

CITY BOARD OF ZONING APPEAL #25006

DATE: October 24, 2025

DATE SCHEDULED FOR PUBLIC HEARING: October 31, 2025

LOCATION: Generally located southeast of S 16th Street & F Street.

ADDRESS: 920 S 16th Street

LEGAL DESCRIPTION: South 50' of Lot 6, Block 183, Lincoln Original, Lincoln, Lancaster County, Nebraska.

APPLICANT: Paul Holt

LOT AREA: 2,500 square feet, more or less

ZONING: R-7 Residential

EXISTING LAND USE: Multifamily Residential (4-plex)

SURROUNDING LAND USE AND ZONING:

North: Multifamily Residential	R-7 Residential
South: Multifamily Residential	R-7 Residential
East: Multifamily Residential	R-7 Residential
West: Multifamily Residential	R-7 Residential

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE PER LINCOLN MUNICIPAL CODE 27.72.020(b) & 27.62.020

Chapter 27.72.020 of the Lincoln Municipal Code (LMC) Regulations requires a minimum lot area of 700 square feet per dwelling unit within the R-7 Residential District and LMC 27.62.020 requires 1 parking space per dwelling unit in the R-7 Residential District. This is a request for a variance to reduce the minimum lot area required to allow 4 dwelling units on a 2,500 square foot lot, and to reduce the required parking spaces to zero.

STAFF FINDINGS:

1. The applicant is requesting a variance to the required minimum lot area with the R-7 Residential District to allow an existing 4-plex multifamily dwelling on the existing 2,500 square foot lot. The LMC requires 700 square feet of lot area in the R-7 District. This would reduce the minimum lot area to approximately 625 square feet of lot area per unit at this location.

2. A variance is also requested to the LMC for the minimum parking requirement, as 4 dwelling units would require one space for each unit. This site would require a variance to the minimum parking as there are no on-site parking spaces.
3. The property is located within the City of Lincoln city limits.
4. The residence at 920 S 16th Street is estimated to have been constructed around 1920 as a single family residence as there are multiple permits between 1923 and 1950 for alterations. In 1940 a permit for alterations was done with the listed number of units at two. In July of 1950, a building permit was approved for an alteration to an apartment for a studio with the number of units on the permit stated as three. It is unclear from permit records if this permit stated the home had three existing units and was adding an additional studio, or if the studio was the third unit. Building permits after 1950 did not list the number of units.
5. In 1972 the City began requiring licensing with the Housing Division and licensing by the Fire Department for the operation and inspection of apartments. Records show the first approved apartment license at this location in 1972 list the property as a 4-unit apartment. Since 1972, the apartment licenses and inspections listed for this address state the property has 4 units. The 1972 Housing Survey Report is attached as Exhibit A.
6. The applicant purchased the property in 2012 with the understanding it was a 4-unit residential dwelling. The conformance of the property was questioned when the applicant started building permits with the City for renovation of the existing units in November 2024. The initial permit fees and plans were never received, causing the permit to expire. The applicant then applied for new building permit in May 2025 in which the number of allowed units was questioned based on the last building permit issued in 1950 stating it had 3 units.
7. The last building permit noting the number of units for this property was in 1950 which was listed as 3 but noted the permit was for an apartment alteration. Since this permit, the only documentation started in 1972 is the apartment licenses which the City has required and approved for this location allowing a 4-plex. As a reference, the Lincoln City Directory was published each year from the late 1890s to early 1980s. The applicant stated the four units were addressed as 918 for the studio, two units under 920, and the basement unit at 922. The 1955 directory does have four individuals living at this address with one at 918, two at 920, and one at 922.
8. A variance is included to the required parking minimum as the structure covers much of the small 2,500 square foot lot, leaving very little room for provided parking. It is clear the structure was approved for at least 3 units in 1950, predating the zoning standards for required parking. If a variance is granted to allow 4-units, the site would need an associated variance to continue with no

onsite parking as the R-7 Residential district requires one space for every dwelling unit on site.

9. The property is shown for future urban residential on the 2050 Comprehensive Plan Future Land Use Map.
10. The applicant has applied for a building permit to renovate the structure with the intention to continue with 4-units as purchased and licensed since 1972. If the variance is approved to allow the continuation of the 4-units and waiver for parking, any modification to the structure would still be required to meet applicable building codes.
11. The Board of Zoning Appeals is authorized to grant this variance per Section 27.59.110 and Neb. Rev. Stat. Section 3-312. Specifically, it shall allow variances 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.

In this case, the Board's Original Jurisdiction - Powers Relative to Variances applies. The Board of Zoning Appeals is authorized, upon petition, to vary the strict application of the height, area, parking, density or sign requirements to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

12. The City determined that the best course to firmly legalize the use and establish a record for future building permits, is to have the Board of Zoning Appeal approval of the four units and reduce the parking to zero to reflect the existing condition. The four plex has been in place for over 50 years, has been repeatedly licensed by the City, and the building permits don't provide a clear record on the number of units. BZA approval will establish a clear record for future reviews that the four plex with no parking stalls is legal.
13. The City waived the filing fee for the BZA application. Mr. Holt then applied for the BZA application on October 7, 2025, 2025.

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/BZA/25000/BZA25006 920 S 16th St Variance.bmc.docx>

Chapter 27.75 BOARD OF ZONING APPEALS

27.75.020 Jurisdiction.

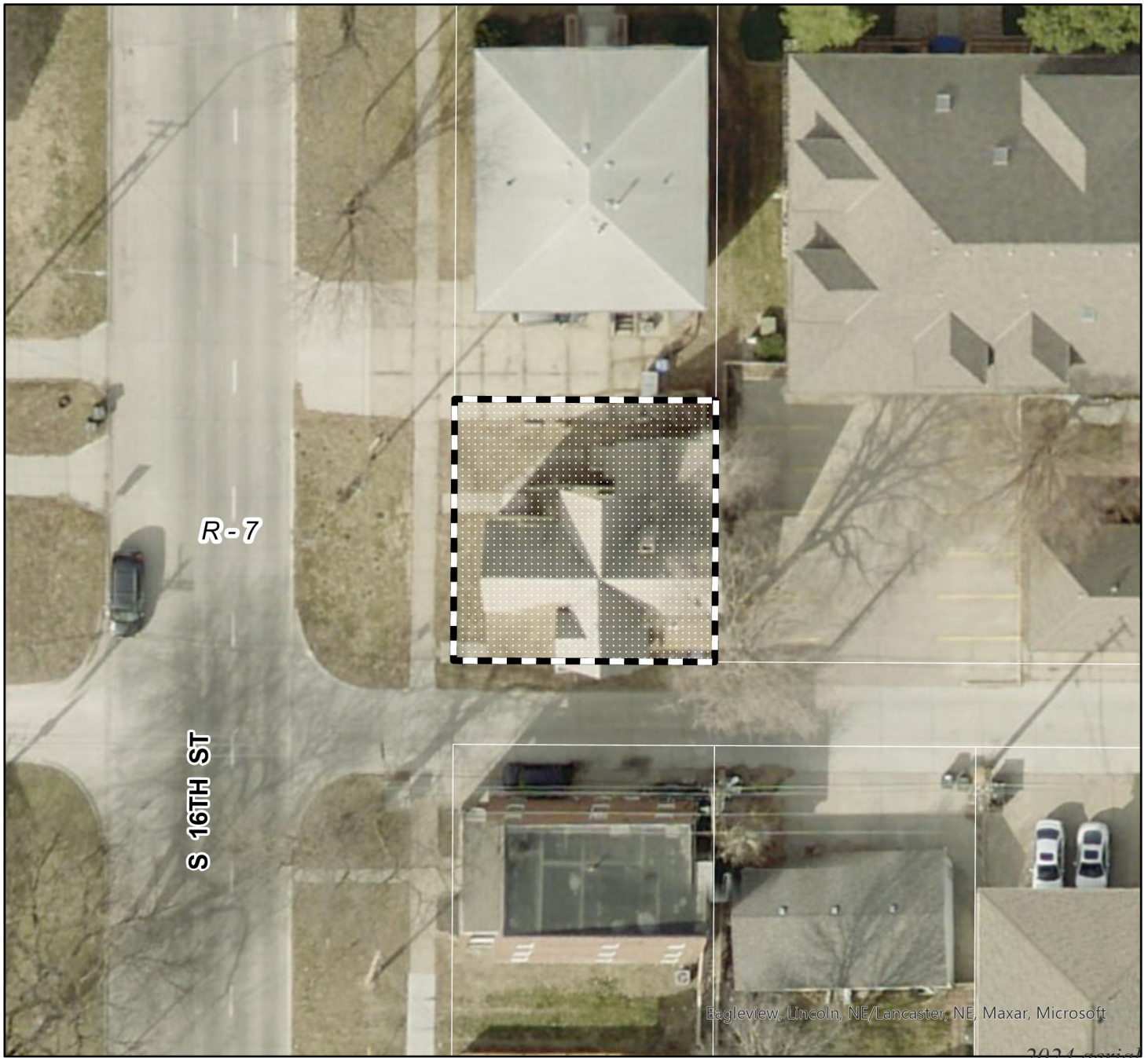
The jurisdiction of the Board of Zoning Appeals shall be limited to the following:

- a. Appellate Jurisdiction. The Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, decision, or determination made by an administrative official in the enforcement of this title;
- b. Original Jurisdiction.
 1. Powers relative to variances. The Board of Zoning Appeals is authorized, upon petition, to vary the strict application of the height, area, parking, density or sign requirements to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.
 2. Powers relative to exceptions. The Board of Zoning Appeals is authorized, upon petition, to make the following zoning exceptions:
 - i. To permit the reconstruction of a nonconforming building which has been destroyed, or partially destroyed by fire or act of God where the board shall find some compelling public necessity requiring the continuance of the nonconforming use;
 - ii. To interpret the provisions of the title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this title;
 - iii. To reduce the parking requirements in the commercial, business or industrial districts whenever the character of the use of building is such as to make unnecessary the full provisions of parking facilities as required. In permitting a reduction, the board may restrict the use of the building to uses requiring a similar reduced number of parking facilities. The board's granting of a reduction in parking requirements shall not serve as a convenience to the petitioner but shall recognize the varying demands for off-street parking by different uses that cannot reasonably be determined in detail in the zoning ordinance.

27.75.050 Decisions of the Board; Scope and Factors Considered.

In exercising its appellate jurisdiction, the board may in conformity with the provisions of this title reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such decision as ought to be made. In considering all petitions for variances and exceptions within its jurisdiction under this title, the board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the City of Lincoln. In making a determination, the board may request information and recommendations from any department of the City of Lincoln. Every decision by the board shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation. In the event that the proposed variance or exception is denied by the Board of Zoning Appeals, no new request shall be made for the same or a substantially

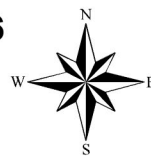
similar variance or exception within one year of said denial thereof. (Ord. [19886](#) §4; June 17, 2013: prior Ord. 12571 §398; May 8, 1979).



Eagleview, Lincoln, NE/Lancaster, NE, Maxar, Microsoft

2024 aerial

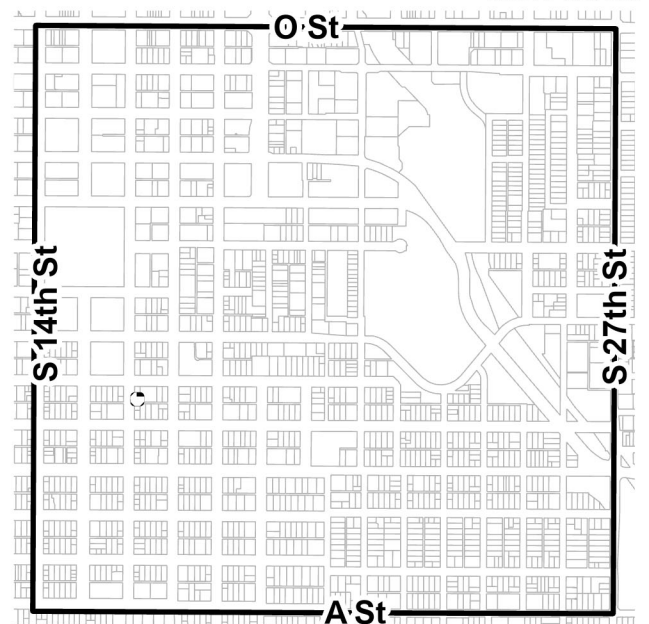
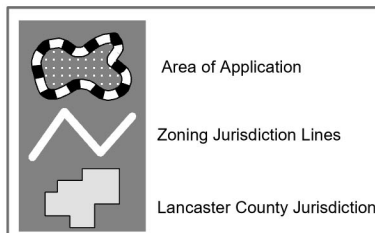
Board of Zoning Appeals #: BZA25006 S 16th St & F St



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.25 T10N R06E



A Test of Lincoln's Commitment to Affordable Housing Preservation

5250 Cornhusker Hwy
Lincoln, NE 68504
Phone: 531-207-2419
Email: holtpb@gmail.com

October 7, 2025

To:

Lincoln-Lancaster County Planning Department
Attn: Ben Callahan & Steve Henrichsen
555 S. 10th Street, Suite 213
Lincoln, NE 68508

RE: Board of Zoning Appeals Application – 920 S. 16th Street (Parcel ID 10-26-232-007-000)

Subject: Request for Recognition as a Legal Nonconforming 4-Unit Dwelling ('Grandfathered Use')

Dear Members of the Board of Zoning Appeals,

I, Paul Holt, property owner of 920 S. 16th Street, respectfully request formal recognition of this property as a legal nonconforming 4-unit dwelling under the City's grandfather provisions for long-standing uses predating current zoning standards.

This property has operated continuously as a four-unit apartment building since at least 1972, based on the City's own apartment licensing records and Fire Department inspections. Those records, which I have provided, show uninterrupted city-issued licenses for four units from 1972 through 2025—over 50 years of documented oversight and taxation as a 4-plex.

At no point during that period was the property reclassified, abandoned, or converted to another use. It has consistently been occupied, inspected, and licensed under the City's rental program as four separate units — 918 (studio, east side), 920 Apt 1 (main level front), 920 Apt 2 (upper level), and 922 (basement unit) — including recent periods of renovation while addressing the current zoning disagreement with Building & Safety.

Per Lincoln Municipal Code §27.70.020 and §27.02.210 (Nonconforming Uses), a legally established use that predates current zoning regulations and has not been discontinued for more than 12 months may continue as a lawful nonconforming use. Given that the City's own licensing and inspection records confirm continuous recognition of this property as a four-unit dwelling for over five decades, it satisfies all requirements for such status.

The City's continuous issuance of rental licenses and occupancy permits for four units is clear evidence of lawful establishment. To now disregard those records would create an unreasonable and inconsistent precedent—placing the burden on property owners to prove legality beyond the City's own official documentation.

Recognizing 920 S. 16th as a lawful 4-plex upholds the City's credibility in recordkeeping and fair enforcement, protects affordable housing stock in the South of Downtown district, and aligns with the SODO Rental Rehab Grant Program's intent to preserve and improve existing housing rather than eliminate it.

Accordingly, I respectfully request that the Board of Zoning Appeals recognize 920 S. 16th Street as a lawful, existing nonconforming four-unit dwelling based on documented historic use and licensing continuity.

Thank you for your time and consideration. I appreciate the cooperation and professionalism of the Planning and Building & Safety staff throughout this process.

Respectfully submitted,

Paul Holt
Property Owner
5250 Cornhusker Hwy
Lincoln, NE 68504
531-207-2419 | holtpb@gmail.com

Exhibit A

HOUSING SURVEY REPORT

916-920

ADDRESS 920 16th DATE July 10/1972

OWNER _____ ADDRESS _____

OCCUPANTS NAME _____ NO. OF OCCUPANTS _____ NO. UNITS 4

ELDERLY OCCUPANT OWNER (circle) INITIAL SURVEY X RESURVEY _____ RATING _____

RENT _____ NO. STORIES 2 SIZE X TYPE STRUCTURE Frame ZONING Env.

AGE: PRE-1905 1905-1920 1921-1930 1931-1940 1941-1950 1951-1960 1960-present

LEGAL DESCRIPTION _____

COMMENTS Survey for license Bon Apt

LIVING ROOM Size x DEFICIENCY COMMENTS

1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

DINING ROOM Size x

1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floors S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

KITCHEN Size x

1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floors S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3
7 Sanitation S 1 2 3 8 Plumbing S 1 2 3

BEDROOMS

#1: Size x Location _____
1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

#2: Size x Location _____
1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

#3: Size x Location _____
1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

ROOM X

Location _____
1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3

Ventilation

BATHROOM Size _____ x _____

1 Elect. cond. S 1 2 3 2 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation S 1 2 3 6 Ceiling S 1 2 3
7 Plumbing S 1 2 3 8 Fixtures S 1 2 3
Privacy ☒ Shared Bathroom _____
Fixtures lacking none

HEATING TYPE Forced air

10 Condition S 1 2 3 11 Venting S 1 2 3

PLUMBING

12 Water Heater S 1 2 3
13 Condition (Water) S 1 2 3 Sewer S 1 2 3
14 Piping (Water) S 1 2 3 Sewer S 1 2 3

ELECTRICAL

TYPE: OPEN _____ ROMEX ☒
Fuse ☒ Circuitbreaker _____
Overfused no 1 Condition S 1 2 3

BASEMENT Fin. _____ Unfin. ☒ None _____

1 Elect. cond. S 1 2 3 Elect. outlets S 1 2 3
3 Walls S 1 2 3 4 Floor S 1 2 3
5 Ventilation (habitable room) S 1 2 3
6 Ceiling S 1 2 3 16 Cleanliness S 1 2 3
17 Supports S 1 2 3 18 Waterproof S 1 2 3
Excess storage: Yes ☒ No _____

STAIRWAYS

19 Condition Bsmt. S 1 2 3 Int. S 1 2 3
20 Handrails Bsmt. Yes No Int. Yes No

EXTERIOR CONDITION HOUSE

21 Protective coating S 1 2 3 22 Siding S 1 2 3
23 Roof S 1 2 3 24 Doors S 1 2 3
25 Windows S 1 2 3 (sills) 26 Panes/Screens
27 Cornice/Rakes S 1 2 3 28 Gutter/Dnspt. S 1 2 3
29 Chimney S 1 2 3 30 Foundation S 1 2 3
31 Porches: front S 1 2 3 rear S 1 2 3
32 Garage: Attached _____ Detached _____
32 Cond. S 1 2 3 Protective Coat. S 1 2 3

PREMISES

7 Sanitation (garbage) S 1 2 3
33 Yard: Clean ☒ Cluttered _____
34 Dilapidated: Shed _____ Fence (Circle) _____

APARTMENTS

35 Public Hallway Lighting S 1 2 3
36 Exits S 1 2 3 2 Exit OK

Cloth Cord. in gar room
Room

Hand Rail to be re-
aport.

House exterior in need of paint

Building Repair on South
exit from basement
Wall Repair
door Repair

November 15, 1972

Mrs. Joyce Critchfield
3220 West Summitt
Lincoln, Nebraska

Re: 916-20 South 16

Dear Mrs. Critchfield:

A resurvey of your apartmentshouse at 916 South 16 Street indicates that you have made the corrections requested in a previous letter from Mr. Charles Woerth, a housing consultant from our office.

We can therefore, recommend approval of a license for these units subject to the Fire Department's approval of exiting and fire protection.

Thank-you for your cooperation in this licensing program.

Sincerely yours,

Garrett J. Huenink
Chief Housing Consultant

GJH/pd