MINUTES
Administrative Board of Appeals
August 28, 2017

MEMBERS PRESENT:
David C. Levy, Chairman
Ann O’Connor, Vice Chair
Brian W. Kruse
Mark Santo
Jeffrey Beals

MEMBERS NOT PRESENT:
Ryne Bessmer, Alternate

STAFF PRESENT:
Timothy Himes, Law Department
Jay Davis, Planning Department
Rikki Flott, Recording Secretary

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

Cases:

1. 17-08-075
   Lana Bayless
   DLR Group
   6457 Frances Street, Suite 200
   Omaha NE 68106-2278
   REQUEST: Appeal Public Works Department denial of driveway permit
               (RE: 39th & Leavenworth Streets, Nebraska Organ Recovery)

   Jason Schmitz, DLR Group, Brian Emmerich, DLR Group, and Ryan Haas, Public Works Department, appeared before the board.

   Mr. Haas stated that the proposed site was a new medical facility with access along 38th and 39th Streets, which were low speed, low volume streets. He noted that the only deficiency was regulation allowed only one access per site.

   Mr. Schmitz stated that the 20 foot grade change dictated the access locations and necessitated the need for 2 access points. Mr. Emmerich added that the site included 2 non-connecting parking lots. Mr. Haas clarified that the site plan showed 38th Street to the east, but was actually 38th Avenue.

   Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

   AYES: Beals, Santo, Kruse, O’Connor, Levy

   Motion carried 5-0.
2.  
17-08-076
Doug Kellner
Thompson Dreessen & Dorner
10836 Old Mill Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit  
(RE: 2566 St. Mary’s Avenue, Completely Kids)

Doug Kellner, Thompson Dreessen & Dorner, Rebecca Harding, TACK Architects and Ryan Haas, Public Works Department, appeared before the board.

Mr. Haas stated that the proposed plan was an expansion to the east of the existing Completely Kids facility. He explained that the access at 25th Avenue would be used for deliveries, trash pickup and limited vehicle parking and lacked internal movement. He further explained that backing maneuvers were necessary for the 25th Avenue access, and that although regulation prohibited backing maneuvers 25th Avenue was a stub street with limited access to the businesses to the north.

Mr. Kellner confirmed that 25th Avenue was limited access and that after the expansion, the site lacked parking space. Ms. Harding stated that access along St. Mary’s Avenue was relocated to 25th Avenue and would be used strictly for deliveries, trash pickup and Completely Kids’ vans.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

3.  
17-08-077
Mark Sanford
1306 North 162nd Street
Omaha NE 68118

REQUEST: Appeal Public Works Department denial of driveway permit  
(RE: 120th & Pacific Streets, Mega Saver)

Mark Sanford was not present when his case was called before the Board. Ryan Haas, Public Works Department, appeared before the board. Mr. Sanford submitted a request to holdover the case for this site (Exhibit 2).

Motion to HOLDOVER UNTIL THE SEPTEMBER 25, 2017 MEETING by Mr. Beals. Second by Mr. Kruse.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

4.  
17-08-078
Mark Sanford
1306 North 162nd Street
Omaha NE 68118

REQUEST: Appeal Public Works Department denial of driveway permit  
(RE: 119 North 72nd Street, Mega Saver)

Mark Sanford was not present when his case was called before the Board. Haas, Public Works Department, appeared before the board. Mr. Sanford submitted a request to holdover the case for this site (Exhibit 2).
Motion to HOLDOVER UNTIL THE SEPTEMBER 25, 2017 MEETING by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

5.
17-08-079
Ricky Knowles
11512 Camden Avenue
Omaha NE 68164

REQUEST: Appeal Police Department denial of firearm registration

Ricky Knowles, and Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that Mr. Knowles applied to register a firearm on July 13, 2017 and was denied for a marijuana less than one ounce conviction dated December 22, 2014.

Mr. Knowles stated that he was employed at the Post Office and wanted the firearm for protection for his family. He was informed that although firearm registration was not necessary at his Sarpy County residence, he was required to register his firearm at his new Omaha residence.

In response to the Board, Mr. Knowles stated that the incident occurred during a traffic stop in a vehicle he recently retrieved from a family member borrowing the vehicle. He explained that the marijuana belonged to the family member and that he was randomly drug tested by his employer. Lt. Sedlacek confirmed that during the incident the officer reported he noted an odor of marijuana and that marijuana was found in the driver door.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

6.
17-08-080
Kevin Ralph Groves
7015 Sprague Street
Omaha NE 68104

REQUEST: Appeal Police Department Notice of Nuisance (RE: 7015 Sprague Street)

Erik Stone appeared before the Board. Officer James Stokes, Omaha Police Department appeared before the Board.

Officer Stokes stated that he received a Mayor’s hotline complaint regarding unplated vehicles, a large container on the property, outdoor storage violation and vehicles in disrepair on the property (Exhibit 2). He explained the complaint was part of a citizen Police Action Committee with the northeast precinct to cleanup neighborhoods within that precinct. He displayed photos of the violations and explained the back of the house also had outdoor storage violations.

Mr. Groves stated that he was in the process of building a garage behind the home and was obtaining permits through the owner of the home (Exhibit 3). He explained the owner submitted permits online, but was unable to find them again online. He explained some of the outdoor items would be removed and that the container held materials to build the garage. In response to the Board, Mr. Groves stated that he needed approximately 2 months to complete the garage after permits were issued and that he needed two days to remove the van.
Mr. Davis confirmed permits were submitted by the owner of the home, but were not properly completed. He added that the owner was notified of the permit errors and that extra waivers were not necessary. Officer Stokes noted many outdoor storage items were relocated behind the house, which was still non-compliant but less noticeable from the street and that vehicles were prohibited from parking off pavement.

Mr. Groves explained he had a gravel drive and that the street he resided on, from North 70th Avenue to Military Avenue, was dilapidated. Officer Stokes confirmed where Sprague Street meets North 70th Avenue was almost a drop-off, but parking was not prohibited on Sprague Street.

Motion to DENY WITH COMPLIANCE BY SEPTEMBER 15, 2017 FOR THE VAN, TRAILER AND FORKLIFT (PALLETT JACK), AND FULL COMPLIANCE BY NOVEMBER 30, 2017 by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

7.
17-08-081
Kristen & Joe Hancock
6803 North 162nd Street
Omaha NE 68116

REQUEST: Appeal Nebraska Humane Society
Potentially Dangerous Dog Declaration

Kristen Hancock was not present when her case was called. Ms. Hancock submitted a letter to the Board requesting the case be held over until the September 25, 2017 meeting (Exhibit 2). The Nebraska Humane Society received notification of the applicant’s request to holdover the case and was not present at the meeting.

Motion to HOLDOVER UNTIL THE SEPTEMBER 25, 2017 MEETING by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

APPROVAL OF MINUTES:

Motion by Mr. Santo to approve the minutes from April 24, 2017. Second by Mr. Kruse.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0.

Motion by Mr. Beals to approve the minutes from June 26, 2017. Second by Mr. Kruse.

AYES: Beals, Kruse, O’Connor, Levy

ABSTAIN: Santo

Motion carried 4-0-1.
Motion by Mr. Beals to approve the minutes from July 24, 2017. Second by Mr. Santo.

AYES: Beals, Santo, Kruse

ABSTAIN: O’Connor, Levy

Motion carried 3-0-2.

**ADJOURN:**

Motion to adjourn by Mr. Beals. Second by Kruse.

AYES: Beals, Santo, Kruse, O’Connor, Levy

Motion carried 5-0. Meeting adjourned at 1:47 p.m.