

APPROVING REQUEST

Request for Reasonable Accommodation

RESOLUTION NO. A-_____

1 WHEREAS, Developmental Service of Nebraska, hereinafter DSN, presently operates a
2 facility housing three developmentally disabled persons at 1661 Timber Ridge Road (Lot 2,
3 Block 1, Timber Ridge 1st Addition, Lincoln, Lancaster County, Nebraska) as a State certified
4 community based waiver setting; and

5 WHEREAS, DSN desires to house one additional disabled person at 1661 Timber Ridge
6 Road; and

7 WHEREAS, the additional occupancy will cause the facility to be classified as a group
8 home rather than a single-family dwelling under the City of Lincoln Zoning Code; and

9 WHEREAS, the facility at 1661 Timber Ridge Road is located in the R-3 Residential
10 District; and

11 WHEREAS, the use regulations in the R-3 Residential District allow group homes as a
12 permitted conditional use provided that the distance between the proposed group home and an
13 existing group home measured from lot line to lot line, is not less than one-half mile; and'

14 WHEREAS, a group home presently exists at 1720 Timber Ridge Road and is located
15 approximately 157 feet from the proposed group home at 1661 Timber Ridge Road rather than
16 the required one-half mile; and

17 WHEREAS, DSN, pursuant to Lincoln Municipal Code Chapter 1.28, has requested
18 reasonable accommodation from Lincoln Municipal Code § 27.15.030(b)(2) that prohibits DSN
19 from operating a group home at 1661 Timber Ridge Road because the group home located at
20 1720 Timber Ridge Road is within one-half mile in order to allow DSN to increase the number of
21 persons with developmental disabilities it is currently serving at 1661 Timber Ridge Road from
22 three residents to four residents; and

1 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public
2 hearing on the application and has recommended denial of the requested accommodation; and

3 WHEREAS, the City Council finds that (1) the facility at 1661 Timber Ridge Road will be
4 used by an individual or a group of individuals considered disabled; (2) that the accommodation
5 requested is necessary to afford a disabled person equal opportunity to use and enjoy a
6 dwelling and/or otherwise to receive services or participate in programs or activities provided by
7 the City; (3) that there are no alternative reasonable accommodations available that would
8 provide an equivalent level of benefit; (4) that the request for reasonable accommodation would
9 not impose an undue financial or administrative burden on the City; and (5) that the grant of the
10 requested reasonable accommodation and use of 1661 Timber Ridge Road as a group home
11 would be consistent with the Comprehensive Plan, Land Use Designation, for 1661 Timber
12 Ridge Road and with the general purpose intent of the R-3 Residential District in which 1661
13 Timber Ridge Road is located.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
15 Nebraska:

16 That the request of DSN for a reasonable accommodation to waive the requirement of
17 Lincoln Municipal Code § 27.15.030(b)(2) to allow a group home to be located at 1661 Timber
18 Ridge Road is hereby granted subject to the condition that the occupancy of this group home
19 will not exceed four disabled persons.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
