ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, May 9, 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, May 9, 2019 at 11:00 a.m. to discuss the cases.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, April 29, 2019 (for use waivers only) and Thursday, May 2, 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. 18-088 *(from 8/9/18)*
   Tammy Darmody
   16417 Leavenworth Circle
   Omaha, NE 68118
   REQUEST: Waiver of Section 55-786(e) - Variance to the residential fence regulations to allow a 6' tall, privacy fence in the street side yard setback.
   LOCATION: 15454 Mormon Circle
   ZONE: R4

NEW CASES:

2. Case No. 19-045
   Buck's Inc.
   c/o John Perlebach
   7315 Mercy Road
   Omaha, NE 68124
   REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between a GC and R3 district from 13.5' with screening to 5.5' with screening (west) and from 30' with screening to 17' with screening (south).
   LOCATION: 5003 Dodge Street & 106 South 50th Street
   ZONE: GC-ACI-2(50)

3. Case No. 19-046
   Oldenhuis Contracting
   4501 Leavenworth Street
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35' to 14' to allow for the repair and expansion of an existing enclosed porch.
   LOCATION: 5531 Hickory Street
   ZONE: R4(35)

4. Case No. 19-047
   Michael Hassenjager
   5811 Craig Avenue
   Omaha, NE 68152
   REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway to an existing detached garage.
   LOCATION: 5811 Craig Avenue
   ZONE: R2

5. Case No. 19-048
   Robert Duvall
   1044 North 115th Street
   Omaha, NE 68107
   REQUEST: Waiver of Section 55-526 - Variance to the front yard setback from 50' from the center line of the fronting street to 40.3’ from the center line of the fronting street to allow for the replacement of electrical switchgear.
   LOCATION: 4111 Gibson Road
   ZONE: HI

6. Case No. 19-049
   Michael Alley
   c/o Alley Poyer Macchietto Architecture
   1516 Cuming Street
   Omaha, NE 68102
   REQUEST: Waiver of Section 55-715 - Variance to the street yard landscaping percentage from 75% to 68% to allow for a driveway expansion.
   LOCATION: 142 North Elmwood Road
   ZONE: R1
7. Case No. 19-051
Scott & Shirley Farrington
1014 North 64th Street
Omaha, NE 68132
REQUEST: Waiver of Section 55-716 - Variance to the minimum buffer yard requirement between a GC and R3 district from 30' with screening to 8' with screening.
LOCATION: 303 North Saddle Creek Road
ZONE: GC-MCC (Pending)

8. Case No. 19-052
James Sinclair
9209 Hickory Street
Omaha, NE 68124
REQUEST: Waiver of Section 55-146 - Variance to the minimum interior side yard setback from 10' to 4' to allow for an existing non-conforming structure to be integrated into the existing home.
LOCATION: 9209 Hickory Street
ZONE: R2

9. Case No. 19-053
St. Robert Bellarmine Church
c/o Chris Snere
11802 Pacific Street
Omaha, NE 68154
REQUEST: Waiver of Section 55-146 - Variance to the maximum impervious coverage from 40% to 51.6% to allow for the construction of a new Early Learning/Day Care facility and future parking lot.
LOCATION: 11802 Pacific Street
ZONE: R2

10. Case No. 19-054
Mark McClellan
4815 Hickory Street
Omaha, NE 68105
REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 41 to 6 for an existing cocktail lounge.
LOCATION: 2514 Leavenworth Street
ZONE: DS-ACI-1(PL)

11. Case No. 19-055
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)

12. Case No. 19-056
Jeff & Mari Rensch
5103 Webster Street
Omaha, NE 68132
REQUEST: Waiver of Section 55-786(e) - Variance to the residential fence regulations to allow a 6' tall, privacy fence within the street side yard setback.
LOCATION: 5102 Underwood Avenue
ZONE: R4(35)

MINUTES TO BE APPROVED: April 11, 2019