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, December 4, 2017 and Thursday, December 7, 2017.

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

MEMBERS NOT PRESENT: Jeremy Aspen

STAFF PRESENT: Eric Englund, Planning Department  
Jennifer Taylor, City Attorney  
Clinette Ingram, Recording Secretary

The meeting was called to order at 1:00 p.m. Ms. Donovan introduced the board members and staff, and explained the procedures for hearing the cases.
NEW CASES:

1. Case No. 17-144
   Brandon Breiby
   4005 Rayner Parkway
   #3404
   Bellevue, NE 68123
   REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 91 to 10 to allow General Retail Sales and Social Club uses.
   LOCATION: 5419 Northwest Radial Highway
   ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, Travis Broderson and Brandon Breiby appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Broderson stated that the Florence Masonic Lodge purchased the building for its use. Retail space was proposed for the front of the building. He believed that there was a hardship resulted from how the building is situated on the property and the placement of the property line that separates the structure from the adjacent church. He explained that those factors limited the amount of available parking that could be provided. He indicated that, per regulations, the retail section of the building would require 17 parking stalls and the lodge would require 71. He further explained that the lodge did not have very many members and that they generally met on Monday evenings after many businesses have closed.

Mr. Breiby explained that out of the 103 current members, 20 lived out of state, 40 were over the age of 80 and had not attended the lodge in over 30 years and 20 had not attended a meeting in over 10 years. He indicated that attendance was never over 15 members and that the space was needed for the rituals that are part of their meetings. He stated that the adjacent church agreed to share parking.

In response to Ms. Donovan, Mr. Breiby stated that the space would not be rented out for parties or other similar events.

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

AYES: Anzaldo, Kelley, Moore, Lanoha, Donovan

MOTION CARRIED: 5-0
2. Case No. 17-145
Mick McGuire
Straightline Design, Inc.
3925 South 147th Street
Omaha, NE 68144
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 30’ to allow for construction of a 20’ x 36’ accessory building.
LOCATION: 6405 Country Squire Lane
ZONE: R1-ED

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, Mick McGuire and Amy Lyons appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. McGuire submitted revised information about the lot and a signed document from the neighbors (Exhibit B). He explained that in the past, a portion of the homeowner’s property was taken to create a 40’ right-of-way for the surrounding properties.

In response to Ms. Donovan, Ms. Lyons stated that all of her neighbors signed the statement of support for the project. She explained that the existing building on the side of the pool would be removed and replaced.

Mr. Lanoha noted that the site was originally designed for a cul-de-sac. He suggested to Ms. Lyons that she consider an administrative re-plat of the property since one small portion of the lot was zoned DR-ED. Mr. Englund added that before a building permit was issued for the project, the parcel must be rezoned so that all of the land could be designated as R1.

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

AYES: Kelley, Moore, Lanoha, Anzaldo, Donovan

MOTION CARRIED: 5-0
3. Case No. 17-152 LAYOVER
Jewish Federation of Omaha
333 South 132nd Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-734 – Variance to the maximum overall sign budget from 40 sq. ft. to 232 sq. ft., to the maximum sign area for a monument sign from 25 sq. ft. to 85.5 sq. ft., to the maximum height for a monument sign from 6’ to 12’3” and to allow an electronic message center, not otherwise permitted, based on the proposed overall sign plan for the site.

LOCATION: 333 South 132nd Street
ZONE: R8

The applicant requested a layover of this case.

Mr. Anzaldo moved to LAYOVER until the January 11, 2018 meeting. Ms. Donovan seconded the motion.

AYES: Anzaldo, Kelley, Moore, Lanoha, Donovan

MOTION CARRIED: 5-0
4. Case No. 17-153
   David Hinsley
   RDG Planning & Design
   900 Farnam on the Mall
   Suite 100
   Omaha, NE 68102
   REQUEST: Waiver of Section 55-166 – Variance to the interior side yard setback from 15’ to 3’ to allow for an addition to the existing elementary school.
   LOCATION: 3520 Maplewood Boulevard
   ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, David Hinsley and Adam Sawyer appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Sawyer stated that Omaha Public Schools had been directed to create storm safe areas at all of their elementary school buildings. He stated that in most cases it was easier to build an addition to the existing structure. The proposed addition would also eliminate the need for some of the portables being used on the site. He indicated that the area close to the adjacent park was the best place for the addition. He stated that there was no opposition at the meetings that were held with the neighborhood and the neighborhood association.

It was determined that the property that would be most affected by the addition was a park owned by the City of Omaha.

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

AYES: Moore, Lanoha, Anzaldo, Kelley, Donovan

MOTION CARRIED: 5-0
5. Case No. 17-154 WITHDRAWN
Leanne and Jennifer Ludes
606 South 157th Circle
Omaha, NE 68118

REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 16’ to allow for construction of a 10’ x 16’ deck.

LOCATION: 606 South 157th Circle
ZONE: R3

This case was withdrawn at the applicants’ request.
6. Case No. 11-104
   The Nebraska Methodist Hospital
   8303 Dodge Street
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-123 & 55-740(e) – Variance to allow a temporary gravel parking lot for construction personnel not permitted in the R1 district (1-year extension until no later than December 31, 2018).

   LOCATION: 8135 & 8151 Farnam Drive and 8220 & 8224 Harney Street

   ZONE: R1

   PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the previously approved plans and conditions, except that the variance expires on December 31, 2018, or sooner if renovation of the in-patient surgery area is completed.

   At the Zoning Board of Appeals meeting held on December 14, 2017, Scott Dye appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

   Mr. Englund stated that, due to the number of construction projects that have occurred on the site, the applicant had previously been before the board for the request. Due to the limitations of the site, the Planning Department recommended approval, in accordance with the previously approved plans and conditions, except that the variance expires on December 31, 2018, or sooner if renovation of the in-patient surgery area is completed.

   Mr. Dye stated that the current project was more complicated than originally believed which required more time for completion. He added that the request would eliminate the need for on-street parking.

   In response to Ms. Donovan, Mr. Dye stated that the site was used primarily as a parking lot for construction personnel and not as a staging ground.

   Mr. Kelley moved to APPROVE in accordance with the previously approved plans and conditions, except that the variance expires on December 31, 2018, or sooner if renovation of the in-patient surgery area is completed. Ms. Donovan seconded the motion.

   AYES: Lanoha, Anzaldo, Kelley, Moore, Donovan

   MOTION CARRIED: 5-0
7. Case No. 17-155  
The Kul Factory  
8800 “F” Street  
Omaha, NE 68127

REQUEST: Waiver of Section 55-843 – Variance to the maximum size of a pole sign from 150 sq. ft. to 258 sq. ft. and to allow flashing and bare bulb design elements for a pole sign.

LOCATION: 8800 “F” Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, Gaby Ryan (Signworks) appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Englund stated that the Planning Department believed that the sign could be constructed in compliance with zoning regulations and, therefore, recommended denial.

Ms. Ryan stated that the applicants had decided that more time was needed so that they could come back before the board with a more comprehensive sign plan.

Mr. Lanoha moved to LAYOVER until the January 11, 2018 meeting. Mr. Kelley seconded the motion.

AYES: Anzaldo, Kelley, Moore, Lanoha, Donovan

MOTION CARRIED: 5-0
8. Case No. 17-156
   Brent Burt
   21851 R & R Road
   #4
   Gretna, NE 68028

   REQUEST: Waiver of Section 55-506 – Variance to the rear yard setback from 10' to 0' to allow for a building addition.
   LOCATION: 4421 South 76th Circle
   ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, Richard Anderson, Jim Glaser and Brent Burt appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Englund stated that an addition was being proposed for the rear of the property. The Planning Department found no hardship or practical difficulty to allow the request and recommended denial.

Mr. Anderson stated that there was a hardship due to the narrow size of the lot. He added that the adjacent railroad property constricts the site. The addition would be added to the existing wall that sits on the property line. He indicated that there were no neighbors who would be affected by the project. He explained that there was a need to expand the assembly facility to accommodate larger trucks and heavier equipment.

Ms. Donovan noted that the proposed addition would encroach no further into the setback than the existing building.

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

AYES: Kelley, Moore, Lanoha, Anzaldo, Donovan

MOTION CARRIED: 5-0
9. Case No. 17-158  
Dwight Anderson  
7601 State Street  
Ralston, NE 68127  
REQUEST: Waiver of Section 55-466 – Variance to the maximum height from 40’ to 68’ to allow construction of a new waterslide/tower attraction.  
LOCATION: 7003 "Q" Street  
ZONE: CH-FF

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

At the Zoning Board of Appeals meeting held on December 14, 2017, Dwight Anderson appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Englund stated that the site was zoned Commercial Highway. He noted that a waiver for height was granted to the site in 2005 to allow a roller coaster to be constructed up to 90’. He added that the surrounding properties are zoned Heavy Industrial which allows a height of up to 120’. The Planning Department recommended approval in accordance with the plans submitted. The applicant was encouraged to work with City staff to have the site rezoned so that height waivers would not be necessary.

Mr. Anderson agreed that the property should be rezoned.

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

AYES: Moore, Lanoha, Anzaldo, Kelley, Donovan

MOTION CARRIED: 5-0
10. Case No. 17-159
Edwards-Bedel Construction
8874 Greenwood Road
Plattsmouth, NE 68048

REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 3’ to allow construction of a 30’ x 43’ detached garage.

LOCATION: 15734 Burt Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 14, 2017, Richard Anderson, Chuck Pane (Property Owner) and Ed Bedel appeared before the Board. Eric Englund appeared on behalf of the Planning Department.

Mr. Englund stated that since the proposed garage is over 750 square feet it cannot be placed 3’ from the property line. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Pane stated that there would be connecting roof lines that would join the new garage to the existing home. He added that the proposed garage would be constructed behind his and his adjacent neighbor’s home.

In response to Ms. Donovan, Mr. Anderson stated that he currently had a four-car garage. The new garage would provide room for four additional cars. He believed that there was a hardship that resulted from the location of an existing tree. He stated that the addition would match the existing home. He further indicated that there was another property in the neighborhood where the attached garage was less than 10’ from the setback. In response to Mr. Anzaldo, he stated that the neighbor to the east had no objections to his request.

Mr. Kelley noted that, although the request resulted from a design preference, the proposed addition would not be out of character with the neighborhood. He added that he would have preferred to have a statement of support from the neighbor. Ms. Donovan believed that the addition would not give the impression that the site was overbuilt.

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

AYES: Lanoha, Anzaldo, Kelley, Moore, Donovan

MOTION CARRIED: 5-0
DISCUSSION:

Jennifer Taylor, Law Department, updated the board on Case 12-007 which was appealed to the District Court.

APPROVAL OF MINUTES:

Mr. Anzaldo moved to APPROVE the minutes for the November 9, 2017 meeting. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Lanoha, Donovan

ABSTAIN: Kelley, Moore

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 1:56 p.m.

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Approved (date)

____________________________________________
Jacque Donovan, Chairperson

____________________________________________
Clinette Ingram, Secretary