It was the consensus of the board to elect Mr. Kruse as 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. 18-06-048
   - **REQUEST:** Appeal Public Works Department denial of a driveway permit dated 5/8/18.
   - (RE: Ferguson Building Addition – 6780 South 118th Street)

At the Administrative Board of Appeals meeting held on June 25, 2018, Dan Dolezal appeared before the board. Ryan Haas (Public Works Department) appeared on behalf of the City.

Mr. Haas stated that there was an existing structure and parking area on the site. The applicant was requesting an additional driveway to the north and east of the existing driveway that would go along with a building addition. The proposed driveway would function as a one-way loop from 118th Street to the existing parking area. He stated that the non-conformities were: 1) the proposed driveway width is 26’ instead of the maximum of 16’ that is allowed on 118th Street; 2) the end-of-return encroaches beyond the property line, and 3) 1 ½ driveways were being proposed for the site instead of the 1 driveway allowed by driveway regulations. He noted that 118th Street is a low-speed/low-volume street and that there were no major safety issues with the proposed site plan.

Mr. Dolezal stated that the proposed width of the driveway would make it possible for semi-trucks to enter the site.

Mr. Beals moved to GRANT the appeal. Mr. Santo seconded the motion.

**AYES:** Beals, Santo, Kruse

**MOTION CARRIED:** 3-0. Appeal granted.
2. 18-06-049  
Jeremy Williams, P.E.  
Design Associates of Lincoln, Inc.  
1609 “N” Street  
Lincoln, NE 68508  
(RE: Amigo’s – 132nd Street and Augusta Avenue)

At the Administrative Board of Appeals meeting held on June 25, 2018, Jeremy Williams appeared before the board. Ryan Haas (Public Works Department) appeared on behalf of the City.

Mr. Haas stated that the drive-thru stacking requirements require 600’; however, the applicant was proposing to provide 579’ of stacking. He explained that when applicants have been within one car length in past situations, the Public Works Department has typically made some allowances in those cases.

Mr. Williams stated that the site was an unusually shaped parcel with constraints. He explained that the restaurant would be drive-thru only with no inside seating for customers.

Mr. Beals moved to GRANT the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.

3. 18-06-050  
Alison Ingunza, PLA, ASLA  
HDR  
8404 Indian Hills Drive  
Omaha, NE 68114  
REQUEST: Appeal Public Works Department denial of a driveway permit dated 5/15/18.  
(RE: Siena/Francis House – 17th & Nicholas Streets)

At the Administrative Board of Appeals meeting held on June 25, 2018, Alison Ingunza and David Lempke (HDR) appeared before the board. Ryan Haas (Public Works Department) appeared on behalf of the City.

Mr. Haas submitted a site plan (Exhibit B). He stated that there were a number of buildings and parking areas on the Siena/Francis house site. It is bounded by 16th Street on the east and 18th Street on the west with a public street (17th Street) in the middle where three driveways were located. He discussed the proposed changes to the site: 1) Driveway 1 on the northeast portion of the site will provide access to a service area; 2) Driveways 2 and 3 located on 17th street would provide access to the parking area, and 3) Driveway 4 would provide access to another service area. He explained that the one of the non-conformities with the site was that there was more than one access for the site; however, considering the campus-like setting he believed that the request was acceptable. The other non-conformity was that Driveway 4 would feature backing maneuvers since that particular building would remain.

Ms. Ingunza submitted other documents to the file (Exhibit C). She discussed the proposed changes to the site.

Mr. Beals moved to GRANT the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.
At the Administrative Board of Appeals meeting held on June 25, 2018, Luke Weatherly appeared before the board. Ryan Haas (Public Works Department) appeared on behalf of the City.

Mr. Haas stated that the site plan was for a new building. He explained that the only non-conformity with the site plan was the driveway spacing along 210th Street. The proposed driveway leaves approximately 20’ between the new driveway and the existing driveway to the south. The minimum required spacing is 40’. He added that 210th Street is a cul-de-sac that terminates at West Dodge Road.

Mr. Weatherly stated that the proposed driveway would be on the southwest corner of the lot and would line up with the south side of the building and the maintenance drive. He explained that if the drive was shifted to the north it would be difficult for cars to maneuver the site and would create unsafe conditions.

Mr. Beals moved to GRANT the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.

At the Administrative Board of Appeals meeting held on June 25, 2018, Doug Kellner and Bert Hancock (Pacific Garden Associates) appeared before the board. Ryan Haas (Public Works Department) appeared on behalf of the City.

Mr. Haas stated that the site consisted of an apartment complex with several detached garages. The property owner was proposing to close the driveway on 76th Avenue closer to Woolworth Avenue and move it to closer to 76th Avenue and Briggs Street. The site would have a total of four accesses. He requested that if the board decided to grant the appeal, the applicant be required to construct sidewalks along 76th Avenue. He noted that there were currently no sidewalks along 78th Street or Woolworth Avenue.

Mr. Hancock explained that the existing driveway at 76th Avenue and Woolworth was not convenient. He believed that the proposed location for the new driveway would be closer to grade, would line up with the street and would be better looking. Mr. Hancock stated that he would prefer not to construct sidewalks since, in his opinion, there was not a lot of pedestrian traffic along 76th Avenue. He requested that if the sidewalks were added it could end approximately 100’ from the corner of 76th and Woolworth. Mr. Haas responded that a curb walk could possibly be constructed if absolutely necessary.
Mr. Beals moved to GRANT the appeal subject to the applicant constructing sidewalks along 76th Avenue as recommended by the Public Works Department. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.

6.
18-05-042 (Laid over from 5/21/18)
Lee Lorenz
4805 South 91st Avenue Circle
Omaha, NE 68127

REQUEST: Appeal Police Department’s Notice of Nuisance dated 4/2/18.
(RE: 4805 South 91st Avenue Circle)

At the Administrative Board of Appeals meeting held on June 25, 2018, Lee Lorenz and Officer James Stokes (Omaha Police Department) appeared before the board.

Officer Stokes stated that a complaint was called into the Mayor’s Hotline about an oversized boat sitting in the front yard setback and a couple of vehicles that were not properly registered at the subject address. Officer Stokes indicated that he had visited the site the day of the meeting and submitted pictures that showed a Chevy Malibu that was not plated at the time and a boat over 20’ long that was parked in the front yard setback.

Mr. Lorenz submitted the registration for the boat that showed that it was 18’5” long. Officer Stokes advised that the trailer, boat and motor combined could not exceed 20’. Mr. Lorenz indicated that the trailer, motor and boat could be adjusted to reduce the overall length. Officer Stokes stated that he visited the home to measure the combined length of the boat and it came to 22.5”. He explained that the motor may have to be removed completely so that the boat could be stored on the driveway. In response to Mr. Kruse, Mr. Lorenz stated that the Malibu was being sold and would be removed from his property that day.

In response to Mr. Kruse, Mr. Lorenz stated that he stores his boat in his driveway year round. Mr. Kruse explained that the guidelines of the ordinance were clear and the boat should be brought into compliance. Mr. Davis suggested some adjustments that could be made to bring the boat it into compliance with the 20’ guidelines. Mr. Lorenz considered those suggestions.

Mr. Beals moved to DENY the appeal with 15 days to comply. Mr. Santo seconded the motion.

AYES: Beals, Santo

MOTION CARRIED: 3-0. Appeal denied.

7.
18-06-053
Noe Pena III
5109 South 38th Street
Omaha, NE 68107

(RE: 5109 South 38th Street)

At the Administrative Board of Appeals meeting held on June 25, 2018, the applicant failed to appear before the board. Officer James Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that the Notice of Nuisance was issued by Roger Carroll with Code Enforcement. A complaint had been submitted about an unregistered vehicle that was not parked on pavement. Officer Stokes indicated that when he visited the site he found two vehicles that were parked off of the paved surface, one with in-transits. He added that some gravel had been added to a grassy area which was not an option in this situation.
In response to Mr. Kruse, Ms. Ingram stated that on June 18th she mailed a certified letter to the applicant that had been signed for and she had also left a voicemail message at the number listed for him on June 19th.

Mr. Beals stated that typically the board would deny this type of appeal with 30 days to comply. He considered whether the same should be done in this case.

Mr. Santo moved to DENY the appeal with 30 days to comply. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal denied.

8.
18-06-054
Wayne Dinges
14158 “O” Street
Omaha, NE 68137
REQUEST: Appeal Police Department’s Notice of Nuisance dated 5/31/18. (RE: 14158 “O” Street)

At the Administrative Board of Appeals meeting held on June 25, 2018, Wayne Dinges and Officer James Stokes (Omaha Police Department) appeared before the board.

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline regarding a trailer that was over the 20’ limit. Officer Stokes visited the site and saw a trailer used for catering. Mr. Dinges explained that he has a 30’, barbecue food truck that he uses for charity work. He mentioned that he intended to build a new driveway that would be used to store the food truck. Officer Stokes stated that the issue was that the trailer had a gross vehicle weight of over 9,000 pounds with advertising on the side. He added that by state law the vehicle in question was a commercial vehicle that could not be parked in a residential district regardless of whether it was parked behind the setback.

In response to Mr. Beals, Mr. Dinges stated that he could have the trailer moved within 30 days.

Mr. Beals moved to DENY the appeal with 30 days to comply. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal denied.

9.
18-05-046 (Laid over from 5/21/18)
Darryl Davis
16969 Locust Street
Omaha, NE 68116
REQUEST: Appeal denial of Third Grade Stationary Engineer License dated 3/12/18.

At the Administrative Board of Appeals meeting held on June 25, 2018, Darryl Davis and Tom Phipps, Chief Mechanical Inspector, appeared before the board.

Mr. Phipps stated that the applicant failed to renew his license before the March 1st deadline which resulted in the suspension of his license. He indicated that there were no complaints against Mr. Davis’ license. He suggested that if the board decided to grant the appeal, Mr. Davis be required to pay the renewal fees for 2018.

Mr. Davis explained that he overlooked renewing his license. He added that, although he currently did not use his license, he worked hard for it and wanted to have it reinstated.
Mr. Beals moved to GRANT the appeal subject to the applicant paying license fees for 2018. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.

10.
18-05-047 (Laid over from 5/21/18)

REQUEST: Appeal revocation of Electrical Contractor Registration dated 4/20/18.

At the Administrative Board of Appeals meeting held on June 25, 2018, Jason Amato, David Watermeier (Attorney) and Don Gerjevic (Chief Mechanical Inspector), appeared before the board.

Mr. Gerjevic read a short statement that reviewed the facts of the case. He stated that the applicant would be given the opportunity to work in Omaha with the stipulation that proper procedures and protocols be followed when performing electrical repairs and installations. He added that Mr. Amato’s work should be within the average pass/fail percentages when it is installed and inspected. He recommended that the board maintain the decision of the Electrical Board to revoke Mr. Amato’s Master Electrician registration for a period of one year. He added that if the board decided to overturn that decision, it be with the stipulation that Mr. Amato, doing business as Power Crew, would complete all of his permitting through the Permits and Inspections office for a period of 90 days to encourage open lines of communication between Mr. Amato and the City of Omaha.

Mr. Watermeier stated that he and his client were in agreement with Mr. Gerjevic’s recommendation. He requested that the board grant Mr. Amato’s appeal subject to the stipulations set forth by Permits and Inspections.

Mr. Santo believed that the 90-day, face-to-face permitting process would provide Mr. Amato with the opportunity to familiarize himself with the City’s processes.

Mr. Amato stated that he agreed with Mr. Gerjevic’s recommendation.

Mr. Beals moved to GRANT the appeal subject to the completing all permits through the Permits & Inspections office, removing online permitting privileges, to encourage open lines of communication between the applicant and the City of Omaha for a period of 90 days. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal granted.
11. 18-06-055
Armand Robinson
2327 North 92nd Avenue
#21
Omaha, NE 68134

REQUEST: Appeal Nebraska Humane Society
Potentially Dangerous Dog designation
effective 5/5/18.

At the Administrative Board of Appeals meeting held on June 25, 2018, the applicant failed to appear before the board. Mark Langan appeared on behalf of the Nebraska Humane Society (NHS).

The board secretary stated that a certified letter had been mailed to the applicant and returned. The applicant was also emailed the meeting information June 19th.

Mr. Langan stated that on April 6, 2018, NHS received a call about a dog attacking another dog at the Camelot Apartments. A woman named Courtney indicated that she had been walking her dog Cooper down the hallway of her apartment building when a dog (later identified as Deuce) came out of Apartment 21 and attacked her dog. Courtney mentioned that a few weeks prior, her fiancée had been bitten by Deuce on April 6th. A citation for improper restraint and a Potentially Dangerous Dog declaration were both issued for the April 6th incident. It was determined that on March 20th a call had been received from the same building about Deuce biting a resident (Ethan) who was walking down the stairs to get mail. The bite left several puncture marks on Ethan’s hand. Armand Robinson, the owner of Deuce, appealed to the NHS board; his appeal was denied.

In response to Mr. Kruse, Mr. Langan stated that Deuce was current on his vaccinations and license.

Mr. Beals moved to DENY the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal denied.

12. 18-06-056
Juan Gaytan
4524 South 15th Street
Omaha, NE 68107

REQUEST: Appeal Nebraska Humane Society
Potentially Dangerous Dog designation
effective 6/11/18.

At the Administrative Board of Appeals meeting held on June 25, 2018, Juan Gaytan, Saul Gaytan and Maricela Mercado appeared before the board. Mark Langan appeared on behalf of the Nebraska Humane Society (NHS).

Mr. Langan stated that on May 5th the Omaha Police requested an Animal Control Officer to the area of 23rd and “J” Streets. The Police informed the Officer that a German shepherd had bitten a 5 year old girl at a Cinco de Mayo event. The Police stated that the dog was acting aggressively and requested that it be removed from the area and impounded. The girl or her mother could not be located at the time. The dog was impounded and held for the 10-day rabies quarantine period. A citation was issued to the applicant’s mother, Maricela Mercado, because the dog was not licensed or vaccinated. It was later determined that the dog was licensed and had been vaccinated. A Potentially Dangerous Dog declaration was issued based on the incident at the event.

Mr. Gaytan appealed to NHS on May 23rd. The appeal was granted at the time since no contact could be made with the dog bit victim or the police officer who saw the bruises. However, on May 29th Mr. Langan indicated that he received a call from the mother of the victim. She stated that during the parade she and her daughter were on the sidewalk with a crowd of people when a teenage boy (Saul Gaytan), and his mother (Ms. Maricela) walked by with a German shepherd on a leash. The mother of the bite victim
indicated that, as they passed, the dog lunged at her daughter and bit her on the right shoulder without any provocation. The mother sent pictures to Mr. Langan that showed an open puncture wound and scratch marks from the dog’s teeth. The girl received stitches as a result of the dog bite. The police officer also contacted Mr. Langan and stated that he was on the scene after the incident occurred. The officer indicated that the dog was behaving aggressively towards the police and firefighters that were on the scene to help the victim which is why he called the Humane Society. Based on the new information from the victim’s mother, the police officer and the photos, Mr. Langan contacted the applicant to schedule another hearing. At the second hearing, the board unanimously voted to deny the appeal. He stated that the two-year requirements were needed for public safety.

Mr. Gaytan stated that during the incident he was at work when he received a call that his dog had bitten someone. He also stated that his mom had indicated that the dog was not aggressive with police and fire and that he sat with her. He believed that the girl may have tried to pet the dog.

In response to Mr. Kruse, Saul Gaytan stated that he did not see the dog bite the girl. He saw her scream and fall on the ground. He stated that when the dog was put in the NHS vehicle he was calm and followed directions. Juan stated that he would follow the requirements of the Potentially Dangerous Dog Declaration; however, he felt that he needed to appeal since he believed that his dog was not a dangerous animal. He added that his brother did not have permission to take the dog to the event and that he would not have exposed his dog to that type of situation.

Mr. Beals stated that, although the applicant seemed responsible and the situation was emotional for him, the declaration could prove to be beneficial for him and his pet since they would be required to go through training.

Mr. Beals moved to DENY the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, Kruse

MOTION CARRIED: 3-0. Appeal denied.

APPROVAL OF MINUTES:

Mr. Beals moved to APPROVE the May 21, 2018 meeting minutes. Mr. Santo seconded the motion.

AYES: Beals, Kruse

ABSTAIN: Santo

MOTION CARRIED: 2-0-1. Motion carried.

DISCUSSION:

Mr. Davis introduced Mike Wilwerding to the board and stated that he would be taking over the meetings beginning with the July 2018 meeting.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:35p.m.