Ms. O’Connor 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. 19-10-070
Matthew J. Hubel, P.E.
Schemmer
1044 North 115th Street, Suite 300
Omaha, NE 68154

REQUEST: Appeal of the Public Works Department denial of a site plan dated September 24, 2019.
(re: Packing Corp of America – 1002 Missouri Avenue)

At the Administrative Board of Appeals meeting held on October 28, 2019, Matthew Hubel appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the site was challenging since it was substantially out of standard. He mentioned that there was probably just one other property owner in the area which meant that Gibson Road had a very limited amount of traffic. The applicant intended to pave the area on the west side of the site and a new, one-way entrance driveway. Three waivers were needed for the site: 1) a waiver of the approach angle; 2) a waiver of the number of driveways to allow 4 1/2 driveways instead of the 1 that is legally allowed; and 3) a waiver to the width of the southern access on Gibson Road which was 70’ instead of the required 40’ for an industrial site. He mentioned that there was very limited vehicular and pedestrian traffic and he added that Public Works found no additional safety issues.

Mr. Hubel explained that the owner wanted to replace rock on the south side of the site with pavement in order to clean up the site and make the necessary storm water improvements to improve drainage in the area. He stated that the applicant had looked into combining some of the driveways but they found that there were a number of utilities at the southwest corner of the site that would be difficult to relocate. They also looked into combining the south employee drive with the south truck traffic drive, but it was decided that it would be safer to keep them separate. He added that there was a storm sewer pump station between the two that would make it difficult to combine the two. He believed that the one-way drive would simplify truck movement.
In response to Mr. Bucher, Mr. Haas and Mr. Hubel both stated that they were not aware about any complaints about trucks accessing the gravel driveway or of any major accidents in this area. It was determined that most of the trucks using the northwest access onto Gibson Road would be turning left. Mr. Hubel explained that Gibson Road becomes a dead-end to the north.

Mr. Peterson moved to GRANT the appeal to allow the approach angle, the 4 ½ driveways and the 70’ southern access on Gibson Road. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0. Appeal granted.

2.

19-10-071
John A. Sova, AIA
RDG
900 Farnam Street, Suite 100
Omaha, NE 68102

REQUEST: Appeal of the Public Works Department denial of a site plan dated October 10, 2019.
(re: American National Bank – 90th Street & West Dodge Road)

At the Administrative Board of Appeals meeting held on October 28, 2019, Jim Burns (American National Bank), Kylan Block (RDG) and Kevin Andersen (Mayor’s Office) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the proposed plan the existing parking lot would be removed and replaced with some expansion to the north and east. There were two accesses that served the site, one on the west edge off of 90th Street and the other off of West Dodge Road on the southeast corner of the site. He explained that this site was unique because it shares a driveway with 8900 West Dodge Road to the east. Public Works suggested that the applicant reach out to the neighbor in an effort to consolidate the two driveways on West Dodge Road and combine them into a single, shared access in an effort to remove an access from a high-speed/high-volume arterial street onto an internal local street. The owner of the 8900 West Dodge property elected not to participate in the consolidation. He suggested that the applicant be allowed to keep the two access points with the condition that an easement be granted to 8900 West Dodge Road which would give the City the option to require that the Dodge access be closed at such time that improvements are made to 8900 West Dodge Road. He noted that there was a secondary access that ran toward 88th Plaza which is a private street and did not factor into the number of driveways.

Mr. Block stated that in the future the 88th Plaza access could be used to alleviate some of the traffic on Dodge. It was determined that there was already a perpetual easement in place.

Mr. Bucher moved to GRANT the appeal with the condition that a shared easement be granted to the 8900 West Dodge Road parcel. Mr. Peterson seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0. Appeal granted.
3. 19-10-072
Mark Sanford
Mark Sanford Group
1306 N. 162nd Street
Omaha, NE 68118
REQUEST: Appeal of the Public Works Department denial of a site plan dated October 15, 2019.
(re: Dollar Tree – 5921 Ames Avenue)

At the Administrative Board of Appeals meeting held on October 28, 2019, Mark Sanford appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that an existing structure sat on the site with several non-conforming driveways. A storefront was being added to the east end of the site and a parking lot was being proposed that would serve the Dollar Tree and allow for truck loading maneuvers. The only access on Ames Avenue that is near 60th Street would be closed which would leave two 60th Street access and two Taylor Street accesses. He stated that several waivers were needed for the site to be approved as proposed: 1) a request to allow two additional driveways; 2) a waiver for the southernmost access on 60th Street due to its close proximity (30’) to Northwest Drive; This driveway lines up with the rear of the building; and 3) a waiver of the prohibition on backing maneuvers for a public street (Taylor Street). He explained that in order to get a semi into the loading dock it would need to back onto the property. He noted that Taylor Street was a local street and not a busy street with higher volumes and speeds.

Mr. Sanford stated that the closure of the access on Ames Street would allow for more landscaping on the site. In addition, another entrance was added on Taylor Street that would be separate from the north parking lot and would be used for truck deliveries and employee parking. He indicated that trucks would deliver approximately twice per month, although the exact time of the deliveries was not known.

Mr. Bucher moved to GRANT the appeal. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor
MOTION CARRIED: 5-0. Appeal granted.

4. 19-09-067 (layover from October 28, 2019)
Marvin Willbrand
13478 Camden Avenue
Omaha, NE 68164
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated August 16, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Marvin Willbrand appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that Mr. Willbrand’s registration was denied to an assault on an unknown party that occurred 17 months ago while the applicant was intoxicated.

Mr. Willbrand stated that he a handgun for protection, especially because of car thefts that were occurring in his neighborhood. He explained that after the incident for which he was denied he was on probation for one year. Mr. Bucher was concerned with the recent nature of the incident.

Mr. Bucher moved to DENY the appeal. Mr. Peterson seconded the motion.

AYES: Bucher, Peterson, Bessmer, O’Connor NAYES: Kuehl
MOTION CARRIED: 4-1. Appeal denied.
5.  
19-10-073
Rodney D. Anderson  
2886 Camden Avenue  
Omaha, NE 68111  
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated September 10, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Rodney D. Anderson appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that the applicant received a concealed weapon conviction in 2007 for which he received 30 days in jail and he falsified his gun registration application which resulted in the denial of his firearm registration. Mr. Anderson had indicated that he had not been convicted of misdemeanor charges of any type. She stated that he had been convicted of two possession of marijuana charges and he spent 30 days in jail for possession of a controlled substance.

Mr. Anderson explained that the reason he responded incorrectly on his application is because he rushed to fill it out. He stated that the mistakes occurred because he was young at the time of the incidents. He indicated that he wanted a handgun for protection. Sgt. Diehm stated that there were three other convictions in 2010. Due to the falsification of the gun registration and the concealed weapon conviction, Mr. Bucher moved to deny the appeal.

Mr. Bucher moved to DENY the appeal. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0. Appeal denied.

6.  
19-10-074
Joshua C. White  
1108 North 92nd Plaza  
#304  
Omaha, NE 68114  
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated October 28, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Joshua White appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that the applicant’s firearm registration was denied due to a marijuana less than an ounce conviction from 2013. Ms. O’Connor recalled that he had previously appeared before the board in 2016 for the same matter.

Mr. White explained that he works in the security business and he wanted to legally register his weapons. It was determined that there were no other charges or convictions on his record since the 2013 incident. In response to Mr. Bessmer, Mr. White stated that he had not received his Concealed Carry permit in Nebraska because he had one from Texas and it was transferable.

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

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0. Appeal granted.
7.  
19-10-075  
Camia Sellers  
2720 North 88th Street  
Omaha, NE 68134  
REQUEST: Appeal of the Omaha Police Department’s revocation of a firearm dated September 18, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Camia Sellers appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that there were protection orders served against Ms. Sellers on March 29th and August 9th of 2019 which resulted in the revocation of her firearm.

Ms. Sellers stated that she was appealing because she was continually harassed at her home by her ex-boyfriend, his current girlfriend and other family and friends of theirs. She wanted to be able to protect herself and her two children. Mr. Himes, City Law Department, explained that state and federal laws prohibited an individual from owning a firearm if there is an active protective order in place against that person.

Mr. Peterson moved to DENY the appeal. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0. Appeal denied.

8.  
19-10-076  
Demetrius J. Johnson, Jr.  
2303 North 67th Avenue  
Omaha, NE 68104  
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated October 1, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Demetrius J. Johnson, Jr. appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that the applicant had been charged in July 2019 for carrying a concealed weapon and possession of drug paraphernalia for which he received a $250 fine.

Mr. Johnson stated that the drug paraphernalia and distribution charges were dropped immediately because those items did not belong to him. He admitted that the gun belonged to him but that he did not know at the time how to legally transport it. He stated that he wanted the gun to protect his family and to visit the gun range. He felt that his rights should not be taken away for the one mistake.

Mr. Bessmer stated that he believed that there was a better way for the applicant to transport the gun during the July 2019 incident.

Mr. Bucher moved to DENY the appeal. Mr. Bessmer seconded the motion.

AYES: Bucher, Peterson, Bessmer, O’Connor  
NAYES: Kuehl

MOTION CARRIED: 4-1. Appeal denied.
9.  
19-10-077  
Aaron L. Olvera  
3381 W Street  
Omaha, NE 68107  
REQUEST: Appeal of the Omaha Police Department’s denial of a firearm registration dated October 7, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Aaron L. Olvera appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Sgt. Diehm stated that the applicant was charged with possession of marijuana in January 2015 which resulted in the denial of his firearm registration. He was also convicted of a Minor in Possession in 2016.

Mr. Olvera stated that he wanted a handgun to protect his home and family.

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

AYES: Kuehl, Bucher, Peterson, Bessmer

NAYES: O’Connor

MOTION CARRIED: 4-1. Appeal granted.

10.  
19-08-061 (Layover from August 26 & October 28, 2019)  
Blade A. Graham  
5803 Frederick Street  
Omaha, NE 68106  
REQUEST: Appeal denial of the Omaha Police Department’s denial of a Taxicab Driver’s Permit dated 7/23/19.

At the Administrative Board of Appeals meeting held on October 28, 2019, Blade Graham appeared before the board. Sgt. Angie Diehm appeared on behalf of the Omaha Police Department.

Mr. Graham’s denial was based on an incident from May 2019 where officers were called to check on the well-being of a suicidal individual. They made contact with Mr. Graham who was intoxicated and who told the officers that he could not remember the last time he had been sober. Mr. Graham was placed into emergency protective custody for a period of time. There were no charges filed. (Information from August 26, 2019 meeting).

Mr. Graham stated that he was back before the board because the last decision from the board resulted in a 2 – 2 decision since there were only four board members in attendance. He explained that his case had been laid over at the September meeting so that he could be with his ill father who lived out of town. He indicated that he had been sober for 6 months, was going through counseling with AA and was also seeing a counselor. He wanted to get a job with Ztrip so that he could have a vehicle and take care of his family.

Mr. Bucher moved to GRANT the appeal. Mr. Bessmer seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer

NAYES: O’Connor

MOTION CARRIED: 4-1. Appeal granted.
11. 19-10-078
Terence C. Campbell
706 South 52nd Street
Omaha, NE 68106
REQUEST: Appeal of the Omaha Police Department’s Notice of Nuisance dated October 1, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, the applicant did not appear before the board. Officer James Stokes appeared on behalf of the Omaha Police Department.

Officer Stokes stated that that he had spoken with the applicant that day and that the vehicle had been properly registered and plated. He suggested that the applicant contact the board Secretary to request a withdrawal of the request. Ms. Ingram stated that she had emailed the applicant to let him know that a withdrawal could be requested; however, she had nor received a response.

Mr. Peterson moved to DENY the appeal. Mr. Bucher seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O'Connor
MOTION CARRIED: 5-0. Appeal denied.

12. 19-10-079
Daniel Castillo
1616 Willis Avenue
Omaha, NE 68110
REQUEST: Appeal of the Nebraska Humane Society Reckless Dog Owner declaration dated October 1, 2019.

At the Administrative Board of Appeals meeting held on October 28, 2019, Daniel Castillo appeared before the board. Nancy Hintz appeared on behalf of the Nebraska Humane Society.

Ms. Hintz stated that on September 3, 2019 the applicant was issued a Reckless Owner declaration regarding his two dogs Max and Simba who had been found running loose on three separate occasions during a two-year period. Mr. Castillo appealed the declaration to the NHS appeals board on October 1, 2019 but his appeal was denied. The denial was based on the history of the dogs running and because Mr. Castillo did not present enough evidence to convince the board that the dogs would not run free again. During two of the occasions when the dogs were out they were observed to be behaving in a menacing fashion.

Mr. Castillo stated that he loved his dogs. He stated that he had both dogs on regular collars, vests and eventually chains but they always broke free. He indicated that when they got free he would chase after them. He explained that the dogs are mostly inside and he now keeps them separate in their own area when he takes them out. He requested that he be allowed to keep his dogs. The board questioned Mr. Castillo about the times when the dogs got free. He also explained why he chose not to neuter his dogs.

After some discussion a motion was made to deny the appeal.

Mr. Peterson moved to DENY the appeal. Mr. Bucher seconded the motion.

AYES: Bucher, Peterson, Bessmer, O’Connor
NAYES: Kuehl
MOTION CARRIED: 4-1. Appeal denied.
MINUTES:

Mr. Bucher moved to APPROVE the September 23, 2019 meeting minutes. Mr. Peterson seconded the motion.

AYES: Kuehl, Bucher, Peterson, Bessmer, O’Connor

MOTION CARRIED: 5-0.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:29 p.m.