The board members in attendance were: Jason Lanoha, Jeremy Aspe

Planning Department staff in attendance were: Cliff Todd and

The cases were reviewed. Cheri Rockwell was present to discuss Case 18

Mr. Todd advised that the applicants for Cases 18-146 and 18-149 had requested layovers and Case 18-141 had been withdrawn.

MR. LANOH

He noted that Case 18-141 had been withdrawn and that the applicants for Cases 18-146 and 18-149 had requested layovers.

Mr. Mahlendorf moved to LAYOVER Cases 18-146 and 18-149. Mr. Kelley seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
LAYOVER CASES:

1. Case No. 18-088 (from 7/12/18)
   Tammy Darmody
   16417 Leavenworth Circle
   Omaha, NE 68118
   LOCATION: 15454 Mormon Circle
   ZONE: R4

   REQUEST: Waiver of Section 55-786 - Variance to
   the residential fence regulations to
   allow a 6' tall, privacy fence in the
   street side yard setback.

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on November 8, 2018, the applicant failed to
   appear before the board.

   Mr. Kelley moved to LAYOVER until the December 13, 2018 meeting. Mr. Mahlendorf seconded
   the motion.

   AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

   MOTION CARRIED: 5-0.
2. Case No. 18-140 (from 10/11/18)  
*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 150 sq. ft. to allow for a new monument 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 November 8, 2018, Geoff McGregor appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, recalled that the case had been laid over at the October 11, 2018 meeting to give the applicant the opportunity to submit a revised signage plan. The applicant is allowed 77 square feet of signage and the revised plan requested an increase to 150 square feet. The Planning Department continued to recommend denial.

Mr. McGregor stated that a pole sign was needed to identify the structure as a self-storage facility and to gain visibility from 72nd Street. The monument sign would identify the business name along 74th and Farnam Streets. He explained that the small sign budget was due to the reduced amount of street frontage. He stated that he met with the neighbor who had appeared at the October 2018 meeting to present the proposed changes. He indicated that the neighbor supported the new signage plan and believed that the pole sign had less of an impact on their property.

Mr. Aspen moved to APPROVE a parapet sign on the building not to exceed 90 square feet and the monument sign not to exceed 60 square feet. Mr. Kelley seconded the motion.

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

**MOTION CARRIED:** 5-0.
3. Case No. 18-141 (from 10/11/18)
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

This request was withdrawn at the request of the applicant.
4. Case No. 18-143 (from 10/11/18)
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", to the front yard setback from 40' to 25' 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

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Joe Rife (6541 South 109th Street) and Steven Rife (8834 Sprague Circle) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a new attached garage along the south side of the home. The home is 18' from the south property line and by adding the new garage, that distance would be reduced to 5'2". The Planning Department found no hardship or practical difficulty to support the request since a compliant garage could be built elsewhere on the property. The Planning Department recommended denial of the request.

Steve Rife explained that the encroachment was adjacent to city right-of-way for Pratt Street if it were ever to be developed. He added that most of the homes that were adjacent to that right-of-way encroached inside of it. He indicated that he had started the vacation process through Public Works for that right-of-way which could take approximately 6 – 9 months.

Joe Rife presented a picture that showed fences and other structures that had been built in the right-of-way.

In response to Mr. Lanoha, Joe Rife stated that a waiver was preferred instead of going through the vacation process. Mr. Lanoha did not believe that Pratt Street would ever be extended, adding that it would be difficult to do so after part of it had been vacated.

Mr. Kelley stated that the adjacent right-of-way was a hardship and practical difficulty in this case.

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

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED: 5-0.
5. Case No. 18-144  
   **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 and electronic message center.
   
   **LOCATION:** 4111 Emile Street
   **ZONE:** GO-ACI-1(PL)

   **PLANNING DEPARTMENT RECOMMENDATION:** Approval in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code.

   At the Zoning Board of Appeals meeting held on November 8, 2018, Gaby Ryan (Signworks, Inc.) appeared before the board.

   Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new monument sign that would include an electronic messaging center. The Planning Department did not view the request as unreasonable due to the large number of visitors and civic activities that occur on hospital property. In addition, the hospital campus has multiple street frontages and access points that demand additional signage. The Planning Department recommended approval in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code.

   Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code. Ms. Moore seconded the motion.

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

   **MOTION CARRIED:** 5-0.
6. Case No. 18-145 (from 10/11/18)  
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 and electronic message center.

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

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code.

At the Zoning Board of Appeals meeting held on November 8, 2018, Gaby Ryan (Signworks, Inc.) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new monument sign that would include an electronic messaging center. The Planning Department did not view the request as unreasonable due to the large number of visitors and civic activities that occur on hospital property. In addition, the hospital campus has multiple street frontages and access points that demand additional sign budget. The Planning Department recommended approval in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code.

Mr. Kelley moved to APPROVE in accordance with the plans submitted subject to compliance with the performance standards set forth in Section 55-854 of the Omaha Municipal Code. Mr. Aspen seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
NEW CASES:

7. Case No. 18-146
Cory Nelson
11656 Meredith Avenue
Omaha, NE 68164
REQUEST: Waiver of Section 55-830 - Variance to the maximum sign budget for a civic use in a residential district from 32 sq. ft. to 80.25 sq. ft. to allow for construction of a monument sign and two wall signs.
LOCATION: 21220 Elkhorn Drive
ZONE: R4

This case was laid over until the December 13, 2018 meeting.
8. Case No. 18-147
   Ed Thiele  
   Habitat for Humanity  
   1701 North 24th Street  
   Omaha, NE 68110
   REQUEST: Waiver of Section 55-186 - Variance to the minimum lot width requirement from 50' to 41' to allow for construction of a new single-family home.
   LOCATION: 2424 South 21st Street
   ZONE: R4(*)

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted subject to the applicant properly re-platting the property.

At the Zoning Board of Appeals meeting held on November 8, 2018, Ed Thiele appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that in order for a building permit to be issued the lot must be properly platted. The Planning Department supported the request since the proposed width of the lot was consistent with many other properties in the neighborhood. The Department recommended approval in accordance with the plans submitted, subject to the applicant re-platting the property.

Mr. Thiele stated that the home would be similar to others that Habitat has built throughout Omaha. He added that the process to re-plat the property had already begun.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted subject to the applicant properly re-platting the property. Mr. Kelley seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

MOITON CARRIED: 5-0.
9. Case No. 18-148
Jenny Lin
7703 South 32nd Street
Bellevue, NE 68147

REQUEST: Waiver of Section 55-186 - Variance to the minimum interior side yard setback from 5’ to 1’6” to allow for the replacement of an existing covered porch.

LOCATION: 4324 Parker Street
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Jenny Lin appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to repair and replace the existing 45.5 sq. ft. covered porch on the northwest corner of the home. The porch did not meet the required 5’ interior side yard setback as it sits approximately 1’6” from the property line. The Planning Department found no hardship or practical difficulty to support this request and noted that the request was the result of a design preference and a smaller set of steps could be built or the door could be replaced with a window instead. The Planning Department recommended denial of the request.

Ms. Lin stated that she had already replaced the existing deck because it had deteriorated. She stated that she made the deck slightly bigger to accommodate the door.

Mr. Kelley stated that, although the porch was slightly larger, it did not encroach any further into the setback.

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

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED: 5-0.
10. Case No. 18-149  
    Dave Paladino  
    2816 B Street, LCC  
    2702 Douglas Street  
    Omaha, NE 68131  

    REQUEST: Waiver of Section 55-843 - Variance to the maximum size for a pole sign from 150 sq. ft. to 432 sq. ft. and to the maximum height from 35’ to 55’ to allow for a new electronic messaging center.

    LOCATION: 2816 “B” Street  
    ZONE: GI  

This case was laid over until the December 13, 2018 meeting.
11. Case No. 18-150
   Lanny Israel
   4014 South 13th Street
   Omaha, NE 68107

   REQUEST: Waiver of Section 55-246 - Variance to the residential fence regulations to allow a 6' tall, privacy fence in the front yard setback.

   LOCATION: 4014 South 13th Street
   ZONE: R7-MCC

   PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to the drive gate being located no closer than 20' from the curb back of Garfield Street.

At the Zoning Board of Appeals meeting held on November 8, 2018, Lanny Israel appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the property is a former commercial bakery that had been converted to a single-family home. The applicant planned to add a detached garage to the property and wanted to finish enclosing the yard with a 6' privacy fence and install a gate across the proposed driveway. Mr. Todd stated that a practical difficulty existed due to the irregular shape and location of the property. In addition there are dual street frontages that make it difficult when trying to apply normal setbacks. The Planning Department recommended approval, subject to the drive gate being located no closer than 20' from the curb back of Garfield Street.

Mr. Israel stated that he also owns the lot at 4016 South 13th Street. He discussed his plans for the property. He mentioned that he was considering a sliding fence instead of one that would swing open.

Mr. Mahlendorf explained that the 20’ requirement was a Public Works requirement and was in place for safety reasons and could not be waiver by the board.

Mr. Lanoha stated that he typically does not support privacy fences in the front yard setback; however, he could support this request since the property is located on 13th Street which is an arterial street.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the drive gate being located no closer than 20’ from the curb back of Garfield Street. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
12. Case No. 18-151
Kent Therkelsen
KRT Construction
4325 North 156th Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-146 - Variance to the front yard setback from 40’ to 33’7” to allow for construction of a garage addition.

LOCATION: 22316 Southshore Drive
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Kent Therkelsen appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a new 8’ addition to the front of the existing garage that would not meet the required 40’ front yard setback. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference and there appeared to be enough space on the property to construct an addition that would meet the setbacks for the site. The Planning Department recommended denial of the request.

Mr. Therkelsen submitted signatures of support for the project (Exhibit B) from the property owners on either side of the home and one from across the street. He stated that the request matched what other homes in the area had done. Mr. Mahlendorf noted that the requested setback was common for the neighborhood.

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

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

MOTION CARRIED: 4-1.
13. Case No. 18-152 Marla and Juan Mosqueda
   1326 South 27th Street
   Omaha, NE 68105

   REQUEST: Waiver of Section 55-246 - Variance to
   the rear yard setback from 25’ to 1’6”
   and to the side yard setback from 5’ to
   1’6” and 0’.

   LOCATION: 1326 South 27th Street
   ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Steven Ranum, Attorney –
2120 South 72nd Street, appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant owned two adjacent
properties, 1326 and 1328 South 27th Street and had constructed a covered patio with a concrete
slab that spanned the rear yard of both properties. This structure did not meet the rear yard
setback of 25’ nor the side yard setbacks of 5’. The Planning Department found no hardship of
practical difficulty to support this request, as this is a design preference, and recommended
denial.

Mr. Ranum submitted pictures and statements from the neighbors to the case file (Exhibit B). He
explained that a family member lived at 1328 South 27th Street and that they considered both
homes to be two houses that sat on one lot. He noted that although 1326 encroached onto the
lot line for 1322, it was also owned by the applicants. He indicated that the neighbor that lived at
1331 South 27th Street had signed a letter of support along with the neighbor to the rear, 1325
South 28th Street. He explained that there was an elevation change, a retaining wall and
vegetation between that property and 1326 South 27th Street that blocked the view of the patio.
He reasoned that there was a significant grade change and a privacy fence between 1330 South
27th Street and 1328 South 27th Street that lessened the impact of the encroachment into the
side yard setback.

Ed Thiele, Habitat for Humanity – 1701 North 24th Street, appeared before the board. Mr. Thiele
stated that Habitat owns the lot at 1314 South 27th Street. He stated that a home was planned for
that lot that was due to be completed in the spring. He mentioned that there was limited parking
on the street and expressed concerned about the number of family and friends that would visit
the applicant’s home and create congestion issues. He was also concerned about the noise that
could occur with so many visitors to the home.

In response to Mr. Mahlendorf, Mr. Ranum stated that the space would be used for small family
gatherings. Through an interpreter, the applicants stated that the patio would be used for family
dinners with a maximum of 8 – 10 people.

Mr. Mahlendorf stated that he could not recall the board approving this type of request where a
structure was allowed to stretch across two lots. He also stated that there would be issues if the
owners wanted to sell one of the properties in the future.

Mr. Ranum stated that the applicant’s had considered re-platting the two lots into one. Mr.
Mahlendorf and Mr. Aspen began to discuss options that would allow the addition to remain
legally. Mr. Kelley stated that he could not support the request under any circumstances due to
the rear yard setback and how it would affect future property owners. Regarding Mr. Ranum’s
suggestion that the lots could possibly be re-platted into a single lot, Mr. Todd explained that the
zoning of the properties would allow two, single-family homes on one lot; however, there would
be different setback requirements would be greater (35’ for the rear yard and 7’ for the side yard) which would make the site even more non-compliant.

Mr. Lanoha stated that he could not support the request under any circumstance. He added that he would not consider a layover.

Ms. Moore questioned whether the deck would be used for just 8 - 10 people. There was more discussion about re-platting the lot, laying over the case, withdrawing the case and what a denial would mean for the applicant.

Mr. Kelly moved to DENY the request. Mr. Lanoha seconded the motion.

AYES: Kelley, Mahlendorf, Lanoha

NAYES: Aspen, Moore

MOTION CARRIED: 3-2
14. Case No. 18-153  Marla and Juan Mosqueda  1328 South 27th Street  Omaha, NE 68105

REQUEST: Waiver of Section 55-246 - Variance to the rear yard setback from 25' to 1'6" and to the side yard setback from 5' to 1'6" and 0'.

LOCATION: 1328 South 27th Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Steven Ranum, Attorney – 2120 South 72nd Street, appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant owned two adjacent properties, 1326 and 1328 South 27th Street and had constructed a covered patio with a concrete slab that spanned the rear yard of both properties. The Planning Department found no hardship of practical difficulty to support this request, as this is a design preference, and recommended denial.

Mr. Kelly moved to DENY the request. Mr. Lanoha seconded the motion.

AYES: Mahlendorf, Kelley, Lanoha

NAYES: Moore, Aspen

MOTION CARRIED: 3-2
15. Case No. 18-154
   Mark Sanford
   1306 North 162nd Street
   Omaha, NE 68118
   REQUEST: Waiver of Section 55-716 - Variance to the required bufferyard between a GI and DR district, from 60' to 16'.
   LOCATION: 8635 Whitmore Circle
   ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 8, 2018, Mark Sanford appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new industrial building on this site. The plans submitted showed a 16' bufferyard instead of the required 60' between this and the DR zoned property to the west. He explained that since the lot is undeveloped, a redesign could be submitted making better use of the available square footage so that the required bufferyard could be met. The Planning Department found no hardship or practical difficulty to support the request since it was the result of a design preference, and recommended denial.

Mr. Sanford explained that the GI zoned property was approximately 20' lower than the adjacent DR zoned property and 10' lower than the residential properties. He displayed several pictures to show the existing buffers between the properties. He mentioned that in 2001 the Zoning Board had granted a waiver to the property to the north for a similar request.

Mr. Lanoha mentioned that the neighbors to the east had submitted some questions and concerns about the project that did not pertain to the waiver request. Mr. Sanford stated that contact would be made with the property owners so that their concerns could be addressed.

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

AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
16. Case No. 18-155
   Ed Alstatt
   5036 South 94th Street
   Omaha, NE 68127

   REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 31 to 18.

   LOCATION: 3040 Cuming Street
   ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on November 8, 2018, Geoff Deold appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant intended to demolish an existing building on site and redevelop the area into a parking lot. The parking area would then serve the remaining building which would be remodeled and repurposed into commercial space with three tenant bays. The proposed plan provided a similar number of parking stalls to that of other GC properties along this same block of Cuming Street. The Planning Department determined that the request was not unreasonable and recommended approval of the waiver.

Mr. Kelly moved to APPROVE. Ms. Moore seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Lanoha

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1.
17. Case No. 18-156
Clinton R. Pirtle
9224 “R” Street
Omaha, NE 68127

REQUEST: Waiver of Sections 55-87 & 55-108 - Variance to the front yard setback in an AG district from 50' to 35.81' and to the front yard setback in a DR district from 50' to 11.12' and to the interior side yard setback from 25' to 10.9'.

LOCATION: 25151 Blondo Street & 1701 North 252nd Street.

ZONE: DR & (AG Pending)

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on November 8, 2018, Jason Thiellen appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, explained that the building had been constructed at a time when building permits would not have been required for AG zoned properties, so the setbacks would not have been verified. Since the property was being replatted, it needed to meet the regulations of the AG zoning district. He stated that a practical difficulty existed because the building were constructed at a time when the property was zoned AG. The Planning Department supported the request and recommended approval.

Mr. Thiellen stated that a rezoning of the property was approved at the October 2018 Planning Board meeting.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
18. Case No. 18-157  
   Leslie A. Delperdang  
   NP Dodge Building Company  
   8701 West Dodge Road  
   Suite 300  
   Omaha, NE 68124

REQUEST: Waiver of Sections 55-226 & 55-716 - Variance to the front yard setback from 35' to 25'; to the rear yard setback from 25' to 15'; to the required bufferyard from 30' to 25' and 5', to allow for construction of new multi-family housing.

LOCATION: 9300 Arbor Street
ZONE: DR & DR-FF/FW (DR-FF/FW & R6-PUD-FF Pending)

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on November 8, 2018, Richard Anderson (Croker Huck Law Firm – 2120 South 72nd Street) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a series of low-density, multiple-family residential style structures as part of a plan to redevelop the former Sunset Valley Golf Club. The requested setback waivers would help to reduce the amount of fill required within the flood fringe. He explained that the rear yard setback and bufferyard waivers were adjacent to out lots for the project and the front yard setback waiver is also internal to the project and would not affect any property outside of the project area. The Planning Department has been supportive of projects utilizing the PUR/PUD process to allow for low density development that includes a mix of residential development style alternatives. The Planning Department recommended approval.

Mr. Anderson stated that the project will include 37 single-family homes on the north and east of the site. There would also be multi-family homes at the interior and west sides of the site. The waivers would pertain to the area of the site where the multi-family home would be located. He explained that approval had been granted to build in certain parts of the floodplain. He stated that the floodplain, the topography of the site and an existing sanitary sewer easement dictated where structures could be built. He indicated that these issues could be considered a hardship or practical difficulty. He stated that the waivers would not affect any properties outside of the development. In addition, the development promoted the Master Plan of the city with regards to development in older parts of the city that are constrained by existing conditions.

Richard Onken, 1715 South 94th Street, appeared in opposition to the request. Mr. Unken stated that many issues had been presented to the Planning Board and city attorney through letters with no response from either. He also sent a letter to NP Dodge in attempts to set up a compromise plan that conformed to all municipal codes and floodplain regulations with no results. He believed that the City was arbitrarily acting on behalf of the applicant. He stated that the applicant knew about all of the issues with the property before it was purchased and that the size of the development should be reduced so that it complied with all regulations. He did not believe that there was a hardship in this case.

John Arndorfer, 9318 Walnut Street, appeared in opposition to the request. He believed that there was no need for the city to grant waivers to the applicant when it was not in the public interest to do so. He believed that the applicant should be held to the same standards as individual property owners.

Don Giger, 1636 South 99th Street, (President - Sunset Hills/Happy Hollow Hills Neighborhood Association) appeared in opposition to the request. He stated that the applicant had not proven
a hardship or practical difficulty to support their request and knew about the existing condition of the land and zoning requirements before purchasing it. He believed that the project could be built according to regulations and that the waivers were the result of a design preference. He also felt that the waivers were economically driven.

Mary Lou Flurell, 2131 South 91st Street, appeared in opposition to the request. She stated that the developer had full knowledge of the site and its location on a floodplain before it was purchased. She believed that the problem was with the design. She did not believe that the waivers were in the public good.

In response to the comments made by the opposition, Mr. Anderson stated that a hardship or practical difficulty had to do with the site. He explained that the City’s Master Plan called for development of these types of sites. He also mentioned that none of the opposition spoke about how any of the requested waivers would affect them personally. He indicated that if there was opposition to the project as a whole, those concerns be addressed by City Council.

Joe Zadina, Lamp Rynearson – 14710 West Dodge Road, appeared before the board. Mr. Zadina stated that the two out lots could be looked at to determine if the setbacks could be brought closer to what is required. He explained that those areas would be used mostly for water detention and recreation.

Mr. Mahlendorf stated that the board had to weigh public concern against public impact. He believed that this project had little to no impact on the public.

Mr. Onken responded that the size of the project would impact the neighbors since there would be more traffic through the neighborhoods.

Mr. Lanoha stated that he usually relies on the Planning Department, Planning Board, City Council, engineers and architects to determine whether a project makes sense and was compliant. He indicated that he would do the same in this case. He explained that the board was making a decision about issues that would not change what had already been decided.

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

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED: 5-0.
19. Case No. 18-158
Dustin Crook
Arch Icon Development
509 Walker Street
Woodbine, IA 51579

REQUEST: Waiver of Sections 55-737 & 55-740 - Variance to the maximum percentage of compact car parking from 40% to 43%, to the minimum perimeter landscaping from 5' to 1'5" and to the minimum drive aisle width from 24' to 21'4".

LOCATION: 4834 South 23rd Street
ZONE: NBD

PLANNING DEPARTMENT RECOMMENDATION: Approval of the revised site plan.

At the Zoning Board of Appeals meeting held on November 8, 2018, Gary A. Norton (TD2 – 10836 Old Mill Road) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the Nebraska Urban Indian Health Coalition (NUIHC) and Arch Icon Development were collaborating to provide new affordable multi-family housing for families in need. Although off-street parking is not required in NBD, the applicant wanted to provide the maximum amount of parking possible for residents in order to help with on-street parking availability in the neighborhood. Since the time this original request had been submitted, the applicant had provided a revised site plan which provided the required 5’ of perimeter landscaping. As a result, a drive aisle was reduced from 24’ to 20’ and the compact parking request had been reduced from 43% to 41%. The Planning Department believed that the changes were beneficial to the plan and recommend approval of the revised site plan.

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

AYES: Moore, Aspen, Kelley, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
20. Case No. 18-159
Corey Enquist
4501 North 207th Circle
Omaha, NE 68022

REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a privacy fence greater than 4' tall in the street side yard setback.

LOCATION: 4501 North 207th Circle
ZONE: R3

At the Zoning Board of Appeals meeting held on November 8, 2018, Corey Enquist appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had constructed a fence along Ames Avenue that was taller than 4' and less than 50% open. There was no hardship or practical difficulty to support this request as the applicant could construct a 4’, 50% open fence completely around the property or install the same style fence at the required street side yard setback of 17.5’ along Ames Avenue. The Planning Department recommended denial of the request.

Mr. Enquist submitted signatures of support from his neighbors (Exhibit B). He stated that he was not aware that a permit was needed to replace his fence. He wanted the fence to remain for the safety of his child and so that his dogs will have an outside space when his family is away from home. He explained that there is a doggy door that leads to the garage that the dogs can use. He indicated that if the 6’ fence was places according to code, it would be difficult to maneuver his truck and trailer and the size of his yard would be reduced.

Mr. Mahlendorf stated that, although he does not normally support these types of requests, he could do so in this case because of the uniqueness of the garage design and because the line-of-sight would not be compromised.

Mr. Aspen and Ms. Moore were concerned about the precedent that would be set if the waver was granted.

Mr. Mahlendorf moved to APPROVE subject to the gate at the back driveway sitting 20’ from the back of curb. Mr. Kelley seconded the motion.

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

MOTION FAILED: 3-2.

Mr. Lanoha stated that he was more concerned with the side yard setback. After some discussion, Mr. Kelley made another motion.

Mr. Kelley moved to APPROVE a 6’ fence within the street side yard setback beginning no further than 6’ back from the southeast corner of the home. The gate must be located a minimum of 20’ from the right-of-way entrance from the back of curb of Ames Avenue. Mr. Lanoha seconded the motion.

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

MOTION CARRIED: 4-1.
21. Case No. 18-160
Quality Carpentry
c/o Kay Jay Vavra
4818 Borman Street
Bellevue, NE 68157

REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35’ to 22’5” and to the street side yard setback from 15’ to 1’2” to allow for the replacement of an existing covered porch.

LOCATION: 1002 Park Avenue
ZONE: R7

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

At the Zoning Board of Appeals meeting held on November 8, 2018, Kay Jay Vavra appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace and/or repair the existing covered porch that wraps around the front and south side of the home. The house, which had been built in 1882, did not meet the street side or front yard setbacks. The hardship was that the zoning code had not been in place when the home was built. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Vavra stated that the home was historically significant and the intention was to build the porch according to its original design.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes for the October 11, 2018 meeting. Mr. Lanoha seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED: 5-0.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:51 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary