MEETING RECORD

NAME OF GROUP:	CITY BOARD OF ZONING APPEALS
DATE, TIME AND PLACE OF MEETING:	Wednesday, February 24, 2012, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Andrew Budell, George Hancock, Scott Sandquist and Lynn Sunderman; (Tim Francis absent). Tim Sieh of City Attorney; Todd Stutzman and Gordon McGill of Building and Safety; Steve Henrichsen, Brian Will and Teresa McKinstry of the Planning Department.
STATED PURPOSE OF MEETING:	Regular Board of Zoning Appeals meeting

Chair Hancock opened the meeting and acknowledged the posting of the open meetings act posted in the room. He then called for a motion approving the minutes of the regular meeting held January 6, 2012. Motion for approval made by Sunderman, seconded by Sanquist and carried 4-0: Budell, Hancock, Sandquist and Sunderman voting 'yes'; Francis absent.

APPEAL NO. 1201
REQUESTED BY KENNETH HUGHES, FOR A VARIANCE TO THE REAR YARD SETBACK FOR A SECOND FLOOR ADDITION, ON PROPERTY LOCATED AT 700 BROOKSIDE DRIVE
PUBLIC HEARING: **February 24, 2012**

Members present: Budell, Hancock, Sandquist and Sunderman; Francis absent.

Kenneth Hughes appeared as applicant. He and his wife purchased this property approximately two years ago. They made the decision to put on a second floor addition. He had the land surveyed and brought it to the City for a permit. He found out that the previous owner had encroached into the back yard setback by about three feet when a first floor addition was added. He was informed he would need to apply for a variance. His plan is not to encroach any further than what the house does presently. The addition would go straight up. There is a deck on the back of the proposed second floor. He also talked to both of his neighbors and showed them his plans. They agreed that they had no problem with the addition. He talked to the Capitol Beach Community Association. They sent a letter in support of the application.

Sandquist understands there is no cantilever. Hughes replied he was correct.

Hancock sees that the east edge of the deck does not appear to stick out any further than the first floor. Hughes replied he was correct.

Hughes stated that he submitted some graphic presentions with his application. The second floor addition would actually comply with regulations, but there is a small balcony on the back of the addition. A balcony is not allowed to project in the back yard, so the variance is required.

Hancock questioned if two separate actions are needed. Will replied that just one variance is being requested. Approval of the variance as requested would make the 2005 addition in compliance and allow for this request.

Sunderman believes this is pretty straightforward.

ACTION:

Sunderman moved approval of the variance of the rear yard setback from 24.8' (feet) to 20.81' (feet), seconded by Budell.

Sandquist stated that the original addition was approved by a building permit. This new second floor does not impact that existing shortfall in the required back yard. The back yard setback is not being changed. Secondly, he believes the applicant has gotten the consent from both neighbors on each side and the approval of the neighborhood association and this will not adversely impact the neighborhood in any way.

Hancock was interested in the background of the community unit plan. It appears as though some properties are in the CUP in this area, and some are not. Will replied that the lake and the northern and western tiers are within the CUP. The lots along the south are not. This is probably more to do with timing. It appears that it is the older lots that are in the CUP. There have been multiple adjustments to the setbacks over the years, both administratively by the Planning Director and by the Planning Commission.

Hancock inquired if there has been any move to amend the CUP to include all the houses. Will replied there hasn't been anything yet. There are quite a few properties involved. The Planning Dept. would be supportive, but it would be up to the neighborhood to make an application.

Motion for approval carried 4-0: Budell, Hancock, Sandquist and Sunderman voting 'yes'; Francis absent.

There being no further business, the meeting was adjourned at 2:45 p.m.