

MINUTES  
ZONING BOARD OF APPEALS  
REGULAR MEETING - THURSDAY, JUNE 16, 2011  
CONFERENCE ROOM - 7th FLOOR, ROOM 702 – 1:00 P.M.  
CIVIC CENTER - 1819 FARNAM STREET  
OMAHA, NEBRASKA

MEMBERS PRESENT: Bert Hancock, Chair  
Brian Mahlendorf, Vice Chair  
Sebastian Anzaldo  
Jacque Donovan  
Lloyd Meyer

STAFF PRESENT: Michael Carter, Zoning Board of Appeals Administrator  
Rosemarie Horvath, Assistant City Attorney  
Rick Cunningham, Planning Director  
Kevin Denker, Chief Housing Inspector  
Kenton Duncan, Housing Inspector  
David Thomas, City Planner

Mr. Hancock called the meeting to order at 1:00 p.m., introduced the board members, as well as the staff, and explained the procedures for hearing the cases. He announced that Case No. 11-048 was laid over per at the applicant's request.

**LAYOVERS**

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| 1. | Case No. 11-037<br><i>(Over from 5/19/11)</i><br>Jerry Reimer<br>4880 S 131 Street Suite 2<br>Omaha, NE 68137 | REQUEST: Waiver of Section 55-226 – Variance to the required front yard setback from 35’ to 19.5’ and to the required street side yard setback from 15’ to 9’ to allow the construction of a single family home |
|    |   | LOCATION: 924 S 33 Street   |
|    |   | ZONE: R6  |

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Jerry Reimer appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant proposes to build a home in the same location as the previous dwelling. Mr. Anzaldo recommended that the applicant level the lots until construction begins.

Mr. Anzaldo moved to APPROVE the waiver request in accordance with the plans submitted. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0

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2. Case No. 11-048  
*(Over from 5/19/11)*  
Omaha Land & Cattle Co.  
7905 L Street, Suite 110  
Omaha, NE 68127

REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between CC and R7 from 20' to 15' to allow for a new parking area

LOCATION: 9930 Maple Street  
ZONE: CC

**LAYOVER**

RECOMMENDATION: Layover for applicant to apply for platting and rezoning to MCC Overlay District.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Michael Carter, ZBA Administrator, stated that the applicant requested a layover.

Mr. Meyer moved to LAYOVER the waiver request until the July 21, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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| 3. | Case No. 11-050<br><i>(Over from 5/19/11)</i><br>Emerging Terrain<br>1111 N 13 Street, #116<br>Omaha, NE 68102 | REQUEST: Waiver of Section 55-825(c) – Variance to the maximum size for a temporary sign from 20 sq. ft. to 19,200 sq. ft. for twelve (20' X 80') additional banners |
|    |  | LOCATION: 3417 Vinton Street   |
|    |  | ZONE: GI   |

RECOMMENDATION: Approval, with an annual review until February 2015 (which will match the waiver end date for the previously approved banners on this site), subject to the proposed twelve banners not being lighted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Rick Brock, 3308 Vinton Street; Ms. Anne Trumble, 1111 N. 13 Street, Director, Emerging Terrain; Mr. Grant Mussman, Omaha Venture Group, 625 S. 113 Ave.; Mr. Larry Ferguson, 1701 Vinton Street, Chairman, Omaha Public Art Commission; and Mr. Garry Gernandt, City Council Vice President, District 4, appeared in support of this request.

Mr. Hancock requested clarification from the applicant regarding this project. Ms. Trumble stated that the process will be similar to the first round that took place in May 2010. She stated that they released a call for submissions for entries on June 4, 2011 which provided a four-week time period for artists and designers to submit ideas. Trumble stated that the topic is transportation. She stated that the deadline for submissions is July 6, 2011. Trumble stated that they will host a jury to go over the submissions and make a selection of the final images.

Ms. Trumble stated that the major change proposed is to move the thirteen existing banners to the northern-most silos. She noted that the banners will be UV-coated. In response to Mr. Hancock, Ms. Trumble stated that lights will be displayed only on the twelve new banners closest to the interstate. Mr. Hancock confirmed the time of illumination of the twelve new banners to be from 8 am until 11 pm.

Mr. Hancock informed the applicant of the board's right to call for a show-cause hearing if necessary. He explained that the hearing would address issues regarding maintenance of the banners or trespassing on neighbors' property. Ms. Trumble stated that the City posted signage for the neighbors in February 2011. Mr. Ferguson stated that the project leaders met the concerns of the neighbors. He discussed available parking spaces for spectators, north of the silos. Mr. Gernandt stated that the majority of responses regarding this project have been positive. Mr. Anzaldo commended the owner of the property for continued maintenance of the site.

Mr. Anzaldo moved to APPROVE the waiver request, with an annual review until February 2015 (which will match the waiver end date for the previously approved banners on this site), subject to the proposed twelve banners not being lighted. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0

**NEW CASES:**

4.	Case No. 11-054 Norita Matt 8703 Hamilton Street Omaha, NE 68114	REQUEST:	Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6' high premium steel fence in the front and street side yard setback
		LOCATION:	8703 Hamilton Street
		ZONE:	R2

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Ms. Norita Matt appeared before the board in support of this request.

Ms. Matt stated that the proposed fence will be steel. She added that the new fence will provide better visibility at the intersection.

Ms. Donovan moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Meyer seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0

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| 5. | Case No. 11-055<br>GESU Housing, Inc.<br>5008 1/2 Dodge Street<br>Omaha, NE 68132 | REQUEST: Waiver of Section 55-206 – Variance to the street side yard setback from 15' to 5' to allow construction of a new home |
|    |   | LOCATION: 4204 Grant Street   |
|    |   | ZONE: R5(35)  |

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Dan Hall, 13443 Valley Street, and Brother Mike Wilmot, S.J., 4308 Grant Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated the applicant proposes to construct a new home. He stated that the lot is 50' wide making it difficult to comply with the street side yard setbacks in this neighborhood. Carter stated it is common to have street side yard setbacks less than the required 15' in this area. He stated that the Department recommends approval.

Mr. Anzaldo moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0

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| 6. | Case No. 11-056<br>Southern Valley Ltd. Partnership<br>11429 Davenport Street<br>Omaha, NE 68114 | REQUEST: Waiver of Section 55-784(c)(1) – Variance to the required setback from a public street in a cluster subdivision for 3 lots from 25' to 15.41', 15.46', 16.34' and 14.47' to allow the construction of 3 homes |
|    |  | LOCATION: 5334 S 17 Street, 1753 & 1761 Oakwood Cir  |
|    |  | ZONE: R5   |

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Douglas Dreessen, Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared on behalf of the applicant in support of this request.

Mr. Dreessen stated that the proposed area is in a steep part of the Missouri Valley with many ravines and large amounts of debris. He stated that the topography and the debris field prompted a redesign of the plan. Dreessen stated that they will put in structural fill due to the amount of debris. He felt that as they go to the north, the site is steeper. Dreessen stated that the cluster design requires a 25' street side yard. He stated that it may be possible to pull the units further over and rotate them, etc. to pick up some additional relief on the waivers.

Mr. Meyer had concerns about turning visibility at the corner of Lot 4. He recommended to lessen the problems at the entrance with site lines for public safety. Mr. Hancock felt that the debris field seems to hinder the design's full potential. Mr. Carter added that the topography of the area limits the options of the project as well. Dreessen stated that community driveways are being avoided due to the applicant's plan to eventually separate each property for individual sale.

Mr. Meyer moved to APPROVE the waiver request in accordance with the plans submitted, and upon discovery of site conditions, efforts be made to reduce or eliminate the waivers. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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| 7. | Case No. 11-057<br>Mutual of Omaha<br>3301 Dodge Street<br>Omaha, NE 68175 | REQUEST: Waiver of Section 55-825(c) – Variance to<br>the temporary sign regulations to allow a<br>temporary video projection |
|    |  | LOCATION: 3301 Dodge Street   |
|    |  | ZONE: CBD-ACI-2(50)   |

RECOMMENDATION: Layover to allow the applicant to meet with city staff regarding the request.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, no one appeared in support of this request.

Mr. Mahlendorf moved to LAYOVER this request until the July 21, 2011 meeting. Mr. Meyer seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0

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8.	Case No. 11-058 Mike Hill 3824 N 108 Street Omaha, NE 68164	REQUEST:	Waiver of Section 55-716 – Variance to the required bufferyard between LC & R2 from 20' to 10' to allow construction of an 80' X 45' building addition
		LOCATION:	8816 Blondo Street
		ZONE:	LC

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, no one appeared in support of this request.

Mr. Mahlendorf moved to LAYOVER this request until the July 21, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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9.	Case No. 11-059 Fantastic Beginnings 4102 S13 Street Omaha, NE 68107	REQUEST:	Waiver of Section 55-764 – Variance to the capacity limitations for a Daycare Services (General) use in an R5(35) district from 12 to 100 individuals
		LOCATION:	4102 S 13 Street
		ZONE:	R5(35)

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Seth Silverstein, Fantastic Beginnings, and Mr. Mike Weinberg, Attorney, 9290 Dodge Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant is in the process of purchasing the daycare business from St. Rose Church. He stated that the code requirement for a stand-alone daycare facility in a residential district is limited to 12 individuals. Carter stated that the applicant is requesting to increase the capacity to 100 individuals. He stated that the applicant proposes to continue the same operation. Carter stated that, according to the plat, the applicant will share parking with the church. He stated that ownership is the only change.

In response to Mr. Hancock, Mr. Silverstein felt that daycare capacity would reach 100 individuals. He discussed the activities and programming that will be provided. Silverstein added that the daycare is currently staffed with 17 people, serving 70 families.

Mr. Mahlendorf moved to APPROVE the waiver request in accordance with the plans submitted, subject to this applicant only. Mr. Meyer seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0

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10.	Case No. 11-060 Kelley J Baldwin 18320 Mason Street Elkhorn, NE 68022	REQUEST:	Waiver of Section 55-186 – Variance to the rear yard setback from 25' to 20' to allow the construction of a deck and stairs addition
		LOCATION:	18320 Mason Street
		ZONE:	R4

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Ms. Kelley Baldwin, Ms. Paula Harrington, 935 S 184 Street, and Mr. Myron Porter, 12112 Lamont Street, Omaha, NE 68114, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that this applicant proposes a deck addition. He stated that the applicant secured a permit and started construction. Carter stated that later an inspector discovered via survey that the deck encroached by 5 feet. The encroachment involved the landing and stairs. Mr. Porter stated that he built the new deck out to where landing was, which encroached. He stated that a new landing and staircase was planned on the side of the deck where it would not encroach. Ms. Harrington stated that the encroachment is toward her lot. She stated that she has is no objection to the proposed deck. Harrington added that there is a covenant agreement through Highlands Homeowner Association to address this type of issue. Ms. Kelley submitted letters from other neighbors who have no objection to the construction.

Mr. Meyer moved to APPROVE the waiver request. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0

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11.	Case No. 11-061 Owen Jensen 18108 Sunset Lane Omaha, NE 68135	REQUEST: Waiver of Section 55-108 – Variance to the interior side yard setback from 25' to 5' to replace an existing deck
		LOCATION: 18108 Sunset Lane
		ZONE: DR

RECOMMENDATION: Denial, as requested. Approval, subject to the deck being no closer than 10' from the side property line.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Owen Jensen appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant proposes to replace an existing deck in its current location, which is 5' from the side property line. Carter stated that the Department recommends a 5' foot deck with a 10' setback, providing a narrower deck than the plan submitted. Mr. Jensen stated that the new deck would have the same footprint as the existing deck. Carter stated that the 1987 zoning code changed the DR side yard setback from 15' to 25'.

Mr. Meyer stated that the original deck was built in a unique style. He supported the applicant's attempt to maintain the features of the deck. Jensen submitted a letter of support signed by neighbors. Meyer stated that there are no objections from the neighbors. Mr. Hancock did not support replacing the deck in the same footprint.

Mr. Meyer moved to APPROVE the waiver request, as submitted. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan

NAY: Hancock

MOTION CARRIED: 4-1

12.	Case No. 11-062 Jeffrey Taxman 1810 S 108 Street Omaha, NE 68144	REQUEST:	Waiver of Section 55-767(c) – Variance to the home occupation regulations to allow up to 3 employees other than residents of the dwelling
		LOCATION:	1810 S 108 Street
		ZONE:	R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Jeffrey Taxman appeared before the board in support of this request.

Mr. Kevin Denker, Chief Housing Inspector, and Mr. Kenton Duncan, Housing Inspector, were present to report on the enforcement action taken regarding this property as it relates to the Home Occupation regulations.

Mr. Kenton Duncan stated that a complaint was lodged that a home occupation was being run at the applicant's address. He stated that an inspection of the property warranted a notice to the applicant. Duncan submitted a printout of an internet ad for the business as well. Mr. Denker stated that the issue is that outside employees are not allowed at a home occupation.

Mr. Taxman stated that there are currently three individuals who come to the location to do an administrative service for the business. Taxman requested a waiver to allow a maximum of two (2) administrative employees at any one time and assured that the employees would park in the circular drive on the premises. He stated that their office did not receive customers at the house. In response to Mr. Anzaldo, Mr. Taxman stated that contact with clients is done by computers, phone, and off-premise appointments.

In response to Mr. Anzaldo, Mr. Taxman provided an approximate time to relocate the business. He agreed that the employees would continue to park in the circular driveway until relocation.

Mr. Anzaldo moved to DENY the request, and that the applicant cannot operate this business out of the home. The applicant must relocate within six months from today (December 6, 2011). Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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| 13. | Case No. 11-063<br>Arthur Alston<br>2629 Pawnee Meadows Road<br>Fremont, NE 68025 | REQUEST:  | Waiver of Sections 55-406 & 55-740(h)(3) –<br>Variance to the street side yard setback<br>from 25' to 0', and to the off-street parking<br>regulations that require vehicles to enter the<br>street in a forward position to construct a<br>30' X 43' attached garage |
|     |   | LOCATION: | 3022 N 24 Street  |
|     |   | ZONE:     | GC  |

RECOMMENDATION: Layover to allow the applicant to meet with city staff for review and redesign of the site layout.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Arthur Alston appeared before the board in support of this request.

Mr. Alston stated plans to operate a flight program. He proposes to build an attached garage (hangar) for the aircraft with secured parking as well. The proposed building will be used as a bay to teach youth the dynamics of aircraft flight. He stated that 10' of door space is necessary to provide egress from Wirt Street. Alston stated that clearance to enter the garage from the alley is not available. He submitted drawings of the proposed addition, noting that the existing balcony would be made part of the proposed garage. Alston stated that the building material would be metal.

Ms. Donovan moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Hancock seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0

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14.	Case No. 11-064 ARC Holdings LLC dba Scooters Coffeehouse 3201 Wilhelminia Drive Bellevue, NE 68123	REQUEST:	Waiver of Sections 55-366 & 55-740(f)(4) – Variance to the front yard setback from 25’ to 10.95’ and 16.56’ to construct a 12’ X 30’ drive-thru coffee kiosk; to the front yard setback from 25’ to 0’ to construct a menu board, and to the perimeter parking lot landscaping from 10’ to 0.6’
		LOCATION:	12240 West Center Road
		ZONE:	CC

RECOMMENDATION: Lay over for redesign of the project with an outdoor seating area and proper traffic circulation patterns.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Adam Cockerill appeared before the board in support of this request.

In response to Mr. Hancock, Mr. Cockerill stated that proposed is a Scooters Coffeehouse with a seating patio as planned while working with the Planning Department over the past several months on this case. Cockerill stated that the patio area is not anticipated to be the primary source of the business. Mr. Carter stated that the patio was not reflected on the plan. Mr. Mahlendorf inquired if a patio is required.

Mr. Michael Carter, ZBA Administrator, stated that pedestrian activity is encouraged at these types of locations that abut against the street. Mr. Anzaldo felt that this location does not warrant an outdoor seating area. Carter recommended that the case be laid over to discuss more details with the Planning Department. Extensive discussion ensued relative to the patio and traffic issues.

Mr. Cockerill stated that the seating area could be worked in according to the agreement with the Planning Department. He stated that a patio was not the preference. Mr. Hancock stated that it would be unnecessary to layover this case unless a new design would be submitted. Hancock felt that this location does not merit a patio. He respected the City’s vision is to create a more pedestrian-friendly environment.

The Board reviewed the plan and supported the applicant’s request without the outside seating area. Mr. Cockerill stated that, according to the architect, the turning radius of the proposed plan would work.

Mr. Meyer moved to APPROVE the waiver request in accordance with the plans submitted, subject to elimination of the patio and sidewalk requirement, and the green space on the west side to remain. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0

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15.	Case No. 11-065 Lincoln Financial 8801 Indian Hills Drive Omaha, NE 68114	REQUEST:	Waiver of Section 55-716 – Variance to the required bufferyard between GO & R2 from 30' to 25' to construct a two-level parking structure
		LOCATION:	8801 Indian Hills Drive
		ZONE:	GO

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Ms. Dawn Danley, Leo A. Daly, appeared on behalf of the applicant in support of this request.

Mr. Lloyd Meyer recused himself from this case.

Mr. Michael Carter, ZBA Administrator, stated that the applicant is requesting to build a parking structure adjacent to the existing parking structure along Capital Ave. He stated that a corner of it projects into the required 30' bufferyard. The request is a variance to allow a small triangular area (10' x 5') of the parking garage to encroach by 5' into the bufferyard.

Mr. Barbara Naughtin, 8719 Indian Hills Drive, President of the Indian Hills Villa Neighborhood Association, appeared in opposition to the request. She stated that the neighbors are concerned that the proposed structure will be across the street from their homes. Naughtin stated that there will be 200 additional cars in their residential area. Naughtin gave some history stating that their villa homes were built in a residential area. She stated that over time the construction of commercial structures nearby started to change the aesthetics of their neighborhood. Naughtin stated that a cul-de-sac was created on Capital Avenue in which constant turnaround traffic in their driveways is an issue. She listed other adverse effects that the proposed structure will have on their residential neighborhood.

Ms. Jane Batt, 8707 Capital Avenue, appeared in opposition to the request. She had concerns about the water runoff and flooding which currently exists due to the steep slope where her villa is located in relation to Lincoln Financial's existing parking lot. Ms. Batt was also concerned about potential light pollution from the proposed structure.

In response to Mr. Hancock, Ms. Danley stated that the applicant plans to expand by utilizing the 3<sup>rd</sup> floor. She stated that the proposed structure will be an open garage. Danley stated that he applicant plans to keep some of the trees. Hancock recommended that he architect meet with the neighborhood to share the details of the plan. Ms. Donovan stated that the board may provide guidance regarding the green space.

Ms. Anzaldo moved to LAYOVER the waiver request until the August 18, 2011 meeting to allow time for the architect to discuss details of the plan with the neighbors. Mr. Hancock seconded the motion.

AYES: Anzaldo, Mahlendorf, Donovan, Hancock

ABSTAIN: Meyer

MOTION CARRIED: 4-0-1

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16.	Case No. 11-066 Bruce Lehn 2626 N 192 Terrace Ct #3A Omaha, NE 68022	REQUEST:	Waiver of Section 55-765(e)(1) – Variance to the minimum site area for a convenience storage facility in a CC district from 2 acres to 0.64 acres
		LOCATION:	20120 Veterans Drive
		ZONE:	CC

RECOMMENDATION: Approval, subject to providing landscaping along Veterans Drive, to screen the east and south sides of the new buildings.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, Mr. Greg Perry, Olmsted & Perry, 10730 Pacific Street, appeared on behalf of the applicant in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant has an existing business and convenience storage facility on the site. He stated that the applicant proposes to provide some additional buildings on the site for convenience storage. Carter stated that the zoning ordinance requires that convenience storage facilities in a commercial district be no smaller than 2 acres in size for the site. He stated that the Department recommends approval subject to providing landscaping along Veterans Drive for screening.

In response to Mr. Hancock, Mr. Perry agreed that the proposed buildings will not be used to store any vehicles.

Mr. Meyer moved to APPROVE the waiver request subject to providing landscaping along Veterans Drive to screen the east and south sides of the buildings, and that use of the buildings be exclusively for convenience storage. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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17.	Case No. 11-067 Lund Company Attn: Kyle Haase 120 Regency Parkway Drive #116 Omaha, NE 68114	REQUEST: LOCATION: ZONE:	Waiver of Section 55-834 – Variance to the front yard setback from 12' to 0' for a monument sign 11414 West Center Road GO
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RECOMMENDATION: Deny as requested. Approval, in accordance with the plans submitted, subject to the following: 1) The monument sign must setback at least 6' from West Center Road property line; 2) the monument sign must be constructed with materials that match the building, with a masonry base of at least 2' in height, a maximum overall sign height of 14', with the replacement of the existing pavement around the sign with curb and landscaping; 3) no other free-standing signs are allowed on the property; and 4) remove the leasing sign in the right-of-way.

At the Zoning Board of Appeals meeting held on Thursday, June 16, 2011, no one appeared before the board in support of this request.

Ms. Donovan moved to LAYOVER the waiver request until the July 21, 2011 meeting. Mr. Anzaldo seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0

**APPROVAL OF MINUTES**

Mr. Anzaldo moved to APPROVE the May 19, 2011 meeting minutes. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Mahlendorf, Hancock

ABSTAIN: Meyer, Donovan

MOTION CARRIED: 3-0-2

**NEW BUSINESS**

Ms. RoseMarie Horvath, City Law, reported that the Volunteers of America, Dakotas case (ZBA 10-113) is in appeal.

**ADJOURNMENT**

Mr. Meyer moved to ADJOURN the meeting at 2:55 pm. Mr. Mahlendorf seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

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Approved (date)

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Bert Hancock, Chair

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Claudia Moore, Secretary