ZONING BOARD OF APPEALS
PRE-MEETING & SITE VISITS - THURSDAY, JUNE 14, 2018
11TH FLOOR – CENTRAL CONFERENCE ROOM
OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET
OMAHA, NEBRASKA

PRE-MEETING & SITE VISITS:

The pre-meeting began at 9:15. The board members in attendance were: Jason Lanoha, 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 1311 South 9th Street and 9906 "O" Circle.

The pre-meeting ended at 10:50.

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, June 4, 2018 and Thursday, June 7, 2018.

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

MEMBERS NOT PRESENT: Sebastian Anzaldo
Jacque Donovan, Vice-Chair
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. He explained that only four board members were attendance and four affirmative votes were needed for approval. He gave applicants the option to have their case laid over and heard before a full board of five members.
1. 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 the maximum size of a projecting sign from 40 sq. ft. to 105 sq. ft. and to allow flashing and bare bulb design elements for each sign.

   LOCATION: 8800 “F” Street
   ZONE: GI

This case was laid over at the request of the applicant.
NEW CASES:

2. Case No. 18-043
Triangular Holdings, LLC
4880 South 131st Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-246 & 55-734 –
Variance to the site area per unit from 1,000
square feet to 695 square feet; to the
required number of off-street parking stalls
from 227 to 112; and to the floor area ratio
from 1.0% to 1.11% to allow for a
redevelopment project for Grace University.

LOCATION: 1311 South 9th Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted,
subject to the applicant leasing the on-street parking stalls located in the right-of-way.

At the Zoning Board of Appeals meeting held on June 14, 2018, Mike Hall and Scott Simrad (1750 South
85th Avenue) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to
convert the existing Grace University buildings into 167 efficiency apartment units. The proposed
residential units are classified as multi-family residential which is a permitted use in the R7 District. The
applicant had met with the neighborhood and city staff about redevelopment of the existing site. To
address parking, the applicant provided the required number of handicap, standard and compact stalls
which totaled 113 off-street parking stalls. In additional 54 on-street parking stalls, which the applicant is
required to lease from the City would be provided. The combination of both the off-street and on-street
parking stalls provide a 1:1 unit to parking stall ratio typically supported for this type of development. The
City found that the request was not excessive as the conversion to multi-family residential is cohesive with
the neighborhood and provides an excellent reuse of an existing campus and building. The Planning
Department recommended approval in accordance with the plans submitted, subject to the applicant
leasing the on-street parking stalls located in the right-of-way. She noted that the City received two letters
of support and one in opposition.

Brent Beller, 11440 West Center Road, appeared on behalf of the applicant. He stated that there were a
total of 164 dorm room in the four buildings. It was estimated that approximately 307 students lived in the
buildings while the university was in operation. There were also about 30 employees working in the
administration building. He indicated that the 167 units would be have less residents than when students
and staff were at the university. He stated that a hardship existed due to the constraints of the site. He
added that the requested waivers were the result of those existing conditions. He explained how the
applicant was proposing to make the site less dense than what the code requirements allow.

Jeff Jorgenson, 1425 South 8th Street, appeared in support of the project. His home is adjacent to the
Grace University property. He commended the Urban Village developers on their open and on-going
communication with the neighborhood associations and property owners. He discussed some of the
issues that the applicant faces while attempting to develop the site.

Arnold Breslow, Old Market South Neighborhood Association, appeared in support of the project. He
believed that Urban Village did everything they could to work through any issues with the site. He
submitted a letter of support on behalf of the neighborhood association (Exhibit B).

Karen Bluvas, Dahlman Neighborhood Association, appeared in support of the project. She read and
submitted a letter on behalf of the neighborhood association.

Tim Sousa, 1319 South 8th Street, appeared in support of the project. He stated that he did not want the
buildings to sit empty. He felt that the project would be good for the neighborhood. He did express concern
about additional traffic and on-street parking.
Joseph Monestero, 1301 South 8th Street, appeared in opposition to the request. He stated that the proposed parking plan would force drivers to park on the hill located on 8th Street. He testified that the hill is dangerous when the streets are icy. He added that he has witnessed city plows and rescue squads get stuck on the hill during the winter on multiple occasions. He did not think that there was enough on-street parking to accommodate the proposed plans for the site.

Nancy Calinger, 1314 South 9th Street, appeared in opposition to the request. She was against the number of proposed apartments on the site, the additional traffic and parking.

Kim Kalkowski, 1502 South 10th Street #303, appeared in opposition to the request. She expressed concern about the parking and the increased traffic. She was opposed to the proposed density on the site.

In response to the opposition, Mr. Beller stated that all of the conditions with the site are existing. He explained that the applicant had worked extensively with the Planning Department and had complied with the 1:1 parking requirement of the Urban Design guidelines. He added that compliant parking spaces would also be added around the perimeter of the site. He indicated that the applicant had also worked with Public Works and the Planning Department so that an adequate landscaping buffer could be provided.

Mr. Mahlendorf believed that the proposed apartments would be less of an impact than the previous use of the property as a dormitory. He added that it would be detrimental to the neighborhood to have the buildings sit empty for an extended period of time. He believed that the waivers were necessary make the project work. Mr. Aspen added that Urban Village is a local developer that has a good reputation in the city.

Mr. Lanoha mentioned that these types of parking waivers were necessary so that urban infill projects could be possible.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted subject to the applicant leasing the on-street parking stalls located in the right-of-way. Mr. Lanoha seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 4-0
3. Case No. 18-054
Jose Corona
13705 “Z” Circle
Omaha, NE 68137

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

LOCATION: 13705 “Z” Circle
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Jose Corona appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ tall privacy fence that would encroach into the front and street side yard setbacks. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Corona explained that he has a problem with his dogs jumping over the fence.

Mr. Mahlendorf stated that the biggest issue was with the section of fence that goes along 137th Street. He suggested that portion of the fence be moved so that it is parallel to the existing home (Exhibit B). He explained that relocating the fence would be safer for traffic along the street. Mr. Mahlendorf and Mr. Lanoha indicated that they would not support the fence being located along the property line on 137th Street.

Ms. Alfaro advised that a 4’ tall, 50% open fence could be located right up to the property line on the street side. She added that a 6’ tall fence would need to be 17.5’ from 137th Street.

Mr. Mahlendorf moved to APPROVE a 6’ tall privacy fence subject to the fence being parallel to the edge of the home along 137th Street (in accordance with Exhibit B). Mr. Aspen seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 4-0
4. Case No. 18-063
John Wilhelm
Creighton University
2500 California Plaza
Omaha, NE 68178

REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for two temporary wall signs from 32 sq. ft. to 132 sq. ft. and 108 sq. ft. for two banners for four weeks during the College World Series.

LOCATION: 1624 Mike Fahey Street & 815 Florence Boulevard

ZONE: DS-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on June 14, 2018, Justin Burgett appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to erect a 108 square feet, temporary banner on the east side of 1624 Mike Fahey St and a 132 square feet, temporary banner on the west side of the building located at 815 Florence Boulevard to promote the College World Series. The size of the banners exceed the 32 square feet maximum allowed. She explained that a hardship existed due to the temporary nature of the proposed banner that advertises a unique, community event. She noted that similar waivers for temporary signs have been granted for other special events throughout the city that include the same sites for the College World Series. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Burgett noted that the signs are the same size as those that were installed in 2017.

Mr. Aspen moved to APPROVE in accordance with the plans submitted for two years (2018 and 2019). Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Mahlendorf, Lanoha

MOTION CARRIED: 4-0
5. Case No. 18-064  
   Dee Ann Bowen  
   Andrea Bowen  
   No Mans Land, LLC  
   2320 Paul Street  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between LI & R7 & R4 from 30’ and 20’ to 10’ for a custom manufacturing business.  
   LOCATION: 2320 Paul Street  
   ZONE: LI  

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted subject to a detailed landscaping plan that provides proper screening along the east property line.

At the Zoning Board of Appeals meeting held on June 14, 2018, Lee Bowen appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to expand the existing parking lot to the south to provide additional parking for a future building expansion. A waiver for the same request was approved on October 16, 2008, subject to the applicant providing a detailed landscaping plan that showed proper buffering along the east property line. She noted that the future building addition shown on the plan is not part of this particular request and would be reviewed upon submittal of a building permit application. The Planning Department recommended approval in accordance with the plans submitted, subject to a detailed landscaping plan that provides proper screening along the east property line.

Mr. Bowen noted that there was a letter of support from the pastor of the neighboring church.

Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to a detailed landscaping plan that provides proper screening along the east property line. Ms. Moore seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Lanoha  

MOTION CARRIED: 4-0
6. Case No. 18-065
Robert & Diane Urbach
5518 South 53rd Street
Omaha, NE 68117
REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a 24’ x 24’ accessory building.
LOCATION: 5518 South 53rd Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to the applicant not parking personal vehicles in the accessory building.

At the Zoning Board of Appeals meeting held on June 14, 2018, Robert Urbach appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 24’ x 24’ accessory building with a door that would be wider than 6’. This would make the building a garage per code and would require a hard surface driveway off of “U” Street. “U” Street appears to have been a road that was previously improved, but it has significant deterioration and would only be improved in the future if the neighbors created a street improvement district. In addition, there is an existing power pole located where the required driveway would go when installed. The applicant had an existing two car garage and driveway on the property off of 53rd Street and had indicated that this building would not be used to store vehicles. The Planning Department supported the request and recommended approval in accordance with the plans submitted, subject to the applicant not parking personal vehicles in the accessory building.

Mr. Urbach explained that the addition would be used to store his mower, four-wheelers and other items.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the applicant not parking personal vehicles in the accessory building. Ms. Moore seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 4-0
7. Case No. 18-067  
Daniel & Janna Nysewander  
4713 Chicago Street  
Omaha, NE 68132  

REQUEST: Waiver of Section 55-186 – Variance to the minimum interior side yard setback from 5' to 0.5" to allow for construction of a new garage building.  

LOCATION: 4713 Chicago Street  
ZONE: R4(35)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Daniel Nysewander appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remove the existing garage with a bedroom above and replace it with a new tandem garage with two new bedrooms above. The code allows for enlargements or additions to non-conforming structures that existed prior to the effective date of the city ordinance (March 4, 1987) subject to satisfying one or more of the following conditions: 1) The enlargement of addition when considered independently of the existing building complies with any applicable setback; 2) The nonconforming building and impervious surface coverages are not increased after the addition; and 3) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition being the smaller of 25' or 50% of the length of the existing non-conforming wall. Since the request did not satisfy any of the non-conforming conditions the Planning Department recommended denial.

Mr. Nysewander explained that the space above the garage could not be used due to settling on the western wall. He wanted to repair the issue to make the structure safe to use.

Mr. Aspen noted that the measurements on the site plan were not very precise. Mr. Lanoha inquired as to what the depths were of the existing structure and the proposed structure.

Mr. Mahlendorf moved to LAYOVER to give the applicant time to submit a revised plan with the correct dimensions. Mr. Mahlendorf seconded the motion.

AYES: Moore, Aspen, Mahlendorf, Lanoha  

MOTION CARRIED: 4-0
8. Case No. 18-068  
Thomas L. Schwarten  
7605 Dutch Hall Road  
Omaha, NE 68122

REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a crushed rock driveway to allow a 30’ x 40’ accessory building.

LOCATION: 7605 Dutch Hall Road  
ZONE: DR-ED

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

At the Zoning Board of Appeals meeting held on June 14, 2018, Thomas Schwarten appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new 30’ x 40’ accessory building in a Development Reserve District with an Environmental Overlay. There was a hard surface driveway to the existing garage and adding additional impervious coverage could disturb the environment that the ED Overlay protects. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

AYES: Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 4-0
9. Case No. 18-069  
Mary Jo Hubbard  
9906 “O” Circle  
Omaha, NE 68127  

REQUEST: Waiver of Section 55-786(b) & 55-786(e)(1) – Variance to the maximum height of a fence located in the street side yard setback from 4’ to 6’ and to the required openings of no less than 50% to allow a solid wood privacy fence.

LOCATION: 9906 “O” Circle

ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Mary Jo Hubbard appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ tall, privacy fence that would encroach into the street side yard setback. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Ms. Hubbard stated that the fence was for the safety and security of her children. She indicated that if the fence remained in its existing location she would keep 892.5 square feet of her backyard. She added that if the fence were moved 17.5’ from its current location she would need to relocate her underground irrigation system.

Ms. Moore stated that she did not think that the 6’ tall fence would be any more effective from gang activity than a 4’ fence.

Mr. Mahlendorf suggested that the fence along the street be lined up with the corner of the home which would put the fence 4’ further from the curb. The applicant was not in agreement with that suggestion.

Mr. Mahlendorf moved to APPROVE subject to the modification made on Exhibit B. Mr. Lanoha seconded the motion.

AYES: Mahlendorf, Aspen, Lanoha

NAYES: Moore

MOTION FAILED: 3-1

Mr. Lanoha suggested a layover so that the applicant could again present her case before a full board.

Mr. Mahlendorf moved to LAYOVER. Mr. Aspen seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0
10. Case No. 18-070
   Carolina Padilla
   Intercultural Senior Center
   3010 "R" Street
   Omaha, NE 68107

REQUEST: Waiver of Section 55-716(a), 55-717(a)(1), 55-734 & 55-740(f)(4) – Variance to the minimum bufferyard requirement between a GI and R4 district from 60' with screening to 11' without screening; to the minimum off-street parking requirements from 74 stalls to 45 stalls and to the minimum perimeter landscaping requirement from 5' to 0' to allow for renovation of the existing building for personal improvement services.

LOCATION: 5545 Center Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to complying with the conditions of the Special Use Permit.

At the Zoning Board of Appeals meeting held on June 14, 2018, Amy Lawrenson (Baird Holm Law – 1700 Farnam), Lana Bayless (DLR Group) and Carolina Padilla appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the existing structure as the Intercultural Senior Center, a non-profit organization providing advocacy, education, social services and cultural enrichment activities to senior citizens. No external additions or expansions to the existing structure on the site were proposed. The Planning Board recommended approval of the Special Use Permit at the February 7, 2018 meeting, subject to receiving the appropriate waivers from the Zoning Board of Appeals. The Planning Department recommended approval in accordance with the plans submitted, subject to complying with the conditions of the Special Use Permit.

Ms. Moore moved to APPROVE in accordance with the plans submitted, subject to complying with the conditions of the Special Use Permit. Mr. Aspen seconded the motion.

AYES: Moore, Aspen, Mahlendorf, Lanoha

MOTION CARRIED: 4-0
11. Case No. 18-071
Amy Richardson
Women’s Center for Advancement
3801 Harney Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-834(2) – Variance to the maximum height of a projecting sign from 20’ to 38’ and to the maximum area of a projecting sign from 25 square feet to 30 square feet to allow for installation of a new sign.

LOCATION: 3801 Harney Street
ZONE: GO-ACI-1(PL)

This case was laid over at the request of the applicant.
12. Case No. 18-072
   Gary J. Stegman
   19401 Brookside Lane
   Gretna, NE 68028
   REQUEST: Waiver of Section 55-830(b) – Variance to the detached sign regulations to allow a detached sign to be located on a fence in a R4(35) District.
   LOCATION: 4985 Marshall Drive
   ZONE: R4(35)-FF

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Gary Stegman appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting permission to keep his business sign on a fence which is not permitted. The sign indicates the business is a lawn care business which is not allowed in a R4 District and is not compliant with the home occupation regulations. She indicated that the sign should be removed and advised that the business cannot operate out of this location. The Planning Department recommended denial.

Mr. Stegman stated that the sign had been in place for approximately 20 years with no issues. In response to Mr. Lanoha, Mr. Stegman stated that someone had filed a complaint about the sign. Mr. Mahlendorf stated that the sign needed to come down since it was not code compliant.

Mr. Mahlendorf moved to DENY. Mr. Aspen seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 4-0
13. Case No. 18-073  
Omaha Shelter for Homeless Trust  
10050 Regency Circle  
Suite 101  
Omaha, NE 68114

REQUEST: Waiver of Section 55-764(e)(1)(b) and 55-764(e)(1)(d)(1) – Variance to the hours of operation for a non-commercial day shelter from 7:00 a.m. to 9:00 p.m. to include overnight stays and to the minimum separation from an established residential zoning district from 300’ to 245’.

LOCATION: Northwest of 16th Street and Nicholas Street
ZONE: DS and GI – ACI-2(65)

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

At the Zoning Board of Appeals meeting held on June 14, 2018, David Lempke (8404 Indian Hills Drive) appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new, one story emergency shelter for men and women. The existing day building will be demolished as part of this project. The use is defined as a Non-Commercial Day Shelter, which requires a Conditional Use Permit. A Major Amendment to the existing conditional use permit was approved by the Omaha Planning Board at its June 6, 2018 meeting. The shelter will be accessible 24 hours per day. Individuals who are receiving shelter services would not be required to leave the shelter. Individuals will be encouraged to actively work with staff and community partners in creating a housing plan and finding permanent housing solutions as quickly as possible. The Planning Department did not consider the request to be excessive and recommended approval in accordance with the plans submitted.

Mr. Lempke provided additional information about the facility and the services that will be provided.

Robert Lorenz (1011 North 18th Street) appeared before the board. He had questions about the existing structure. In response to Mr. Lorenz, Mr. Lempke stated that after the current building was torn down the the space would be used for green space.

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

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 4-0
14. Case No. 18-074
Jeffrey Dolezal
2922 North 61st Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-126 – Variance to the minimum front yard setback from 50’ to 41’ to allow for installation of an awning.

LOCATION: 844 South 96th Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Aaron Gall (Tack Architects – 801 South 15th Street) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to tear down the existing home and replace it with a new one. The current site plan showed that the proposed awnings on the front of the home would encroach into the front yard setback. The Planning Department found no hardship or practical difficulty to support the request and believed that since the applicant was working with a “clean site” the new construction should be built in compliance with the code. She also noted that the parking pad in the front yard on the south side of the property was not permitted and should be removed from the plan. The Planning Department recommended denial. She mentioned that a letter of opposition had been received for this case.

Mr. Gall stated that there was 12’ to 15’ of grading on the site. He added that if the building was moved any further west there would be more grading and water runoff issues. He indicated that on the west side of 96th Street, 5 of the 15 homes were in compliance with the setback requirements, 6 were non-compliant and the remaining homes could not be determined.

John Bachman, 10250 Regency Circle, appeared on behalf of Jack and Judy Baker, the property owners to the east of the site. He stated that this was an opportunity to ensure that any new construction complies with the 50’ setback. He stated that there was no hardship and that his clients were opposed to the request. In response to Mr. Lanoha, he stated that his clients had not been invited to any meetings about the project.

John Boyer, 9727 Fieldcrest Drive, appeared in opposition to the request. He stated that the neighborhood had been notified about the project just 2 weeks prior and was concerned about the lack of communication. He stated that the neighbors behind the site were concerned about drainage from the site.

Mr. Mahlendorf suggested that there needed to be more communication with the neighbors, especially those to the west.

Mr. Aspen moved to LAYOVER to give the applicant time to communicate with the neighbors. Ms. Moore seconded the motion.

AYES: Moore, Aspen, Mahlendorf, Lanoha

MOTION CARRIED: 4-0
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15. Case No. 18-075
Rachelle Bradley
5003 Burt Street
Omaha, NE 68132

REQUEST: Waiver of Section 55-246 – Variance to the minimum interior side yard setback from 5’ to 1’6” to allow for reconstruction of a garage addition.

LOCATION: 5003 Burt Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Rachelle Bradley appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to tear down the existing garage and build a 14’ x 36’ garage. The code allows for enlargements or additions to non-conforming structures that existed prior to March 4, 1987, subject to satisfying one or more of the following conditions: 1) The enlargement of addition when considered independently of the existing building complies with any applicable setback; 2) The nonconforming building and impervious surface coverages are not increased after the addition, or 3) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition being the smaller of 25 feet or 50% of the length of the existing non-conforming wall. The request did not satisfy the non-conforming conditions and would expand the non-conformity of the site. The Planning Department recommended denial.

Ms. Bradley explained that the driveway to the garage is very narrow. She stated that if the garage was moved it would be more difficult to back out of the driveway.

Mr. Lanoha mentioned that there were 4 letters of support in the case file.

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

AYES: Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 4-0
16. Case No. 18-076
Patricia Shepherd
649 South 259th Street
Waterloo, NE 68069

REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a gravel driveway to a new home and garage.

LOCATION: 649 South 259th Street
ZONE: DR-FF

PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to paving the driveway with an acceptable hard surface pavement once 259th Street is paved.

At the Zoning Board of Appeals meeting held on June 14, 2018, Patricia Shepherd appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home and garage and was requesting a waiver of the hard surface pavement requirement for the driveway. She stated that a practical difficulty existed due to 259th Street being an unimproved street with no intention of improvement in the near future. The Planning Department recommended approval of the request subject to the driveway being paved with an acceptable hard surface once 259th Street is paved. She mentioned that 2 letters of support had been submitted to the file.

Ms. Shepherd stated that approximately half of the homes in the area have gravel driveways. She indicated that 30’ from the garage had been paved.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted subject to the driveway being paved with an acceptable hard surface once 259th Street is paved. Ms. Moore seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 4-0.
17. Case No. 18-077  
Deb Olson  
Indian Creek One, LLC  
17445 Arbor Street  
Suite 310  
Omaha, NE 68180  

REQUEST: Waiver of Section 55-366 – Variance to the maximum height allowed in a CC district from 45’ where a building is within 100’ of property classified as R6 or lower intensity district to 48’ to allow for construction of a new building.  

LOCATION: 4221 North 203rd Street  
ZONE: CC  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 14, 2018, Matt Krause, (Carlson West Povandra Architects - 5060 Dodge Street), appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new building and was requesting a waiver to increase the height of the building from 45’ to 48’. The maximum height in a CC District is typically 60’; however, the property is within 100’ of a property classified as R6 or lower, which reduces the maximum height to 45’. The Planning Department found no hardship or practical difficulty to support the waiver since it is a new building and could be built in compliance with the regulations. The Planning Department recommended denial.

Mr. Krause stated that the majority of the building is below 45’; however, a portion of the roof is raised to screen some mechanical equipment. He stated that the building is adjacent to a golf course that is considered agricultural land. He submitted a letter of support from the owner of the golf course (Exhibit B).

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

AYES: Moore, Aspen, Mahlendorf, Lanoha

MOTION CARRIED: 4-0.
18. Case No. 18-078  
Dennis Plachy  
Omaha Neon Sign Company  
1120 North 18th Street  
Omaha, NE 68102

REQUEST: Waiver of Section 55-834(2) & 55-824(b)(4)  
– Variance to the maximum height of a projecting sign from 20’ to 42’ and to the projecting signs and graphics regulations allowing a projecting sign to be located within 25’ (as close as 3’) to any other projecting sign that extends 3’ or more from a property line to allow for installation of three projecting signs.

LOCATION: 119 North 51st Street  
ZONE: GO

This case was laid over at the applicant’s request.
19. Case No. 18-080
Faith Evangelical Free Church
Brookside Church
11607 “M” Circle
Omaha, NE 68137

REQUEST: Waiver of Section 55-832(2) – Variance to the maximum signage area for a civic use in a R7 district from 40 sq. ft. to 150 sq. ft. to allow for a new signage plan.

LOCATION: 11607 “M” Circle
ZONE: R7/R7-FF/R7-FW

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

At the Zoning Board of Appeals meeting held on June 14, 2018, Barton Arnold (Signworks – 4713 F Street) and John Alford (Brookside Church) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to change their signage plan. A hardship existed due to the large size of the campus within a residential zoning district and the need to provide adequate signage for visitors. The previously approved waiver granted a signage budget of 260 square feet. The new plan proposed a reduction in the total sign budget to 150 square feet. The applicant will be removing the Brookside Church signage and will change the face of the existing monument sign to reflect the new name and logo for the church. The Planning Department was able to support the request due to the large size of the overall campus within a residential zoning and because the overall signage budget is decreasing by 110 square feet. The Planning Department 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: Aspen, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 4-0.
20. Case No. 18-082
Jeremy Williams, P.E.
1609 “N” Street
Lincoln, NE 68508

REQUEST: Waiver of Section 55-716 – Variance to the minimum bufferyard requirement between a CC and R6 district from 30’ to 15’ to allow for construction of a new drive-thru restaurant.

LOCATION: 2945 South 132nd Street
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to providing the Planning Department with a copy of the shared parking agreement.

At the Zoning Board of Appeals meeting held on June 14, 2018, Kyle Haase (E & A Consulting Group – 10909 Mill Valley Road) appeared before the Board on behalf of the owner.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to demolish the existing building and construct a new Amigos drive-thru restaurant. A practical difficulty existed due to the size constraints of the site. The Planning Department had not yet received a shared parking agreement, which is required in order to determine if all of the parking requirements are met. The Department did not consider the request to be excessive and recommended approval in accordance with the plans submitted subject to the applicant providing the Planning Department with a copy of the shared parking agreement.

Mr. Haase discussed the plans for the site.

Mr. Mahlendorf noted that the amount of impervious coverage was being reduced and the amount of landscaping along the road would increase.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to providing the Planning Department with a copy of the shared parking agreement. Mr. Lanoha seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 4-0.
APPROVAL OF MINUTES:

Mr. Mahlendorf moved to APPROVE the minutes for the May 10, 2018 meeting. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Mahlendorf, Lanoha

MOTION CARRIED: 4-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:43 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary