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.

CASES:

1. 19-03-019
Trevor Veskrna, E.I. Thomson, Dreessen & Dorner, Inc. 10836 Old Mill Rd. Omaha, NE 68154


At the Administrative Board of Appeals meeting held on March 25, 2019, Joe Dethlefs and Trevor Veskrna (Thompson, Dreessen & Dorner, Inc.) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the backup data center would have very little traffic on the site. It would be a backup space in the event that the new facility becomes inoperable. If that would occur, the workers would be shuttled in from the other location. He explained that the only deficiency with the site is that it exceeds the maximum of one driveway per regulations. He noted that 109th Street is a low-speed/low-volume street.

Mr. Dethlefs stated that the additional driveway would allow for a better flow of traffic in and out of the lot. He added that deliveries will be made at the south driveway. The second access would alleviate congestion in case more employees had to use the site.

In response to Mr. Levy, Mr. Haas stated that Public Works had no major objections to the request.

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

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

MOTION CARRIED: 5-0. Appeal granted.
2. 19-03-020
Joe Dethlefs, P.E.
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Rd.
Omaha, Ne 68154
REQUEST: Appeal Public Works Department denial of a site plan dated 3/7/19.
(RE: 11102 Blondo Street Bank)

At the Administrative Board of Appeals meeting held on March 25, 2019, Joe Dethlefs and Ryan Ruenholl (Thompson, Dreessen & Dorner, Inc.) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the only deficiency with the site is the drive-through stacking. He explained that there will be an ATM lane that has a minimum stacking requirement of 75’. The full service drive-through lane has a minimum requirement of 200’; however, 123’ is proposed. He stated that when the driveway requirements are updated the minimum will be adjusted to 100’ which would eliminate the need for waivers in these situations. The Public Works Department supported the request.

In response to Mr. Levy, Mr. Haas stated that there was not an issue with the number of driveways on the site because the other driveway lead to a private drive and not a public street.

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

AYES: Peterson, Beals, Kruse, O’Connor, Levy
MOTION CARRIED: 5-0. Appeal granted.

3. 19-03-021
Angel Madrid Madrid
2320 Polk St.
Omaha, NE 68107
REQUEST: Appeal of the Omaha Police Department’s revocation of a concealable firearm registration dated 2/4/19.

At the Administrative Board of Appeals meeting held on March 25, 2019, Angel Madrid Madrid and Alyson Machuca (2320 Polk Street) appeared before the board. Ms. Machuca interpreted for the applicant. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley explained the details of a domestic incident that occurred on December 24, 2018. The Omaha Police Department requested that Mr. Madrid’s appeal be denied because of a protections order that was issued against him.

Ms. Machuca stated that Mr. Madrid had a pending court case for the December incident. Mr. Madrid explained that he still has his permit to carry; however, he indicated that he sold the gun in question in January 2018. He did not bring evidence of the sale. He wanted to keep his permit to carry.

Mr. Levy stated that if Mr. Madrid sold the gun there was no reason to keep it registered. It would be the responsibility of whoever bought the gun. Mr. Levy believed that the appeal should be denied and the application fee should be refunded since he felt the applicant appealed in error.

Mr. Beals moved to DENY the appeal but refund the fee since the applicant did not need to appeal. Mr. Peterson seconded the motion.

AYES: Peterson, Beals, Kruse, O’Connor, Levy
MOTION CARRIED: 5-0. Appeal denied.
4. 19-03-022
Nathaniel Bank-Richardson
6705 Vernon Ave.
Omaha, NE 68104
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 2/11/19.

At the Administrative Board of Appeals meeting held on March 25, 2019, Nathaniel Bank-Richardson appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that Mr. Bank-Richardson’s firearm registration was denied due to a 90-day jail term from September 2006. He was charged at that time with having an unregistered and concealed firearm.

Mr. Bank-Richardson stated that he had changed his life around and wanted to register his firearm legally. He explained that he was unaware at that time that he needed to register his firearm. Mr. Levy noted that the board received the letters he submitted with his appeal.

Mr. Kruse stated that he had no objections to the appeal since the incident occurred in 2006 and there was nothing else on his record that would prevent the applicant from registering his firearm. In response to Mr. Beals, Mr. Bank-Richardson stated that the gun would be for home protection and for protection for when he is at work during the night.

Mr. Kruse moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Peterson, Beals, Kruse, O’Connor, Levy
MOTION CARRIED: 5-0. Appeal granted.

5. 19-03-023
Thomas Manning
1202 S. 50th St.
Omaha, NE 68106
REQUEST: Appeal of the Omaha Police Department’s revocation of a concealable firearm registration dated 2/22/19.

At the Administrative Board of Appeals meeting held on March 25, 2019, Thomas Manning appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that Mr. Bank-Richardson’s firearm registration was denied due to a marijuana less than one ounce conviction from 2013 for which he was fined $300. There were no other charges on his record that would prevent him from registering his firearm.

Mr. Manning stated that he has been sober since the 2013 incident. In response to Mr. Kruse, Mr. Manning stated that he was employed at Certified Transmission.

There was some discussion about how Mr. Manning answered a question on his application to register his firearm. Mr. Manning clarified the issue with the board.

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

AYES: Peterson, Beals, Kruse, O’Connor, Levy
MOTION CARRIED: 5-0. Appeal granted.
At the Administrative Board of Appeals meeting held on March 25, 2019, Rafael Geovanni Munoz appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Vivian Buckley stated that Mr. Munoz’s was denied a Taxicab Driver’s Permit due to him being charged with 4 DUI arrests from 1996 to 2006. He was also charged with driving under suspension and failing to maintain a traffic lane. There were several other moving violations on his record.

Mr. Munoz stated that he was pulled over in Blair in 2011 which resulted in his driver’s license being suspended for 15 years. He wanted to drive a taxi because of problems he was having working on his feet. He explained that he no longer had problems with drinking or using drugs. He added that he currently has a valid driver’s license; however, he needs to use the Ignition Interlock system to drive. In response to Mr. Beals, Lt. Buckley stated that Mr. Munoz would need to use the Ignition Interlock system until October 15, 2022. She explained that the suspension was shortened to allow Mr. Munoz to work. There was some discussion as to whether the taxi company would allow Mr. Munoz to use the Ignition Interlock system in a taxi so that he could work. Mr. Munoz stated that, if the board granted his appeal, the taxi company would employ him.

Mr. Levy stated that if the appeal was granted, it could be with the condition that the applicant use the Ignition Interlock system until October 2022. Mr. Beals suggested laying the case over for one month to give the applicant the opportunity to bring documentation from the cab company showing that Mr. Munoz had a job offer. Mr. Levy agreed.

Mr. Beals moved to LAYOVER until the April 22, 2019 meeting to give the applicant time to provide documentation from the cab company of an offer of employment and to confirm that, if hired, they will allow the applicant to use the Ignition Interlock system. Mr. Kruse seconded the motion.

AYES: Peterson, Beals, Kruse, Levy

NAYES: O’Connor

MOTION CARRIED: 4-1.

At the Administrative Board of Appeals meeting held on March 25, 2019, the applicant did not appear before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that the nuisance has been taken care of.

No action was taken on the case.
At the Administrative Board of Appeals meeting held on March 25, 2019, Michael Harnett appeared before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated a complaint that was called into the northwest precinct. Officers visited the site and saw multiple unregistered vehicles that were not parked on pavement. A Notice of Nuisance was issued. Officer Stokes submitted photos that he had taken the day of the meeting (Exhibit 2). He noted that the roadway is undeveloped. He stated that there is concrete at the home along with some gravel/grass mix. He also mentioned that there was debris on the property that needed to be removed along with some outdoor storage.

Mr. Harnett stated that he needed more time to clean up the area and register his other vehicle. He explained that he does not have enough money to pave areas for his vehicles. He noted that he was being required to park his cars on a paved surface when the road itself is not paved. Officer Stokes stated that the board could give him permission to park his cars on gravel or he suggested that the applicant could put pavers off the driveway. Mr. Levy did not think it was fair to require the applicant to pave his driveway when the street isn’t paved; however, he didn’t want to give the applicant permission to have a dirt driveway forever, even if State Street was ever paved. Ms. Ingram explained that the Zoning Board of Appeals will sometimes waive the hard-surface requirement in these types of situations; however, they will stipulate that if the adjacent street is ever paved then the property owner must also pave their driveway.

In response to Mr. Beals, Mr. Harnett stated that he has never seen a city truck plow his street. He added that the neighbors usually take care of it themselves. In response to Mr. Levy, Mr. Harnett stated that 3 months should be enough time for him to put down gravel and register all of his vehicles.

Mr. Kruse moved to DENY with 90 days to comply. The applicant must put down rock for the vehicles that are not on a paved surface; all vehicles must be licensed and registered; and, at such time that State Street is paved the applicant must pave the driveway. Mr. Beals seconded the motion.

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

MOTION CARRIED: 5-0. Appeal denied.

At the Administrative Board of Appeals meeting held on March 25, 2019, the applicant did not appear before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that the applicant contacted her to say that she would not be able to get off work to attend the meeting.

Officer Stokes stated that a complaint about the applicant’s vehicle came through the Mayor’s Office. He stated that the vehicle was purchased by the applicant May 31, 2018 but was never registered. He
indicated that he visited the address the day of the meeting and nothing had been resolved. He submitted pictures of the car (Exhibit 2).

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

Mr. Peterson commented that the 30 days would give the applicant time to get the money to register the vehicle.

AYES: Beals, Kruse, O’Connor, Levy

NAYES: Peterson

MOTION CARRIED: 4-1. Appeal denied.

10. 19-03-028
Brenda and Michael Bahan
5606 N. 96th St.
Omaha, NE 68134

REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated 2/26/19.

At the Administrative Board of Appeals meeting held on March 25, 2019, Brenda Bahan appeared before the board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that a complaint about the applicant’s vehicle came through the Mayor’s Office about a camper being parked in the front yard setback. He visited the site and found a camper with expired plates and that was over the 20’ limit. When he visited the site the day of the meeting and took pictures (Exhibit 2) he saw that the camper had been registered; however, it was still over the 20’ limit.

Ms. Bahan stated that she needed more time to move the camper, especially because of the weather. She stated that it would be difficult to find a place to store the camper because of heavy flooding in the area. She requested 30 – 60 days to move the camper. Officer Stokes explained that because of flooding most storage facilities are booked and many people are not removing their stored items.

Mr. Kruse moved to DENY with 90 days to comply. Mr. Beals seconded the motion.

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

MOTION CARRIED: 5-0. Appeal denied.

MINUTES:

Mr. Kruse moved to APPROVE the minutes for the February 25, 2018 meeting. Mr. Beals seconded the motion.

AYES: Peterson, Beals, Kruse, Levy

ABSTAIN: O’Connor

MOTION CARRIED: 4-0-1.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:13 p.m.