PRE-MEETING:

The board members in attendance were: Sean Kelley, Jeremy Aspen, Kris Moore, Dustin Friedman and Jason Lanoha. Planning Department staff in attendance were: Cliff Todd, Mike Carter and Debbie Hightower.

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, September 3, 2018 and Thursday, September 6, 2018.

MEMBERS PRESENT: Jason Lanoha, Chair
Jeremy Aspen
Sean Kelley
Kristine Moore (Alternate)
Dustin Friedman (Alternate)

MEMBERS NOT PRESENT: Sebastian Anzaldo
Brian Mahlendorf

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 1:08 p.m. Mr. Lanoha introduced the board members and staff, and explained the procedures for hearing the cases. He noted that that the applicants for Case 18-116 requested a layover.
LAYOVER CASES:

1. Case No. 18-085 (from 7/12/18)  
   Eric Crawford  
   Heart Ministry Center, Inc.  
   2222 Binney Street  
   Omaha, NE 68110  
   REQUEST: Waiver of Sections 55-243, 55-246 & 55-734 – Variance to the permitted use in a R7 district to allow Warehousing and Distribution; to the front yard setback from 35' to 9' 6”, to the street side yard setback from 25’ to 8’ and to the parking requirements from 67 spaces to 44 spaces.  
   LOCATION: 2217 & 2221 Wirt Street  
   ZONE: R7  
   PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on September 13, 2018, Eric Westman (Alley Poyner Macchietto Architecture – 1516 Cuming Street) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the case was laid over at the July 12, 2018 meeting to give the applicant time to meet with the neighborhood association and the surrounding neighbors. Since that time no new information had been received and the Planning Department’s recommendation remained the same. The Planning Department believed that a practical difficulty existed due to the unique services provided by the Sacred Heart Ministry Center and continued to recommend approval in accordance with the plans submitted.

In response to Mr. Kelley, Mr. Westman stated that a meeting had been held with the neighbor who appeared at the July meeting with concerns about their concerns.

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

Aspen, Kelley, Friedman, Moore, Lanoha

MOTION CARRIED: 5-0
NEW CASES:

2. **Case No. 18-113**  
   Nate Heimuli  
   Rathskeller Bier House  
   4524 Farnam Street  
   Omaha, NE 68132

   **REQUEST:** Waiver of Section 55-786(f)(2) – Variance to the maximum height for a fence in the side yard of a commercial district from 6’ to 8’ to allow for the replacement of an existing fence.

   **LOCATION:** 4524 Farnam Street  
   **ZONE:** CC-ACI-2(PL)

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Nate Heimuli appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that prior to applying for this waiver, the applicant had already finished installing a new 8’ fence around the perimeter of the property. The Planning Department found no hardship or practical difficulty to support the request, noting that a 6’ fence could be built on the property line that complied with zoning regulations. An 8’ fence could also be built at the required 15’ street yard setback. The Planning Department recommended denial. Mr. Todd did note that most of the fences in that area were not compliant.

Mr. Heimuli stated that the rear part of the fence that had been replaced was originally 9’. He believed that the fence would provide a buffer for the Child Saving Institute and would be located 15’ from the property line.

In response to Mr. Lanoha, Mr. Heimuli stated that he was replacing the fence at its previous. He did not think there was much of a difference between a 6’ fence and an 8’ fence when viewed from the street. He added that it would be difficult to lower the fence because of the way it was constructed.

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

**AYES:** Friedman, Moore, Aspen, Lanoha

**ABSTAIN:** Kelley

**MOTION CARRIED:** 4-0-1
3. Case No. 18-114
    Dave Paladino
    2702 Douglas Street
    Omaha, NE 68131

REQUEST: Waiver of Section 55-506 - Variance to the maximum Floor Area Ratio (FAR) from 2.0 to 2.47 to allow for construction of a new building to be used for Warehousing and Distribution (Limited).

LOCATION: 8701 North 30th Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to submit plans for a site plan review in order to coordinate the design of the building going forward so that it would meet urban design standards for the future ACI Overlay District.

At the Zoning Board of Appeals meeting held on September 13, 2018, Dale Clymens (2702 Douglas Street) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that a hardship existed in this case due to the unique nature of the storage facility use as it relates to building size. The location of the proposed building lies along North 30th Street which is designated as a future ACI Overlay District. The Planning Department supported the request; however, a layover was recommended to give the applicant time to submit plans for a site plan review in order to coordinate the design of the building going forward so that it would meet Urban Design standards for the future ACI Overlay District.

Greg Janisch, 8716 North 29th Street, appeared before the board. He stated that the existing wall of the bowling alley that is on the site sits on his property. He wanted to know the proposed location of the wall for the future storage facility. Mr. Clymens responded that the new building would comply with zoning regulations.

Mr. Clymens stated that he would prefer to move ahead with the permitting process and did not want the case laid over. Mr. Lanoha stated that it was important to him that the project comply with ACI requirements. Mr. Clymens stated that the applicant would be willing to comply with those regulations.

Ms. Moore moved to APPROVE subject to the final plans complying with the ACI Overlay District requirements and submittal of an application to add the ACI Overlay. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Kelley, Friedman, Lanoha

MOTION CARRIED 5-0
4. Case No. 18-115
Scott Bowen
2320 Paul Street
Omaha, NE 68102

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

LOCATION: 13925 White Deer Lane
ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval subject to the approach and the first 50’ of driveway inside the property line being paved.

At the Zoning Board of Appeals meeting held on September 13, 2018, Scott Bowen appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a gravel driveway to his garage, via his access from North River Road. He indicated that a practical difficulty existed due to the location of the property in an environmental overlay district that discourages increased storm water runoff and unnecessary grading. The Planning Department supported the request subject to the approach and the first 50’ of driveway inside the property line being paved.

Mr. Bowen stated that the majority of the driveways and the public road in the area are gravel. He added that there is a 14% grade on his property that could create safety issues if the driveway was paved. He proposed a 22’ apron between the driveway and the road to prevent gravel from ending up on the road. He preferred not to pave the first 50’ of the driveway as recommended by the Planning Department. Mr. Bowen stated that 22’ aprons were consistent with the neighborhood. Mr. Aspen and Mr. Lanoha both stated that the recommendation to pave the first 50’ of the driveway was standard in these types of cases.

Mr. Bowen indicated that due to the location of existing trees, the environmental overlay, the proposed location of the septic system and the grade of the property, the 22’ apron without the paved driveway was the best solution. He stated that if the board intended to deny the request because of issues with gravel on the road, he would consider installing a cattle guard.

Mr. Kelley moved to APPROVE subject to the approach and the first 50’ of driveway inside the property line being paved. Mr. Lanoha seconded the motion.

Mr. Bowen asked if the case could be laid over to give him time to meet with the City.

Mr. Kelley AMENDED his motion to LAYOVER until the October 11, 2018 meeting. Mr. Lanoha seconded the amended motion.

AYES: Friedman, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED 5-0
5. Case No. 18-116
Marty's Auto and Light Truck Repair, Inc.
4545 Leavenworth Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-838(2) - Variance to the allowed sign budget from 40 sq. ft. to 56 sq. ft. to allow for a new projection sign.

LOCATION: 4545 Leavenworth Street
ZONE: GC-ACI-2(PL)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

The applicant requested a layover of this case.

Mr. Aspen motioned to LAYOVER. Ms. Moore seconded the motion.

AYES: Aspen, Kelley, Friedman, Moore, Lanoha

MOTION CARRIED 5-0
6. Case No. 18-117
Travis Freeman
Brite Ideas
2011 North 156th Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-363 - Variance to
the permitted use regulations of the CC
district to allow vehicle storage not
otherwise permitted.

LOCATION: 2011 North 156th Street
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Travis Freeman appeared
before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to
store 120 – 150 cars on his lot for a period of up to 2 years to store overflow car inventory for a
local car dealership. The request was not allowed since vehicle storage is not permitted in a CC
zoning district. He explained that, since the applicant planned to store the inventory for another
dealership in his own parking lot, he is using required parking for his own business making his
parking lot non-compliant. If the vehicle storage was permitted, the code would require that it be
screened. The Planning Department found no hardship or practical difficulty to support the
request and recommended denial.

Mr. Freeman explained that Brite Ideas is a seasonal business that would never use the whole
lot. He indicated that the lot had been used after hours for illegal activity. He stated that since
cars have been stored there, security patrol the lot twice a night and the illegal activity had been
eliminated. He added that new lights had also been installed making the lot safer than it was. He
did not believe that the stored cars were an eyesore. He submitted a picture of the property to
show what is currently looked like (Exhibit B).

Robin Terry (18655 Van Camp Drive) appeared in support of the request. She stated that when
the site was a grocery store, she never felt safe because of the amount of traffic racing through
the lot. She stated that since the applicant purchased the lot, the site is safer, well maintained
and better for the community.

Kirk Goettsch, Attorney, appeared on behalf of Mike Sorensen who owns the commercial
building immediately to the west and was opposed to the request. Mr. Goettsch stated that the
access to 153rd had been blocked which forced traffic onto a common access drive. He added
that the applicant’s building included a chiropractic office and a dance studio for young children.
He indicated that the additional vehicles had changed the traffic flow causing an increased risk
for pedestrians in the area. He stated that there was a declaration (Section 5.2) affecting the
property that prohibits the proposed use and to which he would be in violation of if the request
was approved.

Mr. Goettsch read Section 5.2(a) of the declaration and submit a copy for the file. The
declaration stated in part that “no part of the shopping center should be used for…the renting,
leasing or selling of or displaying for the purposes of renting, leasing or selling of any boat, motor
vehicle or trailer for industrial purposes”. Mr. Lanoha noted that the declaration, or covenant, was
between the property owners only. Mr. Sorensen believed that the waiver would affect the use of
his building.
Tony Beck, Papa Murphy’s Restaurant – 2071 North 156th Street, appeared in opposition to the request. He believed that all of the cars stored on the property negatively impacted his business. He indicated that his customers have complained about the number of stored vehicles since they restrict visibility in the lot.

Eric Clements, 2055 North 156th Street, appeared in opposition to the request. He has been a chiropractor in the strip mall since 1999. He explained that since the cars have been stored on the lot, visibility has been reduced and his parking has been affected.

Mr. Aspen noted that two member of the City Council had submitted letters of opposition. He also stated that the neighbors had a reasonable expectation that the property would remain as it had before cars were being stored on the site.

Mr. Freeman responded that access to 153rd Street had been blocked for safety reasons. He added that the property is secure and maintained and that the parking stalls being used to store cars were not be available to other businesses anyway.

Mike Carter, Planning Department, spoke about other issues that would need to be considered like parking availability and how the business operates inside the building.

Mr. Kelley stated that he could not find a hardship or practical difficulty and would not support the request. Mr. Lanoha stated that, although the applicant had improved the site, the other property owners also had certain rights and expectations. He believed that the applicant should go through the proper processes with the Planning Board and City Council if he wanted to use the site as proposed. Mr. Todd suggested that the applicant work with Code Enforcement so that it could be determined when the cars would need to be removed.

Mr. Aspen motioned to Deny. Mr. Kelley seconded the motion.

AYES: Kelley, Friedman, Moore, Aspen, Lanoha

MOTION TO DENY CARRIED 5-0
7. Case No. 18-118  
Tim Jacoby  
Children's Hospital Foundation  
8200 Dodge Street  
Omaha, NE 68114

REQUEST: Waiver of Section 55-326 - Variance to the street side yard setback from 15' to 0' to allow for the construction of a new skywalk for Children's Hospital and Medical Center.

LOCATION: 8200 Dodge Street & 8404 Indian Hills Drive

ZONE: GO-ACI-2(65)

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on September 13, 2018, Troy Meyerson, 409 South 17th Street, Tim Jacoby (Children’s Hospital) and Brian Nielsen (HDR, Inc.) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new skywalk over 84th Street to connect the buildings at 8200 Dodge Street and 8404 Indian Hills Drive. This would result in the required setback waivers not being met for the new construction. The Planning Department found that a practical difficulty existed due to inability to further expand the hospital site, the irregular shape of the property, the civic nature of the use along with the growing demands for services at the facility. The Planning Department recommended approval of the waiver.

Mr. Meyerson explained that the proposed skywalk would allow doctors to have offices in the building on Indian Hills Drive and would provide safety for them when crossing 84th Street to get to the hospital. He mentioned that the applicant had been before the Planning Board for several applications that were approved with one of the conditions being that the requested waiver be obtained from the Zoning Board of Appeals.

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

AYES: Moore, Aspen, Kelley, Friedman, Lanoha

MOTION CARRIED 5-0
8. Case No. 18-119
St. Stanislaus Church
c/o Daniel Saniuk
4002 J Street
Omaha, NE 68107
REQUEST: Waiver of Section 55-830(1) - Variance to the sign regulations to allow a monument sign with electronic messaging not otherwise permitted.
LOCATION: 4002 J Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Daniel Saniuk appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remove an existing sign and construct a new electronic messaging center. He explained that waivers to allow electronic message signage are usually only supported for high schools, but not for middle schools, elementary schools or churches. This is due to the large number of visitors and events that occur on a high school campus. He noted that the church is also in a residentially zoned area where electronic messaging is not allowed. The applicant appeared before the Planning Board at the September 5, 2018 meeting and was granted a Major Amendment to a Conditional Use Permit to allow Religious Assembly on the site. The Planning Department recommended denial of the request.

Mr. Saniuk clarified that there was not an existing sign on the site. He stated that the proposed sign would be 12 square feet in size. It would be used to announce mass times and the other events like Lenten dinners, the annual festival and the annual heritage mass. He indicated that the sign would be in operation during the day and would be turned off at night. He noted that the neighbors within the 300' radius were contacted about the sign and there was no negative feedback. He added that Councilman Palermo supported the request.

Mr. Kelley stated that he was willing to support the request as long as it was in compliance with Section 55-854 of the Omaha Municipal Code.

In response to Ms. Moore, Mr. Saniuk stated that the church wanted to take advantage of any new technology that was available within reason. He added that it was easier to change an electronic messaging board and protect it from vandalism. Ms. Moore was concerned about the precedent that would be set if the church was allowed to have an electronic sign. Mr. Aspen suggested that the sign be connected more with the school.

Mr. Aspen motioned for approval in accordance with the plans submitted subject to compliance with Section 55-854 and operating hours to be astronomical dusk to astronomical dawn. Mr. Kelley seconded the motion.

AYES: Friedman, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED 5-0
9. Case No. 18-120
Mark Sanford Group
1306 North 162nd Street
Omaha, NE 68118

REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between CC and R6 from 30’ with screening to 0’ without screening to allow for construction of a new 6,015 sq. ft. building.

LOCATION: 12005 Pacific Street
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on September 13, 2018, Mark Sanford appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new building and, because of the topography of the property, was unable to provide the required 30’ bufferyard between CC and R6 zoning. A hardship existed with regards to the severe elevation change between the CC and R6 zoning. A structural support wall impeded the ability to provide bufferyard landscaping. The Zoning Board of Appeals previously approved an identical waiver request for a former tenant at its March 20, 2002 meeting. The Planning Department recommended approval of the waiver request.

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

AYES: Kelley, Friedman, Moore, Aspen. Lanoha

MOTION CARRIED 5-0
10. Case No. 18-121  
Mark Sanford Group  
1306 North 162nd Street  
Omaha, NE 68118  

REQUEST: Waiver of Section 55-246 - Variance to the minimum street side yard setback from 15' to 9' to allow for construction of a daycare storm shelter.  

LOCATION: 1023 North 40th Street  
ZONE: R7  

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to explore alternatives for a storm shelter to be constructed within the existing building.  

At the Zoning Board of Appeals meeting held on September 13, 2018, Mark Sanford appeared before the board.  

Mr. Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new storm shelter along the north side of the building which would encroach into the required street side yard setback along Nicholas Street. Based upon the size of the building, it appeared as if there would be a suitable space within the existing structure that could be fortified for use as a storm shelter as opposed to creating a new non-conforming space. The Planning Department recommended a layover to allow the applicant time to explore alternatives for a storm shelter to be constructed within the existing building.  

Mr. Sanford stated that the interior of the building had been considered for the location of the storm shelter; however, he explained that the practicality of construction within the building was a hardship. He stated that the shelter would not go further into the setback than the existing building.  

Dan Lindsey, 1024 Mercer Boulevard, appeared before the board. His concerns were about parking, the plans for ingress/egress and the number of children that will be at the site. He also mentioned that the developer had not reached out to the neighborhood to provide information about the project.  

Mr. Sanford stated that the daycare would be run by a private owner who bought the church. It was determined that there could be up to 12 children at the daycare.  

Mr. Carter stated that there was some confusion about what is going on in the building. He stated that there needed to be some clarification about how much of the building would be used and if there will be another use in it. He added that if there will be a church and a daycare, the daycare would be considered an accessory use to the church. However, if there was a daycare with no church, the number of children allowed on the site would be limited. He stated that a waiver would be necessary to go from 12 children to 67 and parking would need to be addressed.  

Mr. Sanford did not oppose a layover. Mr. Lanoha suggested that he take time to communicate with the neighborhood. Ms. Moore stated that at the next meeting she also wanted to know what kind of materials would be used.  

Mr. Aspen motioned for a LAYOVER until the October 11, 2018 meeting. Mr. Kelley seconded the motion.  

AYES: Kelley, Friedman, Moore, Aspen, Lanoha  

MOTION CARRIED 5-0
11. Case No. 18-122  
James Karls  
8105 Irvington Road  
Omaha, NE 68122  
REQUEST: Waiver of Section 55-108 - Variance to the interior side yard setback from 25' to 10' to construct a new 30' x 38' garage.  
LOCATION: 8105 Irvington Road  
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, James Karls appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new 30' x 38' garage to store vehicles and other equipment. The property had an existing two-car garage as well as a single-car detached garage. The Planning Department determined that the request was the result of a design preference and recommended denial.

Mr. Karls submitted letters of support from the neighbors that would be most impacted by the addition (Exhibit B). He indicated that most of the acreages in the area had some type of large outbuilding on their land and did not meet the required 25' setback. He explained that he needed the garage to store four vintage automobiles, a pick-up and a RV that he owned. He stated that the attached garage was barely large enough to fit two vehicles. He further stated that the topography of the lot made it difficult to place the garage at the 25’ setback and that the proposed location would reduce the amount of concrete needed and rainwater runoff.

Mr. Lanoha agreed that the lot was irregularly shaped and that the request was consistent with the neighborhood. In response to Mr. Lanoha, Mr. Karls explained that he chose the proposed location since there was an existing septic tank and drain field along with some mature trees on the property.

Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to the building materials matching the existing home. Mr. Kelley seconded the motion.

AYES: Moore, Aspen, Kelley, Friedman, Lanoha

MOTION CARRIED 5-0
12. Case No. 18-123  
Travis Forsman  
17016 Hickory Circle  
Omaha, NE 68134

REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25' to 11' to allow for construction of a new deck and stairs.

LOCATION: 18634 Marcy Street  
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Travis Forsman and Francine Ebert appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace an original non-conforming deck with a larger deck. Neither the original or proposed deck met the 25' rear yard setback. The home currently had a back door on the north side of the home so access to the back yard was not impeded without a deck. The Planning Department found that the request was the result of a design preference and recommended denial.

Mr. Forsman stated that the neighbors had been contacted and no one opposed the project. He had one letter of support that he submitted to the case file (Exhibit 2). Ms. Ebert stated that the letter of support was from the neighbors to the east.

Ms. Moore mentioned that a letter from the property owner to the rear who would be most affected by the deck was preferable. In response to Ms. Moore, Ms. Ebert stated that the existing deck was too small to be usable. She considered it to be more of a balcony. Mr. Forsman stated that the issue was mostly with the stairs which were 11' from the property line. The bottom edge of the deck was approximately 15' from the property line. Mr. Lanoha inquired as to whether the stairs could be reconfigured so that they were no more than 15' from the property line. Ms. Ebert stated she wanted to relocate the stairs because of the grade of the backyard and so they could be located away from the sliding glass doors that opened onto the deck.

Mr. Kelley stated that even if the current neighbor supported the request, he was concerned about a future property owner that could possibly have an issue with the proposed location of the deck. He suggested that if the applicant and owner was granted a layover, they should come back with a different design.

Mr. Aspen moved to LAYOVER until the October 11, 2018 meeting to allow the applicant time to redesign and receive support from the adjacent property owner to the rear. Mr. Kelley seconded the motion.

AYES: Friedman, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED 5-0
13. Case No. 18-124  
Future Forward, LLC  
c/o RJ Neary  
11301 Davenport Street  
Omaha, NE 68154  

REQUEST: Waiver of Sections 55-734 & 55-740(e)  
- Variance to the required number of off-street parking stalls from 38 to 23  
and to the hard-surface driveway requirement to allow an existing gravel parking lot.  

LOCATION: 1521 North 11th Street  
ZONE: HI  

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to work with the planning department to provide a hard surface parking plan for the site.  

At the Zoning Board of Appeals meeting held on September 13, 2018, RJ Neary and Lana Bayless (DLR Group, Inc. – 6457 Frances Street, Suite 200) appeared before the board.  

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to repurpose the property to develop a light industry center. The proposed parking area was gravel with some existing hard-surface slabs. The Planning Department found no hardship or practical difficulty that would prevent the site from meeting current zoning regulations as they relate to required parking numbers and parking lot improvements. The Planning Department recommended a layover to give the applicant time to work with department staff on an acceptable hard-surface parking plan for the site.  

Mr. Neary provided some background information about Future Forward, LLC. He explained that the owners were not sure of their exact plans for the building; however, since the building sits on an EPA site, the more the ground is disturbed or paved, the more the project will cost. He believed that the current plan provided sufficient on-site parking and on-street parking. He mentioned that the request was not out of character with the area since there were other heavy industrial buildings in the area with gravel parking lots.  

Mr. Kelley acknowledged that there were hardships and practical difficulties that were connected with the development of this site. He inquired as to whether a three year waiver would be acceptable to the applicant to give them time develop a plan for the site. Mr. Neary agreed. Mr. Lanoha stated that the board intended to be as flexible as possible with the request since this was an area of the city that had been abandoned for some time and needed development.  

Ms. Bayless explained some of the details of the proposed plan.  

Mr. Aspen moved to APPROVE in accordance with the plans submitted for this applicant only and for a term of three (3) years. Ms. Moore seconded the motion.  

AYES: Aspen, Kelley, Friedman, Moore, Lanoha  

MOTION CARRIED 5-0
14. Case No. 18-125
   Jerry Kendall
   6494 South Quebec Street
   Centennial, CO 80111

REQUEST: Waiver of Section 55-246 - Variance to
the front yard setback from 35' to 0'
and to the street side yard setback
from 15' to 10' to allow for the
replacement and repair of existing
decks and stairs.

LOCATION: 2603 Woolworth Avenue
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval subject to the plans submitted and
the applicant applying for a lease of the necessary Woolworth Street right-of-way.

At the Zoning Board of Appeals meeting held on September 13, 2018, Philip Abraham (Abraham
Enterprises – 920 South 36th Street) and Jerry Kendall appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to
repair the existing decking that extends off the north side of the building towards Woolworth
Street as well as the steps along 26th Street. While the structures were being replaced, it was
determined that a portion of the deck extended into the Woolworth Street right-of-way. The
decking and steps had been considered to be legal, non-conforming for years and it is not
unreasonable for the property owner to want to repair and maintain what was already there. The
applicant had indicated that he would be willing to apply for a lease with the City for the portion of
the existing decking that extends into the Woolworth Street right-of-way. The Public Works
Department was notified about the situation and was supportive of the request. The Planning
Department recommended approval in accordance with the plans submitted, subject to the
applicant applying for a lease of the Woolworth Street right-of-way. Mr. Todd added that a
hardship existed due to the location and age of the structure, which was built in the late 1800’s.

Mr. Abraham submitted letters of support from the neighbors to the north and east who would be
most affected by the repairs.

Mr. Kelley moved to APPROVE in accordance with the plans submitted subject to approval of the
lease of the Woolworth Street right-of-way. Mr. Lanoha seconded the motion.

AYES: Kelley, Friedman, Moore, Aspen, Lanoha

MOTION CARRIED 5-0
15. Case No. 18-126
Dr. Joel Bessmer
105 South 90th Street Suite 201
Omaha, NE 68114

REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 72 to 63.

LOCATION: 11810 Nicholas Street
ZONE: GO

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Stan How (Architect - 14685 California Street), Dr. Joel Bessmer and Michael Hall (14225 Dayton Circle) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the property, originally built as a General Office use, currently housed two medical offices. The applicant wanted to add a third tenant. He explained that the required number of parking spaces for a medical office is 1 per 200’ square feet of gross floor area, this creates a need for 72 parking spaces. The property had 63 parking spaces. The Planning Department viewed the proposed use as a medical office, therefore the parking requirement should be calculated at the 1 space per 200’ square feet ratio. There was no hardship or practical difficulty to support the parking reduction and the Planning Department recommended denial.

Mr. How stated that the current offices occupied almost half of the building. The proposed tenant would be medically related. He reasoned that the building had 14,400 square feet of gross space with 11,326 square feet of actual usable space which would reduce the number of required spaces to 57. He added that concierge medical services was different from traditional medical office space.

Dr. Bessmer explained that concierge medical services allows individuals to pay to have a physician available 24 hours a day, 7 days a week. He stated that he has 3 reserved spaces and a handicapped space for his location since he usually knows when patients are coming and going. Dr. Bessmer also submitted a document that showed the number of patients he saw in two of his busiest months in the last 2 years which totaled approximately 80 patients per month. He indicated in a given month, the 3 offices would probably see 240 visits in a month which would not equal the 20 visits per day that an average doctor’s office would see.

Mr. Hall stated that the hardship was that there was no room on the site which made it difficult to create more parking stalls. He mentioned that accommodations had been made for staff to park in a parking garage across the street from the facility.

Mr. Aspen suggested that if the waiver request was granted, it should be for this applicant only.

Mr. Kelley moved to APPROVE in accordance with the plans submitted for this applicant only. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Kelley, Friedman, Lanoha

MOTION CARRIED 5-0
16. Case No. 18-127
Eugene and Jimmie Johnson
14050 Ellison Avenue
Omaha, NE 68134
REQUEST:
Waiver of Section 55-734 - Variance to the rear yard setback from 25' to 18' feet to allow for construction of a new 12' x 19' deck.
LOCATION: 14050 Ellison Avenue
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 13, 2018, Eugene Johnson appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that when this property was constructed in 1998, a deck was built at the last moment that required a waiver since it did not meet the required 25’ setback. Approval was given to allow a 12’ x 12’ deck. The current homeowner indicated that the deck was in disrepair. He wanted to replace it with a larger 12’ x 19’ deck. The Planning Department found no hardship or practical difficulty since the request is the result of a design preference and also because the board had previously approved a waiver for a 12’ x 12’ deck. The Planning Department recommended denial.

Mr. Johnson decided that, since the deck needed to be repaired, he would expand it so that there would be more room. It was determined that the proposed deck would be wider but would encroach no further into the setback than the existing deck. He submitted photos to the case file (Exhibit B).

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

AYES: Friedman, Moore, Aspen, Kelley, Lanoha

MOTION CARRIED 5-0
ELECTION OF VICE CHAIR:

Mr. Kelley moved to ELECT Jeremy Aspen as Vice-Chair. Mr. Lanoha seconded the motion.

AYES: Kelley, Friedman, Moore, Aspen, Lanoha

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1

APPROVAL OF MINUTES:

Ms. Moore moved to APPROVE the minutes for the August 13, 2018 meeting. Mr. Lanoha seconded the motion.

AYES: Kelley, Moore, Lanoha

ABSTAIN: Aspen, Friedman

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:35 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Debbie Hightower, Secretary