

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, June 19, 2025.

NAME OF GROUP:

CITY BOARD OF ZONING APPEALS

**DATE, TIME AND
PLACE OF MEETING:**

Friday, June 27, 2025, 1:30 p.m., City Council Chambers,
First Floor, County-City Building, 555 S. 10th Street, Lincoln,
Nebraska

**MEMBERS IN
ATTENDANCE:**

Annette McRoy, Cindy Ryman Yost, and David Johnson.
Steve Miller and Lynn Sunderman absent. Tim Sieh of the
Law Department; Ron Rehtus of the Building and Safety
Department; Steve Henrichsen, Ben Callahan and Clara
McCully of the Planning Department; and other interested
parties.

**STATED PURPOSE
OF MEETING:**

Regular City Board of Zoning Appeals meeting.

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

Johnson called for a motion approving the minutes of the City Board of Zoning Appeals hearing of February 23, 2025.

Motion for approval made by Ryman Yost, seconded by McRoy, and carried 3:0; McRoy, Ryman Yost, and Johnson voting 'yes'; Miller and Sunderman absent.

BOARD OF ZONING APPEALS 25003, A REQUEST FOR A VARIANCE TO THE REQUIRED 20 ACRE MINIMUM LOT AREA IN AG ZONING TO 17.36 ACRES, A VARIANCE FOR A REDUCTION IN THE REQUIRED AG SIDE YARD SETBACK FROM 60 FEET TO 15 FEET, AND A VARIANCE TO THE REQUIREMENT FOR LOT FRONTAGE ALONG A PUBLIC STREET OR PUBLIC ROADWAY, ON PROPERTY LEGALLY DESCRIBED AS LOT 52 I.T., ALL LOCATED IN THE SW ¼ OF SECTION 21-10-8, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT 14010 O STREET.

PUBLIC HEARING:

June 27, 2025

Members present: McRoy, Ryman Yost, and Johnson; Miller and Sunderman absent.

Ex parte communications:

Johnson had a conversation with Tom Huston, Diana Jacobsen, and Mark Jacobsen ten minutes before the hearing.

Applicant:

Tom Huston, on behalf of the appellant, 9200 Andermatt Drive, came forward and was sworn in. The Jacobsens' home, assessed at \$580,000 and located on 140th and O Street, was destroyed by fire on March 22, 2025. New footings and foundation are not covered by insurance, so the applicants wish to rebuild on the existing footings and foundations. It would also save them \$25,000 in reconstruction costs.

The home was originally built in 1995 in an industrial zone as a caretaker residence, which is allowed in Industrial zoning districts. In 2010, the property became part of the Stevens Creek Place Condominium Regime, which included five condo units (Units A–E), with Unit D containing 17.37 acres and a shared drainage facility. In 2012, a Change of Zone (Exhibit 1) was approved, rezoning the property (including Unit D and the adjacent detention cell) from I-1 to AG, which exceeded 21 acres, and is important when looking at minimum acres and area for AG zone. The change of zone included no conditions or development agreement requiring the combination of parcels. In 2012, Unit D was removed from the condo regime, and the Jacobsens purchased the 17.36-acre parcel in July of that year. Although the lot exceeds the 10-acre statutory threshold (and thus did not require subdivision approval), it falls short of the 20-acre AG minimum and lacks street frontage. These facts only came to light after the home was destroyed. They are asking for 3 exceptions: First, is to the 20-acre minimum lot size. This lot is 17.3 acres. Second, is to the 60-foot side yard requirement. This lot ranges from 15 feet to 45 feet. Third is to the 550-foot Frontage requirement, due to an existing permanent easement to O Street (Highway 34).

Huston stated they considered several options for addressing the issue- AG to AG-R zoning change may be a spot zoning issue. To resubdivide, they are not members of condo regime. They would need to terminate condo regime and redo the ordinance. It would be a \$25,000 cost. The nonconforming use ordinance permits reconstruction of destroyed homes in all R districts. They could file to add AG and AG-R as a text amendment. They could also have a Special Permit provision. They were trying to find a solution that is least disruptive and most property-specific. This was the best approach. The Comprehensive Future Land Use map land designated as Industrial (Exhibit 2). It is a priority 3 redevelopment, which means it could be a long time before the land is redeveloped.

Staff questions:

Steve Henrichsen, Planning Department, 555 S 10th Street, came forward and was sworn in.

Johnson asked if this Change of Zone was approved by City Council at the time, that would be governed by all the provisions and doesn't mention that it's nonconforming?

Henrichsen stated it was understood that the property owner at the time would take steps to conform. Thought at the time was that it would be worked out, but no additional steps were taken by the property owner.

McRoy asked if the Planning Director at the time requested that the four acres be added.

Henrichsen confirmed. The original application was 17 acres and added in the Change of Zone but there was no condition to require lots to come together.

Applicant Rebuttal:

No applicant rebuttal.

APPEAL NO. 25003

ACTION BY THE CITY BOARD OF ZONING APPEALS:

June 27, 2025

Johnson moved to approve a variance to the required 20 acre minimum lot area in ag zoning to 17.36 acres, a variance for a reduction in the required ag side yard setback from 60 feet to 15 feet, and a variance to the requirement for lot frontage along a public street or public roadway, seconded by McRoy, and carried 3-0: McRoy, Ryman Yost, and Johnson voting 'yes'; Miller and Sunderman absent.

Ryman Yost stated it is an unfortunate situation for anyone and no fault to the owners.

Johnson stated it was unconnected steps over course of 20-something years for how this happened.

There being no further business, the meeting was adjourned at 2:02 p.m.

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