

CITY BOARD OF ZONING APPEAL #07008

DATE SCHEDULED FOR PUBLIC HEARING: January 25, 2007

LOCATION: Approximately ½ block east of the intersection of Havelock Avenue and Superior Street

ADDRESS: 5500 Cornhusker Highway

LEGAL DESCRIPTION: Lot 240 I.T. located in the NE 1/4 of Section 8, T10N, R7E, Lancaster County, Nebraska.

ZONING: H-3 Highway Commercial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	I-1
South:	Commercial	H-3
East:	Commercial	H-3
West:	Commercial	H-3

TYPE OF APPEAL:

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

1. Lincoln Municipal Code **(LMC) Section 27.43.080(a)** requires a front yard setback of 20'. A variance from 20' to 5.1' is being requested.
2. Lincoln Municipal Code **(LMC) Section 27.43.080(a)** requires a side yard setback of 15'. A variance from 15' to 8.1' is being requested.

STAFF FINDINGS:

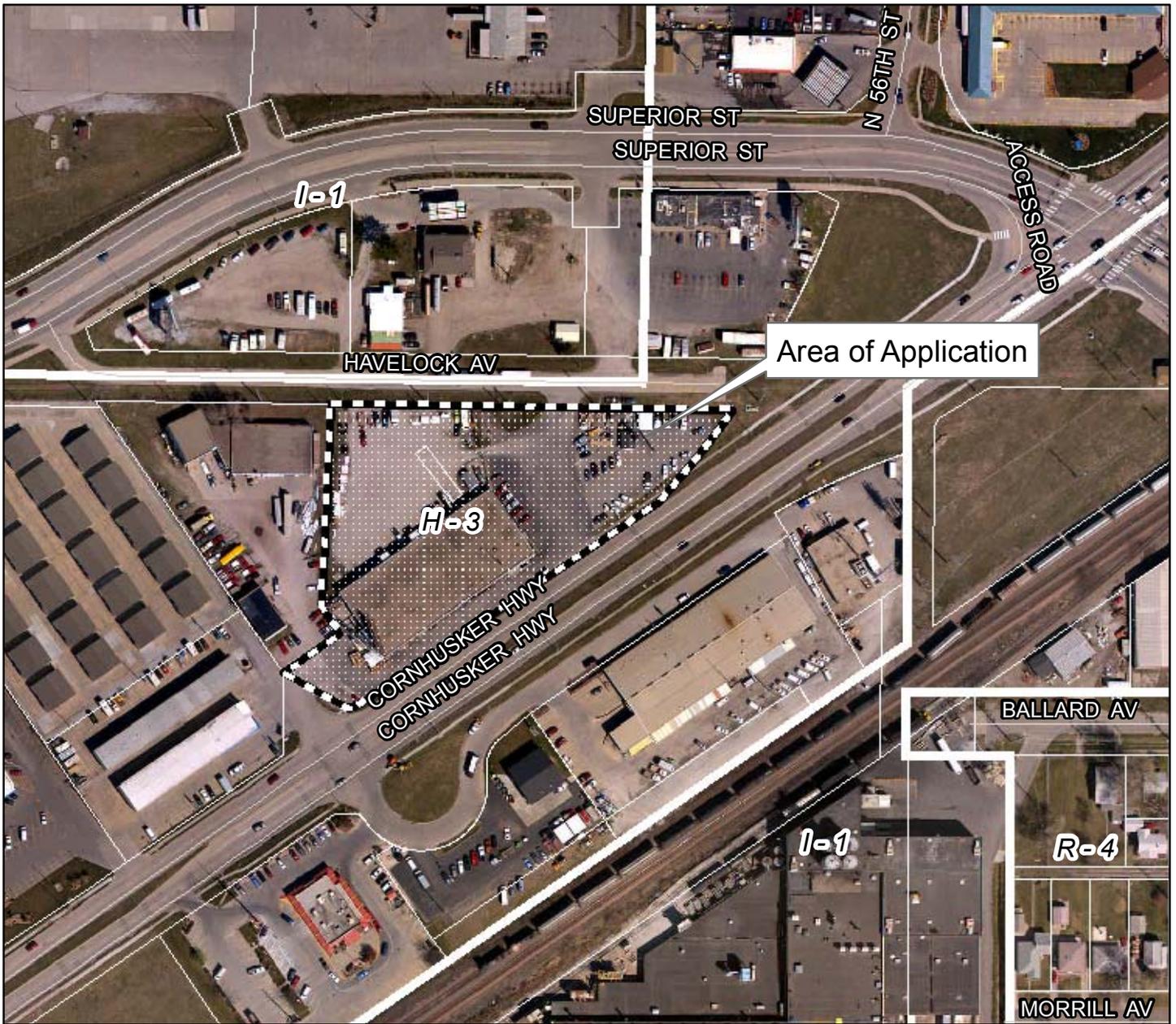
1. The subject property is an approximately 2.9 acre, triangular-shaped lot located at 5500 Cornhusker Highway. The site is bounded by Cornhusker Highway on the south and Havelock Avenue on the north. As a double-frontage lot it has front yards adjacent to both streets.
2. The majority of the site is used for a building, storage area, and parking lot associated with the plumbing and heating supply business located on the western portion of the lot. The eastern portion is occupied by a used car dealer.
3. Per Section 27.43.080(a) the front yard setback in the H-3 zoning district is 20', and the side yard is 15'.

4. The petitioner has erected a 30' x 40' metal building at the northwest corner of the site without a building permit. The site plan shows the building 5.1' away from the front lot line adjacent to Havelock Avenue, and 8.1' away from the west lot line. Variances to the front setback from 20' to 5.1' and to the side setback from 15' to 8.1 are being requested to allow the building to remain as constructed.
5. The site has access to both Cornhusker Highway and Havelock Avenue. A median in Cornhusker Highway limits the site to right-turn access only. Havelock Avenue dead-ends at the east property line, and intersects with Superior Street ½ block to the west.
6. The petitioner notes that the variances are necessary to locate the building in a location that allows large trucks to maneuver to make deliveries to the rear of the building.
7. The site is flat and otherwise typical of other commercial/industrial lots in the area. There does not appear to be any unusual characteristics associated with the site that distinguish it from others in the area. The lot appears to be large enough to allow the building to be sited in compliance with required setbacks.
8. 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 owner must come into compliance with the required setbacks for the H-3 zoning district.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
January 17, 2007

CONTACT: L.W. Hoffman
1340 Garber Avenue
Lincoln, NE 68521
402.430.1660



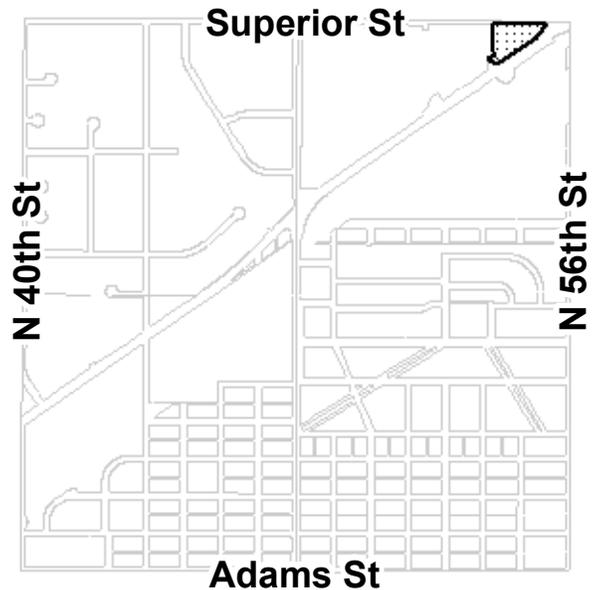
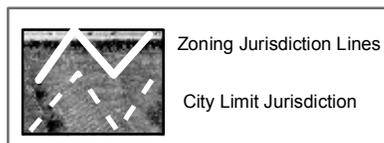
2005 aerial

Board of Zoning Appeals #07008 5500 Cornhusker Hwy.

Zoning:

One Square Mile
Sec. 8 T10N R07E

- R-1 to R-8 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



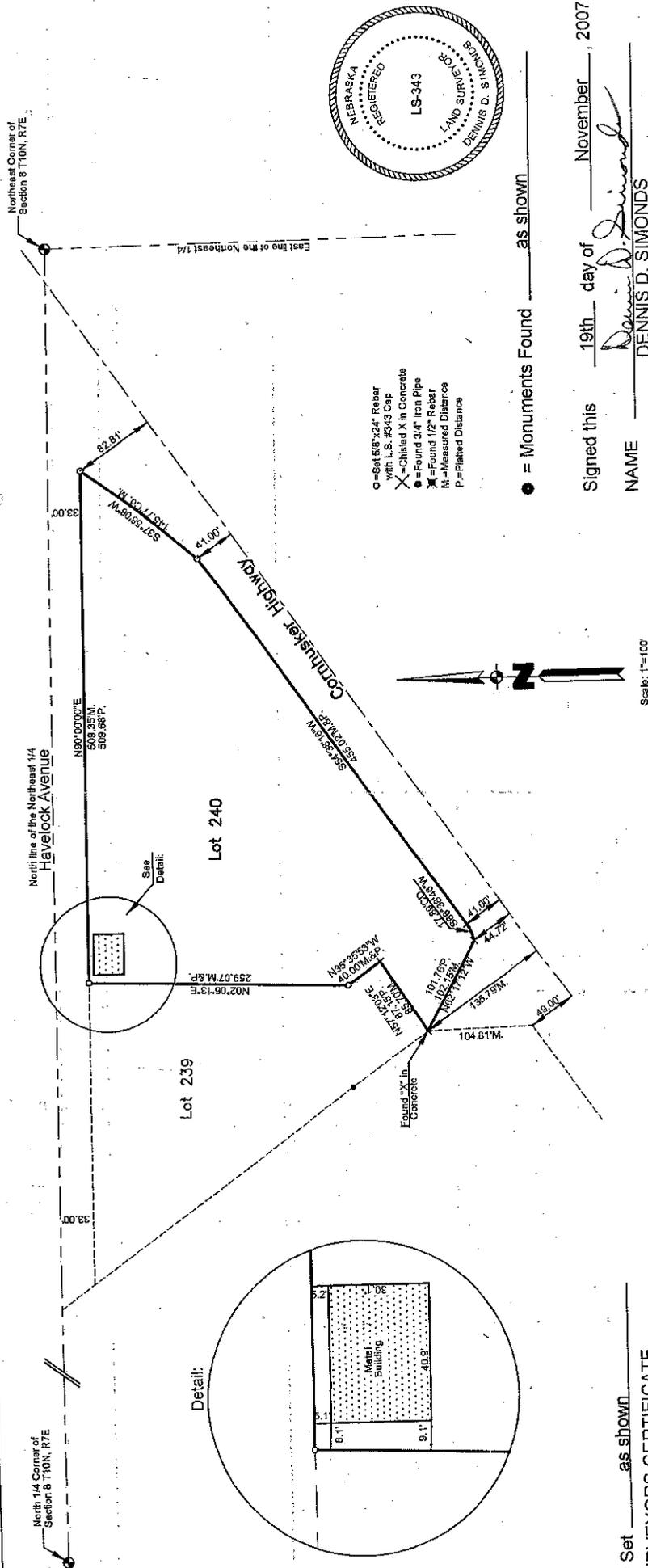
Official Survey Record

LANCASTER County, Nebraska
ALLIED SURVEYING AND MAPPING, INC.
6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516



Survey of Lot 240 of Irregular Tracts located in the Northeast Quarter
of Section 8 T. 10 N., R. 7 East of the 6th P.M.

Job No. 36218 November 16, 2007



o = Set _____ as shown

SURVEYORS CERTIFICATE
 I hereby certify that I have accurately surveyed the property in the above plat. Iron Rebar were set at points marked o. All dimensions are in feet and decimals of a foot.

PLANNING DEPT. _____ DATE OF HEARING _____ BOARD OF APPEALS NO. BZA07008
Fee 250.00 Receipt No. _____ Date 12-3, 2007

APPEAL TO BOARD OF ZONING APPEALS

RECEIVED

DEC 03 2007

BOARD OF ZONING APPEALS, City of Lincoln, Nebraska

BUILDING & SAFETY

On Dec 3, 2007, 2007, the undersigned applied for a building permit to Build 30' x 40' metal storage building

Located on Lot 240 Block — Addition I.T. located in N.E 1/4 of Sect 8 T10 N7E
Address 3500 Cornhusker Have you met with the neighboring properties? — Yes — No

TO BE FILLED IN BY BUILDING OFFICIAL: This permit was denied because _____
SEE ATTACHED

The above decision(s) of the Building Official is hereby appealed on the grounds that (check and complete all that apply):

- The Administrative Official erred by _____
- A Variance to (height, ^{set back} area, parking, density, sign) is necessary because the property is peculiar, exceptional, and unusual in the following ways: need all possible room for semis to back in to the shipping docks. request front yard reduced from 20.0' to 5.1' and the side yard reduced from 15.0' to 8.1'
- An exception is necessary to:
 1. Reconstruct a non-conforming building for a compelling public necessity because: _____
 2. Correct a mapping error due to: _____
 3. Reduce the parking requirements due to the use of the building is such as to make unnecessary the full provisions of the parking because: _____

Contact Person: L. Wittoffman Address: 1340 G 2nd Ave 68521 Lincoln, Neb

Phone #: 430-1650 E-mail (if applicable) _____

Staff will post a notification sign in the yard of the property and other officials may visit the site prior to the hearing. Signing this form hereby grants permission to the staff to enter onto property for purposes related to this application.

Signed: [Signature] Appellant's Address 1340 G 2nd Ave Phone # 430 1650

Board of Appeals No. BZA07008 dated December 3, 2007

This permit was denied because:

1. Section 27.43.080(a) LMC requires a front yard setback of 20'-0".
A variance from 20'-0" to 5.1' is being requested.
2. Section 27.43.080(a) LMC requires a side yard setback of 15'-0".
A variance from 15'-0" to 8.1' is being requested.

AITKEN HAZEN HOFFMAN AND MILLER
ARCHITECTS AND ENGINEERS

1340 GARBER AVENUE
LINCOLN, NEBRASKA
68521 Tel. 476-8883

ARCHITECTURAL, ELECTRICAL,
MECHANICAL, STRUCTURAL,
FEASIBILITY STUDIES, CIVIL,
LANDSCAPE & SITE PLANNING

Subject
Subdivision of Lot
240 I.T.

In reference to the above subject and
the structure located in the North West corner
please be advised as follows.

The building is 30' x 40'
It is located 8'-2" from west property line
and 5'-1" from North property line.
(Note) A steel rounded stake is located
in the North West corner, indicating P.L. corner.

The business requires large semi's delivery and
requires large turn around. (right up to the structure
in the North West corner, for semi's

We have by request a variance in the set-backs.
The street to the North, (Hazelak) goes no
where to the East and is used like a dead
end alley. It has no thru traffic.

The building sets on 3" to 4" asphalt. It shows
no settlement into the asphalt. It is anchored by
1/2" bolts driven in to the ground as indicated on
the shop drawings, and stamped by a prof. engineer

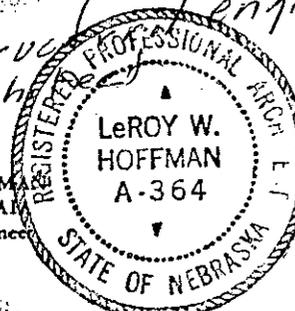
The building has been installed as shown on
drawings. cost of structure in installation is \$7,200
we are asking for a hardship variance

L.W. Hoffman

Structural Engineer

N. BRUCE HAZEN
Architect AIA

L.W. HOFFMAN
Architect AIA
Prof. Engineer



Survey Record

LANCASTER COUNTY, NEBRASKA

Harley D. Gale

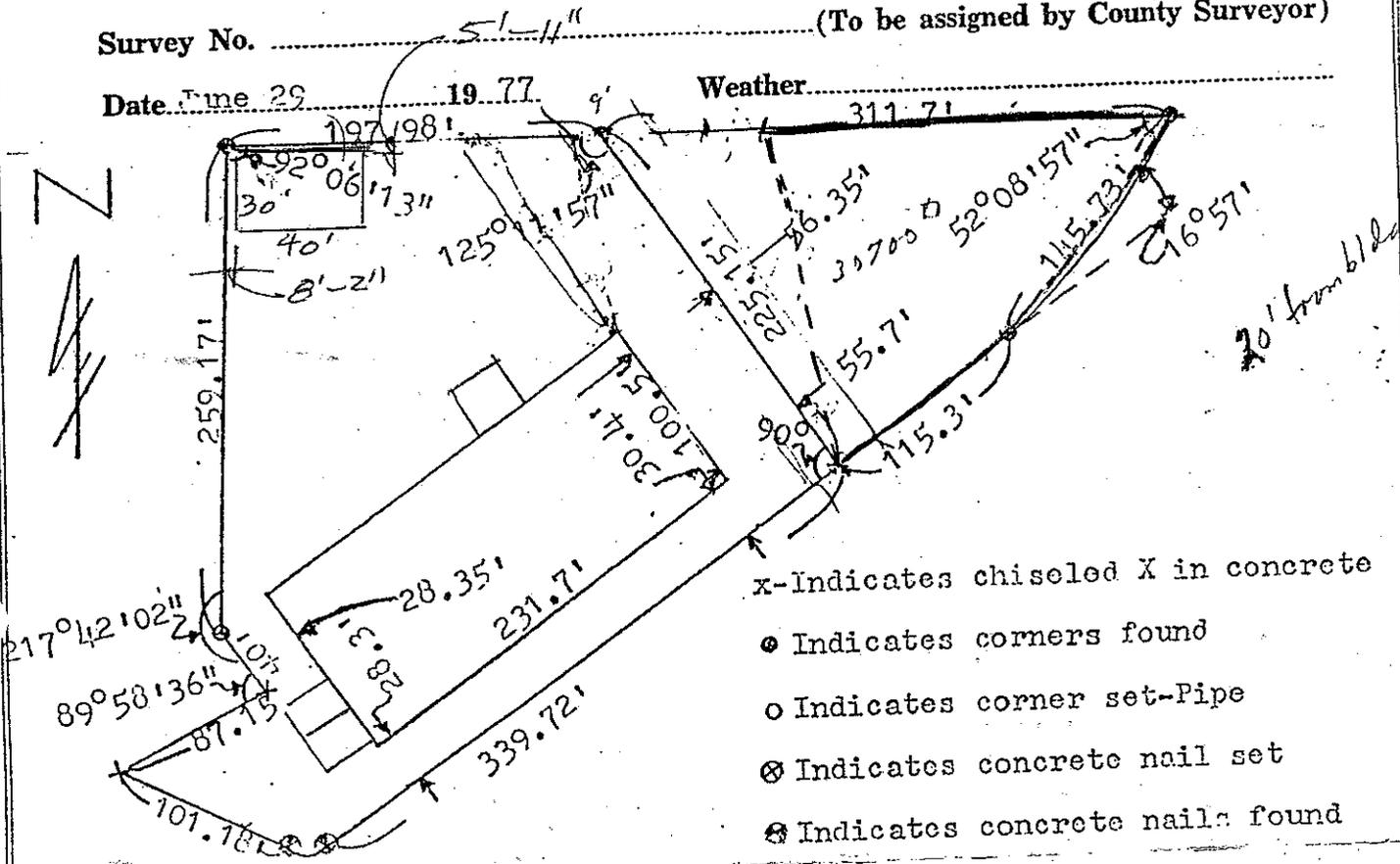
Survey of: Subdivision of Lot 240 I.T.

Section 8 T10 N, R 7 E of 6th P.M.

Survey No. _____ (To be assigned by County Surveyor)

Date June 29 19 77

Weather _____



- x-Indicates chiseled X in concrete
- Indicates corners found
- Indicates corner set-Pipe
- ⊗ Indicates concrete nail set
- ⊕ Indicates concrete nails found

I hereby certify that I have accurately surveyed each lot as shown hereon and each lot corner has been well and accurately staked

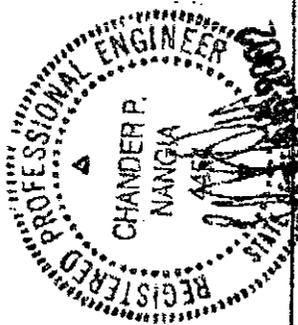
Field Notes: and marked with metal stakes.

Show descriptions of corners found and restored; distances chained; angles measured, if any; courses and bearings of irregular tracts surveyed; and ties taken to corners. Use reverse side if necessary.

Description of Survey

A tract of land located in Part of Lot 240, in Section 8-Township 10 North- Range 7 East of the 6th. P.M. Lancaster County is described as follows;

Beginning at the Northeast corner of said Lot 240, thence Westerly on the North line of said Lot 240, a distance of 311.7 feet, thence Southeastorly 125° 11' 57" left, a distance of 222.15 feet. thence Northeastorly 90° left, a distance of 115.3 feet to



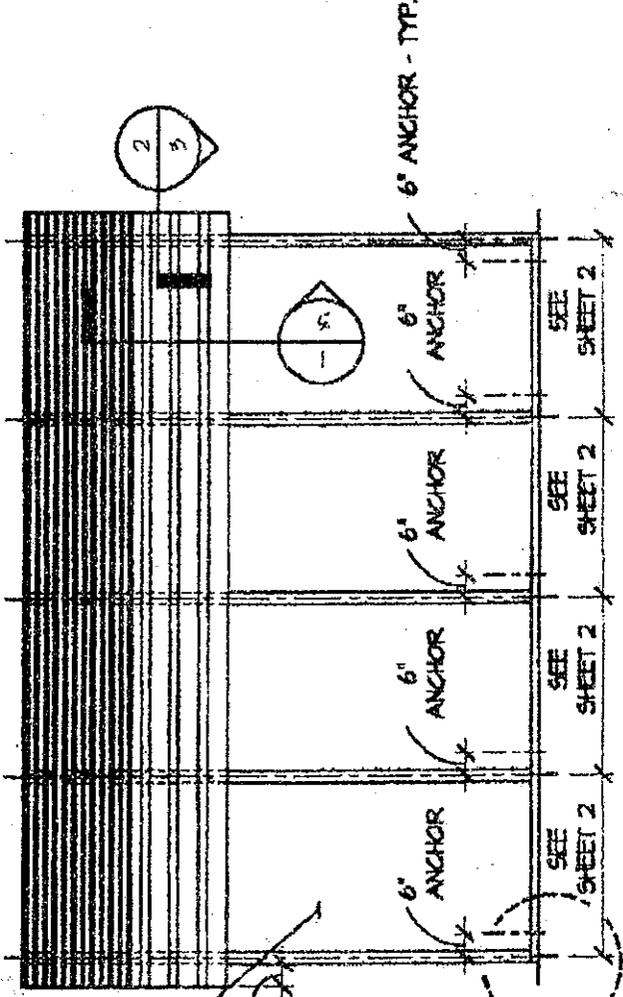
TRI-STATE CARPORTS, INC.
 336 River Road Lane
 Dobson, NC 27017
 1-877-446-3997
 MAIN - 1-708-756-2811
 FAX - 1-708-756-2803

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DATE: _____
 DRAWN BY: SKRM
 CHECKED BY: OA
 APPROVED BY: PC
 EXCESSIVE TRIC: _____

ELEVATIONS

CHANGES NO.: TRI-ZONE
 SHEET # 9 OF 7



NOTE: 16'-0" BASE LENGTH - EXTEND AT DISTANCE ON SHEET 2 FOR SIDE POST AS REQUIRED

CONT. EDGE TRIM - 2-1/2" X 2-1/2" 24 GA. ALUM ANGLE ATTACH W/ TEKS SCREW W/ NEOPRENE/STEEL WASHER EVERY 2 RIBS AS NEEDED PER SHEET MFR'S RECOMMENDATION



ROOF BENT SEE SCHED. FOR TUBE SIZES FY = 50 KSI GALV.

EDGE DETAIL
 SCALE: 3/4" = 1'-0"
 2
 9

SIDE PANELS:
 24 GA. CORRUGATED STEEL - GALVANIZED OR PAINTED, MAIN RIB HT. = 3/4" (FY = 80 KSI) OR EQ. (SIDE PANELS AS PER CUSTOMER ORDER)

FT6. DETAIL - SEE SHT. 7

SIDE ELEVATION

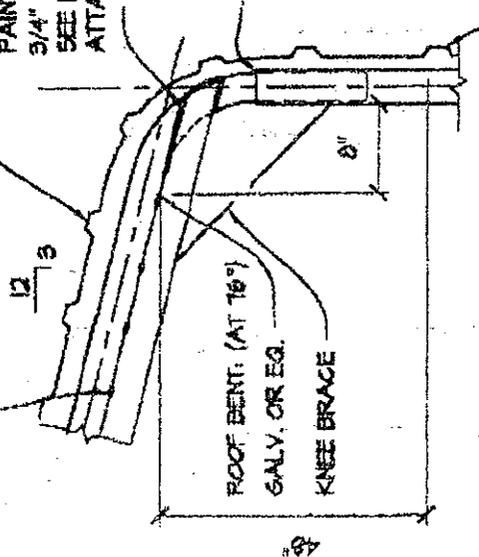
SCALE: NTS 1/8" FILLET X 1/2" LG. @ 8" C/C STITCH WELD BOTH SIDES - STAGGERED - TYP.

24 GA. CORRUGATED GALV. OR PAINTED STEEL - MAIN RIB HT. = 3/4" (FY = 80 KSI) OR EQ. SEE FASTENER SCHED. FOR ATTACHMENT

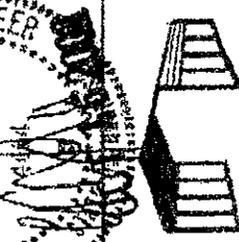
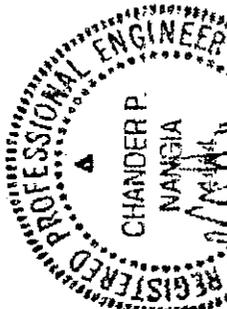
NOTCH LOWER BENT - FORM SIDES AROUND UPPER BENT - WELD ALL AROUND - SLEEVE TOP MEMBER INTO BTM. MEMBER

FASTENER SCHED. TYPE: TEKS #12X1" SCREWS W/ NEOPRENE/STEEL WASHER @ 8" C/C OF CORNER PANEL AND @ 8" C/C ELSEWHERE

24 GA. CORRUGATED GALV. SIDE PANELS. (FULL ENCLOSURE ONLY OPTION ON 80' MODEL)



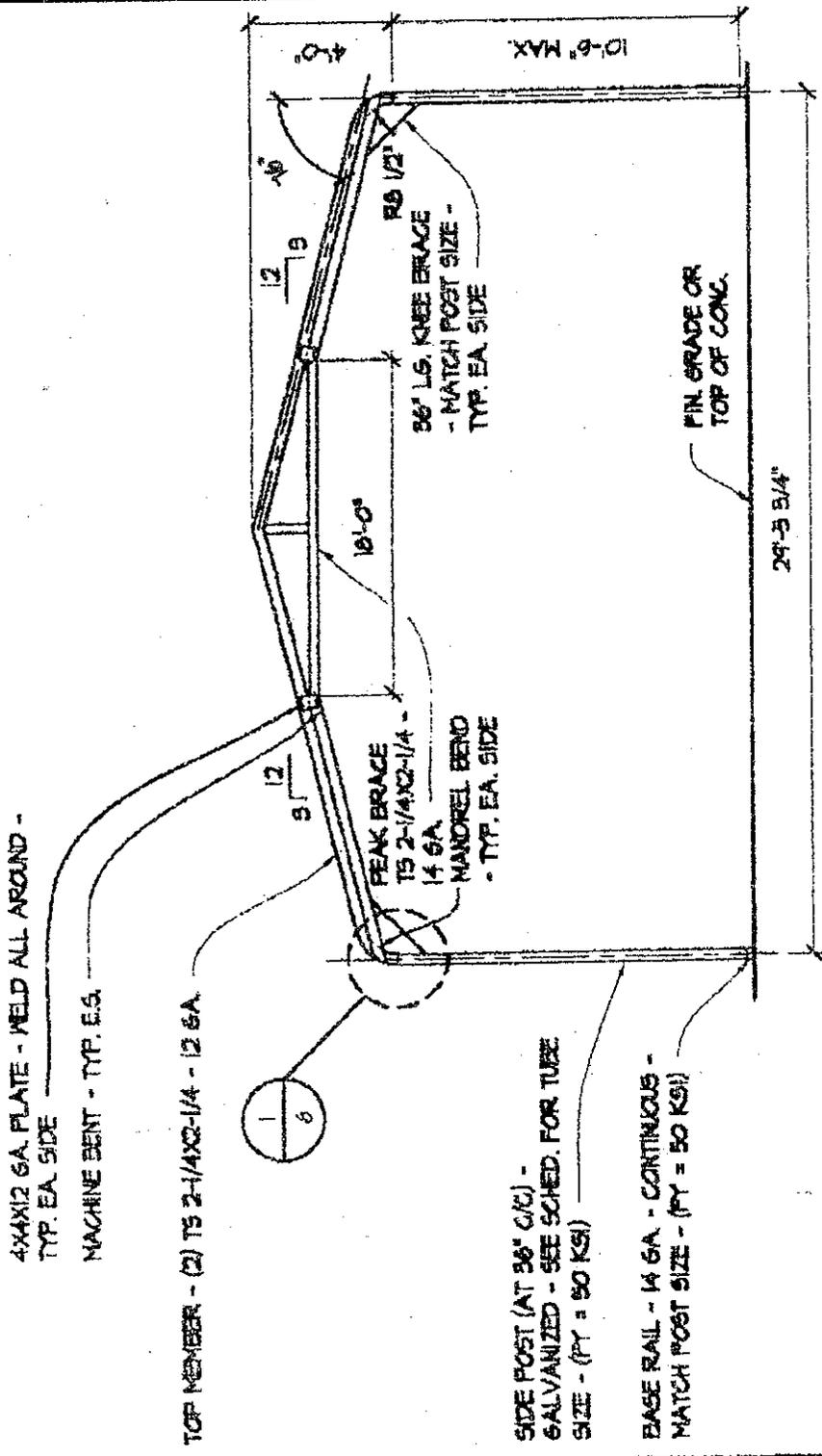
BENT DETAIL
 SCALE: NTS 1
 9



TRI-STATE CARPORTS, INC.
 336 River Road Lane
 Dobson, NC 27017
 1-877-644-2997
 FAX: 1-776-756-3463

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DATE	
DRAWN BY	SRM
CHECKED BY	OA
APPROVED BY	PC
ENGINEER TITLE	
TYPICAL BUILDING SECTION	
DRAWING NO.	TRI-309E
SHEET #	2 OF 7



TYPICAL BUILDING SECTION

SCALE: NTS

POST SCHEDULE

POST HL	POST SIZE
1'-6"	TS 2-1/4X2-1/4X12 GA. INVERTED IN
8'-6"	TS 2-1/2X2-1/2X14 GA.
10'-6"	

4X4X12 GA. PLATE - WELD ALL AROUND - TYP. EA. SIDE

MACHINE BENT - TYP. E.S.

TOP MEMBER - (2) TS 2-1/4X2-1/4 - 12 GA.

PEAK BRACE
 TS 2-1/4X2-1/4 - 14 GA.
 MANDREL BEND
 - TYP. EA. SIDE

SIDE POST (AT 36" O/C) - GALVANIZED - SEE SCHED. FOR TUBE SIZE - (FY = 90 KSI)

BASE RAIL - 14 GA. - CONTINUOUS - MATCH POST SIZE - (FY = 50 KSI)

FIN. GRADE OR TOP OF CONC.

36" LS. KNEE BRACE - MATCH POST SIZE - TYP. EA. SIDE

10'-6" MAX

24'-3 5/4"

