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

Mr. Aspen moved to LAYOVER cases 18-016, 18-019 and 18-021. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
LAYOVER CASES:

1. Case No. 17-149 from 11/9/17
   Brad Brooks
   18818 Fort LLC
   105 North 31st Avenue
   #100
   Omaha, NE 68131

   REQUEST: Waiver of Section 55-186 – Variance to the minimum front yard setback from 25’ to 15’ to allow for construction of a new single-family residential subdivision.

   LOCATION: 18818 Fort Street
   ZONE: AG (R4 Pending)

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Larry Jobeun (11440 West Center Road) and Jason Thiellen (E & A Consulting) appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that a hardship and practical difficulty was caused by code restrictions that are not aligned with the intent of the Master Plan. The Master Plan consists of a variety of elements which include the Concept Element, the Future Land Use Element and the Environmental Element. These provide goals, policies and standards to carry out the vision for Omaha. The Planning Department supported the waiver request as this is a unique planned community that aligns with the intent of the Master Plan and the waiver would provide setback consistency throughout the entire neighborhood.

Mr. Jobeun stated that the applicant was in agreement with the Planning Department’s recommendation.

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

AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
2.  Case No. 17-152 from 12/14/17
    Alan Potash, CEO
    Jewish Federation of Omaha
    333 South 132nd Street
    Omaha, NE 68154

    REQUEST:  Waiver of Section 55-832 – 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” 12’ 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

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waivers for the overall sign budget, the maximum area of a monument sign in accordance with the plans submitted; approval of the waiver of height to 12’, subject to submittal of an application to add the MCC Overlay; and, denial of the waiver for the electronic message center.

At the Zoning Board of Appeals meeting held on February 8, 2018, Troy Meyerson (409 South 17th Street) and Alan Potash appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a monument sign with an electronic message center along 132nd Street. She indicated that a practical difficulty existed due to the large size of the civic use of the site, the need to identify the facility and the need to identify the multiple activities that occur on-site on a daily basis. The proposed sign would be located in an area that had been vacated and it would meet the required setbacks of the district. She noted that 132nd Street is a Major Commercial Corridor and that the MCC regulations allow a 12’ tall monument sign. The Planning Department found no hardship or practical difficulty to allow the waiver for the electronic message center; however, it found that the larger sign was acceptable considering the large size of the property. The Department also recommended that a height of 12’ be approved subject to an application for an MCC overlay. She also noted that the applicant had submitted a revised plan that showed the height of the sign at 12’ instead of 12’3” as previously requested.

Mr. Meyerson stated that the campus contains several buildings which includes the following: an assisted living facility with 105 beds, a community center, theater, offices, a canteen, an elementary school, multi-family housing, health center, an aquatic center and a daycare center. He believed that the sign was necessary to help direct people to the multiple activities occurring on the campus. He explained that the sign would be set back 20’ which complies with the MCC overlay district. He indicated that the applicant was agreeable to applying for the MCC overlay; however, he asked if the application could be filed within 6 months so that construction drawings for other projects could be completed.

Mr. Potash stated that about 1,200 people come through the site on any given day.

Mr. Mahlendorf stated that the board does not generally support electronic signage; however, taking into account the campus-like setting of the site, he believed that the request was acceptable with conditions. Ms. Donovan was concerned that the sign would be used for advertising. She stated that brightness, content and hour-of-operations were some of the issues that needed to be addressed.

Jerry Ziska, Building Inspector – Permits and Inspections, appeared before the board. He stated that electronic messaging was in the R8 district. He explained that the flow of traffic along 132nd Street and the amount of time proposed for the sign content to change would not allow enough time for anyone to see the directional information on the sign. He suggested more directional signage on the campus. In response to Mr. Lanoha, Mr. Ziska stated that in zones where electronic messaging centers are allowed, there can be no flashing or scrolling, the sign must be kept at a certain brightness during the day and evening hours, and it must contain the same message for at least 10 seconds.
In response to Ms. Donovan, Mr. Meyerson requested that the sign be turned on at 5 a.m. when the gym opens.

Mr. Mahlendorf moved to APPROVE the 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’ and to allow an electronic message center, not otherwise permitted in a R8 District, based on the proposed overall sign plan for the site. Approval is subject to guidelines and performance standards that are similar to what is established under Section 55-854 (Performance Standards); an application for an MCC overlay must be submitted within 6 months; and hours of operation are from 5 a.m. to 11 p.m. Mr. Lanoha seconded the motion.

AYES: Donovan, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0
3. Case No. 18-002 from 1/11/18  
Omaha Public Schools  
c/o Mark Warneke  
4041 North 72nd Street  
Omaha, NE 68134  
REQUEST: Waiver of Section 55-146, 55-715 & 55-735(b) – Variance to the maximum impervious coverage from 40% to 41.4%; to the minimum street yard landscaping depth from 25’ to 15’ 10”; and to allow parking in the front yard setback to allow for construction of a new elementary school.  
LOCATION: 330 South 127th Street  
ZONE: R2

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Jeramie Cobb (4041 North 72nd Street) and Larry Forman (7171 Mercy Road, #650) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to address stormwater runoff issues with the adjacent neighbors to the north. A new design was proposed that would correct the runoff onto those properties. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Cobb stated that there was a meeting with Mr. Forman, the attorney who represents the affected neighbors. He explained that a construction swale which would help divert stormwater was added to the design documents. He indicated that the proposed design was acceptable to the residents.

Mr. Forman commented that the applicant worked quickly to help address the runoff issues; however, he was concerned about whether the proposed swale would be adequate. In response to Mr. Lanoha, Mr. Cobb stated that if the swale did not work, Omaha Public Schools would work with Schemmer and the neighbors to resolve any issues.

Mr. Mahlendorf moved to APPROVE based on an engineered solution to the north property line that addresses the drainage issue. Mr. Aspen seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Donovan, Lanoha

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 18-011  
   Valerie McGill  
   TrizBiz, LLC  
   20502 Cleveland Street  
   Omaha, NE 68022  
   REQUEST: Waiver of Section 55-716 – Variance to the minimum buffer yard requirement between a CC and R6 district from 30’ without screening to 10’ without screening to allow for construction of a new karate school and parking lot.  
   LOCATION: 3203 North 204th Street  
   ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submitting an application to add the MCC Overlay District to the site.

At the Zoning Board of Appeals meeting held on February 8, 2018, Mark Sanford (1306 North 162nd Street) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the waiver was being requested for a small portion of land on the northeast corner that is adjacent to a multi-family residential district. The uses surrounding the property are primarily commercial with the exception of that small portion. The Planning Department believed that the request was not excessive and that it would allow the applicant to meet the minimum off-street parking requirement for this site. She noted that 204th Street was dedicated as a Major Commercial Corridor (MCC) District. The Planning Department supported the request and recommended approval in accordance with the plans submitted, subject to submittal of an application to add the MCC Overlay District to the site.

Mr. Sanford stated that the applicant was willing to apply for the MCC Overlay; however, he indicated that if the requirement for landscaping was met then one parking stall would be lost. He asked if the landscaping requirement could be reduced from 7% to 5% so that the parking requirements could be met. In response to Ms. Alfaro, Mr. Sanford stated that the applicant planned to keep as much of the existing concrete on both side of the parking lot as possible. She stated that if that concrete remained there may not be a need for a waiver of the landscaping requirement. It was decided that the applicant would come back before the board at a later date if it was determined that an additional waiver was needed.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of an application to add the MCC Overlay District to the site. Ms. Moore seconded the motion.

AYES: Moore, Aspen, Donovan, Mahlendorf, Lanoha

MOTION CARRIED: 5-0
5. Case No. 18-013  
Brendan Bishop  
131 South 39th Street  
#10  
Omaha, NE 68131  
REQUEST: Waiver of Section 55-246 – Variance to the minimum interior side yard setback from 5’ to 4’ to allow for construction of an attached garage.  
LOCATION: 1306 South 11th Street  
ZONE: R7  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 8, 2018, Paul Nelson (1331 Ridgewood Avenue) and Brendan Bishop appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow for construction of a new two-story home with an attached garage. The site consists of three lots (1306, 1310 and 1312 South 11th Street). The house located on 1306 will move south and a new garage will be attached to the home. The proposed garage is 875 sq. ft. and could be reduced by 1’ on each side to meet the setbacks of the district. The Planning Department found no hardship or practical difficulty since a garage in compliance with zoning regulations could be built. She noted that the applicant would be required to apply for an administrative subdivision prior to submittal of a building permit to create one lot. She further noted that a letter of opposition was submitted for the request. The Planning Department recommended denial.

Mr. Nelson stated that a three-car garage was being proposed for the site. He explained that if a smaller garage was built it would not function properly. He felt that the request was not unreasonable since the garage was being built off the alley.

Mr. Lanoha stated that the letter of opposition had been submitted by the property owner to the north who was concerned about the amount of space between structures.

Mr. Mahlendorf noted that the property to the south would be most affected by the project. He added that the board had visited the site and noticed that there was very little space between properties.

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

AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
6. Case No. 18-014  
Mark Sanford  
Mark Sanford Group  
1306 North 162nd Street  
Omaha, NE 68118  

REQUEST: Waiver of Section 55-764(d)(2)(c) –  
Variance to the capacity limitations for a  
Daycare Services (General) use in a R4-MCC district from 12 to 141 individuals.  

LOCATION: 17710 Poppleton Avenue  
ZONE: R4-MCC  

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Mark Sanford (1306 North 162nd Street) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to exceed the Daycare Services (General) capacity limitations in the R4 District from 12 to 141 individuals. The applicant was proposing to build a 10,240 sq. ft. facility. The current zoning code for Daycare Services requires approval of a Special Use Permit and limits the capacity to 12 individuals. She explained that the intent of the code is to limit 12 individuals for daycares in single-family dwellings. The Planning Board recommended approval of the Special Use Permit at its December 6, 2017 meeting, subject to approval of a waiver from the Zoning Board of Appeals to increase the capacity to 141 individuals. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0
7. Case No. 18-012
Dean and Jessie Rasmussen
2405 South 103rd Street
Omaha, NE 68124

REQUEST: Waiver of Section 55-146 – Variance to the minimum rear yard setback from 25’ to 3’ to allow for replacement of existing multi-level deck.

LOCATION: 2405 South 103rd Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 8, 2018, Brent Beller (11440 West Center Road) and Dean Rasmussen appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicants were requesting a waiver to rebuild an existing, non-conforming, dilapidated multi-level deck. The proposed deck would not be larger than the existing deck. Since it could not be determined if the deck was originally constructed lawfully, no non-conforming regulations could be applied. The Planning Department found no hardship or practical difficulty and recommended denial. She noted that the applicant provided two letters of support from adjacent neighbors.

Mr. Beller indicated that the deck was approximately 30 years old. He explained that there was a hardship that resulted from the existing right-of-ways that affects the rear setbacks of the homes. He added that there would be very little impact to the neighbors since there is a wooded area at the rear of the property.

Mr. Rasmussen explained that the city owned outlot at the rear of the property had easements because of underground utilities and will likely never be developed.

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

AYES: Mahlendorf, Moore, Aspen, Donovan, Lanoha

MOTION CARRIED: 5-0
8. Case No. 18-015  
Jared Gerber  
5037 Parker Street  
Omaha, NE 68104  

REQUEST: Waiver of Section 55-266 – Variance to the minimum interior side yard setback from 5’ to 2’ to allow for construction of a new addition.  

LOCATION: 4824 Davenport Street  
ZONE: R8

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on February 8, 2018, Jared Gerber (5037 Parker Street) appeared before the Board on behalf of the property owner.  

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace the existing pantry and back porch of the home with a laundry room and back porch. The applicant indicated that the addition would not exceed the existing footprint and could possibly be smaller. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.  

Mr. Gerber explained that the home was over 100 years old and is non-conforming. He added that repairs were necessary since that part of the home was deteriorating.  

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

AYES: Moore, Aspen, Donovan, Mahlendorf, Lanoha  

MOTION CARRIED: 5-0
9. Case No. 18-016
Nick Batter, Esq. LAYOVER
Hawkins Construction Company
2516 Deer Park Boulevard
Omaha, NE 68105

REQUEST: Waiver of Section 55-767(a)(3) & 55-767(a)(6) – Variance to the miscellaneous uses to allow for a temporary construction batch plant to be established within 600’ of a developed residential use as close as 420’ and to allow a permit to exceed the maximum duration allowed from 180 days to 8 months.

LOCATION: 165th Street & Bedford Avenue (Parcel ID:1141571100)

ZONE: MU/MU-FF

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

AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
10. Case No. 18-017
Francisco Ramirez
4071 "E" Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-186 – Variance to the minimum interior side yard setback from 5' to 3' and to the minimum rear yard setback from 25' to 4' to allow for construction of a covered concrete patio.

LOCATION: 4071 "E" Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 8, 2018, Francisco Ramirez appeared before the Board on behalf of the property owner.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that a covered patio had already been constructed in the backyard of the home. The applicant received a violation notice in September 2017 and was instructed to stop working on the structure. The applicant came to apply for a building permit in January 2018 after the work had been completed. The Planning Department found no hardship or practical difficulty to support the request. She noted that she received phone calls and letters that expressed opposition to the request.

Mike Wiess (4701 Dumfries Drive, Bellevue, NE) appeared in behalf of the applicant. Mr. Wiess stated that the applicant was not aware that he would need to obtain a permit to construct the deck. Mr. Ramirez stated that he did stop work on the structure when told.

Ms. Alfaro stated that on multiple occasions City inspectors have tried to obtain information about the deck to determine whether it complied with the building code. She received a survey from Permits and Inspections which indicated that the structure is 0.3’ from the side property lines. This resulted in the waiver request not being accurately published.

Mr. Mahlendorf stated that if the applicant had requested a waiver before the structure was built it would not have been approved because of the size of the structure and its proximity to the side yard setback. Mr. Aspen added that the many of the neighbors were opposed to the structure. In response to Ms. Donvoan, Mr. Ramirez stated that the patio is 16’ x 30’.

Ms. Donovan moved to DENY. Ms. Moore seconded the motion.

AYES: Donovan, Mahlendorf, Moore, Aspen

NAYES: Lanoha

MOTION CARRIED: 4-1
11. Case No. 18-019 - LAYOVER
   Troy and April Perchal
   904 North 204th Avenue
   Omaha, NE 68022

   REQUEST: Waiver of Section 55-715 & 55-740(f)(4) – Variance to the minimum street yard landscaping depth from 10’ to 0.8’ and to the interior and perimeter landscaping requirements from 10’ to 0.8’ to allow for construction of a new building and parking lot.

   LOCATION: 20324 Veterans Drive
   ZONE: CC

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

   AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

   MOTION CARRIED: 5-0
12. Case No. 18-020  
Orchard Valley, Inc.  
16255 Woodlands Drive  
Omaha, NE 68136  

REQUEST: Waiver of Section 55-735(a)(1) – Variance to the parking lot facility location to allow required off-street parking in the front yard setback to construct new townhomes.

LOCATION: 5110 Spaulding Street  
ZONE: R4(35) – (Pending R5-PUD)

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Jason Thiellen (E & A Consulting – 10909 Mill Valley 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 off-street parking in the front yard setback for development of four, 4-plex townhomes (16 units total). The Planning Board recommended approval of the Preliminary Plat, Final Plat, Rezoning and Planned Unit Development Overlay District at its November 1, 2017 meeting. The Planning Department believed that a hardship existed due to the type of infill development and the grade of the site. The Planning Department supported the waiver and recommended approval in accordance with the plans submitted.

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

AYES: Moore, Aspen, Donovan, Mahlendorf, Lanoha

MOTION CARRIED: 5-0
13. Case No. 18-021 LAYOVER
   Jordan Farrell
   3910 South 202nd Avenue
   Omaha, NE 68130

   REQUEST: Waiver of Section 55-786(e)(1) – Variance to the residential fence regulations to allow a 6’ tall, privacy fence within the street side yard setback.

   LOCATION: 3910 South 202nd Avenue
   ZONE: R4

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

AYES: Aspen, Donovan, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
14. Case No. 18-022
Tim Carmichael
City of Omaha
1819 Farnam Street
Suite 701
Omaha, NE 68183

REQUEST: Waiver of Section 55-740(e)(1) – Variance to the hard-surface driveway requirement to allow a gravel driveway for a new forestry maintenance building.

LOCATION: 12425 Fort Street – Tranquility Park
ZONE: DR/DR-FF/DR-FW

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Tim Carmichael appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that Tranquility Park contains more than 250 acres of ground and is zoned DR-Development Reserve District. The City attempts to preserve as much of the property as possible with the natural vegetation, minimizing the impervious coverage amounts when possible in the event of floods. She indicated that a significant portion of the driveway is paved and then turns to gravel. Additional gravel was proposed to provide access to, and around, the proposed building. The Planning Department found that the request was not excessive and recommended approval in accordance with the plans submitted.

Mr. Carmichael stated that there were areas in the park where tree debris is hauled and heavy equipment is stored. He explained that the proposed building would provide a place for equipment to be stored out of the elements. In response to Mr. Mahlendorf, Mr. Carmichael stated that there was at least ¼ mile of the driveway is paved off of Fort Street and the rest is gravel.

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

AYES: Donovan, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
15. Case No. 18-023  
Bridget A. Hadley  
4727 Saratoga Street  
Omaha, NE 68104  

REQUEST: Waiver of Section 55-186 – Variance to the minimum interior side yard setback from 5’ to 11” to allow for replacement of side landing and stairs.  

LOCATION: 5710 Spaulding Street  
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on February 8, 2018, Bridget Hadley appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver for the replacement of the existing stoop that had deteriorated. The Planning Department found that a practical difficulty existed due to the location of the existing home and the need to provide a second ingress/egress. The applicant indicated that the replacement stoop would be no larger than the existing one. The Planning Department recommended approval in accordance with the plans submitted.

Ms. Hadley stated that she was replacing the stoop at the request of the new homeowners.

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

AYES: Mahlendorf, Moore, Aspen, Donovan, Lanoha

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes for the January 11, 2018 meeting. Ms. Moore seconded the motion.

AYES: Moore, Aspen, Donovan, Lanoha

MOTION CARRIED: 4-0-1

DISCUSSION:

Jennifer Taylor, City Law, stated that the Bruning’s case had been denied.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:32 p.m.

____________________________________________
Approved (date)

____________________________________________
Jacque Donovan, Chairperson

____________________________________________
Clinette Ingram, Secretary