

City of Lincoln

BOARD OF ZONING APPEALS

AGENDA

BOARD OF ZONING APPEALS

Annette McRoy, Chair
Steve Miller, Vice Chair
Tracy Edgerton
David Johnson
Vickie McDonald

May 29, 2020

CITY BOARD OF ZONING APPEALS

Notice is hereby given that the **CITY BOARD OF ZONING APPEALS** will hold a public hearing on **Friday, May 29, 2020** at **1:30 p.m.** in the **City Council Chambers** on the 1st Floor of the County-City Building, 555 South 10th Street, on the following item. For more information, please contact the Planning Department at (402) 441-7491.

AGENDA

May 29, 2020

1. Approval of the minutes of the City Board of Zoning Appeals hearing, held March 29, 2019.

ADMINISTRATIVE ACTION

4. BOARD OF ZONING APPEALS 20002, requested by Glacier Park, LLC, for a variance to height of Lincoln Municipal Code Airport Zoning 27.59.040, to allow installation of towers, which exceed the 150-foot maximum allowed height above elevation, on property generally located at 4201 NW 70th Street.

* * * * *

The City Board of Zoning Appeals agenda may be accessed on the Internet at

<http://www.lincoln.ne.gov/city/plan/boards/cibza/cibza.htm>

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

MEETING RECORD

NAME OF GROUP:

CITY BOARD OF ZONING APPEALS

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

Friday, March 29, 2019, 1:30 p.m., City Council
Chambers, First Floor, County-City Building, 555 S. 10th
Street, Lincoln, Nebraska

**MEMBERS IN
ATTENDANCE:**

Maja Harris, Vickie McDonald, Annette McRoy, Steve
Miller and Scott Sandquist. Tim Sieh of the Law
Department; Ron Rehtus of the Building and Safety
Department; Dessie Redmond and Amy Huffman 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.

The first order of business was approval of the the minutes of the special City Board of Zoning Appeals hearing of November 2, 2018. Motion for approval made by Miller, seconded by Harris and carried, 5-0: Harris, McDonald, Miller, Sandquist and McRoy voting 'yes'.

**APPEAL NO. 19001, REQUESTED BY DONALD AND PAMELA APLEY, FOR A VARIANCE TO THE
REAR YARD SETBACK FROM 20 FEET TO 14 FEET, ON PROPERTY GENERALLY LOCATED AT 3861
SHERIDAN BOULEVARD.**

PUBLIC HEARING:

March 29, 2018

There were no ex parte communications disclosed.

Christina Usher, Mattson Ricketts Law Firm, 134 S. 13th Street, Suite 1200, came forward representing the applicants, Don and Pam Apley. Also on hand is the owner of the Sheridan Property owner who would be directly impacted by the granting of the variance. This property has shared a side yard since at least 1999 when the Apleys purchased the property. Their goal now is simply to legally adjust the property lot lines to accurately reflect how the properties have been used for at least the past 20 years. They worked with the previous owner and also the current owner to purchase the 16-foot strip. Along that strip there is already a shed and mature landscaping. Their efforts to make the lot lines match this transaction revealed the need for a variance.

This property has unique characteristics that others in the neighborhood do not have. The Apley property is the only one squeezed in between the alleyway that runs behind Sheridan; none of the other homes do this, so this is very unique to this particular parcel. Additionally, their home is situated in the rear of the lot. While other homes front to Sheridan, their home takes access from Woodbine. Next door, also along Woodbine, is the duplex that is nestled into that small lot, bordered by the alley. The 16-foot strip of land between the two is important to the use for each of the two. It should be noted that the distance between the rear of the home and the proposed new lot line is 37 feet, so not in violation of the setback. Only the garage causes any problem, by six feet.

In addition to the unique layout of this particular lot, there is already a fence dividing the two lots as the Apleys and their neighbors have used the properties for decades. This action will shore up the technical side of things by allowing the administrative subdivision, which will also clear up title issues and property taxes. All parties involved has signed off on this arrangement, including previous owners. Money was exchanged, so the Apleys do technically own the strip of land already. With the fence and landscaping, all this will do is make the lot lines match up with how the properties are used.

If the variance is not granted, this will create a burden to all parties because of the title, taxes, and the way the land has been used for decades. This would not set any precedent in this well-established neighborhood. Again, this is the only lot in this area with the extra dwelling built between the home and the alley.

Harris asked who the applicant is, the owners of the Sheridan property or the Woodbine property. Usher said the Apleys initiated the process but the application was signed by both owners and included the owner record of the 16-foot strip in question. Harris noted that the Woodbine owners will benefit most from this. Usher said that is a safe assumption; however, the Sheridan owners are paying the tax on this strip, so there is also benefit to them.

Harris asked what the hardship would be to the Woodbine owners if this variance were not granted. Usher said they have already purchased it, so it would be a hardship to undo that. The mature landscaping, shed, and sprinkler system are all involved, so there would be several things that would need to be undone, if not granted. Harris noted that there could be hardship if another owner of the Sheridan property would not be open to this arrangement. Usher said that is mostly correct. It was worked out by a long-term owner. When they sold the property, this problem became evident.

Harris asked why the City was not contacted when the initial arrangement was made. Usher said it is her understanding that the City was contacted and the surveyor spoke with Planning. As soon as the plat was submitted, work began to clean this up.

Sandquist said that unlike most variances granted that would allow changes to a use, this would allow the owners of both homes to continue doing what they have been doing for decades.

Usher agreed this is just a technical clean up. It could have impact for ownership in the future.

Miller said that to him, it is an unusual circumstance that the other homes face Sheridan and none have this rear yard issue because there are no other parcels carved out this way. He asked if Usher is aware of any others like this in the neighborhood. Usher said they did look in the area for examples of variance from setbacks. These home were built before current zoning laws so there are a couple of houses that are placed right at the setback. Almost every lot in this area is unique so we felt more comfortable making the assertion that no precedent will be set for this neighborhood.

McRoy wondered how it worked with the title process when the 16-foot strip was purchased in December of 2019. Usher said they did not use a title company because they worked it out between parties. It is in limbo until this is resolved.

Harris noted that information was provided about the Sheridan property. She asked for more information about the Woodbine property. She wondered about the setbacks and if it is a non-conforming structure. Usher said she did not know, but she could find out and provide that information. Harris said she is trying to figure out what benefit the use of this addition 16 feet provides to the Woodbine property, and what they are prohibited from doing if it is not granted. She wondered if there were any issues related to space, access, or reasonable use of the yard. Usher said they are using it right now. Harris asked what the impact would be if they were not allowed to use the area. Usher said there is a fence in place, so the Woodbine property does not have use of the area on the other side. The back yard is not deep. It creates a burden in terms of what they are used and the investments that have been made. The fence is tied to the Sheridan property, so it would also place a burden on those owners to deal with that. The legal burden is that they now own this property and this setback is the only thing hindering making it official.

Miller said it is unusual that they have been treating the area as their yard, going on 50 years. Usher agreed.

Harris asked for clarification about where exactly the setback would be if the variance is granted. Usher indicated that the bold line shown on the proposed submitted plan is the fence so the problematic area is from the back of the garage to the fence. Meeting the setback from the house itself is not a problem, it is only an issue where the garage goes around a corner. Harris asked if the fence and the proposed setback are the same. Usher said yes, generally, it is the same.

McDonald noted that the house was built prior to current zoning standards. She wondered if the garage was built at the same time as the original house. Usher said she is not sure.

There was no public testimony in support or opposition.

Staff Questions:

Harris asked what the responsibility of the Board is when evaluating the criteria of an appeal from the perspective of both the applicant, and the neighboring property; in this case, it appears the adjacent property benefits more from the decision. Redmond said that the Board should let the facts guide decision making. Under consideration is whether the applicants are being denied reasonable use of their property, or what hardship they have if a variance is not granted. Harris said that is why she asked; she does not see the hardship for the applicant, and will not benefit as much from the variance as the Woodbine property. She does not have all of the information for the Woodbine property since they are not the applicant and are not part of the Staff Report. Redmond said the variance is for the shared property; the variance is really on the Sheridan property.

Sandquist commented that the Woodbine property is not the one applying so if they are suffering any hardship, it is irrelevant. Redmond said there needs to be hardship on the property obtaining the variance, so that can be taken under consideration as part of a bigger picture.

Harris asked if having to pay tax on a portion of land that you don't want to keep is an acceptable criteria through the eyes of the regulations we are governed by. Redmond said property taxes are not of consideration. Tim Sieh, City Attorney, stated that we would not consider paying taxes as a hardship for the Board of Zoning Appeals to consider.

Harris asked if aligning a plat with the long enduring and consistent use acceptable criteria. Sieh said the question is whether it is an undue hardship on the property in question, and would a variance solve that hardship. That is a finding of fact that would need to be made. It should be noted that self-created hardships are not grounds upon which a variance can be granted. There is no more a right to a variance just because bought into a property. In one case, one party submitted a building application showing a structure within the setback. The City engineer approved it and the plans showed it was there. It ultimately went to the Court of Appeals saying it would be a hardship to reverse construction. The court said, 'no', one does not get to take advantage of a mistake by saying the cost is too much to take it back.

Harris asked if Law would agree that any hardship to the Woodbine property cannot be considered even though they are certainly part of, and supportive of this application. Sieh said it was indicated that they all signed the application. There is a title issue on the north property and it remains until there is a proper subdivision. In order to that, a variance must be granted to allow the 14-foot setback. The Woodbine property meets its setbacks. The garage on the north property counts when calculating distance to setback because it is connected to the main house.

Sandquist wondered if the hardship is really on both properties in that the City is being impeded from recognizing ownership on both parcels, and that could continue if either owner

eventually sells. Sieh said that title issues amongst the owners appears to be where the hardship lies in this case.

Applicant Rebuttal:

Usher said that on the side without the 16-foot strip, the area is no longer usable sideyard. That creates hardship on that property. All parties are purposely joined to make it clear that this is something that all involved want to see happen. The applicant, in particular, would like this variance granted so they can do the subdivision as intended and clean things up; this is the best opportunity and time to do that. The Board looks at whether this creates hardship on neighbors. Not having the ownership, lot lines, taxes and titles line up is a dramatic hardship.

McRoy noted there is plenty of history provided for both of these properties. She asked for thoughts about why this process was not undertaken before today. Usher said she cannot speculate. Perhaps they were just long term owners and it was only revealed through the course of time that things needed to be fixed.

Harris agreed this would not be a detriment and that it would even be beneficial. Her issue is that she does not see a hardship significant enough to grant a variance, especially since we heard that self-created hardships are not to be considered. She sympathizes with the applicants and it makes perfect sense to want to clean this up. To her, this could set a precedent to other property owners who might want to do a similar arrangement. The general idea of the code is that we all should abide by it. She is not finding sufficient hardship to grant the variance, even though it would clearly be more beneficial to do so.

Sandquist suggested that if risking setting a precedent was reason to deny variances, this board would serve no purpose since potentially, every variance granted could somehow create that situation. He does not think that will occur here.

McRoy said that the board considers each case and scenario only in the context of their situation, and not in comparison with others.

Miller said he finds hardship in the unusual layout of the lots. These lots are configured differently from the others on Sheridan and that is what has rendered this hardship. He believes the title can be reconciled and there is no adverse effect on zoning, health, safety, or the welfare of the neighborhood. In his opinion, this variance is just.

Harris agreed that the Woodbine lot is a different story, but if she understands correctly, their hardship is not under consideration. It is very different to find fact, as it relates to the Woodbine property without the information included in the Staff Report. The finding of hardship on the Sheridan property does not rise to meet the standard.

APPEAL NO. 19001

ACTION BY THE CITY BOARD OF ZONING APPEALS:

March 29, 2019

Sandquist moved to approve the variance based on the reasons stated previously; seconded by McDonald.

Harris said she sympathizes with the applicant and understand the reasoning for requesting this variance but she believe they have been tasked with evaluating from a fairly strict perspective of being able to establish finding of fact of demonstrable hardship, and this does not meet that.

Motion carried, 4-1: McDonald, Miller, Sandquist and McRoy voting 'yes'; Harris voting 'no'.

There being no further business, the meeting was adjourned at 2:14 p.m.

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

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CITY BOARD OF ZONING APPEAL #20002

DATE SCHEDULED FOR PUBLIC HEARING:

May 29, 2020

ADDRESS: 4201 NW 70th Street

LEGAL DESCRIPTION: Lot 37, located in the NE 1/4 of Section 11-10-5, and Lots 15 and 17 located in the SE 1/4 of Section 2-10-5, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING:

Acreage Residential AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Agriculture	AG
East:	Agriculture	AG
West:	Agriculture	AG

TYPE(S) OF APPEAL(S):

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE PER LINCOLN MUNICIPAL CODE 27.75.020(C).

A. Lincoln Municipal Code (LMC) Section 27.59.040(b) which prohibits structures in a turning zone from exceeding 150' above the elevation at the closest runway end, as shown on the Lincoln Airport Zoning Map. A variance to allow two 60''-tall recreational towers which exceeds the maximum elevation limit by 26.9' (from 1,349.5' to 1,376.4') is being requested.

STAFF FINDINGS:

1. The location of the proposed towers on the subject property is approximately 3 miles west of the Lincoln Municipal Airport at 4201 NW 70th Street. The property is approximately 159 acres in area, is largely undeveloped and used for personal recreation.
2. The petition is requesting a variance to allow two 60'-tall towers to be located on the property, which as proposed will exceed the Airport Zoning regulations. The towers also exceed the 35' maximum height of the AG zoning district, but that height can be exceeded by special permit. In 2019, Special Permit #19043 was approved allowing the towers to 60'. At that time it was noted that they exceeded the maximum allowed height of the turning zone as shown on the Airport Zoning Map., and that a variance would also be required.

3. The petition notes that the towers come from the former State Fairgrounds race track, where they stood at each end of the facility. The property owner acquired them and is seeking to locate them on the property. The report for the special permit noted that they were intended to be used for recreational purposes and could serve as deer stands.
4. This site lies within a Turning Zone of the Lincoln Municipal Airport as defined on the Lincoln Airport Zoning Map. Chapter 27.59 Airport Zoning Regulations contains the airport zoning regulations. Section 27.59.040(b) limits the height of structures within this turning zone to 150' above the closest runway end.
5. To determine the height of the towers in relationship to the end of the closest runway, the following elevations are used in the Federal Aviation Administration (FAA) and Lincoln Airport Authority (LAA) determinations. The following elevations relate to this request:

-End of Nearest Runway	1,199.5'
-Max Height in Turning Zone (End of Nearest Runway + 150')	1,349.5'
-Ground Elevation of Proposed Tower Site	1,316.4'
-Elevation of Top of Proposed Tower	1,376.4'
6. Anything over 1,349.5' in this turning zone using the end of the same runway elevation exceeds the maximum allowed by the Airport Zoning Regulations. In this case, at 1,376.4', the height of the proposed tower exceeds the maximum allowed elevation in the turning zone by 26.9'.
7. The Federal Aviation Administration (FAA) is charged with maintaining air traffic safety to ensure there are no conflicts with aviation operations, and must approve such applications. That was done in this case, and the FAA issued a 'Determination of No Hazard to Air Navigation'. That was provided to the LAA, who in turn issued a statement noting they had no objection to the granting of this height waiver.
8. In the letter the LAA noted that the FAA found the towers would not exceed obstruction standards and would not be a hazard to air navigation. It was also stated that the FAA did not note any potential impacts to circling or straight-in approaches at the Airport. A copy of both the letter from the LAA and the FAA Determination on No Hazard to Air Navigation are attached to this report.
9. Chapter 27.57 Airport Zoning was adopted to promote appropriate land development in the airport environs to ensure safe air navigation. The chapter was written with the assistance and approval of the LAA. Both the LAA and their Federal counterpart, the FAA, do not object to the approval of this variance.
10. This request is different than those commonly considered by the BZA under Section 27.75.020(b)(1), which refers to powers relative to variances. Section

27.59.110 delineates the Board's powers with respect to the airport zoning regulations, and contains a different standard for granting variances under airport zoning.

- 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.
- 12. If denied, the property owner will not be allowed to erect structures whose height exceeds 1,349.5' in maximum elevation at this location and the proposed towers will need to be lowered 26.9'.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
May 11, 2020

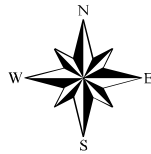
**APPLICANT/
CONTACT:** Ann Post
Baylor Evnen
1248 O Street, Suite 600
Lincoln, NE 68508
402-475-1075
apost@baylorevnen.com

PETITIONER: Glacier Park, LLC
1 Talent Plus Way
Lincoln, NE 68506



2018 aerial

Board of Zoning Appeals #: BZA20002
NW 70th St & W Superior St

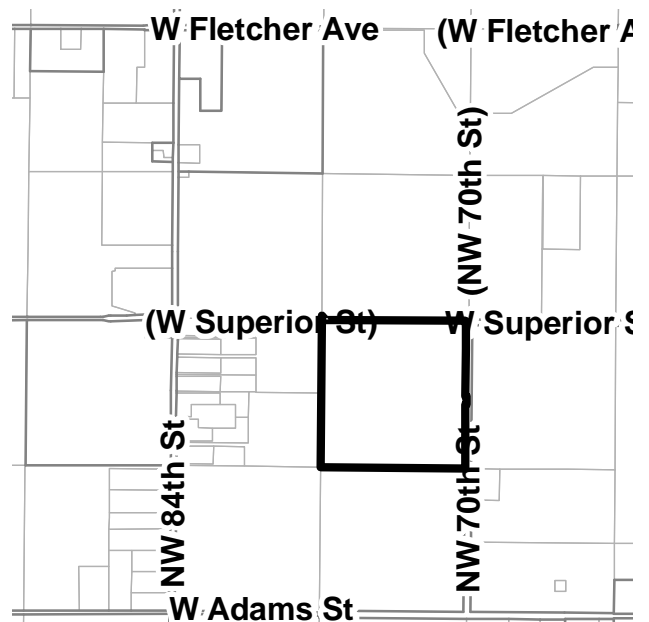


Zoning:

- 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

Two Square Miles:
Sec.02 T10N R05E
Sec.11 T10N R05E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Dallas D. Jones
David A. Dudley
Brenda S. Spilker
Timothy E. Clarke [IA]*
Robert S. Lannin [KS, MO]*
Jenny L. Panko

Caroline M. Westerhold [IA]*
Jarrod P. Crouse
Jennifer S. Caswell [CO]*
Paul T. Barta [IA]*
Torrey J. Gerdes [IA]*
Emily R. Motto [IA]*

Thomas B. Shires [IA]*
Kate Q. Martz [IA]*
Michael D. Reisbig [IA]*
Susan M. Foster
Andrew D. Weeks
Ann K. Post

Christopher M. Schmidt
Jenna M. Christensen
J. Michael Hannon
Micah Hawker Boehnke [IA only]

Of Counsel:
Robert T. Gritmit
Donald R. Witt
Walter E. Zink II
W. Scott Davis
Peter W. Katt
Mark A. Hunzeker
Randall L. Goyette [IA]*
Stephen S. Gealy

April 3, 2020

Lincoln/Lancaster County Planning Department
C/O Dessie Redmond
555 S. 10th Street, Suite 213
Lincoln, NE 68508

RE: Application for Variance of Airport Zoning Height Restrictions

Dear Ms. Redmond:

Our firm represents Glacier Park LLC (“Glacier Park”) owner of a 159.04 acre parcel of property located at 4201 NW 70th Street (“Property”). Glacier Park is seeking a variance of LMC 27.59.040 to allow installation of tower, which exceeds 150 feet in height above the elevation at the closest runway end.

Glacier Park acquired two towers which were originally constructed in the 1940s and stood on each end of the State Fair Racetrack. Each tower is 60 ft. tall including a semi-enclosed seat to protect race officials from the elements as they watched the races. From the towers workers could watch and verify if a jockey or their horse interfered with the other horses and riders. The towers stood until the State Fair Grounds began their conversion into Innovation Campus, at which point Glacier Park LLC acquired the towers, had them removed by crane to keep them intact, and transported to their current location at 4201 NW 70th Street.

Glacier Park desires to install one of these towers at 4201 NW 70th Street and has applied for and received a special permit for this permitted use that exceeds the maximum height in the AG zoning district. However, this location is also located in an Airport Hazard Area as defined by LMC 27.59.020 and subject to Height Restrictions contained in 27.59.040 (b).

We have discussed the proposed tower location with the Lincoln Airport Authority, which represents that the proposed tower will not interfere with air traffic or its operations and it has no objections to the proposed tower construction.

Therefore, as required by 14 C.F.R. part 77.9 and LMC 27.59.067 Glacier Park has submitted Form 7460-1 to the FAA requesting approval of the proposed tower and location, confirmation of this application is attached. In addition, Glacier Park requests the Board of Zoning Appeals grant a variance allowing installation of the tower at the proposed location which will exceed 150 ft. in height above the elevation of the closest runway end.

Enclosed you will find:

1. Application Form
2. Application Fee (\$412)
3. Proof of Submission of Form 7460-1 to the FAA
4. Map of proposed tower location

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ann K. Post".

Ann K. Post
For the Firm
APost@bayloreven.com

APO/apo

2816509



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2020-ACE-1565-OE

Issued Date: 04/03/2020

Doug Rath
 Glacier Park LLC
 1 Talent Plus Way
 Lincoln, NE 68506

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Tower Observation Tower
 Location: Lincoln, NE
 Latitude: 40-51-07.88N NAD 83
 Longitude: 96-49-27.57W
 Heights: 1316 feet site elevation (SE)
 60 feet above ground level (AGL)
 1376 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 10/03/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2527, or marla.wierman@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ACE-1565-OE.

Signature Control No: 432472390-435472513

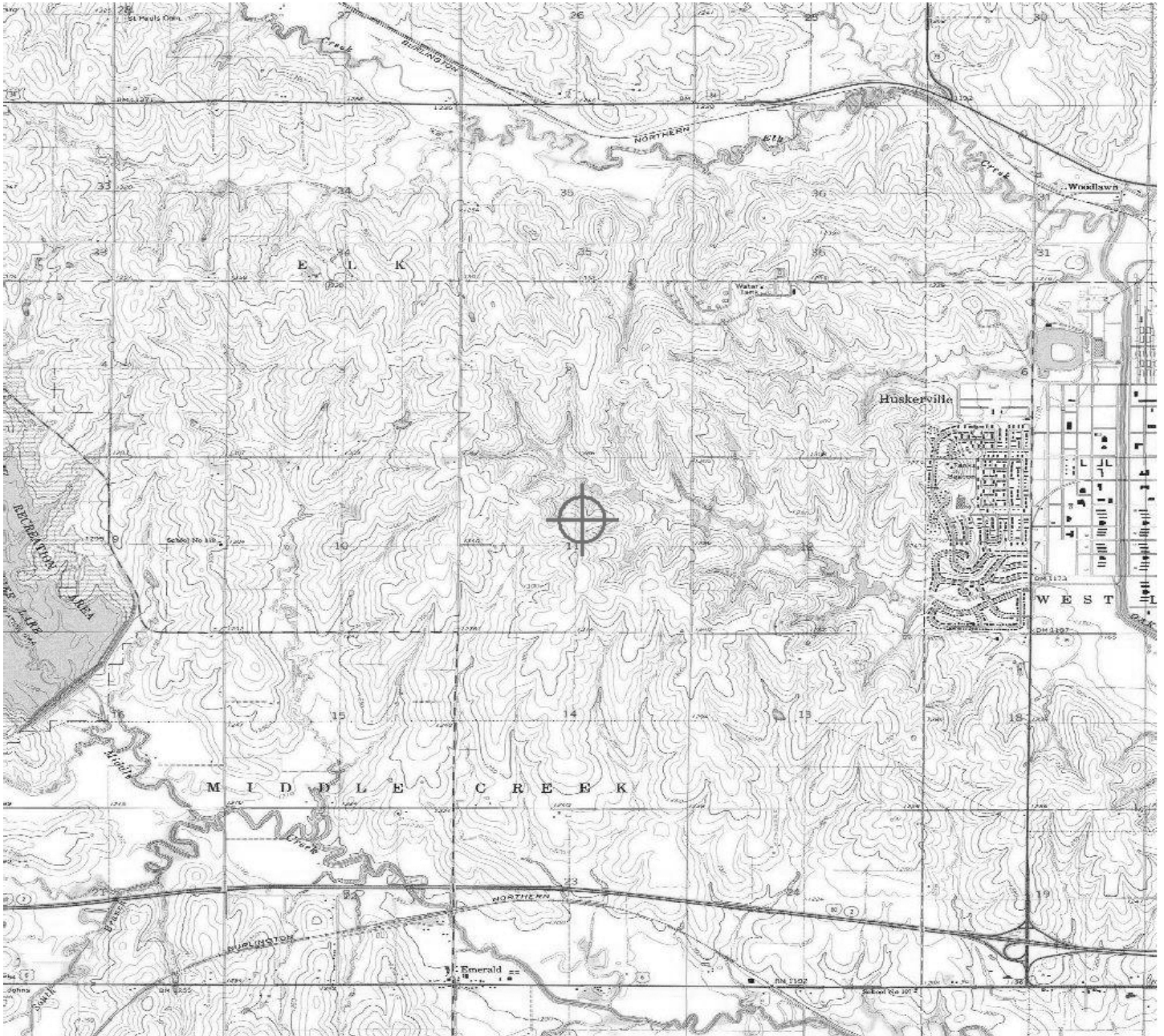
(DNE)

Marla Wierman
Technician

Attachment(s)
Map(s)

cc: FCC

TOPO Map for ASN 2020-ACE-1565-OE



Street Address 4201NW 70th Street Height Permit No. _____

Building Permit No. _____

Application for HEIGHT PERMIT

Building and Safety Department
555 S. 10th St., Suite 203 Lincoln, NE 68508
Main: 402-441-7521 Fax: 402-441-8214
24HR Inspection Line: 402-441-8213

FEE \$ _____

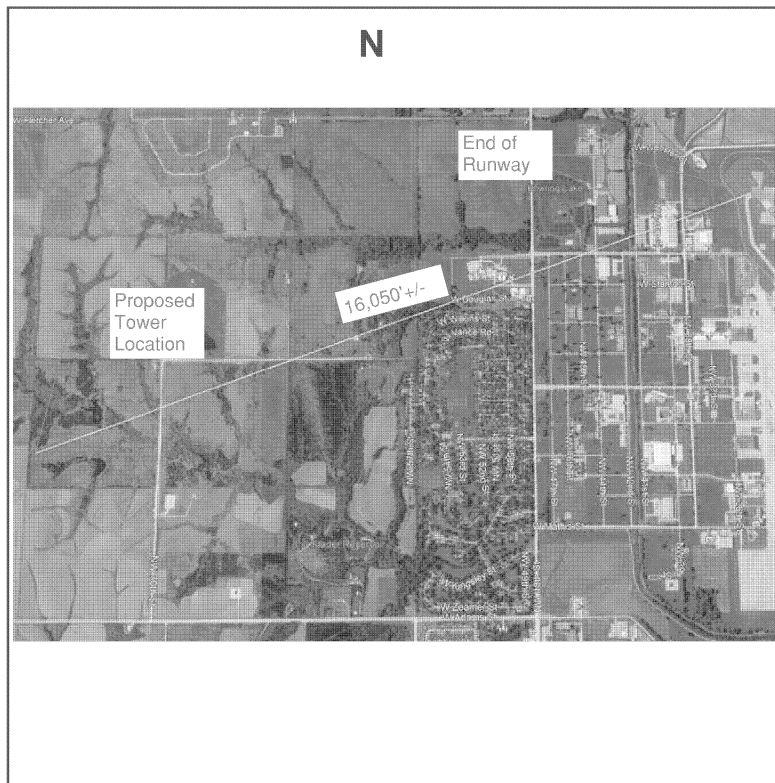
Date 4-16, 2020

The undersigned hereby applies for a permit to: Construct Building Alter Sign Enlarge Structure on the following described premises:

PLEASE PRINT/TYPE

Lot 37, Section 11-10-05 Block _____

Addition _____



1. Show approximate outline of property or premises at left.
2. Show location of building, sign or structure on property or premises.
3. Attach to this application, elevation plan of building, sign or structure.
4. Attach to this Application, Certified Elevation Data by a Land Surveyor, registered by the State of Nebraska.

Supply data below from above mentioned Certification:

5. Elevation of closest point on a runway:
1199.5 NAVD88
6. Elevation of highest ground point upon which proposed building, sign or structure is to be located:
1316.4 NAVD88
7. Height of building, sign or structure above ground:
60'
8. Distance of building, sign or structure to nearest runway:
16,050'+/-

Owner Glacier Park, LLC. Land Surveyor Lyle L Loth L.S 314

Contractor/Builder Talent Plus/Dennis Gifford Office Phone 402-730-6000 Cell Phone _____

Address One Talent Plus Way, Lincoln, NE 68506

APPLICANT

I hereby certify that if the use of a crane or other lifting device is necessary, I will contact the Deputy Director of Operations for the Lincoln Airport Authority regarding the operation of said device and I hereby further certify that the above statements are correct and that if a Height Permit is issued, all work will be done in accordance with the Ordinances of the City of Lincoln.

Print Name: _____

Signature: _____ Date: _____

BUILDING & SAFETY APPROVAL: _____ Date: _____

55C

NW 36th St

NW 37th St

NW 38th St

NW 39th St

NW 40th St

W Stanton St

NW 41st St

NW 42nd St

NW 44th St

NW 45th St

NW 46th St

NW 47th St

W Mathis St

Bowling Lake

IS 4187 / MN

NW 49th St

W Douglas St

NW 50th St

IS 1519 MN

IS 1515 MN

NW 52nd St

NW 53rd St

NW 54th St

IS 1517 MN

NW 57th St

W Wilkins St

N Vance Rd

IS 1516 MN

W Zeamer St

W Adams St

Flader Reservoir

Proposed Tower Location

NW 70th St

W Fletcher Ave



ProjectFlow - Review Details Report

Project Name:	BZA20002
Workflow Started:	04/07/2020 10:33 AM
Report Generated:	05/14/2020 09:34 AM

PLAN REVIEW COMMENTS

Cycle	Department	Reviewer	Review Status	Comments	Additional Reviewer Comments	Coordinator Comments	Comment Date	Changemark Snapshot	Applicant Response	Comment Status
Department Review										
1	Airport Authority	c.lay@LincolnAirport.c Review Comments	No Review Required	The proponent has already submitted the necessary FAA form 7460 and the FAA has subsequently issued a determination of no hazard to air navigation. The Airport Authority has reviewed the details of the FAA's determination and concurs that the proposed tower does not interfere with air traffic or its operations. However, the Lincoln Airport hasn't the authority to approve a waiver nor a variance and will defer to the Board of Zoning Appeals.			#####			
	Building and Safety	rrehtus@lincoln.ne.go Review Comments	No Review Required	27.75.020(c), 27.75.050: Can neither recommend approval nor denial. RER 5/07/2020			#####			
	Development Review Manager	shenrichsen@lincoln.n Review Comments	Recommend Approval	ok 4-29-20			#####			
	Planner Review	bwill@lincoln.ne.gov Review Comments					#####			
	Planning Dept	bthomas@lincoln.ne.g Review Comments	No Review Required				#####			