MEETING RECORD

NAME OF GROUP:	City Board of Zoning Appeals	
DATE, TIME AND PLACE OF MEETING:	Friday, June 27, 2008, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska	
MEMBERS AND OTHERS IN ATTENDANCE:	**Members:**	Gene Carroll, Tim Francis, George Hancock, Gerry Krieser and Bob Kuzelka.
	Others:	Terry Kathe and Michele Williamson (Building & Safety); Tonya Skinner (Law Department); 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 and acknowledged the Nebraska Open Meetings Act.

Approval of the minutes of the March 28, 2008 meeting

Francis moved approval of the March 28, 2008 meeting minutes, seconded by Kuzelka. Motion carried 5-0. Carroll, Francis, Hancock, Krieser and Kuzelka voting 'yes'.

Appeal No. 08003 by Richard Dyer for variances to the distance of a detached structure to a principal building and to the rear lot line setback on property generally located at 727 Marshall Avenue.

HEARING **June 27, 2008**

Brian Will of Planning staff noted a correction for page 2, paragraph 7 of the staff report. The paragraph references R-6 zoning. It should be referring to R-2 zoning.

Richard Dyer, Adams, NE appeared as applicant. He is the contractor for the owner. The owner would like to put a 12' x 20' garage on the southwest corner of the lot. Page 11 of the staff report shows the proposed location. The alley slopes down to the south. The neighbor to the north would like a garage built also. The footprint of the neighbor's home is identical to this house. Dyer and his neighbor would like to share a driveway. Because of the topography, there is room to put a garage on the northwest corner, but it makes the radius very tight and makes access difficult. Right now, the Dyer's do not have a garage, just a shed that will be taken down. There are retaining walls along the alley. This makes for good access and a clean finished appearance. A two foot setback of the rear yard is required. They are requesting it to be 1.5 feet to the wall. There would be 6 inches from the back of the property line to the eave of the overhang. There is supposed to be 6 feet between the house and the structure. They are requesting a reduction to 5' 9".

Francis inquired if the neighbors have done this. He believes there are others in the neighborhood with shared driveways. Dyer responded affirmatively. This would be almost identical to others in the neighborhood. These garages are actually a little further back from the lot line than others in the area.

Ray Boeche, 727 Marshall Ave. presented a letter from Phyllis Bucknell is support of this application.

He has been in the neighborhood for 26 years. He feels he has been maintaining the neighborhood. This would be an enhancement. Virtually, there is only one garage on the alley that has a setback to the alley. He believes the balance of the houses are right on the property line.

Carroll questioned if there is another garage directly to the south. Boeche replied no.

Julie Felzien, 725 Marshall Ave. is the neighbor to the north. She is in support of this application. She would like to share a driveway with Mr. Boeche. They would like to each have a garage they can actually get a car in.

Krieser wondered if Felzien would need a variance also. Felzien responded that her lot would not need one.

Dave Voboril, 717 Marshall Ave. is the neighbor to the north of Julie Felzien. He has a garage on the property line. He has a shared driveway with his neighbor. It works out pretty well for him with the small amount of space that they have. He feels this would increase property values in the area. Neither of the properties have usable garage space at the moment.

Kuzelka wondered if the city has a minimum garage size. Terry Kathe of Building and Safety replied no. There are parking lot design standards, but not for this situation.

Kuzelka inquired if this is a typical garage size. Kathe replied that this is actually pretty small. Two car garages are more the norm these days.

Carroll noted that this is encroaching on three sides. Kathe stated that this will have to be properly fire rated.

Dyer stated that he was told that because the back side was on the alley, it would not have to be fire rated. Kathe replied that is very possible. The building code officials will work with the applicant on the specifics if this is approved.

ACTION **June 27, 2008**

Motion for approval of a variance for the detached structure to be located 5'9" from the principal structure; approval of a variance for the detached accessory building to be located 1'6" from the rear lot line; and approval of a variance for the detached accessory building to be located 6" from the rear lot line for the eave of the detached accessory building, based on circumstances of exceptional lot size and unique terrain made by Francis, seconded by Kuzelka.

Francis stated that this seems to be a reasonable request.

Carroll stated that this is difficult. The board is limited to variances due to exceptional circumstances and other various concerns stated in the code. He understands the applicant is trying to share a driveway with the neighbor, but he believes there is an alternative solution that would work without a variance.

Kuzelka also thinks the lot is exceptional. Hancock noted that the board is prohibited from considering size.

Carroll doesn’t believe the topography is severe. He believes there is an option to build on the north side.

Hancock believes that the topography is fairly significant.

Brian Will clarified that there are three variances being requested. The first one is requesting a detached structure to be located less than 6 feet away from a principal structure. A variance from 6 feet to 5' 9" is being requested. The second variance is requesting a building be located closer than 2 feet from the rear lot line. 1'6" is being requested. The third variance being requested is for the accessory building to be closer than 2 feet from the rear lot line. The applicant is requesting the eave of the detached accessory building be 6 inches from the rear lot line.

A short recess of 5 minutes was taken.

Krieser will have to oppose the motion. He sees an alternative placement of the garage. According to his interpretation of the rules of the Board of Zoning Appeals, he does not believe he can support approval of these variances.

Motion for approval carried 3-2: Francis, Hancock and Kuzelka voting 'yes'; Carroll and Krieser voting 'no'.

There being no further business, the meeting was adjourned at 2:00 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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