

COUNTY BOARD OF ZONING APPEALS

NOTICE: Notice is hereby given that the County Board of Zoning Appeals will hold a public hearing on Friday, **February 14, 2020**, at **2:30 p.m.**, in the City Council Chambers, 555 South 10th Street, County-City Building, Lincoln, Lancaster County, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

AGENDA

FEBRUARY 14, 2020

1. Approval of minutes of the County Board of Zoning Appeals meeting held April 13, 2018.

PUBLIC HEARING AND ACTION:

2. **BOARD OF ZONING APPEALS 20001**, requested by Jonathan Miller, to reduce the required frontage from 550 feet to zero feet on property generally located at SW 126th Street and W. Rokeby Road.

The County Board of Zoning Appeals agenda may be accessed on the Internet at <http://www.lincoln.ne.gov/city/plan/bdscom/cbza/index.htm>

Meeting Minutes

MEETING RECORD

NAME OF GROUP: COUNTY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, April 13, 2018, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jeff Frack, Herschel Staats, and Ed Woepfel; Matthew Warner absent. The fifth seat of this Board is vacant. Ron Rehtus of Building and Safety; Jennifer Holloway of County Attorney's Office; Ron Rehtus of Building and Safety, Tom Cajka and Amy Huffman of the Planning Department.

STATED PURPOSE OF MEETING: Regular County Board of Zoning Appeals Meeting

Chair Woepfel opened the meeting and acknowledged the posting of the Open Meetings Act in the room.

Woepfel called for a motion approving the minutes of the regular meeting held November 17, 2017. Motion for approval made by Staats, seconded by Frack and carried, 3-0: Frack, Staats, and Woepfel voting 'yes'; Warner absent.

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, GENERALLY LOCATED AT 18900 AND 19000 N. 162ND STREET, GREENWOOD, NE.
PUBLIC HEARING: April 13, 2018

Members present: Frack, Staats, and Woepfel; Warner absent.

There were no ex parte communications disclosed.

Branson Starns, 19000 N. 162nd Street, Greenwood, NE, came forward to state the issue is that two buildings sit on both sides of the property line. Reducing the setback would allow the property line to be moved between buildings. This reduction in lot size will allow cleanup of all the lot lines in a logical way. The buildings have been on the property for decades, so his original hope was that they could somehow be grandfathered in. It would be a significant burden to remove the building. It is the main power hub where everything runs to there and gets distributed elsewhere. The building is also a steel-framed, 40' x 60', and paved, so replicating it would be very expensive. When they bought the property, they were under the impression that the setback was smaller, which is unfortunately not the case. They were far enough along in the purchase that they could not back out, not that they necessarily would have.

Frack asked if their lot was the north Lot 6. Starns said that is correct. The building will be sized to meet the new setback. Frack asked if part of the building will be removed. Starns said yes, the

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south end. The line to the south will be kept as-is, and the building will be shortened to meet the setback requirement. The overhead door will be moved to the north end. It will improve the property.

Staats asked when the property was purchased. Stars said last September. He will shorten the edge of the building to the east so they will be in line.

Tom Cajka, Planning Department, stated this applicant also has a final plat under review. If approved, the building will have to comply with that setback at the time. The two variances are to reduce the setback from 15 to 5 feet, and to reduce the lot size by 0.1 acre. The second variance is necessary because these lots are required to be at least 20 acres in size; however, this lot was created prior to the zoning change in 1979, so it can be allowed if the variance is approved. They have been working to find a solution for six months.

There was no public testimony on this item.

ACTION:

April 13, 2018

Staats moved approval of the variances, seconded by Frack.

Woerner commented that that map shows the problem very clearly. It is wise that this problem is being corrected rather than letting the issues drag on. He thanked the two neighbors and staff for working together to find a solution.

Motion carried, 3-0: Frack, Staats and Woeppel voting 'yes'; Warner absent.

COUNTY BOARD OF ZONING APPEALS NO. 18003, REQUESTED BY JASON KRYSL, TO REDUCE THE MINIMUM LOT AREA, GENERALLY LOCATED AT W. YANKEE HILL ROAD AND S.W. 84TH STREET.

PUBLIC HEARING:

April 13, 2018

Members present: Frack, Staats, and Woeppel; Warner absent.

There were no ex parte communications disclosed.

Jason Krysl said he and his wife purchased the property a couple of years ago. At the time the house was built, the person subdividing snipped off a 12-acre corner which is part of Denton's area of jurisdiction. Since then the owner talked to the Board of Trustees to subdivide the land into the three lots that are there today. The lots to the north had houses built on them. Since 2014, the area of jurisdiction has been redrawn. If he understands correctly, the area of was drawn to follow Yankee Hill road, not a perfect circle, so now the County has jurisdiction and the 20-acre subdivision rule applies.

Frack asked if the other lots have houses. Krysl said there are 22 lots on that corner, and this is pretty much the only one without a house. Frack noted that there is no other option.

There was no public testimony on this item.

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ACTION:

April 13, 2018

Frack moved approval of the variances, seconded by Staats.

Woerner commented that it makes sense that this lot is intended to have a house on it, rather than someone trying to farm the small area. It makes sense to complete the project and have the property be included on the tax rolls.

Motion carried, 3-0: Frack, Staats and Woepfel voting 'yes'; Warner absent.

There being no further business, the meeting was adjourned at 2:49 p.m.

Please note: These minutes will not be approved by the Board until the next regular County Board of Zoning Appeals hearing.

COUNTY BOARD OF ZONING APPEAL #20001

DATE: February 5, 2020

DATE SCHEDULED FOR PUBLIC HEARING: February 14, 2020

LOCATION: Generally located at SW 126th Street and West Rokeby Road

ADDRESS: No address. Adjacent to 12715 W. Rokeby Road

LEGAL DESCRIPTION: Lot 23 Irregular Tract, NE ¼ of Section 31, Township 9 North, Range 5 East, Lancaster County, NE

APPLICANT: Jonathan Miller

LOT AREA: 27.12 acres

ZONING: AG-Agriculture

EXISTING LAND USE: Undeveloped/agriculture

SURROUNDING LAND USE AND ZONING:

North:	AG-Agriculture	undeveloped and single family dwellings
South:	AG-Agriculture	single family dwelling on 20 acre lot
East:	AG-Agriculture	single family dwellings on 20 acre lots.
West:	AG-Agriculture	single family dwellings on 20 acre lots.

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 waive the frontage requirement from 550 feet to zero feet to allow Lot 23 to be a buildable lot.

STAFF FINDINGS:

1. The applicant is requesting to waive the frontage requirement from 550 feet to zero to allow Lot 23 to be a buildable lot.
2. The lot was created on May 11, 2017. The applicant purchased the lot in August 2017 assuming it was a buildable lot.
3. Prior to September 2002 building permits and zoning could not be enforced on parcels of 20 acres or more per State Statute. Resolution R-02-0106 passed on

September 17, 2002 required building permits and conformance with zoning regulations for non-farm buildings used as residences regardless of the size of the parcel.

4. Although frontage was required after September 17, 2002, the Building and Safety Department staff were instructed by the County Board to not enforce the frontage requirement on parcels of 20 acres or more after 2002. The frontage requirement has been enforced **since 2014**.
5. This lack of enforcement of frontage resulted in many parcels with no street frontage or less than the 550 feet required. A text amendment was done in May 2017 to address this issue. The text amendment allows that lots created prior to January 1, 2017 that are 20 acres or more are not required to have frontage.
6. The applicant's letter states that other lots in the area were granted a variance. These lots did not receive a variance. The lots either have the required frontage or were created prior to January 1, 2017.
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.

Prepared by

Tom Cajka
Planner



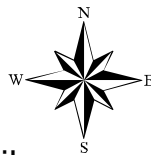
City of Lincoln Lancaster County, NE

2018 aerial

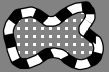


Board of Zoning Appeals #: BZA20001
SW 126th St & W Rokeby Rd

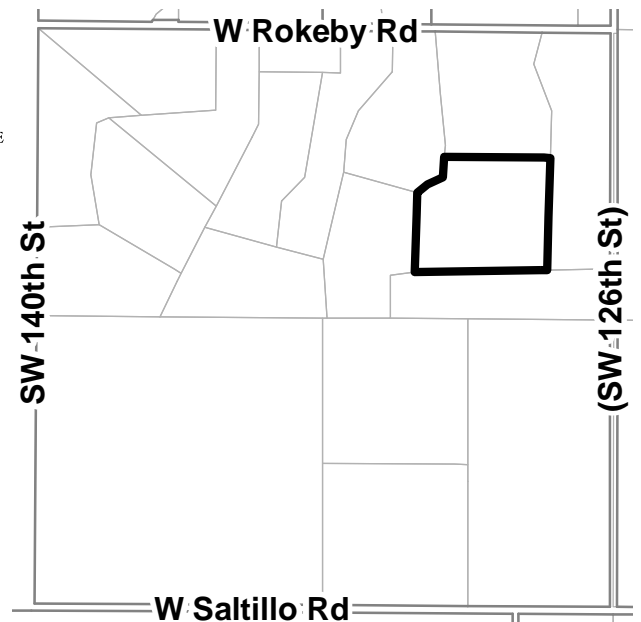
Zoning:

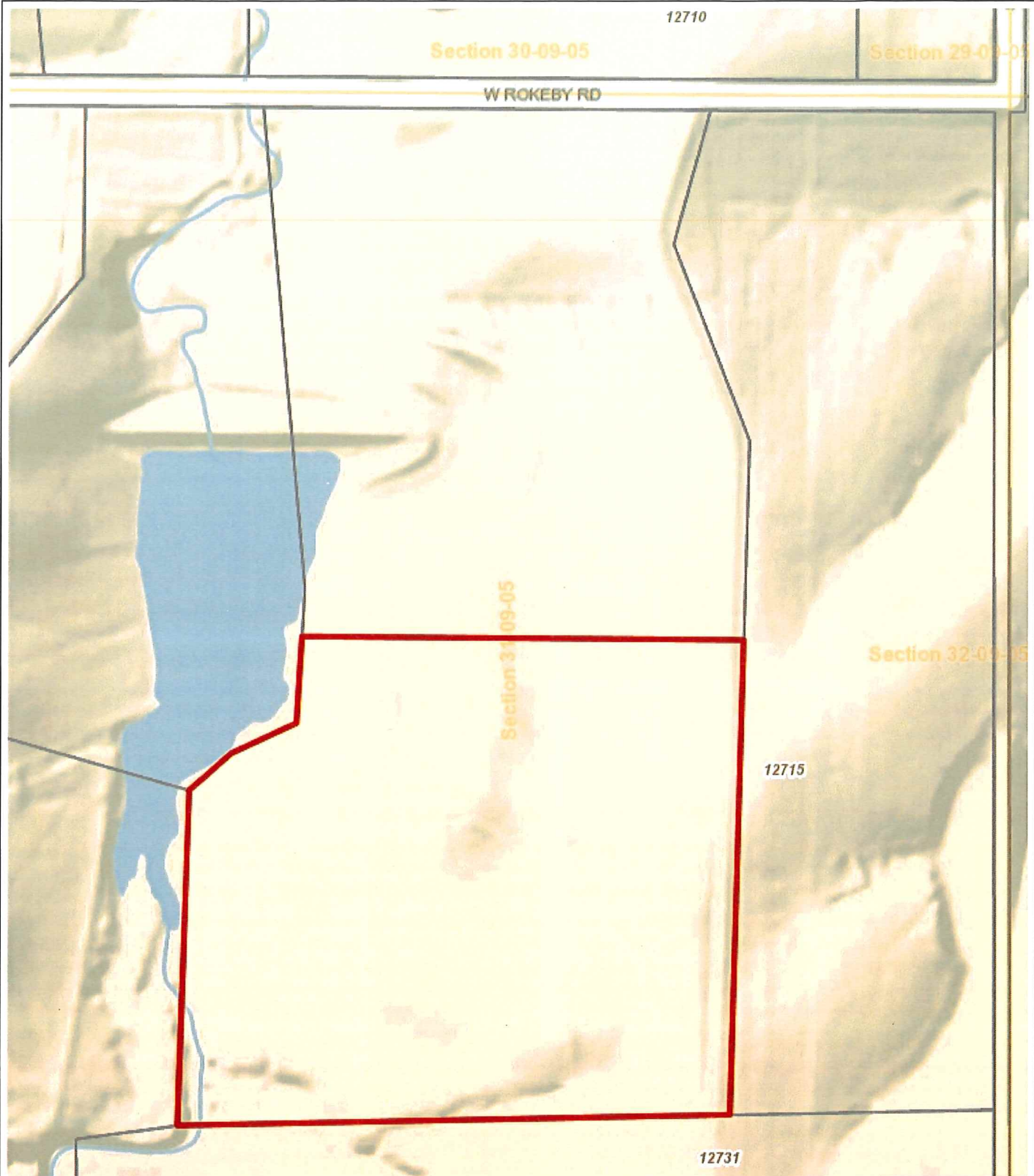
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.31 T09N R05E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





Printed: 1/17/2020

Map Scale
1: 4,514



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email assessor@lanaster.ne.gov and you will be directed to the appropriate department.

Jonathan Miller
995 N 2nd Avenue
Springfield, NE 68059

January 17, 2020

David Cary
Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Petition to the Board of Zoning Appeals

Dear David,

My wife and I are the owner of the lot located at **S31, T9, R5, 6th Principal Meridian, LOT 23 NE** in Lancaster County just Southwest of Denton, NE. We purchased the lot on May 22, 2017 with an initial down payment and closed in August of 2017. The parcel was created on May 8, 2017 and it was both our and the developers understanding that the lot would qualify for a building variance as all other lots within the subdivision with similar features had already been granted building variances.

It was brought to my wife and I's attention in December of 2019 that the lot we purchased would not meet the requirements to build a house on due to the lack of 550' of frontage road, despite adjacent lots without the same 550' of frontage road already having houses on the properties or in the process of construction at the time of this submission. Our property is connected to W Rokeby Road via a 60' wide easement shared by four properties. Please find enclosed a copy of the County Application Form and a check for the application fee in the amount of \$412.00 made payable to Lancaster County, Nebraska.

I currently work in Martell, NE and have plans to build a home on the lot soon. My wife and I purchased the land right out of college in hopes that we could someday build our dream house on the property. This variance is necessary to permit my wife and I to build on the land. All other lots within the subdivision without the required 550 feet of frontage have been granted a variance and allowed to construct a single family dwelling on their respective lots. Most of our savings have been used for the payment of this land purchased and the land is essentially worthless if not buildable due to the covenants of the subdivision and the inability to construct a home due to the restrictions set forth by the County. Thank you for your consideration of this petition.

Regards,


Jonathan Miller