ZONING BOARD OF APPEALS
AGENDA

PUBLIC HEARING
Thursday, April 12, 2018 - 1:00 P.M.
Legislative Chambers-LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Jason Lanoha – Chair, Jacque Donovan - Vice-Chair, Sebastian (Subby) Anzaldo, Jeremy Aspen and Brian Mahlendorf. Sean Kelley and Kristine Moore are the alternates. For a waiver to be approved, four members must vote in favor of the request.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

ZONING BOARD OF APPEALS MEMBERS will assemble in the Planning Department Central Conference Room, 11th Floor, on Thursday, April 12, 2018 at 9:00 a.m. to determine the sites to be inspected.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, April 2, 2018 (for use waivers only) and Thursday, April 5, 2018.

MEETING PROCEDURES:

Applicant, Property Owner or Representative - must appear at the meeting.

It is the applicant's responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standard are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please state your name. If there are opponents, they will also come forward at that time, give their names and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, the applicant must receive a building permit before starting any construction. You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, no earlier than the Monday following the meeting.

The Zoning Board of Appeals agenda and other information regarding the Zoning Board of Appeals and the Planning Department is available on the Internet at http://www.cityofomaha.org/planning. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska. Prior to the hearing, the applicant may schedule a time to review the City's case file during normal business hours by contacting the Planning Department at (402) 444-5150 x2063. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5150 x2061, 72 hours in advance.
LAYOVER CASES:

1. Case No. 18-024  
   Dave and Lisa Manning  
   5707 Harney Street  
   Omaha, NE 68132  
   REQUEST: Waiver of Section 55-166 & 55-767(c) – Variance to the minimum rear yard setback from 25’ to 4’, to the minimum interior side yard setback from 7’ to 3’; to the maximum impervious coverage from 50% to 56.49%; and to allow a home occupation in an accessory building; to allow for construction of a new 1½ story garage with an office.  
   LOCATION: 5707 Harney Street  
   ZONE: R3

NEW CASES:

2. Case No. 18-021  
   Jordan Farrell  
   3910 South 202nd Avenue  
   Omaha, NE 68130  
   REQUEST: Waiver of Section 55-786(e)(1) – Variance to the residential fence regulations to allow a 6’ tall, privacy fence within the street side yard setback.  
   LOCATION: 3910 South 202nd Avenue  
   ZONE: R4

3. Case No. 18-034  
   Gerald Jackson  
   5602 North 131st Street  
   Omaha, NE 68164  
   REQUEST: Waiver of Section 55-786(e)(1) – Variance to the residential fence regulations to allow a 5’ tall, 50% open picket fence in the street side yard setback.  
   LOCATION: 5602 North 131st Street  
   ZONE: R4

4. Case No. 18-035  
   Gary & Debra Fox  
   15036 Cuming Street  
   Omaha, NE 68154  
   REQUEST: Waiver of Section 55-186 – Variance to the minimum rear yard setback from 25’ to 13’ to allow for construction of a new deck.  
   LOCATION: 15036 Cuming Street  
   ZONE: R4

5. Case No. 18-036  
   Consolidated Concrete, LLC  
   9555 South 147th Street  
   Omaha, NE 68138  
   REQUEST: Waiver of Section 55-767(a)(6) – Variance to the miscellaneous uses to allow a permit to exceed the maximum duration allowed from 180 days to 365 days.  
   LOCATION: 14411 Pacific Street  
   ZONE: DR(Pending R4 and MU)

6. Case No. 18-037  
   Todd Schuiteman  
   Quality Living, Inc.  
   6404 North 70th Plaza  
   Omaha, NE 68104  
   REQUEST: Waiver of Section 55-786 – Variance to the maximum height of a fence within a front or street side yard from 4’ 50% open to 6’ 50% open to allow for installation of a new fence.  
   LOCATION: 6404 North 70th Plaza  
   ZONE: R7
7. Case No. 18-038  
Sophia Kochanowicz  
4830 Poppleton Avenue  
Omaha, NE 68103  
REQUEST: Waiver of Section 55-186 – Variance to the maximum impervious coverage percentage from 50% to 53% to allow for construction of a new garage, driveway and addition with a request for reasonable accommodation.  
LOCATION: 4830 Poppleton Avenue  
ZONE: R4(35)

8. Case No. 18-040  
Paul Kelly, AIA  
440 North 61st Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-126, 55-715, 55-740(f)(4) & 55-741 – Variance to the maximum impervious coverage percentage from 30% to 37.79%; to the minimum street yard landscaping percentage from 25% to 26.48%; to the minimum street yard landscaping depth from 30’ to 7’; to the minimum perimeter landscaping requirement from 10’ to 1’; and to allow parking in the front yard setback to allow for a new hammerhead driveway.  
LOCATION: 6237 Underwood Avenue  
ZONE: R1

9. Case No. 18-042  
Myrtle & Cypress, LLC  
517 North 33rd Street  
Omaha, NE 68131  
REQUEST: Waiver of Section 55-732(1), 55-734 & 55-735 – Variance to the required number of off-street parking from 14 stalls to 0 stalls to allow for a restaurant (limited) use.  
LOCATION: 517 North 33rd Street  
ZONE: GC

10. Case No. 18-046  
Robert Zagozda  
Westside Community Schools  
Omaha District 66  
909 South 76th Street  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-735(b) – Variance to allow off-street parking for a non-residential use in the front yard setback of a residential district to allow for additional and reconstructed parking lots at Westbrook Elementary School.  
LOCATION: 1312 Robertson Drive  
ZONE: R4(35)

11. Case No. 18-047  
Robert Zagozda  
Westside Community Schools  
Omaha District 66  
909 South 76th Street  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-715 & 55-735(b) – Variance to the minimum street yard landscaping depth from 25’ to 10’ and to allow off-street parking for a non-residential use in the front yard setback at Swanson Elementary School.  
LOCATION: 8601 Harney Street  
ZONE: R2