

## MEETING RECORD

*Advanced public notice of the City Board of Zoning Appeals meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Thursday, November 11, 2021.*

**NAME OF GROUP:** CITY BOARD OF ZONING APPEALS

**DATE, TIME AND PLACE OF MEETING:** Friday, November 19, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Tracy Edgerton, Vicki McDonald, Annette McRoy, Steve Miller; David Johnson absent. Abigail Littrell of the Law Department; Ron Rehtus of the Building and Safety Department; Brian Will and Rhonda Haas of the Planning Department.

**STATED PURPOSE OF MEETING:** Regular City Board of Zoning Appeals meeting.

Chair McRoy called the meeting to order and acknowledged the Open Meetings Act posted at the back of the room.

McRoy called for a motion approving the minutes of the City Board of Zoning Appeals hearing of October 29, 2021. Motion for approval made by Miller, seconded by McDonald and carried 4-0: Edgerton, McDonald, Miller and McRoy voting 'yes'; Johnson absent.

**BOARD OF ZONING APPEALS 21003**  
**REQUESTED BY NEIGHBORWORKS OF LINCOLN, FOR A VARIANCE TO MINIMUM LOT WIDTH FROM 40' TO 39.9' FOR A SINGLE-FAMILY DWELLING ON PROPERTY GENERALLY LOCATED AT 30<sup>TH</sup> AND S STREETS**  
**PUBLIC HEARING:** NOVEMBER 19, 2021

There were no ex parte communications disclosed.

**Applicant:**

Charlie Wesche, NeighborWorks, came forward and stated that they are asking for a variance to the minimum lot width from 40 feet to 39.9 feet. Wesche stated that NeighborWorks is a builder for affordable housing in Lincoln. NeighborWorks educates 200 to 300 first time homebuyers on an annual basis. They build 8 to 12 new homes per year and rehab 40 to 60 homes per year for first time homebuyers. Wesche stated that NeighborWorks helps first time homebuyers achieve

their dreams of financial stability with the purchase of their first home. The property at 30<sup>th</sup> and S Streets is a property that NeighborWorks has acquired, and it is 39.9 feet according to the original final plat. A survey was done of this property in 2018, which indicates that the property is slightly over 40 feet. Wesche stated that they are asking this board to allow them to build a single-family home on the site, which would allow a low-income family to own a home.

McRoy asked how NeighborWorks acquired the lot, because the staff findings states that the adjoining neighbor used it as an outlot with an accessory building. Wesche shared that the owner to the west had owned that property and put it on the market and that is when NeighborWorks purchased it. The survey was done by the previous owner who had been using the property but decided to sell it.

McDonald stated that the staff finding say it is a vacant lot with an accessory building partially straddling the common lot line and she asked if there was a shed on the property. Wesche stated that there is a shed on the property that will be removed. The site plan involves putting up a carport that will be off the back of the house and then a new shed will also be placed on the property.

There was no public testimony in support or opposition.

**Staff questions:**

Miller asked if staff had anything to say. **Brian Will, Planning Department, 555 South 10<sup>th</sup> Street**, came forward and stated that this is strait a forward and the petitioner was told that the survey on the lot was 40 feet, but the final plat plotted this lot at 39,9 feet and that is the basis for this application coming forward. Will stated that .10 of a foot does not seem to be detrimental to the other properties of the neighborhood considering the other lots along this side of the plat are the exact same dimension as the one being discussed today. The other lots were developed overtime, but the owner of this lot did not develop this lot and that is the reason for today.

Miller inquired if there was administrative relief for something like this so that staff could just approve it. Will explained that there was no administrative relief for something like this. Will stated that he had noted in the report that there are exceptions to allow for lots less than the minimum of the zoning district, but there is nothing in a case like this to allow them to go below 40-feet because that is the absolute minimum.

**APPEAL NO. 21003**

**ACTION BY THE CITY BOARD OF ZONING APPEALS:**

**November 19, 2021**

Edgerton moved to grant the variance for a reduction of the minimum lot width from 40 feet to 39.9 feet, seconded by Miller.

Miller stated that he offered the second because of the fact that there is no administrative relief and the staff has noted that the impact would be insignificant to the surrounding properties. Miller stated that there are other lots that are historically the same and this lot and it is important to build affordable housing to meet the need of the city.

Edgerton stated that she agrees with her fellow commissioner and that in this circumstance the letter of the law is intended to protect the community, and, in this instance, it would hinder something that is really important. Affordable housing is something that our community really needs, and it would be against our goals, and it makes sense to approve this variance. This is in keeping with the City of Lincoln's new Affordable Action Plan that was just past this year. Edgerton stated that this board need to make sure that minimal zoning or setback issues do not impede the goals of the community.

Motion carried 4-0: Edgerton, McDonald, Miller and McRoy voting 'yes'; Johnson absent.

There being no further business, the meeting was adjourned at 1:45 p.m.

Note: These minutes will not be formally approved by the City Board of Zoning Appeals until their next regular meeting.