

Boards & Commissions

Lancaster County Board of Zoning Appeals Meeting

AGENDA

May 17, 2013

1. Review and approval of minutes of meeting held April 13, 2012.

PUBLIC HEARING AND ACTION

2. **COUNTY BOARD OF ZONING APPEALS NO. 13002**, requested by Stephanie Buel, for a variance to reduce the minimum lot frontage from 550' to 295.37', on property generally located at 18301 S. 12th Street, Roca, Nebraska.

COUNTY BOARD OF ZONING APPEAL #13002

DATE: May 9, 2013

DATE SCHEDULED FOR PUBLIC HEARING: May 17, 2013

LOCATION: Generally located at Highway 77 and Sprague Road

ADDRESS: 18301 S. 12th Street

LEGAL DESCRIPTION: Lots 30 and 37 located in the SE 1/4 of Section 26,
Township 8 North, Range 6 East, Lancaster County, NE.

APPLICANT: Stephanie Buel
18301 South 12th Street
Roca, NE 68430
402-794-4334

LOT AREA: 28.90 acres, more or less

ZONING: County AG Agriculture

EXISTING LAND USE: one single family dwelling, dryland farming, wooded and pasture.

SURROUNDING LAND USE AND ZONING:

North	AG Agricultural, farmland
South	AG Agricultural, two farmsteads
East	AG Agricultural, two acreages, Highway 77
West	AG Agricultural, farmland

TYPE OF APPEAL: THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Article 4.017(a) of the Lancaster County Zoning Regulations, requires a minimum of 550 feet of frontage for parcels in the AG Agricultural District. This is a request to reduce the frontage requirement to 295 feet in order to allow the owner to subdivide the house into a separate parcel and create an additional buildable parcel.

STAFF FINDINGS:

1. The applicant is requesting a reduction in the required frontage from 550 feet to 295 feet.
2. The Lancaster County Zoning Resolution, Article 4.017(a), requires a minimum of 550 feet of frontage along a public or private roadway in order for a lot to be

considered to be buildable. This has been a requirement since the Zoning Resolution was adopted in 1979. One of the primary reasons for this frontage requirement is to provide for separation of road access points to reduce the danger of collisions as vehicles enter and exist the roadway.

3. The frontage requirement also relates to the AG Agricultural zoning for a primarily rural area. The zoning requires a 20 acre parcel, so providing 550 feet of frontage is generally possible given the large parcel size. The frontage requirement helps provide spacing between dwellings. Also, large parcels of farm land is a common characteristic of the rural area and the frontage requirement is one part of reflecting and maintaining this character. The 550 feet of frontage is part of the consistency in development of the County.
4. The applicant desires to subdivide, through Zoning Article 4.017 ©), commonly referred to as the “farmstead split” provision, the existing house on approximately 3.32 acre and create a remaining 25.58 acre lot, upon which an additional house would be constructed. (See Exhibit 1)
5. Lots created through the “farmstead split” have a reduced frontage requirement of only 120 feet. In addition to the frontage requirements, the farmstead must also have existed on such land for more than 5 years, been used as the primary residence associated with a farm, and meet minimum housing code, and the minimum standards for water and sewage facilities. Current information indicates this property will be able to meet the requirements subject to required inspections.
6. However, the existing frontage does not sufficient frontage to supply the required 120 feet for the 3+ acre parcel and the 550 feet for the 25+ acre parcel. Total frontage for the existing property is only 459.37 feet.
7. In other subdivisions in the County, including some recently approved, when there is not enough frontage the larger lot is platted as an outlot.
8. This lot, along with the adjacent two acreage lots, take access to a shared driveway within the right-of-way of Highway 77. The three lots all access Highway 77 at a single point from that shared drive. The proposed additional lot would also access through this shared drive.
9. There are several highways in Lancaster County maintained by the Nebraska Department of Roads (NDOR.) U. S. Highways 6, 34 and 77 as well as State Highways 2,33, 43 and 79 along with several state highway links serve traffic needs in addition to county roads. (NDOR) discourages access directly to the highway from residential drives and often purchases access rights to limit driveways on the highway.

10. In a review of access to two highways outside of Lincoln, as an example, there are four additional similar shared access drives within the public right-of-way of Highway 77 in the County, two to the south of Lincoln and two to the north. There are none on Highway 2. Within Lincoln, there are several shared driveways and frontage roads where there is a single shared access point to several multiple commercial properties.
11. Article 19.007 (2) Powers relative to Variances states the role of the County Board of Zoning Appeals is “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.” (Emphasis added)
12. The owner has reasonable use of her land as a single residence and farmland. The property could be divided into a 3.3 acre lot for the existing dwelling and a 25.5 acre outlot for farming.
13. It is not an unusual circumstance to have a shared access driveway.
14. There are numerous shared driveways to County roads as well. Often two or as many as 6 or 7 lots all share one access point. A shared driveway has not been a reason for allowing additional lots to be developed due to the reduced amount of access.
15. The applicant noted that their shared driveway is within the right of way of Highway 77. It isn't particularly relevant whether the shared access is to a County road or a State highway. In either case the shared driveway enters the public right-of-way at a single point. A small sample in Lancaster County shows four other similar highway circumstances of a shared driveway outside of Lincoln. Within Lincoln there are several shared driveways and frontage roads along State Highways for commercial access.
16. There are no other peculiar or unusual circumstance noted.

Conclusion:

The owner is not being denied reasonable use of the land. A lot having shared access is not an unusual circumstance. There are numerous shared driveways in the County. There are no other peculiar or unusual circumstances noted.

BZA #13002: 18301 South 12th Street

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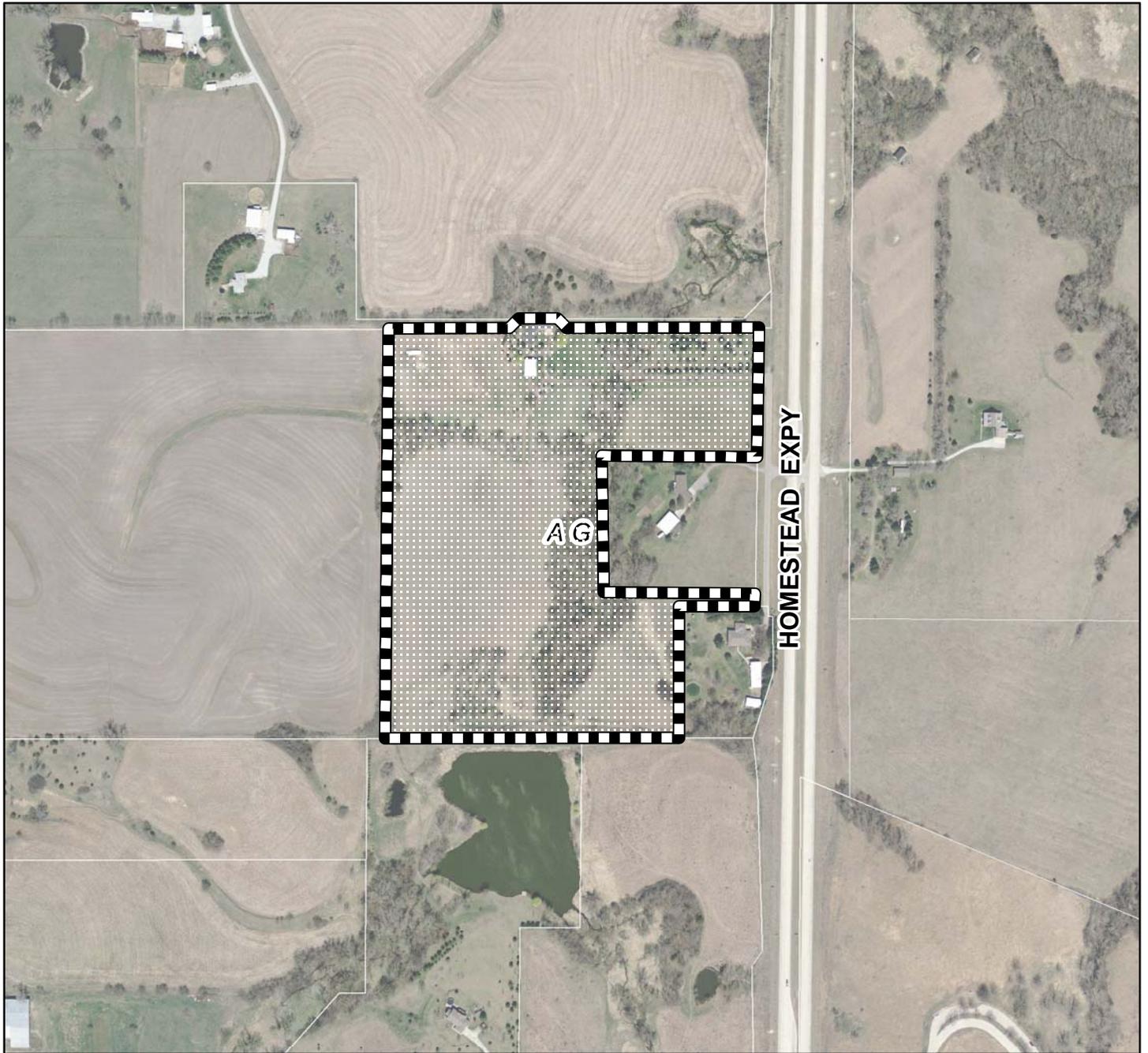
Prepared by

Stephen Henrichsen,
Development Review Manager

Planning Department Contact:

Sara Hartzell, Planner
402 - 441-6371, shartzell@lincoln.ne.gov

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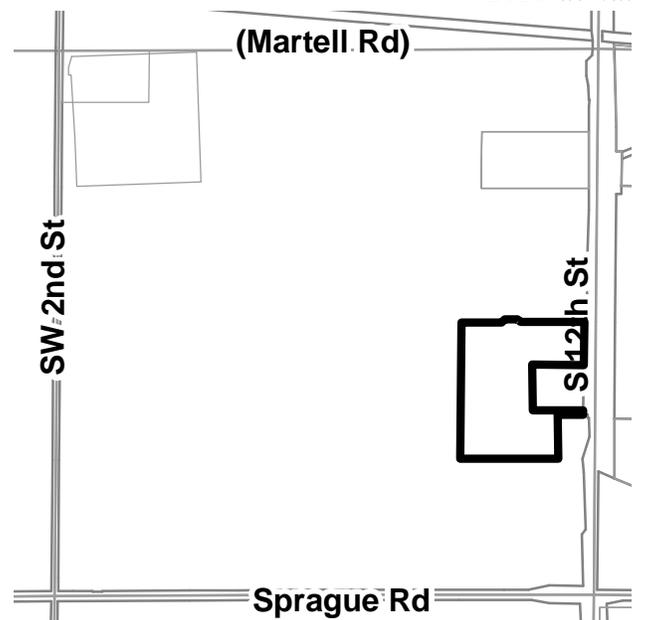
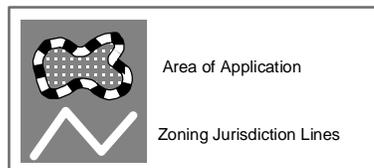
2010 aerial

Board of Zoning Appeals #: BZA13002
18301 S 12th 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.26 T08N R06E



County Board of Zoning Appeals
Written Decision
Lancaster County Zoning Regulations
Article 19
4/29/13
Date
Tk
Staff Member

Department of Building & Safety
City of Lincoln
555 South 10th Street, Room 203
Lincoln, Nebraska 68508-2803

Contact Person Stephanie Buel

Address 18301 South 12th Street, Roca, NE 68430

This Department has reviewed your submission regarding the property located

at: (address) 18301 South 12th Street

and legally described as: (legal description) Lot 30 & 37 irregular tracts, located in

Section 26, Township 8, Range 6

or an alleged error regarding _____

The result of this review found noncompliance with the following zoning requirements of the Lancaster County Zoning Regulations.

1. Article 4.017(a) Lancaster County Zoning Regulation requires _____
a minimum lot frontage of 550 feet.

***A variance to reduce the minimum lot frontage from 550 feet to 295.37 feet
is requested.

Note: Any appeal to the Board of Zoning Appeals must be filed within 60 days.

Received _____
(Date)

By _____
(Signature)

PLANNING DEPT. _____ DATE OF HEARING _____ BOARD OF APPEALS NO BZA13002
Fee 300.00 Receipt No. _____ Date 4/17, 2013.

APPEAL TO COUNTY BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS, City of Lincoln, Nebraska

On April 9, 2013, the undersigned applied for a building permit to _____
Appeal the 550ft minimum road frontage requirement

Located on Lot 30 & 37 in section 26 Block _____ Addition 26-T8N-R6E
Address 18301 s 12th st, Roca, NE 68430 Have you met with the neighboring properties? Yes No

TO BE FILLED IN BY BUILDING OFFICIAL: This permit was denied because _____

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, sign) is necessary because the property is peculiar, exceptional, and unusual in the following ways: We are asking for a variance of the 550 ft road frontage to ²⁵⁰ft. Due to the fact that the 550ft of frontage is to provide separation between driveways and we share an access to Hwy 77 this is an unusual situation that only occurs a few places in the county. We would not be increasing the number of access points to the Hwy or changing the distance between current driveways.
- An exception is necessary to:
 1. Reconstruct a non-conforming building for a compelling public necessity because: _____
 2. Correct a mapping error due to: _____
 3. Reduce the parking requirements due to the use of the building is such as to make unnecessary the full provisions of the parking because: _____

Contact Person: Stephanie Buel Address: 18301 s 12th st, Roca, NE 68430

Phone #: 614-313-7361 or 402-794-4334 E-mail (if applicable) s.reinhart@juno.com

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] 18301 s 12th st, Roca, NE 68430 614-313-7361 or 402-794-4334
Appellant Appellant's Address Phone #