

# **Boards & Commissions**

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

### **NOTICE**

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

Notice is hereby given that the **Lancaster County Board of Zoning Appeals** will hold a meeting on **Friday, April 13, 2018 at 2:30 p.m.** in the **City Council Chambers**, County-City Building, 555 S. 10th Street, on the following items. For more information, please contact the Lincoln City/Lancaster County Planning Department at 402-441-7491.

### **AGENDA**

#### **APRIL 13, 2018**

1. Approval of minutes of the County Board of Zoning Appeals meeting held November 17, 2017 .

#### **PUBLIC HEARING AND ACTION**

2. **County Board of Zoning Appeals No. 18002**, requested by Branson Starns and Ronny & Brenda Wigle, to reduce side yard setback, and to reduce lot size on Lot 6, on property generally located at 18900 and 19000 N. 162nd Street, Greenwood, NE.
3. **County Board of Zoning Appeals No. 18003**, requested by Jason Krysl, to reduce the minimum lot area, on property generally located at W. Yankee Hill Road and S.W. 84th Street.

**COUNTY BOARD OF ZONING APPEAL #18002**

**DATE:** April 3, 2018

**DATE SCHEDULED FOR PUBLIC HEARING:** April 13, 2018

**LOCATION:** Generally located at N. 162<sup>nd</sup> Street and Rock Creek Road

**ADDRESS:** 19000 N. 162<sup>nd</sup> Street

**LEGAL DESCRIPTION:** Lot 6 Irregular Tract and Lot 1, Vinson Acres Addition all located in the NW1/4 of Section 23, Township 12 North, Range 8 East, Lancaster County, NE

<b>APPLICANT:</b>	Branson Starns 19000 N. 162 <sup>nd</sup> St. Greenwood, NE 68366 402-450-0014	Ron & Brenda Wiggle 18900 N. 162 <sup>nd</sup> St. Greenwood, NE 68366 402-525-3241
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**LOT AREA:** 8.34 acres, more or less

**ZONING:** AG Agricultural

**EXISTING LAND USE:** Two single family houses

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agricultural	Farm ground
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground
West:	AG Agricultural	Farm ground

**TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Article 4.017 C(1) requires a side yard setback of 15 feet. A variance to reduce the side yard setback from 15 feet to 5 feet for accessory buildings and to reduce the lot size for Lot 6 is requested.

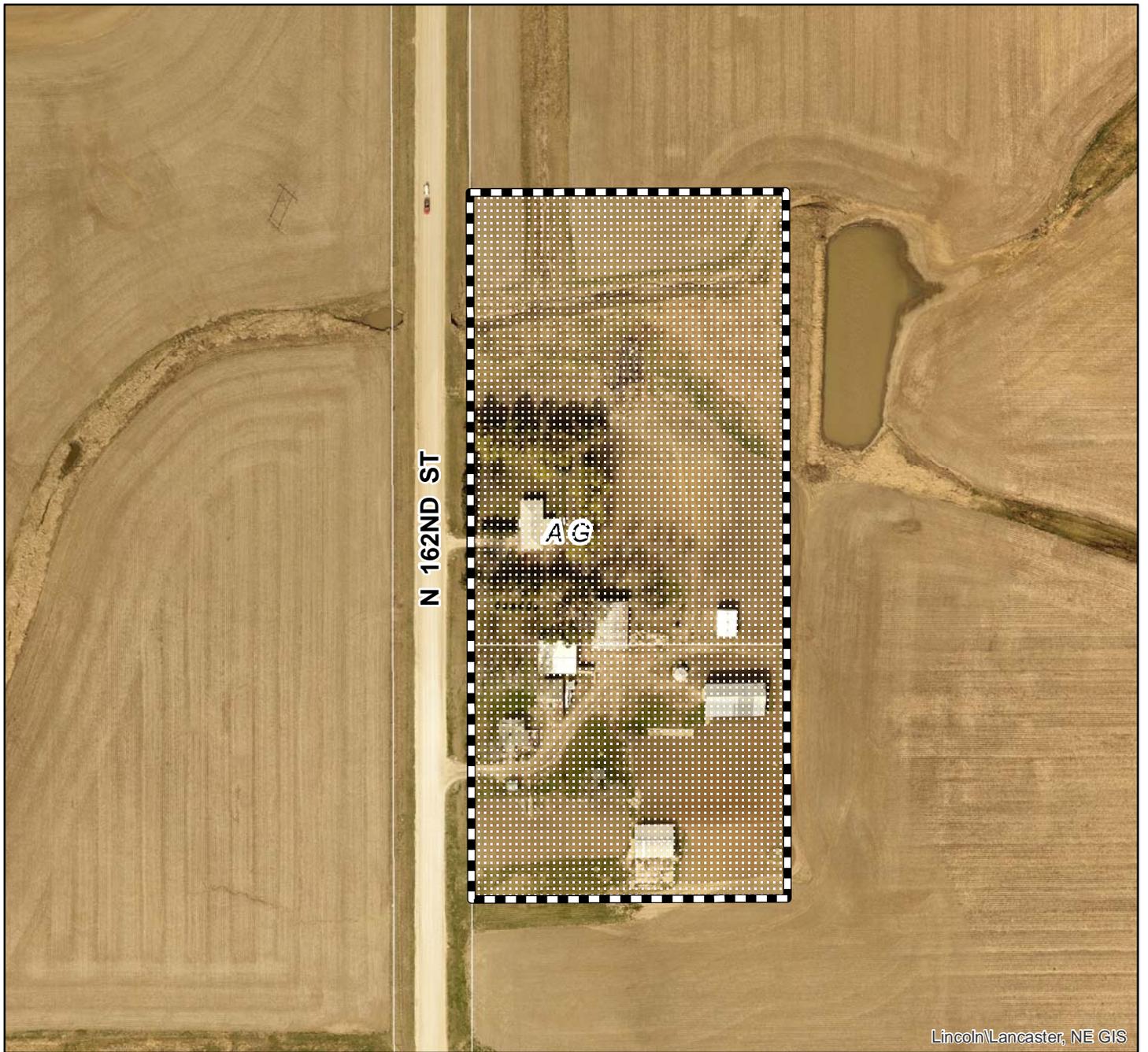
**STAFF FINDINGS:**

1. This is a request to reduce the side yard setback from 15 feet to 5 feet. The applicants purchased the property in September 2017. The accessory buildings on both lots either cross the lot line or are in the 15' setback.

2. The previous owner owned both lots. When adjacent lots are owned by the same owner it is legal to cross the lot line between the two lots.
3. The current property owners would like to adjust the lot line between the two lots so that the accessory buildings do not cross lot lines and are out of the side yard setback. To maintain a 15' side yard setback would be difficult without moving or removing some of the accessory structures
4. The other difficulty in maintaining a 15' side yard setback is that Lot 6 I.T. cannot decrease in size because the lot is less than 20 acres. Lot 6 I.T was created before the 20 acre minimum lot size under AG zoning was in effect. A variance is needed to decrease the lot size of Lot 6 I.T. The applicant is requesting to reduce the area of Lot 6 I.T by .14 acres.
5. It is not unusual for an owner to own two lots and build across the lot line.
6. Lot 1, Vinson Acres was created in August 2015. It was a replat of Lot 10 I.T. At the time Lot 10 was a 13 acre lot. The Vinson Acres final plat created a 3 acre lot for the existing house and the remainder of Lot 10 was merged with Lot 9 to create Outlot A, Vinson Acres.
7. 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.

Prepared by

Tom Cajka  
Planner



Lincoln\LANCASTER, NE GIS

2016 aerial

**Board of Zoning Appeals #: BZA18002**  
**N 162nd St & Rock Creek Rd**

**Zoning:**

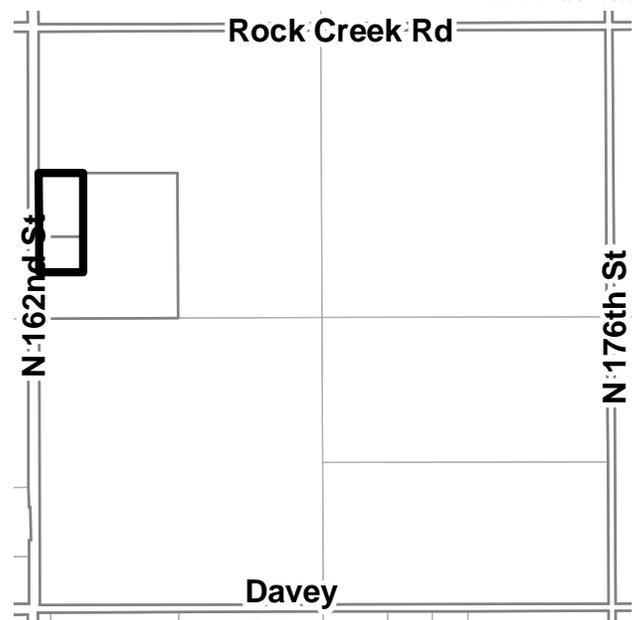
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.23 T12N R08E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



# N. 162ND STREET

## LOT 6

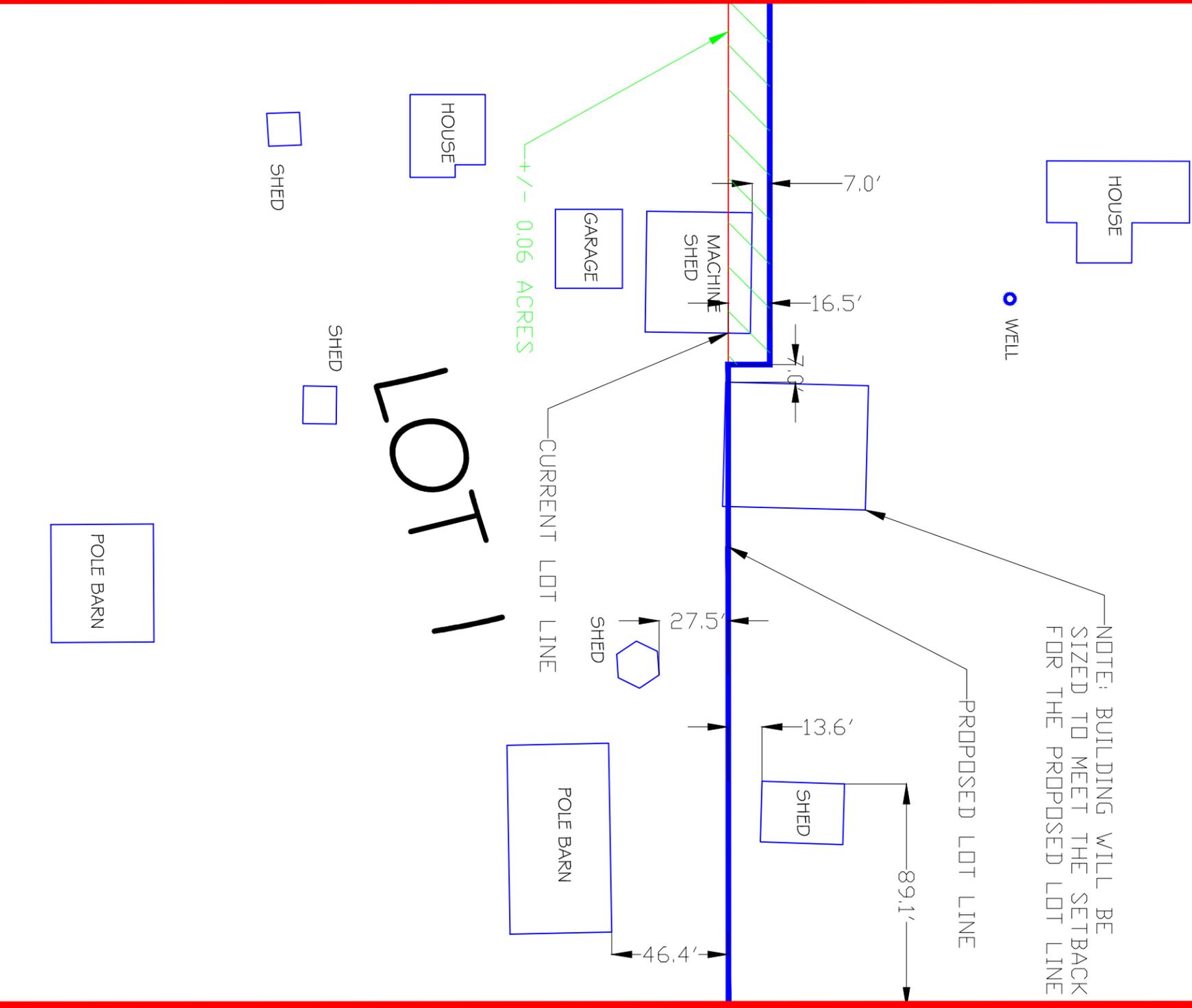
NOTE: BUILDING WILL BE SIZED TO MEET THE SETBACK FOR THE PROPOSED LOT LINE

PROPOSED LOT LINE

CURRENT LOT LINE

+/- 0.06 ACRES

## LOT 1



WELL

Tom Cajka,

We are requesting a variance to reduce the side yard setbacks to 5 feet for the properties located at 19000 N. 162<sup>nd</sup> Street, Greenwood NE 68366 and 18900 N. 162<sup>nd</sup> Street, Greenwood NE. We are also requesting a variance for the lot size in which lot 6 would be reduced in acreage by no more than .14 Acres (Present size of 5.34 being reduced to 5.2 Acres) and lot 1 would be increased by .14 Acres (Present size of 3 acres being increased to 3.14 Acres). The variance request is brought about due to the present property line cutting through two buildings, with each building being owned by separate individuals. The change in the side yard setback would allow for both buildings to remain on the property and the change in the lot size will allow for a much cleaner looking property line.

Note: One building will be shortened to meet the approved variance requirements (see exhibit).

Included is an exhibit showing the proposed property line boundary (blue line).

Additional attachments include the application form with both parties contact information listed.

Thank you,

Branson Starns

Ron and Brenda Wigle

**COUNTY BOARD OF ZONING APPEAL #18003**

**DATE:** April 3, 2018

**DATE SCHEDULED FOR PUBLIC HEARING:** April 13, 2018

**LOCATION:** Generally located at West Yankee Hill Road and SW 84<sup>th</sup> Street

**ADDRESS:** South of 8600 SW 84<sup>th</sup> Street.

**LEGAL DESCRIPTION:** Lot 32 in Section 26, Township 9 North, Range 5 East, Lancaster County, NE

**APPLICANT:** Jason Krysl  
1621 SW 84<sup>th</sup> St. Circle  
Lincoln, NE 68522  
913-558-1393

**LOT AREA:** 5.18 acres, more or less

**ZONING:** AG-Agricultural

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North: AG Agricultural	Two single family houses on acreages.
South: AG Agricultural	Acreage development
East: AG Agricultural	Acreage development
West: TA Transitional Agricultural	Farm ground

**TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Section 4.017(a) requires a minimum lot size of 20 acres. A variance to reduce the minimum lot size from 20 acres to 5 acres is requested.

**STAFF FINDINGS:**

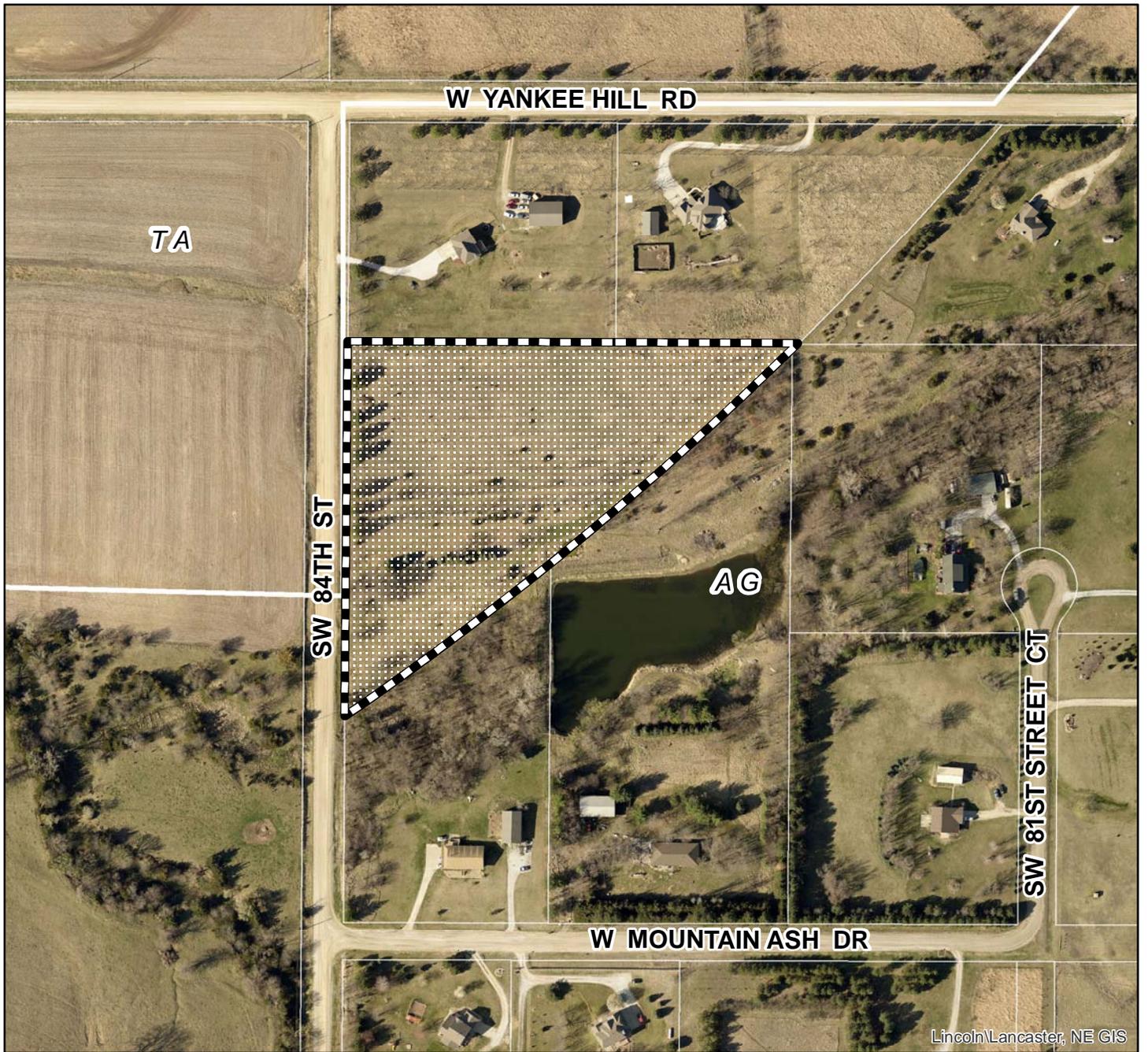
1. Lot 32 was created in November 1997. At the time Lot 32 was under the zoning jurisdiction of Denton. Lot 32, along with 2 other lots, were approved by the Denton Village Board on November 3, 1997.

2. The applicant purchased the property in 2015 thinking it was a buildable lot. Without the approval of this variance, the lot is unbuildable.
3. In 2014 Denton changed the method of determining their zoning extra territorial jurisdiction to create a boundary that follows existing lot lines. In so doing some areas, including this one, were no longer under Denton's zoning jurisdiction.
4. The other 2 lots that were created at the same time as Lot 32 both have houses on them. The houses were built when the lots were under Denton's zoning jurisdiction.
5. Section 3.07 of the Lancaster County Zoning Resolution specifies that all territory which may become part of the unincorporated part of the County through disincorporation or for some other reason shall automatically be classified in the AG Agricultural district.
6. Under Lancaster County zoning the minimum lot size in the AG District is 20 acres. With this lot only being 5.18 acres it is unbuildable under Lancaster County zoning.
7. It is very unusual to have land revert back to County zoning. Prior to 2014 it appears this had never happened. This case is the first circumstance where the reversion caused a problem. A text amendment to the zoning resolution is being considered due to this new problem.
8. 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.

Prepared by

Tom Cajka  
Planner

F:\DevReview\BZA\18000\BZA18003 Krysl residence.tjc.docx



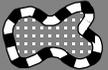
2016 aerial

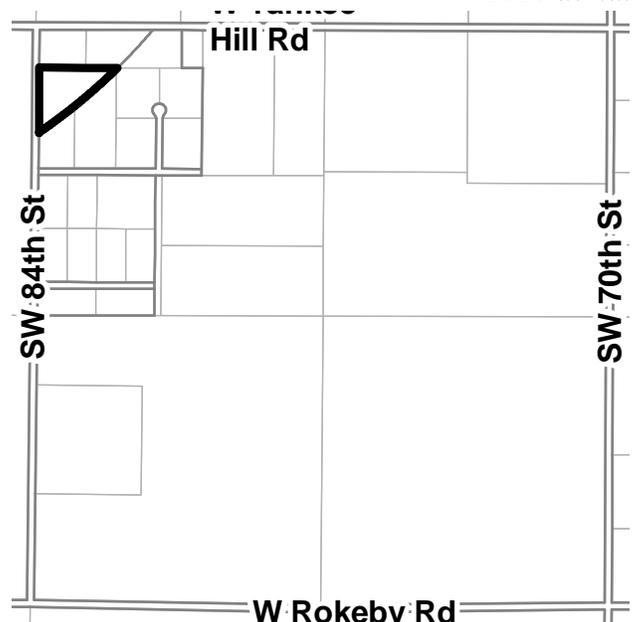
**Board of Zoning Appeals #: BZA18003**  
**SW 84th St & W Yankee Hill Rd**

**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 T09N R05E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



March 15, 2018

Board of Zoning Appeals:

As owner of lot 32 in the N.W. ¼, Section 26, Township 9N, Range 5E, which lies within Lancaster county's area of jurisdiction; I would like to request a zoning variance to reduce the required acres for a buildable single-family residence from 20ac to 5ac. In the following provided information, I hope you will find justification for such a variance.

The above-mentioned lot adjoins 70+/- acres which is a subdivision called Winsor Ridge West. This subdivision was created in 1979. At the time all of this NW quarter of ground (except for roughly 12acres in the NW corner of the quarter) fell within the jurisdiction of Lancaster county. The previously mentioned 12acres were within the 1-mile circumference of the village of Denton's jurisdiction. These 12acres were left as a standalone lot designated lot 20.

In October of 1997, the then owners of lot 20 (Ryan and Wanda Renz) petitioned the trustees of the village of Denton to subdivide this lot into (3) 3 acre plus lots for a residential subdivision. (Please see attached copy of the letter)

On November 3, 1997 at a meeting of the Board of Trustees of the Village of Denton, the board approved the request for the creation of the Renz subdivision. (Please see attached copy of the meeting minutes)

On November 13, 1997 the Village Clerk of Denton submitted the attached letter and survey of the newly created subdivision to the Register of Deeds. (Please see attached copy of letter and survey)

As I understand it, sometime within the last decade the area of jurisdiction was changed from a circular 1-mile radius around Denton to a rough approximation that follows the roads. (Please see attached map). This change moved my lot (parcel 3) and the other two lots (parcels 1 & 2) of the subdivision from Denton jurisdiction to Lancaster county jurisdiction.

My wife and I purchased the lot in the spring of 2015 with the intention to build a home. After reviewing the Lancaster County Appraisal Card (please see attached) and receiving the protective covenants (please see attached) I made the assumption that it was allowable to build a single-family dwelling.

In conclusion, if you reference the attached satellite view (attached) taken from Lancaster County's Parcel Viewer, I hope you will find that a residence built on this lot will be in keeping with the nature of the neighborhood. After reviewing the above information, I hope you will find that this was a clerical error/loophole that fell through the cracks when the jurisdictional borders were redrawn.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Jason Krysl', written in a cursive style.

Jason Krysl

**VILLAGE OF DENTON**

**P.O. BOX 132**

**DENTON, NE 68339**

**PHONE 797-2020**

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November 13, 1997

Register of Deeds:

Please file Survey Record enclosed for the Renz Subdivision. The Village Board approved the subdivision request at their November 3, 1997, Village Board meeting.

Also enclosed is a check for \$6.50 for filing fees.

Sincerely,



Charlotte Te Brink  
Village Clerk/Treasurer

enclosure

October 7, 1997

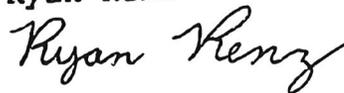
Dear Denton City Council,

As owners of lot 20 in the N.W. 1/4, section 26, T9N, R5E, which lies within the one mile radius of Denton. We would like to divide this lot into three lots, all being over 3 acres to be used for residential acreages. Currently 70+ acres adjoining this lot is a subdivision called Winsor Ridge West.

See survey and plat for a detailed picture.

Sincerely,

Ryan Renz



Wanda Renz



*RULES*  
*Planning* ✓ *WRITTEN*  
*BY MIKE DEKALBIN 77'*

*PLEASE CALL ME*  
*913-558-1393*  
*JASON KRYSL*

**Village of Denton**  
**Meeting Minutes**  
**November 3, 1997**

A regular meeting of the Board of Trustees of the Village of Denton, Nebraska, was held at the Denton Community Center, November 3, 1997, at 7:00 p.m.

Chairman Leonard Ferguson called the meeting to order at 7:00 p.m. Notice of meeting was given in advance thereof by posting in three public places, the designated method of filing notice. Notice of the meeting was given to the Chairman and Board of Trustees. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Trustees present: Bill Edwards, Leonard Ferguson, Barb Gadwood and Dave Backes. Rosekrans joined the meeting at 7:30 p.m.

*Motioned by Gadwood seconded by Backes to approve the meeting minutes for the October 6 & 27, 1997, village board meetings. Carried.*

**1. REPORTS.**

<b>a. Treasurer's Report.</b>	General	\$50,811.55
	Streets	2,484.10
	Water	8,235.15
	Sewer	33,289.69
	Community Center	1,863.50
	Community Events	2,826.97
	Keno	82,417.84
	Keno Reserve	323,148.45

*Motioned by Edwards, seconded by Gadwood to approve the Treasurer's Report as read. Unanimous.*

**b. September Keno Report.**

Gross Proceeds	\$387,561.46
Payout Percentage	84.12%
Unclaimed Winnings	877.64
Village Allocation	24,253.84

**2. Unfinished Business.**

- a. Administrative Subdivision request Ryan Renz.** Ryan and Wanda Renz were present at the meeting requesting approval to subdivide Lot 20, located at W Yankee Hill Rd and SW 84<sup>th</sup> Street. The subdivision request is for three 3 acre plus lots. Mr. Renz did not have a copy of the general provisions for an administrative subdivision. A copy of the provisions were given to him at this time. Mr. Renz

answered the trustees' questions about sewer and water plans. *Backes motioned to approve the administrative subdivision called the Renz subdivision. Unanimous.* The clerk will file the subdivision plat with the Register of Deeds and forward the filling cost and subdivision fee to Mr. & Mrs. Renz.

- b. Keno Contract Fifth Amendment.** The fifth amendment has been signed by both parties and became effective as of November 1, 1997. Pat Bartek stated that he would like the board to review their decision involving the pickle card provision in the contract. The board responded to Mr. Bartek's comments. Trustee Backes stated that he doesn't feel it is good practice to tell a business where to purchase their pickle cards. Trustees Edwards stated that exclusive contracts are common in business. Bartek recommended the village omit the pickle card clause and just offer a strong recommendation to the Denton Daily Double Keno to purchase their pickle cards from one of the three Denton suppliers. Backes stated that he feels strongly about amending the contract to omit the pickle card clause, because he is trying to prevent future problems for the village if the contract is broken. Motioned by Backes to adopt a Sixth Amendment to the Keno Contract by deleting Section 2 paragraph 24 and 15c of the Fifth Amendment. Seconded by Ferguson. Discussion with members of the audience including members of the Denton Community Activities Committee. Trustee Edwards stated that he feels comfortable with the clause at this time; based on the three pickle card suppliers: DCAC; Denton Legion; Southwest Fire Department. Upon the roll call vote the trustees voted as follows: Aye: Backes, Ferguson. Nay: Gadwood, Edwards, Rosekrans. Motion failed.
- c. Rate Saver Program.** National Bank of Commerce offered a rate of 10% for the rate saver program. Havelock Bank in conjunction with Crete State Bank offered a rate of 7.99%. Discussion. *Motioned by Backes, seconded by Gadwood to enter into agreement with Havelock Bank/Crete State Bank to offer a rate saver program to the property owners of the Village of Denton. Unanimous.* Attorney Lindahl will draft a contract to be reviewed at the next meeting.
- d. Front & Austin Street Project-First reading of Ordinance 97-11-1.** Clerk read ordinance by title. *Motioned by Rosekrans, seconded by Gadwood to approve the first reading of Ordinance 97-11-1 to Purchase land for Front Street. Carried. Motioned by Ferguson, seconded Rosekrans to waive the statutory requirement for three readings and move for final passage of Ordinance 97-11-1. Motion carried.*

#### ORDINANCE 97-11-1

AN ORDINANCE OF THE VILLAGE OF DENTON, LANCASTER COUNTY, NEBRASKA, TO ACQUIRE AN INTEREST IN REAL PROPERTY BY PURCHASE OR EMINENT DOMAIN FOR THE PURPOSE OF THE WIDENING AND IMPROVING THAT PORTION OF FRONT STREET LYING BETWEEN AUSTIN AVENUE AND W DENTON ROAD; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AS PROVIDED BY LAW.

# Survey Record

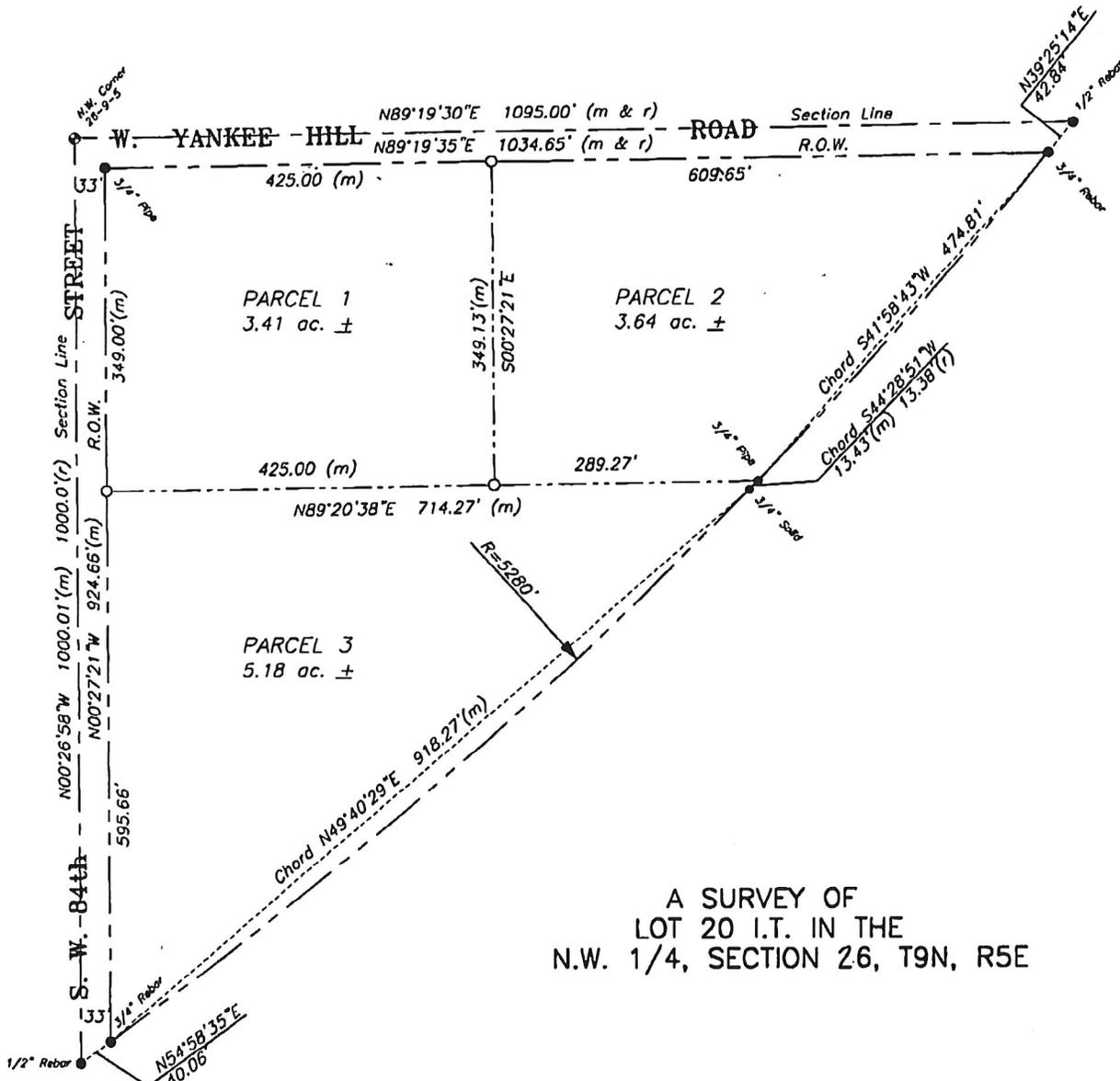
PREPARED BY

## TRANSIT ENGINEERING

6500 PIONEERS BLVD. LINCOLN, NE 68506  
(402) 489-8874



Scale: 1"=150'



A SURVEY OF  
LOT 20 I.T. IN THE  
N.W. 1/4, SECTION 26, T9N, R5E

### SURVEYOR'S CERTIFICATE

I, Kenneth B. Smith, a Registered Land Surveyor in the State of Nebraska, hereby certify that this survey was made under my direct supervision on September 25, 1997 and that all dimensions shown are in feet and decimals of a foot and are correct to the best of my knowledge and belief.

*KB Smith*

Kenneth B. Smith, Nebraska L.S. No. 250

#### LEGEND

- Corners Found
- Corners Found
- Corners Set (1" Pipe unless noted otherwise)
- △ Temporary Point
- r Recorded Distance

