ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, June 13, 2019 - 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, Jeremy Aspen – Vice-Chair, Brian Mahlendorf, Sean Kelley and Kristine Moore. Dustin Friedman and Matthew Kortright 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, June 13, 2019 at 11:00 a.m. to discuss the cases. (The applicant does not need to appear at this time.)

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, June 3, 2019 (for use waivers only) and Thursday, June 6, 2019.

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. 19-055 *(from 5/9/19)*
   Modus Studio
   15 North Church Avenue
   #102
   Fayetteville, AR 72701
   REQUEST: Waiver of Section 55-928(e) - Variance to the minimum perimeter landscaping from 15’ to 10’ (south) and 8’ (west) to allow for construction of a new parking lot.
   LOCATION: 1920 Nicholas Street
   ZONE: CBD-ACI-1(PL) *(Pending DS)*

NEW CASES:

2. Case No. 19-057
   Jim Rush
   5066 Harrison Street
   Omaha, NE 68157
   REQUEST: Waiver of Section 55-126 - Variance to the front yard setback from 50’ to 35’ to allow for construction of a new, detached garage.
   LOCATION: 5066 Harrison Street
   ZONE: R1

3. Case No. 19-058
   Norita Matt
   8703 Hamilton Street
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-146 - Variance to the minimum front yard setback from 40’ to 16’ to allow for the replacement of an existing deck.
   LOCATION: 8703 Hamilton Street
   ZONE: R2

4. Case No. 19-059
   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 & MU)*

5. Case No. 19-060
   Michael Wickham
   12333 Bennington Road
   Bennington, NE 68142
   REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirements to allow a gravel driveway to a new home and garage.
   LOCATION: 11303 North 126th Street
   ZONE: AG

6. Case No. 19-061
   Tim Baxter
   3706 Cook Plaza
   Omaha, NE 68122
   REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway to a new, detached garage.
   LOCATION: 3706 Cook Plaza
   ZONE: DR-ED

7. Case No. 19-062
   Mandy Boyle
   2004 South 88th Street
   Omaha, NE 68124
   REQUEST: Waiver of Section 55-146 - Variance to the minimum front yard setback from 40’ to 33.7’ to allow for the construction of a covered porch.
   LOCATION: 2004 South 88th Street
   ZONE: R2
8. **Case No. 19-063**  
Damon Wohlers  
509 South 251st Street  
Waterloo, NE 68069  
**REQUEST:** Waiver of Section 55-715 - Variance to the street yard landscaping percentage from 70% to 63% to allow for a garage addition.  
**LOCATION:** 509 South 251st Street  
**ZONE:** R2

9. **Case No. 19-064**  
Thomas Janecek  
4706 South 90th Street  
Omaha, NE 68127  
**REQUEST:** Waiver of Section 55-126 & 55-740(e) - Variance to the street side yard setback from 25' to 6' and to the hard-surface driveway requirement to allow for construction of a new, detached garage.  
**LOCATION:** 4706 South 90th Street  
**ZONE:** R1

10. **Case No. 19-065**  
H & S Partnership, LLC  
13575 Lyman Drive  
Omaha, NE 68134  
**REQUEST:** Waiver of Section 55-503 - Variance to the permitted use regulations to allow single-family residential, a use not otherwise permitted in a GI district.  
**LOCATION:** 2816 State Street  
**ZONE:** GI

11. **Case No. 19-066**  
Mike Beaudin  
14315 N Street  
Omaha, NE 68137  
**REQUEST:** Waiver of Section 55-186 - Variance to the rear yard setback from 35' to 20' to allow for construction of a new home addition.  
**LOCATION:** 14315 N Street  
**ZONE:** R4(35)

12. **Case No. 19-067**  
Greg Mazzuca  
435 South 154th Street  
Omaha, NE 68154  
**REQUEST:** Waiver of Section 55-786(e) - Variance to the residential fence regulations to allow a 6' privacy fence within the front yard setback.  
**LOCATION:** 435 South 154th Street  
**ZONE:** R3

13. **Case No. 19-068**  
Gilbert Caughlin  
6350 Charles Street  
Omaha, NE 68132  
**REQUEST:** Waiver of Section 55-186 - Variance to the street side yard setback from 15' to 0' to allow for construction of a new garage.  
**LOCATION:** 6350 Charles Street  
**ZONE:** R4(35)

14. **Case No. 19-069**  
Timothy Higgins  
3325 Pine Street  
Omaha, NE 68105  
**REQUEST:** Waiver of Section 55-166 - Variance to the interior side yard setback from 7' to 5' to allow for the construction of a new home.  
**LOCATION:** 3325 Pine Street  
**ZONE:** R3

15. **Case No. 19-070**  
Brett Guy  
6506 South 136th Street  
Omaha, NE 68137  
**REQUEST:** Waiver of Section 55-786(e) - Variance to the residential fence regulations to allow a 6' privacy fence within the street side yard setback.  
**LOCATION:** 6506 South 136th Street  
**ZONE:** R4(35)
16. Case No. 19-071  
Elkhorn Ridge Golf Partnership  
c/o Andrew Koster  
10836 Old Mill Drive  
Omaha, NE 68164

REQUEST: Waiver of Section 55-105, 55-108 & 55-938(e) - Variance to the permitted use regulations to allow Indoor Entertainment, a use not otherwise permitted in a GI district, to the minimum front yard setback from 50’ to 34’, to the minimum interior side yard setbacks from 25’ to 10’ and 16’, to the minimum rear yard setback from 35’ to 10’, to the minimum lot width from 100’ to 93.4’ and to the maximum impervious coverage allowed from 25% to 68% to allow for the redevelopment of a former golf course.

LOCATION: 20033 Elkhorn Ridge Drive
ZONE: DR

17. Case No. 19-072  
Jon Alexander  
1150 River Road Drive  
Waterloo, NE 68069

REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surfacing requirement for a temporary parking lot for events held 4/1/19 through 12/20/19 and from 4/1/20 through 12/20/20.

LOCATION: 1150 River Road Drive
ZONE: AG-FW

MINUTES TO BE APPROVED: May 9, 2019