

City Council Introduction: **Monday**, September 22, 2008  
Public Hearing: **Monday**, September 29, 2008, at **5:30 p.m.**

Bill No. 08R-231

## **FACTSHEET**

**TITLE: SPECIAL PERMIT NO. 08027**, requested by Charles and Nancy Ogden, for Historic Preservation and authority to construct a carriage house (guest house plus garage), with request to modify the rear and side yard setback requirements, on property located at 1256 Fall Creek Road.

**STAFF RECOMMENDATION:** Conditional Approval.

**ASSOCIATED REQUESTS:** Change of Zone No. 08030 (08-129) and Change of Zone No. 08031 HP (08-130).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 09/10/08  
Administrative Action: 09/10/08

**RECOMMENDATION:** Conditional Approval (8-0: Cornelius, Sunderman, Carroll, Partington, Taylor, Larson, Esseks and Francis voting 'yes'; Gaylor Baird absent).

### **FINDINGS OF FACT:**

1. This special permit and the associated text amendment to the Zoning Ordinance and landmark designation were heard at the same time before the Planning Commission.
2. The purpose of this request is to construct a carriage house (dwelling unit and garage) in addition to the single-family residence at 1256 Fall Creek Road. The City Council must approve the proposed adjustments to height and area requirements, pursuant to the associated amendment to the zoning ordinance (Change of Zone No. 08030).
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that the proposed special permit is generally in conformance with the Comprehensive Plan and the Lincoln Municipal Code. The staff presentation is found on p.6.
4. The Historic Preservation Commission has reviewed this application and recommends approval.
5. The applicant's testimony is found on p.8.
6. There was no testimony in opposition.
7. On September 10, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval (Gaylor Baird absent).
8. On September 10, 2008, the Planning Commission also voted 8-0 to recommend approval of the associated text amendment and landmark designation.

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

**DATE:** September 15, 2008

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

**DATE:** September 15, 2008

**REFERENCE NUMBER:** FS\CC\2008\SP.08027+

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for September 10, 2008 PLANNING COMMISSION MEETING**

**PROJECT #** Special Permit No. 08027

**PROPOSAL:** Special Permit for Historic Preservation, namely, to build a carriage house (dwelling unit and garage) behind the Griswold House.

**LOCATION:** 1256 Fall Creek Road

**LAND AREA:** 28,004 square feet, more or less

**EXISTING ZONING:** R-1 Residential

**CONCLUSION:** This Special Permit is generally in conformance with the Comprehensive Plan and the Lincoln Municipal Code.

**RECOMMENDATION FOR SPECIAL PERMIT #08031 : Conditional Approval**

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 8, Block 10, Piedmont Subdivision, located in the SE 1/4 of Section 29-10-07, Lincoln, Lancaster County, Nebraska.

**EXISTING LAND USE:** Residential.

**SURROUNDING LAND USE AND ZONING:** R-1 Residential District adjacent in all directions, with residential uses.

**ASSOCIATED APPLICATION:** CZ08031HP for designation of the house as a Landmark and CZ08030 to amend the zoning code, permitting adjustments to height and area requirements for Landmark special permits.

**HISTORY:**

1924 Piedmont Subdivision platted.

1935 R. S. Griswold, Jr. built home at 1256 Fall Creek Road.

August 2008 Historic Preservation Commission unanimously recommended approval of Special Permit to construct a carriage house according to design presented.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

This area is shown as Urban Residential on the Future Land Use Map (19).

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historic patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (9)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.(10)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (10)

**UTILITIES:** Existing

**TRAFFIC ANALYSIS:** Fall Creek Road is a local street.

**AESTHETIC CONSIDERATIONS:** 1256 Fall Creek Road is an exceptionally well-maintained historic property. The applicants state that the Special Permit would help support their continued use and enjoyment of the property and enhance the compatibility of the carriage house with the historic character of the property.

**ALTERNATIVE USES:** Remain R-1 Residential without adjustments under a Special Permit.

**ANALYSIS:**

1. This application is for a special permit for a carriage house in addition to the single-family residence. The parcel is large enough to allow a two dwelling units on the property. Ordinarily, two principal uses in separate buildings are not permitted.
2. This special permit will require designation of the property as a landmark by City Council approval of Change of Zone 08931HP.
3. This special permit will require amendment to the zoning code text proposed in Change of Zone 08030, allowing adjustments to Height and Area Requirements.
4. A Special Permit for Historic Preservation under LMC 27.63.400 is to be evaluated under the following six criteria:
  - The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;

The Griswold House is a handsome site and dwelling, displaying the French Eclectic style and the spacious site design of Piedmont. The Historic Preservation Commission recommends that the property meets the requirements for designation as a landmark.

The use sought—a second dwelling unit—would be allowed in this district in or attached to the main building. An accessory building, such as a garage, would be allowed in the location requested. The proposal varies from what is permitted in the district by combining the second dwelling unit with the “accessory” use of a garage, and then in maintaining the location of the building in a position ordinarily allowed only for accessory uses—8 feet rather than 10 feet from a side lot line and located partially in the rear yard, where principal uses are not typically allowed. These variations in use and yard are modest in degree.

The proposed carriage house is 21' 8" tall, compared to 15' allowed for garages; in addition an elevator “tower” would be 25'7" and a cupola feature would be 31'3" tall. These adjustments are proposed as compatible with the architectural style of the main house.

- The extent to which economic factors necessitate the change in use;

The applicants do not argue that the requests are necessitated by economic factors, but rather request permission to make significant investments in their property.

- The extent of proposed exterior change to the structure or site;

No exterior changes are requested to the main building. The site would be changed by construction of a substantial secondary building behind the main house, approximately 150 feet from the street.

- The impact on the surrounding area;

The applicant reports contacting his neighbors and receiving their support. No comments, in support or opposition, have yet been received at Planning Department. Considering that the applicant could construct a garage of this footprint (although not of this height) on the precise location indicated, or even nearer his neighbors (as an accessory building), the impact of the proposed improvement on the surrounding area does not seem dissimilar to what would be allowed by right.

- The compatibility of the proposed use to the structure or site and the surrounding area; and

The Preservation Commission reviewed an initial proposed design, recommended modifications, and approved the current proposal as consistent with the proposed landmark property. Piedmont is developed with ample houses on large lots. The proposed carriage house is carefully designed to be compatible with the area and the Preservation Commission has evaluated it as meeting that goal.

- The manner in which the public will be benefitted by such proposed use.

To the degree that this project enhances investment in a handsome older property, the public's investment in existing infrastructure is well-used and the tax base is strengthened.

**CONDITIONS OF APPROVAL** (Special Permit #08027):

**Site Specific Conditions:**

1. This approval permits construction of a carriage house (dwelling unit plus garage) of the design and location submitted and approved by Historic Preservation Commission August 21, 2008.
2. Any substantive modifications to the proposed design (including materials) must be submitted and approved for a Certificate of Appropriateness by the Preservation Commission.
3. The City Council approves associated requests Changes of Zone #08031HPand #08030.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the carriage house all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 4.3 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.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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.

Prepared by

Ed Zimmer  
Historic Preservation Planner  
(402)441-6360 [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

**DATE:** August 20, 2007

**Owner/ Applicant:** Charles and Nancy Ogden  
1256 Fall Creek Road  
Lincoln, NE 68510  
(402)484-8488

**Contact:** Kent Seacrest  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508  
(402)435-6000

**CHANGE OF ZONE NO. 08030,  
CHANGE OF ZONE NO. 08031,  
and  
SPECIAL PERMIT NO. 08027**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

September 10, 2008

Members present: Taylor, Cornelius, Esseks, Partington, Sunderman, Francis, Larson and Carroll; Gaylor Baird absent.

Ex Parte Communications: Larson stated that he drove by the property at the request of the applicant.

Staff recommendation: Approval of the text amendment and Landmark designation, and conditional approval of the special permit.

Staff presentation: **Ed Zimmer of Planning staff** advised that the Historic Preservation Commission has recommended approval of all three applications. The landmark application is for the Robert Griswold House, built in 1935. Piedmont had a unique covenant on property development at that time. Rather than establishing yard setbacks, it required geometric placement at the center of the property, which raises some of the issues which this package tries to address. The recommendation is designation as a landmark for its architectural quality.

The text change would enable the special permit being requested by adjusting height and area requirements, which trip up this project. The City Council will have the authority, after review by Historic Preservation Commission and Planning Commission, to adjust the height and area requirements.

The special permit was reviewed by the Historic Preservation Commission for its appropriateness to this building and it has their affirmative recommendation that this carriage house (garage combined with a dwelling unit) would fit well on this property and is characteristic of this landmark.

Zimmer also advised that Carl Rohman, neighbor to the south, has indicated his support by phone call to Mr. Zimmer.

Esseks confirmed that the carriage house would be on the same parcel as the house and could not be sold separately. Zimmer confirmed that this is not a subdivision and it does not try to create a lot that could be subdivided. The lot could have a duplex at this time.

Carroll observed that once the property gets landmark designation, the ordinance requirements are more strict. Zimmer agreed, acknowledging that there would be a review of all changes or alterations to the property. The special permit is only by grace of the landmark designation.

The landmark special permit is very tightly bound, short of a preservation easement on the property.

**2. Charlie Ogden**, the applicant and owner who lives in the Griswold House, testified in support. He is the third owner of the house. He purchased the property in 1992. The house was originally a three bedroom house, but it is now a two-bedroom house with a noncomplying bedroom in the basement. He designed the proposed carriage house and has worked with the Historic Preservation Commission in coming up with an acceptable design.

Larson sought confirmation that this would not be a second dwelling unit but just supplementary space. Ogden views it as a carriage house to increase the garage space – it would have a work room for his retirement and a potting shed with opening to the back yard. On the second floor it would have a larger room and a smaller room that could serve as a bedroom, with a bathroom and a wet bar. It could serve as a granny flat or a guest house. It would not really be a “dwelling” unit.

Zimmer explained that it is being described as a dwelling unit because it has plumbing and space that could be living space, although the applicant does not intend to use it as such.

**3. John Badami, DLR Group**, the architect for the project, showed a color photograph of the rear of the house to emphasize that the materials that are being used are in the same character and quality as the existing home. The applicant has gone to great extent with the details to match the existing house. The reason they are locating this carriage house at its current location is to create new drive aisle widths for the new garage and to pay respect to the historic designation of the house as a stand alone building.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 08030**

**ACTION BY PLANNING COMMISSION:**

September 10, 2008

Larson moved approval, seconded by Francis and carried 8-0: Taylor, Francis, Cornelius, Esseks, Partington, Sunderman, Larson and Carroll voting ‘yes’; Gaylor Baird absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 08031**

**ACTION BY PLANNING COMMISSION:**

September 10, 2008

Francis moved approval, seconded by Larson and carried 8-0: Taylor, Francis, Cornelius, Esseks, Partington, Sunderman, Larson and Carroll voting ‘yes’; Gaylor Baird absent. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 08027**

**ACTION BY PLANNING COMMISSION:**

September 10, 2008

Larson moved to approve the staff recommendation of conditional approval, seconded by Esseks.

Carroll thanked the applicant for going through this long process. It will be an excellent addition to the site and he appreciates the applicant taking the time to do it right.

Motion for conditional approval carried 8-0: Taylor, Francis, Cornelius, Esseks, Partington, Sunderman, Larson and Carroll voting 'yes'; Gaylor Baird absent. This is a recommendation to the City Council.



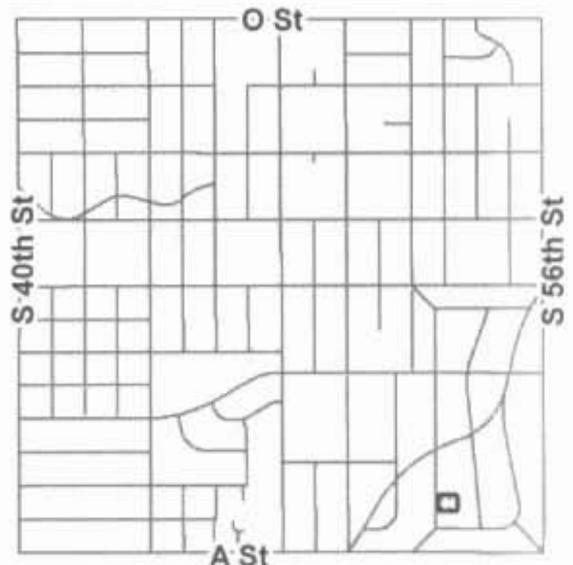
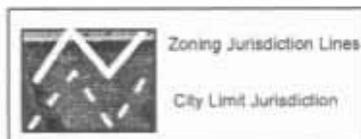
**Change of Zone #08031 and Special Permit #08027  
1256 Fall Creek Rd**

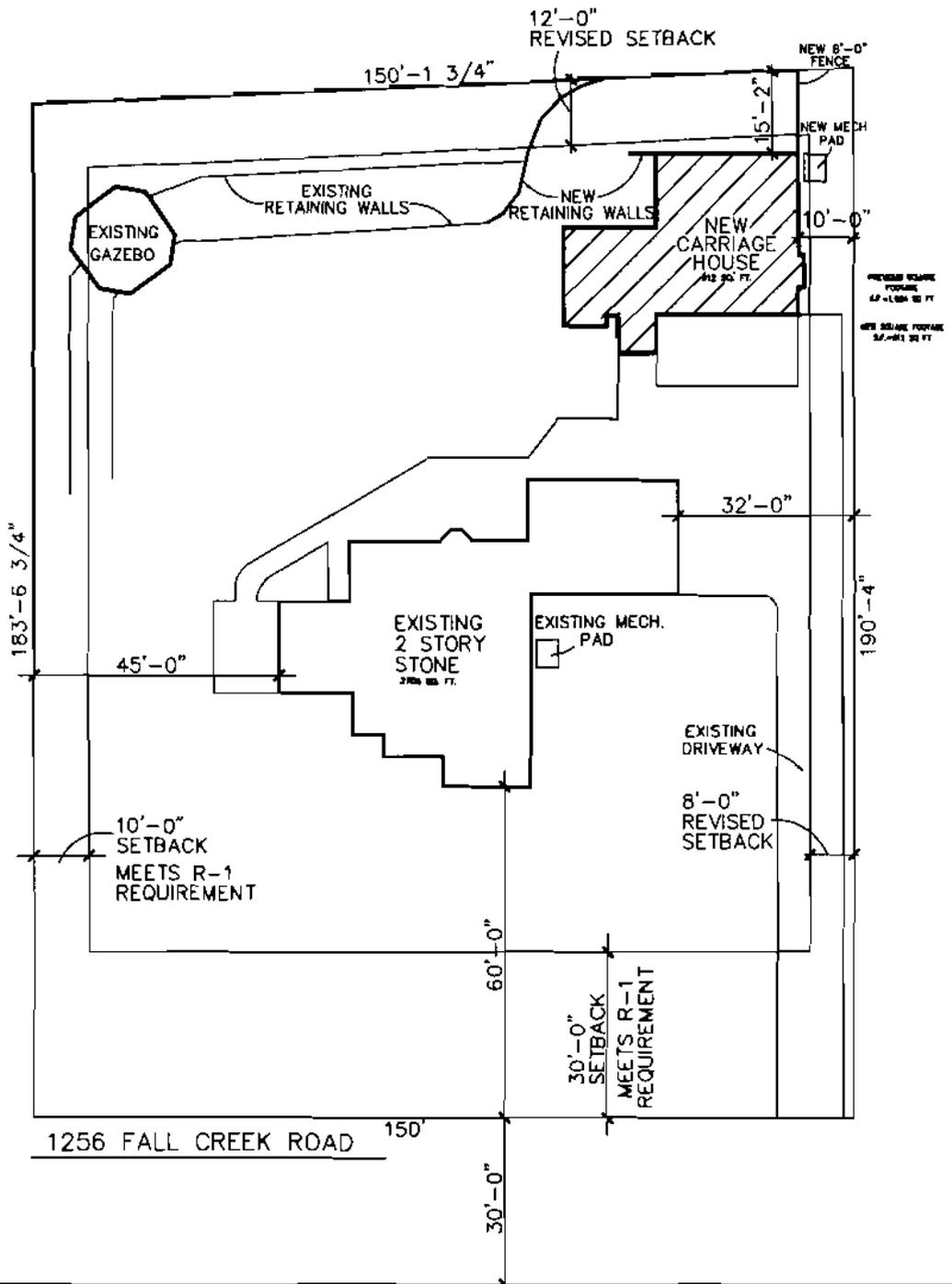
2007 aerial

**Zoning:**

One Square Mile  
Sec. 29 T10N R07E

- R-1 to R-4 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





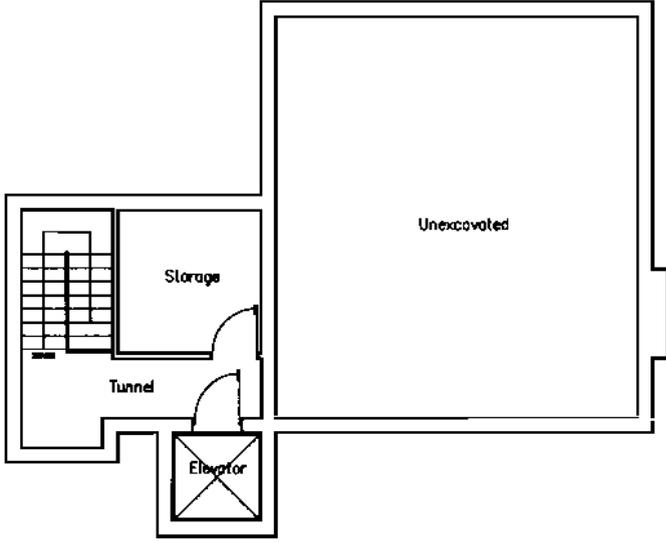
☐ FALL CREEK ROAD (PAVED)

LEGAL DESCRIPTION: LOT B, BLOCK 10, PIEDMONT, LINCOLN, LANCASTER COUNTY, NEBRASKA



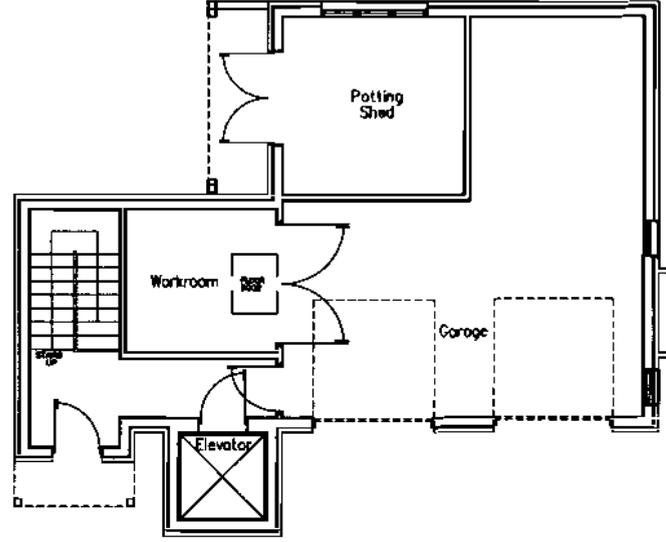
# NEW SITE PLAN

SCALE: 1" = 20'-0"



Basement S.F.= 344 S.F.

Basement Floor Plan



First Floor S.F.= 360 S.F.

First Floor Plan



NORTH

**Basement and First Floor Plans**

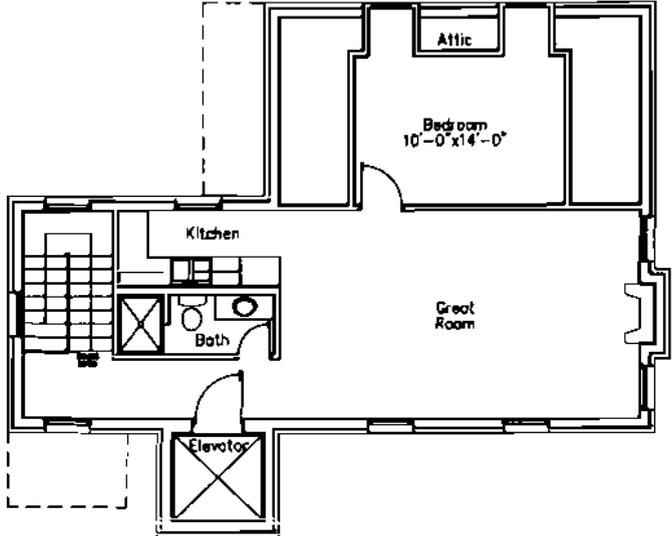
SCALE: 1/8" = 1'-0"

PRELIMINARY  
PRINT  
DATE: 10/15/2014  
BY: JACOB GARDNER

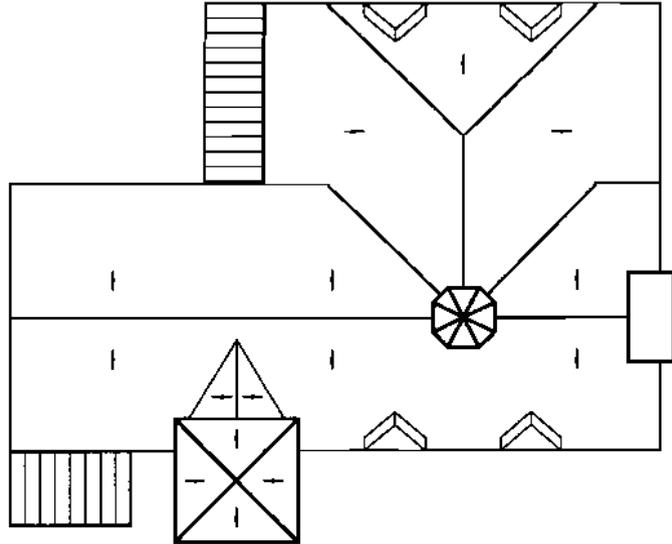
OPTION 2  
OGDEN CARRIAGE HOUSE  
Floor Plans

A1.1  
SCALE: 1/8" = 1'-0"

**DLR Group**  
Architecture Engineering Planning Interiors  
1000 East 1000 North, Suite 100, Ogden, UT 84403  
Phone: 435.240.1234  
www.dlrgroup.com



Second Floor S.F. = 912 S.F.  
**Second Floor Plan**



**Roof Plan - Option 2**



**Second Floor and Roof Plans**

SCALE: 1/8" = 1'-0"

MID-HEIGHT OF CUPOLA  
EL = 131'-3"

MID-HEIGHT OF TOWER  
EL = 125'-7"

BOTTOM OF ROOF  
EL = 116'-4"

LIMESTONE  
FACADE

STANDING  
SEAM  
COPPER  
ROOF

FINISH FLOOR  
EL = 100'-0"

### WEST ELEVATION

SCALE: 1/8"=1'-0"



PRELIMINARY  
PRINT

Option 2  
OGDEN CARRIAGE HOUSE  
Floor Plans

A2.1

**DLR Group**  
Architectural Engineers, Planners, Scientists  
10000 West 10th Avenue, Suite 100  
Denver, CO 80202  
303.751.4000

MID-HEIGHT OF CUPOLA  
EL = 131'-3"

MID-HEIGHT OF TOWER  
EL = 125'-7"

MID-HEIGHT OF ROOF  
EL = 121'-8"

BOTTOM OF ROOF  
EL = 110'-6"

TOP OF RETAINING WALL  
EL = 103'-0"

FINISH FLOOR  
EL = 100'-0"

**NORTH ELEVATION**

SCALE 1/4"=1'-0"



PRELIMINARY  
PRINT

Option 2  
OGDEN CARRIAGE HOUSE  
Floor Plans

A2.2

**DLR Group**  
Architectural Engineering, Planning, Science  
9800 South 100th Street, Suite 100, Omaha, NE 68137



PRELIMINARY  
PRINT

Option 2  
OGDEN CARRIAGE HOUSE  
Floor Plans

A2.3

**DLR Group**  
ARCHITECTURE ENGINEERING INTERIORS

COPPER TILE ROOF

MID-HEIGHT OF ROOF

EL = 121'-8"

BOTTOM OF ROOF

EL = 110'-6"

TOP OF RETAINING WALL

EL = 103'-0"

FINISH FLOOR

EL = 100'-0"

**SOUTH ELEVATION**

SCALE: 1/4"=1'-0"

LIMESTONE  
FACADE

