PRE-MEETING:

The board members in attendance were: Jason Lanoha, Jeremy Aspen, Brian Mahlendorf and Kristine Moore. Planning Department staff in attendance were: Cliff Todd and Clinette Ingram. The cases were reviewed. Mr. Todd advised that the applicants for Cases 18-141, 18-143, 18-144 and 145 were requesting layovers.

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 Monday, October 1, 2018 and Thursday, October 4, 2018.

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

MEMBERS NOT PRESENT: Dustin Friedman (Alternate)

STAFF PRESENT: Cliff Todd, Zoning Board of Appeals Administrator
Patrick Butler, City Planner
Will Acosta-Trejo, City Attorney
Clinette Ingram, Recording Secretary

The meeting was called to order at 1:08 p.m. Mr. Lanoha introduced the board members and staff, and explained the procedures for hearing the cases. He noted that that the applicants for Case 18-116 requested a layover.

Mr. Aspen moved to LAYOVER Cases 18-141, 18-143, 18-144 and 18-145. Mr. Mahlendorf seconded the motion.

AYES: Kelley, Mahlendorf, Kelley, Aspen, Lanoha

MOTION CARRIED: 5-0.
LAYOVER CASES:

1. Case No. 18-115 *(from 9/13/18)*
   
   Scott Bowen
   
   2320 Paul Street
   
   Omaha, NE 68102
   
   REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway to a new home and garage.
   
   LOCATION: 13925 White Deer Lane
   
   ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval subject to paving the approach and the first 50’ of drive inside the property line.

At the Zoning Board of Appeals meeting held on October 11, 2018, Scott Bowen appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, recalled that the case had been laid over at the September 13, 2018 meeting to give the applicant time to provide additional information for his case. Since that time no additional information had been received. The Planning Department continued to recommend approval, subject to paving of the approach and the first 50’ of drive inside the property line.

Mr. Bowen stated that the approach to the home was steep and that he had been advised by a civil engineer that a gravel approach would be safer. He indicated that neither the County nor any of the neighbors were opposed to the request.

Mr. Mahlendorf stated that he did not necessarily believe that gravel roads are any safer than paved roads. He supported the Planning Department’s recommendation.

Mr. Kelley moved to APPROVE subject to paving the approach and the first 50’ of drive inside the property line. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
2. Case No. 18-116 (from 9/13/18) Marty's Auto and Light Truck Repair, Inc.  
4545 Leavenworth Street  
Omaha, NE 68106  
REQUEST: Waiver of Sections 55-824(b) & 55-838(2) - Variance to the maximum projection from 8' to 10' and to the allowed sign budget from 40 sq. ft. to 56 sq. ft. to allow for a new projection sign.  
LOCATION: 4545 Leavenworth Street  
ZONE: GC-ACI-2(PL)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on October 11, 2018, Marty Johnson (Owner) appeared before the board.  

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant operated an auto repair shop that had a pole sign in front of his business along Leavenworth Street for many years. The sign was damaged in a car accident. The property is subject to the regulations of the ACI overlay which does not allow the placement of a pole sign. The Planning Department found no hardship or practical difficulty to support the request since it was the result of a design preference and because the applicant could use a sign that would meet the sign regulations. The Planning Department recommended denial.  

Mr. Johnson stated that he wanted to install new digital signage but he wanted to re-use the original sign to mount on top of it. He indicated that the original sign and the digital signs would bring the total signage to 46.6 sq. ft. instead of 56 sq. ft. Mr. Lanoha stated that they were not voting on the digital portion of the sign at that time.  

Mr. Mahlendorf suggested that the sign be put on the building. Mr. Johnson explained that the sign would protrude above the roof line if it was attached to the building, which is not allowed.  

Mr. Aspen supported the reuse of the sign but wanted to recommend that the waiver apply to this applicant only. Mr. Kelley noted that there was a practical difficulty in this case since the sign was it by a cr.  

Mr. Aspen moved to APPROVE for this applicant only. Ms. Moore seconded the motion.  

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha  
MOTION CARRIED: 5-0.
3. Case No. 18-121 (from 9/13/18)  
Mark Sanford Group  
1306 North 162nd Street  
Omaha, NE 68118  
REQUEST: Waiver of Section 55-246 - Variance to the minimum street side yard setback from 15' to 9' to allow for construction of a daycare storm shelter.  
LOCATION: 1023 North 40th Street  
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to submit revised plans.

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

Cliff Todd, Zoning Board of Appeals Administrator, stated that the request had been laid over at the September 13, 2018 meeting to give the applicant time to explore alternatives for a storm shelter to be constructed within the existing building. Since that time no additional information had been received. The Planning Department recommended a layover to allow the applicant time to submit revised plans.

Mr. Aspen stated that he had received a message from the applicant that the storm shelter would be built inside of the daycare facility which eliminated the need for the waiver. The board decided to lay the case over for 30 days to give the applicant the opportunity to officially withdraw the request.

Mr. Mahlendorf moved to LAYOVER until the November 8, 2018 meeting. Mr. Aspen seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha  
MOTION CARRIED: 5-0.
4. Case No. 18-123 (from 9/13/18)
   Travis Forsman
   17016 Hickory Circle
   Omaha, NE 68134
   LOCATION: 18634 Marcy Street
   ZONE: R4

   REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25' to 15' to allow for construction of a new deck and stairs.

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on October 11, 2018, Travis Forsman appeared before the board.

   Cliff Todd, Zoning Board of Appeals Administrator, stated that the request had been laid over at the September 13, 2018 meeting to give the applicant time to redesign and receive support from the adjacent property owner to the north. The applicant had submitted a revised deck plan that reduced the requested rear yard setback waiver distance from 11' to 15'. The Planning Department continued to recommend denial.

   Mr. Forsman submitted a letter from the property owner that would be most affected by the deck (Exhibit B). He added that the deck had been redesigned so that it was more rectangular and the stairs had been eliminated at this time.

   Mr. Aspen noted that there was a hardship that resulted due to the topography of the site.

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

   AYES: Moore, Aspen, Kelley, Mahlendorf

   NAYES: Lanoha

   MOTION CARRIED: 4-1.
NEW CASES:

5. Case No. 18-110
   Estate Landscape Services
   3501 North 72nd Street
   Omaha, NE 68134
   REQUEST: Waiver of Sections 55-716 & 55-717 - Variance to the required bufferyard between CC and R4 from 30’ with screening to 5’ without screening.
   LOCATION: 3501 North 72nd Street
   ZONE: CC-ACI-3(PL), CC-ACI-3(PL)-FF, CC-ACI-3(PL)-FW

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

At the Zoning Board of Appeals meeting held on October 11, 2018, Kyle Haase (E & A Consulting Group) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to improve an existing dirt parking lot by paving it and bringing it to current standards. It had been determined that the minimum bufferyard requirement between a CC and R4 district could not be met. A hardship existed due to the fact that a portion of the southeastern property line is adjacent to residentially zoned property, a majority of which lies in the floodway and flood fringe and are not developable. Considering that the adjacent property is Floodway and Flood Fringe, the Planning Department found that the request was not unreasonable and recommended approval.

Mr. Haase discussed the plans for the site.

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

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
6. Case No. 18-128
   Brau Builders, Inc.
   20515 Nicholas Circle
   #6
   Omaha, NE 68022

   REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a rock driveway to a new home and garage.

   LOCATION: 4201 North Post Road
   ZONE: DR-ED

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

   At the Zoning Board of Appeals meeting held on October 11, 2018, Marc Chauche (7800 Abigail Circle, Lincoln, NE) appeared before the board.

   Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new single-family home on the site with a rock driveway instead of a paved one. He explained that in the past, the first 125’ of the shared driveway had been paved. In these types of requests, the Planning Department has typically required that the applicant pave the first 50’ of the drive. In this case, what has been previously paved greatly exceeded that requirement. In order to minimize any environmental impact to the ED district, the Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

   AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

   MOTION CARRIED: 5-0.
7. **Case No. 18-129**
Damaris Rodriguez Ricardo  
3618 South 120th Street  
Omaha, NE 68144

**REQUEST:** Waiver of Section 55-786(e) - Variance to the residential fence regulations to allow a 6' privacy fence within the front yard setback.

**LOCATION:** 3618 South 120th Street  
**ZONE:** R4(35)

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Clemente Rojas Garcia appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had indicated that they want to install a 6’ tall, privacy fence along their property line in the front of the home to keep the yard more secure for their autistic child. Allowing a privacy fence in the front yard would create a very serious safety issue since it would severely prohibit traffic visibility along 120th Street. There Planning Department found no practical difficulty or hardship to support this request since it was a design preference and there were a number of other fencing options elsewhere on the property. The Planning Department recommended denial.

Mr. Garcia stated that he was requesting the fence because he has an autistic child that likes to run out of the home into the middle of the street. The police had to be called on one of those occasions and he had to attend court for that case. He wanted the fence in the front yard so that it would be safe for the child to play in front of the home and not be confined inside the house the majority of the time.

Mr. Aspen was concerned about the safety issues that would be created if the proposed fence was allowed. He mentioned that a 4’ tall, ornamental fence that protruded 6’ – 8’ from the home could be installed that would keep the child from running into the street.

In response to Mr. Lanoha, Mr. Garcia stated that a 4’ fence was not tall enough to keep his son inside the yard. Mr. Lanoha suggested that Mr. Garcia install a 6’ tall fence around the back and sides of the home. Mr. Garcia stated that there was a fence already in place.

Mr. Mahlendorf inquired as to whether Mr. Garcia would be agreeable adding a smaller fenced area (6’ tall, ornamental or 50% open, 10’ x 12’ in size) in front of the front door as a second level of protection for his son. Mr. Garcia agreed.

Mr. Mahlendorf moved to APPROVE a 6’ tall, ornamental or 50% open fence that extends 10’ from the front of the house to the east for a total area of 10’ x 12’. Mr. Kelley seconded the motion.

**AYES:** Mahlendorf, Moore, Aspen, Kelley, Lanoha

**MOTION CARRIED:** 5-0.
8. Case No. 18-131
   Dale Barr
   Gesu Housing, Inc.
   5008 ½ B Dodge Street
   Omaha, NE 68132
   REQUEST: Waiver of Sections 55-186, 55-187(e) & 55-742(b) - Variance to the front yard setback from 35' to 25'; to the street side yard setback from 15' to 5' and to allow parking in the front yard setback for construction of single-family homes.
   LOCATION: 3726/3732/3736/3740 & 3744 Corby Street
   ZONE: R4(35)

   PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted subject to submitting an application for rezoning to R4.

   At the Zoning Board of Appeals meeting held on October 11, 2018, Mike Hall (14225 Dayton Circle) appeared before the board on behalf of the applicant.

   Cliff Todd, Zoning Board of Appeals Administrator, stated that historically the Planning Department has supported a 25' setback for properties that are zoned R4(35) when appropriate. The proposed 25' front yard setback is consistent with the neighborhood as most of the surrounding homes are closer than the required 35' setback. Rezoning the properties to R4 would change the front yard setbacks to 25', which would make the waivers no longer necessary upon approval. The Planning Department recommended approval in accordance with the plans submitted subject to submitting an application for rezoning to R4.

   Mr. Hall recalled that this request was similar to others that had come before the board in the past.

   Ms. Moore moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Ms. Kelley seconded the motion.

   AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

   MOTION CARRIED: 5-0.
9. Case No. 18-132
   Steve Vawser
   Riva Investments, LLC
   22608 Melia Road
   Gretna, NE 68028

   REQUEST: Waiver of Section 55-186 - Variance to
   the front yard setback from 35' to 12' to
   allow for the repair of an existing deck.

   LOCATION: 2895 Crown Point Avenue
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Steve Vawser appeared
before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was repairing the
existing deck when he was informed that he needed the proper permits to do so. At that time, it
was determined that the deck did not meet the required 35’ front yard setback for that zoning
district. The Planning Department found that a smaller set of steps could be built to allow access
to the front door. The Planning Department recommended denial.

Mr. Vawser mentioned that the neighbors who submitted letters of support both stated that the
deck had been in place as long as they had lived in the neighborhood. He added that they had
no objections to the request. He stated that the dimensions and appearance of the deck would
not change.

In response to Mr. Lanoha, Mr. Vawser stated that he was not aware that a permit was needed
to repair the deck.

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

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
10. Case No. 18-133
Jared Gerber
5037 Parker Street
Omaha, NE 68104

REQUEST: Waiver of Sections 55-166 & 55-715 - Variance to the front yard setback from 35' to 26' and to the minimum street yard landscaping from 65% to 60% to allow for construction of a new front porch.

LOCATION: 1313 South 35th Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on October 11, 2018, Jared Gerber appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had indicated that the home was constructed in the 1950s, as opposed to others in the neighborhood that were built before 1920. The homeowners planned to undergo a large renovation that would make the home fit in better with the rest of the neighborhood. He stated that a hardship existed for this property because the neighborhood is zoned R3 but a majority of the lots do not meet the minimum lot size and should be zoned R4 instead. The Planning Department supported the request and recommended approval.

Mr. Gerber stated that a porch was planned for the home that would go into the setback. Mr. Todd responded that there would be no issues with the property if it were zoned R4. The board believed that the improvements would be good for the neighborhood.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
11. Case No. 18-134
Janette Sodoro
c/o Jim Dennell
509 Brentwood Road
Omaha, NE 68114

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping from 75% to 66% and to the minimum depth from 30’ to 16’ to construct a new circular drive.

LOCATION: 239 North 129th Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Jim Dennell appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new circular drive on their property to aid in access to the front door for the elderly residents. The applicant also indicated that this would make it easier for emergency vehicles to come to the home if necessary. The Planning Department found no hardship or practical difficulty to support this request since it was a design preference and current access to the home was not impeded. The Planning Department recommended denial.

Mr. Dennell stated that if the request were granted, there would be less impervious coverage on the site. He indicated that the existing north drive would be removed.

Mr. Mahlendorf noted that there were circular driveways throughout the neighborhood. He appreciated the applicant’s attempts to remove as much existing concrete as possible. However, he did not believe that access for emergency vehicles was a valid reason to support the request.

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

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOITON CARRIED: 5-0.
12. Case No. 18-135  
Earl and Diane Baker  
5705 Hascall Street  
Omaha, NE 68106  
REQUEST: Waiver of Section 55-186 - Variance to the minimum street side yard setback from 15’ to 5’ to allow for the replacement of an existing deck.  
LOCATION: 5705 Hascall Street  
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver request subject to the applicant initiating a vacation request with the Public Works department.

At the Zoning Board of Appeals meeting held on October 11, 2018, Earl Baker appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that since the applicant’s home had been built, there have been power poles running north to south that service to his home and others up and down the block. Those poles are located in the area designated as right-of-way to the east of his property. The Planning Department believed that a practical difficulty existed because the space, while dedicated as right-of-way with no intent of ever being developed, impeded on the homeowner’s ability to meet the street sideyard setback. The Planning Department supported the waiver request subject to the applicant initiating a vacation request of the property with the Public Works department.

Mr. Baker stated that he wanted to rebuild the deck in the same location that it had always been. After some communication with Permits and Inspections he was informed that he would need to relocate the deck 15’ from the east lot line. He indicated that he was not aware before that time that his property was so close to the right-of-way property to the east. He stated that he has maintained ¾ of the lot for the several years. He further stated that he had initiated a vacation request with the Public Works Department at the Planning Department’s request.

Kristine Brun, 3941 North 55th Street, appeared before the board. Ms. Brun stated that the right-of-way provided the only access to the rear of her mother’s property. Mr. Lanoha responded that the board was only voting on a waiver for the deck and not the vacation of the right-of-way. He explained that the vacation process would go through the Planning Board and City Council, which is where she would be able to voice her concerns. He also believed that the situation with the property to the east should be considered a sideyard setback and not a street sideyard setback which would only require 5’ not 15’.

Mark Progreba (14531 Fir Circle, Plattsmouth, NE) appeared before the board. He inquired as to whether it was necessary for the applicant to file for the vacation. Mr. Kelley explained that it was up to the applicant to do so although it was not necessary.

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

AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
13. Case No. 18-136
   Edward Friedland
   c/o Murray Siert
   6715 Blondo Street
   Omaha, NE 68104
   REQUEST: Waiver of Section 55-786 - Variance to
   the residential fence regulations to allow a 6' fence within the street side
   yard setback.
   LOCATION: 10039 Frederick Street
   ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Adam Dusatho (Omarail Aluminum Railing & Fencing - 2117 South 156th Circle) and Edward Friedland appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 6', 50% open, wrought iron fence at various distances (6' – 13') from their property line along South 101st Street. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial.

Mr. Dusatho submitted some materials about the proposed fence (Exhibit B). He explained that the fence would actually be situated within the existing landscaping and would not cause any sight obstruction issues. The fence would provide security for the home.

Mr. Friedland stated that he had spoken with all of his neighbors to the west that would be most affected by the fence and all three were in support. He mentioned that he planned to build a pool at a later date that would also require a 6' fence. In response to Mr. Mahlendorf, Mr. Friedland indicated that he had spoken with Herb and Ann Dana (3120 South 101st Street), David Clark (3036 South 101st Street) and Aaron Ulmeyer (3218 South 101st Street) about the proposed fence.

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

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
14. Case No. 18-137
Chris Horstman
c/o Mick McGuire
Straightline Design
3925 South 147th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-145 - Variance to the minimum front yard setback from 40' to 25' and to the minimum street yard landscaping depth from 25' to 3' to allow for the construction of an attached garage, driveway and home addition.

LOCATION: 7805 Hickory Circle
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Mick McGuire and Chris Horstman appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had submitted plans to construct a new garage and living addition. The home sits approximately 25’ from the front property line and does not meet the standard setback of 40’. As proposed, the new addition would also not meet the required setback. By adding an additional section of driveway to serve the new garage, the required minimum street yard landscaping depth would also not be met. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference and recommended denial.

Mr. McGuire clarified that a garage addition was being added to an existing single-car garage not to the home. He submitted a letter of support that had been signed by the neighbors (Exhibit B). He explained that 3’ would be added to the existing driveway that would taper off to and undeveloped cul-de-sac. He indicated that most of the homes in the area have at least a 2-car garage with some having 3 or 4 car garages.

Mr. Lanoha believed that a hardship existed due to the location of the cul-de-sac and right-of-way which impacted the setbacks.

Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to the garage being constructed with materials that match the existing home. Ms. Moore seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
15.  Case No. 18-138
     Kevin Binder
     1417 South 172\textsuperscript{nd} Street
     Omaha, NE 68130

     REQUEST:  Waiver of Section 55-166 - Variance to
     the rear yard setback from 25’ to 18’6”
     to allow for construction of a new deck.

     LOCATION:  1417 South 172\textsuperscript{nd} Street
     ZONE:  R3

     PLANNING DEPARTMENT RECOMMENDATION: Denial.

     At the Zoning Board of Appeals meeting held on October 11, 2018, John McKenzie (Contractor)
     and Kevin Binder appeared before the board.

     Cliff Todd, Zoning Board of Appeals Administrator, stated that the homeowner wanted to
     construct a 13.5’ x 15.5’ deck on the rear of his home for his wife who is legally blind and
     requires a wheelchair for mobility. The deck would encroach 10’ into the required 25’ rear yard
     setback. The Planning Department found no hardship or practical difficulty to support the request
     since it was a design preference and recommended denial.

     Mr. McKenzie believed that a hardship existed since the wife is legally blind and in a wheelchair.
     He explained that if he built a deck that was 21” off the ground without a railing, she could
     possibly fall off. He wanted permission to add the railing.

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

     AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

     MOTION CARRIED: 5-0.
16. Case No. 18-139
   Russell Reed
   5360 State Highway 133
   Blair, NE 68008
   REQUEST: Waiver of Sections 55-87 & 55-740(e)(3) - Variance to the front yard setback from 50' to 25' and to the hard-surface driveway requirement to allow construction of a 4,000 sq. ft. cattle building.
   LOCATION: 11211 Bennington Road
   ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial of the setback waiver, denial of the hard-surface driveway requirement waiver.

At the Zoning Board of Appeals meeting held on October 11, 2018, Russell Reed appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a 4,000 sq. ft. cattle barn but was unable to meet the front yard setback as a result of the topography of the property. The applicant believed that the required hard-surface, paved access from Bennington Road was not necessary since the facility would be used for livestock and tractor storage. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial.

Mr. Reed explained that if the building was built further than 25' there would be issues with the topography of the site. He stated that it would cost approximately $7,000 for grading of the site and that he did not want to put concrete on dirt that had been recently moved. He stated that he wanted to use gravel for the driveway since it would not be used every day.

Mr. Mahlendorf stated that the board could support the driveway requirement since it was not residential property and there would not be regular traffic going in and out of the site. He added that there was not support for allowing the applicant to move the building so close to Bennington Road.

Mr. Aspen moved to DENY the variance to the front yard setback from 50' to 25' and APPROVE the variance to the hard-surface driveway requirement to allow construction of the cattle building. Mr. Kelley seconded the motion.

AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
17. Case No. 18-140
McGregor Interests, Inc.
11750 Stonegate Circle
Omaha, NE 68164

REQUEST: Waiver of Section 55-843(2) - Variance to the allowed sign budget from 77 sq. ft. to 1,055.25 sq. ft. to allow for a new roof sign and new pole sign.

LOCATION: 301 South 74th Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 11, 2018, Geoff Mcgregor and Pedro Vargas (Omaha Neon Sign Company) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to open a new self-storage facility at this location and erect two signs to help draw attention to the business. The first sign would be a pole sign that would be erected near their entrance along Farnam Street. This sign would be 35' in height and would measure 144 sq. ft. The second would be a roof sign that measures 911.25 sq. ft. and would be mounted on the roof near the northeast corner of the building. The intent is to create visibility for traffic on South 72nd Street as the sign will be very prominent above the roofline of the existing commercial building to the east. He noted that 72nd Street is designated as an Area of Civic Importance (ACI) and that properties located here are held to a more stringent set of zoning regulators. A sign of the size and scope being proposed is what the ACI district attempts to limit as it does not fit the Urban Design principals that are currently being applied along South 72nd Street. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference and recommended denial.

Mr. McGregor explained that this property has a small entrance point, approximately 30' wide, with another access on Jones Street. He stated that, based on his calculations, the actual allowable square footage for his sign should be 80 sq. ft. which he believed was not enough to get visibility from 72nd Street. He indicated that he spoke with the manager of the neighboring property who initially had concerns about the size of the sign. He stated that he would be willing to withdraw the request for the pole sign along with reducing the size of the signage on the east side by 30%. He did want some signage near the main front door. He believed that he needed at least 550 sq. ft. of signage for the sign to be visible from the street.

Mr. Vargas believed that the signage should be calculated differently since it would consist of individual letters. Mr. Mahlendorf stated that the applicant needed to take some time to consider alternate options. He stated that he was prepared to support a pole sign with up to 144 sq. ft. of signage. In response to Mr. Lanoha, Mr. Vargas stated that the size of the proposed sign would be 7'6" for the height and 121’ long divided by 2 for a total of 459.8 sq. ft. He added that the pole sign would be 144 sq. ft. The logo portion of the building sign would be 7'6" with 5'6" letters.

David Gibbs, NAI NP Dodge - 8701 West Dodge Road, represented the owner of 304 – 328 South 72nd Street. He stated that his client opposed the sign plan as originally submitted since they believed the sign would overtake the property and turn off any future tenants. He stated that his client was willing to work with the applicant and Mr. Vargas on a solution that would work for both parties.

Mr. Aspen and Mr. Kelley both stated that they could not support the request as presented. Mr. Vargas requested a layover to give him time to present other alternative and to collect signatures of support from the adjacent neighbors.
Mr. Lanoha stated that 72\textsuperscript{nd} Street is a very important area for the city and that any signage that does not comply with zoning regulations would not have his support. Mr. Aspen stated that he probably would not support the request, even if the applicant obtained support from the neighbors. Ms. Moore added that the overlay was put in place to prevent most of the existing signage that currently sits on 72\textsuperscript{nd} Street and that is similar to what the applicant was proposing. She stated that if properties with non-compliant signage were developed, their current signage would not be allowed.

Mr. Mahlendorf moved to LAYOVER until the November 8, 2018 meeting to give the applicant time to submit alternate signage options and to obtain input from the adjacent neighbors. Mr. Aspen seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOITION CARRIED: 5-0.
18. Case No. 18-141
Jose Gonzalez
5424 North 80th Street
Omaha, NE 68134

REQUEST: Waiver of Section 55-146 - Variance to the minimum rear yard setback from 25’ to 3’ and to the maximum impervious coverage from 40% to 41% to allow for construction of an 85’ x 35’ detached garage.

LOCATION: 5424 North 80th Street
ZONE: R2

Laid over until the November 8, 2018 meeting.
19.  Case No. 18-142  
    Bruce Hansen  
    Great Plains Auto Body  
    14540 Grover Street  
    Omaha, NE 68144

REQUEST: Waiver of Section 55-735 - Variance to the maximum distance of a parking facility location for off-street parking for non-residential uses from 300’ to 480’, measured from the nearest property line to the nearest point of the off-street parking facility.

LOCATION: 4103 Leavenworth Street  
ZONE: GC-ACI-1(PL), R5-PK

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

At the Zoning Board of Appeals meeting held on October 11, 2018, Aaron Wiese (Olsson Associates – 2111 South 67th Street, #200) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the maximum distance allowed for off-site, off-street, non-residential parking is 300’; however, in this case the distance is 480’. He explained that a practical difficulty existed due to the rapid expansion of the University of Nebraska Medical Center. By working together with UNMC and agreeing to vacate his current property at 4206 Leavenworth, the applicant was able to relocate his longstanding neighborhood business while also helping to allow UNMC to expand its campus and its beneficial civic use to the community. He noted that this waiver should have been included with Case 18-026 at the March 8, 2018 meeting. The Planning Department recommended approval of the request.

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

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED: 5-0.
20. Case No. 18-143
    Steven Rife
    Rife Construction
    4515 Military Avenue
    Omaha, NE 68104

    REQUEST: Waiver of Sections 55-146 & 55-715 - Variance to the minimum interior side yard setback from 10’ to 5’2” and to the minimum street yard landscaping depth from 25’ to 0’ to allow for the construction of a new attached garage and driveway.

    LOCATION: 3713 North 83rd Street
    ZONE: R2

Laid over until the November 8, 2018 meeting.
21. Case No. 18-144
   Davis Global Center
   c/o Signworks, Inc.
   4713 F Street
   Omaha, NE 68117
   REQUEST: Waiver of Section 55-834(2) - Variance to the maximum sign budget from 32 sq. ft. to 51 sq. ft. to allow for installation of a new monument sign.
   LOCATION: 4111 Emile Street
   ZONE: GO-ACI-1(PL)

Laid over until the November 8, 2018 meeting.
22. Case No. 18-145  
Davis Global Center  
c/o Signworks, Inc.  
4713 F Street  
Omaha, NE 68117

REQUEST: Waiver of Section 55-834(2) - Variance to the maximum sign budget from 32 sq. ft. to 51 sq. ft. to allow for installation of a new monument sign.

LOCATION: 701 South 42nd Street
ZONE: GO-ACI-1(PL)

Laid over until the November 8, 2018 meeting.
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes for the September 13, 2018 meeting. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Kelley, Lanoha

ABSTAIN: Mahlendorf

MOTION CARRIED: 4-0.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:12 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary