

DENIAL

RESOLUTION NO. A-_____

1 WHEREAS, Charles Brubaker dba Brubaker Rentals, hereinafter Appellant, is
2 converting a building located at 2300 B Street from an apartment house with three
3 dwellings into an apartment house with four dwellings; and

4 WHEREAS, when said building was purchased by Appellant in 1960 it contained
5 four dwellings but was downsized in 1963 into three dwelling and has remained as an
6 apartment house with three dwellings since 1963; and

7 WHEREAS, the Impact Fee Administrator calculated the arterial street impact
8 fees for this use based upon the net increase in dwellings from three dwellings to four
9 dwellings using the Arterial Street Impact Fee Schedule beginning January 1, 2004 for
10 multi-family (\$903.00 per dwelling); and

11 WHEREAS, the Appellant filed its Notice of Appeal appealing the impact fee
12 determination and requesting that the arterial street impact fees be waived or reduced
13 as Appellant previously used the building as an apartment house with four dwelling
14 units and received no reimbursement for downsizing the apartment house into three
15 dwelling units in 1963 and that strict application of the impact fee ordinance's
16 calculations under these circumstances work an unjust and undue burden on the
17 Appellant; and

18 WHEREAS, the City Council finds that the impact fee was correctly calculated
19 and that there are no unusual circumstances of the development which demonstrate
20 that the application of the fee to the development would be unfair or unjust as the
21 requested waiver or reduction based upon the prior use of the property from 1960

1 through 1963 as a multi-family dwelling with four dwellings does not meet any of the
2 stipulations or conditions required for reduction in or exemption from arterial street
3 impact fees.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Lincoln, Nebraska:

6 That the impact fee notice of appeal filed by Charles Brubaker dba Brubaker
7 Rentals on October 8, 2004 is hereby denied for the following reasons:

8 1. The impact fee ordinance requires the arterial street impact fee for this
9 building to be calculated based upon the net increase in the number of dwellings from
10 three dwellings to four dwellings.

11 2. The requested exemption does not meet any of the stipulations or
12 conditions required for reduction or exemption from arterial street impact fees.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004: _____ Mayor
