PRE-MEETING:

The board members in attendance were: Jacque Donovan, Brian Mahlendorf, Kris Moore and Sean Kelley. Planning Department staff in attendance were: Eric Englund, Cliff Todd, Mike Carter and Clinette Ingram.

Mr. Englund introduced Mr. Todd as the new administrator for the Zoning Board of Appeals. He also explained that site visits were being discontinued. The board requested that they be notified about sites that they should visit. Mr. Carter also suggested that the board be notified if there was any feedback (calls, emails and letters) about a specific case. Mr. Todd discussed with the board the Planning Department’s recommendation for all of the cases listed on the agenda. Mr. Carter assisted. A new set of renderings were presented for Case 18-071.

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, July 2, 2018 and Thursday, July 5, 2018.

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

MEMBERS NOT PRESENT: Sebastian Anzaldo
Jason Lanoha, Chair

STAFF PRESENT: Cliff Todd, Zoning Board of Appeals Administrator
Mike Carter, City Planner
Jennifer Taylor, City Attorney
Clinette Ingram, Recording Secretary

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

Mr. Aspen moved to LAYOVER cases 18-069, 18-091 and 18-092. Mr. Kelley seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Donovan

MOTION CARRIED: 5-0.
LAYOVER CASES:

1. Case No. 18-067 (from 6/14/18)  
   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 July 12, 2018, Janna Nysewander appeared before the board.

Mr. Todd stated that the case had been laid over at the June 14, 2018 meeting to give the applicants time to submit a revised site plan that showed the correct dimensions. The Planning Department found no hardship or practical difficulty to support the request, noting that a garage in compliance could be constructed. The Planning Department recommended denial.

Ms. Nysewander stated that a revised site plan had been submitted with the correct dimensions. She explained that the foundation of the garage had deteriorated to the point that it had to be replaced. She indicated that the project would allow them to increase the value of the property, create a functional space that would protect their vehicles and allow them to have a second bathroom.

Mr. Mahlendorf stated that in his opinion the applicants were really asking for a 2’ variance.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted subject to the applicant using materials that match the existing home. Mr. Aspen seconded the motion.

AYES: Aspen, Kelley, Mahlendorf, Moore, Donovan

MOTION CARRIED: 5-0.
2. Case No. 18-069 (from 6/14/18)  
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  

Laid over until the August 9, 2018 meeting.
3. Case No. 18-071 (from 6/14/18)  
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’ 30’7” 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)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, John Sova (RDG Planning & Design – 900 Farnam Street) appeared before the board.

Mr. Todd stated that the Planning Department found no hardship or practical difficulty to support the signage waiver since a projecting sign that complies with the code could be installed. The Planning Department recommended denial.

Mr. Sova stated that updated plans have been submitted that reduced the requested height from 38’ to 30’7”. The applicant believed that the sign needed to be higher so that it was visible from greater distances for their clientele.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Donovan

MOTION CARRIED: 5-0.
4. Case No. 18-074 (from 6/14/18)  
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 July 12, 2018, Aaron Gall (TACK Architects) appeared before the board.

Mr. Todd recalled that this case had been laid over at the June 14, 2018 meeting to give the applicant time to communicate with the neighbors. The applicant was proposing to tear down the existing home and construct a new one where the awning encroached 9' into the front yard setback. He noted that the request is for new construction and the home could be built in compliance with zoning regulations. The Planning Department found no hardship or practical difficulty to support the request and continued to recommend denial.

Mr. Gall stated that, since the last meeting, there had been contact Mr. Boyer who lived in the home to the west and John Bachman who represented the Jack and Judy Baker across the street from the proposed home. He indicated that a set of drawing had been provided to the Bakers although they were not able to meet in person. He submitted letters of support from Mr. Boyer and the president of the Homeowner's Association (Exhibit B).

Mr. Bachman appeared on behalf of the Bakers. He stated that his clients had reviewed the plans but were still adamantly opposed to the waiver request. They believed that the proposed home should comply with the R1 zoning regulations. He indicated that there was plenty of room at the rear of the site to build the home in compliance.

In response to Ms. Donovan, Mr. Gall stated that the awning was more for aesthetics than functionality. He stated that it was situated so that it would minimize the grading issue to the west. He stated that if the building were pushed back it would change the grading of the site. He indicated that Mr. Boyer believed that the proposed home had been situated in such a way that it would mitigate any grading issues.

Ms. Donovan stated that she could not support the request since it was for new construction. Mr. Gall responded that what was being proposed was similar to existing homes on that street. He believed that the home would fit in with the neighborhood. The board reviewed other homes on the street with a similar setback as what was being proposed. Mr. Todd stated that the Planning Department had not verified as to whether other homes had received any setback waivers.

Mr. Kelley stated that he felt compelled to deny the request since it was the result of a design preference. Mr. Aspen stated that he could support the request due to the topography of the site, the fact that the neighbor most affected by drainage from the property also supported the request, and it fit with the context of the neighborhood. He added that if he supported the request it would be with the stipulation that the south parking lot not be allowed.

Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to the south parking lot/drive not being allowed. Ms. Moore seconded the motion.

AYES: Mahlendorf, Moore, Aspen  
NAYES: Kelley, Donovan  
MOTION FAILED: 3-2
5. Case No. 18-078 (from 6/14/18)  
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

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, Dennis Plachy appeared before the board. Ms. Moore stated that she would be abstaining from this case.

Mr. Todd recalled that the case had been laid over at the June 14, 2018 meeting at the request of the applicant. The applicant was proposing to install three new projecting signs on the south side of the building. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Plachy stated that the previous signage was not code compliant and it covered a significant portion of the building. He added that the proposed signage would be much smaller, cleaner and more professional looking. It would also be visible from a distance.

Ms. Donovan mentioned that the board had previously visited the site. She noted that the code was more suited for the parallel installation of signs without necessarily addressing projecting signs. In response to Mr. Mahlendorf, Mr. Plachy stated that the previous signs had already been removed and that less of the sign budget was being used.

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

AYES: Aspen, Kelley, Mahlendorf, Donovan

ABSTAIN: Moore

MOTION CARRIED: 4-0-1.
### NEW CASES:

<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
<th>ZONE</th>
</tr>
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<tbody>
<tr>
<td>18-079</td>
<td>Waiver of Section 55-126 – Variance to the interior side yard setback from 25' to 9'3&quot; to allow for installation of one additional portable classroom.</td>
<td>6901 Burt Street (Lewis &amp; Clark Middle School)</td>
<td>R1</td>
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**PLANNING DEPARTMENT RECOMMENDATION:** Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on July 12, 2018, Mark Warneke appeared before the board.

Mr. Todd stated that the applicant was proposing to add one additional portable classroom to the site. A waiver had previously been granted for the same request in 1987. The Planning Department recommended approval of the request.

Mr. Warneke stated that the waiver would keep the portable in line with the other eight portables on the site. In response to Ms. Donovan, Mr. Warneke stated that a 15-classroom addition was planned for the school as a result of a recent bond that was passed. The completion date for the addition was scheduled for 2022. Mr. Mahlendorf noted that the portables are located near the adjacent church parking lot. Mr. Warneke stated that the church had been contacted and there were no objections to the request.

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

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

**MOTION CARRIED:** 5-0.
7. Case No. 18-081
Todd Schneidewind
12915 West Dodge Road
Omaha, NE 68154

REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between a CC-ACI-2(65) District (pending) and a R7 from 20' to 1.97' to allow for construction of a surface parking lot.

LOCATION: 8031 Davenport Street & 8012 West Dodge Road

ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Layover.

At the Zoning Board of Appeals meeting held on July 12, 2018, Doug Dreessen (10836 Old Mill Road), Todd Schneidewind and Michael Matthews (8301 Davenport Street) appeared before the board.

Mr. Todd stated that the applicant was proposing to construct a new surface parking lot along Davenport Street; however, due to the design of the lot, the residential property to the west would be negatively impacted. The Planning Department recommended a layover to give the applicant time to coordinate with the Planning Department on other design alternatives.

Mr. Dreessen stated that he and his client had discussed the project extensively with Mr. Matthews, the neighbor to the west who would be most impacted. Mr. Dreessen stated that an agreement had been worked out between the applicant and Mr. Matthews. He explained that this area is becoming more multi-family and commercial with Mr. Matthews’ property being the last single-family residence on that block.

In response to Mr. Mahlendorf, Mr. Dreessen stated that one parking stall would be removed so that the parking lot landscaping requirement could be met. Mr. Mahlendorf requested that a copy of the agreement between that applicant and Mr. Matthews be submitted to the case file (Exhibit B). Mr. Dreessen indicated that the applicant and Mr. Matthews had worked together to come up with acceptable landscaping that would be placed between the parking lot and the home.

Mr. Matthews stated that he believed that the agreement that had been worked out was fair. The applicant intended to install a 6’ fence and landscaping between the home and parking lot.

Mr. Todd advised that if other waivers were need the applicant would need to come back before the board.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Donovan

MOTION CARRIED: 5-0.
8. Case No. 18-083
Maria Hernandez
3723 South 16th Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-186 – Variance to the front yard setback from 35’ to 25’ to allow for the replacement and enlargement of a front porch.

LOCATION: 3723 South 16th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to rezoning of the property to R4.

At the Zoning Board of Appeals meeting held on July 12, 2018, Antonio Hernandez appeared before the board. Christina Williamson (Planning Department) appeared as his interpreter.

Mr. Todd stated that the applicant was proposing to replace a deteriorated front porch and awning, while increasing the length of the porch. The home did not meet the required 35’ setback; however, if the property were rezoned to R4 the home would meet the 25’ setback and the Planning Department would support the request. The Planning Department recommended approval in accordance with the plans submitted, subject to rezoning of the property to R4.

In response to Ms. Donovan, Ms. Williamson stated that Mr. Hernandez understood that rezoning of the property to R4 was required for approval. Mr. Todd assured that he would be assisted through the process.

Mr. Kelley moved to APPROVE in accordance with the plans submitted, subject to rezoning of the property to R4. Ms. Moore seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Kelley, Donovan

MOTION CARRIED: 5-0.
9. **Case No. 18-084**  
Anthony Siahpush  
Millennium Enterprises, Inc.  
15858 West Dodge Road  
Suite 300  
Omaha, NE 68118  
**REQUEST:** Waiver of Section 55-715 – Variance to the minimum street yard landscaping depth from 25’ to 0’ to allow for a new circular driveway.  
**LOCATION:** 15911 Burt Street  
**ZONE:** R2  

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.  

At the Zoning Board of Appeals meeting held on July 12, 2018, Anthony Siahpush and Elise Allen (Homeowner) appeared before the board.  

Mr. Todd stated that the applicant was proposing to construct a circular driveway on the property. The Planning Department found that the request was the result of a design preference and that there was no hardship or practical difficulty to support the request. The Planning Department recommended denial.  

Mr. Siahpush explained that the property sits on a corner lot. He stated that cars tended to drive at a high rate of speed down Burt Street which made it unsafe to back out into the street. He added that a circular driveway would eliminate the need to back out onto the street. He submitted a map (Exhibit B) of other properties in the area with circular driveways. In response to Ms. Donovan, Mr. Siahpush stated that there would be no impervious coverage issues.  

Mr. Mahlendorf noted that the examples provided by the applicant were all illegal; however, he believed that another circle driveway would not negatively impact the neighborhood since so many homes had one.  

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

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

**MOTION CARRIED:** 5-0.
10. Case No. 18-085
   Eric Crawford
   Heart Ministry Center, Inc.
   2222 Binney Street
   Omaha, NE 68110

   REQUEST: Waiver of Section 55-243, 55-246 & 55-734 – Variance to the permitted use in a R7 district to allow Warehousing and Distribution; to the front yard setback from 35’ to 9’ 6”, to the street side yard setback from 25’ to 8’ and to the parking requirements from 67 spaces to 44 spaces.

   LOCATION: 2217 & 2221 Wirt Street
   ZONE: R7

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

At the Zoning Board of Appeals meeting held on July 12, 2018, Eric Westman (Alley Poyner Macchietto Architecture) and Matt Hertzog appeared before the board.

Mr. Todd stated that the applicant was proposing to demolish a residential duplex in order to construct a new food pantry. The expansion of the property had outgrown being an accessory use to the on-site religious assembly, therefore a waiver was needed to allow Warehousing and distribution (limited) in this existing R7 district. The Planning Department recommended approval of the request.

Mr. Westman stated that the applicant had worked with the Planning Department on the project. He explained that parking was being increased as much as possible; however, the required amount of parking could not be met. He further explained that the pantry was still connected to the church but not directly tied to it which is why the use waiver was needed.

Lavonia Goodwin (Goodwin’s Spencer Street Barber Shop – 3106/3116/3118 North 24th Street) appeared before the board. She indicated that she was also a member of Neighborhood Action & Facts Association. Ms. Goodwin stated that the pantry made the traffic along 24th Street congested at times. She added that she was contacted about the project but had not had time to review the plans for the site. She objected to the demolition of the duplex since affordable housing was needed in that area. She requested more time to examine the proposed plan and to discuss the traffic concerns.

Mr. Hertzog stated that the applicant would be open to a 30-day layover to discuss the plan and traffic concerns with the neighbor and the association if necessary.

Mr. Kelley moved to LAYOVER until the August 9, 2018 meeting to give the applicant the opportunity to meet with the neighbors. Ms. Donovan seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Donovan

NAYES: Aspen

MOTION CARRIED: 4-1.
11. Case No. 18-086
Tyler Patterson
15305 Wycliffe Drive
Omaha, NE 68154

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

LOCATION: 15305 Wycliffe Drive
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, Tyler Patterson appeared before the board.

Mr. Todd stated that the applicant was proposing to construct a 6' privacy fence up to the property line along 153rd Circle. He explained that a 4'-50% open fence could be built to the property line or a 6' privacy fence could be constructed along the required 15' street side yard setback. He stated that the request is the result of a design preference and the Planning Department found no hardship or practical to support the request and recommended denial. He noted that there were numerous calls and emails from neighbors who objected to the waiver.

Mr. Patterson explained that if the fence was situated on the setback it would cut through the yard. He stated that he preferred the 6' privacy fence all around the property. Ms. Donovan stated that the requested waiver was not typical for the neighborhood. She added that some of the neighbors objected to the request since they believed there was already sight issues with 153rd Circle.

Tracey Curtis (322 North 153rd Circle) appeared in opposition to the request. She stated that if the proposed fence was allowed, her property would be boxed in which would create safety issues. She added that she would not be able to see to turn onto Wycliffe Drive.

Terry Johnson (309 North 153rd Circle) appeared in opposition to the request. He stated that the fence would make the hill unsafe, especially in the winter. He added that the area needed to be as visible as possible.

Mr. Mahlendorf stated that he would need a better site plan to show where the fence would be situated on the property in relation to the home. Ms. Donovan suggested that the applicant obtain a survey and then speak with his neighbors to see if he could get their support.

The applicant decided to place the fence where it could legally be constructed.

The applicant decided to WITHDRAW the request.
12. Case No. 18-087
Karol Ulmer
1117 South 10th Street
#18
Omaha, NE 68108

REQUEST: Waiver of Section 55-925(c) & 55-925(2) – Variance to the build-to/setback lines and zones from 5’ to 0’.

LOCATION: 916 Pierce Street
ZONE: NBD-NCE-C

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

At the Zoning Board of Appeals meeting held on July 12, 2018, Karol Ulmer appeared before the board.

Mr. Todd stated that the applicant was proposing to refurbish the vacant, commercial building while constructing an addition in order to convert the property into a single-family residence. The size of the existing structure and the adjacent open space made building options very limited. The applicant had coordinated extensively with the Planning Department to develop an acceptable landscape plan and had worked with the Dunsany Homeowner Association to develop an acceptable design for the new addition. The Planning Department recommended approval of the request.

Theresa Knutson (1117 South 10th Street #17) appeared in support of the request. She stated that the residents of the Dunsany Building were in support of the project.

Mary Thompson (1309 South 6th Street) appeared in support of the request. She is a member of the Dahlman Neighborhood Association.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Donovan

MOTION CARRIED: 5-0.
13. Case No. 18-088  
Tammy Darmody  
16417 Leavenworth Circle  
Omaha, NE 68118  

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

LOCATION: 15454 Mormon Circle  
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, no one appeared before the board.

Mr. Todd stated that the applicant was proposing to construct a 6' privacy fence on the property line along Mormon Street. He explained that a 4'-50% open fence could be built to the property line or a 6' privacy fence could be constructed along the required 15' street side yard setback. He stated that the request is the result of a design preference and there was no hardship or practical difficulty for the Planning Department to support the request. The Planning Department recommended denial. He noted that he received one phone call in opposition to the request.

Mr. Aspen moved to LAYOVER. Ms. Donvoan seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Kelley, Donovan

MOTION CARRIED: 5-0.
14.  Case No. 18-089
    Heartland Church Network
    P.O. Box 6157
    Omaha, NE 68106

    REQUEST:  Waiver of Section 55-735(b) – Variance
              to allow off-street parking for a non-
              residential use within a required front
              yard setback.

    LOCATION:  5046 Terrace Drive
    ZONE:  R5

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

    At the Zoning Board of Appeals meeting held on July 12, 2018, Kyle Haase (E & A Consulting
    Group - 10909 Mill Valley Road) appeared before the board on behalf of the applicant.

    Mr. Todd stated that the applicant was proposing a new parking plan for the church. The current
    parking design proposed parking in the front yard, which is not allowed; however, it is common
    for churches and schools in residential districts. The Planning Department did not consider the
    waiver request to be excessive and believed that it was appropriate for this civic use. The
    Planning Department recommended approval in accordance with the plans submitted.

    Mr. Haase stated that the church intended to replace the crushed rock parking area with a
    paved surface. He added that it would be landscaped and would meet all buffer requirements.

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

    AYES: Moore, Aspen, Kelley, Mahlendorf, Donovan

    MOTION CARRIED: 5-0.
PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, Doug Wallingford (Wallingford Construction) and Greg Ederer (son of the applicants) before the board.

Mr. Todd stated that the applicants were proposing to construct a new 40' x 80' pole barn. The Planning Department found that the waiver resulted from a design preference. There were no hardships or practical difficulties to allow the proposed encroachment. He noted that the property is residential in use and that only residential use of any such accessory structure would be allowed. The Planning Department recommended denial.

Mr. Wallingford believed that a hardship existed due to the 25’ setback of the property that took up about 50% of the width of the lot. He submitted documents that supported his claims (Exhibit B).

Mr. Ederer stated that the barn would not be for commercial use but would be used to store campers, automobiles and agricultural equipment. He explained that the site drops off approximately 10’ from the front of the site to the rear which would make it impossible to access from the north, south and east sides of the barn. He added that if access was added to the west side, it would drastically reduce the amount of impervious coverage on the site and would create issues with water runoff. He added that the location of the proposed barn would make it parallel to the existing garage. Mr. Wallingford also noted that the application included signatures of support from the adjacent neighbors.

In response to Mr. Mahlendorf, Mr. Ederer stated that there were other properties with pole barns. He noted that the exhibit included about six properties. He indicated that there were pole barns on 56th Street that were similar in size to what he was proposing. In response to Ms. Donovan, Mr. Ederer stated that only two trees would need to be removed.

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

AYES: Aspen, Kelley, Mahlendorf, Moore, Donovan

MOTION CARRIED: 5-0.
16. Case No. 18-091
Willie Douglas
Malibu Homes
P.O. Box 418
Elkhorn, NE 68022

REQUEST: Waiver of Section 55-146 – Variance to the maximum impervious coverage from 40% to 46% for an existing circular driveway and Section 55-715 – Variance to the minimum street yard landscaping depth from 25’ to 8’ to allow for an existing circular driveway.

LOCATION: 142 North 248th Circle
ZONE: R2

This case was laid over until the August 9, 2018 meeting.
17. Case No. 18-092
Mike Shotkoski
Malibu Homes
P.O. Box 418
Elkhorn, NE 68022

REQUEST: Waiver of Section 55-146 – Variance to the maximum impervious coverage from 60% to 55% for an existing circular driveway and Section 55-715 – Variance to the minimum street yard landscaping depth from 15’ to 0’ to allow for an existing circular driveway.

LOCATION: 2458 South 182nd Circle
ZONE: R4

This case was laid over until the August 9, 2018 meeting.
18.  Case No. 18-094  
    Bert Hancock  
    Pacific Gardens Associates, LLC  
    1925 South 64th Avenue  
    Omaha, NE 68106  

    LOCATION:  7616 Pierce Street  
    ZONE:  R6

REQUEST:  Waiver of Section 55-740 – Variance to the off-street parking design standards to reduce the minimum perimeter landscaping along the street property lines from 10’ to 5’.

PLANNING DEPARTMENT RECOMMENDATION: Approval subject to the plans being submitted with the addition of the required 4’ landscaping along 76th Avenue.

At the Zoning Board of Appeals meeting held on July 12, 2018, Bert Hancock appeared before the board.

Mr. Todd stated that the applicant was proposing to renovate the parking lot and garages on the east side of the property along 76th Avenue and was requesting the waiver so that new tenant garages could be constructed. The applicant had previously worked with the Planning Department so that the garages could be removed and rebuilt. The Planning Department recommended approval subject to the plans being submitted with the addition of the required 4’ landscaping along 76th Avenue.

Mr. Hancock stated that this waiver would apply to 76th Avenue between Pacific and Woolworth. He indicated that he had gone before the Administrative Board of Appeals so that the entrance to the apartments could be relocated from the south end of the site to the center of the site on Briggs Street. He believed that the improvements would add to the appearance of the neighborhood.

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

AYES: Kelley, Mahlendorf, Moore, Aspen, Donovan

MOTION CARRIED: 5-0.
19. Case No. 18-096  
William McNeil  
6120 Sprague Street  
Omaha, NE 68104  
REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 13 to 7.  
LOCATION: 4407 North 61st Street  
ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 12, 2018, William McNeil, Tasha McNeil and Barbara Ingram (Rare Bird Innovations – 7517 North 88th Avenue) before the board.

Mr. Todd stated that the applicant had submitted building permits to increase the capacity of the daycare to 51 children. The zoning code states that 1 off-street parking space is required per 4 persons licensed capacity. The Planning Department found no hardship or practical difficulty since the applicant could reduce the number of children enrolled which would allow the applicant to meet the off-street parking requirements for the daycare operation. The Planning Department recommended denial.

Mr. McNeil stated that 29 children were being added to the daycare. He explained that the daycare is near public transportation and that 86% of the client base used state assistance to transport their child to daycare; that transportation is provided by the daycare. He clarified that the request is to reduce the number of parking stalls to 8. Ms. Donovan explained that the city does not believe that one of the parking stalls is legal which reduced the request to 7. Ms. Ingram stated that the plan would be revised to reflect the 7 legal stalls.

In response to Mr. Mahlendorf, Ms. McNeil stated that approximately 10 children are dropped off each day. Approximately 40 use the transportation provided by the daycare. She added that most of her staff do not drive. She uses her truck and a van to transport children.

Mr. Aspen suggested that if the board approved the waiver, it should be for this occupant or business only. Jennifer Taylor, City Law, suggested that that waiver could be granted for this applicant as run by these specific individuals.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted for this organization only operated by the McNeil’s. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Moore, Aspen, Kelley, Donovan

MOTION CARRIED: 5-0.
20. Case No. 18-097
Mark Warneke
Omaha Public Schools
3215 Cuming Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-830(2) – Variance to the maximum sign budget from 32 square feet to 84 square feet; variance the maximum size of a wall sign from 32 square feet to 39 square feet and maximum height of a wall sign from 16’ to 21’-4”.

LOCATION: 7902 North 36th Street – Florence Elementary School

ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on July 12, 2018, Mark Warneke before the board.

Mr. Todd stated that the proposed signage would be for the school and a new Boys and Girls Club. The Planning Department has supported similar signage requests for schools and did not consider this request to be excessive. The Planning Department recommended approval of the request.

Mr. Warneke stated that this would be the second school to have a Boys and Girls Club share the site.

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

AYES: Moore, Aspen, Kelley, Mahlendorf, Donovan

MOTION CARRIED: 5-0.
21. Case No. 18-098
Tony Sovereign
21308 Ridgewood Road
Omaha, NE 68022

REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 40’ to 39’ to allow for construction of a home addition.

LOCATION: 21308 Ridgewood Road
ZONE: R2

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

At the Zoning Board of Appeals meeting held on July 12, 2018, Tony Sovereign before the board.

Mr. Todd stated that the applicant was proposing to construct a 3rd car garage to their home which was built under the City of Elkhorn’s jurisdiction. The request was not considered to be unreasonable since it was built under another jurisdiction where it would have been acceptable. The Planning Department supported the request 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: Aspen, Kelley, Mahlendorf, Moore, Donovan

MOTION CARRIED: 5-0.
22. Case No. 18-099
Jon Burke
211 North 130th Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to 17’ to allow for construction of a new 42’ x 15’ garage.

LOCATION: 211 North 130th Street
ZONE: R1

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

At the Zoning Board of Appeals meeting held on July 12, 2018, Jon Burke and Beth Burke before the board.

Mr. Todd clarified that the variance was to the interior side yard setback from 25’ to 15’ for a 42’ x 15’ garage. The Planning Department found no hardship or practical difficulty to support the request and recommended denial. He mentioned that the applicant had previously appeared before the board at the May meeting with a similar request.

Mr. Burke stated that he had been previously approved for a 12’ x 42’ garage. Since that time he realized that he would not be able to open the doors to both of his vehicles at the same time. He wanted 3 additional feet so that the doors could be opened all the way. Ms. Burke stated that the 3 additional feet was necessary for garage functionality.

In response to Ms. Moore, Mr. Burke stated that the garage would not have a bump-out as shown on the plan but would be a straight line at the rear. Ms. Donovan noted that the applicant currently had parking for 3 cars.

Mr. Aspen believed that 4 garages would be out of character for the neighborhood. Mr. Burke responded that 323 Heavenly Drive had 4 garages. Ms. Donovan stated that there was no hardship and noted that the applicant had already been granted a waiver to build an attached garage. She believed that the previously granted waiver was sufficient.

Mr. Kelley moved to APPROVE the variance to the interior side yard setback from 25’ to 17’ to allow for the construction of a 42’ x 15’ garage. Ms. Donovan seconded the motion.

AYES: Kelley

NAYES: Mahlendorf, Moore, Donovan, Aspen

MOTION FAILED: 4-1.
23. Case No. 18-100
   Chris Erickson
   Pacific Reserve, LLC
   P.O. Box 428
   Boys Town, NE 68010

   REQUEST: Waiver of Section 55-764(d) - Variance to the capacity limitations for a day care services (general) use in an AG (pending R5) district from 12 to 230 individuals.

   LOCATION: 20601 Pacific Street
   ZONE: AG (pending R5)

   PLANNING DEPARTMENT RECOMMENDATION: Approval.

   At the Zoning Board of Appeals meeting held on July 12, 2018, Mark Johnson (11440 West Center Road) and Chris Erickson before the board.

   Mr. Todd stated that the applicant was proposing to construct a new building and accessory parking for the Kiddie Academy Early Childhood Education Facility and was requesting a waiver to the number of individuals allowed in the zoning district from 12 to up to 230 individuals. At its June 6, 2018 meeting, the Planning Board recommended approval of a Special Use Permit, subject to the applicant receiving a waiver from the Zoning Board of Appeals to allow more than 12 individuals in the daycare in a R5 District (pending). The Planning Department believed that this was an acceptable use for the site and recommended approval. He noted that the Planning Department had received a couple of emails from individuals that were opposed to the request.

   Mr. Erickson stated that a public meeting had been held that approximately 15 people attended. He indicated that there was no opposition at the meeting, although there were some concerns. In response to those concerns, the applicant agreed to ensure that lighting did not shine towards neighboring homes. The applicant also agreed to manage dust during construction. Mr. Mahlendorf noted that the opposition pertained to traffic concerns. The applicant would continue to work on those issues.

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

   AYES: Mahlendorf, Moore, Aspen, Kelley, Donovan

   MOTION CARRIED: 5-0.
APPROVAL OF MINUTES:

Mr. Mahlendorf moved to APPROVE the minutes for the June 14, 2018 meeting. Mr. Aspen seconded the motion.

AYES: Aspen, Mahlendorf, Moore, Donovan

ABSTAIN: Kelley, Donovan

MOTION CARRIED: 3-0-2.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:01 p.m.

Approved (date)

________________________________________
Jason Lanoha, Chair

________________________________________
Clinette Ingram, Secretary