MEMBERS PRESENT:
Brian W. Kruse – Acting Chairman
Ryne Bessmer
Blake Peterson, Alternate

MEMBERS NOT PRESENT:
David C. Levy, Chairman
Ann O’Connor, Vice Chair

STAFF PRESENT:
Mike Wilwerding, Planning Department
Tim Himes, Law Department
Clinette Ingram, Recording Secretary

The board voted to ELECT Mr. Kruse at Acting Chair.

Mr. Kruse 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. 19-06-043
Charles M. Quigley, PE
The Wells Resource LLC
3919 Cuming St.
Omaha, NE 68131

REQUEST: Appeal Public Works Department denial of a site plan dated 6/4/19,
(RE: Burke High School – 12200 Burke Blvd.)

At the Administrative Board of Appeals meeting held on June 24, 2019, the applicant did not appear before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that there was an existing gravel parking lot on the west end of the site with an access that the school wanted to pave. They also wanted to add a second access. He explained that the site was almost 60 acres and one access for it was not reasonable; however, Public Works wanted to limit the number of accesses to what seemed practical. The plan showed an access from the parking lot on the west side of the football field, a service access on the south side of the football field, and four additional curb cuts that served the parking lots in front of the school. The middle two driveways on the north leg of 122nd Street were both one-way out accesses. He stated that a total of six accesses were being requested: five accesses and two one-way accesses. Public Works was not opposed to the request.

Mr. Peterson moved to GRANT the six driveways as proposed. Mr. Bessmer seconded the motion.

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal granted.
At the Administrative Board of Appeals meeting held on June 24, 2019, Rob Woodling (Foundations Development - 1886 South 126th Street) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the site plan was for a new multi-family project. The plan proposed two accesses to 167th Street instead of one as per the driveway regulations. He noted the large size of the site and stated that Public Works was not opposed to the request.

Mr. Woodling also mentioned the long, narrow size of the site being. The project would consist of two apartment buildings with a total of 84 units and third building that would be used as a storm shelter.

Mr. Peterson moved to GRANT the two access for the site. Mr. Bessmer seconded the motion.

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal granted.

At the Administrative Board of Appeals meeting held on June 24, 2019, Kellon Hyman (Olsson Associates) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas explained that this site was approved by the City of Elkhorn before it was annexed by the City of Omaha. The plan showed a two-way access to the parking area on the eastern end of the site and a one-way access at the west edge of the site that would provide circulation from the parking lot. He noted that the access street was low-speed and low-volume. The request was for 1 ½ driveways instead of one as per the driveway regulations.

Mr. Hyman explained that the hospital wanted to remove daily deliveries from the main area that patients use for access. They also wanted to bring the trash enclosure closer to the building. He stated that a sign would be installed at the one-way drive to show that it was for deliveries only.

Mr. Peterson moved to GRANT the 1 ½ accesses for the site. Mr. Bessmer seconded the motion.

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal granted.
At the Administrative Board of Appeals meeting held on June 24, 2019, Aaron Robinson appeared before the board. Officer Jason Bosiljevac appeared on behalf of the Omaha Police Department.

Officer Bosiljevac stated that Mr. Robinson’ firearm registration was denied due to a marijuana less than an ounce conviction from December 31, 2018 for which the applicant received a fine.

Mr. Robinson acknowledged that he had the marijuana; however, he stated that he was a responsible, working adult. He wanted the gun to protect himself and his family. He indicated that he had taken gun classes and obtained insurance.

Mr. Kruse noted the recent nature of the incident and stated that Mr. Robinson would be able to register a gun 10 years from the incident. He added that the board has typically granted waivers for individuals that were at least about halfway through the 10 year requirement.

Mr. Robinson continued to explain his situation to the board. Mr. Kruse advised Mr. Robinson that he could speak with his councilman about changing the ordinance. Mr. Bessmer stated that, although the board could sympathize with Mr. Robinson, he was concerned about the precedent that would be set if his appeal were granted so close to the time of the conviction.

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

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal denied.

At the Administrative Board of Appeals meeting held on June 24, 2019, Bryan L. Fleer appeared before the board. Officer Jason Bosiljevac appeared on behalf of the Omaha Police Department.

Officer Bosiljevac stated that Mr. Robinson’ firearm registration was denied due to a Carrying Concealed Weapon conviction from December 15, 1998 for which he was fined $100.

Mr. Fleer stated that he deeply regretted the mistake he made 20 years ago. He explained that he took the anger management classes that were requested by the court. He stated that the CCW charge was given to him while he was in his home and that he was unaware that that could happen. He indicated that he enjoyed collecting firearms and wanted to do so legally.

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

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal granted.
6.
19-06-045
Steven A. Gonzales
3410 N. 93rd Ave. #5
Omaha, NE 68134
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 5/6/19.

At the Administrative Board of Appeals meeting held on June 24, 2019, Steven A. Gonzales appeared before the board. Officer Jason Bosiljevac appeared on behalf of the Omaha Police Department.

Officer Bosiljevac stated that Mr. Gonzales’ gun registration was denied due to a marijuana less than an ounce conviction from December 26, 2013.

Mr. Gonzales stated that since the time of the conviction he had been working, going to school and taking care of his family. He discussed the details of the incident that led to the conviction. He indicated that his employer performs drug testing on a regular basis. He stated that the gun would be for protection of his home.

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

AYES: Peterson, Bessmer, Kruse
MOTION CARRIED 3-0. Appeal granted.

7.
19-06-046
Catherine A. White
730 N. Happy Hollow Blvd.
Omaha, NE 68132
REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated 5/27/19.

At the Administrative Board of Appeals meeting held on June 24, 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 and was told that the vehicle had been towed the previous Friday (June 21st).

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline about a car that was sitting in the driveway in front of the home with flat tires and no front end. He stated that when he visited the home that day, he saw that the vehicle was gone.

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

AYES: Peterson, Bessmer, Kruse
MOTION CARRIED 3-0. Appeal denied.
8.  
19-06-047  
Sean Rogers  
10906 Jackson St.  
Omaha, NE 68154  
REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated 5/30/19.

At the Administrative Board of Appeals meeting held on June 24, 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 and he indicated that he would be on vacation and requested that the appeal be laid over until the July meeting.

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline. The camper in question was over the 20’ limit and sitting in the front yard setback. Officer Stokes believed that there was enough concrete to move the camper behind the setback and along the side of the home if a fence was removed. There was some discussion about the timing of the appeal.

Mr. Bessmer moved to LAYOVER until the July 22, 2019 meeting. Mr. Peterson seconded the motion.

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal denied.

9.  
19-05-041 (Layover from 5/20/19)  
Alicia Lynn Kroeze  
1915 S. 44th St.  
Apt. 208  
Omaha, NE 68105  
REQUEST: Appeal of the Omaha Police Department’s denial of a Taxicab Driver’s Permit dated 4/26/19.

At the Administrative Board of Appeals meeting held on June 24, 2019, Alicia L. Kroeze and Catherine Kroeze appeared before the board. Officer Jason Bosiljevac appeared on behalf of the Omaha Police Department.

Officer Bosiljevac stated that the applicant’s Taxicab Driver’s Permit was denied due to a Board of Mental Health Order (BMH) that was issued in July 2017.

Ms. Ingram recalled that the case had been laid over to give the applicant the benefit of having her case heard before a full board of five members.

Ms. Kroeze stated that she served the BMH order while she was in a transitional apartment for Veterans and persons with disabilities. She explained that there was an incident with a roommate where she stated that she wanted to hurt the roommate; afterwards she apologized. The police were called and the case manager issued the BMH order. She indicated that the doctors did not see her as a threat, she was released and subsequently moved into her own apartment.

Catherine Kroeze, the applicant’s mother, appeared to speak on her behalf. Ms. Kroeze mentioned that her advanced training was in psychology and counseling. She stated that Alicia had never been an aggressor. She believed that the incident was treated differently because Alicia was in transitional housing. She agreed that what her daughter said was inappropriate; however, she did not believe that she was a threat or a danger to people.

In response to Mr. Peterson, Alicia Kroeze stated that she had not been on any medications for over a year; however, her mother added that she was being monitored by a psychiatrist.
Mr. Peterson moved to GRANT the appeal. Mr. Bessmer seconded the motion.

AYES: Peterson, Bessmer, Kruse

MOTION CARRIED 3-0. Appeal granted.

10.
19-06-048
Robert J. Dowd
4309 S. 37th St.
Omaha, NE 68107

REQUEST: Appeal of the Omaha Police Department’s denial of a Taxicab Driver’s Permit dated 5/21/19.

This request was withdrawn at the request of the applicant.

MINUTES:

Mr. Kruse moved to APPROVE the May 20, 2019 meeting minutes. Mr. Peterson seconded the motion.

AYES: AYES: Peterson, Bessmer, Kruse

APPROVED 3-0.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting.