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.

Mr. Levy noted that Kevin Denker, former Administrative Board of Appeals Administrator from the Planning Department, had recently passed away. He dedicated the meeting to Kevin.

CASES:

1. 19-07-049
   Larry D. Thompson  
   4736 North 41st Street  
   Omaha, NE 68111  
   REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 6/17/19.

At the Administrative Board of Appeals meeting held on July 22, 2019, Larry D. Thompson appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that the applicant was denied a firearm registration due to a Carrying a Concealed Weapon conviction from 1985 for which he received a fine. She explained the details of the incident that led to the conviction.

Mr. Thompson stated that he wanted a firearm to protect his home.

Mr. Kruse moved to GRANT the appeal. Ms. O’Connor seconded the motion.

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal granted.
At the Administrative Board of Appeals meeting held on July 22, 2019, Sean Rogers (10909 Jones Street) appeared before the board. Officer Stokes appeared on behalf of the Omaha Police Department and submitted photos of the nuisance (Exhibit C).

Officer Stokes stated that a complaint had been received about a large camper (over 20’) that was parked within the required front yard setback.

Mr. Rogers stated that the camper was parked at his mother’s home and had been there since 2011. He did not believe that the camper was a nuisance. Mr. Levy and Officer Stokes explained to Mr. Rogers how setbacks work. Mr. Rogers submitted pictures (Exhibit D) of other homes with situations that were what he considered to be worse than his. He believed that his property had been singled out from the others. Mr. Levy advised that the complaint could have been submitted by anyone in the general public.

Mr. Bucher noted that there appeared to be a paved area behind the camper where it could possibly be moved so that it sat behind the front yard setback and flush with the home. Mr. Levy stated that the applicant could be given some time so that he could determine whether he wanted to move the camper back, make a modification to the property or put the camper in storage. He stressed that the camper would need to be parked on a hard surface.

Mr. Kruse moved to DENY with 60 days to comply. Mr. Bucher seconded the motion.

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal denied.

At the Administrative Board of Appeals meeting held on July 22, 2019, the applicant failed to appear before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that the applicant was notified of the meeting by email and certified mail, which he did sign for.

Officer Stokes stated that he received several complaints about a white, commercial Chevy Silverado that was registered to a business as a 12-ton truck. The neighbors were upset about the vehicle being parked in the neighborhood. He indicated that he had spoken with the applicant who stated that this was his work truck that he parked at his home overnights and weekends. Officer Stokes stated that although the truck was not at the home when he visited it, the applicant could have been working.

The board briefly discussed the case and decided to vote to lay the case over to give the applicant the opportunity to appear.

Mr. Bucher moved to LAYOVER until the August 26, 2019 meeting. Mr. Kruse seconded the motion.

AYES: Bucher, Bessmer, Kruse, Levy
NAYES: O’Connor

MOTION CARRIED: 4-1.

4.

19-07-051
Dolores M. Sanders
3416 Kansas Avenue
Omaha, NE 68111

REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated 6/10/19.

At the Administrative Board of Appeals meeting held on July 22, 2019, the applicant failed to appear before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that the applicant had indicated that she would be out of the country the day of the meeting and requested that the case be laid over until the August 26th meeting.

Officer Stokes stated that he had visited the property the day of the meeting and the site had been cleared.

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

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal denied.

5.

19-07-054
Ramel M. Harris
4001 Leavenworth Street
Omaha, NE 68105

REQUEST: Appeal of the Omaha Police Department’s denial of a Taxicab Driver’s Permit dated 7/8/19.

At the Administrative Board of Appeals meeting held on July 22, 2019, the applicant failed to appear before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that both the applicant and someone who worked with the taxicab company came to the Planning Department to file the appeal. She indicated that Mr. Harris was also contacted by email and a voicemail was left on his phone on July 16th. Lt. Buckley explained that the applicant had been arrested on July 16th for violation of probation. She added that his permit was denied due to a Carrying a Concealed Weapon conviction from 2018. There was also a charge of Disorderly Conduct and a Board of Mental Health Order from 2019.

Mr. Bucher moved to DENY the appeal. Ms. O’Connor seconded the motion.

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal denied.
At the Administrative Board of Appeals meeting held on July 22, 2019, Joseph Wardian appeared before the board. Thomas Phipps, Chief Mechanical Inspector – Permits & Inspections, appeared on behalf of the City of Omaha Planning Department.

Mr. Phipps stated that in June 2019 the applicant attempted to renew his Stationary Engineer license that had expired December 31, 2016. He could not do so since it was 60 days past the expiration date.

Mr. Wardian stated that he needed the license to continue the job he had just started at Methodist Women’s Hospital. He indicated that he carried the license for 24 years even though he was not a boiler operator. When he failed to receive a renewal for 2017 he forgot to renew his license. When his previous job ended he planned to use his license to get another job, but he realized that he had failed to renew his license.

In response to Mr. Levy, Mr. Phipps stated that the applicant had not received any complaints against his license from the public or any employers.

Mr. Levy inquired as to whether Mr. Wardian intended to let his license expire and then decide to renew it when he needed it. Mr. Wardian responded that he kept his license up for so many years just in case he needed it for future employment and that he did not intend for it to expire. Mr. Levy was concerned about the amount of time that has passed since the expiration.

Mr. Levy moved to APPROVE subject to the applicant paying the fees for 2017, 2018 and 2019. Mr. Bucher seconded the motion.

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal granted.

At the Administrative Board of Appeals meeting held on July 22, 2019, David Fehr appeared before the board. Mark Langan appeared in behalf of the Nebraska Humane Society (NHS) 8929 Fort Street.

Mr. Langan stated that the applicants’ dog Lucky was determined to be Potentially Dangerous in October 2018 after he attacked a dog that was being walked on a leash. The applicant appealed the declaration and it was denied by NHS. Mr. Fehr satisfied all of the requirements of the declaration. On May 20, 2019 NHS was called about 2 labs acting aggressively and confined in the back yard of a neighbor’s home. The dogs, Lucky and Lucy, were impounded, Mr. Fehr paid all of the fees to have them released and was given a Reckless Owner declaration. Mr. Fehr appealed the Reckless Owner declaration with NHS on June 26, 2019 and was denied because of the dogs’ history.

Mr. Langan detailed the history of the dogs running loose which included the following dates: October 17, 2018 Lucky and Lucy were loose and Lucky attacked a dog; September 6, 2018 NHS received a call about the dogs being confined at another address; May 17, 2018 NHS received a call about Lucky and Lucy attacking and killing chickens; November 14, 2017 NHS received a call about Lucky and Lucy...
running loose; August 3, 2017 NHS received a call about Lucky and Lucy running loose and attempting to attack the caller and his dog; May 18, 2017 NHS received a call about Lucky and Lucy running loose and was informed that the same dogs had injured her cat a few months prior and were always running loose and hanging around her back yard; and February 27, 2017 NHS received a call about Lucky and Lucy running loose.

Mr. Langan explained that if the NHS decision was upheld, the applicant would not be allowed to own any animals in the City of Omaha for a period of 4 years. The dogs were currently in the possession of the applicants.

Mr. Fehr stated that he was appealing because the dogs were only 4 years old and were puppies when many of the incidents occurred. He explained that there was construction going on at his home during that time and the dogs kept getting out. He indicated that during one of the occurrences a Cox worker accidentally let the dogs out after he was told to lock the gate. He submitted pictures of the self-closing mechanism used to lock the gate and door along with pictures of the dogs with the family (Exhibit B). He stated that the incident with the chickens happened in part because the chickens are free-range and not enclosed in a fence. He indicated that he offered to pay the vet bills for any animals that had been harmed by Lucky and Lucy and he showed that he had installed a GPS tracking system to help keep track of them. He offered to take any other steps that would ensure that he could keep his dogs.

Mr. Kruse stated that although many of the incidents occurred when the dogs were puppies, he was still concerned about the number of incidences. Mr. Fehr felt that the incidents were allowed to pile up and then were used against him.

Ms. O’Connor stated that the applicant should have been extremely vigilant about securing the dogs since they had been declared Potentially Dangerous. The applicant responded that he also had to provide for his family. He also noted that, until the last incident, it had been several months since the dogs had not gotten out. In response to Mr. Levy, Mr. Fehr stated that he had tried to install an invisible fence but the dogs ran right through it.

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

AYES: Bucher, Bessmer, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0. Appeal denied.

MINUTES:

Mr. Kruse moved to APPROVE the June 24, 2019 meeting minutes. Mr. Bessmer seconded the motion.

AYES: Bessmer, Kruse, O’Connor, Mr. Levy

ABSTAIN: Bucher

APPROVED 4-0-1.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:07 p.m.