

CITY BOARD OF ZONING APPEAL #22005

DATE SCHEDULED FOR PUBLIC HEARING:

August 26, 2022

ADDRESS: 6101 Platte Avenue

LEGAL DESCRIPTION: Lot 1, Pengs Havelock Addition, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING:

Vacant B-3 Commercial District

SURROUNDING LAND USE AND ZONING:

North:	Utility Facility	I-1
South:	Commercial	B-3
East:	Residential	B-3
West:	Residential	B-3

TYPE(S) OF APPEAL(S):

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO AN EXCEPTION PER LINCOLN MUNICIPAL CODE 27.75.020(b)(2)(iii).

1. Lincoln Municipal Code (LMC) Section 27.67.020 – The parking requirement for Office/Commercial/Retail uses in the B-3 zoning district is one parking space per 600 square feet of floor area.

STAFF FINDINGS:

1. The subject property, Lot 1, Pengs Havelock Addition, is addressed as 6101 Platte Avenue. The property was recently replatted combining six former lots from the original Havelock Addition into one lot. A single-family dwelling located on the western edge of the property has since been removed but the detached garage remains.
2. The petitioner is proposing to construct an 8,250 square foot building for a mail order sales business (e-commerce). The parking requirement for the this use in the B-3 zoning district is one space per 600 square feet of floor area. Based upon the proposed floor area, 14 off-street parking spaces are required.
3. The petitioner describes the proposed use as ‘e-commerce’ which sells hardware and home goods. As opposed to customers coming to the building, orders are processed and mailed to customers via online purchasing.

4. The owner is the only full-time employee, with two part-time employees who may work 10 hours a week. Instead of the 14 required parking spaces four are being proposed. Two are located in the garage which remains on the lot, and two will require paving a driveway and two parking spaces. These spaces would accommodate those times when all three employees are present and allow a fourth space for the occasional visitor or delivery driver.
5. The site plan shows the site is large enough for a parking lot large enough to accommodate the required number of spaces if counting the garage. While the proposed parking arrangement may accommodate the proposed use, there will be no oversight on the part of the City if the use changes. That is, a more intensive retail or commercial use allowed in the B-3 zoning district could occupy the building and the required parking would not be provided.

Additionally, the garage could also be removed at any time eliminating two of the parking spaces. While it is not shown however, the potential parking lot may be capable of being extended to the south to provide two additional spaces. An extension of the parking lot would be needed to accommodate two additional spaces and the setback from the lot line 6' to provide for required screening.

6. Exceptions to required parking have been granted in the past, but they typically have been for larger users where the use and the parking requirement were not well defined. In all cases however, area for the required parking based upon the applicable standard was available so the required parking could be provided at the time of a change in use.
7. In this case, the use is mail order sales (or e-commerce) by the Zoning Ordinance. However, should this user leave and a more 'typical' user such as a retail sales move in, it is not considered the kind of change in use that would require an occupancy permit according to Building and Safety. As a result, there is no regulatory mechanism to require the necessary parking spaces to be installed.
8. The B-3 zoning district has one of the lowest parking requirements in the Zoning Ordinance. At one space per 600 square feet, it is one-half the typical commercial parking requirement for most commercial zoning districts at one space per 300 square feet. It does not appear to be a significant hardship to install the required parking using the B-3 standard per the Zoning Ordinance.
9. The Board of Zoning Appeals is authorized to grant this exception per Section 27.59.110 and Neb. Rev. Stat. Section 3-312. Specifically, it shall allow exceptions where a literal application or enforcement of the regulations would result in a practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations.

If the exception is granted the petitioner will be allowed to build the proposed building and provide four parking spaces to satisfy the parking requirement. If the exception is denied the required number of parking spaces will be required to constructed at the time of building permits.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
August 16, 2022

**APPLICANT/
CONTACT/
PETITIONER:**

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2020 aerial

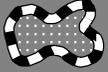
Board of Zoning Appeals #: BZA22005
N 61st St & Platte Ave

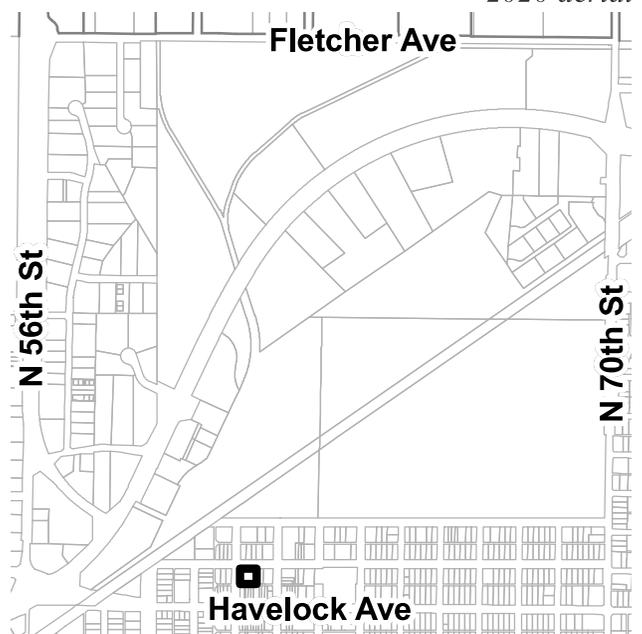


One Square Mile:
Sec.04 T10N R07E

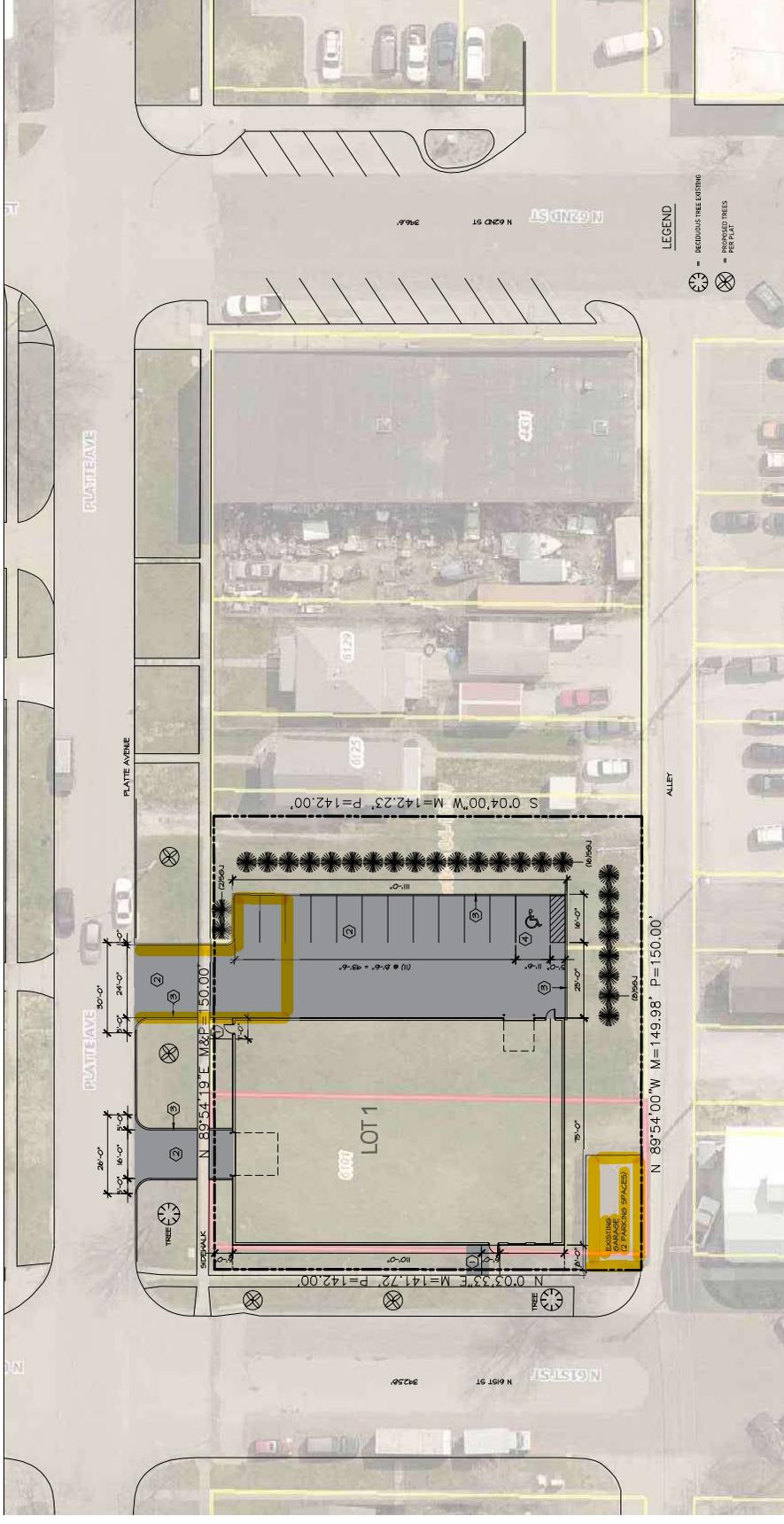
Zoning:

- 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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



Constructing 1 story 8250sf warehouse
 Required Parking: 1 space/600sf (B-3 mail order sales)
 $8250sf/600 = 13.75$
 14 stalls required
 4 stalls proposed (highlighted below)



1. SITE PLAN
 SCALE: 1" = 20'-0"

- GENERAL SITE NOTES:**
1. CONTRACTOR SHALL VERIFY ELEVATION OF ADJACENT SURFACES AND SET BUILDING AND PAVING HEIGHT TO MAINTAIN POSITIVE SLOPE AWAY FROM THE BUILDING.
 2. ALL PARKING LOT STRIPINGS SHALL BE 4" WIDE WHITE TRAFFIC GRADE PAINT.
 3. CONTRACTOR SHALL IMPLEMENT EROSION CONTROL BASED ON INDUSTRY BEST PRACTICES TO PREVENT RAINOFF.
 4. STREET TREES ARE TO BE INSTALLED PER PLAT LANDSCAPE REQUIREMENTS.

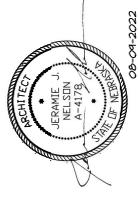
- KEYED PLAN NOTES:**
- ① 4" CONCRETE SIDEWALK 4000 PSI
 - ② 6" CONCRETE PAVING 4000 PSI
 - ③ 6" CONCRETE CURB & GUTTER PER CITY OF LINCOLN STANDARD DETAILS
 - ④ STRIPE HANDICAP STALL & ACCESS. INSTALL ADA HANDICAP IV VAN SIGNAGE

LANDSCAPE SCHEDULE:

QTY	COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD	METHOD	SIZE
14	SEA GREEN CHINESE JUNIPER	JUNIPERUS X PHITZERIANA 'SEA GREEN'	5'-6"	6'-8'	GALLON	#5

SITE PLAN

SPSF
 MAIL ORDER SALES
 6101 PLATTE AVE.
 LINCOLN, NEBRASKA



AI Architectural Innovations
 620 NORTH 40TH STREET, SUITE #102
 LINCOLN, NEBRASKA 68504
 PHONE: (402) 461-4330
 WWW.AILINCOLN.COM

REVISIONS
 DATE
 NO.

Project: 18-12114
 Date: 09 AUG 2022
 Revision Date:

A1.0

Board of Zoning Appeals Narrative

I am writing to formally appeal the minimum amount of parking spaces for a new build located at 6101 Platte Avenue. I am in the process of building an **8250** square foot warehouse located at this location for my husband's business, Midwest Craft House. Midwest Craft House is an entirely e-commerce business selling hardware and home goods. He is the only full-time employee of the business. He also has two part-time employees who currently work when needed, but rarely over ten hours each week.

Current parking restrictions would require the business to construct **14** onsite parking spaces for the building. We would request a special waiver to have **four** parking spaces instead. The garage on the lot fits two vehicles. We would then construct two more paved parking spots next to our proposed warehouse. We have additional space to pave the other **10** parking spots in case we transfer ownership to the warehouse and/or the business purpose changes.

If the additional 10 parking spaces were to be put in place, these parking spaces would go unused. Spaces needed to accommodate for any onsite parking are not needed, as the business model and this warehouse is only used for an online business and do not have foot traffic. Midwest Craft House is not adding staff or opening a physical retail space. Adding the additional 10 parking spaces would also place a financial burden on the build and the business.

Furthermore, the location currently provides sufficient parking space for the neighborhood and local businesses. Since purchasing the vacant land at this location, it has become apparent that several of the street-based parking spots are being used as long-term parking storage for covered trailers, horse trailers, and moving trucks owned by individuals who do not reside next to this lot, or in the local neighborhood.

On two occasions, my husband has reported the infractions to parking enforcement. Unfortunately, not all of the trailers or vehicles were moved. Vehicles that moved when notified, were moved overnight but returned to the original street-based parking and continued to be used in the original location for long-term parking. When viewing the pictures provided, you will see the issues I have outlined. Viewing the area first hand, you would also notice foliage has begun to grow around these vehicles and trailers indicating the extended length of time the vehicles and trailers have been stored at these locations without movement. Even with these issues, there has continued to be ample parking for the neighborhood and present businesses.

Respectfully Submitted,



Shirley Peng
Managing Member, SPSF LLC

