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 4, 2017 and Thursday, September 7, 2017.

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

MEMBERS NOT PRESENT: Jeremy Aspen

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.
NEW CASES:

1. Case No. 17-086
   Allan L. Rolfs
   P.O. Box 521
   Elkhorn, NE 68022
   REQUEST: Waiver of Section 55-223 – Variance to the permitted use regulations of the R6 district to allow vehicle storage, equipment repair services and general offices not otherwise permitted.
   LOCATION: 2241 North Main Street
   ZONE: R6

PLANNING DEPARTMENT RECOMMENDATION: Approval, subject to the following conditions: 1) the waiver being for this applicant only; 2) transfer of ownership is prohibited; and 3) compliance with the nonconforming use regulations.

At the Zoning Board of Appeals meeting held on September 14, 2017, Rex Moats and Allan Rolfs appeared before the Board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant has operated a small trucking business in the area for over 50 years. After Elkhorn was annexed by the City of Omaha, zoning of the property was converted to what was most similar to the original zoning district. Nonconforming uses that existed prior to March 4, 1987 were allowed to continue, subject to limitations. The Planning Department recommended approval of the request subject to the following conditions: 1) the waiver being for this applicant only; and 2) compliance with the nonconforming use regulations.

Mr. Moats explained that the applicant used the site primarily to park the two trucks that he owns. The City of Elkhorn had previously agreed to allow the use to remain for truck parking and minor maintenance.

Shannon Martineau, 2222 North 204th Terrace, appeared in support of the request. She stated that the applicant was a good neighbor and that he should be allowed to keep his business at the location.

Eric Stoddard, 2202 North 204th Avenue, appeared in support of the request. He stated that the property is maintained and that the applicant should be allowed to continue his business.

Jim Lang, 13340 California Street, appeared on behalf of the owners of the Elk Hills Apartments who were opposed to the request. The Elk Hills apartments are to the west and south of the applicant. He submitted a petition signed by residents of the apartments (Exhibit B). He stated that the property was zoned residential and that the current use should not be allowed under any circumstances. He noted that a redevelopment district was set up by the City of Omaha in 2013 that included the properties belonging to the applicant and his client. He acknowledged the rights of the applicant, however, he did not want those rights to be enhanced or enlarged in any way. He suggested that the request be denied and that the operation continue as it always had.

Kevin Stork, Vice-President – Business Improvement District, 220 South 197th Street, appeared in opposition to the request. He explained that the goal was to redevelop downtown Elkhorn. He mentioned some issues with the adjacent trailer park; however, Mr. Mahlendorf advised that the request had nothing to do with that property.

Carl Anderson, President – Business Improvement District, 2916 North Main Street, appeared in opposition to the request. He was not opposed to the applicant operating his business from the location, but he did not want to see the operation changed or expanded.

In response to Ms. Donovan, Jennifer Taylor – City Law Department, explained that if the request were denied, the applicant would still retain his grandfather rights that would allow him to continue to operate as he always had.
Mr. Lang believed that if the board granted the request, the applicant’s rights would be enhanced. Mr. Moats felt that that the applicant’s rights under the jurisdiction of the City of Omaha were more restrictive than the City of Elkhorn. He added that his client was in agreement with the recommendation of the Planning Department. He also submitted a copy of Statute 14-118 (Annexation or merger of city or village; rights and liabilities; rights of franchise holders and licensees (Exhibit C)). Mr. Mahlendorf stated that the process would provide clearer limitations for the property owner.

Mr. Mahlendorf noted that the property is owned by a trust and inquired as to whether the waiver would be limited to the applicant or if it would transfer to the trust. Mr. Moats referred to the second condition of approval which stated that transfer of ownership was prohibited. Mr. Mahlendorf noted that that condition had been removed from the Planning Department’s recommendations since it was similar to the first condition of approval.

Ms. Donovan inquired about the other members of the trust. Mr. Moats explained that the applicant owned the entire trust, but that a brother and sister were 1/3 owners of the property. He added that the other siblings were absentee owners and that they had no business interests in the property. Mr. Mahlendorf clarified that the waiver would be specifically for the applicant’s use of the property only.

Mr. Rolfs explained that the property provided a convenient space to park his trucks while allowing him to stay close to his customers. He stated that safety checks are performed on the trucks weekly and monthly. In response to Mr. Lanoha, Mr. Rolfs stated that the trucking business has been on the site since 1928.

Mr. Lang stated that his client had filed the complaint against the applicant because of the noise from the trucks.

Mr. Kelley believed that the applicant should be able to retain the property rights that he has had for decades. He stated that he supported the waiver as long as it was for the applicant only.

Mr. Lanoha stated that the applicant's rights should be protected; however, he was concerned that the property could be transferred to other owners in the future which would result in the non-conforming situation existing for several more years. Ms. Taylor stated that Mr. Rolfs personally submitted the application to continue to run the business and that the waiver would be for the applicant only. Mr. Moats stated that he and his client understood that the wavier would apply to Mr. Rolfs only.

Ms. Donovan moved to approve subject to the following conditions: 1) the waiver being for this applicant (Allan L. Rolfs) only; 2) compliance with the nonconforming use regulations and 3) the waiver is in effect for a period of three years (September 2020) and at that time a review of the case will be necessary.

Mr. Mahlendorf seconded the motion.

AYES: Kelley, Donovan, Mahlendorf, Anzaldo

NAYES: Lanoha

MOTION CARRIED: 4-1
2. Case No. 17-107  
Tim Jacoby  
Children’s Hospital Foundation  
8200 Dodge St.  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-326 - Variance to the maximum building coverage from 60% to 72% and to the maximum impervious surface coverage from 80% to 91% to allow expansion of the Children’s Hospital and Medical Center.

LOCATION: 8200 Dodge Street  
ZONE: GO-ACI-2(65)

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Troy Myer, 409 South 17th Street, appeared before the Board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that applicant was planning to construct a 426,730 square foot addition to the existing facility. The addition will exceed the building and impervious coverage maximums for the site. At its September 6, 2017 meeting, the Planning Board approved a Major Amendment to a Conditional Use Permit to allow Hospital Services in a GO (General Office) district, with the condition that the necessary waivers be obtained from the Zoning Board of Appeals. The Planning Department believed that there was a hardship due to the irregular shape of the lot, the large civic nature of the use and the site constraints. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Kelley, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 17-115
   Karen Hansen
   6405 Bennington Road
   Omaha, NE 68152
   REQUEST: Waiver of Section 55-740(e) – Variance to the driveway requirement for a new 40’ x 60’ detached garage.
   LOCATION: 6405 Bennington Road
   ZONE: DR-ED

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

   At the Zoning Board of Appeals meeting held on September 14, 2017, Andy Colburn, 6405 Bennington Road, appeared before the Board on behalf of the applicant.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that applicant planned to construct a 40’ x 60’ detached garage with a gravel driveway. The Planning Department has typically supported this type of waiver in the North Hills Environmental Overlay since a paved driveway could cause more damage to the natural features of the area. The rock driveway is acceptable subject to the approach, plus the first 50’ of the driveway being paved. The applicant received approval of a waiver in 1995 for a similar request. This request is for an extension of an existing driveway that was not included in the original waiver. The applicant indicated that the garage would not be used for commercial purposes. The Planning Department recommended approval in accordance with the plans submitted.

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

   AYES: Donovan, Lanoha, Anzaldo, Kelley, Mahlendorf

   MOTION CARRIED: 5-0
4. Case No. 17-116

Ed Thiele
Habitat for Humanity of Omaha
1701 North 24th Street
Omaha, NE 68110

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

LOCATION: 3336 Emmet Street
ZONE: R4

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Ed Thiele appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new single-family home that encroached into the street side yard setback. The home will be located off of Malxom "X" Avenue which is an existing unimproved street that will not be improved in the near future. She suggested that the applicant consider applying for a vacation of the public right-of-way so that the adjacent property owners could obtain control of the street. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Anzaldo, Kelley, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 17-117
   Ed Thiele
   Habitat for Humanity of Omaha
   1701 North 24th Street
   Omaha, NE 68110

   REQUEST: Waiver of Section 55-206 – Variance to the
   minimum front yard setback from 25’ to 12’
   and to the minimum street side yard setback
   from 15’ to 9’9” to allow for construction of a
   new front porch.

   LOCATION: 4134 North 17th Street
   ZONE: R5

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

   At the Zoning Board of Appeals meeting held on September 14, 2017, Ed Thiele appeared before the board.

   Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to
   construct a new front porch that would encroach into the front and street side yard setbacks. The previous
   wrap-a-round porch encroached significantly into the street side yard setback and into the front yard
   setback. The new porch would eliminate a portion of the existing porch on the north side which will
   significantly reduce the encroachment into the street side yard setback. Although the proposed front porch
   will encroach 1’ further into the front yard setback than the existing front porch, it will be less invasive
   than the original porch. The Planning Department recommended approval in accordance with the plans
   submitted.

   Mr. Thiele explained that the existing porch fell off of the home.

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

   AYES: Anzaldo, Kelley, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
At the Zoning Board of Appeals meeting held on September 14, 2017, Dustin Shropshire and Jeremy Madson (Omaha Public Schools) appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a new shed and trash enclosure on the east side of the property. The applicant indicated that if the enclosure was located outside of the bufferyard, it would block access to the south entrance and cause security concerns. The Planning Department believed that the enclosure could be relocated to an area where there would be little to no impact on the residential neighbors to the east. She stated that the enclosure could be placed on the northeast parking lot that is adjacent to an industrial site. This location would not significantly impact the residential neighborhood to the southeast. The Planning Department found no hardship or practical difficulty to support the waiver and recommended denial of the request.

Mr. Kelley mentioned that the board had visited the site that morning.

Mr. Shropshire stated that the applicant did not want to move the enclosure to the parking lot because it would block the loading area into the school. It would also create a blind spot that would cause a security concern. He stated that an outdoor classroom had been planned for another area that had been considered.

With regards to the Planning Department’s recommendation to relocate the enclosure to the northeast parking lot, Mr. Madson stated that it would be difficult for the garbage trucks to pick up containers since they are lifted from the front of the vehicle. He added that if the enclosure was placed adjacent to the industrial area, it would reduce the amount of staff parking resulting in staff using a less secure parking lot at the rear of the building.

Ms. Alfaro stated that no letters of opposition had been submitted.

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

AYES: Kelley, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 17-119  
Matt Tinkham  
Lamp Rynearson  
14710 West Dodge Road  
Suite 100  
Omaha, NE 68154

REQUEST: Waiver of Section 55-186 – Variance to the minimum lot width from 50’ to 43.17’, to the minimum lot area from 5,000 sq. ft. to 3,409 sq. ft., from the minimum front yard setback from 35’ to 19.6’ and to 11.6’, to the minimum rear yard setback from 25’ to 20.3’ and to the minimum interior side yard setback from 5’ to 3.7’ to allow for an administrative subdivision.

LOCATION: 5816 South 15th Street  
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject to submittal of a right-of-way lease application for the garage encroachment.

At the Zoning Board of Appeals meeting held on September 14, 2017, Matt Tinkham appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver for an administrative subdivision that would split the property into two lots. She stated that a practical difficulty existed due to the location of the existing structures and the desire to sell the homes separately. There were two single family homes and a garage on the site. A right-of-way lease would be required for the garage because it encroached into the public right-of-way off of Berry Avenue. The Planning Department recommended approval, in accordance with the plans submitted, subject to submittal of a right-of-way lease application for the garage encroachment.

Mr. Tinkham stated that his client believed that it would be a financial burden to future property owners if a right-of-way lease was required. He believed that the garage should be allowed to remain with no lease. Mr. Mahlendorf explained that if a lease was not obtained the owner could be required to move the garage.

Patricia Glass — Property Owner, 7623 Irvington Road, appeared before the board. She supported the statements made by Mr. Tinkham.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submittal of a right-of-way lease application for the garage encroachment. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Kelley, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-121
Erik Stensrud
1004 Edgewood Boulevard
Papillion, NE 68046
REQUEST: Waiver of Section 55-186 – Variance to the minimum rear yard setback from 25’ to 19.3’ to allow for construction of a new deck.
LOCATION: 4523 Shirley Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 14, 2017, Erik Stensrud appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a recently constructed deck to remain that was larger than the previous deck. The Planning Department found no hardship or practical difficulty to support the waiver and recommended denial.

Mr. Stensrud stated that the new deck is the same size as the previous one. He indicated that if the size of the deck was reduced it would be difficult to put a 40” table and chairs on it. He explained that the previous owner of the home added the deck and the current homeowner assumed that a permit had been pulled. He explained that, due to an oversight, he obtained the permit after constructing the deck.

Mr. Mahlendorf noted that the deck does not extend any farther than the existing building.

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

AYES: Lanoha, Anzaldo, Kelley, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 17-122
Kevin Andersen
17024 Military Road
Omaha, NE 68007

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

LOCATION: 11411 North 126th Street
ZONE: AG

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Kevin Andersen appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home with a gravel driveway on the site. The dead-end street to the south is unimproved. The property to the north, 11515 North 126th Street, received a similar variance from the board at its February 2017 meeting. The applicant is proposing to use the access from the 11515 North 126th Street property, which is owned by a family member, to access his property. Ms. Alfaro suggested that the applicant consider recording the necessary shared access easements to prevent any possible issues in the future, should the ownership of either property change. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf urged the applicant to put the necessary easement agreements in place. The applicant agreed to do so.

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

AYES: Anzaldo, Kelley, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 17-123  
Larry Tatum  
City of Omaha  
1523 South 24th Street  
Omaha, NE 68108

REQUEST: Waiver of Section 55-735(b), 55-715, 55-740(f)(4) & 55-186 – Variance to allow non-residential parking in the required front yard setback, to the minimum street yard landscaping percentage from 60% to 34%, to the minimum street yard landscaping depth from 15’ to 0’, to the minimum perimeter landscaping from 10’ to 0’ and to the maximum impervious coverage from 50% to 64% to allow for construction of a new parking lot addition.

LOCATION: 3232 South 42nd Street  
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Mike Oestmann, City of Omaha, appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow non-residential parking in a front yard in order to provide additional parking stalls at the existing fire station. The Planning Department believed that there was a hardship that resulted from the size constraints of the property and the inability to enlarge the site. She noted that Planning Department has supported waivers for civic uses in residential districts. She added that the request was not excessive considering: 1) the size of the property and 2) the property serves as a fire department with large rigs and employee automobiles. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Kelley, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 17-124
Mohamad Rahmanzai
16210 Sedona Street
Omaha, NE 68136

REQUEST: Waiver of Section 55-348 & 55-716–Variance to the minimum side yard setback from 10’ to 9’ and to the minimum bufferyard requirement between LC and R6 from 20’ to 9’ to allow for a new building addition.

LOCATION: 5135 Marshall Drive
ZONE: LC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 14, 2017, Danielle Dring (Smith Slusky – 8712 West Dodge Road) and Mr. Rahmanzai appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, noted that the waiver for the minimum bufferyard requirement was no longer part of the waiver request since the applicant was able to take advantage of an exception in the code. The applicant was requesting a waiver to allow an encroachment into the sideyard setback on the north side of the property. The site is adjacent to an existing apartment complex. The applicant had indicated that 15 of 16 parking stalls would be provided; however, the Planning Department did not determine that those calculations were accurate. The Planning Department found no hardship or practical difficulty. Ms. Alfaro suggested that the case be laid over so that the necessary waivers could be requested and advertised.

Ms. Dring stated that the addition would allow the applicant to move the restrooms, which were not ADA compliant, from the interior of the building. She indicated that the extra foot would allow for additional parking on the site instead of in the nearby residential areas. She was aware that the neighbor to the north was opposed to the request because of the proximity of the proposed addition to his property.

Mr. Rahmanzai stated that no parking was being added to the site.

Ms. Dring stated that if the addition was not built, people would not have the freedom to practice their religion. She added that the use was permitted in the district.

John Seigel, owner of 5125 Marshall Drive, appeared before the board. He mentioned that the applicant was a good neighbor and that he had no objections to the use; his only issue was with parking. He stated that one additional parking stall would not solve the parking problems. He also believed that the addition would come very close to his property. After some discussion, Mr. Seigel stated that he may have misunderstood the waiver. He added that if the request was for 1’ encroachment into the sideyard, he would withdraw his opposition.

Mr. Mahlendorf stated that the case needed to be laid over to address any parking waivers.

Ms. Donovan moved to LAYOVER. Mr. Anzaldo seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Kelley, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 17-126
Christopher Jerram
619 North 90th Street
Omaha, NE 68114

REQUEST: Waiver of Section 55-716 – Variance to the minimum bufferyard requirement from GI to R7 from 50’ with screening to 11’ without screening on the north property line and 15’ with screening on the south property line to allow for replacement of existing pavement for parking lot renovations.

LOCATION: 1531 North 18th Street
ZONE: GI

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Christopher Jerram appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a renovation of the existing site that included replacement of the existing paving, stairs and sidewalk. The applicant planned to replace the existing chain link fence on the west side of the property with a 6’ high privacy fence. The Planning Department believed that the waivers were acceptable and that the project was an improvement to the site and the neighborhood. The Planning Department supported the request and recommended approval, in accordance with the plans submitted.

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

AYES: Lanoha, Anzaldo, Donovan, Mahlendorf

ABSTAIN: Kelley

MOTION CARRIED: 4-0-1
13. Case No. 17-127
   Robert Sargent
   2251 North 205th Street
   Omaha, NE 68022

   REQUEST: Waiver of Section 55-146 – Variance to the minimum rear yard setback from 25’ to 2’ to allow for construction of a new pool and pool house.
   LOCATION: 10917 Walling Circle
   ZONE: R2

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on September 14, 2017, Clif Poling (Best Lawns, Inc.) appeared before the board on behalf of the applicant.

   Michelle Alfaro, Zoning Board of Appeals Administrator, recalled that the board had approved a waiver for this address at its March 9, 2017 meeting. The pool had been relocated from the original plan so an additional waiver was being requested. She stated that there appeared to be available vacant land on the lot to construct the pool and pool house in compliance with zoning regulations. The Planning Department found no hardship or practical difficulty and recommended denial.

   Mr. Poling explained that patio space was proposed for the west side of the pool house.

   Mr. Mahlendorf stated that there was very little impact on the surroundings, noting that there was an interstate ramp behind the home. Ms. Mahlendorf added that a similar situation existed with the neighbors to the south.

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

   AYES: AnZaldo, Kelley, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
14. Case No. 17-128
Brandon Miller
8421 Keystone Drive
Omaha, NE 68134

REQUEST: Waiver of Section 55-146 – Variance to the minimum rear yard setback from 25’ to 3’ and to the minimum interior side yard setback from 10’ to 3’ to allow for construction of a new 30’ x 40’ detached garage.

LOCATION: 8421 Keystone Drive
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Layover, to allow the applicant time to submit a revised plan that accurately identifies were the driveway will be located on the property.

At the Zoning Board of Appeals meeting held on September 14, 2017, Brandon Miller appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that it was difficult to determine whether all of the necessary waivers had been requested since the plans did not specify where the driveway for the proposed garage would be located. Since additional information was required, the Planning Department recommended a layover.

Mr. Miller presented a revised plan to the board for review. He explained that the proposed driveway would tie into an existing driveway. The proposed driveway would be 10’ wide and approximately 45’ in length. In response to Mr. Mahlendorf, Mr. Miller stated that the proposed garage would be used to store his commercial vehicle, materials, and other items. Mr. Mahlendorf advised that the garage should not be used for business purposes. He suggested that the applicant consider reducing the size of the garage to 750 square foot and attaching it to the home.

In response to Mr. Lanoha, Mr. Miller stated that he had considered an attached garage; however, he believed that it was cost-prohibitive. He directed the applicant to provide documentation to support his claim.

Ruth Martin, 8421 Keystone Drive, appeared in opposition to the request. Her home sits directly behind the applicant’s. She objected to the proposed size of the garage and its proximity to her property. She also felt that a pole structure was not compatible with the rest of the neighborhood.

In response to Ms. Donovan, Mr. Miller stated that the garage would be a “pole-barn” type of structure with a tin exterior. He added that the existing shed would be removed. Ms. Donovan stated that she would be more inclined to support the request if the proposed garage matched the existing home.

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

AYES: Kelley, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 17-129  
Mark Ball  
2341 Deerfield Drive  
Fort Mill, SC 29715  

REQUEST: Waiver of Section 55-716 – Variance to the minimum bufferyard requirement between GI and DR from 60’ with screening to 40’ without screening to allow for a new paving plan.  

LOCATION: 4428 South 140th Street  
ZONE: GI-FF-FW  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on September 14, 2017, Doug Dreessen (10836 Old Mill Road) appeared before the board on behalf of the applicant.  

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a new pavement plan that would provide access to the back of the building. The applicant submitted a no-rise certificate which proved that the proposed paving would not result in the increase in floodwaters. Upon review of the site, it was noted that portions of the property to the south of the structure were being used for storage of equipment and materials. Storage in that area is prohibited by the floodway regulations and must be removed. The Planning Department found no hardship or practical difficulty and recommended denial.  

Mr. Dreessen stated that current owners wanted to use the building for a construction equipment rental facility. He explained that the facility would operate safely and more efficiently if trucks could maneuver around the west side of the building. He explained that the applicant was originally unaware that the floodway boundaries were located as close as they were to the building, which is why that area was being used for storage. The applicant agreed to use that area as a staging area only.  

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

AYES: Donovan, Lanoha, Anzaldo, Kelley, Mahlendorf  

MOTION CARRIED: 5-0
16. Case No. 17-131
   Tony Wiese
   13222 “F” Street
   Omaha, NE 68137
   REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 15 to 10.
   LOCATION: 928 South 72nd Street
   ZONE: GI-ACI-2(65)-FF

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Tony Wiese appeared before the board.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that the applicant was proposing to develop the site with an insurance claims inspection office. The applicant has requested that the site be rezoned to CC-Community Commercial since General Office uses are not permitted in GI-General Industrial districts. The requested waiver was identified during that process. The Planning Department found that a practical difficulty existed due to the size constraints of the property and the inability to enlarge the site. The Department recommended approval, in accordance with the plans submitted.

Mr. Wiese stated that the site would be used primarily to pick up and drop off vehicles. He indicated that no auto repairs would be done on-site.

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

AYES: Lanoha, Anzalo, Kelley, Donovan, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 17-132
Rebecca Harding
Tack Architects
1111 North 13th Street
Studio 308
Omaha, NE 68102

REQUEST: Waiver of Section 55-924 & 55-928 – Variance to the perimeter landscaping from 7.5’ with screen wall to 3.4’ with screen wall and to the interior landscaping percentage from 7% to 4% to allow for construction of a new surface parking lot.

LOCATION: 2620 St. Mary’s Avenue
ZONE: GC-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on September 14, 2017, Doug Kellner, TD2 – 10836 Old Mill Road, appeared before the board on behalf of the applicant.

Michelle Alfaro, Zoning Board of Appeals Administrator, stated that, at its September 6, 2017 meeting, the Planning Board recommended approval of a Conditional Use Permit to allow a surface parking lot, with the condition that the applicant obtain the necessary waivers from the Zoning Board of Appeals. The applicant was proposing to construct a 22-stall parking lot on the site that would provide additional off-street parking for the Completely Kids facility at 2566 St. Mary’s Avenue. The site complies with all other applicable Urban Design regulations. The Planning Department recommended approval, in accordance with the plans submitted.

Mr. Mahlendorf noted that the requested waivers were needed so that the applicant could comply with Urban Design regulations.

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

AYES: Anzaldo, Kelley, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
CASE FOR RECONSIDERATION:

18. Case No. 17-084 (from 7/13/2017) REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping depth from 15’ to 0’ and to the minimum street yard landscaping percentage from 60% to 43%.

LOCATION: 4228 Harrison Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial of the request for reconsideration.

At the Zoning Board of Appeals meeting held on September 14, 2017, the applicant did not appear before the board.

In response to Mr. Mahlendorf, Michelle Alfaro, Zoning Board of Appeals Administrator, stated that no additional information had been submitted since the request was originally denied by the board at its July 13, 2017 meeting.

Ms. Donovan moved to DENY the request for reconsideration. Mr. Kelley seconded the motion.

AYES: Kelley, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Lanoha moved to APPROVE the minutes for the August 29, 2017 meeting. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Mahlendorf

ABSTAIN: Anzaldo, Kelley

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:14 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary