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 2, 2017 and Thursday, October 5, 2017.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Jeremy Aspen
Jason Lanoha
Kristine Moore

MEMBERS NOT PRESENT: Sebastian Anzaldo
Sean Kelley (Alternate)

STAFF PRESENT: Michelle Alfaro, Zoning Board of Appeals Administrator
Jennifer Taylor, City Attorney
Debbie Hightower, Recording Secretary

The meeting was called to order at 1:00 p.m. Mr. Mahlendorf introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

1. Case No. 17-113 (from 8/29/17)  
   **WITHDRAWN**  
   Kirk Koop  
   14617 "S" St.  
   Omaha, NE 68137  
   REQUEST: Waiver of Section 55-166 - Variance to the minimum front yard setback from 35’ to 16’3”, and to the minimum side yard setback from 7’ to 5’ to allow for construction of an attached tandem garage.  
   LOCATION: 14617 “S” Street  
   ZONE: R3

This request was withdrawn at the request of the applicant.
2. Case No. 17-124 (from 9/14/17)  
Mohamad Rahmanzai  
16210 Sedona Street  
Omaha, NE 68136  
REQUEST: Waiver of Section 55-348 & 55-734—Variance to the minimum side yard setback from 10’ to 9’, to the maximum impervious surface coverage from 75% to 75.1%, and to the minimum number of off-street parking stalls from 28 to 15 to allow for a new building addition.  
LOCATION: 5135 Marshall Drive  
ZONE: LC  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 12, 2017, Danielle Dring (Smith, Slusky Law 8712 West Dodge Road) appeared before the Board.

Ms. Dring stated that the applicant was proposing to build an addition on the north side of the building which would eliminate some parking on the north side of the building. This would allow the existing restrooms to be relocated from the center of the building. She stated that the congregation was willing to accommodate the neighbors with regards to parking.

Sher Jan Ahmadzai, 15309 Wirt Street, appeared in support of the request. He explained that the relocation of the restrooms would allow for direct communication between the Imam and members of the congregation. Some members were able to hear the sermon but could not see the Imam.

Makeem Rahmanzai appeared in support of the request. He stated that the congregation had been very respectful of the neighbors. He added that on Fridays two people oversaw parking on the site to ensure that no one parked in areas that were not assigned to the congregation.

Karen Mattes, 5115 Marshall Drive, appeared in opposition to the request. She expressed concern about parking. She stated that, due to the number of cars parked in the area, emergency vehicles would not be able to gain access. She was also concerned about the precedent that would be set if the applicant was granted the waiver.

Beau Iske, 13829 Millard Avenue, appeared in opposition to the request. He stated that the applicant had been a good neighbor and there was positive communication between both parties; however, parking continued to be an issue because of the large number of cars parked in the area. He explained that in the past he offered a portion of his property to help alleviate the issue, but he withdrew the offer because of the problems it caused for his business. In response to Mr. Mahlendorf, Mr. Iske stated that he would guess that at times there were approximately 70 cars parked in the area.

Mr. Dring stated that the applicant would be willing to negotiate with the nearby Hobby Lobby store on a parking agreement if necessary. She added that more members could be encouraged to carpool.

Mr. Mahlendorf stated that the board has supported parking waivers for religious assembly when there is no conflict in the hours-of-operation between the parties that are willing to share parking spaces. He believed that the congregation was too big for the number of available parking spots and that there needed to be a solid plan in place for parking.

Ms. Donovan stated that she could not support the request even if an agreement was made with Hobby Lobby since individuals still might decide to park in unauthorized areas during winter months.

In response to Mr. Mahlendorf, Mr. Ahmadzai stated that on Fridays between 12 p.m. and 5 p.m. approximately 70 vehicles are parked in the area. He did not believe that his congregation had outgrown the space. Mr. Rahmanzai stated that there were approximately 17 cars and 70 people.
Ms. Dring stated that additional time was necessary so that the applicant could speak with adjacent property owners about a parking solution.

Mr. Aspen moved to LAYOVER to give the applicant time to come up with a parking plan. Ms. Donovan seconded the motion.

AYES: Aspen, Donovan, Lanoha, Moore, Mahlenorf

MOTION CARRIED: 5-0
3. Case No. 17-128 (from 9/14/17)  
   Brandon Miller  
   8421 Keystone Drive  
   Omaha, NE 68134  
   
   REQUEST: Waiver of Section 55-146 – Variance to the minimum rear yard setback from 25’ to 3’ and to the minimum interior side yard setback from 10’ to 3’ to allow for construction of a new 30’ x 40’ detached garage.

   LOCATION: 8421 Keystone Drive  
   ZONE: R2

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on October 12, 2017, the applicant failed to appear before the Board. The case was moved to the end of the agenda to give the applicant the opportunity to appear.

   Ms. Donovan moved to DENY. Mr. Lanoha seconded the motion.

   AYES: Donovan, Lanoha, Aspen, Mahlendorf

   ABSTAIN: Moore

   MOTION CARRIED: 4-0-1
NEW CASES:

4. Case No. 17-120
   WITHDRAWN
   Bryan Zimmer
   4610 Dodge Street
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-166 – Variance to the minimum side yard setback from 7’ to 4’ to allow for construction of a new attached garage.
   LOCATION: 5420 Nicholas Street
   ZONE: R3

This request was withdrawn at the request of the applicant.
5. Case No. 17-133
Kent Therkelsen
4325 North 156th Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-141 & 55-715 – Variance to the maximum impervious coverage from 40% to 50%, to the minimum street yard landscaping percentage from 70% to 60%, and to the minimum street yard landscaping depth from 25’ to 0’ to allow for construction of a two-story garage addition.

LOCATION: 336 Shorewood Lane
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 12, 2017, Kent Therkelsen appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a two-story garage addition that would add a third parking stall. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Therkelsen indicated that 32 of the 35 homes on the block do not comply with the R2 zoning. He stated that the setbacks of the homes were more consistent with an R4 zoning. Ms. Alfaro agreed that the existing front yard setbacks were closer than what the R2 regulations allow and that a setback adjustment for developed residential lots could be applied.

Mr. Mahlendorf noted that the home was on an irregularly shaped lot.

Ms. Donovan was concerned about the amount of impervious coverage being requested. She believed that the site should comply with the zoning regulations as much as possible. Mr. Therkelsen responded that the request was more consistent with an R4 zoning. In response to Mr. Lanoha, Ms. Alfaro explained that, although the Planning Department acknowledged that the setbacks were closer than what the R2 zoning allowed, and made an exception for that, all other regulations should be followed.

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

AYES: Moore, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 17-134
Andrew and Celeste Gustafson
3126 Chicago Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-166 & 55-734 – Variance to the minimum lot area from 7,500 sq. ft. to 7,427 sq. ft., 3,864 sq. ft. and 5,007 sq. ft.; to the minimum lot width from 60’ to 50’, 45’ and 55’; to the maximum building coverage from 35% to 37% and 55%; to the maximum impervious coverage from 45% to 72%, 55% and 73%; to the minimum interior side yard setback from 15’ to 6.7’; to the minimum rear yard setback from 25’ to 8.1’; and to the minimum off-street parking requirements from 25 parking spaces to 0 parking spaces to allow for a replat of the property.

LOCATION: 3402 Burt Street
ZONE: R3

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

At the Zoning Board of Appeals meeting held on October 12, 2017, Joe Dethlefs (TD2 – 10836 Old Mill Road) appeared before the board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow the property to be replatted into three lots that are 7,427 square feet, 3,864 square feet and 5,007 square feet. No additions or expansions to the existing structures, or changes to the existing uses were proposed. At its October 4, 2017 meeting, the Planning Board approved the preliminary and final plat approval for this location, subject to the approval of the necessary waivers from the Zoning Board of Appeals. The Planning Department found that the requested waivers were not excessive and were acceptable considering the size of the property, the large civic nature of the church and the existing site constraints. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Dethlefs explained that there was a hardship due to the non-conforming, existing conditions.

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

AYES: Aspen, Donovan, Lanoha, Moore, Mahlendorf

MOTION CARRIED: 5-0
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7.  Case No. 17-135
    Richard Lowery
    Autism Center of Nebraska
    9012 “Q” Street
    Omaha, NE 68127
    REQUEST: Waiver of Section 55-163 – Variance to the permitted use regulations of the R3 district to allow for Medical Offices not permitted in the R3 district.
    LOCATION: 9012 “Q” Street
    ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to the following conditions: 1) compliance with the operating statement, which will allow up to 125 clients, and 2) for this applicant only.

At the Zoning Board of Appeals meeting held on October 12, 2017, Richard Lowery (CFO) and Rene Ferdinand (CEO) appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, recalled that in 2010 a waiver had been approved that allowed the Autism Center of Nebraska to use a portion of the facility to provide services to individuals with autism and other developmental disabilities. The applicant planned to use the entire facility to provide services for up to 125 clients. The Planning Department supported the request and recommended approval subject to the following conditions: 1) compliance with the operating statement, which will allow up to 125 clients, and 2) the waiver be for this applicant only.

In response to Mr. Mahlendorf, Mr. Lowery mentioned that if the number of clients exceeded 125, he must come back before the Zoning Board of Appeals. He also explained that the center has a day program that teaches social skills, coping mechanisms, and an early-intervention program for children 6 months to 3 years of age. There is also an employment division that assists clients with job placement.

Jacob Walsh (5011 South 90th Street) appeared before the board. Mr. Walsh believed that there was not enough staff at the facility to supervise all of its clients. He recalled an occasion when one of the clients left the facility and came into his home resulting in the police needing to be called. He mentioned other instances where individuals would leave the facility and cause disruptions in the neighborhood. He suggested more security to keep clients in the building. Mr. Ferdinand responded that the center was not a locked and guarded facility and that the clients could come and go as they pleased. He indicated that situations mentioned by Mr. Walsh were rare and were quickly handled by staff. He explained that the increase in clients would be for the early intervention program for children 6 months to 3 ½ years of age. He added that the staff ratio is 2:1 or 3:1.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to 1) compliance with the operating statement, which will allow up to 125 clients. Should the number of clients exceed 125, the applicant must again appear before the Zoning Board of Appeals, and 2) for this applicant only. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Moore, Aspen, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-136
   Harvest Development
   1127 Park Avenue
   Omaha, NE 68105
   REQUEST: Waiver of Section 55-246 – Variance to the minimum front yard setback from 35’ to 17.9’ to allow for reconstruction of the existing stairs.
   LOCATION: 1325 South 30th Avenue
   ZONE: R7

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

At the Zoning Board of Appeals meeting held on October 12, 2017, Bret Cain appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant planned to reconstruct the existing stairs. She explained that there was a practical difficulty due to the need for the stairs in order to access the apartment units in the complex. The existing stairs, which serve as the entrance to the second and third levels, were deteriorated. She noted that the applicant was required to extend the stairs further out in order to meet egress building code requirements. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Moore, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 17-137
Louis E. Halperin
8306 Jackson Street
Omaha, NE 68114

REQUEST: Waiver of Section 55-126 – Variance to the minimum interior side yard setback from 25’ to 17.6’ to allow for a 12’ x 26’ attached garage addition.

LOCATION: 8306 Jackson Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 12, 2017, Bryan Rubek (Conceptual Ventures, Inc. - 1406 Veterans Drive) and Louis Halperin appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to build a new garage addition. The Planning Department found no hardship or practical difficulty and noted that the request is the result of a design preference. She noted that a two-car garage already exists on the property. The Planning Department recommended denial of the request.

Mr. Rubek indicated that the existing two-car garage is only large enough for one car with very little room for a second vehicle. He added that the door from the house that opens into the garage and another door at the rear of the garage make it difficult to park a second vehicle. He indicated that the City of Omaha approved a site plan in September and construction of the garage began shortly thereafter for the garage and bedroom additions. After inspection of the footings, it was determined that the property was zoned R1 and not R2 as previously assumed. In response to Ms. Donovan, Mr. Rubek stated that he had plans that had been stamped by the Planning Department, along with a building permit. He explained that other options had been considered, but they created other issues. He submitted a letter of support signed by three of the surrounding neighbors (Exhibit 2).

Mr. Halperin stated that a detached garage had been considered, but he felt it would be less attractive. He added that the proposed garage would allow the existing, mature trees to remain.

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

AYES: Moore, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 17-138
Joseph Greve
3318 South 109th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-146 & 55-715 – Variance to the minimum front yard setback from 40’ to 30’, to the minimum street yard landscaping percentage from 70% to 60% and to the minimum street yard landscaping depth from 25’ to 0’ to allow for construction of a new single-family home.

LOCATION: 1010 South 91st Circle
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 12, 2017, Joseph and Jill Greve appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, noted that a letter of opposition had been received for this case. She stated that the applicant was proposing to build a new single-family home on an empty lot. The Planning Department believed that the proposed home could be built in compliance with zoning regulations, especially since it was being built on a vacant lot. The Planning Department recommended denial of the request.

Mr. Greve stated that the front porch would be the only portion of the home that would not be in compliance because of how the home would be situated on the site. He believed that the location of the proposed home on a cul-de-sac and issues with the driveway made it difficult to meet zoning requirements. He added that if the home was moved back, mature trees would need to be removed,

Mr. Mahlendorf inquired as to whether the applicant had considered changing the alignment of the stairs off of the deck. Mr. Greve stated that it had been considered, but he felt that it would cause other issues with the site.

The board believed that the home could be built in compliance if the home was shifted on the lot. Mr. Greve responded that home was oriented in such a way that as many mature trees as possible could be saved, the least amount of waivers would be requested and to keep the home as aesthetically pleasing as possible.

Ms. Donovan noted that the neighbors that had submitted the letter of opposition believed that the home was too big for the lot. She suggested that the applicant speak with the architect so that it could be determined if the home could be built to meet the front yard setback. She encouraged the applicant to talk to the neighbors. Mr. Greve mentioned that there is an easement for a public walking path behind the home that also prevented it from being built farther onto the site.

Ms. Greve explained where the previous home was within the front yard setback. She believed that only two homes on the street were outside of the setback. She also noted that a light pole sits near the proposed driveway which affected where it could be located.

Mr. Lanoha advised that if the home was slightly rotated on the lot, it might be determined that no waivers were necessary.

Ms. Donovan moved to LAYOVER. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Lanoha, Moore, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 17-139
   Jeff Royal
   Security State Bank
   5015 Underwood Avenue
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-933 – Variance to the sign regulations to allow a pole sign not otherwise permitted.
   LOCATION: 302 South 38th Street
   ZONE: GC-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on October 12, 2017, Bryan Zimmer appeared before the board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a free-standing pole sign that would complement the historic renovation of the property. The request was approved by the National Park Service, the Nebraska Historical Society Preservation Districts and the Urban Design Review Board, subject to the sign referencing the historical Blackstone District. She explained that the Planning Department would not typically support a pole sign in an ACI District (Area of Civic Importance); however, due to the unique nature of the request, the waiver was deemed acceptable. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf noted that the applicant and the Planning Department had thoroughly researched the issue. He stated that the board does not typically support pole signs; however, in this case board support was justified.

Ms. Donovan was concerned that the sign would eventually rust over time. Mr. Zimmer responded that the sign would be coated in white paint that is weather resistant and that the bank would make sure that the sign was maintained.

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

AYES: Donovan, Lanoha, Moore, Aspen, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 17-051  
Heartland Self-Storage, LLC  
17620 Jones Street  
Omaha, NE 68116  
REQUEST: Waiver of Section 55-366 & 55-740(f)(4) – Variance to the maximum Floor Area Ratio (FAR) from 1.0 to 1.79 and to the perimeter parking lot landscaping from 5’ to 0’ to allow for construction of a new building to be used as a personal storage facility.

LOCATION: 3002 South 82nd Avenue  
ZONE: CC

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

At the Zoning Board of Appeals meeting held on October 12, 2017, Jason Thiellen (E & A Consulting – 10909 Mill Valley Road) appeared before the board on behalf of the applicant.

Mr. Thiellen stated that there was some confusion with regards to the height of the proposed facility when the applicant attempted to obtain a building permit. He recalled that the applicant had agreed at the April 13, 2017 meeting to reduce the height of the building from 5 stories to 4, which would reduce the FAR from 2.3 to 1.79. He stated that the main structure would be 51’ tall with some components of the building that would be 60’ tall. He further stated that the 60’ portions of the structure could be reduced to 58’, which are within the regulations of the CC zoning district. He indicated that the entire structure could also be reduced to 51’ tall; however, he believed that would take away from the aesthetics of the building.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a storage facility with inside access to storage. As proposed, the building complies with all zoning regulations with the exception of the maximum Floor Area Ratio. She stated that a practical difficulty exists due to the shared parking access easement along the west side of the site and the unique nature of this type of facility use in relation to the building size. The applicant received a waiver from the Zoning Board of Appeals at its April 2017 meeting that reduced the Floor Area Ratio from 2.142 to 1.79. The applicant implied that the height of the building would be reduced from five stories to four stories. Due to the slight change in height, the Planning Department believed that the applicant should go back before the board for reconsideration of the case. There was no change to the perimeter landscaping waiver request. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

Mr. Thiellen stated that density and urbanization required taller buildings. In response to Ms. Donovan, he stated that there had been no opposition from the neighbors. He added that the applicant had spoken with members of the church nearby whose only concern was whether the chapel was visible from the road.

Mr. Mahlendorf clarified that the confusion resulted from the original plans that showed the majority of the walls at 59’ tall. Mr. Thiellen stated that the revised plans showed the main structure at 51’ tall (reduced approximately 9’) and the parapets at approximately 60’. Mr. Lanoha stated that he supported the request; however, the parapets would need to be made of brick, stone or nichiha.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the parapet material being brick, stone or nichiha. Mr. Lanoha seconded the motion.

AYES: Lanoha, Moore, Aspen, Mahlendorf

NAYES: Donovan

MOTION CARRIED: 4-1
13. **Case No. 17-140**  
John Schneider  
c/o American Laboratories, Inc.  
5036 South 33rd Street  
Omaha, NE 68107

**REQUEST:** Waiver of Section 55-506 & 55-865(b) – Variance to the minimum front yard setback of 50’ from the centerline of the fronting street to 46.5’ from the centerline of the fronting street and the minimum rear yard setback from 10’ to 4.7’ to allow enlargement of a non-conforming use.

**LOCATION:** 4410 South 102nd Street  
**ZONE:** GI

**PLANNING DEPARTMENT RECOMMENDATION:** Approval of the rear yard setback, in accordance with the plans submitted. Denial of the request for the front yard setback variance.

At the Zoning Board of Appeals meeting held on October 12, 2017, Joe Zadina (Lamp Rynearson – 14710 West Dodge Road), Rick Reznicek (Holland Basham Architects) and Matt Schneider (American Laboratories, Inc.) appeared before the.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct additions onto the existing building. A practical difficulty existed for the rear yard setback request due to the irregular shape of the lot and the size constraints. The lot is adjacent to Union Pacific Railroad tracks. The Planning Department found no hardship or practical difficulty to allow the proposed additions to encroach further into the front yard setback. The Planning Department recommended approval of the rear yard setback, in accordance with the plans submitted and denial of the request for the front yard setback variance.

Mr. Zadina indicated that the additions would allow the applicant to expand their operation as required by the FDA. The aesthetics of the building would also be improved. In response to Ms. Donovan, Mr. Zadina stated that the applicant would work with the Public Works Department on drainage and sidewalk issues.

Ms. Moore inquired as to whether the 3.5’ of front yard setback was absolutely necessary. Mr. Reznicek explained that large pieces of machinery were being added that required a certain amount of clearance around them. A rendering of the proposed building was added to the file at Mr. Lanoha’s request (Exhibit B).

Mr. Schneider explained that the company is bulk manufacturer of dry powder for pharmaceutical and nutraceutical companies. He stated that the additions should be complete by August of 2018.

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

AYES: Moore, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 17-063  
Tom Egan, Jr.  
10220 "F" Street  
Omaha, NE 68127

REQUEST: Waiver of Section 55-143 – Variance to the permitted use regulations of the R2 district to allow an accessory use on the property without a primary use.

LOCATION: 956 South 95th Street

ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on October 12, 2017, Julia Plucker (2804 South 87th Avenue) appeared before the board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a sports court on a vacant, residentially-zoned property. The applicant’s home is to the west of the site. The applicant obtained a Use Waiver from the Zoning Board of Appeals at its May 11, 2017 meeting that allowed an accessory use on the property without a primary use. It was later determined that the fence would need to be moved back 12' from the property line instead of 8’, which required the applicant to come back before the board. The Planning Department continued to find no hardship or practical difficulty to allow the request and recommended denial.

Ms. Plucker explained that there were large pine trees in the area where the fence was to be located. She stated that the neighbors and their representative had been contacted and everyone was in support of the change.

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

AYES: Aspen, Donovan, Lanoha, Moore, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

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

AYES: Aspen, Donovan, Lanoha, Mahlendorf

ABSTAIN: Moore

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:16 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary