Mr. Levy called the meeting to order at 1:00 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

CASES:

1. 19-04-029
   Kyle Haase
   E & A Consulting Group, Inc.
   10909 Mill Valley Road, Suite 100
   Omaha, NE 68154

   (RE: Altech Business Parking Lot – 3819 South 148th Street)

At the Administrative Board of Appeals meeting held on April 22, 2019, Kyle Haase appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that two accesses were being proposed on 148th Street which would exceed the limit of one access as dictated by driveway regulations. In addition, the western driveway had a 0’ offset, which is below the 40’ spacing requirement. He mentioned that 148th Street is a local, low-volume/low-speed street.

Mr. Haase submitted 3 additional exhibits (Exhibit 2). He explained that the two access points would help with circulation and safe navigation for any straight trucks on the site. Referring to the original plan for the mixed-use development, he noted that two access points had already been approved for the site. He explained that the only change to the site would be that one lot line was being removed. He stated that the property owners to the east and west were not interested in sharing an access point.

Mr. Levy noted that the site would have been in compliance if it had remained two lots with one access per lot. In response to Mr. Levy, Mr. Haas stated that there were no counts for 148th Street since it was not a major street.

In response to Mr. Levy, Mr. Haase stated that there would probably be nothing bigger than a straight truck on the site.

Mr. Peterson moved to GRANT the appeal. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, Levy.  
MOTION CARRIED 3-0. Appeal granted.
At the Administrative Board of Appeals meeting held on April 22, 2019, Caleb Snyder appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the proposed plan included the addition of a one-way, drop-off lane on Hascall Street. In addition, a gated, fire-access lane was also proposed on 114th Street. He explained that Public Works was not opposed to these types of requests for schools because of the constraints of the site. The fire-access lane was still considered an access although it would not be used by every day traffic. He suggested that if the board approved the request, it be with the stipulation that the drive be gated and for emergency vehicle use only. He noted that that stipulation had been required for other school sites. There would be a total of 2 ½ driveways where only 1 driveway is allowed. Mr. Haas also stated that all 3 accesses all had non-standard throat widths. The western Hascall Street access is proposed at 31’ instead of the maximum allowed 30’ for a two-way driveway; the eastern Hascall drive is 29’ instead of the required 16’; and the fire access is proposed at 20’ although 22’ is the minimum.

Mr. Snyder explained that the goat was to improve the pick-up/drop-off that occurs along Hascall Street. The proposal included a dedicated pick-up/drop-off lane that would take traffic off of Hascall Street and onto the school’s property. He stated that the western driveway would be used primarily for staff, visitors and deliveries. The east entrance that would be used for emergency vehicles would be gated. With regards to the access widths, the east entrance needed a wider throat to accommodate passenger vehicles and the west entrance needed to be wider to accommodate deliveries from straight trucks so they wouldn’t continually clip the curb.

In response to Mr. Peterson’s inquiry about the proposed 20’ of the fire access, Mr. Snyder explained that a 20’ wide drive aisle was the standard for emergency vehicles.

Mr., Kruse moved to GRANT the appeal which includes approval of the throat widths for all three driveways; the driveway on 114th Street must be gated and for emergency vehicle use only; and to allow 2 ½ driveways as proposed on the site plan. Mr. Peterson seconded the motion.

AYES: Peterson, Kruse, Levy.

MOTION CARRIED 3-0. Appeal granted.
At the Administrative Board of Appeals meeting held on April 22, 2019, Janita Haynes appeared before the board. Sgt. David Volenec appeared on behalf of the Omaha Police Department.

Sgt. Volenec stated that on December 8, 2018 the applicant was the passenger in a vehicle that was stopped for expired plates. The driver and Ms. Haynes were arrested for carrying concealed weapons. On February 8, 2019, Ms. Haynes plead guilty to carrying a concealed weapon for which she paid a fine of $200. The gun from this incident was destroyed.

Ms. Haynes stated that she wanted a firearm because she is a single mother of two small children. She explained that, besides a few traffic violations, there were no other convictions on her record. She indicated that she also took a class to educate herself on how to properly handle a concealed weapon.

In response to Mr. Peterson, Ms. Haynes stated that she went through the proper procedures to obtain the handgun. She explained that she is from Mississippi and was unaware that she needed to obtain a permit to carry a concealed weapon.

There was some discussion about the incident. Sgt. Volenec explained that if Ms. Haynes had obtained a Concealed Carry Permit from the State of Nebraska, it would have been acceptable for her to carry the weapon. Ms. Haynes stated that she planned to obtain the Concealed Carry Permit from the State of Nebraska. Sgt. Volenec explained that if an individual obtained a permit from the state, the need to register the weapon in the City of Omaha is then waived.

Sgt. Volenec stated that he was concerned that open containers of alcohol were found during the December 2018 incident. He believed that the issue would be easier to resolve if no alcohol had been found. In response to Mr. Levy, Sgt. Volenec stated that he was not sure whether a misdemeanor like an Open Container would prevent someone from obtaining a Concealed Carry Permit.

Mr. Levy stated that he struggled with the recent nature of the December incident.

Mr. Peterson moved to DENY the appeal. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, Levy.

MOTION CARRIED 3-0. Appeal denied.
4.  
19-03-024 *(Layover from 3/25/19)*  
**REQUEST:** Appeal of the Omaha Police Department’s denial of a Taxicab Driver’s Permit dated 2/11/19.  
Rafael Geovanni Munoz  
5055 Q Street  
Omaha, NE 68117  

At the Administrative Board of Appeals meeting held on April 22, 2019, Rafael Geovanni Munoz appeared before the board. Sgt. David Volenec appeared on behalf of the Omaha Police Department.

Sgt. Volenec stated that the denial was the result of several DUI convictions from May 1996, November 2000, May 2001 and December 2006. There was also a January 1998 conviction for Driving Under Suspension.

Mr. Levy recalled that when Mr. Munoz appeared before the board at the March meeting, he was directed to bring back a job offer from the cab company. Mr. Munoz stated that he was not able to obtain an offer because the company did not want to be responsible and suggested that he seek employment with another cab company.

Mr. Munoz explained that, due to health issues, driving a cab was the only job he could do so that he could be off his feet. He also mentioned his accomplishments since the time of his convictions. Sgt. Volenec stated that it would probably be easier for Mr. Munoz to obtain a driving job when the Interlock restriction is lifted in 2022. He added, however, that the police department would more than likely deny his application for a Taxicab Driver’s Permit because of his past record.

Mr. Kruse moved to DENY the appeal. Mr. Peterson seconded the motion.

AYES: Peterson, Kruse, Levy.

MOTION CARRIED 3-0. Appeal denied.

5.  
19-04-032  
**REQUEST:** Appeal of the Omaha Police Department’s Notice of Nuisance dated 3/15/19.  
Robert Clarke  
6434 South 150th Street  
Omaha, NE 68137  

At the Administrative Board of Appeals meeting held on April 22, 2019, the applicant did not appear before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that she had spoken with the applicant on April 15 and that he stated that he would have the trailer moved by the date of the meeting. Officer Stokes stated that Mr. Clarke had indicated that he would not appear at the meeting. Officer Stokes stated that he had not visited the residence to see if the trailer had been moved.

Mr. Levy suggested that the case be laid over.

Mr. Kruse moved to LAYOVER until the May 20, 2019 meeting. Mr. Peterson seconded the motion.

AYES: Peterson, Kruse, Levy.

MOTION CARRIED 3-0.
At the Administrative Board of Appeals meeting held on April 22, 2019, Patrick Culhane appeared before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that several complaints had been made about the vehicle that had been parked in the driveway without current plates. The applicant obtained current plates on February 26th. He noted that the vehicle appeared to be operational and that it was parked on a hard, paved surface.

Mr. Levy gave the applicant the opportunity to withdraw the appeal which would enable him to receive a refund of the applicant fee. Mr. Culhane agreed to withdraw the appeal.

Action: The case was withdrawn at the request of the applicant. The board fee was to be refunded at the board’s request.

At the Administrative Board of Appeals meeting held on April 22, 2019, Carson Henry appeared before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that a complaint had been made about the vehicle that had been parked in the driveway with expired plates. Officer Stokes took current pictures of the vehicle which showed the vehicle with the expired plates.

Mr. Henry showed the current plates and registration to the board.

Mr. Levy gave the applicant the opportunity to withdraw the appeal which would enable him to receive a refund of the applicant fee. Mr. Henry agreed to withdraw the appeal.

Action: The case was withdrawn at the request of the applicant. The board fee was to be refunded at the board’s request.

MINUTES:

Mr. Peterson moved to APPROVE the minutes for the March 25, 2018 meeting. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, Levy

MOTION CARRIED: 3-0.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 1:58 p.m.