

CITY BOARD OF ZONING APPEAL #07001

DATE SCHEDULED FOR PUBLIC HEARING: March 30, 2007

LOCATION: Northwest of the intersection of South 9th and D Streets.

ADDRESS: 828 D Street

LEGAL DESCRIPTION: Lots 1, 2, 11 and 12 and the adjacent vacated alley; and Lot 10 and the S ½ of the adjacent vacated alley, Block 192, Original Lincoln, located in the SE 1/4 of Section 26-10-6, Lancaster County, Nebraska

ZONING: R-6 Residential

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	R-6
South:	Single-family Residential	R-6
East:	Single-family Residential	R-6
West:	Single-family Residential	R-6

ASSOCIATED APPLICATIONS: **Special Permit #07007** - A request to expand a nonconforming building into the required front yard. This request is scheduled for public hearing before the Planning Commission on April 11, 2006.

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

1. Lincoln Municipal Code (LMC) Section 27.21.030 allows churches as a conditional use in the R-6 district. The side and rear setbacks shall be 15' or the same as the district, whichever is greater. In the R-6 district, LMC Section 27.21.080(a) requires a rear yard setback of 30' or 20% of the lot depth, whichever is greater. Based upon the lot depth, the rear setback is 30'. A variance to the allowed rear yard setback from 30' to 10' is requested.

STAFF FINDINGS:

1. The subject property is located at 828 D Street and is zoned R-6. The church is located on five residential lots which are typical for the area, surrounded by similar lots that are generally developed with single-family residences. The church occupies the south three lots that front onto D Street, and the parking lot is located in the north two lots that front onto E Street.

2. Located in the R-6 district, Section 27.21.030 allows churches as a conditional use but imposes different side and rear setbacks as noted below.

	Standard R-6 Setback	Church in R-6
Front	20'	20'
Side	5'	15'
Rear	30' or 20% lot depth	15', or that of the district whichever is greater

3. The applicant is seeking to build an addition onto the south and west sides of the existing church for classroom/meeting space. The proposed setbacks are: Front - 10'; Side - 15'; and Rear - 10'. The addition also requires the removal of an existing house, and a garage which is located 18' from the rear property line.
4. The existing church building is 6' from the front lot line and is nonconforming. LMC Section 27.63.280 provides for a special permit to expand a nonconforming use where the expansion does not encroach further into required yards. Special Permit #07007 applies to the setback condition at the south lot line where the proposed expansion does not encroach any further into the required front yard. That permit proposes to extend the existing building line to the west, and is on the Planning Commission's August 11, 2007 agenda. The church complies with the rear setback, and the only way it can be adjusted is by a variance granted by the Board of Zoning Appeals.
5. This site is within the South Bottoms Historic District, a district listed on the National Register. While the City of Lincoln has no local design review authority relative to the National Register, staff does request the Historic Preservation Commission (HPC) to review and comment on discretionary applications affecting National Register properties, such as the special permit application. The HPC considered the proposed expansion at their March 15, 2007 meeting, and voted unanimously to support the proposed addition to the church with the understanding that the church would landscape the area between the alley and the church. The Commission found the architecture of the addition in keeping with the historic church, and that extending the building line along D Street enhanced the compatibility of the addition. A memo from Ed Zimmer of the Planning Department describing the Commission's findings, along with building elevations, are attached.
6. The applicant has stated that it is the intent of the church to respect the historic heritage and remain a viable facility that can continue to serve the needs of its patrons. A reduced building footprint would require the addition to be taller, likely blocking some or all of the windows and other architectural features on the west

side of the building. By reducing the height of the south portion of the addition, the large stained glass windows on the west side remain visible and unobstructed. However, the need to provide the necessary height for a multi-purpose room pushes the addition into the rear setback.

7. The Board of Zoning Appeals is empowered to grant variances “to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.” If this waiver is not approved, the proposed expansion cannot extend closer to South 6th Street than the existing building line.

Prepared by

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2005 aerial

Board of Zoning Appeals #07001 828 D Street

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. 26 T10N R6E

