Mr. Levy called the meeting to order at 1:02 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

CASES:

1. 19-05-035
   Bob Torson
   Robert Torson Architects
   6542 S. 118th St.
   Omaha, NE 68137

   (RE: Lot 21 I-80 Business Park – 118th and Y Streets)

At the Administrative Board of Appeals meeting held on May 20, 2019, Bob Torson appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the site plan showed two dedicated, unshared two-way driveways; driveway regulations limit driveways to one per site. The other issue with the site was with the offset in relation to “Y” Street. The minimum offset required for 118th Street would be 60’; the revised site plan showed 50’. He stated that there were not significant issues with the two driveways; however, Public Works recommended that the 60’ offset be maintained wherever possible.

Mr. Torson explained that the building sits at the tip of a triangular lot and full circulation was required around the building. He indicated that the current tenants had grown and wanted to lease the entire building. He further indicated that if the offset was at 60’ then approximately 600 square feet of the building would be lost. In addition, the property is adjacent to residential property which he stated would take 50’ from the back of the property for use as a bufferyard. Mr. Torson stated that most of the businesses there were not retail in nature so there was not a lot of traffic. He indicated that a business on the opposite corner was approximately 38’ from “Y” Street to their approach.

In response to Mr. Levy, Mr. Torson stated that all of the proposed parking was needed to meet the parking requirements. He also mentioned that truck traffic also needed to access the site.

Mr. Haas noted that the additional 7’ for the offset came at the expense of the driveway width which showed 18’ instead of the 22’ that is required for a local street.
In response to Mr. Kruse, Mr. Torson explained that of the 13 businesses in the area, 2 are union shops and many of the others were manufacturing businesses with parking that was used mainly for employees. The business that would lease this location was an electrical business with few employees.

Mr. Kruse moved to GRANT the waiver for the 2 driveways and for the 43’ offset from “Y” Street as proposed in the site plan. Mr. Peterson seconded the motion.

AYES: Peterson, Kruse, O’Connor, Levy

MOTION CARRIED: 4-0.

4.
19-05-038
Aaron D. Robinson
3602 N. 2st St.
Omaha, NE 68110

REQUEST: Appeal of the Omaha Police Department’s revocation of a firearm registration dated 4/8/19.

The applicant contacted the board secretary and requested that this case be laid over until the June 24, 2019 meeting since he would be out of town for a job interview.

Mr. Kruse moved to LAYOVER until the June 24, 2019 meeting of the board. Ms. O’Connor seconded the motion.

AYES: Peterson, Kruse, O’Connor, Levy

MOTION CARRIED: 4-0.

The board took a short recess so that the secretary could locate an officer to speak on behalf of the Omaha Police Department for the remaining cases.

6.
19-05-039
Bryan L. Fleer
5017 S. 93rd St.
Omaha, NE 68127

REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 4/13/19.

At the Administrative Board of Appeals meeting held on May 20, 2019, the applicant was not able to appear before the board due to his starting a new job. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

The board reviewed the case and asked what Mr. Fleer was convicted of. Lt. Buckley could only see that he received 5 days in jail and 2 months’ probation. In addition there was a protection order violation in 1999 and an attempted suicide in August 2002. There were only traffic violations since that time.

Mr. Kruse moved to GRANT the appeal. Motion failed for lack of a second.

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

AYES: Peterson, O’Connor

NAYES: Kruse, Levy

Motion failed for lack of a majority.
Mr. Peterson stated that he wanted to hear more from the applicant because of what was in the police report. He suggested that the applicant give a more in depth reason for his appeal.

Mr. Peterson moved to LAYOVER until the June 24, 2019 meeting. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, O’Connor, Levy

MOTION CARRIED: 4-0.

2.
19-05-036
Stephanie R. Soukup
1809 Evans St.
Omaha, NE 68110

REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 4/10/19.

At the Administrative Board of Appeals meeting held on May 20, 2019, Stephanie R. Soukup appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Ms. Soukup stated that her firearm registration was denied because of a marijuana charge from 2016. In response to Mr. Kruse, Ms. Soukup stated that it was not her marijuana but she was still issued a ticket while her passenger went to jail. There was 31.5 grams of marijuana found in the vehicle and some pills.

Mr. Kruse noted the recent nature of the incident.

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

AYES: Peterson, Kruse, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal denied.

3.
19-05-037
George D. Haynes
4439 Commercial Ave. Apt. 1
Omaha, NE 68110

REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 4/11/19.

At the Administrative Board of Appeals meeting held on May 20, 2019, George D. Haynes appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that Mr. Haynes was booked for Carrying a Concealed Weapon and having an unregistered firearm during an incident in 2011.

Mr. Haynes explained that during that incident in 2011 he was in fear for his life. The children who lived in the apartment above him had just told him that their parents were dead.

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

AYES: Peterson, Kruse, Levy

NAYES: O’Connor

MOTION CARRIED: 3-1. Appeal granted.
At the Administrative Board of Appeals meeting held on May 20, 2019, Julian M. Salas appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that Mr. Salas was charged with possession of marijuana in April 2012. There were only traffic related items on his record since that time.

Mr. Salas explained that he would in his early 20’s at that time and that he was not making wise decisions. He stated that he was currently employed and that he had a 2-year old and another child on the way. He wanted the gun for the safety of himself and his family. In response to Mr. Levy, Mr. Salas stated that drug testing was not a requirement of his employment; however, he could be drug tested if his employer deemed it to be necessary. There was some discussion about the circumstances surrounding the 2012 incident.

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

AYES: Peterson, Kruse, O’Connor, Levy
MOTION CARRIED: 4-0. Appeal granted.

At the Administrative Board of Appeals meeting held on May 20, 2019, Julian M. Salas appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that the applicant was convicted of possession of marijuana less than an ounce in May 2010. There were only traffic related items on his record since that time.

Mr. Kavanaugh stated that he was young at the time of the conviction. In response to Mr. Peterson, Mr. Kavanaugh stated that drug testing was not a requirement to be hired but his employer (Bucky’s) had the right to do so if they wanted.

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

AYES: Peterson, Kruse, O’Connor, Levy
MOTION CARRIED: 4-0. Appeal granted.
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 May 20, 2019, Alicia Kroeze appeared before the board. Lt. Vivian Buckley appeared on behalf of the Omaha Police Department.

Lt. Buckley stated that the applicant had a Board of Mental Health locate in July 2017. An individual could not have mental health issues and be employed as a taxicab driver. There were no other items on her record that would disqualify her from driving a taxi.

Ms. Kroeze stated that she was ordered to go to the VA hospital because she got mad at her roommate and told her that she wanted to hurt her. She admitted that she had depression and anxiety at that time. She stated that she was at the VA for about 5 days and was released. She indicated that the doctors did not find her to be an imminent danger to anyone.

In response to Mr. Kruse, Ms. Kroeze explained the circumstances that led up to the incident. She said that she apologized and did not carry out the threat. She stated that, although she has a doctor and a therapist, she has not seen them since February 2018. She indicated that her doctor did not believe that she needed any more therapy and that she was not taking any medications. She further indicated that the taxi company Z-Trip wanted to hire her but she had to take get a waiver from the Administrative Board of Appeals.

In response to Mr. Kruse, Ms. Kroeze stated that she wanted to drive a taxi because she loves to drive, she knows Omaha and she needs to have a job where she can sit down.

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

AYES: Peterson, Levy

NAYES: Kruse, O’Connor

Motion failed for lack of a majority.

Mr. Levy explained that there were only four members present and that there might be five at the June meeting. He suggested the case be laid over until the June meeting. Ms. Kroeze agreed.

Mr. Peterson moved to LAYOVER until the June 24, 2019 meeting of the board. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, O’Connor, Levy

MOTION CARRIED: 4-0.
6. 19-05-039
Bryan L. Fleer
5017 S. 93rd St.
Omaha, NE 68127
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated 4/13/19.
This case was laid over until the June 24, 2019 meeting of the board.

8. 19-04-032 (Laid over from the April 22, 2019 meeting)
Robert Clarke
6434 South 150th Street
Omaha, NE 68137
REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated 3/15/19.
This case was withdrawn.

MINUTES:

The minutes for the April 22, 2019 meeting were approved 3-0-1 with Ms. O’Connor abstaining.

ADJOURN:

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