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. 18-10-072
   Joel E. Jackson, PE
   Bishop Engineering Company, Inc.
   3501 104th Street
   Des Moines, IA 50322
   (RE: McDonald’s – 84th Street & Papillion Parkway)

   At the Administrative Board of Appeals meeting held on October 22, 2018, Joel Jackson appeared before the Board. Ryan Haas appeared on behalf of the Public Works Department.

   Mr. Haas stated that there were plans to demolish and reconstruct a McDonald’s restaurant on this site. This would trigger the current driveway and drive-through stacking requirements. The non-conformity would be that the site would have two accesses instead of one as required by the City’s driveway regulations. He explained that both the Papillion Parkway and “C” Street accesses are low-speed/low-volume local streets. There is also a median on Papillion Parkway so that driveway would be right-in/right-out.

   Mr. Jackson explained that the Papillion Parkway access would prevent a large amount of traffic from being pushed onto “C” Street which is a more residential street.

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

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

   MOTION CARRIED: 5-0. Appeal granted.
2. 
18-10-073
Michael A. Perkins
9030 Raven Oaks Dr.
Omaha, NE 68152
REQUEST: Appeal of the Police Department’s denial of a firearm registration dated 9/4/18.

At the Administrative Board of Appeals meeting held on October 22, 2018, the applicant failed to appear before the Board. Lieutenant Sedlacek appeared on behalf of the Omaha Police Department.

Clinette Ingram, Board Secretary, stated that a certified letter had been mailed to the applicant. A voicemail message was also left on his phone with no callback.

Lt. Sedlacek stated that the applicant was denied a firearm registration on September 4, 2018 due to misdemeanor conviction for possession from April 8, 2016 for which he was fined $500. The case occurred in Lincoln, Nebraska.

Mr. Levy suggested a layover to give the applicant the opportunity to appear.

Mr. Beals moved to LAYOVER until the November 26, 2018 meeting of the board. Ms. O’Connor seconded the motion.

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

3. 
18-10-074
Clifford Jackman
3123 Fontenelle Boulevard
Omaha, NE 68104
REQUEST: Appeal of the Police Department’s firearm revocation dated 9/17/18.

At the Administrative Board of Appeals meeting held on October 22, 2018, Clifford Jackman appeared before the Board. Lieutenant Sedlacek appeared on behalf of the Omaha Police Department.

Lt. Sedlacek stated that on September 11, 2018 the applicant was sent a letter stating that his handgun registration had been revoked due to a misdemeanor assault conviction from March 7, 2018 for which he received 7 days in jail. He discussed the details of the incident that occurred on March 6, 2016. He also mentioned an incident from December 9, 2015 that resulted in Mr. Jackman being placed in emergency protective custody.

Mr. Jackman stated that he was appealing because he inherited the guns from his father and they meant a lot to him. He added that he never brandished the guns or threatened anyone with them. In response to Mr. Levy, Lt. Sedlacek stated that if the appeal was denied, the guns could be signed over to the applicant’s children so that they could remain in the family.

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

AYES: Beals, Kruse, O’Connor, Levy

NAYES: Peterson
MOTION CARRIED: 4-1. Appeal denied.
At the Administrative Board of Appeals meeting held on October 22, 2018, Michael Swafford appeared before the Board. Lieutenant Sedlacek appeared on behalf of the Omaha Police Department.

Lt. Sedlacek stated that on October 1, 2018 the applicant was denied a firearm registration due to a marijuana less than one ounce conviction from August 2013 for which he was fined $300. The case originated in Saunders County. There were other misdemeanor convictions from 2009, 2012 and 2014 that did not prevent the applicant from owning a firearm.

Mr. Swafford discussed the circumstances that lead to the convictions. He explained that he was hanging out with the wrong people. In response to Mr. Beals, Mr. Swafford stated that he had been in the restaurant business for over 13 years.

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.

At the Administrative Board of Appeals meeting held on October 22, 2018, Marcee Isaacson appeared before the Board. Officer Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that a complaint had been received from the Mayor’s Hotline on September 10, 2018 about unregistered vehicles parked at the applicant’s home for several years. He visited the residence and located 2 vehicles with Iowa Plates. He issued a Notice of Nuisance and explained that vehicles have 30 days before they need to be registered in the State of Nebraska. He mentioned that on another occasion there was a different car parked at the address with Iowa plates, making a total of three cars that had been at the address with out-of-state plates.

Ms. Isaacson stated that she was appealing because all three vehicles were owned by her spouse who lived in Iowa. She explained that he was in Nebraska for extended periods of time to assist her while she dealt with some health issues. In response to Mr. Levy, Officer Stokes stated that the vehicle must be registered if it is in Nebraska for 30 consecutive days; however, he explained that at times a judge will look at the number of times and for how long a vehicle has been in Nebraska.

Mr. Kruse inquired as to why one of the vehicles had been parked at her address before her medical incident. Ms. Isaacson stated that she would drive the 2002 vehicle.

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

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

MOTION CARRIED: 5-0. Appeal denied.
6.  
18-10-076  
Joseph C. Vanhoose  
4001 North 212th Street  
Elkhorn, NE 68022  
REQUEST:  Appeal Police Department’s Notice of  
Nuisance dated 9/6/18. (RE: 4001 North  
212th Street)  

At the Administrative Board of Appeals meeting held on October 22, 2018, the applicant did not appear  
before the Board. Officer Stokes appeared on behalf of the Omaha Police Department.  

In response to Mr. Levy, Ms. Ingram stated that she had last contacted the applicant about the meeting on  
October 16th by phone and certified letter.  

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline about vehicles that  
were parked in the street. The officer that visited the home noticed that a camper was parked in the  
driveway. Officer Stokes submitted pictures of the camper (Exhibit 2) which he measured at 20’4” instead  
of 19’4” as the applicant claimed on his Notice of Nuisance. He noted that campers over 20’ could not be  
stored inside the front yard setback. He further explained that the site is a corner property which means  
that there would be issues with the front yard and side yard setback. He stated that the only place to store  
the trailer would be directly behind the back of the home. He noted that a boat and trailer were being  
stored in the backyard off of a paved surface.  

In response to Mr. Kruse, Officer Stokes stated that the title to the camper will state that it is 19’4” since  
that is the livable area of the camper that is taxable.  

Mr. Beals stated that if the case was laid over it would give the applicant 30 days to remedy the situation  
in addition to the time the board could possibly give him if the case was heard in November. He preferred  
to give the applicant enough time to rectify the situation.  

Mr. Beals moved to DENY with 60 days to comply. Mr. Peterson seconded the motion.  

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

MOTION CARRIED: 5-0. Appeal denied.  

7.  
18-10-077  
Angela Higgs  
9115 Washington Street  
Omaha, NE 68127  
REQUEST:  Appeal Police Department’s Notice of  
Nuisance dated 9/6/18. (RE: 9115  
Washington Street)  

At the Administrative Board of Appeals meeting held on October 22, 2018, Angela Higgs appeared  
before the Board. Officer Stokes appeared on behalf of the Omaha Police Department.  

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline regarding the  
address listed above. When he visited the home he saw a trailer that measured 25’6” parked in the front  
yard setback. He issued a Tow Notice and a Notice of Nuisance. He submitted current pictures of the  
violation (Exhibit 2).  

Ms. Higgs stated that she intended to sell the camper and wanted to leave it at the home until that  
happened. Her husband had been making repairs on it and it would be listed for sale when those were  
done. She requested 6 months. In response to Mr. Kruse, Ms. Higgs stated that the camper would  
probably be ready to sell with the next couple of weeks. Mr. Levy explained that the neighbors would  
need to be taken into consideration if the board decided to grant the applicant additional time.
Mr. Beals stated that he could not recall the board ever granting an applicant more than 90 days to come into compliance. He believed that 90 days should be enough time to either sell the vehicle or store it.

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

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

MOTION CARRIED: 5-0. Appeal denied.

8.
18-10-078
Patrick Riddle
5 Coliseum Avenue
Nashua, NH 03063

REQUEST: Appeal Police Department’s Notice of Nuisance dated 9/26/18. (RE: 319 South 95th Street)

At the Administrative Board of Appeals meeting held on October 22, 2018, the applicant did not appear before the Board. Officer Stokes appeared on behalf of the Omaha Police Department.

Ms. Ingram stated that she received a letter from the applicant that stated that he lived in New Hampshire and would not be in town for the meeting. Included with the letter was a copy of an application for a duplicate title. The applicant requested more time to obtain the title.

Officer Stokes stated that a complaint had been received through the Mayor’s Hotline regarding a vehicle parked at the address listed above with New Hampshire plates. A Notice of Nuisance was issued for the vehicle. He mentioned that he visited the address the day of the meeting and the car was still there.

Mr. Kruse moved to DENY with 60 days to comply. 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 October 22, 2018, Claudia Granillo appeared before the Board. Mike Langan appeared on behalf of the Nebraska Humane Society (NHS).

Mr. Langan stated that on August 27, 2018 the Omaha Police Department contacted NHS about 2 loose dogs that were running around near 2900 South 24th Street. The officer stated that he witnessed the 2 dogs, identified as Draco and Luna, attacking a cat. The officer indicated that he sprayed the dogs multiple times with pepper spray; however, the dogs would only stop for a few seconds and continue attacking the cat. The cat was killed during the attack. The owner of the dogs, Ms. Granillo, was contacted and she picked up her dogs. The cat was microchipped, but since the microchip was not registered the owner of the cat could not be determined. Ms. Granillo was issued 2 citations for improper restraint along with a Potentially Dangerous Dog Declaration. Mr. Langan stated that the dogs were also reported to be running loose on July 27, 2017 and again on November 8, 2017. Ms. Granillo appealed to the Nebraska Humane Society on September 25, 2018 but her appeal was denied. He noted that, although there were no reports of violence towards humans, the dogs still met the definition of Potentially Dangerous Dogs since a domestic animal had been killed.

Ms. Granillo stated that her dogs were usually nice dogs and that the incident that occurred on August 27th was out of character for them. She explained that the cat did not have an owner and had been in her yard multiple times. She submitted favorable letters from her neighbors about the dogs (Exhibit 2). She stated that she did not have the funds to fulfill the requirements of the Potentially Dangerous Dog declaration. She also presented information to show that both dogs were current of their rabies vaccinations. There was some discussion about the costs that would be incurred if the declaration was to remain.

Ms. O’Connor stressed that although the dogs were not violent towards humans, they did kill a cat which showed that they could be violent animals.

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

AYES: Peterson, Beals, Kruse, O’Connor

NAYES: Levy

MOTION CARRIED: 4-1. Appeal denied.

**MINUTES:**

Ms. O’Connor moved to APPROVE the minutes for the September 24, 2018 meeting. Mr. Kruse seconded the motion.

AYES: Peterson, Kruse, O’Connor, Levy

ABSTAIN: Beals

MOTION CARRIED: 4-0-1.

**ADJOURN:**

It was the consensus of the board the ADJOURN the meeting at 2:08 p.m.