

**Lancaster County**

**BOARD OF ZONING APPEALS**

**AGENDA**

**BOARD OF ZONING APPEALS**

Jeff Frack  
James Pinkerton  
Herschel Staats  
Matthew Warner  
Ed Woepfel

**August 14, 2020**



# COUNTY BOARD OF ZONING APPEALS

NOTICE: Notice is hereby given that the County Board of Zoning Appeals will hold a public hearing on Friday, **August 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

**AUGUST 14, 2020**

1. Approval of minutes of the County Board of Zoning Appeals meeting held June 12, 2020.

### PUBLIC HEARING AND ACTION:

2. **BOARD OF ZONING APPEALS 20004**, requested by Mike Elwood, to reduce the front yard setback, on property generally located at 6000 Olive Creek 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>



**COUNTY BOARD OF ZONING APPEAL #20003**

**DATE:** August 4, 2020

**DATE SCHEDULED FOR PUBLIC HEARING:** August 14, 2020

**LOCATION:** S. 54<sup>th</sup> Street and Olive Creek Road

**ADDRESS:** 6000 Olive Creek Road

**LEGAL DESCRIPTION:** Lot 37 I.T. located in Section 9, Township 7 North, Range 7 East, Lancaster County, NE

**APPLICANT:** Mike Elwood  
330 S. Harrison  
Hallam, NE 68368

**LOT AREA:** 2.5 acres, more or less

**ZONING:** AG-Agricultural

**EXISTING LAND USE:** Single family house and accessory buildings

**SURROUNDING LAND USE AND ZONING:**

North: AG Agricultural	Farm ground
South: AG Agricultural	Farm ground and one house
East: AG Agricultural	Farm ground
West: AG Agricultural	Farm ground and 2 houses

**TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Section 4.017 Height and Area Regulations requires a front yard setback of 50 feet. A variance to reduce the front yard setback from 50 feet to 20 feet is requested.

**STAFF FINDINGS:**

1. Lot 37 was created by County Administrative Subdivision #04013 on October 4, 2004.
2. At the time of the subdivision an existing house was located more than 50 feet from the front lot line. The house was razed and a new house was built in its current location.

3. A building permit was issued by the Lincoln Building and Safety Department for the house at its current location. The house should have been setback 50' from the front lot line, but was approved with a 20' setback from the front property line.
4. The applicant recently applied for a building permit to expand and renovate the house. The expansion is approximately 40 feet from the front lot line. The variance is needed to bring the house into conformance and to obtain a building permit for the expansion.
5. If the variance is denied, the house would have to be moved to meet the 50' front yard setback.
6. Section 19.003 (2) Powers Relative to Variances states: "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

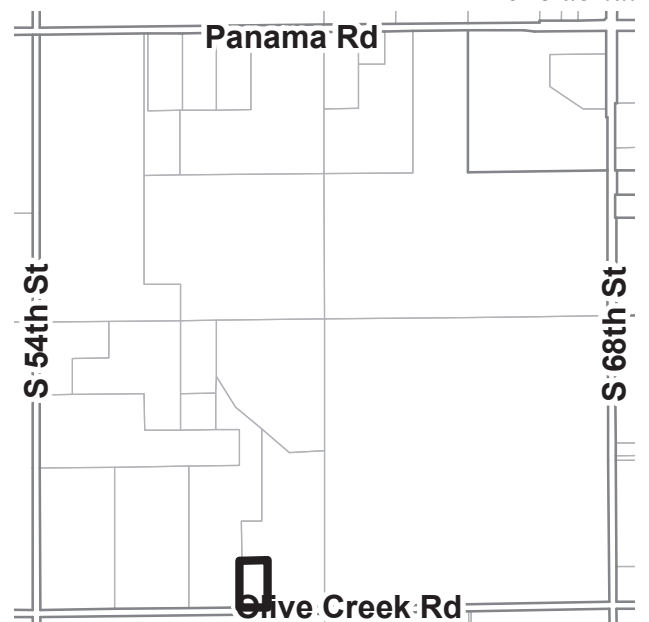
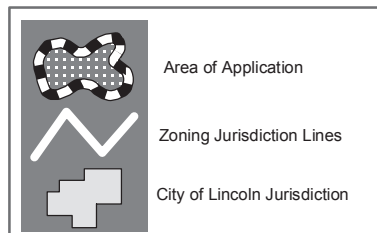
2018 aerial

**Board of Zoning Appeals #: BZA20004**  
**S 54th St & Olive 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

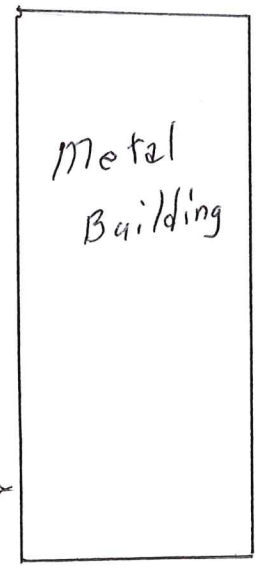
One Square Mile:  
 Sec.09 T07N R07E



↑ North

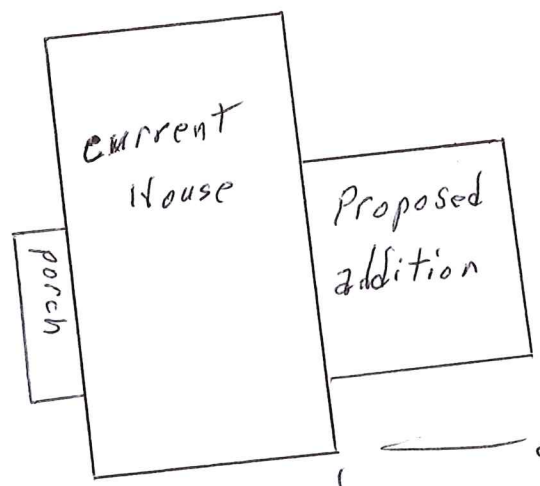
6000 Olive  
Creek Road

↑  
462'  
↓



← 22' →

↓ 10'6" ↑



20'

34'

92'

257'

no scale



July 4, 2020

Mike Elwood  
330 S Harrison St  
Hallam, NE 68368

To Planning Department  
Lancaster County

To whom it may concern:

I am applying for a BZA for my residential addition and remodel project. I applied for a building permit previously for my project at 6000 Olive Creek Road (#BC200147). My permit was denied due to the home being too close to the property line.

I am seeking a permit to reduce the setback requirement of my property. I recently purchased the acreage with the intent of renovating and expanding the home. I contacted Building and Safety staff about my intent before purchasing the property and was told that there were no obvious issues with my plan.

After applying for my permit, the permit was denied because the original house had been permitted in error by the inspector in 2004 when the modular home was installed on the property. We are seeking to greatly enhance the value of this property and already have had several neighbors express appreciation for the work we've done thus far.

Waiving the setback requirement will allow us to complete our renovations and addition, all of which will be no closer to the property line than existing structures.

I am planning to give testimony at the public hearing at the earliest time possible.

Sincerely,  
Mike Elwood  
402-217-7491