ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, November 14, 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, November 14, 2019 at 11:00 a.m. to discuss the cases. (The applicant does not need to appear at this time.)

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, November 4, 2019 (for use waivers only) and Thursday, November 7, 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. 19-111 (from 10/10/19)  
Julio Gonzalez  
5019 South 50\textsuperscript{th} Street  
Omaha, NE 68117  
REQUEST: Waiver of Sections 55-108 \& 55-740(e) - Variance to the interior side yard setback from 25' to 5' and to the hard-surface driveway requirement to allow for construction of a detached garage.  
LOCATION: 5019 South 50\textsuperscript{th} Street  
ZONE: DR

NEW CASES:

2. Case No. 19-115  
Angela Ramos  
4519 Nebraska Avenue  
Omaha, NE 68104  
REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35' to 22' to allow for construction of a new garage and covered porch.  
LOCATION: 4519 Nebraska Avenue  
ZONE: R4(35)

3. Case No. 19-116  
Ron Hackett  
3515 Oakridge Road  
Omaha, NE 68112  
REQUEST: Waiver of Sections 55-206 \& 55-715 - Variance to the minimum interior side yard setback from 7' to 5', to the front yard setback from 25' to 20', to the minimum lot width from 60' to 50', to the minimum lot size from 6,000 sq. ft. to 4,825 sq. ft., to the minimum depth of street yard landscaping from 15' to 4', and to the minimum percentage of street yard landscaping from 55% to 46% to allow for the construction of a new duplex.  
LOCATION: 4628 Capitol Avenue  
ZONE: R4(35) (R5 PENDING)

4. Case No. 19-117  
Habitat for Humanity  
Ed Thiele  
1701 North 24\textsuperscript{th} Street  
Omaha, NE 68110  
REQUEST: Waiver of Section 55-206 - Variance to the minimum lot area requirement from 5,000 sq. ft. to 4,880 sq. ft. and to the minimum lot width from 50' to 40' to allow for construction of two new single-family homes.  
LOCATION: 3906 North 18\textsuperscript{th} Street and 3922 North 19\textsuperscript{th} Street  
ZONE: R5

5. Case No. 19-118  
Robert and Judith Evans  
8002 Kilpatrick Parkway  
Bennington, NE 68007  
REQUEST: Waiver of Section 55-786(e)(1) - Variance to the residential fence regulations to allow a 6' tall, privacy fence within the street side yard setback.  
LOCATION: 8002 Kilpatrick Parkway  
ZONE: R4
6. Case No. 19-119  
Shane Graeve  
2916 South 217th Circle  
Omaha, NE 68022  
REQUEST: Waiver of Sections 55-126 & 55-715 - Variance to the minimum interior side yard setback from 25' to 11'-10" and to the minimum depth of street yard landscaping from 30' to 10' to allow for the construction of a new garage and driveway addition.  
LOCATION: 2916 South 217th Circle  
ZONE: R1

7. Case No. 19-120  
Craig Baumgart  
827 South 42nd Street  
Omaha, NE 68105  
REQUEST: Waiver of Sections 55-782(b)(2) & 55-786(e)(1) - Variance to the required setback for a patio from 5' to 0' and to the residential fence regulations to allow a 6' tall, privacy fence within the street side yard setback.  
LOCATION: 827 South 42nd Street  
ZONE: R4(35)

8. Case No. 19-121  
Jack and Sue Dyson  
c/o Mike Jansen Custom Decks  
6223 South 170th Street  
Omaha, NE 68135  
REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback from 25' to 14' to allow for the replacement of an existing deck.  
LOCATION: 6706 South 52nd Avenue Circle  
ZONE: R3

9. Case No. 19-123  
Al Smith  
310 South 51st Street  
Omaha, NE 68132  
REQUEST: Waiver of Sections 55-166 & 55-782(b)(2) - Variance to the rear yard setback from 25' to 18' feet, to the interior side yard setback from 7' to 5', to the maximum impervious coverage allowed from 45% to 60% and to the required setback for a patio from 3' to 1.5' to allow for a home addition.  
LOCATION: 310 South 51st Street  
ZONE: R3

10. Case No. 19-124  
Gary Harless  
c/o Kevin LaPorte  
6403 Chicago Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35' to 16' to allow for the construction of a new covered porch.  
LOCATION: 6268 Pine Street  
ZONE: R4(35)

11. Case No. 19-125  
GESU Housing  
Dale Barr  
5008 ½ B Dodge Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-186 & 55-742(b) - Variance to the street side yard setback from 15' to 5' and to allow parking in the front yard setback for construction of a single-family home.  
LOCATION: 4252 Corby Street  
ZONE: R4(35)

12. Case No. 19-126  
Derek Baty  
6349 Seward Street  
Omaha, NE 68104  
REQUEST: Waiver of Section 55-186 - Variance to the maximum impervious coverage allowed from 50% to 62% to allow for repair of an existing driveway.  
LOCATION: 6349 Seward Street  
ZONE: R4(35)
13. Case No. 19-127  
Nebraska Methodist Hospital  
c/o Tod Trigg  
HDR, Inc.  
1917 South 67th Street  
Omaha, NE 68106  
REQUEST: Waiver of Section 55-326 - Variance to the front yard setback from 25' to 0' to allow for a building addition.  
LOCATION: 8303 Dodge Street  
ZONE: GO

14. Case No. 19-128  
Celestino Bustamante  
c/o Paula Wells  
3919 Cuming Street  
Omaha, NE 68131  
REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking spaces from 12 to 0 for an expansion of an existing restaurant.  
LOCATION: 2216 South 16th Street  
ZONE: GC

15. Case No. 19-129  
McGill Development, LLC  
c/o Don Heine  
TD2  
10836 Old Mill Road  
Omaha, NE 68154  
REQUEST: Waiver of Section 55-716, 55-740 & 55-938 (e)(1) - Variance to the minimum bufferyard requirement between an LO and R4 district from 20' to 10', to the minimum perimeter parking lot landscaping from 10' to 8.4' and to the required perimeter landscaping from 15' to 7.5' to allow for the renovation of an existing commercial building and new parking lot.  
LOCATION: 1411 North 72nd Street  
ZONE: LO-ACI-2(50)

16. Case No. 19-130  
St. Margaret Mary’s Church  
c/o Don Heine  
TD2  
10836 Old Mill Road  
Omaha, NE 68154  
REQUEST: Waiver of Section 55-166, 55-715 & 55-735(b) - Variance to the maximum impervious coverage allowed in an R3 District from 45% to 46%, to the minimum street yard landscaping depth from 20' to 0' and to allow non-residential parking in the front yard setback of a residential zoning district to allow for the redesign of an existing parking lot.  
LOCATION: 100 North 62nd Street and 6102 Dodge Street  
ZONE: R3-ACI-2(50)

17. Case No. 19-131  
Robert Ottemann & Kim Kalowski  
1502 South 10th Street, #303  
Omaha, NE 68108  
REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35' to 10' to allow for construction of a new single family home.  
LOCATION: 420 Center Street  
ZONE: R4(35)

18. Case No. 19-132  
Anne Konen  
1218 North 97th Plaza  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between a CC and R4 district from 6.5' with screening to 0' without screening to allow for the relocation of a waste container.  
LOCATION: 1506 South 60th Street  
ZONE: CC
19. Case No. 19-133
   Nancy Schlessinger
c/o Adam Dusatko
   2117 South 156th Circle
   Omaha, NE 68130
   REQUEST: Waiver of Section 55-786(e)(1) - Variance to the residential fence regulations to allow a 6' tall, 50% open fence within the front yard setback.
   LOCATION: 3310 South 228th Terrace
   ZONE: R1

MINUTES TO BE APPROVED: September 12, 2019 & October 10, 2019.