

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 13, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Special Permit #1384E, Marina Bay Community Unit Plan

**PROPOSAL:** Reduce the rear yard setback from 22.5 feet to 19 feet for Lot 1, Block 1, Marina Bay Addition.

**LOCATION:** 633 Marina Bay Place.

**WAIVER REQUEST:**

Reduce the rear yard setback.

**CONCLUSION:** The reduction in the rear yard to enclose a patio should not have a negative impact on the adjacent property.

<b><u>RECOMMENDATION:</u></b>	<b>Conditional Approval</b>
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Block 1, Marina Bay Addition, Lincoln, Lancaster County, Nebraska

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Single family dwelling

**SURROUNDING LAND USE AND ZONING:**

North:	B-1, Local Business District	
South:	R-3 Residential District	Single family house
East:	R-3 Residential District	Single family house
West:	R-2 Residential District	Capitol Beach lake

**HISTORY:**

**March 1, 1999** Special Permit #1384D to reduce the front yard setback for a garage was approved by City Council.

- October 26, 1998** Special Permit #1384C to reduce the front and rear yard setback for a garage was approved by City Council.
- July 13, 1998** Special Permit #1384B to reduce the rear yard setback was approved by City Council.
- August 13, 1998** Special Permit #1384A was withdrawn.
- November 3, 1997** Administrative Amendment #97102 to adjust lot lines was approved by the Planning Director.
- December 10, 1990** Special Permit #1384 for Marina Bay Plaza community unit plan was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential in the 2025 Comprehensive Plan. (F-25)

**ANALYSIS:**

1. This is a request to reduce the rear yard setback from 22 feet 6 inches to 19 feet to enclose a patio.
2. The applicant has requested a reduction in the rear yard setback across the entire rear yard.
3. Reduction in required yard setbacks are commonly granted when Community Unit Plans are approved. The reduction is towards the lake, not to an adjacent dwelling. Several amendments to CUP's to reduce the required rear yard setback have been approved.
4. The applicant has submitted letters from the abutting property owners. The neighbors are in support of the application.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents to the Planning Department office and are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Submit documentation that the Capitol Beach Homeowners Association does not object to this application.
2. This approval permits a reduction in the rear yard setback for the patio as shown on the approved site plan.

Prepared by:

Tom Cajka  
Planner

**DATE:** September 27, 2004

**APPLICANT:** Michael & Chrisenda Smith  
633 Marina Bay Pl.  
Lincoln, NE 68528  
(402) 438-6333

**OWNER:** same as applicant

**CONTACT:** same as applicant



**Special Permit #1384E**  
**Marina Bay CUP**  
**633 Marina Bay Plaza**

2002 aerial

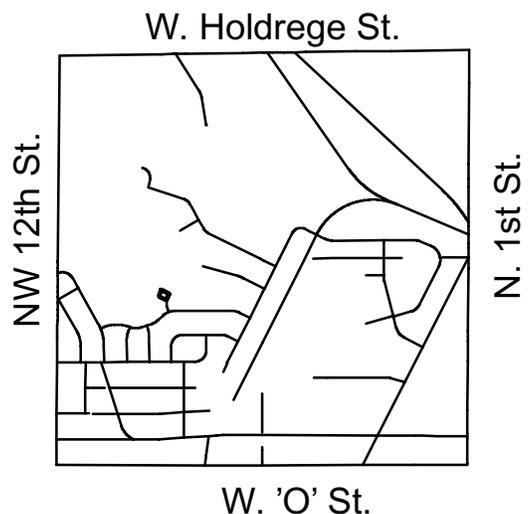
**Zoning:**

- 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. 22 T10N R6E



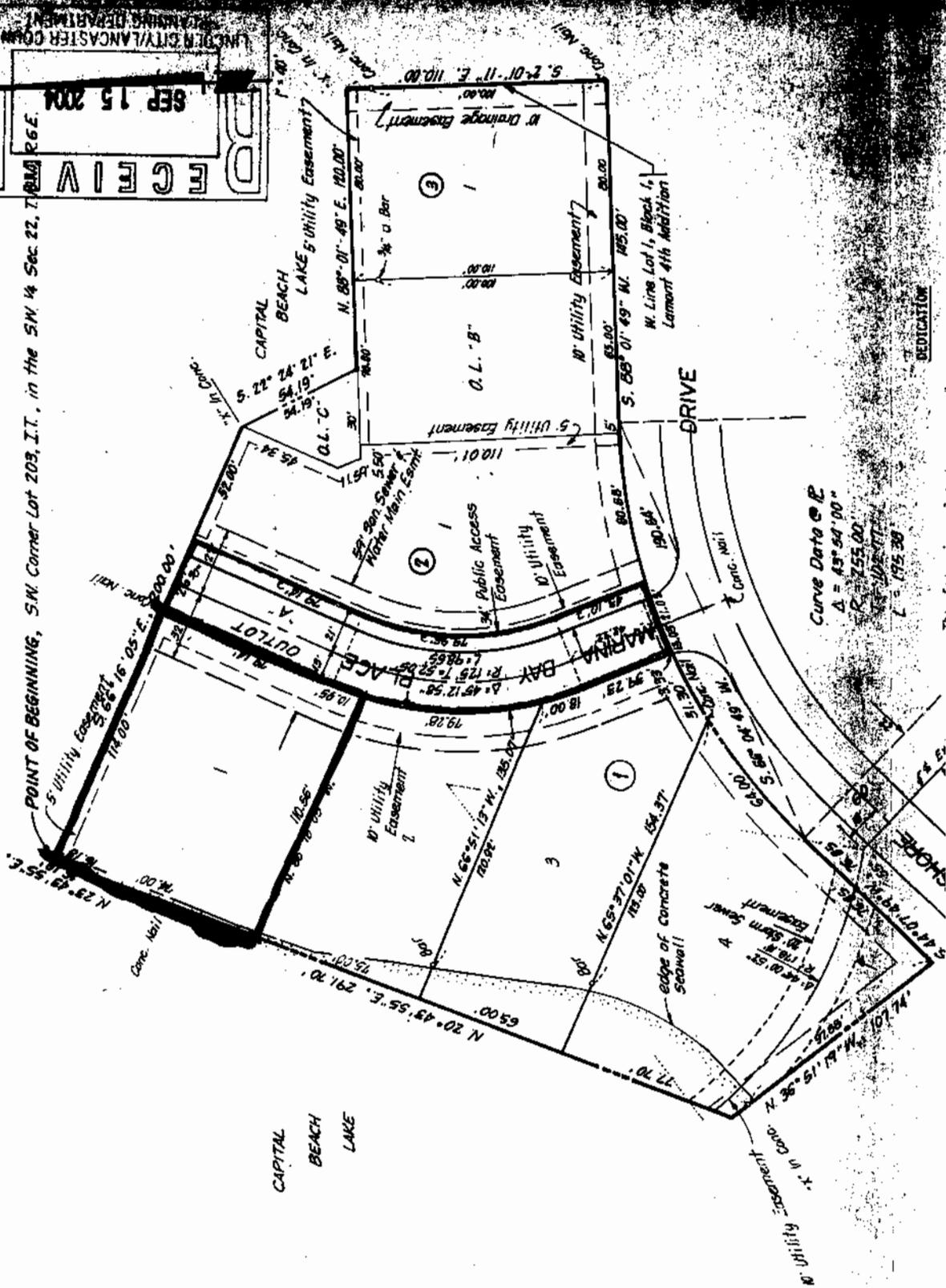
Zoning Jurisdiction Lines  
 City Limit Jurisdiction



# MARINA BAY ADDITION

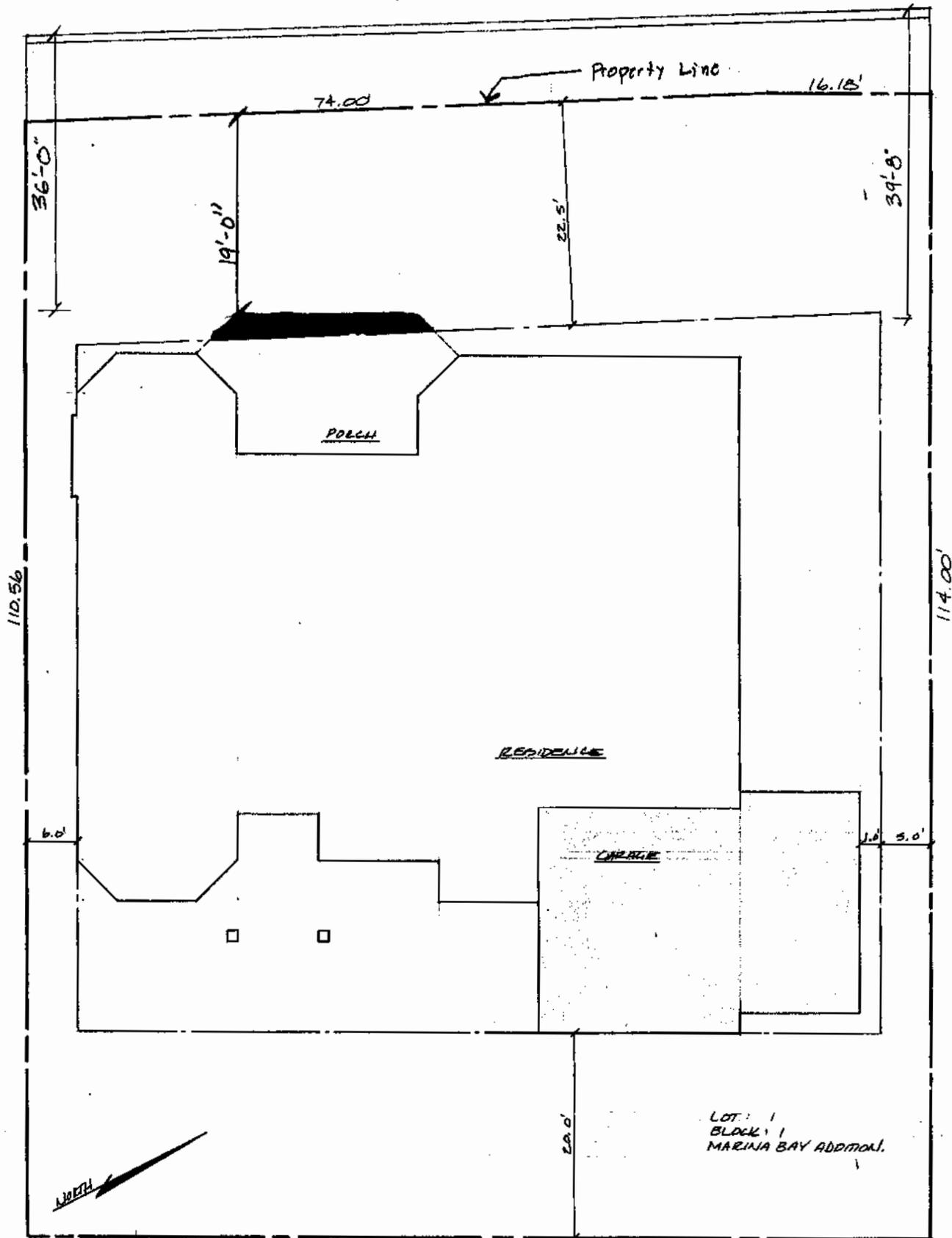
POINT OF BEGINNING, S.W. Corner Lot 203, I.T., in the SW 1/4 Sec 22, T.18N R.6E.

RECEIVED  
SEP 15 2004  
ENGINEERING DEPARTMENT  
LINCOLN CITY/LANCASTER COUNTY



DEDICATION

NEW SEA WALL



MARINA BAY PLACE

LOT: 1  
BLOCK: 1  
MARINA BAY ADDITION.

August 26, 2004

Board of Zoning Appeals  
555 So. 10th Street  
Lincoln, NE 68508

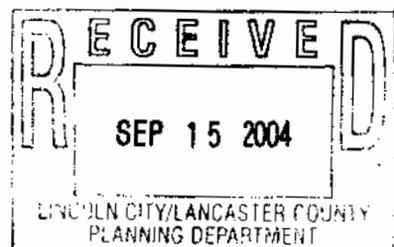
Dear Zoning appeals Board:

This is Clayton and Denice Schroeder 621 Marina Bay Pl. Lincoln NE. neighbors to the South of Mike and Chris Smith. I am writing this letter to make you aware of my knowledge of Michael Smith's desire to reduce the back yard set back to 19 feet. This would allow him to legally enclose his patio. Denice and myself have no problem with this request and have ourselves had our backyard setback reduced for the same reason.

Respectfully;

Clayton Schroeder  
Denice Schroeder

*Clayton Schroeder*  
*Denice Schroeder*



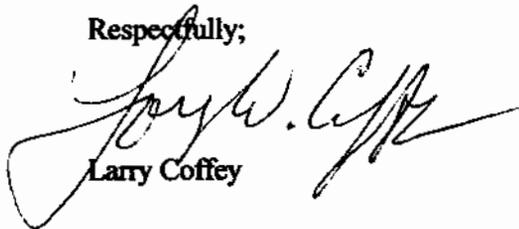
August 26, 2004

Board of Zoning Appeals  
555 So. 10th Street  
Lincoln, NE 68508

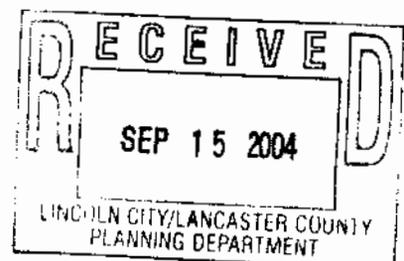
Dear Zoning appeals Board:

This is Larry Coffey I own the property North of Mike and Chris Smith at 720 Marina Bay Pl.. I am writing this letter to make you aware of my knowledge of Michael Smith's desire to reduce the back yard set back to 19 feet. This would allow him to legally enclose his patio. I have no problem with this request and ask that you vote in favor of his appeal.

Respectfully;



Larry Coffey



**J. Michael Rierden**  
ATTORNEY AT LAW

THE COTSWOLD  
645 "M" STREET  
SUITE 200  
LINCOLN, NE 68508

TELEPHONE (402) 476-2413  
TELECOPIER (402) 476-2948

September 1, 2004

Board of Zoning Appeals  
City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: 633 Marina Bay/Mike and Chris Smith

To Whom It May Concern:

Please be advised that my law firm represents Capitol Beach Community Association. I have been asked to write to you on behalf of the applicants, Mike and Chris Smith to explain to you the procedure for the building of docks, runways, and other structures in Capitol Beach Lake. First of all, the Lake bed is owned by the Association. Once a person purchases a lot abutting the Lake they then have the privilege of utilizing the Lake. However, when it comes to building such things as docks the property owner must first approach the Board of Directors of the Association in order to obtain a Temporary License Agreement. The Association has a policy that they will not deed the portion of the Lake to an abutting property owner for purposes of placing a dock. Rather, this is done by means of the Temporary License Agreement. The reason that the term "temporary" is used is that because if the property owner were in violation of any of the rules, regulations and covenants of the Association or is in default of paying dues or assessments then the Association could have the structure removed. To my knowledge this has never taken place and would be highly unusual. If you should have any other questions please feel free to contact me.

Yours very truly,



J. Michael Rierden

JMR/jdr

