

# 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>

**COUNTY BOARD OF ZONING APPEAL #20001**

**DATE:** February 5, 2020

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

**LOCATION:** Generally located at SW 126<sup>th</sup> 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



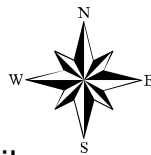
City of Lincoln Lancaster County, NE

2018 aerial

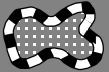


**Board of Zoning Appeals #: BZA20001**  
**SW 126th St & W Rokeby Rd**

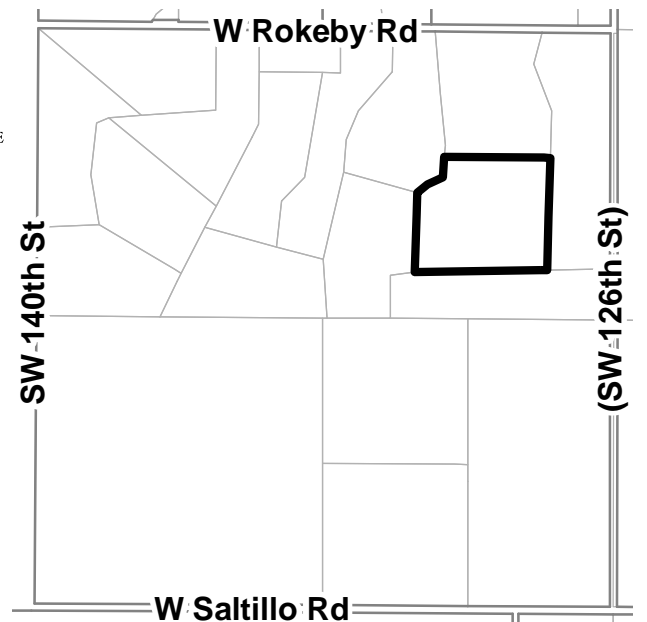
**Zoning:**

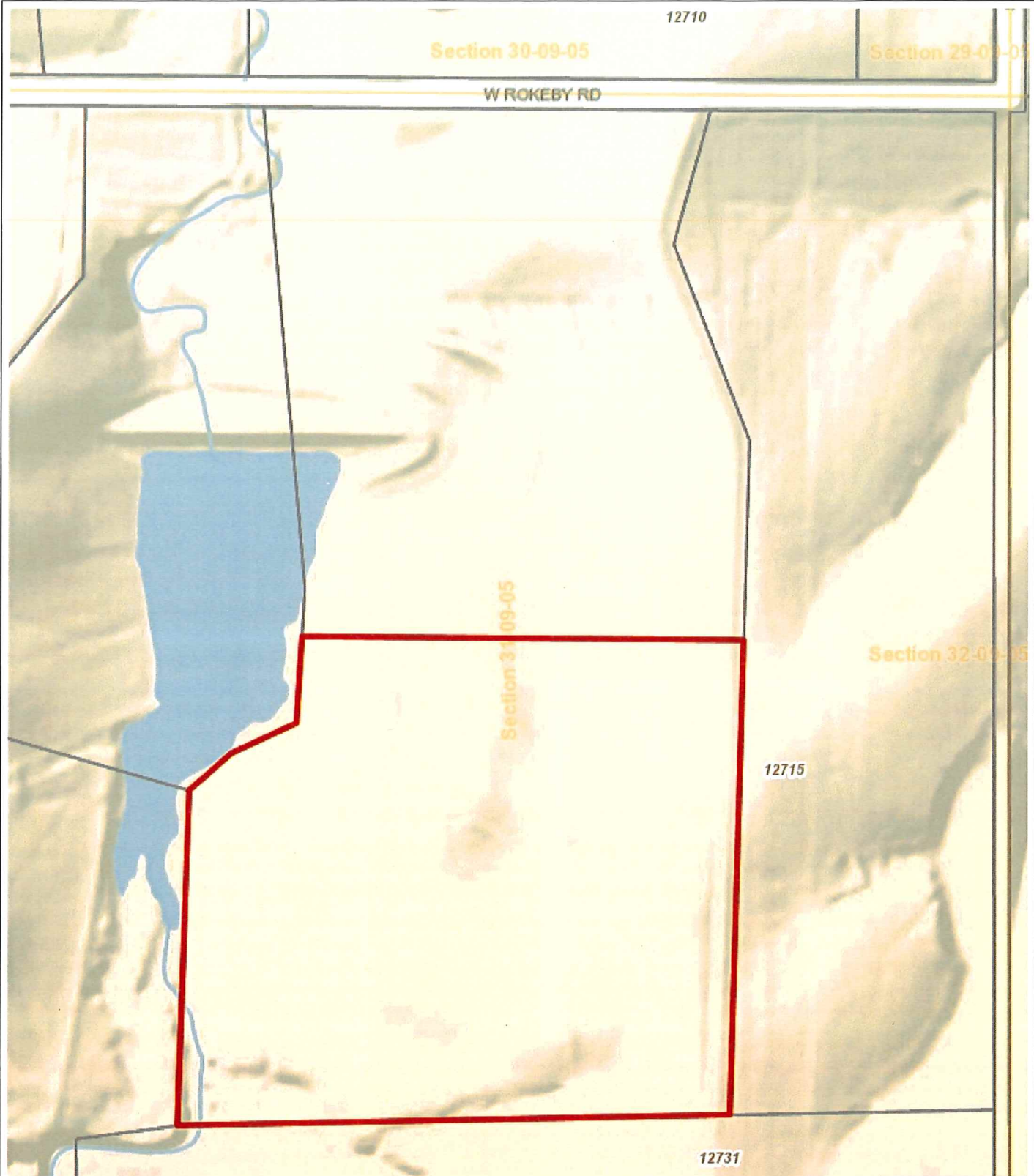
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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](mailto:assessor@lanaster.ne.gov) and you will be directed to the appropriate department.

Jonathan Miller  
995 N 2<sup>nd</sup> Avenue  
Springfield, NE 68059

January 17, 2020

David Cary  
Planning Director  
555 South 10<sup>th</sup> 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