

(Appeal of Planning Commission Action)

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, the final plat of J W Cooper was previously submitted for  
2 acceptance and approval by the Planning Director, on property generally located at the  
3 northwest corner of S. 40th and Calvert Streets; and

4           WHEREAS, Lincoln Municipal Code § 26.23.140 requires lots to have a  
5 minimum lot depth of 120 feet for lots abutting a major street; and

6           WHEREAS, applicant has requested a modification to waive said requirement  
7 pursuant to § 26.31.010 of the Lincoln Municipal Code to allow the two lots in J W  
8 Cooper Addition to have a depth of 72.5 feet and 76.8 feet; and

9           WHEREAS, the Planning Director has recommended approval of the requested  
10 modification to § 26.23.140 of the Lincoln Municipal Code; and

11           WHEREAS, the Lincoln City-Lancaster County Planning Commission held a  
12 public hearing on September 15, 2004 and adopted Resolution No. PC-00888  
13 approving this waiver; and

14           WHEREAS, Mike and Carol Larkins have appealed the action of the Lincoln  
15 City-Lancaster County Planning Commission approving Waiver No. 04009; and

16           WHEREAS, the City Council of the City of Lincoln, Nebraska finds that the strict  
17 application of all requirements would result in actual difficulties or substantial hardship  
18 or injustice to the property owner.

19           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
20 Lincoln, Nebraska:

1           That the provisions of Section 26.23.140 of the Lincoln Municipal Code which  
2 provide that residential lots have a lot depth of 120 feet for lots abutting a major street is  
3 hereby waived for to allow the two lots in J W Cooper Addition to have a depth of 72.5  
4 feet and 76.8 feet.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor