

City Council Introduction: **Monday**, December 20, 2004  
Public Hearing: **Monday**, January 10, 2005, at **1:30 p.m.**

Bill No. 04R-330

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 228K**, an amendment to the **Capitol Beach West Community Unit Plan**, requested by Lloyd and Donna Hinkley, to reduce the front yard setback on Lot 24, Block 1, Capitol Beach West Addition, from 19.5 feet to 15.5 feet for an attached garage on property located at 302 W. Lakeshore Drive.

**STAFF RECOMMENDATION:** Conditional Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 11/24/04  
Administrative Action: 11/24/04

**RECOMMENDATION:** Conditional Approval (8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman and Taylor voting 'yes'; Bills-Strand absent).

### **FINDINGS OF FACT:**

1. This proposed amendment to the Capitol Beach West Community Unit Plan would reduce the front yard setback from 19.5 feet to 15.5 feet, but not less than 22 feet from garage to curb. The applicant will be building a new home on the property at 302 W. Lakeshore Drive, and this amendment will allow an attached garage.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that there are many garages and carports throughout Capitol Beach that encroach into the setbacks. This request is consistent with the character of the area and with previous amendments.
3. On November 24, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. The record consists of three letters in support, including the Capitol Beach Community Association (p.12-15).
5. On November 24, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated November 5, 2004.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** December 13, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** December 13, 2004

**REFERENCE NUMBER:** FS\CC\2004\SP.228K

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 24, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #228K

**PROPOSAL:** Reduce the front yard setback from 19.5' to 15.5'.

**LOCATION:** 302 W. Lakeshore Dr.

**CONCLUSION:** There are many garages and carports throughout Capitol Beach that encroach into the setbacks. Public Works & Utilities Department does not object to the reduced setback. This request is consistent with the character of the Capitol Beach area and with previous amendments.

**RECOMMENDATION:**

**Conditional Approval**

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 24, Block 1, Capitol Beach West Addition located in the NE 1/4 of Section 21, Township 10 North, Range 6 East, Lancaster County, NE.

**EXISTING ZONING:** R-2 Residential with a Community Unit Plan

**EXISTING LAND USE:** Single family residential

## **SURROUNDING LAND USE AND ZONING:**

North:	R-2 Residential	Single family dwellings
South:	R-2 Residential	Single family dwellings
East:	R-2 Residential	Capitol Beach Lake
West:	AG Agriculture	Interstate 80

## **HISTORY:**

**June 30, 2003** Special Permit #228J to reduce the front yard to 15' at 472 W. Lakeshore Dr. was approved by City Council

**February 14, 2000** Special Permit #228I to reduce the front yard ranging from 5.5 feet to 2.25 feet on five lots to build carports at 332, 412, 432, 482 and 492 W. Lakeshore Dr. was approved by City Council.

<b>February 14, 2000</b>	Special Permit #228H to reduce the front yard to 14 feet for the construction of a dwelling unit and garage at 252 W. lakeshore Dr. was <b>denied</b> .
<b>September 14, 1998</b>	Special Permit #228G to reduce the front yard setback to 15' 10" and the side yard to 4' 3" to allow a garage and a house addition at 542 W. Lakeshore Dr. was approved by City Council.
<b>August 3, 1998</b>	Special Permit #228F to reduce the front yard to 14.5' and the side yard to 2' to allow a garage at 242 W. Lakeshore Dr. was approved by City Council.
<b>January 9, 1995</b>	Special Permit #228E to reduce the side yard to 8 inches for a garage at 222 W. Lakeshore Dr. was approved by City Council
<b>May 31, 1994</b>	Special Permit #228D to reduce the front yard to 19 inches and the side yard to 21 inches for an open carport at 192 W. Lakeshore Dr. was approved by City Council.
<b>December 3, 1990</b>	Special Permit #228C to reduce the front yard to 13.5' to allow a garage at 322 W. Lakeshore Dr. was approved by City Council.
<b>November 20, 1989</b>	Special Permit #228B to reduce the front yard to 14' 7" and side yard to 2' to allow a garage at 232 W. Lakeshore Dr. was approved by City Council.
<b>January 7, 1985</b>	Special Permit #228A to convert the Capitol Beach area into a community unit plan and setting the front yard at 19.5' was approved by City Council.
<b>April 1962</b>	Special Permit #228 to construct and operate a recreational area was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Comprehensive Plan identifies this area as Urban Residential

**ANALYSIS:**

1. This is an application to reduce the front yard setback from 19.5' to 15.5' The Capitol Beach West Community Unit Plan set the front yard setback at 19.5 feet.

2. The applicant's letter states that the reason for the reduced front yard is for an attached garage.
3. City of Lincoln Design Guidelines states that there is to be a minimum depth of 22' for vehicle storage and that the vehicle shall not block sidewalks. There are no sidewalks along W. Lakeshore Dr.
4. As long as there is at least 22 feet from the curb to the garage, Planning does not object to this application.
5. There have been numerous special permits granted previously to reduce front yard setbacks. These reductions ranged from 13.5' to 15'.
6. Public Works and Utilities Department does not object to the reduction in the front yard setback.
7. Public Works and Utilities Watershed Management Department notes that the lot is located in the 100 year floodplain and appropriate permits from Building & Safety must be obtained

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 the curb line and dimension the distance from the curb to the garage. The distance shall not be less than 22 feet. Delete the sidewalk from the site plan.
    - 1.1.2 the 8" sanitary sewer main easement
2. This approval permits a reduction in the front yard setback from 19.5 feet to 15.5 feet, but not less than 22 feet from garage to curb.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka  
Planner

**DATE:** November 5, 2004

**APPLICANT:** Lloyd & Donna Hinkley  
5440 Fairdale Rd.  
Lincoln, NE 68510  
(402) 430-6064

**OWNER:** same as applicant

**CONTACT:** same as applicant

**SPECIAL PERMIT NO. 228K,  
Amendment to the  
CAPITOL BEACH WEST COMMUNITY UNIT PLAN**

**CONSENT AGENDA  
PUBLIC HEARING & ADMINISTRATIVE ACTION  
BEFORE PLANNING COMMISSION:**

November 24, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman and Taylor; Bills-Strand absent.

The Consent Agenda consisted of the following items: ***SPECIAL PERMIT NO. 228K, CAPITOL BEACH WEST COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 04060; CITY/COUNTY FINAL PLAT NO. 04111, FINIGAN 2<sup>ND</sup> ADDITION; CITY/COUNTY FINAL PLAT NO. 04121, TIMBERLINE ESTATES 2<sup>ND</sup> ADDITION; and WAIVER NO. 04015.***

**Item No. 1.2, Special Permit No. 04060; Item No. 1.4, City/County Final Plat No. 04121 and Item No. 1.5, Waiver No. 04015,** were removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman and Taylor voting 'yes'; Bills-Strand absent.



2002 aerial

# Special Permit #228K 302 W. Lakeshore Dr.

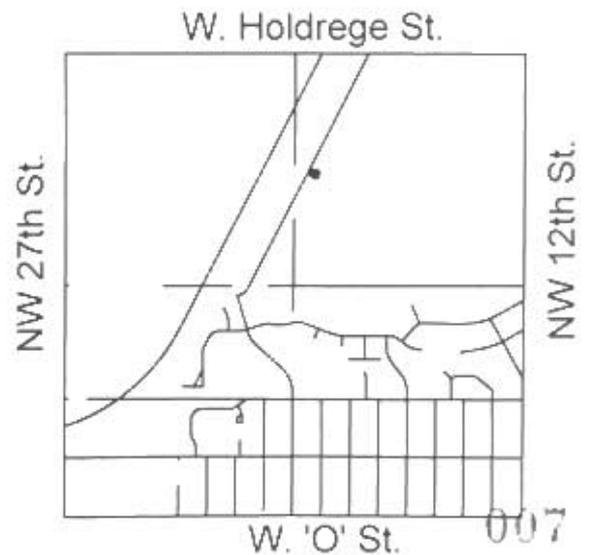
## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 21 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction

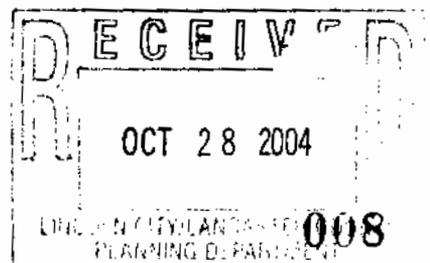


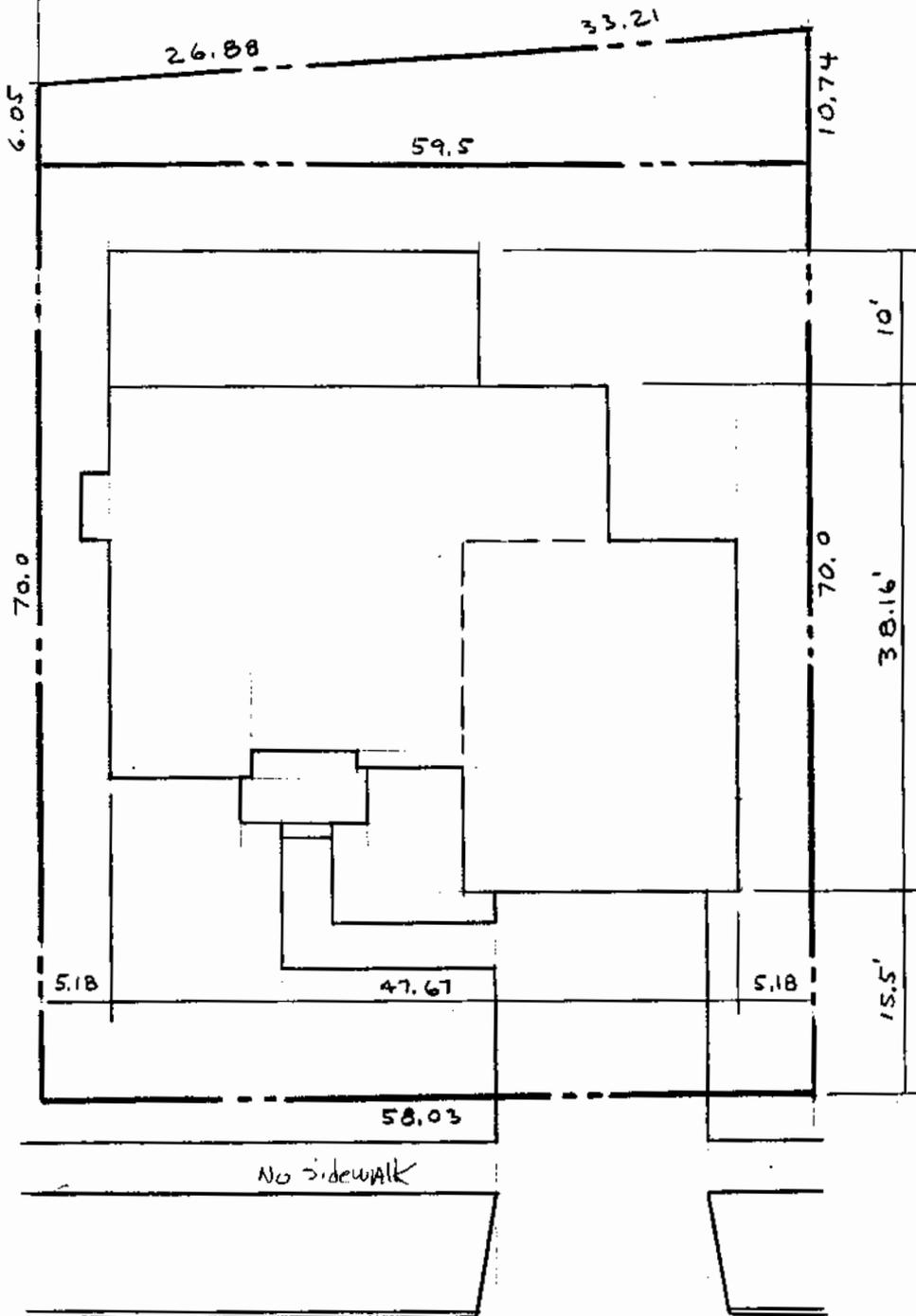
To  
City/County Planning Dept.

We plan on removing the existing dwelling  
at 302 W. Lakeshore and building a  
new home with attached garage.

This would require a change in the  
Front yard setback to 15.5 feet for  
the attached garage as per plan attached  
Brester Construction will be our contractor  
Ken Koch is the designer & planner.

Respectfully  
D. J. Hunter  
owner





302 W. LAKE SHORE

**RECEIVED**  
 OCT 28 2004  
 LINCOLN CITY/LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 009

# Memorandum

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<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Charles W. Baker, Public Works and Utilities
<b>Subject:</b>	302 West Lakeshore Drive Special Permit #228K
<b>Date:</b>	November 4, 2004
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for 302 West Lakeshore Drive Special Permit #228K to reduce the front yard set back to 15.5'. Public Works has the following comments:

- The location of the private roadway of West Lakeshore Drive, and property lines in this established addition does not allow adequate distance to install sidewalks. Therefore the setback distance of 15.5' will allow an adequate area for parking outside the garage area on the driveway.
- There is an existing 8" sanitary sewer that parallels West Lakeshore Drive that needs to be shown on the site plan that assures the reduced setback does not encroach on the easement of the sewer main.



**John P Callen**

11/05/2004 09:06 AM

To: Thomas J Cajka/Notes@Notes  
cc:  
Subject: 302 W. Lakeshore Dr.

Tom -

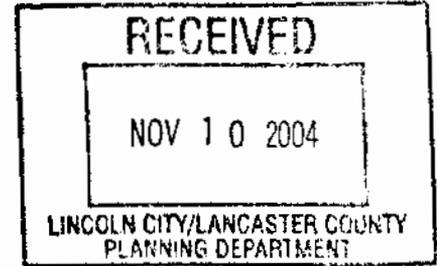
Ben Higgins forwarded the setback change request you are working on for 302 W. Lakeshore to me because the rear yard of this property is partially in the floodplain.

Since all of the property is in or near the floodplain, I wanted to offer brief comments.

The homeowner will need to be aware that there is potentially some floodplain on the property and that the flood elevation may need to be taken into account in siting the proposed building. This will not necessarily affect the current request involving the setback, but will be important when a building permit is requested. Because of this, they may want to be aware of and informed about the issues at this time. If the new structure will be placed outside the floodplain on the property, survey information may be required to demonstrate that this is the case. If any part of the new structure will be in the floodplain, a floodplain permit will be required and an elevation certificate will need to be submitted after construction.

If you need more information, let me know.

John P. Callen, EIT, CFM  
Associate Engineer  
City of Lincoln Dept. of Building and Safety  
(402) 441-4970



P.O. Box 81141  
Lincoln, Nebraska 68501

## CAPITOL BEACH COMMUNITY ASSOCIATION

November 6, 2004

Marvin Krout Planning Director  
555 South 10<sup>th</sup> Street  
Lincoln Ne. 68508

Dear Mr. Krout,

As President of the Capitol Beach Community Association, I have been contacted by one of our members, Lloyd & Donna Hinkley, regarding their property at 302 West Lakeshore. Apparently your office has directed them to seek approval from our association regarding their request to rebuild/replace their current residence.

When I spoke to Donna, I informed her that I would be glad to write a letter to you in support of her request.

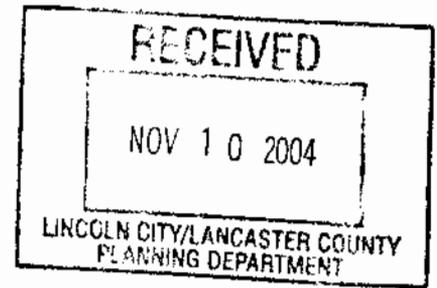
I also feel obligated to let you know that our homeowners association (CBCA) is incorporated as a 501 (C) (7) organization with limited powers over the commons of our association, including of course the Capitol Beach Lake. As part of our articles of incorporation and our current rules, we do not have any authority over our members and their private property or what they construct upon it.

If you have any questions, feel free to call me.

Sincerely,

John C. Huff President  
For the Board Capitol Beach Community Association

November 9, 2004



Derek Miller  
Lincoln/Lancaster Planning Dept.  
555 South 10<sup>th</sup> St. Suite 213  
Lincoln, Nebraska 68508

Derek,

Regarding the set-back variance for 302 W. Lakeshore for construction of new residential dwelling for Lloyd and Donna Hinkley, I am enclosing two letters from the neighbors on either side of our property stating they have no objections to our request for variance.

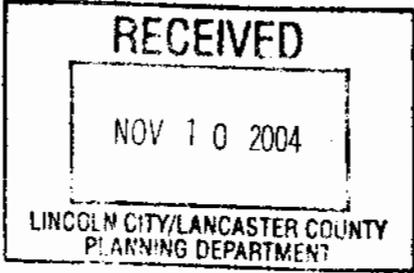
Please call if you need any additional information before the Planning Commission meeting, November 24, 2004, for our agenda item.

Sincerely,

A handwritten signature in cursive script that reads "Donna Hinkley".

Donna Hinkley  
430-6759

5440 Fairdale Rd.  
Lincoln, Nebraska 68510



TO WHOM IT MAY CONCERN:

We have no objections for the front yard set-back variance as allowed by city building inspection, for construction of new dwelling and garage at 302 W. Lakeshore, property of Lloyd and Donna Hinkley.

Mark Hoffmann                      10/29/04  
Date

Adelle Hoffmann                      12/29/04  
Date

312 W. Lakeshore Drive  
Address

Jack Conrad  
292 W. Lakeshore Dr.  
Lincoln, NE 68528

November 6, 2004

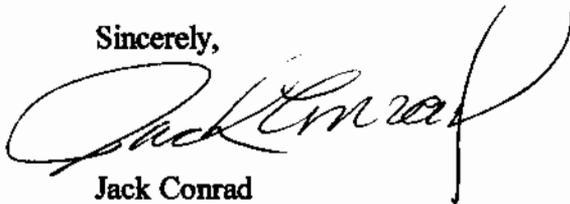
Lancaster/Lincoln, NE  
County/City Planning Department

Re: Property - 302 W. Lakeshore Dr. - Lloyd and Donna Hinkley

Dear Ms./Srs.:

Lloyd and Donna Hinkley are planning to raze their house at 302 W. Lakeshore Dr., Lincoln, NE, and construct a new house on that lot, with a garage extending 4 1/2 ft. into the 20 ft. setback. My property is at 292 W. Lakeshore Dr. and is contiguous to their property. I have no objections to the Hinkley's plans to build a new house on their property, or the garage extending into the street setback. I support their efforts.

Sincerely,

A handwritten signature in cursive script that reads "Jack Conrad". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Jack Conrad  
292 W. Lakeshore Dr.