ZONING BOARD OF APPEALS
PRE-MEETING - THURSDAY, AUGUST 16, 2018
11:00 A.M.
11TH FLOOR – CENTRAL CONFERENCE ROOM
OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET - OMAHA, NEBRASKA

PRE-MEETING:

The board members in attendance were: Jacque Donovan, Brian Mahlendorf, Kris Moore, Jason Lanoha and Sean Kelley. Planning Department staff in attendance were: Patrick Butler, Cliff Todd, Mike Carter and Debbie Hightower.

ZONING BOARD OF APPEALS
PUBLIC MEETING - THURSDAY, AUGUST 16, 2018
12TH FLOOR – ROOM 1210 – 1:00 P.M.
OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET - OMAHA, NEBRASKA

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 Thursday, August 9, 2018.

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

MEMBERS NOT PRESENT: Sebastian Anzaldo
Jeremy Aspen

STAFF PRESENT: Cliff Todd, Zoning Board of Appeals Administrator
Mike Carter, City Planner
Patrick Butler, City Planner
Jennifer Taylor, City Attorney
Debbie Hightower, Recording Secretary

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

1. Case No. 18-069 (from 7/12/18)  
   Mary Jo Hubbard  
   9906 “O” Circle  
   Omaha, NE 68127  
   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: 9906 “O” Circle  
   ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant is proposing to build a 6’ tall privacy fence which will encroach into the street side yard setback. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Ms. Mary Jo Hubbard stated that her current request is for a six foot fence. She stated that it is more the height she is looking for and is willing to make it an ornamental fence or chain link fence if that is more acceptable to the Board. Ms. Hubbard stated that she believes the information provided in her request proves that there is no negative impact from installing the fence. She stated that since the case was originally heard, she has obtained the signatures of all ten of her neighbors in the circle, as well as that of the house which adjoins her property in the back. In addition, Ms. Hubbard provided images of her neighbor to the west which has the exact same lot situation and fence as she is requesting.

There were no opponents.

In response to questions from the Board, Ms. Hubbard stated that there is a pool in her back yard and that she is completely open to having a fence which is 50% open if she can have it six feet tall. She stated that she is asking for the fence solely to provide safety and security to her children while playing in the yard. Upon further questioning from the Board, Ms. Hubbard affirmed that she would absolutely prefer an ornamental metal fence over a chain link fence if approved by the Board.

Mr. Mahlendorf motioned to approve the waiver for variance of maximum height of the fence located in the street side yard setback from 4’ to 6’ subject to the condition that the fence is to be of ornamental metal construction. Ms. Donovan seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Donovan

NAYES: Lanoha

MOTION CARRIED: 4-1
2. Case No. 18-091(from 7/12/18)  
Willie Douglas  
Malibu Homes  
P.O. Box 418  
Elkhorn, NE 68022  
REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping from 70% to 54% and to the minimum landscaping depth from 25' to 17' for an existing circular driveway.  
LOCATION: 142 North 248th Circle  
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated the home was built in 2017 and was in compliance at the time. The request for a waiver is to support a design preference however, the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Jeff Lake, 21008 Cumberland Drive, appeared on behalf of the applicant, Malibu Homes. Mr. Todd showed an aerial view of the property as well as a map showing the location. He stated that the original plans were changed to allow for a circular drive due to the streets are narrow and there is an issue with cars parked in the street as well as pedestrian traffic as there are no sidewalks. There are several circular drives in the neighborhood which provides a safer environment.

There were no opponents.

The Board discussed whether there have been similar requests in the past, it was determined that there have not been from this applicant.

The Board pointed out that the circular drive would be safer, however, it appears that the applicant has added 8 to 10 feet width to the drive, which is why a waiver is needed. In response, Mr. Lake stated that it is similar to the other driveways in the neighborhood. After looking at the exhibit, it was determined that the neighboring circular drive is half the width of the one requested. Mr. Lake added that other circular drives in the neighborhood are consistent with the one at this address.

The Board stated that the problem is that builders are building what they want and then come to the Zoning Board requesting waivers after the fact. There was discussion that the builder needs to understand that this needs to not happen in the future.

The Board discussed requiring that at least half of the distance between the drives consist of 4’ high, mature, vegetative landscaping. Mr. Lake stated that this would be acceptable.

Mr. Mahlendorf motioned to approve the waiver subject to the condition that at least 50% of the distance between the two drives be covered by at least a 4’ high landscape screen. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Kelley, Moore, Lanoha

NAYES: Donovan

MOTION CARRIED 4-1
3. Case No. 18-092(from 7/12/18)  
Mike Shotkoski  
Malibu Homes  
P.O. Box 418  
Elkhorn, NE 68022  
REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping from 60% to 55% and to the minimum landscaping depth from 15' to 10' for an existing circular driveway.  
LOCATION: 2458 South 182nd Circle  
ZONE: R4  

PLANNING DEPARTMENT RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated the home was built in 2017 and was in compliance at the time. The request for a waiver is to support a design preference however, the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Jeff Lake, 21008 Cumberland Drive, appeared on behalf of the applicant, Malibu Homes. Mr. Lake stated that the character of the neighborhood supported the circular drive, the width of the street is limited on street parking. The lot in question is a pie shaped lot, with a narrow frontage with essentially a continuous curb cut. He stated that a circle drive will be a safer option as backing out of the driveway with limited visibility would be dangerous.

There were no opponents.

The Board discussed requiring that at least half of the distance between the drives be 4’ high, mature, vegetative landscaping. Mr. Lake stated that this would be acceptable.

Mr. Mahlendorf motioned to approve the waiver subject to the condition that at least 50% of the distance between the two drives be covered by at least a 4’ high landscape screen. Ms. Moore seconded the motion.

The Board stated their frustration with the number of these requests that are coming in from various builders as they change plans which have been approved and then come for waivers after the fact. It was stated that the applicant needs to make sure this does not happen again.

AYES: Moore, Kelley, Mahlendorf, Lanoha

NAYES: Donovan

MOTION CARRIED 4-1
NEW CASES:

4. Case No. 18-045
   Tom Hemminger
   3215 Oakridge Road
   Omaha, NE 68112
   REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a gravel driveway for a new garage.
   LOCATION: 3215 Oakridge Road
   ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the approach and the first 50’ of the driveway being paved at such time that street adjacent to the driveway is paved.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant is proposing to build a new 40’ x 60’ accessory building in a DR District with an Environmental Overlay. The applicant currently has a gravel approach leading to the existing garage and adding additional impervious coverage would disturb the environment which the ED Overlay District protects. It should be noted that this request is supported for personal use only as commercial use is not allowed within the DR district. The Planning Department recommends approval in accordance with the plans submitted, subject to the approach and the first 50’ of driveway being paved at such time that the street adjacent to the driveway is paved.

Mr. Tom Hemminger, 3215 Oakridge Road, appeared before the Board. Mr. Hemminger stated that Oakridge Road is a gravel road which provides access to his neighbor’s driveways and that his home is located off another dirt road which branches off from there. He stated that he is proposing to build another building tucked in from the road away from his current driveway.

There were no opponents.

Mr. Kelley motioned for approval of the request in accordance with the plans submitted, subject to the approach and the first 50’ of the driveway being paved at such time that street adjacent to the driveway is paved. Ms. Donovan seconded the motion.

AYES: Donovan, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED 5-0
5. Case No. 18-062  
George Hunter  
3109 Marcy Street  
Omaha, NE 68105  

**REQUEST:** Waiver of Sections 55-226 & 55-715 - Variance to the impervious coverage maximum from 60% to 73% and to the minimum street yard landscaping from 55% to 30% with a request for Reasonable Accommodation.

**LOCATION:** 3109 Marcy Street  
**ZONE:** R6

**PLANNING DEPARTMENT RECOMMENDATION:** Approval.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant is proposing to construct a new single car driveway in front of his home where a wheelchair ramp has been constructed to ease access to the front door by the applicant who utilizes a wheelchair. After reviewing the reasonable accommodation provided with the request, the Planning Department has determined that the request does meet the City’s guidelines and is recommending approval of the waiver.

Mr. Mike Farmer, 3109 Marcy Street, appeared before the Board on behalf of the applicant. Mr. Farmer stated that Mr. Hunter has difficulty getting to his home from the on-street parking. In addition, Mr. Farmer stated that there are other homes in the neighborhood which have driveways with ramps similar to that which Mr. Hunter is requesting.

There were no opponents.

In response to a question from the Board, Mr. Farmer stated that other options were looked at but the single drive being proposed is what will work the best for Mr. Hunter.

At the request of the Board, Mr. Mahlendorf explained the City of Omaha’s Reasonable Accommodation policy and advised that this request does meet the requirements.

Ms. Donovan motioned for approval of the waiver and the request for the Reasonable Accommodation. Mr. Kelley seconded the motion.

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

**MOTION CARRIED 5-0**
6. Case No. 18-101
Carrell & Associates
5111 South 111th Street
Omaha, NE 68137
REQUEST: Waiver of Section 55-108 - Variance to the minimum interior side yard setback from 25' to 20' for two existing single-family homes.
LOCATION: 4030 & 4034 King Street
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant has submitted an application for an Administrative subdivision, dividing three parcels into two newly created lots. A hardship exists due to the location of the two homes which have been long standing on the lots which will not allow for the 25' setback to be met, but will allow for a 20' setback. The Planning Department does not feel this is an unreasonable request and recommends approval.

Mr. Roger Carrell, Carrell & Associates, 5111 South 111 Street, appeared before the Board. Mr. Carrell stated that the existing homes overlap the existing lot lines and this request is to facilitate moving the lot lines to create the new lots.

Ms. Donovan motioned for approval of the waiver according to the plans submitted. Ms. Moore seconded the motion

AYES: Mahlendorf, Moore, Donovan, Kelley, Lanoha

MOTION CARRIED 5-0
7. Case No. 18-102
Donald Freeman
430 Grover Street
Omaha, NE 68108

REQUEST: Waiver of Sections 55-186 & 55-782(6)(a) - Variance to the interior side yard setback from 3’ to 1’6” and to the maximum impervious surface coverage from 50% to 53% to allow for construction of a 24’ x 24’ detached garage and new driveway.

LOCATION: 430 Grover Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant is proposing to construct a new detached garage on the property. A provision exists in the zoning code which allows the applicant to position the structure 3’ from the rear and 3’ from the interior side yard. This request is for an additional reduction in this variance is a design preference, a garage could be built within the allowable 3’ setbacks. The garage driveway extension contributes to the overage. The garage size could be reduced to move it farther from the property line or the pavement could be reduced in size to bring it within the variance. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Stewart Shell, 3435 Webster Street, appeared on behalf of his father-in-law, Donald Freeman. Mr. Shell stated that the current zoning was applied after the parcel was created and it is approximately 160 square feet under the minimum called for with this zoning, which is about equal to the 3% difference being requested. He stated that the lot is also 44’ wide while the zoning code requires 50’. Mr. Shell stated that the combination of these two issues is why the applicant feels a waiver should be granted. In addition, photos were provided showing other properties within the neighborhood with garages within 3’ of the lot lines and also approximately 2/3 of the properties on the block do not comply with the zoning requirements with regard to impervious surfaces. Mr. Shell stated that they have the support of 6 of the 7 property owners on Grover Street.

There were no opponents.

In response to a question from the Board, Mr. Shell stated that they are requesting the waiver because otherwise it would be difficult to fit two cars into the area.

Ms. Donovan motioned to approve a variance to the interior side yard setback only from 3’ to 1’6” and the maximum impervious and the rear yard setback to remain 3’. Mr. Mahlendorf seconded the motion.

AYES: Moore, Donovan, Kelley, Mahlendorf, Lanoha

MOTION CARRIED 5-0
8. Case No. 18-103
   Steve Sequenzia
   11214 Shirley Street
   Omaha, NE 68144

   REQUEST: Waiver of Section 55-126 - Variance to the front yard setback from 50’ to 26’ to allow for construction of a detached garage.

   LOCATION: 11214 Shirley Street
   ZONE: R1

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant is proposing to construct a new 40’ x 24’ detached garage on the east side of his home. Mr. Todd advised that the applicant already has a two car attached garage and that the new garage could be built smaller and closer to the home to alleviate the need for the variance. The request is to accommodate a design preference and the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

   Mr. Steve Sequenzia, 11214 Shirley Street, appeared before the Board. Mr. Sequenzia stated that his home is next to the interstate. This building would create an additional sound barrier in which he would store his boat and other toys. Mr. Sequenzia stated that 112th Street along his front lot is inaccessible when it rains. He stated that he has researched other setbacks in his neighborhood and this request would be in line with others in the area. He stated that the building will be built with materials matching the existing home.

   There were no opponents.

   Mr. Mahlendorf motioned for approval of the waiver. Mr. Kelley seconded the motion

   AYES: Donovan, Kelley, Mahlendorf, Moore, Lanoha

   MOTION CARRIED 5-0
9. Case No. 18-104 
Rob Elder 
8536 Western Avenue 
Omaha, NE 68114 

REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 11’8” to allow for reconstruction of an existing deck.

LOCATION: 2535 South 152nd Avenue Circle 
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant is requesting a waiver to replace an existing deck on the rear of the home. A deck could be built with a smaller landing and stairs which would not require a waiver. The request is to accommodate a design preference and the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Robert Elder, 8536 Western Avenue, appeared before the Board on behalf of the applicant. Mr. Elder stated that the owner of the home is in a Nursing Home and is wishing to sell the home. Mr. Elder is the contractor who has been hired to make the home ready for sale. He stated that the house is set back 25.85’ from the rear lot line and the existing deck landing measures 4’ x 20’ which does not include the stairs. Mr. Elder stated that the deck appears to have been built at the same time the home was constructed and he wants to construct the new deck the same as the existing one. If he built the deck 3’ wide with the stairs parallel to the deck, as recommended by the Planning Department, it would still not be within the 25’ set back.

There were no opponents.

The Board stated that it does not appear that the deck can be done away with, as it is the only way to exit the rear of the home. Additionally, making the deck any smaller is not feasible.

Ms. Donovan motioned for approval of the variance to the rear yard setback from 25’ to 11’8” to allow the deck to be reconstructed exactly the same as the original. Ms. Moore seconded the motion.

AYES: Kelley, Mahlendorf, Moore, Donovan, Lanoha

MOTION CARRIED 5-0
10. Case No. 18-105
Max Dearing
Youth Emergency Services
2679 Farnam Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35' to 18' to allow for the replacement of an existing deck.

LOCATION: 2922 Izard Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant is requesting to replace a deteriorated front porch/deck. The applicant’s proposal is in line with other front porch structures on the block. The Planning Department recommends approval.

Mr. Max Dearing, 2679 Farnam Street, appeared before the Board on behalf of Youth Emergency Services. Mr. Dearing stated that Youth Emergency Services is the only youth shelter in Omaha that is open 24 hours per day. The current porch is the only way into the house and was not set back 35’ when it was originally built.

There were no opponents.

Mr. Kelley motioned for approval of the variance to allow construction of a porch to access the front entrance of the building. Mr. Lanoha seconded the motion.

AYES: Mahlendorf, Moore, Donovan, Kelley, Lanoha

MOTION CARRIED 5-0
11. Case No. 18-106  
   Travis Rozeboom  
   6004 South 159th Circle  
   Omaha, NE 68135  

   REQUEST: Waiver of Section 55-108 - Variance to the interior side yard setback from 25' to 16' for construction of a new home.  

   LOCATION: 18208 Trailridge Road  
   ZONE: DR  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, advised that the applicant is proposing to construct a new 75' wide home on a 117' wide lot. This prevents the applicant from meeting the required 25' interior side yard setback on each side. Any new construction on the site needs to conform to current zoning standards. The request is to accommodate a design preference and the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Travis Rozeboom, 6004 South 159 Circle, appeared before the Board. Mr. Rozeboom stated that he is the owner of the property at 18208 Trailridge Road. He stated that the property sits in a low spot which they have found has water table and soil issues which get worse the further back in the lot you go. In order to safely build a home on the site, the recommendation was that they build wider rather than deeper to avoid problems with foundation and footings for the home.

Mr. Rozeboom stated that he spoke with the neighbors. The neighbor to the west received a variance which allowed him to build his home closer to the lot line that Mr. Rozeboom now owns, however, that neighbor is not supportive of Mr. Rozeboom receiving a variance to build closer to the same lot line. The neighbor to the east has submitted a letter indicating his support of the variance.

There were no opponents.

In response to questions from the Board, Mr. Rozeboom stated that he is willing to respect the 25' setback to the west due to the opposition of the neighbor on that side. He stated that he has a good relationship with the neighbor to the east who has horse pasture land directly adjacent to his property. The drainage from his lot will flow to the east where there is a natural drainage way at the rear of the property.

Mr. Mahlendorf motioned for approval of the variance to the interior side yard setback. Ms. Donovan seconded the motion, noting that she believed the soil issue constituted a construction hardship.

AYES: Moore, Donovan, Kelley, Mahlendorf, Lanoha

MOTION CARRIED 5-0
12.  Case No. 18-107
Dan Stolinski
12017 Douglas Circle
Omaha, NE 68154

REQUEST: Waiver of Section 55-146 - Variance to the minimum front yard setback from 40' to 30' to allow for construction of a new driveway and home addition.

LOCATION: 12017 Douglas Circle
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant is proposing construction of a new driveway and home addition which does not meet the minimum front yard setback as a result of an unorthodox plotting of the subdivision circle in 1965. This creates a hardship because if the circle had been platted correctly the waiver would not be needed. The Planning Department recommends approval of the waiver.

Melissa and Dan Stolinski, 12017 Douglas Circle, appeared before the Board. Mr. Stolinski stated that they are requesting the waiver to construct the new driveway and addition. He reiterated what Mr. Todd had stated about the platting of the subdivision circle.

There were no opponents.

Mr. Mahlendorf motioned for approval of the waiver. Ms. Donovan seconded the motion.

AYES: Donovan, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED 5-0
13. Case No. 18-108
   Jared Gerber
   5037 Parker Street
   Omaha, NE 68104

   REQUEST: Waiver of Sections 55-266 & 55-715 - Variance to the minimum front yard setback from 35’ to 13’, to the interior side yard setback from 5’ to 3’ and to the minimum street yard landscaping from 50% to 36% to allow for construction of a new wraparound porch and steps.

   LOCATION: 4824 Davenport Street
   ZONE: R8

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, explained that the applicant is proposing to construct a front porch to replace a porch which was removed from the home at some point in the past. The request is to accommodate a design preference and the Planning Department found no hardship or practical difficulty to support the request and recommended denial.

   Mr. Jared Gerber, Gerber Architecture, 5037 Parker Street appeared before the Board on behalf of the applicant. Mr. Gerber stated that he is the architect working with the owner. He stated that this is a 100 year old home in the historic Dundee area. At one point the house did have a porch which was removed by a prior owner. The current owner would like to restore the home to its original grandeur. Mr. Gerber provided photos to the Board to show how the porch previously looked. The owner across the street stated that he would appreciate seeing the project completed as it would add to the historic feel of the neighborhood.

   There were no opponents.

   In response to questions from the Board, Mr. Gerber stated that the addition of the porch will not extend the home any further toward the neighbor to the east and that they have had a conversation with the neighbor to the east who stated that they are in support of the project as well.

   Ms. Moore motioned to approve the variance to the minimum front yard setback from 35’ to 13’, to the interior side yard setback from 5’ to 3’, and to the minimum street yard landscaping from 50% to 36% to allow for construction of a new wraparound porch and steps. Mr. Kelley seconded the motion.

   AYES: Kelley, Mahlendorf, Moore, Donovan, Lanoha

   MOTION CARRIED 5-0
14. Case No. 18-109
John Klimpel
Center 60 Hospitality, LLC
9240 Andermatt Drive
Lincoln, NE 68526
REQUEST: Waiver of Section 55-366 - Variance to the maximum height in a CC district from 60’ to 70’ to allow for construction of a new hotel.
LOCATION: 6201 Center Street
ZONE: CC-MCC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that this request is for new construction and as such it must conform to current zoning restrictions. The request for a waiver to the maximum height from 60’ to 70’ is the result of a design preference, there is no hardship or practical difficulty to support the request and the Department recommended denial.

Mr. John Mountjoy, 1823 Harney Street #301, appeared before the Board on behalf of the applicant, Center 60 Hospitality LLC. Mr. Mountjoy presented a package to the Board with photographs describing the request. He explained that the reason for the waiver request was to accommodate the signature signage for the building. He went on to describe the signage as being very expensive and adding to the appeal of the structure as a boutique hotel. Mr. Mountjoy stated that this is a form of branding used by the Marriott Company, making this recognizable as one of their properties. He stated that the hardship is that if they are unable to have the waiver to allow for this signage, they will have to reduce the size of the project by one whole floor, which then makes the project less feasible from an economic standpoint. Mr. Mountjoy stated that the surrounding properties, (Baxter Arena, Broadmoor Apartments) do not have the same maximum height restrictions.

Mr. Doug Kellner, Thompson, Dreessen, & Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant and stated he was available to answer any questions.

There were no opponents.

Ms. Donovan stated that she believes the hardship in this case is the zoning which is different than the zoning for some of the other properties surrounding this project. Ms. Donovan motioned for approval of the waiver. Mr. Kelley seconded the motion.

AYES: Malendorf, Donovan, Kelley, Lanoha
ABSTAIN: Moore
MOTION CARRIED 4-0-1
15.  Case No. 18-111
  Lindsey Anderson
  4303 Woolworth Avenue
  Omaha, NE 68105  
  REQUEST:  Waiver of Sections 55-126 & 55-715 -
  Variance to the minimum interior side yard setback from 25’ to 16’ for
  construction of a new garage addition,
  the rear yard setback from 35’ to 5’4” for
  construction of a new pool house and to
  the minimum street yard landscaping
  from 75% to 50% for construction of a
  new motor court.
  LOCATION:  7921 Leavenworth Street
  ZONE:  R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board
of Appeals Administrator, stated that the applicant provided a site plan which depicts a number of
major changes to this property. The Zoning Board of Appeals previously granted a variance to
the minimum side yard setback in 2017, however, the applicant sold the property before acting
on the waiver. In this case, the applicant is requesting waivers to the interior side yard setback,
the rear yard setback, and minimum street yard landscaping. The Department feels that the
requests are excessive and to maintain the character of the neighborhood, which is zoned R1,
the Department recommended denial.

Ms. Lindsay Anderson, 7921 Leavenworth Street, appeared before the Board. Ms. Anderson
stated that the home has a single car garage, which she would like to replace with a three car
garage. She advised that there were several options explored in order to replace the garage with
the smallest change to the setback before deciding on the one they presented to the Board. Ms.
Anderson stated that all of the neighbors have looked at the plans in detail and agree that they
would like to see the improvements made to her property.

Ms. Anderson stated that the pool house request is to provide privacy for the neighbors who do
not want a pool in the back yard.

There were no opponents.

In response to questions from the Board, Ms. Anderson stated that they are going to make the
pool house and garage match the house. The pool house is proposed to be a single story with
storage and a small kitchen. There was some discussion about whether making the pool house a
garage or a shed would change the setback. Mr. Mike Carter, Planner, City of Omaha, stated
that a pool house is not the same as a shed and has a different setback. Ms. Anderson stated
that they plan to use most of it for storage, with only 200-300 square feet to be finished for the
kitchen/living area of the pool house. Mr. Carter described what waivers and permits would be
different with a pool house and a garage. Members of the Board discussed that 5’4” was simply
not an acceptable variance and they could not support it based on the plans that had been
provided by the applicant.

Ms. Anderson then stated that the minimum interior side yard setback request was actually for
15’ rather than the 16’ requested. The Board discussed that if there is a change to the request,
the case can be laid over and put on the agenda for next month. They stated that it could be
approved at 16’ and if she needs to change that, she can come back with another request.
Ms. Donovan motioned to approve the variance to the minimum interior side yard setback from 25' to 16' for construction of a new garage addition, and to the minimum street yard landscaping from 75% to 50% for construction of a new motor court. Mr. Lanoha seconded the motion.
AYES: Donovan, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED 5-0
16. Case No. 18-112
Jared Gerber
5037 Parker Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping from 75% to 72% to allow for construction of a new home addition.

LOCATION: 207 South 93rd Avenue
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 16, 2018, Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a bedroom/bathroom addition on the front of their existing home. As a result of the addition, the street yard landscaping is reduced from 75% to 72%, the applicant will still be within the allowed front yard setback. The variance request is the result of a design preference, there is no hardship or practical difficulty to support the request and the Department recommended denial.

Mr. Jared Gerber, Gerber Architecture, 5037 Parker Street appeared before the Board on behalf of the applicant. Mr. Gerber explained that the master bedroom is currently at the front of the house and this is the area that the applicant wishes to enlarge. Mr. Gerber reiterated that the addition will still be within the allowed front yard setback and only the 3% change to the landscaping minimum is being requested.

There were no opponents.

In response to a question from the Board, Mr. Gerber confirmed that the addition will be constructed with like materials.

Mr. Kelley moved to approve the variance to the minimum street yard landscaping from 75% to 72%. Ms. Donovan seconded the motion.

AYES: Donovan, Kelley, Mahlendorf, Moore, Lanoha

MOTION CARRIED 5-0
APPROVAL OF MINUTES:

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

AYES: Kelley, Mahlendorf, Moore, Donovan

ABSTAIN: Lanoha

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:27 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Debbie Hightower, Secretary