

City of Lincoln  
Planning

County Board of Zoning Appeals  
Agenda

**AGENDA**

**NOVEMBER 14, 2008**

1. Review and approval of minutes of meeting held August 8, 2008.

**PUBLIC HEARING AND ACTION**

2. County Board of Zoning Appeals No. 08003, requested by Nicholas Zobel, for a variance of the side yard setback to allow construction of a building, on property located at 13000 N. 14th Street, in Raymond, Nebraska.

**COUNTY BOARD OF ZONING APPEAL #08003**

**DATE:** November 3, 2008

**DATE SCHEDULED FOR PUBLIC HEARING:** November 14, 2008

**LOCATION:** Generally located at North 14<sup>th</sup> Street, south of Mill Road.

**ADDRESS:** 13000 N 14<sup>th</sup> Street

**LEGAL DESCRIPTION:** Lot 9 I.T. located in the NW 1/4 of Section 12, Township 11, Range 6, Lancaster County, NE.

**APPLICANT:** Nicholas Zobel  
13000 N 14<sup>th</sup> Street  
Raymond, NE 68428  
(402) 440-9172

**LOT AREA:** 10.97 acres, 10.69 net

**ZONING:** County AG Agriculture

**EXISTING LAND USE:** Existing residence, outbuildings, corrals.

**SURROUNDING LAND USE AND ZONING:** Capital City Horse and Pony Club to the south with joint access. Acreage uses to the northwest. Agriculture uses surrounding. All zoned AG Agriculture. N. 14<sup>th</sup> is a paved county road.

**TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Article 4.017(d) of the Lancaster County Zoning Regulations, requires a side yard of 33.2 feet. A variance from 33.2 to 3 feet is being requested

**STAFF FINDINGS:**

- 1) The applicant is requesting a waiver of the side yard from 33.2' to 3' on the north property line to erect an open front pole building for machine/equipment storage.
- 2) The applicant states the reason for the request is "The natural terrain and contour of the ground does not permit building 32.5 feet off of the property line. Can not recreate flow of water".

- 3) This is a 10.69 acre lot that appears to offer many opportunities to locate an equipment building (see Exhibit 2)
- 4) Floodplain map in relation to the property is show on Exhibit 3. This shows some 100 year floodplain, which is buildable, on the east and west ends of the parcel.
- 5) The contour map shown on Exhibit 4 shows a gradual slope down from the house to the west, south and east.
- 6) Section 19.007 (2) Powers relative to Variances states “ To hear and decide upon petitions for variances, and subject to such standards, principles and procedures provided in this resolution, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owners a reasonable use of their 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. “
- 7) There is no apparent hardship, peculiar, exceptional or unusual circumstances to justify the waivers.

Prepared by

Mike DeKalb, 441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)  
Planner



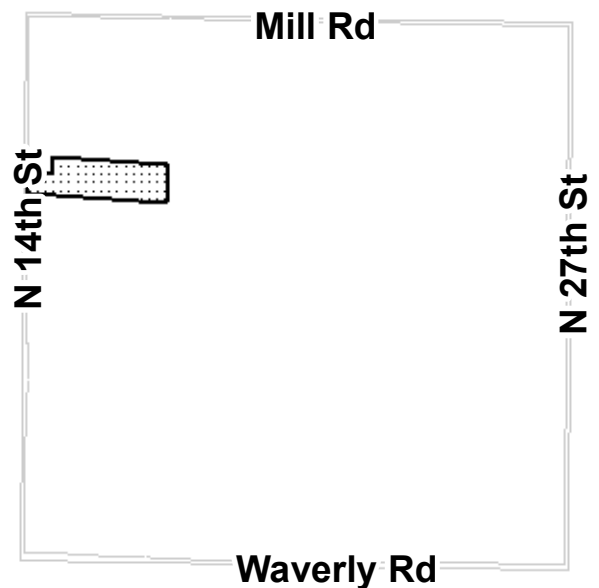
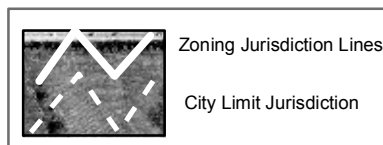
**County Board of Zoning Appeals #08003**  
**13000 N 14th St**

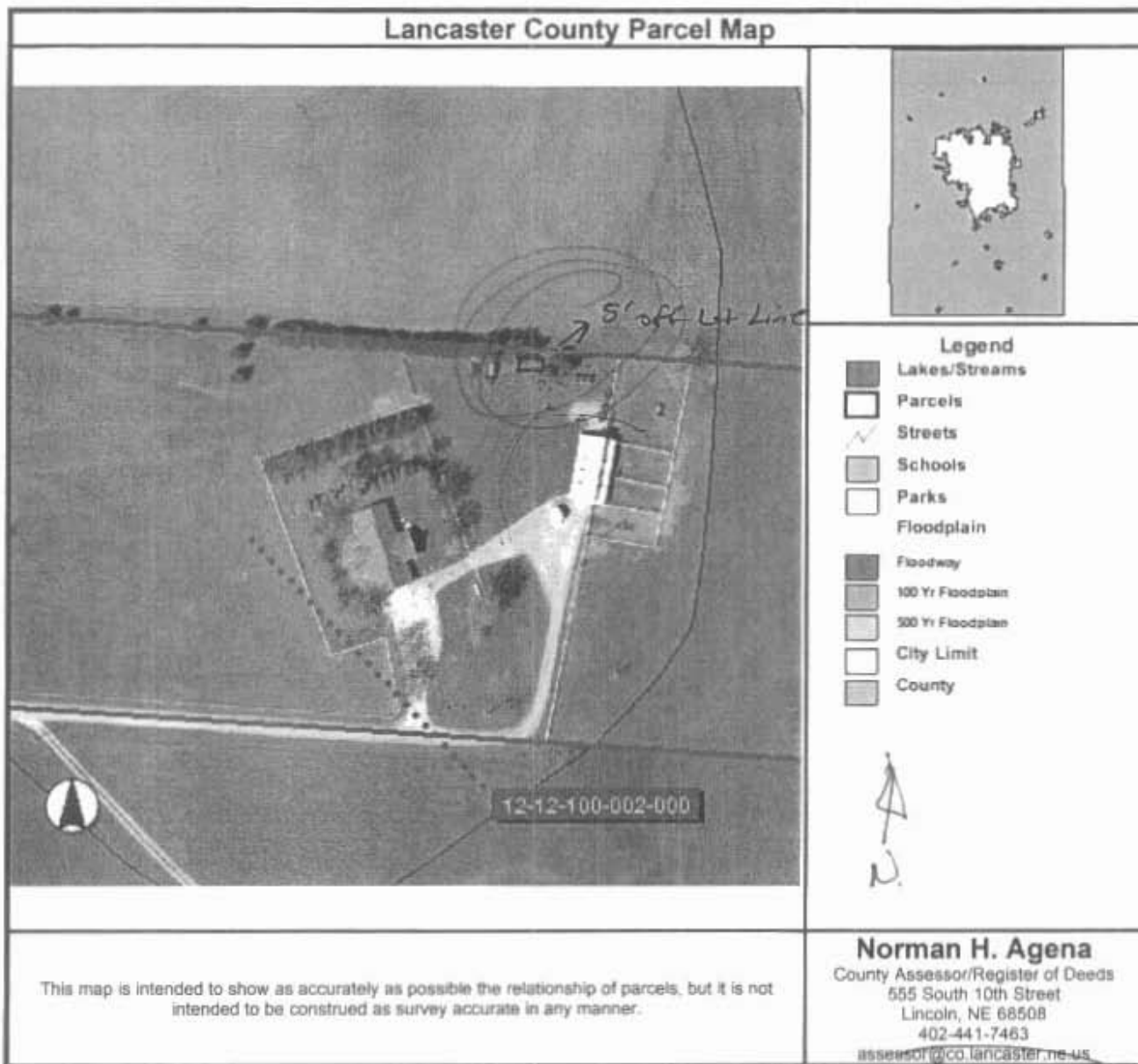
2007 aerial

**Zoning:**

One Square Mile  
 Sec. 12 T11N R06E

- 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



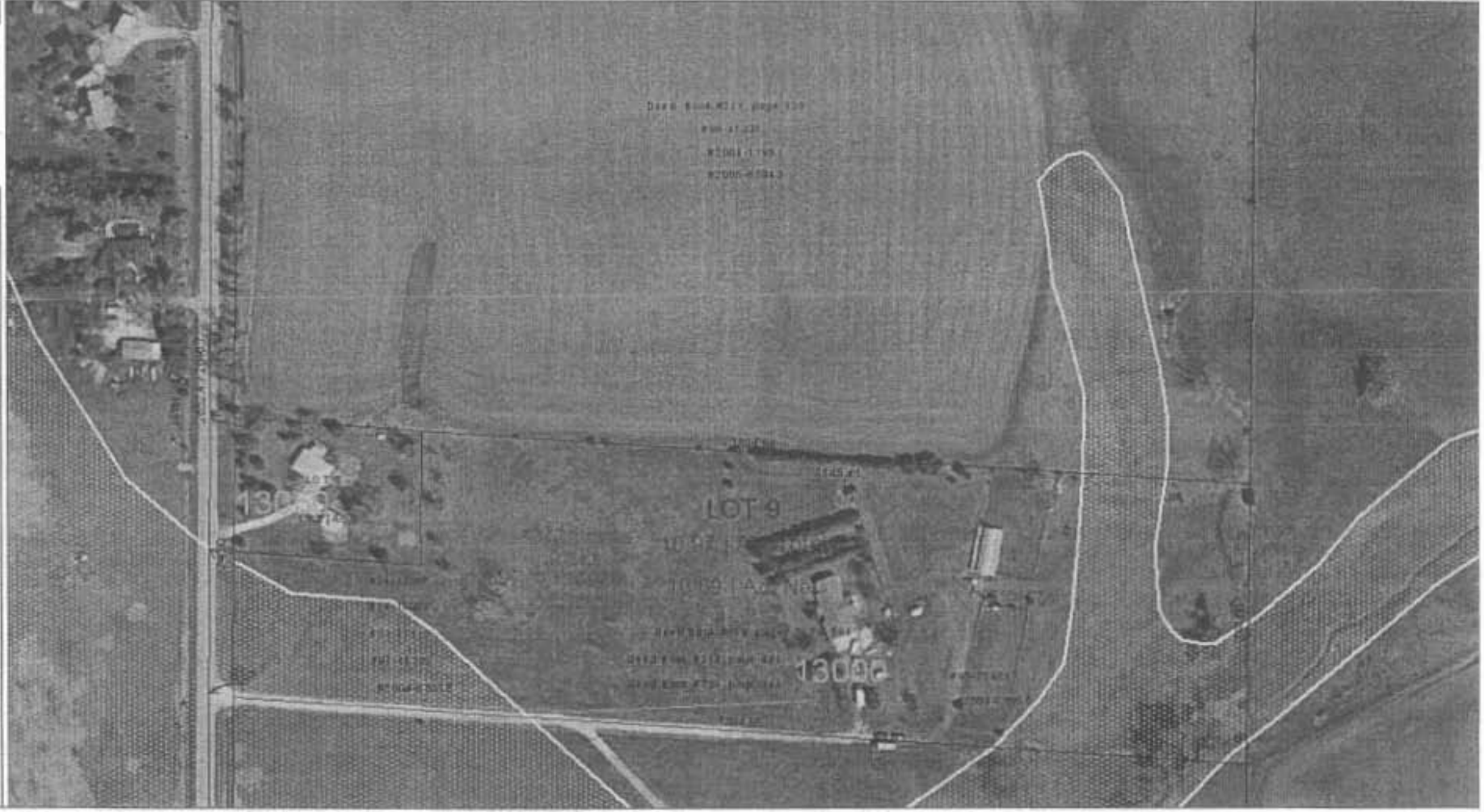


*Side Setback 33.2'*

*9*  
*12-11-6*

*Exhibit #2*

- Citylim
- Zonelit
- Text
- Zoning
- Flood
  - 100 YEAR
  - FLOODWAY
  - 3
  - 4
  - 500 YEAR
- Haroad\_protection
- Corplim
- 121106.tif
- Coegcorplim
  - Bennet
  - County
  - Dazey
  - Denton
  - Firth
  - Hallam
  - Hickman
  - Lincoln
  - Malcolm
  - Panama
  - Raymond
  - Roca
  - Sprague
  - Warety
- Airzone
  - Inner Approa
  - Inner Hazard
  - Transition Zo



Drawn: (160,309.04, 251,040.66) ft. Extent: (1,968.44, 688.63) ft. Area: 1,355,522.23 sq ft

Exhibit #3

Floodplain





Exhibit #4  
A 10' contour  
N. Lines  
C.B2A# 08003

PLANNING DEPT.  DATE OF HEARING Nov 14 CO. BOARD OF APPEALS NO. CBA08003  
Fee 250.00 Receipt No. \_\_\_\_\_ Date 10/28/08, 20\_\_

# APPEAL TO COUNTY BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS, Lancaster County, Nebraska

On Oct 27, 2008 the undersigned applied for a building permit to \_\_\_\_\_  
Erect Open front Building to house Ag Equipment

Located on Lot 9 Block \_\_\_\_\_ Addition \_\_\_\_\_ Sec. 12 Township 11 Range 6  
Address 13000 N 14th Have you met with the neighboring properties?  Yes  No

**TO BE FILLED IN BY BUILDING OFFICIAL:** This permit was denied because \_\_\_\_\_  
Article 4.017(d) LCZ requires a side yard of 33.2 feet.  
A variance from 33.2 feet to 3 feet is being requested.

The above decision(s) of the Building Official is hereby appealed on the grounds that (check and complete all that apply):

The Administrative Official erred by \_\_\_\_\_

A Variance to (height, area, parking, density) is necessary because the property is peculiar, exceptional, and unusual in the following ways: The Natural terrain and contour of ground does not permit building ~~to set back~~ 37.5' off of prop line. Can not recreate flow of water. 3' off lot line  
NE

- An exception is necessary to:
1. Reconstruct a non-conforming building for a compelling public necessity because: \_\_\_\_\_
  2. To permit erection or use of a public service corporation for public utilities: \_\_\_\_\_
  3. To interpret provisions where the map does not reflect the street layout on the ground: \_\_\_\_\_

Contact Person: Nic Zobel Zobel Address: 13000 N 14th

Phone #: 402-446-9172 E-mail (if applicable) \_\_\_\_\_

Staff will post a notification sign in the yard of the property and other officials may visit the site prior to the hearing. Signing this form hereby grants permission to the staff to enter onto property for purposes related to this application.

Signed: [Signature] 13000 N 14th St 402-446-9172  
Appellant Appellant's Address Phone #