

**Lancaster County**

**BOARD OF ZONING APPEALS**

**AGENDA**

**BOARD OF ZONING APPEALS**

Jeff Frack  
James Pinkerton  
Tai Pleasant  
Matthew Warner  
Ed Woepfel

**March 10, 2023**

# COUNTY BOARD OF ZONING APPEALS

NOTICE: Notice is hereby given that the County Board of Zoning Appeals will hold a public hearing on Friday, **March 10, 2023** 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

**March 10, 2023**

1. Approval of minutes of the County Board of Zoning Appeals meeting held February 10, 2023

### PUBLIC HEARING AND ACTION:

2. **BOARD OF ZONING APPEALS 23002**, requested by Rodney and Cheryl Koehler for a variance to reduce the required side yard setback from 15 feet to 4 feet for a garage, on property generally located at 4140 Princeton 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 #23002**

**DATE:** March 1, 2023

**DATE SCHEDULED FOR PUBLIC HEARING: March 10, 2023**

**LOCATION:** Generally located at S.38<sup>th</sup> St. and Princeton Rd.

**ADDRESS:** 4140 Princeton Rd.

**LEGAL DESCRIPTION:** Lot 38 Irregular Tract, SW ¼ of Section 17, Township 7, North, Range 7 East, Lancaster County, NE

**APPLICANT:** Rodney and Cheryl Koehler

**LOT AREA:** 20.37 acres

**ZONING:** AG-Agriculture

**EXISTING LAND USE:** Dwelling with accessory structures.

**SURROUNDING LAND USE AND ZONING:**

North:	AG-Agriculture	farm ground and dwellings
South:	AG-Agriculture	farm ground
East:	AG-Agriculture	acreage lots
West:	AG-Agriculture	farm ground and dwellings

**TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

Article 4.017(a) of the Lancaster County Zoning Regulations requires a setback of 15 feet from the side yard for accessory structures. This is a request to reduce the side yard setback for an existing accessory structure from 15 feet to 4 feet.

**STAFF FINDINGS:**

1. The applicant is requesting the side yard setback be reduced from 15 feet to 4 feet for an existing accessory building on Lot 38 I. T. The accessory building was built in 2006 per the applicant’s letter. There is no record of a building permit.
2. The applicant has submitted a Farmstead Split application to the Building & Safety Department (B&S) to reduce Lot 38 by approximately 2 acres and add the 2 acres to Lot 45, the adjacent lot to the west. Lot 45 currently is unbuildable due to it being less than 20 acres. Adding the 2 acres Lot 45 would make it 20.07 acres in size. In the review of the Farmstead Split B&S discovered that the

accessory building is only 4.3 feet from the side lot line. Lancaster County zoning regulations require a 15 feet setback for a side lot line.

3. Nebraska State Statute 23-114.03 exempts agriculture buildings from zoning and building permits if the parcel is a minimum of 20 acres. By reducing the parcel from 20.4 acres to 18.5 acres, the exempt status is lost and the accessory building must now conform to the zoning. This leaves four options; move the building, demolish the building, withdraw the farmstead split, or request a variance.
4. The applicant is not requesting a variance for the entire side lot line. This request is specifically for the accessory building as shown on Parcel A of the attached site plan.
5. 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.

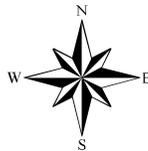
Prepared by

Tom Cajka  
Planner



2022 aerial

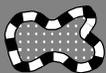
**Board of Zoning Appeals #: BZA23002**  
**S 38th St & Princeton Rd**

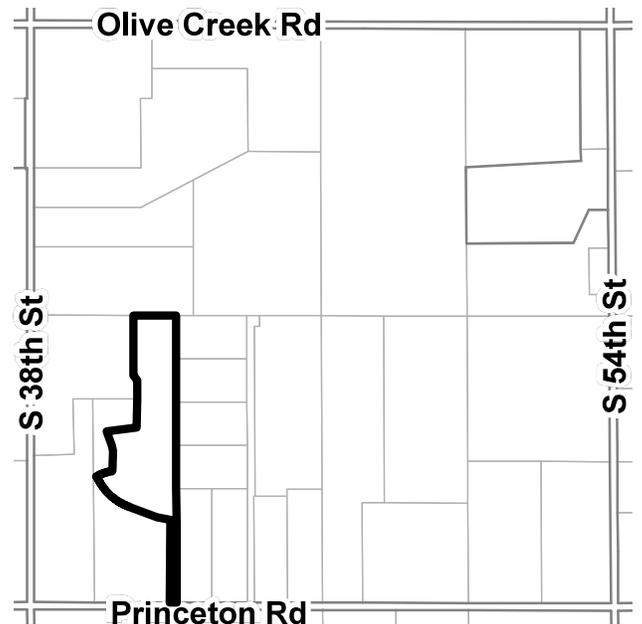


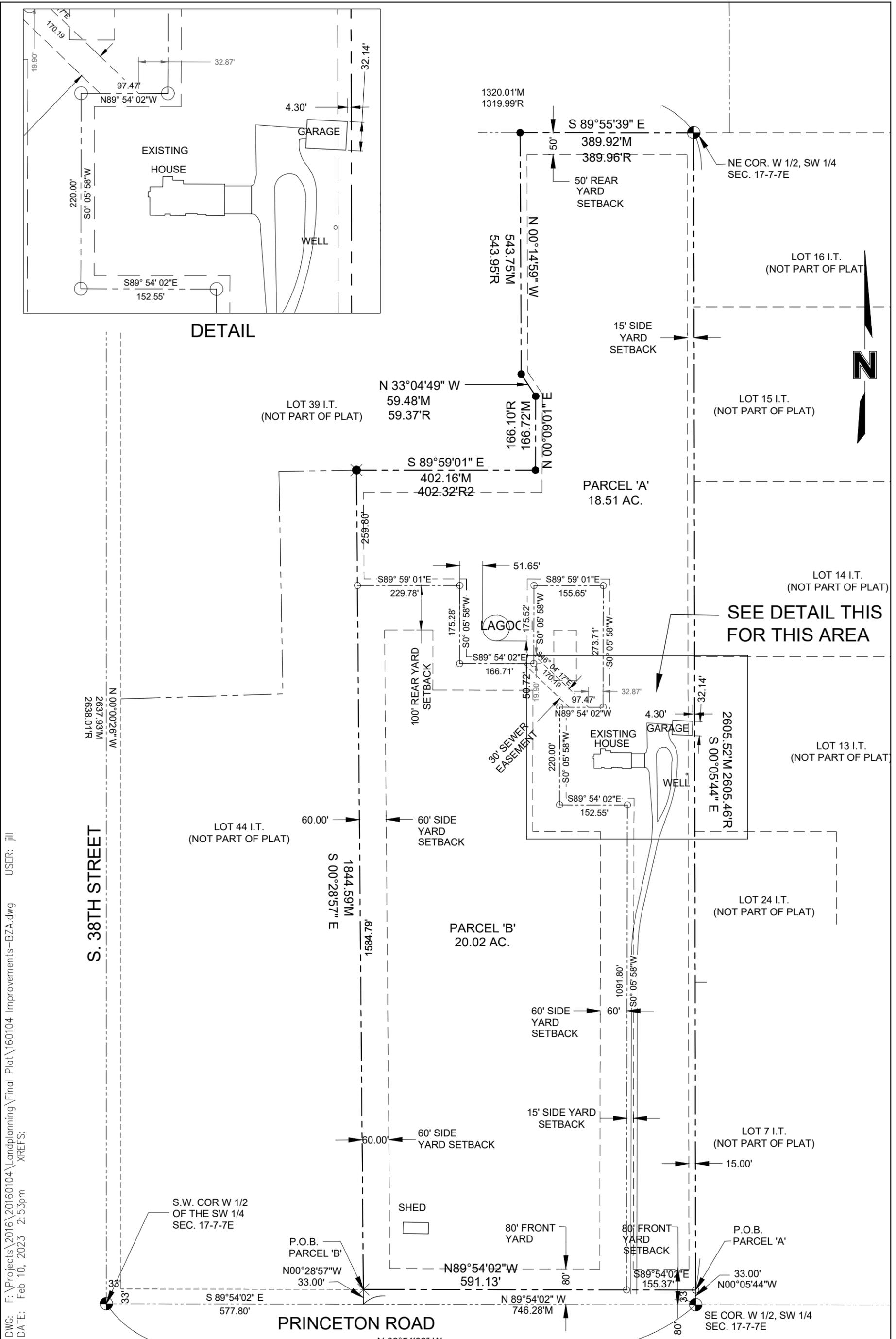
**Zoning:**

- 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.17 T07N R07E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





DWG: F:\Projects\2016\20160104\Landplanning\Final\_Plot\160104 Improvements-BZA.dwg  
 DATE: Feb 10, 2023 2:53pm XREFS:  
 USER: jill

drawn by: jds  
 checked by: -  
 project no.: 2016-0104  
 date: 02/08/2023

**IMPROVEMENT EXHIBIT - SECTION 17, T7N, R7E**  
**KOEHLER PROPERTY**  
**LINCOLN, NEBRASKA**

**Civil Design Group, Inc.**  
 8535 EXECUTIVE WOODS DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

SHEET  
**1 OF 1**



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

February 8, 2023

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: 4140 Princeton Road Variance request to the Board of Zoning Appeals  
CDG Project No. 2016-0104

Dear Mr. Cary:

On behalf of Rodney & Cheryl Koehler we are requesting to be on the March 10, 2023 Board of Zoning Appeals agenda to request a variance to the Lancaster County AG Zoning side-yard setback. Specifically, we are requesting a variance of the side-yard setback from 15' to 4' in a small area where the out-building exists near the eastern property line.

Our client submitted a Farmstead Split application with the Lancaster County Building & Safety Department to reduce the size of the lot their house and the out-building reside on. During the review of the Koehler's application the Lancaster County Building & Safety Department (B&S) noted that Farmstead Split invokes the Lancaster County setbacks, including the 15' side-yard setback which would deem the aforementioned out-building to be encroaching upon. The suggested remedies from B&S were to either remove the building or dismantle and rebuild the building outside of the 15' side-yard setback.

Our basis for this appeal is the fact that when this out-building was built in 2006 it was on a legal parcel that was 20 acres or more. Under Nebraska State Statute 23-114.03 such a structure, when used for agricultural purposes on a legal parcel greater than 20 acres, is not subject to county zoning regulations. Thus, the Koehler's hardship, and the basis for this variance request, is that their desire to plat their lot on less than a 20 acre parcel should not invoke the hardship of having to either demolish or rebuild an out-building that has stood for 16 years, without issue to any neighbors, within the newly required 15' setback.

Sincerely,

Mike Eckert, AICP

Encl/jds