

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

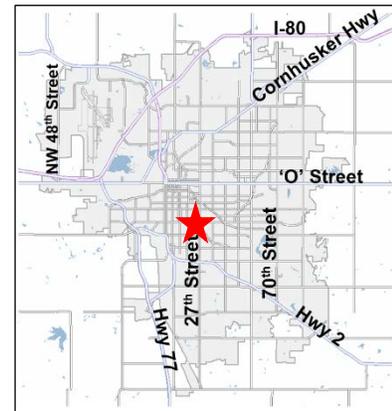
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 19045	FINAL ACTION? Yes	OWNER Kimberly Rempel
PLANNING COMMISSION HEARING DATE October 16, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2672 Sewell Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request per Section 27.63.280 for Expansion of a Nonstandard Use to accommodate the reconstruction of an attached garage with setback reductions. The property is located at the northwest corner of Sewell Street and S. 27th Street. Table 27.72.020(a) requires a front yard (east) setback of 25', a side yard (west) setback of 5' and a rear yard (north) setback of 15.4 feet. The request is to reduce the front yard setback to 22 feet, the side yard setback to 3 feet, and the rear yard setback to 11 feet.



JUSTIFICATION FOR RECOMMENDATION

The nonconforming condition is caused by the fact that the building was constructed in 1923 and predates the current Zoning Ordinance requirements for principal structure setbacks.

The proposed garage reconstruction will extend 3 feet further north toward the rear setback and will be in the same general location. The proposal will not negatively impact the neighbors and will allow for an addition to a garage to current building code standards.

APPLICATION CONTACT

Kimberly Rempel, (402) 202-3754 or kimberly.rempel@homerealestate.com

STAFF CONTACT

George Wesselhoff, (402) 441-6366 or gwesselhoff@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages maintaining appropriate density and unique architectural features within existing neighborhoods, and a variety of housing types. This proposal maintains an existing feature within an established neighborhood, and is typical of other special permits approved to allow reconstruction of a garage.

WAIVERS

1. Reduction of the front yard setback from 25 feet to 22 feet. (Recommend Approval)
2. Reduction of the rear yard setback from 15.4 feet to 11 feet. (Recommend Approval)
3. Reduction of the side yard setback from 5 feet to 3 feet. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This is an application to allow a 3 foot extension for the reconstruction of an existing attached garage. The property is located at the northwest corner of Sewell Street and S. 27th Street and is 0.09 acres in size. The existing structure was built in 1923 and is nonconforming because it does not meet the front, side or rear yard setback requirements for the main structure.
2. The property is zoned R-2 Residential. This district for single family dwellings has a 25' front yard setback, 5' side yard setback, and the rear yard is the smaller of 20' or 20% of the lot depth. Corner lots have two front yards, one for each street frontage. In this case, the lot is 77 feet deep (north to south) and so the minimum rear yard setback required is 15.4 feet. Per 27.72.120 Accessory Buildings, accessory buildings which are attached to or not located more than six feet from the main building are considered part of the main building and must comply with the height, front, side, and rear yard requirements of the main building.
3. The requested setback waivers are to accommodate a reconstruction of the attached garage with a three foot addition which is considered part of the main structure for setback purposes. These waivers include reduction of the front yard setback from 25 feet to 22 feet, reduction of the side yard setback from 5 feet to 3 feet, and reduction of the rear yard setback from 15.4 feet to 11 feet. The applicant indicates that they need to remove the garage and rebuild with an access door from their kitchen into the garage, making it accessible from the home. In order to do this, a 3 foot landing is needed for steps down to the garage floor. The addition would not extend any closer to the front or side yards and would only extend 3 feet closer to the rear (north) property line.
4. Lincoln Transportation & Utilities-Engineering Services noted in the review of this proposal that the applicant's private sanitary sewer lines should be identified as there is a concern the service may cross properties to get to the sanitary main, however, this request will not affect public infrastructure. The note is informational for the applicant respective of their private infrastructure.

5. A nonstandard use is defined by LMC 27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum requirements for the district in which it is located. The structure was constructed in 1923 prior to the current Zoning Ordinance requirements.
6. LMC §27.63.280 provides the following criteria shall be given specific consideration:
 - (a) **Effects on adjacent property, traffic, city utility service needs;**

There will be no significant impact. The garage will be situated in the same general location as the existing garage, and only slightly larger. Front and side setbacks will not change, only the rear yard setback is being reduced from existing by 3 feet.
 - (b) **Density of land use zoning for the subject property and adjacent property;**

There will be no change in terms of density of land use or effects on adjacent property as the garage will only be slightly larger than the existing and no other change to the property.
 - (c) **The degree of hardship upon the applicant which would be caused by failure to grant.**

If the Special Permit were not granted the applicant could not feasibly undertake the garage reconstruction and still meet today's setbacks.
7. The special permit is warranted because: 1) the existing attached garage predates current Zoning Ordinance requirements, 2) the new garage will be reconstructed in the same general location with slight increase in size, 3) the new garage will be built to current building code standards and 4) there will be no negative impact to the neighborhood or the adjacent property and 5) special permits for expansion of nonconforming to allow garage reconstruction have been approved numerous times.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single Family Detached; R-2

SURROUNDING LAND USE & ZONING

North: Single Family Detached; R-2
South: Single Family Detached: R-2
East: Single Family Detached; R-2
West: Single Family Detached; R-2

APPROXIMATE LAND AREA: 0.09 acres

LEGAL DESCRIPTION: The South 77 feet of Lot 20, Block 4, Sheridan Place, located in the SE 1/4 of Section 36-10-6, Lincoln, Lancaster County, Nebraska

Prepared by

George Wesselhoft, Planner
gwesselhoft@lincoln.ne.gov or at
402-441-6366

Date: October 3, 2019

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(402) 202-3754 or kimberly.rempel@homerealestate.com

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CONDITIONS OF APPROVAL - SPECIAL PERMIT 19045

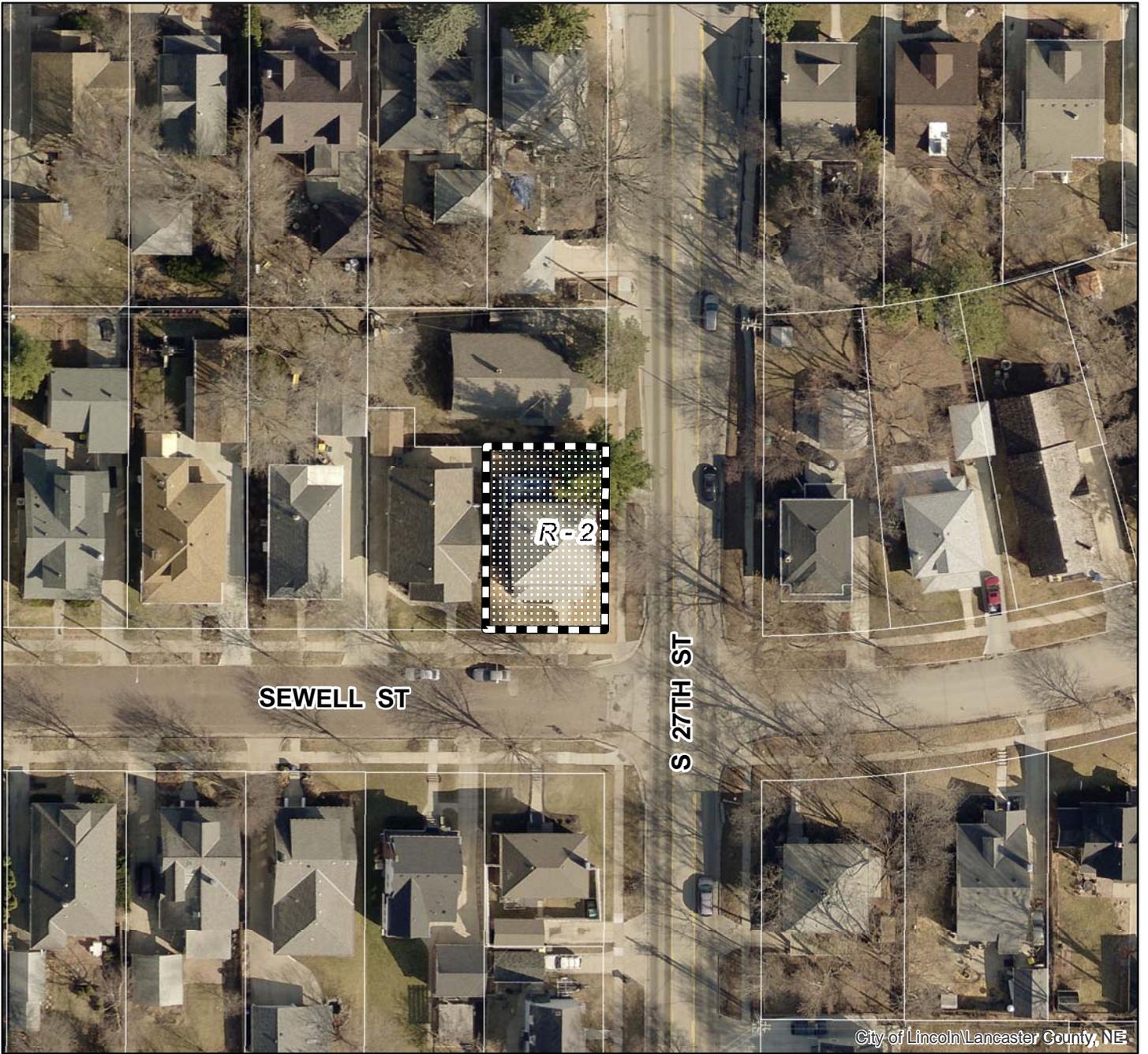
Per Section 27.63.280 this approval permits the reconstruction of an attached garage, with reduction of the front yard setback from 25 feet to 22 feet, reduction of the rear yard from 15.4 feet to 11 feet, and reduction of the side yard setback from 5 feet to 3 feet.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 2 copies.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



City of Lincoln Lancaster County, NE

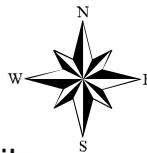
2018 aerial

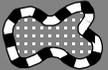
Special Permit #: SP19045
S 27th St & Sewell St

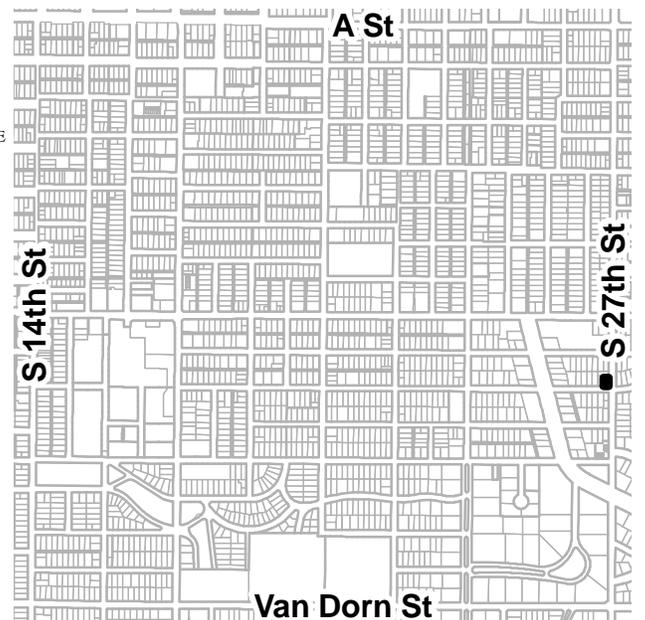
Zoning:

- 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

One Square Mile:
 Sec.36 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



September 17, 2019
2672 Sewell Street
Lincoln, NE 68502

RE: Application Letter for special permit

Dear Planning Commission,

I am requesting a special permit to rebuild my garage at 2672 Sewell Street. The existing garage is not repairable due to deterioration from weather and insects. The existing garage is currently 14 feet off of the back, North property line and 4 feet off of the West property line. I would like to remove the garage and rebuild with an access door from my kitchen into the garage, making it easily accessible from the home. To do this I need to add a 3 foot landing as I need to have 4 steps down to the garage floor. I will also be pouring new concrete inside the garage and the approach to the new garage. My proposed garage will be the same length, 19.5 feet and I am requesting to build it 3 feet wider to accommodate the landing and steps. The new garage will be 12 feet wide. This will now make my back yard, North set back 11 feet.

The legal description is: **SHERIDAN PLACE, BLOCK 4, Lot 20, S77'**

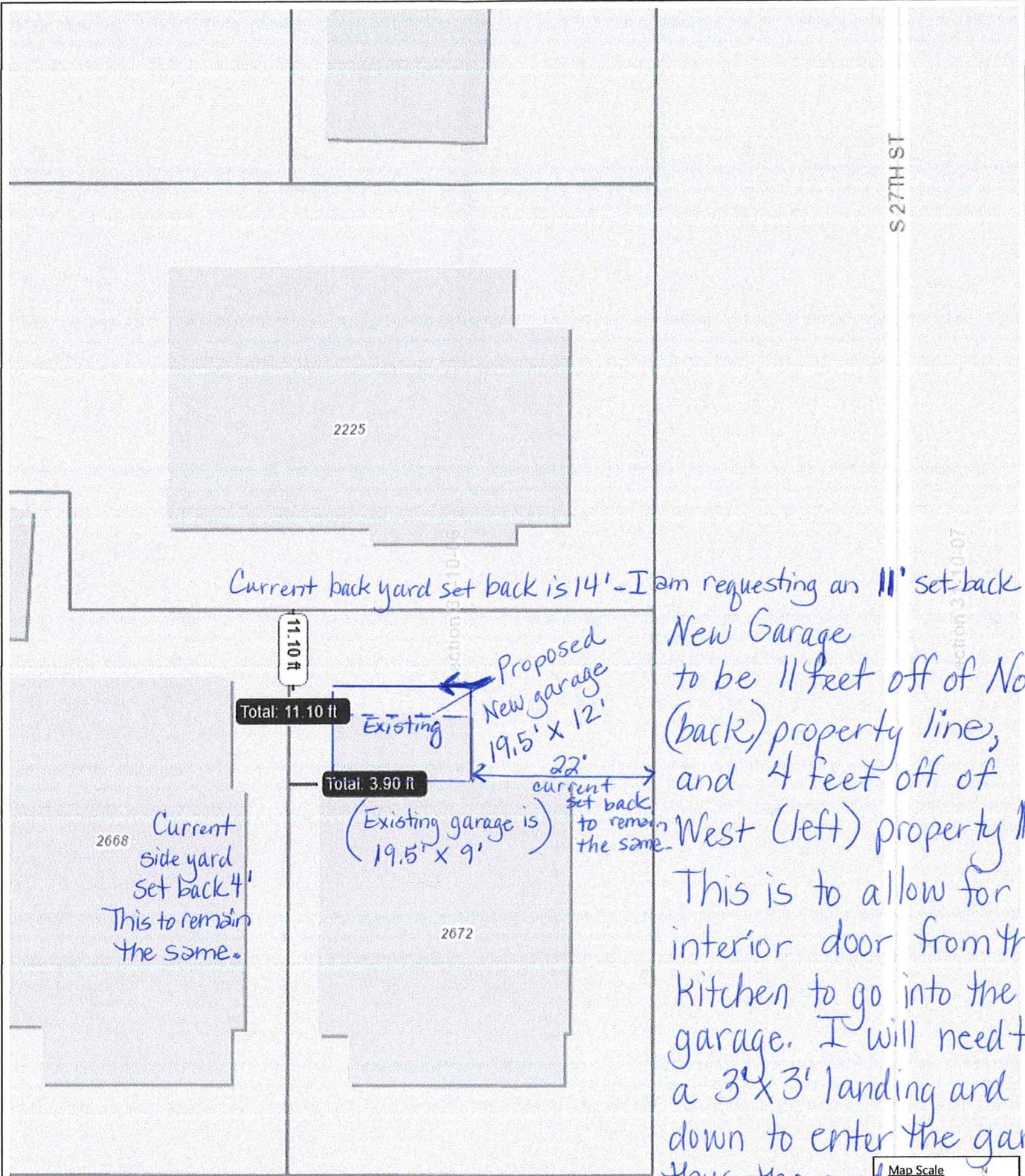
Property ID is 10-36-407-020-000

Primary Class is R1 Residential Improved, Single Family

Zoning: R2

Thank you very much for your consideration to allow me to improve my property and value of my home.

Sincerely,
Kimberly Rempel



Printed: 9/17/2019

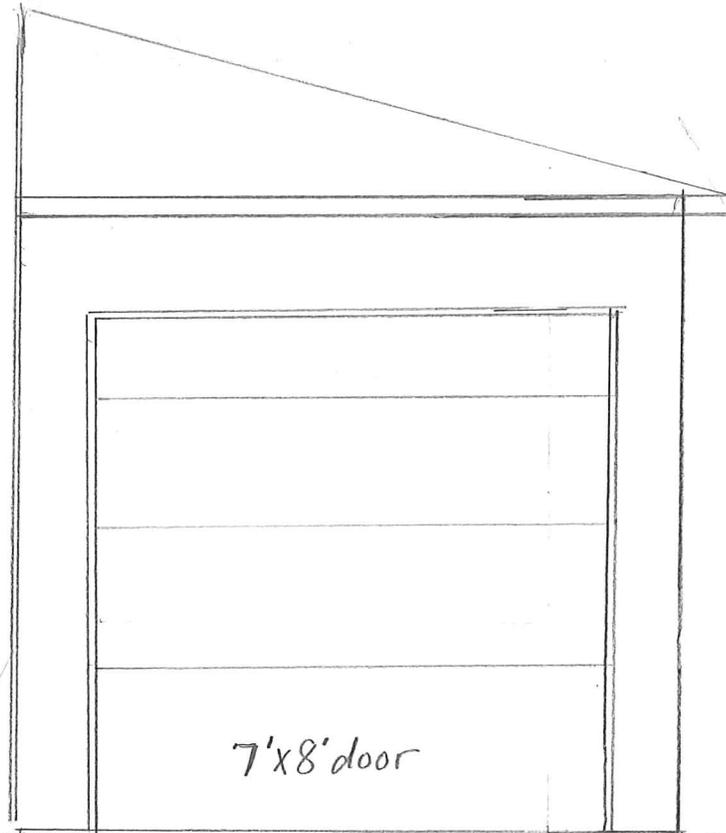
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email assessor@lanaster.ne.gov and you will be directed to the appropriate department.

for a wider garage.

Outline of proposed New Garage w/ Angled Roof



Attached to
Existing
House



Front 12' X 19.5"
wide deep

7'x8' door

Front View from 27th Street