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 Tuesday, August 22, 2017.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Sebastian Anzaldo
Jeremy Aspen
Jason Lanoha

MEMBERS NOT PRESENT: Sean Kelley (Alternate)

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

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

1. Case No. 17-083 (from 7/13/17)  REQUEST: Waiver of Section 55-187(e) - Variance to the front yard setback from 35’ to 25’ to allow construction of three single-family homes.
   Sebastian A. Anzaldo
   3106 S. 57th Cir.
   Omaha, NE 68106
   LOCATION: 4419, 4421 and 4425 South 16th Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to submitting an application for rezoning to R4.

At the Zoning Board of Appeals meeting held on August 29, 2017, Sebastian Anzaldo appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, recalled that the case had been laid over due to lack of a quorum. She stated that many of the homes in the neighborhood were closer than the required 35’ setback and that the proposed 25’ setback was consistent with the area. Since the properties are east of 42nd Street, the Planning Department supports rezoning of the properties to R4 at no cost to the applicant. Rezoning of the property would change the setback to 25’ so that no waivers would be necessary. The Planning Department recommended approval, subject to submitting an application for rezoning to R4.

Mr. Anzaldo explained that the homes could only be built at a 25’ setback. He explained that if the homes were built at the 35’ setback, trees at the rear of the property would need to be removed which would destroy the “park like” setting of the site. He requested that he not be required to rezone the properties to R4.

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

AYES: Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 4-0
2. Case No. 17-085 WITHDRAWN
   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

This case was withdrawn at the applicant’s request.
3. Case No. 17-087 (from 7/13/17)  

Brendan Brown  
8011 Evans St.  
Omaha, NE 68134

REQUEST: Waiver of Section 55-146 - Variance to the minimum rear yard setback from 25’ to 15’ and to the maximum impervious coverage from 40% to 42% to allow for construction of a 22’ x 33’ garage addition.

LOCATION: 8011 Evans Street  
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 29, 2017, Brenden Brown appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to submit a revised plan for a smaller garage addition. A revised plan was submitted to the Planning Department on August 1, 2017 that showed a reduction of the proposed garage from 22’ x 40’ to 22’ x 33’. This would reduce the amount of impervious coverage from 43% to 42% and increase the rear yard setback to 18’ from 15’. She stated that there was no hardship or practical difficulty to support the request and that a garage in compliance with zoning ordinances could be built. The Planning Department recommended denial. She noted that before the meeting began, the applicant submitted additional signatures from a nearby neighbors (Exhibit C).

Mr. Brown stated that he wanted the garage to store his various vehicles. He stated that he had submitted a signature from the neighbor to the south that would be most impacted by the addition (Exhibit B). In response to Mr. Aspen, he explained that it would be difficult to make the addition even with the front of the home due to the grade of the site.

In response to Ms. Donovan, Mr. Brown stated that the existing shed behind the home would be removed and the proposed addition would match the existing home.

Ms. Donovan stated that the garage would not be characteristic of the neighborhood. Mr. Mahlendorf believed that the height of the garage should be reduced even more than what was proposed. Mr. Brown stated that he would be willing to reduce the height of the garage to 12’ with a 4’ pitch.

Mr. Anzaldo moved to APROVE subject to: 1) the rear yard setback being at 20’; 2) the height of the garage being no taller than 16’ (12’ height and 4’ pitch); 3) the materials matching the existing home; and 4) the removal of the shed from the rear of the property. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 17-093 (from 7/13/17)  
Johnny Sautter  
8533 Parker St.  
Omaha, NE 68114

REQUEST: Waiver of Section 55-246 & 55-715 -  
Variance to the minimum rear yard setback  
from 25’ to 24’, and to the street yard landscaping percentage from 50% to 37%,  
to allow for construction of four townhouses.

LOCATION: 1436 South 16th Street  
ZONE: R7

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Johnny Sautter and Doug Kellner (TD2) appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to meet with city staff on alternative design options for parking. The applicant met with staff on July 24, 2017 and submitted a revised plan that met the minimum street yard landscaping depth of 10’. The location of the building was adjusted so that the required landscaping depth could be met which increased the street yard landscaping percentage from 30% to 37%, but resulted with an encroachment into the rear yard setback by 1’. She stated that a hardship existed due to the limitations of the site which include the size constraints of the property and the inability to enlarge the site. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 17-101
Millard Public Schools
Ed Rockwell
13906 F St.
Omaha, NE 68137

LOCATION: 12801 L Street
ZONE: R4

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.

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Pat Carson (BCDM Architects) appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the case had been laid over from the July 13, 2017 meeting to allow for proper neighborhood notification. At its May 3, 2017 Planning Board meeting, a Major Amendment to an assumed Conditional Use Permit to allow a secondary education facility in a R4 district. One of the conditions of approval was to request the necessary waivers for the proposed signage from the Zoning Board of Appeals. The Planning Department has typically supported signage waivers for large civic uses in residential districts. A practical difficulty exists due to the restrictive nature for signage in a residential district and the large civic use on the site. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

6. Case No. 17-104
   Lynnsey Bailey
   Dustin Bode
   4151 Cuming St.
   Omaha, NE 68131

REQUEST: Waiver of Section 55-246 - Variance to the minimum interior side yard setback from 5’ to 1.5’ to allow a reconstructed deck to remain.

LOCATION: 4151 Cuming Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 29, 2017, Lynnsey Bailey appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicants replaced a deteriorated side entrance deck and stairs, which is the only entrance to the second and third levels of the home. They believed that the new deck was covered under a General Repair permit that they obtained from Permits and Inspections. A permit should have been obtained specifically for the deck replacement. The new deck is larger than the previous deck and encroaches further into the side yard setback. Since no hardship or practical difficulty was found to support the request, the Planning Department recommended denial.

Mr. Mahlendorf stated that the board had visited the site and supported the project.

Ms. Bailey submitted information about the case to the board (Exhibit B). She stated that the previous deck was unsafe and that she was unaware that a separate permit was needed for the deck. She explained that the deck is necessary for access to the second floor and third floors. She indicated that she had spoken with the neighbors and no one was opposed to the request. She was able to locate the previous owners of the property who indicated that the side entrance was original to the structure (Exhibit C).

Mr. Mahlendorf stated that the board was in support of the request. He noted that the applicant owned the adjacent home and that the neighbors were also in support.

Dierdre Evans (418 North 38th Street) appeared in support of the request. Ms. Evans is a member of the Joslyn Castel Neighborhood Association. She submitted a letter of support from the association (Exhibit D).

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 17-105
Paul Lenagh
2227 S. 189th Cir.
Omaha, NE 68130

REQUEST: Waiver of Section 55-740(e) - Variance to the requirement for a driveway to construct a new 26’ x 30’ detached garage/pool house.

LOCATION: 2227 South 189th Circle
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 29, 2017, Paul Lenagh appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant obtained a permit to build a 780 square foot garage, subject to providing hard-surface pavement to both garage door entrances. The applicant submitted a revised plan that showed the required driveways; however, he requested a waiver to the driveway requirement for the lower level of the garage that leads to the swimming pool. The Planning Department found no hardship or practical difficulty to support the requested waiver and recommended denial.

Mr. Lenagh explained that his pool would be located in front of the garage door. He further explained that the lower level of the garage would be used as an entertainment room for the pool. He added that the addition was characteristic of what already existed in the neighborhood. In response to Mr. Mahlendorf, he stated that no cars would be parked in the lower level of the garage near the proposed pool.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the garage not being used to store vehicles. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-106
Mr. and Mrs. Tin Tran
701 Caniglia Pl.
Omaha, NE 68108

REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35’ to 20’ to allow construction of a new single-family home and garage.

LOCATION: 1226 South 11th Street
ZONE: R7

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Tin Tran appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the proposed 20’ setback was consistent with the neighborhood since many of the surrounding homes are closer than the required 35’ setback. The Planning Department has historically supported setback waiver for properties that are zoned R7 when appropriate. The Department recommended approval in accordance with the plans submitted.

In response to Mr. Mahlendorf, Ms. Alfaro clarified that the proposed setback is consistent with the other residential lots on that block and that an allowance in the code is not fully met due to industrial development.

Mr. Tran stated that he and his wife would be living in the home.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9. **Case No. 17-108**  
   Father Tom Bauwens  
   St. Wenceslaus Catholic Church  
   15353 Pacific St.  
   Omaha, NE 68154  
   **REQUEST:** Waiver of Section 55-830 - Variance to the maximum overall signage budget from 32 sq. ft. to 69 sq. ft., and to the maximum size of a monument sign from 25 sq. ft. to 35 sq. ft. to allow for a new signage plan for St. Wenceslaus Catholic Church.
   **LOCATION:** 15353 Pacific Street  
   **ZONE:** R4

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Ed Thiele appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that when the existing church is expanded, it will cover about 30 acres of land south of Pacific Street. The applicant requested two additional wall signs in addition to the two existing signs for a total of 69 square feet of signage. The existing monument sign at 155th and Pacific Streets will be removed and replaced with a new 22 square foot monument sign. A new 35 square foot monument sign is proposed near the future entrance of the church at 151st Street and Poppleton Avenue. She noted that, at the Planning Board’s July 5, 2017 meeting, a Major Amendment to the Conditional Use Permit was approved subject to the approval of the waiver. The Planning Department found the waivers acceptable and recommended approval in accordance with the plans submitted.

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

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

**MOTION CARRIED:** 5-0
10. Case No. 17-109

Nebraska Organ Recovery
8502 W. Center Rd.
Omaha, NE 68124

REQUEST: Waiver of Section 55-740(f)(4) - Variance to the perimeter landscaping adjacent to a residential district from 10’ to 5’.

LOCATION: 3867 Leavenworth Street

ZONE: GI-ACI-1(PL) (NBD pending)

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Brian Emmerick appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant planned to redevelop the site to an appropriate use for the pending zoning district. The applicant was in the process of appearing before the City Council for rezoning of the site to NBD (Neighborhood Business District). The waiver would allow the owner to maximize on-site parking and would provide 60 standard stalls and 3 handicapped accessible stalls. If the applicant was required to comply with perimeter landscaping requirements then the amount of available parking would be reduced by approximately 14 stalls. The applicant would be required to install a 4’ tall screening in this area. The Planning Department recommended approval in accordance with the plans submitted.

In response to Mr. Malendorf, Mr. Emmerick stated that there was an existing 6’ tall, wooden fence in place at that time. He added that there were plans to install evergreens.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 17-110
Kevin Flint
Creighton Preparatory School
7400 Western Ave.
Omaha, NE 68114

REQUEST: Waiver of Section 55-830 - Variance to the maximum overall signage budget from 32 sq. ft. to 125 sq. ft. and to the minimum front setback from 12’ to 6’ for two monument signs (one existing) to allow for an updated signage plan for Creighton Preparatory School.

LOCATION: 7400 Western Avenue
ZONE: R3

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Erin Froschheiser, Leo A. Daly, appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new monument sign at the southwest corner of 74th and Seward Streets that would serve the northern entrance of the school. With the addition of a sign not previously included in the signage plan for the school, waivers were required to the overall sign budget and front yard setback. The setback waiver applies to the signs at the southwest and southeast corners of 74th and Seward Streets. The request covers the sign budget for the entire site. The Planning Department believed that the proposed plan was acceptable and recommended approval in accordance with the plans submitted.

In response to Mr. Mahlendorf, Ms. Froschheiser stated that the monument signs would be similar to those that were previously approved by the board.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 17-111
Divercon
9884 N. 109th Ave.
Omaha, NE 68142

REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between GI and DR from 60’ with screening to 18.7’ without screening and between GI and R3 from 60’ to 49’ to allow for construction of a new 35,000 sq. ft. building.

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

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Doug Kellner, TD2, appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, recalled that the applicant was at the July 13, 2017 meeting to request a variance to the minimum bufferyard requirements between GI and DR from 60’ with screening to 3.2’ feet without screening and between GI and R3 from 60’ to 52’. Upon completion of a property survey, the applicant realized that the variance requested in July to the minimum bufferyard between GI and R3 was incorrect and that a reduction to 49’ was needed instead of the 52’ as requested. She noted that portions of the property are in the Flood Fringe Overlay and the Floodway Overlay, which could require that the applicant obtain flood plain permits in addition to building permits. The Planning Department recommended approval in accordance with the plans submitted.

The board commented that the request was actually a correction instead of a reconsideration of the waiver.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 17-112
Michael Baden
Immanuel Lutheran Church
2725 N. 60th Ave.
Omaha, NE 68104

REQUEST: Waiver of Section 55-206 & 55-742(b) - Variance to the maximum impervious coverage from 55% to 62% and to allow off-street parking within the required front yard to allow for construction of a new parking lot.

LOCATION: 2725 and 2717 North 60th Avenue
ZONE: R5(35)

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

At the Zoning Board of Appeals meeting held on August 29, 2017, Michael Baden and Jim (2627 North 102nd Avenue), appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that on August 2, 2017, the Planning Board approved a Major Amendment to a Conditional Use Permit to allow religious assembly in a R5(35) district. One of the conditions of approval was to obtain the necessary waivers from the Zoning Board of Appeals to allow parking in the front yard setback and for impervious coverage. The Planning Department has typically supported waivers for large civic uses in residential zoning districts. The Planning Department believed that the requested waivers were acceptable and recommended approval in accordance with the plans submitted.

Mr. Baden explained that the church was in need of parking. In response to Mr. Mahlendorf, Mr. Baden stated that 15 more stalls would be added.

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

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1
At the Zoning Board of Appeals meeting held on August 29, 2017, Kirk Koop appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the plans submitted by the applicant showed encroachments into the front and interior side yard setbacks. At the Planning Department's request, the applicant submitted building and impervious calculations as well as what the new width of the driveway would be if these waivers were approved. The applicant indicated that the proposed width of the driveway would be 33.9’, which exceeds the maximum allowable throat width of 30’. She advised that two commercial vehicles were observed at the home during site visits, one in the driveway and one on the street. Ms. Alfaro noted that, although home occupations are allowed in the zoning district, they are subject to four criteria: 1) no external affects attributable to the home occupation must be noticeable outside of the home; 2) no outside employees that do not live in the home; 3) no on-premises display of commercial sale of commodities; and 4) service traffic (deliveries or service by commercial vehicles or trucks) is prohibited. The Planning Department found no hardship or practical difficulty to support the requested waivers and recommended denial.

Mr. Koop stated that he wanted to keep his vehicles off the street. In response to Mr. Mahlendorf, the applicant stated that for 20 years he has run a mobile vehicle detailing business from his home. He stated that no work was done at the home and that he has one employee that cares for one of the vans along with his wife and himself.

Mr. Mahlendorf stated that he was hesitant to allow a garage to project into the front yard of the home. He felt that it was out of character for the neighborhood. He stated that, because of the size of the lot, he could support a waiver for the side yard. Mr. Koop indicated that he had the entire neighborhood sign statements of support for the project. In response to Ms. Donovan, Mr. Koop stated that if the garage were built off of the existing garage he would lose 15’. She believed that the garage should not come out any further than the existing home.

Mr. Aspen stated that he could not support a garage being built into the front yard setback and added that there was no real hardship.

Richard Klinger (6120 South 146th Street) appeared on behalf of the Stonybrook Neighborhood Association. He stated that the directors of the neighborhood association unanimously voted to deny the request for the following reasons: 1) the addition would be out of character with the neighborhood; 2) due to safety issues (he noted that when he drove by the home there were three commercial vehicles and several cars parked there); and 3) the neighborhood association believed that the garage would be used more for business purposes.

Mr. Koop stated that when Mr. Klinger drove by his home, he was having a brief meeting about his detailing business, which he explained occurs at his home on occasion. He stated that in the future he would hold his meetings at a different location.

Mr. Anzaldo suggested that the applicant make some changes and present those changes to the neighborhood association. He added that the request could be laid over or denied. The applicant agreed to meet with the association.
Mr. Lanoha stated that he was not convinced of the applicant’s claim that he was not violating the home occupation ordinance and that he did not plan to use the garage to run his business from his home.

Mr. Aspen moved to LAYOVER until the October 12, 2017 meeting. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Donovan, Anzaldo, Mahlendorf

NAYES: Lanoha

MOTION CARRIED: 4-1
15. Case No. 17-114
   Anant Enterprises, LLC
   Farnam Lodging, LLC
   P.O. Box 3847
   Omaha, NE 68103-0847

   REQUEST: Waiver of Section 55-740(f), 55-928(c), 55-928(e) & 55-934(b) - Variance to the minimum perimeter landscaping depth from 5’ to 2.5’, to the minimum perimeter landscaping requirement for green parking areas from 15’ to 7’, to the interior landscaping requirement from 7% to 1.4% and to the maximum height of a retaining wall from 10’ to 18’.

   LOCATION: 2431 Farnam Street
   ZONE: CBD-ACI-1(PL)

   PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to working with the Planning Department on an acceptable design for the retaining wall.

   At the Zoning Board of Appeals meeting held on August 29, 2017, Nate Burnett (REGA Engineering Group) and Deepak Gangahar appeared before the Board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant had been working with the Urban Design Division on a plan to redevelop the site. A new hotel and off-street parking was proposed for the site. The Planning Department believed that the waivers were acceptable since the proposed design was in character with the street and would be an improvement to the neighborhood. A hardship was found due to the: 1) the size constraints of the property; 2) the inability to enlarge the site; and 3) the topographical changes in grade. The Planning Department recommended approval, subject to the applicant working with the Planning Department on an acceptable design for the retaining wall.

   Mr. Burnett stated that the waivers would allow the applicant to maximize the use of the site. He stated that the proposed retaining wall is designed in such a way that it would tie into the existing wall that runs from north to south. He indicated that, due to existing conditions, Urban Design supported the use of a soil nail wall.

   In response to Mr. Mahlendorf, Mr. Burnett stated that the hotel would have 100 rooms and would be approximately 12,000 square feet.

   Honor Bulkley (2510 Harney) appeared before the board. She is the owner of 2464 Harney which is adjacent to the proposed hotel. She had some issues with how work on the retaining was being performed. She stated that she was in support of the project.

   Mr. Gangahar mentioned that steps that had been taken to improve the site. He made a commitment to the board and to the adjacent neighbors to do whatever was necessary to ensure that no one was adversely affected by the project.

   Mr. Burnett stated that he met with Ms. Bulkley and another landowner that morning to discuss the project.

   Mr. Lanoha moved to APPROVE subject to working with the Planning Department on an acceptable design for the retaining wall. Mr. Anzaldo seconded the motion.

   AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

   MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Anzaldo moved to APPROVE the minutes for the July 13, 2017 meeting. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Aspen, Lanoha

ABSTAIN: Donovan, Mahlendorf

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:43 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary