

**MEMO TO:** Lincoln Board of Adjustment  
**FROM:** City of Lincoln Planning Department  
**DATE:** April 18, 2023  
**SUBJECT:** BOA-2-2023 – Ginger Fearn

**Property Information**

- Property Location – 114 North High Street (PID 21035)
- Current Zoning – Residential-10 (R-10)
- Property Size - 0.24 acres
- Current Use of Property – Single Family Dwelling
- Adjacent Properties – Single Family Residential and Library

**Variance Request**

Application from Ginger Fearn requesting a variance of UDO Section 153.107 (Side Yard Setbacks in the R-10 District) for the purpose of building a new accessory carport.



## **Relevant UDO Requirement**

§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

(3) *Minimum side yards setback (an additional ten feet shall be provided on all side yards which abut a public street).*

(a) Single-family dwellings: ten feet.

- Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.

## **Background Information**

The applicant is requesting a variance to construct an accessory detached carport in the R-10 district. The subject property is located at 114 North High Street (Parcel ID 21035). The Carport will be approximately 75 feet from North High Street and approximately 1 ½ feet from the interior property line.

The property is 90 feet in width along North High Street and the rear property line. 99 Feet along West Sycamore Street and the interior side property line This lot was created prior to the UDO adoption in 1990.

## **Example of Carport**



**Aerial Views:**





**Street View:**



### **Additional Applicant Statements (See Attached Application)**

- Previous owner built garage in 1950 prior to Zoning
- Garage and Drive on property lines do not meet side setbacks
- Carport will not be any closer to property line than garage already is

### **Findings of Fact**

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

### **Staff Comments**

- The applicant's request should not affect the neighborhood negatively in any way.
- The variance request should be consistent with the spirit, purpose, and intent of the ordinance.
- The applicant will need to address, at the meeting, how the four findings of fact are met in order for the Board of Adjustment to grant the variance.