Certification of Publication: Zoning Board of Appeals Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Thursday, January 4, 2018.

MEMBERS PRESENT:
- Jacque Donovan, Vice-Chair
- Jeremy Aspen
- Sean Kelley (Alternate)
- Jason Lanoha
- Kristine Moore (Alternate)

MEMBERS NOT PRESENT: Sebastian Anzaldo

STAFF PRESENT:
- Michelle Alfaro, Zoning Board of Appeals Administrator
- Jennifer Taylor, City Attorney
- Clinette Ingram, Recording Secretary

The meeting was called to order at 1:02 p.m. Ms. Donovan introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVER CASES:

1. Case No. 17-155
   The Kul Factory
   8800 “F” Street
   Omaha, NE 68127
   REQUEST: Waiver of Section 55-843 – Variance to the maximum size of a pole sign from 150 sq. ft. to 258 sq. ft. and to allow flashing and bare bulb design elements for a pole sign.
   LOCATION: 8800 “F” Street
   ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, the applicant failed to appear.

Mr. Aspen moved to LAYOVER until the February 8, 2018 meeting. Ms. Moore seconded the motion.

AYES: Aspen, Kelley, Lanoha, Moore, Donovan

MOTION CARRIED: 5-0
NEW CASES:

2. Case No. 18-001  
   Jack Ortmeyer  
   1421 South 52nd Street  
   Omaha, NE 68106  
   REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 15.6’ to allow for a new garage and deck addition.  
   LOCATION: 1421 South 52nd Street  
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Jack Ortmeyer appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new garage with a deck that would replace the existing, deteriorated garage that encroached into the setback. The proposed garage would encroach another two feet. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Ortmeyer explained that the concrete block that the existing garage sits on was splitting because it had no footings. He stated that the extra two feet of garage space would be used to accommodate his boat and vehicles. He further explained that there is a rock wall at the rear of his property that is also deteriorating. He indicated that the he would need to access his neighbor’s property to replace the wall. He stated that existing easements limit where he could build the garage. In response to Ms. Donovan, Mr. Ortmeyer stated that none of his neighbors were opposed to the request.

Melissa Chadwell, 1348 South 52nd Avenue, appeared in opposition. Her home is to the east of the applicant’s. She submitted pictures of Mr. Ortmeyer’s rock wall and a survey of her property. She stated that she had recently installed a new fence on her property and that she did not want workers using her yard to access Mr. Ortmeyer’s property. She indicated that she did not want the applicant to improve the wall. She also wanted him to stop dumping yard waste in that area. She was not opposed to him constructing a new garage.

Antonia Montana (Land Survey, Inc.) appeared in opposition to the request. She mentioned that the existing garage was already in the setback. She believed that the applicant should obtain a survey before constructing a new garage.

In response to Ms. Donovan, Mr. Ortmeyer stated that the new garage would match the existing home. Ms. Donovan believed that the case should be laid over to give the applicant time to submit additional information about the proposed wall.

Mr. Lanoha was opposed to the applicant building further into the setback. He suggested that the extra two feet should come from the west side of the garage instead of encroaching further into the setback on the east side. He strongly urged the applicant to refrain from dumping yard waste down the rock wall.

Mr. Lanoha moved to APPROVE the variance to the rear yard setback from 25’ to 15.6’ to allow for a new garage and deck addition constructed with materials that match the existing home. Mr. Kelley seconded the motion.

AYES: Kelley, Lanoha, Moore, Aspen

NAYES: Donovan

MOTION CARRIED: 4-1
3. Case No. 18-002  
Omaha Public School  
c/o Mark Warneke  
4041 North 72nd Street  
Omaha, NE 68134

REQUEST: Waiver of Section 55-146, 55-715 & 55-735(b) – Variance to the maximum impervious coverage from 40% to 41.4%; to the minimum street yard landscaping depth from 25’ to 15’ 10”; and to allow parking in the front yard setback to allow for construction of a new elementary school.

LOCATION: 330 South 127th Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on January 11, 2018, Matthew Hubel (Schemmer Associates) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, explained that the maximum impervious coverage for this district is 40%; however, elementary schools typically require paving to help improve the flow of traffic in and around the site. This resulted in increased safety during drop-off and pick-up times. The minimum street yard landscaping code would largely be met, except for in one isolated area located near the north parking lot where the minimum landscaping depth is 15’10”. The current parking design proposed parking in the front yard, which is not allowed; however, the applicant intended to plant multiple trees between the street and the north parking lot to minimize the impact on the surrounding neighborhood. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

Mr. Hubel stated that the requests result from attempts to improve traffic flow around the site and to make it safer for students.

In response to Ms. Donovan, Mr. Hubel stated that he had spoken with a representative of the adjacent neighbors who had been affected by runoff from the school property. He explained that the new school would be constructed under the current stormwater management requirements which were not in affect when the existing structure was built. He indicated that water runoff would be directed towards two retention basins that would be built into the site and would greatly reduce the amount of water that flows onto the adjacent properties.

Larry Forman appeared on behalf of the 3 families whose properties are adjacent to the school to the north. He suggested that the applicant consider installing a channel that would direct water to the east. In response to Ms. Donovan, Mr. Forman stated that he would agree to a layover which would allow the applicant to present a plan that showed a channel that would direct water from the west to 127th Street.

In response to Mr. Lanoha, Mr. Hubel stated that he would determine what would be the best and most economical option for the site with regards to water runoff.

Mr. Lanoha moved to LAYOVER until the February 8, 2018 meeting. Mr. Aspen seconded the motion.

AYES: Lanoha, Moore, Aspen, Kelley, Donovan

MOTION CARRIED: 5-0
4. Case No. 18-003  
Dave Paik Builders  
16535 Douglas Circle  
Omaha, NE 68118  
REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 19’ to allow for construction of a new deck.  
LOCATION: 7285 North 155th Street  
ZONE: R3  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Dave Paik appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant had begun construction on a covered deck at the rear of the home before he realized that it encroached into the rear yard setback. The Planning Department found no hardship or practical difficulty to support the request, especially since the new home and deck were being built on an empty lot. The Planning Department recommended denial.

Mr. Paik stated that he made a mistake. He indicated that he had spoken with four of the six surrounding neighbors and none were opposed to his request.

Mr. Aspen moved to APPROVE in accordance with the plans submitted. Mr. Kelley seconded the motion.

AYES: Moore, Aspen, Kelley, Lanoha, Donovan  

MOTION CARRIED: 5-0
5. Case No. 18-004
Thomas Donaldson
341 North 93rd Street
Omaha, NE 68114

REQUEST: Waiver of Section 55-126 – Variance to the street side yard setback from 25’ to 22’ to allow for construction of a garage addition.

LOCATION: 341 North 93rd Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Thomas Donaldson appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant wanted to add a two-car garage onto the existing garage which would create a two-car, tandem garage. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Donaldson stated that the addition would be pushed to the west and would match the north wall of the existing garage. It was determined that the project would not affect the front yard. He indicated that he would use materials that match the existing home.

Mr. Lanoha noted that there would be little to no impact on the surrounding neighbors since Dodge Street is adjacent to the property on the north side.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted. Mr. Kelley seconded the motion.

AYES: Aspen, Kelley, Lanoha, Moore, Donovan

MOTION CARRIED: 5-0
6. Case No. 18-005
Jeanne Weaver
5323 Spring Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-186 – Variance to the front yard setback from 35’ to 24’ and to the side yard setback from 5’ to 3’ to allow for replacement of a damaged deck.

LOCATION: 5323 Spring Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Jeanne Weaver and Peggy Paris appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to replace a deck that had been destroyed by an impaired driver. The Planning Department could not determine whether the deck had been lawfully constructed. Since no hardship or practical difficulty could be found to support the request, the Planning Department recommended denial.

Ms. Paris indicated that the deck had been in place for over 40 years. In response to Ms. Donovan, Ms. Paris stated that the deck would be no bigger than the previous deck.

Ms. Weaver stated that, without the deck, she had only one access to her home.

Steve Goltl, 3112 South 54th Street, appeared in support of the request. He stated that Ms. Weaver spends as much time as she can outside. He added that she does not have a backyard and the deck was her only other access to the outside of her home.

Mr. Aspen moved to APPROVE in accordance with the plans submitted. Ms. Moore seconded the motion.

AYES: Kelley, Lanoha, Moore, Aspen, Donovan

MOTION CARRIED: 5-0
7.  Case No. 18-006  
Kyle Conry  
Omaha Neon Sign Company  
1120 North 18th Street  
Omaha, NE 68102  
REQUEST:  Waiver of Section 55-830(2) – Variance to the maximum signage budget for a civic use in a residential district from 32 sq. ft. to 120 sq. ft. to allow for a new signage plan.

LOCATION:  1807 South 60th Street – Belle Ryan Elementary  
ZONE:  R4

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on January 11, 2018, Kyle Conry appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the new signage plan included a monument sign and two wall signs. The applicant intended to appear before the board at a later date with building identification, directional and other miscellaneous signage. The applicant indicated that the total sign budget included any future signage. They intended to amend the signage plan once they had more specific information. The Planning Department did not believe that the request was excessive and recommended approval in accordance with the plans submitted.

In response to Ms. Donovan, Mr. Conry stated that the sign was not an electronic sign and that it would consist of the name of the school and some interchangeable copy. He added that any future signs would comply with overall height and setbacks.

Mr. Kelley moved to APPROVE in accordance with the plans submitted. Mr. Aspen seconded the motion.

AYES: Lanoha, Moore, Aspen, Kelley, Donovan

MOTION CARRIED: 5-0
8. Case No. 18-007
   Brady Hoefer
   13606 Corby Street
   Omaha, NE 68164

   REQUEST: Waiver of Section 55-715 – Variance to the street yard landscaping percentage from 70% to 59% to allow for an attached garage addition.

   LOCATION: 9323 Oak Street
   ZONE: R2

   PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

   At the Zoning Board of Appeals meeting held on January 11, 2018, Brady Hoefer and Lester Katz appeared before the Board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new garage and driveway that would reduce the amount of street yard landscaping. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

   Mr. Hoefer stated that there was an existing driveway and an area that was designated for a garage. He indicated that the homeowner had obtained letters of support from three of his neighbors. In response to Ms. Donovan, he stated that the proposed garage would match the existing home.

   Mr. Katz stated that the home sits on a lot where the land behind the home slopes downward towards a creek. He indicated that there was no other place on the lot to construct the garage. He submitted a letter of support from one of his neighbors. Ms. Donovan noted that there was a hardship that resulted from the narrowness of the lot.

   Mr. Lanoha moved to APPROVE in accordance with the plans submitted. Ms. Moore seconded the motion.

   AYES: Moore, Aspen, Kelley, Lanoha, Donovan

   MOTION CARRIED: 5-0
9. Case No. 18-008
Steve Champoux
2045 South Folsom
Suite A
Lincoln, NE 68522

REQUEST: Waiver of Section 55-206 – Variance to the minimum interior side yard setback from 7' to 5' to allow for construction of single-family attached homes.

LOCATION: 9599 North 168th Street
ZONE: AG (R5 Pending)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Larry Jobeun and Jason Thiellen, E & A Consulting, appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting the waiver for several lots to allow construction of new homes. The site was vacant at the time. The Planning Department found no hardship or practical difficulty to support the waiver and recommended denial.

Mr. Jobeun noted that the property was irregularly shaped. He stated that, although a pre-application meeting was held on July 27, 2017, no pre-application letter was sent afterwards. The applicant subsequently discovered that Rachel Snowden Parkway should be situated towards the north instead of the south, per the Leytham preliminary plat. He noted that the Parkway has a 65’ right-of-way with 35’ front yard setbacks instead of a 55’ right-of-way. He added that there were other features of the site (NRD tailwater, an existing outlot and creek and a future trail system on Military Avenue) that created the need for the waiver. He also explained that the location of the parkway added to the need for the waiver. He indicated that the waiver would apply to 86 of the 293 lots.

Mr. Thiellen stated that, since no pre-application letter was issued, the applicant was not aware of any issues until the recommendation report from the Planning Department was received. He reiterated that there was a hardship resulted from the triangular shape of the property. He noted that if the homes were not attached then 10’ of interior side yard would be required between the structures, or 5’ for each structure instead of the 7’ that is required for attached homes.

In response to Mr. Lanoha, Mr. Thiellen stated that there were no discussions about siting Rachel Snowden parkway to the north. He indicated that he did, however, refer to the Park Master Plan. He also acknowledged that the recommendation of denial was probably due to the fact that the site is vacant.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted. Mr. Kelley seconded the motion.

AYES: Kelley, Lanoha, Moore, Aspen, Donovan

MOTION CARRIED: 5-0
10. Case No. 18-009  
Ed Thiele  
Habitat for Humanity of Omaha  
1701 North 24th Street  
Omaha, NE 68110  

REQUEST: Waiver of Section 55-206 – Variance to the minimum lot area requirement from 5,000 sq. ft. to 4,400.1 sq. ft. and 2,209.5 sq. ft. to allow for an administrative subdivision.

LOCATION: 2505 Maple Street  
ZONE: R5

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 11, 2018, Ed Thiele appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant planned to submit an administrative subdivision that would incorporate half of the vacant lot for 2814 North 25th Street with 2505 Maple Street. Habitat for Humanity wanted to add the remaining 2,209.5 square feet to 2501 Maple Street; however, the homeowner declined the offer. In the meantime, Habitat requested a waiver to the minimum lot area to allow for an administrative subdivision of three lots. The Planning Department did not support the request since it created lots that are not buildable and, therefore, recommended denial.

Mr. Thiele stated that 2501 and 2505 Maple are both Habitat homes that were built around 2006. The lot at 2814 North 25th Street was acquired in 2017. There were plans to split the lot at 2814 North 25th Street so that half would go to 2501 and the other half to 2505. This would create a lot that would be large enough lot to add a garage with access to the alley. The homeowner at 2501 did not want the additional land added to her lot. He explained that Habitat would maintain the non-buildable lot and would add it to 2501 when there is an opportunity to do.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted. Ms. Moore seconded the motion.

AYES: Kelley, Lanoha, Moore, Donovan

NAYES: Aspen

MOTION CARRIED: 4-1
11. Case No. 18-010  
   Steve Rife  
   RH Land Management Company,  
   LLC  
   4515 Military Avenue  
   Omaha, NE 68104  

   REQUEST: Waiver of Section 55-246 – Variance to the minimum rear yard setback from 25′ to 5’5” to the street side yard setback from 15’ to 5’ 11” and to the side yard setback from 5′ to 1’3” to allow for replacement of an existing roof structure and construction of a new addition.  

   LOCATION: 2539 Burdette Street  
   ZONE: R7  

   PLANNING DEPARTMENT RECOMMENDATION: Denial.  

   At the Zoning Board of Appeals meeting held on January 11, 2018, Steve Rife appeared before the Board.  

   Michelle Alfaro, Zoning Board of Appeals Administrator, explained that the code allows for certain repairs of non-conforming structures when it could be determined that they were lawfully compliant with the code at the time of construction. Since it could not be determined whether the existing roof structure was lawfully constructed, the Planning Department was not able to identify a hardship or practical difficulty and recommended denial.  

   There was some discussion about impervious coverage and whether the stairs at the rear of the home should be included in the setback calculations.  

   Mr. Rife stated that most of the homes within two blocks of this site had been demolished. There were no properties to the north, south or east. He indicated that the foundation that purchased the home planned to purchase the adjacent vacant lots in the future.  

   In response to Mr. Aspen, Ms. Alfaro stated that there was a possibility that the applicant would need to appear before the board for a waiver to the impervious coverage in the future.  

   Mr. Kelley moved to APPROVE. Mr. Lanoha seconded the motion.  

   AYES: Lanoha, Moore, Aspen, Kelley, Donovan  

   MOTION CARRIED: 5-0
ELECTION OF OFFICERS

Mr. Aspen moved to APPOINT Mr. Lanoha as Chair of the board. Ms. Donovan seconded the motion.

AYES: Moore, Aspen, Kelley, Lanoha, Donovan

MOTION CARRIED: 5-0

Mr. Lanoha moved to APPOINT Ms. Donovan as Vice-Chair of the board. Ms. Moore seconded the motion.

AYES: Aspen, Kelley, Lanoha, Moore, Donovan

MOTION CARRIED: 5-0

APPROVAL OF MINUTES:

Mr. Lanoha moved to APPROVE the minutes for the December 14, 2017 meeting. Ms. Donovan seconded the motion.

AYES: Kelley, Lanoha, Moore, Aspen, Donovan

MOTION CARRIED: 5-0

DISCUSSION:

Jennifer Taylor, City Law, stated that she had not received a ruling on the Bruning case. She stated that the Anchor Inn case goes to trial in February 2018.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:49 p.m.

____________________________________________
Approved (date)

____________________________________________
Jacque Donovan, Chairperson

____________________________________________
Clinette Ingram, Secretary