

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND PLACE OF MEETING:** Friday, June 30, 2006, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS IN ATTENDANCE:**

**Members:** Gene Carroll, Tim Francis, George Hancock and Gerry Krieser. Bob Kuzelka absent.  
**Others:** Michele Williamson (Building & Safety); Brian Will and Michele Abendroth (Planning Dept.); applicants and other interested parties.

**STATED PURPOSE OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

Chair Gene Carroll called the meeting to order at 1:30 p.m.

### Approval of the minutes of the May 19, 2006 meeting

Hancock moved approval of the May 19, 2006 meeting minutes, seconded by Francis. Motion carried 4-0. Carroll, Francis, Hancock and Krieser voting 'yes'; Kuzelka absent.

### Appeal No. 06006 by Jim Berg for a variance of the front yard setback on property generally located at 540 D Street.

## HEARING

**June 30, 2006**

Al Scribner, pastor of Friedens Lutheran Church at 540 D Street, introduced himself and several members of the church who were in attendance to show their support of this project.

Jim Berg, architect for the project, stated that they believe there are unusual and exceptional conditions of the site and the conditions were not created by the applicant. He presented a recent photograph of the church, which was originally built in 1907. The church would like to make some improvements to enhance its presence in the community. The church has some historical features on the exterior as well as the interior that they are very proud of and want to retain. One of the things the church is in dire need of is better vertical access to the church for safety and fire access. The other aspect is that the restrooms are restricted to the lowest level and are not handicap accessible; therefore, they would like to provide larger and more restrooms that are accessible. They looked at several options, but decided the best solution is to construct the restrooms and stair tower on the outside of the building as an addition, which would serve all three levels including the balcony. The addition would protrude into the front yard, which is the reason they are requesting a variance. The peculiar and exceptional conditions are that the church is limited in terms of where an addition can be placed without significantly restricting the day-to-day operations and growth. Berg also noted that the church was constructed before the zoning was put in place.

Carroll asked if there was further testimony in favor of or against this application. With no one appearing, Carroll closed the public hearing.

## **ACTION**

**June 30, 2006**

Krieser asked about the effects the variance would have if the application were granted. Will stated that a special permit has been approved so there is a specific site plan they will be need to abide by. The question before the Board is if there is a hardship and a basis for granting the variance today.

Carroll moved approval of the variance, seconded by Krieser. Carroll stated that he is voting to approve this application due to the lot size, the historical nature of the building and the fact that it was built prior to the zoning laws. They will not encroach any further because they are not building past the existing structure. There is also no other place to build this addition.

Motion to approve carried 4-0. Carroll, Francis, Hancock and Krieser voting 'yes'; Kuzelka absent.

**Appeal No. 06007 by Dennis Holman for a variance of the front yard setback on property generally located at 8400 Norval Rd.**

## **HEARING**

**June 30, 2006**

Dennis Holman, owner of the property, stated that they purchased the property in August of 1992. They would like to replace an existing shed with a slightly larger shed in approximately the same area as it is currently. They chose the location based on the existing structures and mature landscaping. They were not aware that they needed a permit for the shed since they are replacing a shed with a similar building and in the same general area. They were also unaware of the side and front yard setback requirements. The new shed has been framed, roofed and is ready for finish siding. They also noted that none of their neighbors are opposed to this variance to their knowledge. They are requesting a variance in order to complete the shed.

Carroll asked if there was further testimony in favor of or against this application. With no one appearing, Carroll closed the public hearing.

## **ACTION**

**June 30**

Carroll asked if 84<sup>th</sup> Street is considered the front yard. Will stated that since this is a corner lot, there are two front yards, on 84<sup>th</sup> Street and Norval Road. Carroll further asked if the previous shed would have been in the required setbacks. Will stated that he believes the previous shed would have been in the required setbacks, although this is the first time he has seen the photographs.

Francis moved denial of the variance, seconded by Carroll. Hancock stated that he appreciates what they are trying to do, but it does not meet the legal criteria for a variance. Carroll agreed that they cannot approve it because it does not meet the legal criteria. They are required to look at the land and not the structure.

Motion to deny carried 4-0. Carroll, Francis, Hancock and Krieser voting 'yes'; Kuzelka absent.

**MISCELLANEOUS**

Will stated that the proposed amendments to the zoning ordinance relating to the Board of Zoning Appeals are not being pursued.

The meeting was adjourned at 2:10 p.m.

*\*\*Please note that these minutes will not be formally approved until the next meeting of the Board of Zoning Appeals. \*\**

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