PRE-MEETING & SITE VISITS:

The pre-meeting began at 9:15. The board members in attendance were: Jason Lanoha, Jacque Donovan, Brian Mahlendorf, Kris Moore and Jeremy Aspen. Planning Department staff in attendance were: Michelle Alfaro and Clinette Ingram.

Ms. Alfaro discussed with the board the Planning Department’s recommendation for all of the cases listed on the agenda.

The board decided to visit 211 North 130th Street, 2929 California Street and 555 North 30th Street.

The pre-meeting ended at 9:55.

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, April 30, 2018 and Thursday, May 3, 2018.

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

MEMBERS NOT PRESENT: Sebastian Anzaldo
Sean Kelley (Alternate)

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

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

1. Case No. 18-030 (from 3/8/18)  
   Bert Hancock  
   Pacific Gardens Associates, LLC  
   1925 South 64th Avenue  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-740(f)(4) – Variance to the minimum perimeter parking lot landscaping from 10’ to 3’ to allow for construction of a parking lot.  
   LOCATION: 7616 Pierce Street  
   ZONE: R6

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

At the Zoning Board of Appeals meeting held on May 10, 2018, Bert Hancock appeared before the Board. Krista Wassenaar appeared on behalf of the Public Works Department.

Michelle Alfaro, Zoning Board of Appeals Administrator, recalled that the case had been laid over at the March 8, 2018 meeting to allow additional time for coordination between the applicant and the Public Works Department. Public Works had begun working with the applicant on an agreement to cost-share the replacement of the retaining wall along 78th Street. Pacific Gardens Apartments no longer needed a waiver for the retaining wall as originally requested, but instead needed a waiver to expand the parking lot. The applicant planned to demolish the existing dilapidated garages and replace them with a new surface parking area for tenant parking. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Hancock stated that the proposed wall will be much higher and of better quality than the existing wall. He also stated that the new parking would be no larger than the existing lot. Ms. Wassenaar stated that Public Works supported the waiver.

In response to Mr. Aspen, Ms. Alfaro stated that two letters of opposition had been submitted.

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

AYES: Donovan, Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
NEW CASES:

2. Case No. 18-039  
   Omaha Performing Arts Society  
   1200 Douglas Street  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-928(e) – Variance to the minimum perimeter landscaping depth from 15’ to 6.6’ and to the interior landscaping requirement from 7% to 0% to allow for expansion of a parking lot.  
   LOCATION: 1512 Howard Street & 424 South 15th Street  
   ZONE: CBD-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to complying with the conditions associated with the approved Major Amendment to the Conditional Use Permit.

At the Zoning Board of Appeals meeting held on May 10, 2018, Joe Flaxbeard (Lamp Rynearson – 14710 West Dodge Road) and Emily Blomstedt (Frasier Stryker – 409 South 17th Street) appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to demolish the existing structure on the site and expand/reconstruct the existing surface parking lot. There were a total of 40 angled parking spaces on the site. The new lot would provide a total of 50 parking spaces. A Major Amendment to an existing Conditional Use Permit to allow Surface parking was approved by the Planning Board on May 2, 2018, with the conditions that the applicant obtain the necessary waivers from the Zoning Board of Appeals and submit a revised site plan to show the location of the proposed “green screen” and type of plants being used. The Planning Department supported the request and recommended approval, subject to compliance with the conditions associated with the approved Major Amendment to the Conditional Use Permit.

Mr. Flaxbeard explained that the applicant planned to demolish the deteriorated building to the west of the lot, which they also own. This would give them the opportunity to expand the lot to provide additional parking. He indicated that the applicant had worked with the Planning Department to find ways to improve the site while gaining more parking stalls.

Mr. Aspen moved to APPROVE subject to the applicant complying with the conditions associated with the approved Major Amendment to the Conditional Use Permit. Ms. Donovan seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Donovan, Lanoha

MOTION CARRIED: 5-0
3. Case No. 18-041
John H. Burke
211 North 130th Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to Z: 18’ to allow for construction of a new 42’ x 23’ garage.

LOCATION: 211 North 130th Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 10, 2018, John Burke appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 42’ x 23’ attached garage that encroached into the interior side yard setback. There was an existing 3-car garage on the site that complied with the zoning code. The Planning Department found that the request was a design preference that exceeded the allowed zoning standards. The applicant could construct a garage that complied with zoning regulations. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Burke stated that he wanted the garage so that he could have more room for his family. He indicated that although he had a 3-car garage, it was older and there was no room to open the car doors. He also wanted the garage for safety. He submitted letters of support from his neighbors (Exhibit 2). He further indicated that his neighbor to the north who would be most impacted by the addition, preferred that the garage be added to the home and not constructed in the back yard.

David Heinsley (911 South 88th Street) appeared before the board. He stated that he was an architect and also a friend of Mr. Burke. He further stated that the applicant was aware of how the addition would appear to his neighbors and the community. He stated that he and the applicant would ensure that the addition fit the context of the home and the neighborhood.

Mr. Mahlendorf stated that he could not support what equated to a 4-car garage expansion. Mr. Aspen believed that a detached garage would be a better alternative. Mr. Burke felt that putting the garage in the backyard would make his property less safe for his children and would be too far to walk. Ms. Donovan noted that most of the homes in the neighborhood had 2-car garages. She believed that the request was excessive. She stated that she could support a 12’ wide garage that would be 18’ from the interior side yard setback.

Mr. Mahlendorf made a motion based on the fact that the neighbor most affected was in support of the request. Ms. Donovan noted that the backyard was built on an uphill slope.

Mr. Mahlendorf moved to APPROVE a variance to the interior side yard setback from 25’ to 18’ to allow for construction of a 12’ x 42’ garage. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Donovan, Lanoha

NAYES: Moore, Aspen

MOTION FAILED: 3-2

Mr. Aspen was concerned about setting a precedent in the neighborhood. Ms. Moore stated that she did not support the request because most of the neighbors had 2-car garages while the applicant already had 3 and there was no hardship.
Ms. Donovan moved to APPROVE a variance to the interior side yard setback from 25’ to 18’ and the new garage should be no further to the east than the existing home.

AYES: Mahlendorf, Moore, Donovan, Lanoha

NAYES: Aspen

MOTION CARRIED: 4-1
4. Case No. 18-048  
Dale Barr  
Gesu Housing, Inc.  
5008 ½ B Dodge Street  
Omaha, NE 68132  

REQUEST: Waiver of Section 55-186, 55-187(e) & 55-742(b) – Variance to the front yard setback from 35’ to 25’; to the street side yard setback from 15’ to 5’ and to allow parking in the front yard setback for construction of a single-family home.

LOCATION: 4256 Miami Street  
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on May 10, 2018, Mike Hall appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the Planning Department has typically supported a 25’ setback for properties that are zoned R4(35) when appropriate. The proposed 25’ front yard setback is consistent with the neighborhood since most of the surrounding homes are closer than the required 35’ setback. Rezoning the property to R4 would change the front yard setback to 25’ making the waiver no longer necessary. The home will have a garage and a driveway space in front of the garage that can be used for off-street parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submitting an application for rezoning to R4.

Mr. Aspen moved to APPROVE subject to the applicant submitting an application for rezoning to R4. Ms. Donovan seconded the motion.

AYES: Moore, Donovan, Aspen, Mahlendorf, Lanoha  

MOTION CARRIED: 5-0
5.

Case No. 18-049
Dale Barr
Gesu Housing, Inc.
5008 ½ B Dodge Street
Omaha, NE 68132

REQUEST: Waiver of Section 55-186 & 55-742(b) – Variance to the street side yard setback from 15’ to 5’ and to allow parking in the front yard setback for construction of a single-family home.

LOCATION: 4253 Corby Street
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on May 10, 2018, Mike Hall appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the proposed 25’ front yard setback is consistent with the neighborhood as most of the surrounding homes are closer than the required 35’ setback. The corner lot width of 50’ makes it difficult to construct a modern home and comply with the street side yard setbacks. The home will have a garage and a driveway space in front of the garage that can be used for off-street parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submitting an application for rezoning to R4.

Mr. Aspen moved to APPROVE subject to the applicant submitting an application for rezoning to R4. Ms. Moore seconded the motion.

AYES: Donovan, Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
6. Case No. 18-050
   Dale Barr
   Gesu Housing, Inc.
   5008 1/2 B Dodge Street
   Omaha, NE 68132

   REQUEST: Waiver of Section 55-186 & 55-742(b) – Variance to the front yard setback from 35’ to 25’ and to allow parking in the front yard setback for construction of a single-family home.

   LOCATION: 4260 Miami Street
   ZONE: R4(35)

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

   At the Zoning Board of Appeals meeting held on May 10, 2018, Mike Hall appeared before the Board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the Planning Department has typically supported a 25’ setback for properties that are zoned R4(35) when appropriate. The proposed 25’ front yard setback is consistent with the neighborhood since most of the surrounding homes are closer than the required 35’ setback. Rezoning the property to R4 would change the front yard setback to 25’ making the waiver no longer necessary. The home will have a garage and a driveway space in front of the garage that can be used for off-street parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submitting an application for rezoning to R4.

   Mr. Aspen moved to APPROVE subject to the applicant submitting an application for rezoning to R4. Ms. Moore seconded the motion.

   AYES: Aspen, Mahlendorf, Moore, Donovan, Lanoha

   MOTION CARRIED: 5-0
7. Case No. 18-051
   Dale Barr
   Gesu Housing, Inc.
   5008 ½ B Dodge Street
   Omaha, NE 68132

   REQUEST: Waiver of Section 55-206 & 55-742(b) – Variance to the front yard setback from 35’ to 25’ and to allow parking in the front yard setback for construction of a single-family home.

   LOCATION: 4339 Lake Street
   ZONE: R5(35)

   PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to submitting an application for rezoning to R5.

   At the Zoning Board of Appeals meeting held on May 10, 2018, Mike Hall appeared before the Board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the Planning Department has typically supported a 25’ setback for properties that are zoned R5(35) when appropriate. The proposed 25’ front yard setback is consistent with the neighborhood since most of the surrounding homes are closer than the required 35’ setback. Rezoning the property to R5 would change the front yard setback to 25’ making the waiver no longer necessary. The home will have a garage and a driveway space in front of the garage that can be used for off-street parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submitting an application for rezoning to R5.

   Mr. Aspen moved to APPROVE subject to the applicant submitting an application for rezoning to R5. Ms. Moore seconded the motion.

   AYES: Mahlendorf, Moore, Donovan, Aspen, Lanoha

   MOTION CARRIED: 5-0
8. Case No. 18-052
   Dale Barr
   Gesu Housing, Inc.
   5008 ½ B Dodge Street
   Omaha, NE 68132

   REQUEST: Waiver of Section 55-206 & 55-742(b) – Variance to the front yard setback from 35' to 25' and to allow parking in the front yard setback for construction of a single-family home.

   LOCATION: 4143 Grant Street
   ZONE: R5(35)

   PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to submitting an application for rezoning to R5.

   At the Zoning Board of Appeals meeting held on May 10, 2018, Mike Hall appeared before the Board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the Planning Department has typically supported a 25’ setback for properties that are zoned R5(35) when appropriate. The proposed 25’ front yard setback is consistent with the neighborhood since most of the surrounding homes are closer than the required 35’ setback. Rezoning the property to R5 would change the front yard setback to 25’ making the waiver no longer necessary. The home will have a garage and a driveway space in front of the garage that can be used for off-street parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submitting an application for rezoning to R5.

   Mr. Aspen moved to APPROVE subject to the applicant submitting an application for rezoning to R5. Ms. Moore seconded the motion.

   AYES: Moore, Donovan, Aspen, Mahlendorf, Lanoha

   MOTION CARRIED: 5-0
9. **Case No. 18-053**  
   Omaha Public Schools  
   Jeremy Madson  
   4041 North 72nd Street  
   Omaha, NE 68134

   **REQUEST:** Waiver of Section 55-715 – Variance to the minimum street yard landscaping depth from 20’ to 0’ to allow for a reconstructed parking lot at Hartman Elementary School.

   **LOCATION:** 5530 North 66th Street  
   **ZONE:** R3

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

   At the Zoning Board of Appeals meeting held on May 10, 2018, Joe Flaxbeard (Lamp Rynearson – 14710 West Dodge Road) appeared before the Board on behalf of the applicant.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing a new parking plan for the school that would connect the north parking lot to the driveway on the east. The access onto 66th Street would be closed. The street yard landscaping depth is met across the entire site except at the location where the parent drop-off drive lane empties out onto 66th Street. The driveway is not perpendicular to 66th Street, which causes the infringement into the setback. 66th Street is signed for one-way traffic during school hours, and the skew of the driveway will encourage all outgoing vehicles to make a right turn onto the one-way street. The waiver request is not considered excessive and can be supported due to the large civic use in a residential district. The Planning Department recommended approval in accordance with the plans submitted.

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

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

   **MOTION CARRIED:** 5-0.
10. Case No. 18-055
Marty McColley
207 Mullberry Street
Little Sioux, IA 51545
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 23’ to allow for replacement of a deck.
LOCATION: 12936 Browne Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 10, 2018, Marty McColley appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace an existing uncovered deck with a new covered deck. Although the new deck would be smaller than the original uncovered deck, it could not be determined if the original deck was lawfully constructed. She explained that the code allows for certain repairs of non-conforming structures when the applicant is able to demonstrate that the structure was built in compliance with the code at the time of construction. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. McColley stated that if the deck was built in compliance it would be too small. He requested that the 12’ deck be allowed so that there would be enough room to sit.

Mr. Mahlendorf noted that the existing deck encroached 15’ inside the setback. He added that the applicant was proposing to have the new deck even farther from the setback. Ms. Donovan believed there was a hardship that resulted from how the home is situated on the lot.

Mr. Mahlendorf moved to APPROVE. Ms. Donovan seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Donovan, Lanoha

MOTION CARRIED: 5-0
11. Case No. 18-056 Lane Hinton 13951 Valley Ridge Drive Omaha, NE 68138
REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 24’ reconstruct a covered front porch.
LOCATION: 5724 Pacific Street
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on May 10, 2018, Henry Cooley (Precision Enterprises – 13951 Valley Ridge Drive) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace an existing front porch metal roof with a framed roof and shingles that will match the existing home. She explained that a practical difficulty existed due to most of the homes on the block being closer to the front property line along Pacific Street than the required 35’ setback. The average home is at 23’ from the front property line. Since the request was not considered excessive, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Cooley stated that no changes would be made to the actual porch.

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

AYES: Mahlendorf, Moore, Donovan, Aspen, Lanoha

MOTION CARRIED: 5-0
12. Case No. 18-057
Steve and Amy Lindsay
1002 North 63rd Street
Omaha, NE 68132
REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 12’ to allow for construction of a new garage.
LOCATION: 1002 North 63rd Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 10, 2018, Jude Beller (11440 West Center Road) appeared before the Board on behalf of the applicants.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct a new, attached garage onto an existing 2-car garage. The Planning Department found no hardship or practical difficulty to support the waiver and recommended denial.

Mr. Beller noted that six of the neighbors signed letters of support for the request. He explained that the practical difficulty was that the applicants could not open the doors to their cars. He indicated that existing stairs take up a portion of the garage.

In response to Ms. Donovan, Mr. Beller stated that there was no other area on the site where a garage could be constructed legally. She noted that 3-car garages were characteristic of the neighborhood. Mr. Lanoha stated that a hardship resulted from the way the home is situated on the lot.

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

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

MOTION CARRIED: 4-1
13. Case No. 18-058  
Nustyle Development  
Todd Heistand  
514 Walker Street  
Woodbine, IA 51579

REQUEST: Waiver of Section 55-834(2) & 55-326 – Variance to the maximum overall signage budget from 1,099 sq. ft. to 2,930 sq. ft.: to allow an above peak roof sign not otherwise permitted; and to the maximum height allowed in a GO District from 120’ to 137’ to allow for a signage plan for Atlas Apartments.

LOCATION: 2929 California Plaza
ZONE: GO

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

At the Zoning Board of Appeals meeting held on May 10, 2018, Todd Heistand appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the property by converting the existing hospital into 731 apartments and office/commercial space. The project also included a pedestrian bridge over the interstate that connects the development with the Creighton University campus. The Planning Board recommended approval of a Large Project Special Use Permit on March 1, 2017. The City Council will vote on the project on May 15, 2018. One of the conditions of approval was that the applicant must obtain the appropriate waivers from the Zoning Board of Appeals. A practical difficulty existed due to the redevelopment of the site from a large civic use to a mixed use with multi-family residential, commercial and office uses. The Planning Department supported the request due to the size and nature of the project and, therefore, recommended approval in accordance with the plans submitted.

Mr. Heistand explained that the signage would be placed above the building line of the structure. He further explained that the signage would be placed where it was before; however, the materials behind the sign would be changed. He stated that the signage on the south side of the building would be mostly visible from the interstate.

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

AYES: Donovan, Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0
14. Case No. 18-059  
KRT Construction  
Kent R. Therkelsen  
4325 North 156th Street  
Omaha, NE 68116  
REQUEST: Waiver of Section 55-126 – Variance to the minimum rear yard setback from 35’ to 22’ 25’ to allow for a new garage.  
LOCATION: 727 North 69th Street  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 10, 2018, Kent Therkelsen and Paul Halbur (Owner – 409 South 17th Street) appeared before the Board on behalf of the applicants.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new attached garage. There was an existing 2-car garage on the site. She further stated the request was the result of a design preference and that any new structures should comply with the code. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Therkelsen stated that the request was being modified to a 25’ variance instead of 22’. He stated that the owner had spoken with the neighbor to the east and that she was in support of the request. Mr. Aspen noted that the request would result in less concrete on the site.

Mr. Mahlendorf moved to APPROVE as amended. Ms. Donovan seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Donovan, Lanoha

MOTION CARRIED: 5-0
15. Case No. 18-060

Roger Ernst
555 North 30th Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-326, 55-734, 55-740(f), 55-928(e) and 55-716 – Variance to the maximum impervious coverage from 80% to 85%, to the required number of off-street parking stalls from 400 to 311, to the minimum perimeter parking lot landscaping from 10’ and 5’ to 0’ and to the green parking area perimeter landscaping from 15’ to 0’ 3’; to the minimum bufferyard requirement between a GO district and a R7 district from 10’ without screening to 0’ without screening to allow for reconstruction of the parking lot.

LOCATION: 555 North 30th Street
ZONE: GO

PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to complying with the conditions of approval associated with the Major Amendment to the Conditional Use Permit and providing the three foot bufferyard and three foot green parking area perimeter landscaping, with an acceptable screen wall design, along 30th Street.

At the Zoning Board of Appeals meeting held on May 10, 2018, Chris Langan (Lamp Rynearson & Associates - 14710 West Dodge Road), Roger Ernst (Boystown Research Hospital) and Todd Heistand (Nustyle Development) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to reconstruct and redesign the parking lot on the south side of the site. One reason the lot was being redesigned was as a result of the city’s sewer separation project. The reconstructed parking lot required a waiver to the minimum perimeter landscaping on the south and east sides of the site. A Major Amendment to the existing Conditional Use Permit was recommended for approval by the Planning Board on May 2, 2018 that included approval of the necessary waivers from the ZBA. The Planning Department supported all of the waivers except for the reduction to 0’ for the bufferyard and the green parking area perimeter landscaping. The Planning Department was willing to support a waiver reducing the bufferyard to 3’ and reducing the green parking area perimeter landscaping to 3’ with acceptable screen wall design along 30th Street.

Mr. Langan discussed some of the proposed plans for the site. Mr. Ernst stated that the request would not add more parking to the site but would actually reduce the parking from 314 parking stalls to 311. Mr. Heistand explained that the off-ramp that exits onto 30th Street is state right-of-way. He stated that the requested 0’ setback would allow cars bumpers to overhang while parked in the lot.

In response to Mr. Aspen, Mr. Langan stated that the 3’ bufferyard on the south side would result in the loss of approximately 25 parking stalls. Mr. Langan indicated that the bufferyard on the south side is adjacent to an off-ramp. He added that the variance for Section 55-928(e), or the green parking area perimeter landscaping, would pertain to the west side of the property along 30th Street. Ms. Alfaro explained that Section 55-928(e) is part of the ACI (Area of Civic Importance) requirement for 30th Street.

Mr. Mahlendorf moved to APPROVE subject to the applicant complying with Section 55-928(e) along the west property line (to 3’). Ms. Donovan seconded the motion.

AYES: Mahlendorf, Moore, Donovan, Aspen, Lanoha

MOTION CARRIED: 5-0
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 10% to 2% to allow for a new building addition and parking.</th>
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<td>LOCATION: 4140 South 87th Street</td>
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**PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on May 10, 2018, James Wolz appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new building addition and was requesting a waiver to the required landscaping to accommodate parking. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Wolz explained that the parking lot is non-compliant. He stated that the front of the building is being aligned with the current parking lot, which eliminates some green space near the addition to 2%.

Mr. Mahlendorf stated that the request would not negatively impact the area and could possibly improve what is already there.

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

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

**MOTION CARRIED:** 5-0
APPROVAL OF MINUTES:

Mr. Mahlendorf moved to APPROVE the minutes for the April 12, 2018 meeting. Ms. Donovan seconded the motion.

AYES: Donovan, Mahlendorf, Moore, Lanoha

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:19 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary