MINUTES
Administrative Board of Appeals
November 27, 2017

MEMBERS PRESENT:
David C. Levy, Chairman
Ann O’Connor, Vice Chair
Brian W. Kruse
Mark Santo
Jeffrey Beals

MEMBERS NOT PRESENT:
Ryne Bessmer, Alternate

STAFF PRESENT:
Timothy Himes, Law Department
Jay Davis, Planning Department
Clinette Ingram, Recording Secretary
Rikki Flott, Recording Secretary

ROLL CALL:

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.

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 84th Street & West Dodge Road, Pinnacle Bank)

Larry Smith
Avant Architects, Inc.
3337 North 107th Street
Omaha NE 68134

At the Administrative Board of Appeals meeting held on November 27, 2017 Larry Smith and Ryan Haas (Public Works) appeared before the board.

Mr. Haas stated that the proposed plan showed no access onto West Dodge Road; however, two driveways were proposed on Chicago Street which is a low-speed/low-volume local street. The minimum 60’ spacing requirement and the on-site stacking requirements were met for the western driveway and drive-through. The applicant was requesting a waiver of the regulations that limited each site to a single access.

Mr. Smith stated that the proposed plan would allow traffic to enter from the western edge, circulate through the drive-through and exit the driveway at the eastern portion of the lot.

In response to Mr. Levy, Mr. Smith stated that, as part of the project, the existing 6 lots would be combined into 1.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

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

Motion carried 5-0. Appeal granted.
2.
17-11-105
Kyle Crouch
DLR Group
6457 Frances Street, Suite 200
Omaha NE 68106
REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 80th Street & West Dodge Road, Exchange Bank)

At the Administrative Board of Appeals meeting held on November 27, 2017 Kyle Crouch and Ryan Haas (Public Works) appeared before the board.

Mr. Haas stated that the proposed plan showed no accesses onto West Dodge Road. Instead, traffic would exit onto 80th Street which is a low-speed/low-volume local street. The applicant was requesting 2 driveways instead of one and permission to allow an offset of 40’ instead of the required 60’ between the northern driveway and Davenport Street. He stated that there were no other issues with the site.

Mr. Crouch explained that the proposed plan would eliminate access onto Davenport Street. In response to Mr. Levy, Mr. Haas explained that the Master Plan puts restrictions on commercial traffic being directed into residential areas.

In response to Mr. Beals, Mr. Crouch explained that the proposed parking lot would accommodate the bank and whatever business leased the space on the second level of the building.

Motion to APPROVE by Mr. Beals. Second by Mr. Kruse.

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

Motion carried 5-0. Appeal granted.

3.
17-11-106
Gilbert Morris
6715 South 52nd Street
Omaha NE 68117
REQUEST: Appeal Police Department denial of firearm registration

At the Administrative Board of Appeals meeting held on November 27, 2017 Lt. Dave Sedlacek (Omaha Police Department) appeared before the board. The applicant was not present at the time his case was called.

Lt. Sedlacek stated that on October 13, 2017, Mr. Morris applied for and was denied a firearm registration for a marijuana less than one ounce conviction from July 16, 2013 for which he was fined $300. The conviction resulted from a traffic stop from August 29, 2012. On that date an officer smelled marijuana and saw smoke coming from the driver side window of the vehicle. Mr. Morris admitted that there was marijuana in the vehicle. The only other offenses on the applicant’s record were traffic-related. It was determined that the applicant had been properly notified.

Motion to DENY by Mr. Kruse. Second by Mr. Beals.

Mr. Morris appeared as his case was being discussed. Mr. Kruse withdrew his motion.

Mr. Morris stated that at the time of the incident, he was young, inexperienced and associating with a bad crowd. He explained that at the time he did not take into consideration the consequences of his actions. He stated that he had been employed for 3 years and that he passes all required drug tests as a condition of his employment. He wanted the firearm for a hobby.
Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Santo, Kruse, O’Connor

NAYES: Levy

Motion carried 4-1. Appeal granted.

4.
17-11-107
Tyler J. Sanders
3901 North 17th Street
Omaha NE 68110

REQUEST: Appeal Police Department denial/revocation of firearm registration

At the Administrative Board of Appeals meeting held on November 27, 2017 Tyler Sanders and Lt. Dave Sedlacek (Omaha Police Department) appeared before the board.

Lt. Sedlacek stated that on October 20, 2017 the applicant applied for and was denied a gun registration for a carrying a concealed weapon (CCW) conviction from July 9, 2015 for which he was fined $500. The incident occurred on March 23, 2015 when an officer was called to a disturbance at a bar. The applicant was highly intoxicated and lying on the floor of the bar. He would not leave after the bar closed. A handgun was found on him when officers attempted to assist him. He was arrested and eventually found guilty of carrying a concealed weapon. He also had a DUI in 2014.

Mr. Sanders stated that he wanted a gun for protection and recreation. He explained that the reason he had a gun in 2015 was for protection from coyotes while fishing. He stated that he had not considered the outcome of his actions at that time. He stated that he is randomly drug tested at his place of work and that he had passed them all. He indicated that he had stopped drinking since that conviction and that he attends AA meetings every Sunday.

Mr. Levy stated that not enough time had passed since his CCW.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, Levy

NAYES: Santo, O’Connor

MOTION CARRIED: 3-2. Appeal granted.

5.
17-11-108
Derrick E. Ashley
6723 Mason Street
Omaha NE 68106

REQUEST: Appeal Police Department denial of firearm registration

At the Administrative Board of Appeals meeting held on November 27, 2017 Derrick Ashley and Lt. Dave Sedlacek (Omaha Police Department) appeared before the board.

Lt. Sedlacek stated that on November 3, 2017 the applicant applied for and was denied a firearm registration for a carrying a concealed weapon (CCW) conviction from March 28, 2007 for which he was fined $100. He also had two marijuana less than one ounce convictions from August 26, 2008 for which he was fined $100 and another from June 8, 2012 for which he was fined $100. He explained that the CCW case was the result of a traffic stop where an unregistered gun was found in the vehicle. The two other marijuana convictions were also the results of traffic stops.
Mr. Ashley explained that he wanted a handgun to protect his business. He added that his children spent a lot of time at the business with him. He stated that he no longer used marijuana and that his last conviction was over 5 years ago. He indicated that he ran an upholstery and t-shirt business from his shop on Maple Street for the past 4 years.

Motion to APPROVE by Mr. Beals. Second by Mr. Kruse.

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

Motion carried 5-0. Appeal granted.

**APPROVAL OF MINUTES:**

Motion by Mr. Kruse to approve the minutes from August 28, 2017. Second by Ms. O’Connor.

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

Motion carried 5-0.

**ADJOURN:**

Motion to adjourn by Mr. Kruse. Second by Ms. O’Connor.

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

Motion carried 5-0. Meeting adjourned at 1:43 p.m.