

5574  
APPEAL NO. 1319  
APPEAL APPROVED

RESOLUTION 677

BE IT RESOLVED by the Board of Zoning Appeals of the City of Lincoln:

That after a public hearing on the 7 day of April, 1982, upon the application of L.C. Price by Rollie Bailey in Appeal No. 1319 dated March 2, 1982, to grant an exception to permit 69 parking spaces instead of 110 parking spaces for the 4,614 square feet of dining and kitchen area, 1,914 square feet of assembly area, 4,072 -sq. ft. of circulation area, and hobbies & crafts, and the 12 dwelling units in the B-1 Business District as applied to the following described property in Lincoln, Lancaster County, Nebraska, to wit: Block 56 and the S½ of Block 55, Bethany Heights Addition, based upon the Board's determination of the facts as shown on testimony at the above public hearing, the Board approves the application for the following reasons and with the following provisions:

1. The Board deems it reasonably necessary for the public convenience and welfare.
2. The exception would be in the best interest of the public safety and general welfare of the City of Lincoln.
3. The requested exception recognizes the demand for off-street parking needs in the area.

The application is approved provided:

1. The application for Special Permit #977 is approved by the City elected officials.
2. The exception applies only to the uses within the B-1 Local Business District.
3. The uses, the location of the uses, floor area of each use, and the number of dwelling units shall be limited strictly to that indicated on the attached floor plan.

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4. Areas designated for dining, recreation, kitchen, and gymnasium as well as all areas without designation, as identified on the attached floor plans, shall be used only by the residents of the building, the residents of Special Permit #977 Housing for the Elderly, and community and civic organizations and their guests. Such use shall be limited to dining, parties, stage performances, dancing, or other recreation. No restaurant operation open to the public shall be conducted on the premises except that the Senior Dining Program wherein senior citizens may walk in and be served shall be allowed and private parties may occasionally be served primarily during the evening hours.

5. That no development or construction or remodeling of the existing building shall proceed until the same has been approved by the Superintendent of the Building Officials of the City of Lincoln; and that the building shall not be occupied or otherwise used until said Building Official has found that permittee has complied with all the terms, conditions and requirements of the City.

6. That within 30 days from the date of this resolution, permittee shall properly execute the Letter of Acceptance and file the same with the City Clerk evidencing its unqualified acceptance of all the terms, conditions, and requirements herein set forth.

7. That all terms, conditions and requirements of this resolution granted herein shall be binding and obligatory on the permittee, his successors and assigns and within 40 days from the effective date of this resolution, City shall cause a certified copy of said resolution together with a certified copy of the executed Letter of Acceptance and copies of the floor plan of the building to be filed in the Office of the Register of Deeds, Lancaster County, Nebraska. The cost of said filing shall be paid by the permittee.

Introduced by Mary Jane Humphrey

Approved as to form:

Lynette Musery  
for City Attorney

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**Appeal To Board Of Zoning Appeals**

**# 1319**

L.C. Price, by Rollie Bailey has applied for a building permit to construct a living center for the elderly having participatong with citizen's groups organized for the betterment of the citizen and the City of Lincoln on the south half of Block 55 and Block 56, Bethany Heights Addition, Lincoln, Lancaster County, Nebraska, at 1500 N. Cotner Blvd.

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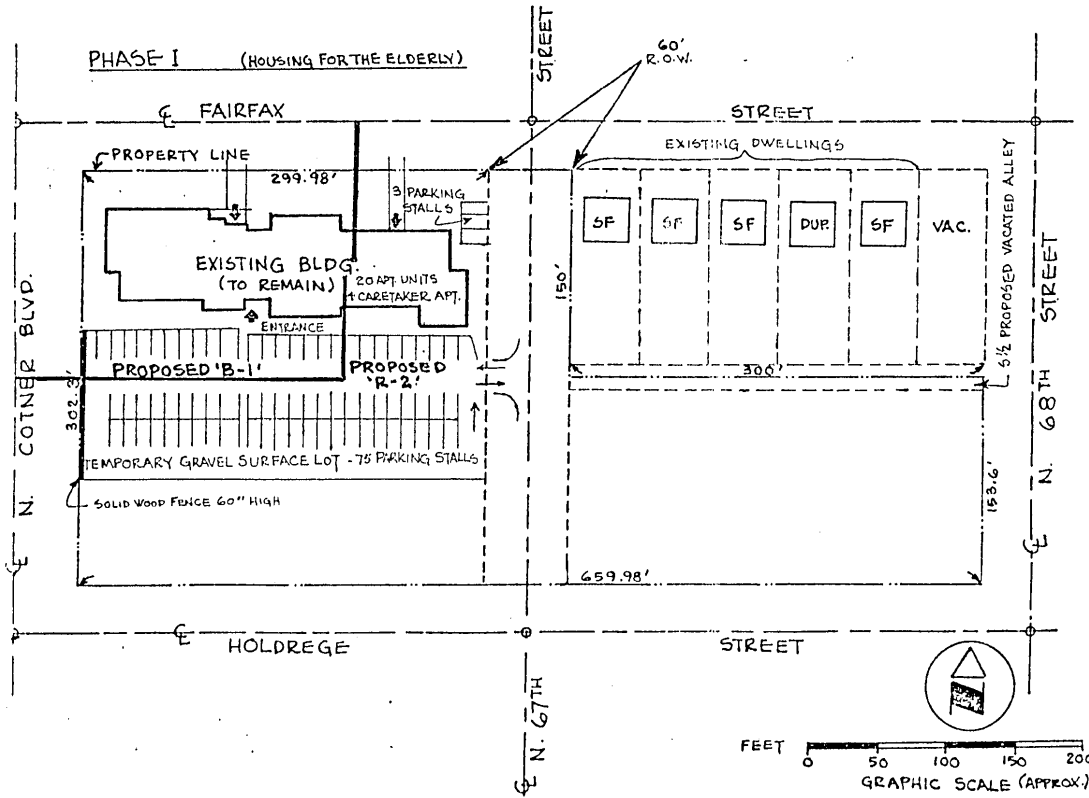
This appeal is directed to the Board relative to exceptions

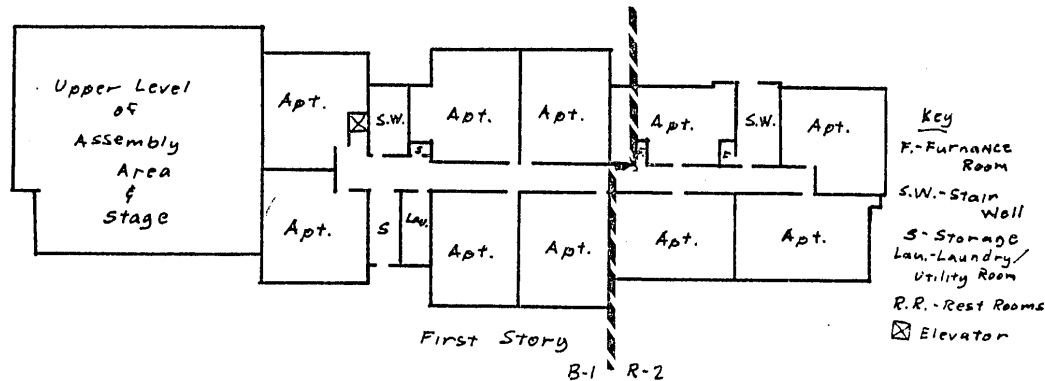
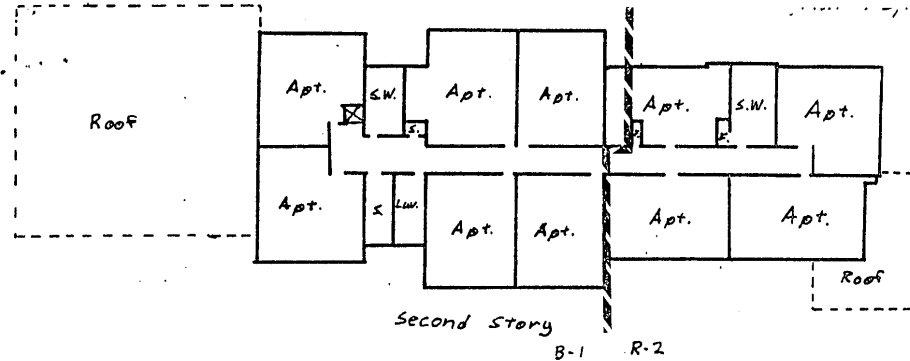
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This permit was refused because Section 27.67.020 & 27.67.040 requires 119 parking spaces for 1st phase of development and a total of 199 parking spaces for completed development.

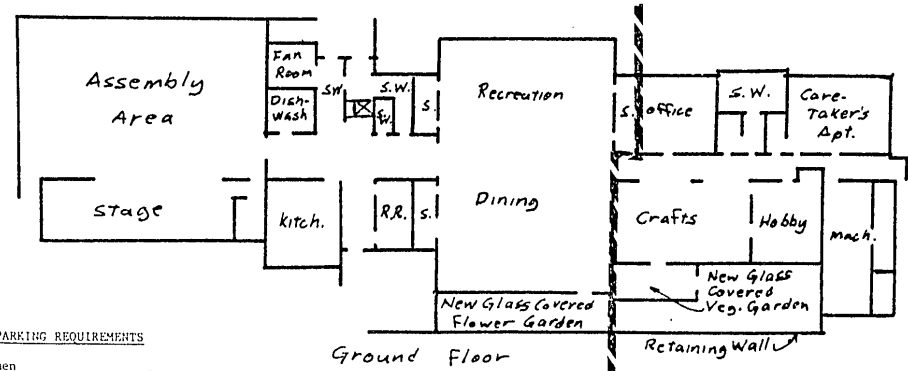
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The above decision of the building official is hereby appealed on the grounds that the type of center for the living will not attract the amount of parking requiriements as is required by the code for the zone or area.





**Key**  
 F.-Furnance Room  
 S.W.-Stain Well  
 S-Storage Lau.-Laundry/Utility Room  
 R.R.-Rest Rooms  
 ☒ Elevator

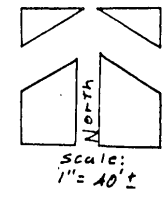


**B-1 PARKING REQUIREMENTS**

Kitchen			
Dining/Recreation	4614 <sup>D</sup> + 100 <sup>D</sup>	=	46.14 spaces
Dishwasher			
Flower Garden			
Stage	4072 <sup>D</sup> + 300 <sup>D</sup>	=	13.57 spaces
Misc. Halls			
Assembly Area	1914 <sup>D</sup> + 50 <sup>D</sup>	=	38.28 spaces
Living Units/12	1 space per		12 spaces
<b>TOTAL REQUIRED FOR B-1</b>			<b>110 spaces (109.99 rounded up)</b>

B-1 R-2

Supplementary  
 Drawing for  
 Board of Zoning  
 Appeals # 1319



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APPENDIX "A"

Re: Letter of Acceptance  
Appeal No. 1319

TO THE BOARD OF ZONING APPEALS:

I, Larry Price, herein called Permittee under Appeal No. 1319, granted by Resolution No. 677, adopted by the Board of Zoning Appeals of the City of Lincoln, Nebraska, on April 7, 1982, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

  
Larry Price, Permittee

FILED  
CITY OF LINCOLN, NEBRASKA  
APR 21 1982



C E R T I F I C A T E

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) SS.  
CITY OF LINCOLN )

I, Paul Malzer, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of RESOLUTION #677 APPROVING THE APPEAL NO. 1319 FROM THE BOARD OF ZONING APPEALS ON APRIL 7, 1982, AND LETTER OF ACCEPTANCE, L.C. PRICE, APPLICANT.

as the original appears of record in my said office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 21st day of APRIL, A.D., 19 82.

*Paul A. Malzer*  
Paul Malzer, City Clerk

*13-332  
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Rider*

LANCASTER COUNTY NEBR.  
RECORDED  
1982 APR 21 PM 2:32

*#18 25*

*City Clerk*

INDEXED  
MICRO-FILED  
GENERAL

INST. NO. 82- 5574

FILED FOR RECORD AS: