

# **Boards & Commissions**

## **Lancaster County Board of Zoning Appeals Meeting**

### **AGENDA**

**August 12, 2016**

1. Election of Chair and Vice Chair.
2. Approval of minutes of the joint City/County Board of Zoning Appeals meeting held April 12, 2013 and the County Board of Zoning Appeals meeting held May 17, 2013.

### **PUBLIC HEARING AND ACTION**

3. **COUNTY BOARD OF ZONING APPEALS NO. 16002**, requested by Jim and Billi Jacobsen, for a variance to lot area to allow Lots 24 and 25 to be combined into a 19.5 acre parcel for a buildable lot on property generally located at 20400 NW 12th Street.

**COUNTY BOARD OF ZONING APPEAL #16002**

**DATE:** August 1, 2016

**DATE SCHEDULED FOR PUBLIC HEARING:** August 12, 2016

**LOCATION:** Generally located at NW 12<sup>th</sup> Street and W. Agnew Road

**ADDRESS:** 20400 NW 12<sup>th</sup> Street

**LEGAL DESCRIPTION:** Lot 24 and 25 Irregular Tracts located in the NW 1/4 of Section 15, Township 12 North, Range 6 East, Lancaster County, NE

**APPLICANT:** James and Billi Jacobsen  
20400 NW 12<sup>th</sup> Street  
Raymond, NE 68428  
402-466-8892

**LOT AREA:** 19.48 acres

**ZONING:** Ag Agricultural

**EXISTING LAND USE:** Single family dwelling, wooded and farm ground

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agricultural	single family house and farm ground
South:	AG Agricultural	single family house and farm ground
East:	AG Agricultural	single family house and farm ground
West:	AG Agricultural	single family house and farm ground

**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 20 acres for parcels in the AG Agricultural District. This is a request to reduce the minimum lot size from 20 acres to 19.48 acres to make the lot a legal lot.

**STAFF FINDINGS:**

1. The applicant is requesting a reduction in the minimum lot size from 20 acres to 19.48 acres to create a buildable lot.

2. The applicant owns Lot 24 and 25. (See Exhibit 3) Lot 24 is 11.27 acres and Lot 25 is 8.21 acres. The two lots combined are 19.48 acres. The applicant purchased the lots in October 2003 assuming it was buildable. A building permit was requested for an addition in June 2016 and was denied.
3. The problem originated when Lot 20 (50.52 acres) was subdivided into Lots 21 and 22 without a survey in August 1998. Lot 21 was only 17.25 acres, thus creating an illegal lot. (see Exhibit 1 and 2)
4. Lot 24 and 25 were created in October 1998 from a portion of Lot 21 and a portion of Lot 19. (see Exhibit 3)
5. The applicant applied for a building permit with Building and Safety Department for a sun room. The permit was denied because the two lots combined were less than 20 acres.
6. Section 19.003 (2) Powers Relative to Variances. The Board of Zoning Appeals is authorized, upon petitions for variances, 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.

**CONDITIONS OF APPROVAL:**

1. Lots 24 and 25 must be combined into one lot prior to issuance of a building permit.

Prepared by

Tom Cajka  
Planner



GIS

2013 aerial

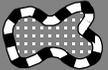
**Board of Zoning Appeals #: BZA16002**  
**NW 12th St & W Agnew Rd**

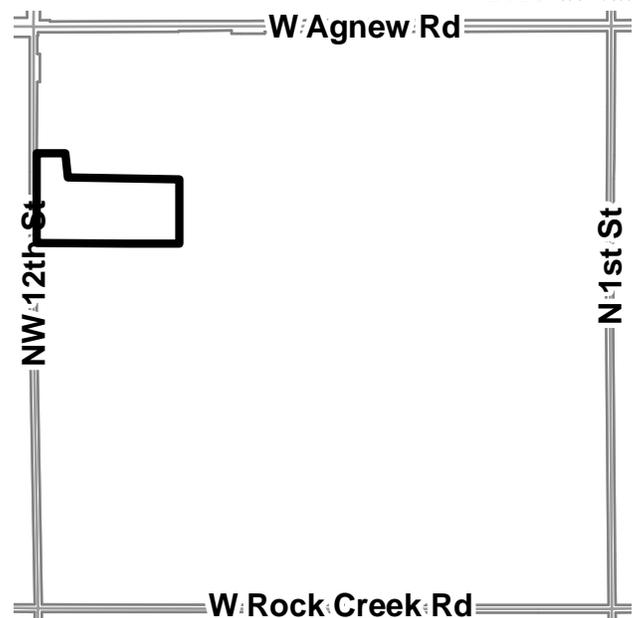


One Square Mile:  
 Sec. 15 T12N R06E

**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

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





①

Lot 22  
33.27 acres

NO SUBDIVISION PERMIT

NO SURVEY

LOT 24

11.27 ± Ac. Total  
10.65 ± Ac. Net

- #94-52193
- #98-42334
- #98-49313
- #98-51980
- #2003-118657
- #2005-46400

NO SURVEY

LOT 25  
8.21 ± Ac.

- #94-52193
- #98-42334
- #98-49313
- #98-51980
- #2005-46400

LOT 19  
22.75 ± AC.

NO SURVEY

LOT 23

20.52 ± Ac. Total  
20.01 ± Ac. Net

- #94-52193
- #98-42334
- #98-49313
- #98-49314
- #98-51980
- #2003-51225
- #2010-51926

LOT 21  
17.25 ± AC.

August 1998

LOT 24 CREATED →  
LOT 25 CREATED →

#2003-51225

W Agnew Rd

THIS PLAN IS INTENDED TO SHOW AS ACCURATELY AS POSSIBLE THE RELATIONSHIP OF FACTS OF LAND BUT IS NOT INTENDED TO BE CONSIDERED AS SURVEY ACCURATE IN ANY MANNER.

LOT 17  
5.06 ± Ac.

Deed Bk. 166, Pg. 221  
Deed Bk. 635, Pg. 569  
#74-2323  
#77-24134  
#78-12436

NO SURVEY

LOT 22

33.27 ± Ac. Total  
32.39 ± Ac. Net

Deed Bk. 188, Pg. 221  
Deed Bk. 211, Pg. 569  
#71-5680  
#74-2323  
#78-42334  
#78-42334  
#70%-60139

LOT 14  
4.43 ± Ac.

Deed Bk. 692, Pg. 33  
Deed Bk. 741, Pg. 118  
#74-2326  
#78-14310  
#88-40014

LOT 13

34.06 ± Ac.

Deed Bk. 692, Pg. 33  
Deed Bk. 741, Pg. 118  
#74-2324  
#83-11472

LOT 11  
78.50 ± Ac.

#74-2622  
#80-28816  
#82-52424  
#2007-37993  
#2008-57208

NO SURVEY

LOT 24

11.27 ± Ac. Total  
10.65 ± Ac. Net

NO SURVEY

LOT 23

20.52 ± Ac. Total  
20.01 ± Ac. Net

#84-52193  
#88-42334  
#88-49313  
#88-49314  
#88-51880  
#2003-57225  
#2010-51928

NO SUBDIVISION PERMIT

LOT 25

8.21 ± Ac.

#84-52193  
#88-42334  
#88-49313  
#88-51880  
#2005-46400

SE 1/4, NW 1/4

40.28 ± Ac.

Deed Bk. 692, Pg. 33  
#83-11472

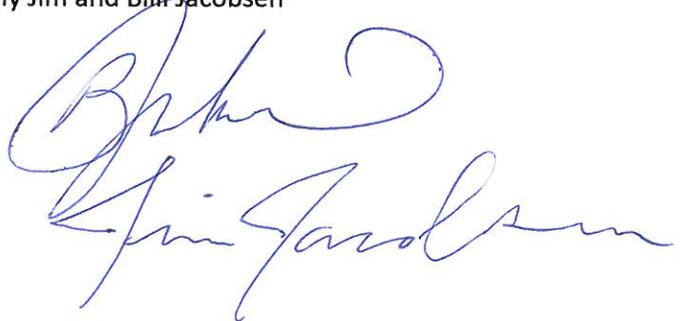
In October of 2003 my wife and I, Billi and Jim Jacobsen purchased an acerage from Douglas and Cheri Swanson, 20600 Nw12th Raymond NE 68428, shortly after the county changed our address to 20400. The sale was privetly done with Tower Title Company, there were no realators involved, we were told that we had 19.7 acres, the other .3 acres was our original driveway which was on the neighbors property, at that time there was no easement. In April of 2004 we were notified from Doug Swanson that he was still getting the property tax statement for lot # 25nw ID # 13-15-100-013-000, we then had a deed of faith drawn up and put lot #25nw into our names.

In 2011 our original neighbors to the south who basicly owned our driveway, Scott and Suzi Harris got divorced and would not give us an easement to continue use of the driveway. In the spring of 2012 we were forced to relocate the driveway by the new neighbor, had to get a survey done. The drive goes down through a 100 year water shed, which is wasteland we have been paying residential taxes on for 12 years, the okayed the new entrance and the project was finished before our deadline in October of 2012.

A few years back we voted to fix up and add on to Raymond Central High School, which raised our taxes again, this would make it so our adopted daughter wouldnt have to get bussed to Waverly High School.

In the spring of 2016 we decided to put a 20ft by 20ft sun room on the east end of our kitchen, this would get rid of 2 leaking windows and one side door that also leaks when it rains, basically the house needs some upgrades. Went down to obtain a building permit and was turned down because of zoning issues that we had no idea of. Was told to surveyed, was also told that we could survey to the center line of NW12th to possibly show 20 acres. After REGA surveyed we only came to 19.5 acres. When the Swansons built the house in 1995 they had 20.3 acres, when they sold property to Scott Harris is when our driveway ended up not being ours.

If there is anyway we could add our 2 lots together and continue on with our project with a building permit we would be gratefull, sincerely Jim and Billi Jacobsen

A handwritten signature in blue ink, appearing to read "Jim Jacobsen". The signature is written in a cursive style with a large, looping initial "J".