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 3, 2017 and Thursday, July 6, 2017.

MEMBERS PRESENT: Jason Lanoha (Acting Chair)  
Sebastian Anzaldo  
Jeremy Aspen  
Sean Kelley (Alternate)

MEMBERS NOT PRESENT: Brian Mahlendorf, Chair  
Jacque Donovan, Vice-Chair

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

It was the consensus of the board to elect Mr. Lanoha as Acting Chair.

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. There were only four members of the board in attendance instead of five. Four affirmative votes are necessary for an approval. He gave applicants the option of requesting a layover so that their case could be heard before a full board of five members.
LAYOVERS:

1. Case No. 17-078
   Mark Sanford
   Sanford Architecture
   1306 N. 162nd St.
   Omaha, NE 68118
   REQUEST: Waiver of Section 55-146 - Variance to the front yard setback from 40' to 27' to allow construction of a new balcony and decorative trellis.
   LOCATION: 627 Waterloo Drive
   ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 13, 2017, Mark Sanford appeared before the Board on behalf of the owners.

Mr. Sanford stated that a meeting was held with the homeowner’s association. The homeowner’s association gave its support of the request. He stated that the homeowner also met with the neighbors and that none were in opposition to the request. He indicated that there were other properties in the area that were closer to the street than what was being proposed in this case.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the Planning Department found no hardship or practical difficulty and had recommended denial of the request. The case had been laid over to give the homeowner’s association the opportunity to review the proposal. The association had submitted an email to the Planning Department expressing its support of the request with the stipulation that any changes be submitted to the HOA for review and that the project be completed within one year.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
2. Case No. 17-081 Lawrence Butler 4809 NW Radial Hwy Omaha, NE 68104

REQUEST: Waiver of Section 55-406, 55-734, 55-740(f) & 55-716 - Variance to the minimum number of off-street parking stalls from 45 to 16, to the required perimeter landscaping from 10' to 5' and 0', to the required bufferyard between GC and R4(35) from 13.5' with screening to 5' with screening, to the minimum interior parking lot landscaping from 5% to 0% and to the maximum impervious coverage from 90% to 95%.

LOCATION: 4803 NW Radial Highway
ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the revised plans submitted, subject to the applicant submitting an application for rezoning to CC-Community Commercial District with the MCC Overlay.

At the Zoning Board of Appeals meeting held on July 13, 2017, Lawrence Butler appeared before the Board.

Mr. Butler stated that, at the board’s request, he met with the adjacent neighbor about her concerns regarding the proposed fence on the south property line. They discussed the location of the fence, landscaping maintenance and parking. The fence would be pushed back 45' instead of extending the length of the neighbor’s front yard.

Stephanie Weaver, 2412 North 48th Street, appeared before the board. She is the adjacent neighbor to the south. Ms. Weaver inquired about the materials that would be used for the fence because of concerns about graffiti. She suggested that a metal fence be installed. She believed that parking would be an ongoing issue.

With regards to the fencing, Mr. Carter stated that the code requires a solid wood fence to screen the commercial site from the residential site. Mr. Lanoha stated that in order for him to support the request, the applicant needed to go on the record and state that he would take care of any issues pertaining to graffiti removal and maintenance with the fence. The applicant agreed to do so.

Mr. Kelley moved to APPROVE in accordance with the plans submitted, subject to the applicant submitting an application for rezoning to CC-Community Commercial District with the MCC overlay. Mr. Anzaldo seconded the motion.

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
NEW CASES:

3. Case No. 17-083
   Sebastian A. Anzaldo
   3106 S. 57th Cir.
   Omaha, NE 68106

   REQUEST: Waiver of Section 55-187(e) - Variance to
   the front yard setback from 35' to 25' to
   allow construction of three (3) single-family
   homes.

   LOCATION: 4419, 4421 and 4425 South 16th Street
   ZONE: R4(35)

The applicant requested that the case be laid over until the August meeting.

Mr. Aspen moved to LAYOVER until the August 10, 2017 meeting. Mr. Kelley seconded the motion.

AYES: Kelley, Aspen, Lanoha

ABSTAIN: Anzaldo

MOTION CARRIED: 3-0-1
4. Case No. 17-084
Hugo Labrada
4228 Harrison St.
Omaha, NE 68147

REQUEST: Waiver of Section 55-715 - Variance to the
minimum street yard landscaping depth
from 15’ to 0’ and to the minimum street
yard landscaping percentage from 60% to 43%.

LOCATION: 4228 Harrison Street
ZONE: R4(35)

The applicant failed to appear before the board.

Mr. Anzaldo mentioned the effects of the existing condition of the site on traffic. Michelle Alfaro (Planning
Department) stated that approval of this request could set a negative precedent for the neighborhood.

Mr. Anzaldo moved to DENY. Mr. Kelley seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
5. Case No. 17-085
Byers W. Shaw, Jr.
13232 N. River Dr.
Omaha, NE 68112

REQUEST: Waiver of Section 55-108 & 55-740(e)- Variance to the minimum front yard setback from 50’ to 33’, to the minimum interior side yard setback from 25’ to 5.5’, and to the hard surface driveway requirement to allow construction of a 23’ x 40’, two-story detached garage.

LOCATION: 13232 North River Drive
ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 13, 2017, Larry Jobeun (11440 West Center Road), Byers W. Shaw, Jr. and Tom Jizba (Atlas Engineering) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 23’ x 40’, 2-story detached garage that would include vehicle storage on the first level and an art studio on the second level. The proposed garage would encroach into the front and interior side yard setbacks. A waiver was also requested to allow an existing gravel portion of the driveway to remain. The Planning Department found no hardship or practical difficulty and believed that the request was a design preference that did not comply with zoning regulations. The Planning Department was inclined to support the hard surface driveway requirement since the home is located in the North Hills Environmental Overlay district because of the impact that a driveway would have on the natural features. The Planning Department recommended denial.

Mr. Jobeun indicated that the topography of the site caused a practical difficulty. He explained that there was a drastic grade change from North River Drive to the home and from the home to the rest of the lot. He stated that although the lot is five acres in size, it is heavily wooded and only about 1½ acres is actually usable. He added that the location was also chosen to minimize the impact of drainage and the existing vegetation. He mentioned that Clare Duda, the neighbor across the street, was not opposed to the request. He submitted a letter from Mr. Duda and the property owner to the south (Exhibit B). He was aware that the neighbors to the north, Robert and Kathleen Weber, had submitted a letter of opposition. Mr. Jobeun stated that his client would be willing to have the case laid over to discuss the matter with the Webers.

Aimee Melton appeared before the board on behalf of the Webers. She stated that her clients objected to how close the garage would be to their property line. She requested a layover so that all parties involved could meet.

Mr. Jizba explained that it would be a challenge to connect the existing driveway with a supplemental driveway down to the proposed garage. He added that the location would keep the driveway at a safe slope. He indicated that if the garage was pushed further south, the slope of the lot would make it hazardous for cars and people. It would also disturb the vegetation and increase the amount of impervious pavement.

Mr. Lanoha inquired as to whether any consideration had been given to reducing the size of the proposed garage and making the foundation thick enough to account for the change in grade. Mr. Jizba responded that there was a significant cost involved with modifying the existing driveway and raising the building pad.

Mr. Anzaldo moved to LAYOVER until the August 10, 2017 meeting for additional discussion. Mr. Kelley seconded the motion.

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
6. Case No. 17-087
Brendan Brown
8011 Evans St.
Omaha, NE 68134

REQUEST: Waiver of Section 55-146 - Variance to the
minimum rear yard setback from 25' to 8'
and to the maximum impervious coverage
from 40% to 43% to allow for construction of
a 22' x 40' garage addition.

LOCATION: 8011 Evans Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 13, 2017, Brendan Brown appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an addition to the existing garage that would extend as close as 8’ to the rear property line. The Planning Department found no hardship or practical difficulty to allow the encroachment and believed that anything built on the property should comply with zoning regulations. The Planning Department recommended denial.

Mr. Brown submitted a letter of support from the neighbor at 8017 Evans (Exhibit B). He explained that the garage would be used to store a number of vehicles. He believed that the garage would blend in better if it were attached to the home. He showed pictures of other large garages in the neighborhood.

Mr. Lanoha mentioned that the board had driven by the site. Mr. Aspen gave the applicant the option of accepting a layover since some members of the board were inclined to vote against the request. Mr. Kelley added that the applicant could present a revised plan for a smaller garage addition at the next meeting. Mr. Brown agreed to accept a layover.

Mr. Aspen moved to LAYOVER until the August 10, 2017 meeting. Mr. Kelley seconded the motion.

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
7. Case No. 17-088
Don Krengiel
671 Harasek St.
Lemont, IL 60439
REQUEST: Waiver of Section 55-166 - Variance to the minimum front yard setback from 35’ to 18’ and to the maximum impervious coverage from 45% to 58% to allow for construction of a 4’9” x 6’9” front porch.
LOCATION: 3603 Cass Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 13, 2017, Joe Smith (10509 Rosewater Parkway, Bennington, NE) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver that would allow the existing front stoop to remain. He explained that the code allows a 5’ x 6’ stoop with stairs to the side for access; a larger porch requires a waiver. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Smith stated that previous deck was deteriorating and needed to be replaced for safety reasons. He indicated that the new deck was the same size as the one that was replaced.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
8. Case No. 17-089  
David Groller  
7921 Leavenworth St.  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-126 - Variance to the minimum interior side yard setback from 25’ to 10’3” to construct a two-story garage/home addition.  
LOCATION: 7921 Leavenworth Street  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on July 13, 2017, David Groller and Alisa Shonka appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 2-story garage/home addition as close as 10’3” from the side property line. The first level will be a single-car garage and the second will serve as a master bedroom and master bath. The Planning Department found no hardship or practical difficulty to allow the encroachment and recommended denial.  

Ms. Shonka stated that she wanted to add another garage to protect their vehicles from the elements. She wanted to add another bathroom since there is just one bathroom in the existing home. Mr. Groller explained that the west side of the home is already 1’ within the 25’ setback because of how the home is situated on the lot. The east side of the home is 15’ inside the setback.  

In response to Mr. Lanoha, Mr. Groller stated that he was not able to contact the neighbor to the west. He indicated that the other neighbors were not opposed.  

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted subject to the addition matching the existing home. Mr. Aspen seconded the motion.  

AYES: Aspen, Kelley, Anzaldo, Lanoha  

MOTION CARRIED: 4-0
9. Case No. 17-090
   Tom Mitilier
   12912 Harney St.
   Omaha, NE 68154

   REQUEST: Waiver of Section 55-146 - Variance to the minimum front yard setback from 40’ to 37’1” to allow an existing 6’ x 6’ covered front stoop to remain.

   LOCATION: 12912 Harney Street
   ZONE: R2

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on July 13, 2017, Tom Mitilier appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow an existing 6’ x 6’ covered front stoop to remain. The applicant obtained a permit for the stoop; however, he was unsure about the exact location of the property line. The Planning Department found no hardship or practical difficulty and believed that any improvements to the site should comply with the zoning code. The Planning Department recommended denial.

   Mr. Mitilier stated that he added to stoop to improve the appearance of the home. He explained that he incorrectly measured from the curb instead of the lot line. He indicated that the neighbor to the east had no objections to the request and that the neighbor to the west had no opinion either way about the issue.

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

   AYES: Kelley, Anzaldo, Aspen, Lanoha

   MOTION CARRIED: 4-0
10. Case No. 17-091
   Divercon
   Zach Scott
   9884 N. 109th Ave.
   Omaha, NE 68142

   REQUEST: Waiver of Section 55-740(e)(4) & 55-716 - Variance to the minimum bufferyard requirement between GI and DR from 60’ with screening to 3.2’ without screening and between GI and R3 from 60’ to 52’ and to the minimum perimeter parking lot landscaping from 10’ to 3.2’ to construct a new 36,000 sq. ft. building addition.

   LOCATION: 3550 Keystone Drive
   ZONE: GI-FF-FW

   PLANNING DEPARTMENT RECOMMENDATION: Layover the request to allow the applicant additional time to work with staff to come up with an alternative solution that reduces the waiver of the bufferyard and screening requirements between the existing business and trail system.

   At the Zoning Board of Appeals meeting held on July 13, 2017, Doug Kellner (TD2 - 10836 Old Mill Road) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had originally submitted a plan that required the requested waivers. A revised plan was subsequently submitted that showed 16’ of clearance for the buffer yard along the creek, which is similar to what was previously granted by the Zoning Board of Appeals and supported by the Planning Department in 1997. The Planning Department believed that a hardship resulted from the DR zoning of the property to the north. The Planning Department recommended approval of the revised plan subject to the applicant working with the Planning Department on an acceptable landscaping plan.

   Mr. Kellner was in agreement with the recommendation of the Planning Department.

   Mr. Aspen moved to APPROVE in accordance with the revised plans submitted, subject to the applicant working with the Planning Department on an acceptable landscaping plan. Mr. Kelley seconded the motion.

   AYES: Anzaldo, Aspen, Kelley, Lanoha

   MOTION CARRIED: 4-0
11. Case No. 17-092 - WITHDRAWN
Sorensen Properties
Mike Sorensen
2910 N. 118th St.
Omaha, NE 68164

REQUEST: Waiver of Section 55-448 - Variance to the minimum front yard setback from 25’ to 15’6” to allow construction of a 70’ x 160’ building.

LOCATION: 2910 North 118th Street
ZONE: LI/LI-FF

This request was withdrawn at the request of the applicant.
12. Case No. 17-093
   Johnny Sautter
   8533 Parker St.
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-735(a)(1) & 55-715 - Variance to the minimum street yard landscaping percentage from 50% to 30%, to the minimum street yard landscaping depth from 10’ to 6’ and to allow an off-street parking facility for a townhouse use within the required front yard setback.

   LOCATION: 1436 South 16th Street
   ZONE: R7

   The applicant requested that this case be laid over.

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

   AYES: Aspen, Kelley, Anzaldo, Lanoha

   MOTION CARRIED: 4-0
13. Case No. 17-094  
Kris Minckler and Caron J. Gray  
11504 S. 182nd Cir.  
Omaha, NE 68028  
REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway for a new home.  
LOCATION: 11205 North 60th Street  
ZONE: DR-ED  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to paving the approach plus the first 50’ of the driveway.

At the Zoning Board of Appeals meeting held on July 13, 2017, Doug Kellner (TD2 - 10836 Old Mill Road) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the existing property was being subdivided into two lots: one with an existing home and the other to be used for construction of a single-family home. The applicant requested that the gravel driveway be allowed to remain instead of installing the required hard-surfaced driveway. The home is in the Ponca Hills Environmental Overlay district and the Planning Department has supported requests for gravel driveways in the past in an effort to protect the area. The Planning Department recommended approval in accordance with the plans submitted, subject to paving the approach plus the first 50’ of the driveway.

The applicant was in agreement with the recommendation of the Planning Department.

Mr. Kelley moved to APPROVE in accordance with the plans submitted, subject to paving the approach plus the first 50’ of the driveway. Mr. Aspen seconded the motion.

AYES: Kelley, Anzaldo, Aspen, Lanoha  

MOTION CARRIED: 4-0
14. Case No. 17-095
   Dale Barr
   Gesu Housing, Inc.
   5008 ½ B Dodge St.
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-187(e) & 55-742(b)
   - Variance to the minimum front yard setback from 35' to 25'
   - to allow off-street parking for a single-family use within the required front yard to allow for construction of a new home.
   LOCATION: 4013 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 July 13, 2017, Mike Hall (Hallmarq Construction – 14225 Dayton Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a single-family home on the lot at a 25’ front yard setback instead of the required 35’. The Planning Department believed there was a hardship in this case since many of the homes along the block are closer than the required 35’. For that reason, the proposed home would not be out of character for the neighborhood. The home would have a one-car garage and part of the driveway would serve as the additional parking stall. The Planning Department recommended approval in accordance with the plans submitted, subject to the applicant submitting an application for rezoning to R4.

It was determined that there would be no cost to rezone the property because of its location in the city.

Mr. Kelley moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
15. Case No. 17-096
Dale Barr
Gesu Housing, Inc.
5008 ½ B Dodge St.
Omaha, NE 68132
REQUEST: Waiver of Section 55-187(e) & 55-742(b) - Variance to the minimum front yard setback from 35’ to 25’ and to allow off-street parking for a single-family use within the required front yard to allow for construction of a new home.
LOCATION: 4114 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 July 13, 2017, Mike Hall (Hallmarq Construction – 14225 Dayton Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department supported a 25’ setback and the waiver to allow parking in this case for the reasons stated in the previous case (Case 17-095).

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Mr. Aspen seconded the motion.

AYES: Aspen, Kelley, Anzaldo, Lanoha
MOTION CARRIED: 4-0
16. Case No. 17-097
Dale Barr
Gesu Housing, Inc.
5008 1/2 B Dodge St.
Omaha, NE 68132

REQUEST: Waiver of Section 55-187(e) & 55-186 - Variance to the minimum front yard setback from 35’ to 25’ and to the street side yard setback from 15’ to 12’ to allow for construction of a new home.

LOCATION: 4304 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 July 13, 2017, Mike Hall (Hallmarq Construction – 14225 Dayton Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the proposed home would sit on a corner lot, which would require a waiver to the side yard setback from 15’ to 12’, in addition to the waiver for the front yard setback (similar to Case 17-095). The Planning Department supported the request since it is consistent with other homes in the neighborhood.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Mr. Aspen seconded the motion.

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
17. Case No. 17-098  
Dale Barr  
Gesu Housing, Inc.  
5008 ½ B Dodge St.  
Omaha, NE 68132

REQUEST: Waiver of Section 55-187(e) & 55-742(b) - Variance to the minimum front yard setback from 35’ to 25’ and to allow off-street parking for a single-family use within the required front yard to allow for construction of a new home.

LOCATION: 4306 Lake 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 July 13, 2017, Mike Hall (Hallmarq Construction – 14225 Dayton Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department supported the request for a 25’ front yard setback and for parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submittal of an application for rezoning to R4.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal an application for rezoning to R4. Mr. Anzaldo seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha  

MOTION CARRIED: 4-0
18. Case No. 17-099
Dale Barr
Gesu Housing, Inc.
5008 ½ B Dodge St.
Omaha, NE 68132

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

LOCATION: 4219 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 July 13, 2017, Mike Hall (Hallmarq Construction – 14225 Dayton Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department supported the request for a 25’ front yard setback, the waiver to the street side yard setback and for parking. The Planning Department recommended approval in accordance with the plans submitted, subject to submittal of an application for rezoning to R4.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Mr. Kelley seconded the motion.

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
19. Case No. 17-100
Lawnfield Development, LP
 c/o Jim Royer
 2430 S. 73rd St.
  Suite 200
  Omaha, NE 68124

REQUEST: Waiver of Section 55-266, 55-734, 55-735(a), 55-740(f)(4), & 55-934- Variance to
the minimum street side yard setback from 25’ to 15’; to the minimum off-street parking
requirements from 214 stalls to 202 stalls; to the parking facility location to allow parking
in the front yard setback; to the minimum perimeter landscaping from 10’ to 0’; and to
the sidewalk standards from 8’ of curbside landscaping with a 5’ sidewalk to a 7’ wide
curbwalk to allow construction of a new apartment complex.

LOCATION: Southwest corner of 70th Street and Oak Street

ZONE: R8-ACI-4(PL)

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

At the Zoning Board of Appeals meeting held on July 13, 2017, Randy Kuszak (Lamp Rynearson &
Associates – 14710 West Dodge Road) and Ryan Spellman (Jay Development – 2430 South 73rd Street)
appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a number of waivers were being
requested for construction of a 162-unit housing complex. The structure would encroach into the street
side yard setback due to the cul-de-sac located on Oak Street. The shared access with the Montessori
school prohibits the perimeter landscaping. In addition, the grade and location of the existing utility boxes
prevents the applicant from providing the 8’ of landscaping along the curb. The Planning Department
believed that a practical difficulty resulted from the irregular shape of the lot, the shared access with the
Montessori school and the significant grade change from east to west that made it difficult to comply with
zoning regulations. He noted that several bus stops are available near the site for public transportation.
The Planning Department recommended approval in accordance with the plans submitted.

At Mr. Anzaldo’s request, Mr. Spellman mentioned some of the projects that his company has been
involved with in the past and some details about the current project.

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

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
20. Case No. 17-101
Millard Public Schools
Ed Rockwell
13906 F Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-830 - Variance to the maximum overall signage budget from 32 sq. ft. to 89 sq. ft. and to the maximum height for wall signs from 16’ to 19’ to allow for additional signage on the property.

LOCATION: 12801 L Street
ZONE: R4

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

Mr. Aspen moved to LAYOVER for proper notification to the neighbors. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
21. Case No. 17-102
Metropolitan Community College
Stan Horrell
5300 N. 30th St.
Omaha, NE 68111

REQUEST: Waiver of Section 55-830 - Variance to the maximum overall signage budget from 32 sq. ft. to 305.5 sq. ft. and to the maximum size of a monument sign from 25 sq. ft. to 55 sq. ft.; to the maximum height for a monument sign from 6' to 12' (2 signs) and to the setback from 12' to 4'4"; to the maximum height for 3 wall signs from 16' to 42'7", 24' and 35'5" to allow for a new signage plan for Metropolitan Community College.

LOCATION: 5300 North 30th Street
ZONE: R4-ACI-2(PL)

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

At the Zoning Board of Appeals meeting held on July 13, 2017, Jen Cross (RDG Planning & Design – 900 Farnam Street) and Lindsay Neemann (Metropolitan Community College) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant received approval of a major amendment to an existing Conditional Use Permit from the Planning Board for the requested signage. In this case, the residential zoning is restrictive as to what type and amount of signage is permitted. The Planning Department has supported requests for similar types of civic uses. This site has several access points and many visitors that need to be directed to various locations within the campus.

Ms. Cross added that the requested waivers were necessary because of the extensive length of the right-of-way along 30th Street and Sorensen Parkway. She stated that open houses were held for neighbors within 300’ of the property and that there had been no opposition to the proposed signage.

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

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
22. Case No. 17-103
Cheryl Mayfield
3022 N. 170th St.
Omaha, NE 68116

REQUEST: Waiver of Section 55-186 - Variance to the minimum rear yard setback from 25' to 18' to allow the construction of an 18' x 32' deck and stairs addition.

LOCATION: 3022 North 170th Street
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 13, 2017, Cheryl Mayfield appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a larger deck on the property. The Planning Department found no hardship or practical difficulty since a legal deck already existed on the property. The Planning Department recommended denial.

Ms. Mayfield indicated that her neighbors to the east, south and west that were notified about the request were not opposed to the project. She stated that the existing deck was deteriorating and needed to be replaced. The deck would also provide more room for a family member who used a wheelchair.

Mr. Lanoha noted that the applicant could also have made use of the Reasonable Accommodation request to obtain the waiver.

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

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes for the June 8, 2017 meeting. Mr. Anzaldo seconded the motion.

AYES: Anzaldo, Aspen, Lanoha

ABSTAIN: Kelley

MOTION CARRIED: 3-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:31 p.m.

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Approved (date)

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Brian Mahlendorf, Chair

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Clinette Ingram, Secretary