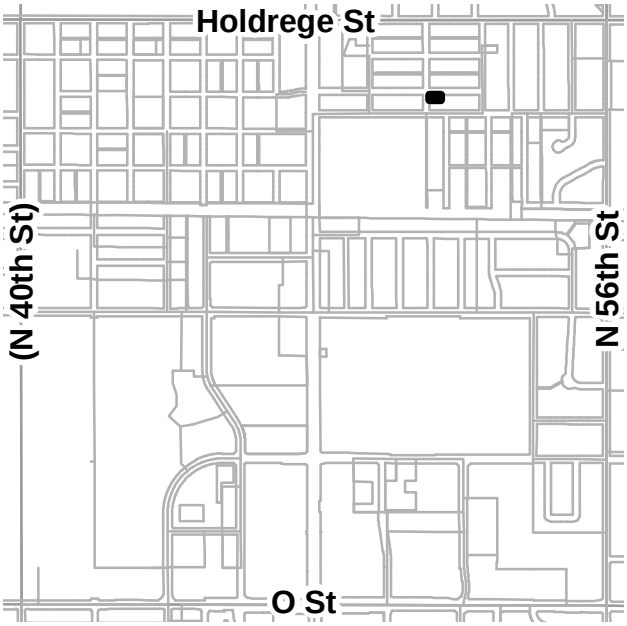
One Square Mile:
Sec.20 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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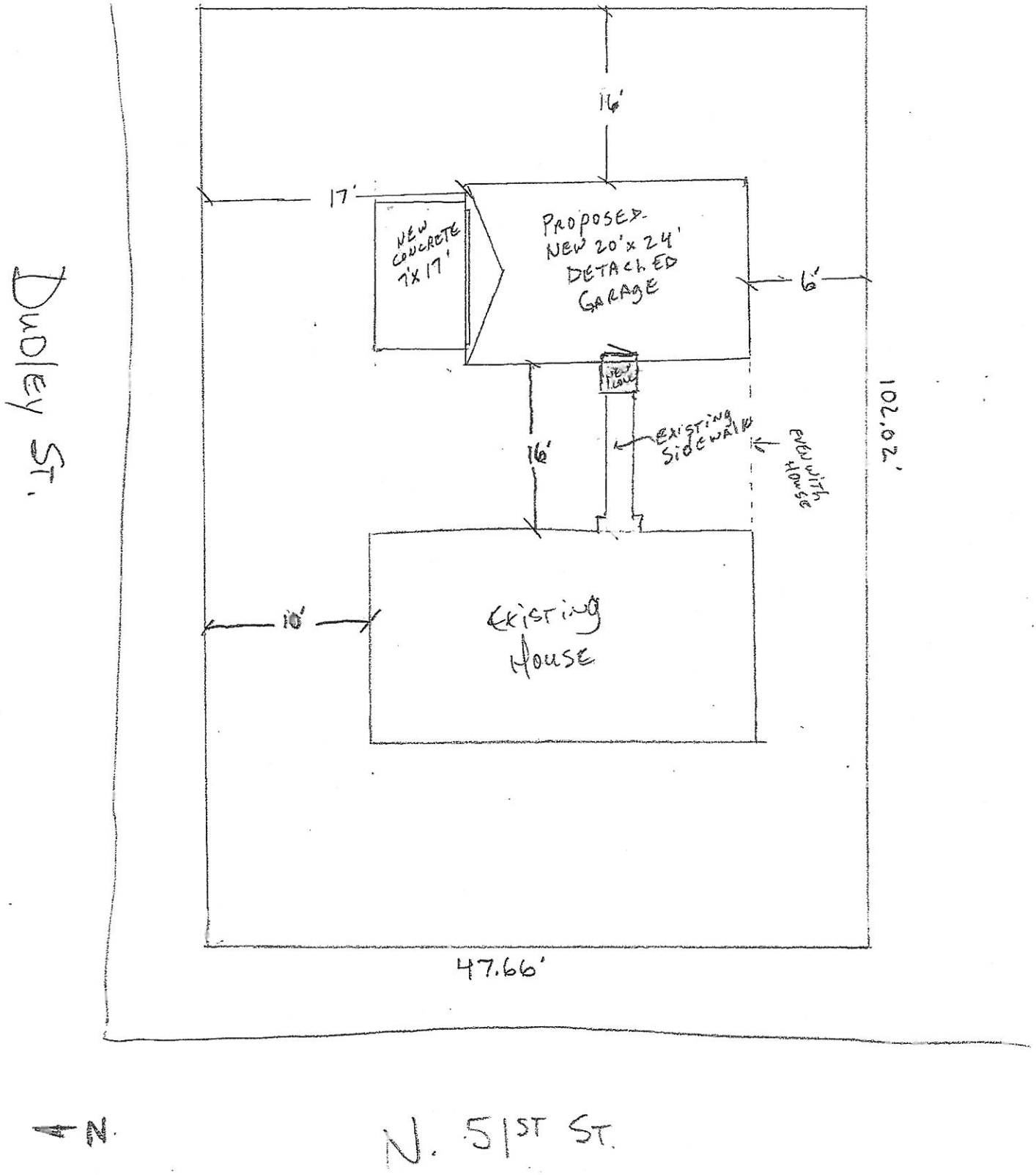
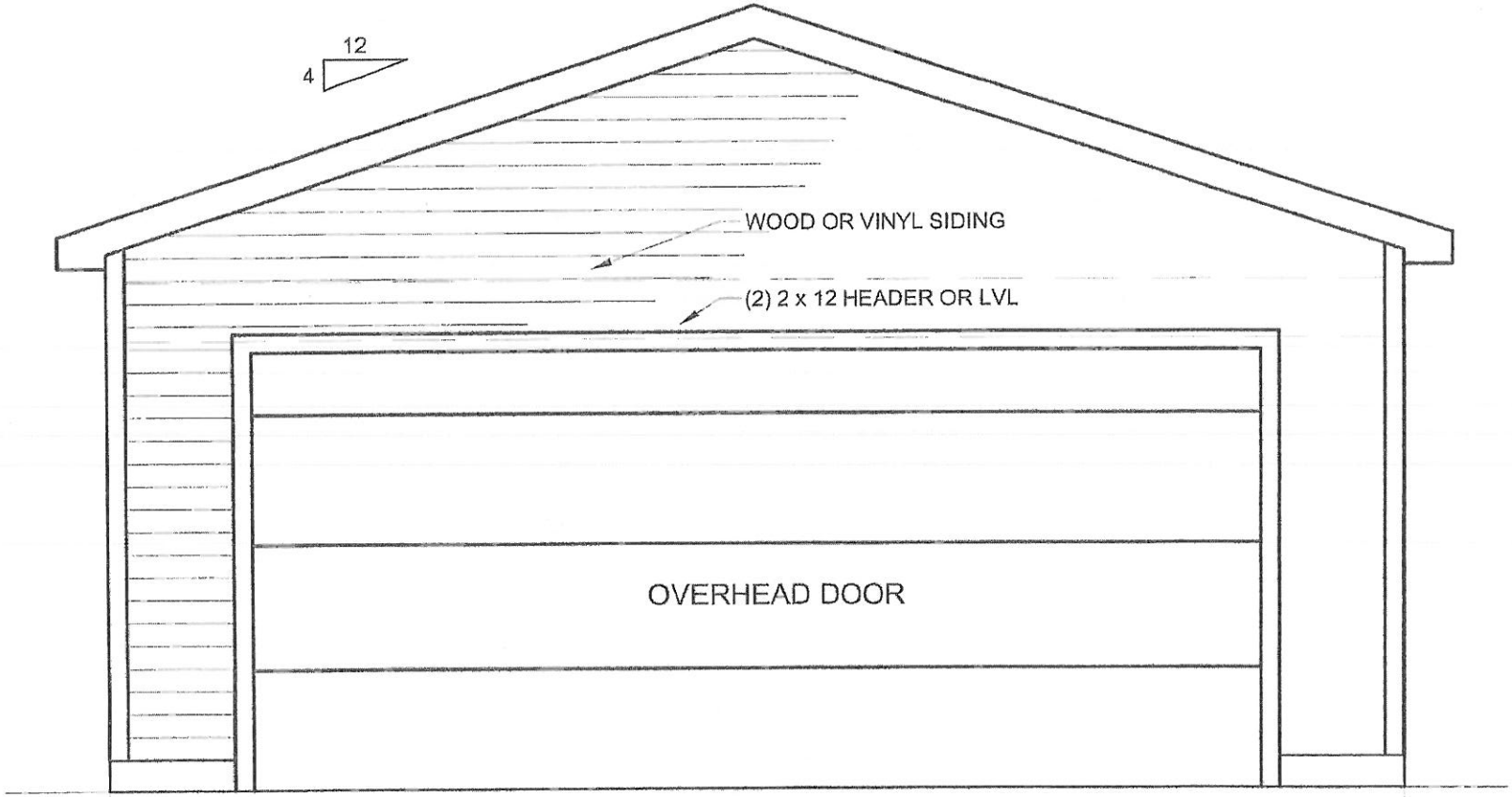
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP16038)

ADDRESS: 1220 N. 51ST ST.
LINCOLN, NE

PARCEL: 17-20-211-001-000

LEGAL: EAST LAWN ADDITION TO UNIVERSITY PLACE, LOT 87-90, N 1/3





11 FRONT ELEVATION
SCALE: 3/8" = 1'-0"

ROBERT H. BURGIN
AND ASSOCIATES PC., INC.
P:712.328-2003 F:712.328.8335
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Applying for Special use permit
for purposes of reducing the front
yard setback to 17' for construction
of a new 20'x24' detached Garage

7-26-16