The board members in attendance were: Jeremy Aspen, Sean Kelley, Dustin Friedman, and Kristine Moore. Planning Department staff in attendance were: Cliff Todd and Clinette Ingram. The cases were reviewed. Mr. Todd advised that the applicants for Cases 18-169 and 19-001 had requested layovers. The applicants for Case 18-168 and 19-005 had requested that their cases be withdrawn.

Mr. Kelley moved to LAYOVER Cases 18-169 and 19-001 until the February 14, 2019 meeting. Mr. Aspen seconded the motion.

AYES: Kelley, Moore, Aspen, Friedman, Lanoha

MOTION CARRIED: 5-0.
LAYOVER CASES:

1. Case No. 18-146 (from 11/8/18) Relevant Community Church
c/o Cory Nelson
11656 Meredith Avenue
Omaha, NE 68164

REQUEST: Waiver of Section 55-830 - Variance to the maximum sign budget for a civic use in a residential district from 32 sq. ft. to 80.25 sq. ft. to allow for construction of a monument sign and two wall signs.

LOCATION: 21220 Elkhorn Drive
ZONE: R4

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

At the Zoning Board of Appeals meeting held on January 10, 2019, Lee Hamann (1601 Dodge Street), appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, explained that the case had been laid over at the November 8, 2018 meeting as a result of case #C7-16-100 being laid over by the Planning Board at its November 7, 2018 meeting. The applicant proposed a new signage plan that would consist of the installation of two new wall signs along with a monument sign for a requested total of 80.25 square feet of signage. A hardship existed due to the residential zoning district, which does not take into consideration the signage needs for large civic uses such as schools and churches. He mentioned that, traditionally, the Planning Department had been supportive of these types of requests. The Planning Department found the waiver to be acceptable and recommended approval in accordance with the plans submitted.

Mr. Hamann explained that 16.25 square feet would be used for a monument sign and 32 square feet for a wall sign. He discussed the design of the signs.

Mr. Kelley stated that he supported the request since it was for a church in a residentially zoned area that does not allow very much signage.

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

AYES: Aspen, Friedman, Kelley, Moore, Lanoha

MOTION CARRIED: 5-0.
2. Case No. 18-168 (from 12/13/18) 
Lawnfield LLC, ETAL 
c/o Omaha Neon Sign Company 
1120 North 18th Street 
Omaha, NE 68102

REQUEST: Waiver of Section 55-831 - Variance to the overall sign budget from 40 sq. ft. to 163 sq. ft., to the maximum number of signs allowed from 2 to 3 and the installation of a roof sign not permitted in a R8 district.

LOCATION: 7007 Oak Street 
ZONE: R8-ACI-4(PL)

This case was withdrawn.
3. Case No. 18-169 (from 12/13/18)  
Matt and Jaylene Eilenstine  
1618 South 213th Circle  
Omaha, NE 68022  
REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback from 25' to 10' to allow for construction of a new pool house/indoor sports court.  
LOCATION: 1618 South 213th Circle  
ZONE: R3  

Mr. Kelley moved to LAYOVER Cases 18-169 and 19-001 until the February 14, 2019 meeting. Mr. Aspen seconded the motion.  

AYES: Kelley, Moore, Aspen, Friedman, Lanoha  

MOTION CARRIED: 5-0.
NEW CASES:

4. Case No. 19-001
   Melvin Friesen
   c/o Community Bible Church
   9001 Q Street
   Omaha NE 68127

   REQUEST: Waiver of Section 55-830 - Variance to the overall sign budget from 32 sq. ft. to 55 sq. ft., to the maximum area of a sign from 25 sq. ft. to 27 sq. ft. and the minimum setback from 12' to 0' to allow for the installation of 2 new monument signs.

   LOCATION: 9001 Q Street
   ZONE: R3

Mr. Kelley moved to LAYOVER Cases 18-169 and 19-001 until the February 14, 2019 meeting. Mr. Aspen seconded the motion.

AYES: Kelley, Moore, Aspen, Friedman, Lanoha

MOTION CARRIED: 5-0.
5. Case No. 19-002  
Nelson Mandela Child Development Center  
c/o Jay Muller, Omaha Neon  
3020 Curtis Avenue  
Omaha, NE 68111  

REQUEST: Waiver of Section 55-830(2) - Variance to the maximum signage budget for a civic use in a residential district from 32 sq. ft. to 114 sq. ft. and to the minimum setback of a monument sign from 12' to 0' to allow for two new wall signs and a new monument sign.

LOCATION: 3020 Curtis Avenue  
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on January 10, 2019, Nicole Looper (Executive Director – Nelson Mandela Early Childhood Development Center) and Pat Cuddigan (11165 Mill Valley Road), appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, explained that during the past year the school had acquired a number of individual properties to the west of their site which had recently been combined into one lot for the construction of the Nelson Mandela Child Development Center. The applicant wanted to add two wall signs and one monument sign. A hardship existed because of the residential zoning district which does not take into consideration the signage needs for large civic uses such as schools and churches. The Planning Department found the waiver to be acceptable and recommended approval in accordance with the plans submitted.

Mr. Cuddigan explained that the original sign budget was used for the school. The proposed signage would help to distinguish one building from another.

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

AYES: Aspen, Friedman, Kelley, Moore, Lanoha  
MOTION CARRIED: 5-0.
6. Case No. 19-003
Kustom Kitchens
c/o Jay Muller, Omaha Neon
8914 L Street
Omaha, NE 68217

REQUEST: Waiver of Section 55-843 - Variance to the allowed sign budget from 202 sq. ft. to 500 sq. ft. to allow for existing business signage.

LOCATION: 8914 L Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 10, 2019, Holly Hofmann (GV Kustom Kitchens) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, explained that this site has relatively minimal frontage as compared to the lot depth, similar to many sites in the area. The subject lot is approximately 100' wide and 365' deep. Based on the frontage width, the zoning code would allow 200 square feet of signage for the entire site. The existing signage totals 307 square feet. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference. Mr. Todd stated that the existing sign budget is visible from the street and the 3rd building is blocked from view. The Planning Department recommended denial of the request.

Ms. Hofmann stated that their limited sign budget results in a public safety issue. She explained that customers have trouble finding their location which causes them to slow down and drive erratically on L Street. She stated that most people who visit their location are specifically looking for their store. She stated that the existing signage currently consisted of a 12 square foot sign on the 2nd building and a 150 square foot roof sign on the first building. She explained that the pole sign that had been taken down was approximately 145 square feet, which the applicant wanted to replace with a 150 square foot sign. She added that another 20 square foot of signage could be used by the tenants in the 3rd building on the site.

Mr. Kelley stated that 500 square feet of signage was too much, he suggested 350 square feet. Ms. Hofmann agreed that 350 square feet would be sufficient.

Mr. Aspen stated that there was a hardship that resulted from the way the three buildings sat on the lot.

Mr. Kelley moved to APPROVE a variance to the allowed sign budget from 202 square feet to 350 square feet to allow for existing business signage. Mr. Aspen seconded the motion.

AYES: Friedman, Kelley, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
7. Case No. 19-004
Don Sweazy
11551 Pawnee Road
Omaha, NE 68142

REQUEST: Waiver of Sections 55-108 and 55-740(e) - Variance to the hard-surface driveway requirement and to the interior side yard setback from 25' to 11' to allow for a gravel driveway and the construction of a new home and accessory building.

LOCATION: 11551 Pawnee Road
ZONE: DR/DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver for Section 55-740(e) and denial of the waiver for Section 55-108.

At the Zoning Board of Appeals meeting held on January 10, 2019, Don and Donella Sweazy appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home and outbuilding on the undeveloped property. The proposed driveway is over 700' in length, a portion of which lies in an ED-Overlay District. The Planning Department has typically supported waiver requests related to paving as the ED District is intended to protect soil and trees from unnecessary erosion or removal. As Pawnee Road is currently unimproved, the Planning Department supported the request subject to the applicant paving the approach and the first 50' of drive within the property line at such time that Pawnee Road is paved. With regards to the second waiver request, the Planning Department found no hardship or practical difficulty since this is new construction on an undeveloped piece of property. He stated that the applicant could design their plan so that the building would comply with the required 25' setback. The Planning Department recommended approval of the waiver to the hard-surface driveway requirement and denial of the waiver to the side yard setback.

Mr. Sweazy stated that the land is very hilly and that the proposed location of the home was chosen to reduce the amount of dirt that would need to be moved. He explained that the driveway would come from Pawnee Road and enter the west side of the shed, which would face Blair High Road. He stated that the shed company recommended that there be at least 75' in front of the shed so that he would be able to safely navigate near a terraced area. He noted that the neighbor across from them has a shed that he believed was built on the property line. He added that the neighbors to the east have three structures that are within the 25' side yard setback. The next adjacent neighbor indicated that their shed was 15' from the side property line.

Mr. Lanoha noted that those neighbors with structures built into the setback did not appear to have obtained waivers for them.

Mr. Kelley stated that there was a hardship due to the topography of the site and because the property was in an Overlay District. Ms. Moore added that, due to the zoning of the property, there will be little to no impact on the neighbors.

Ms. Sweazy stated that her husband had discussed the proposed plans with the adjacent property owner to the east who had no objections to the waiver request.
Mr. Aspen moved to APPROVE in accordance with the plans submitted subject to the approach and the first 50' of the drive within the property lines being paved at such time that Pawnee Road is paved. Mr. Kelley seconded the motion.

AYES: Kelley, Moore, Aspen, Friedman, Lanoha

MOTION CARRIED: 5-0.
8. Case No. 19-005
   Todd and Kim Remmeried
   c/o Mick McGuire
   Straightline Design, Inc.
   3925 South 147th Street
   Omaha, NE 68144

   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 addition.

   LOCATION: 10330 North 168th Street

   ZONE: AG

This case was withdrawn.
9. Case No. 19-006
Richard Dyer
c/o Mick McGuire
Straightline Design, Inc.
3925 South 147th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-186 - Variance to the maximum impervious coverage percentage from 50% to 53.8%, to the side yard setback from 5’ to 2’, and to the rear yard setback from 25’ to 3.9’ to allow for construction of a new home addition.

LOCATION: 7748 Davis Circle
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 10, 2019, Mick McGuire and Richard Dyer appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a 486 square foot addition to the rear of their home and attach it to an existing detached garage. By doing so, the required 25’ rear yard setback and the 5’ side yard setback would not be met. The applicant planned to remove some existing concrete/asphalt from the rear yard which would reduce the amount of impervious coverage from 55.9% to 53.8%; however, it would still be above the 50% allowed. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference and recommended denial.

Mr. McGuire submitted two statements of support for the addition (Exhibit B and C) from the neighbors at 7744 and 7748 Davis Circle. He stated that the request included a reduction in the amount of impervious coverage. He noted that a waiver was granted in 1979 for the garage. He added that the rear of the property is adjacent to a commercial property.

Mr. Todd mentioned that he received a call from the neighbor across the street who supported the request.

Mr. Kelley noted that the improvements to the site made the site more compliant with zoning regulations.

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

AYES: Aspen, Friedman, Kelley, Moore, Lanoha

MOTION CARRIED: 5-0.
10. Case No. 19-007

Robert Torson Architects
2542 South 118th Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-146 - Variance to the minimum rear yard setback from 25' to 3' to allow for an expansion of an existing storage shed.

LOCATION: 8730 Woolworth Avenue

ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 10, 2019, Robert Torson (6542 South 118th Street) and Jerry Wojtalewicz appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had a 420 square foot accessory building in their backyard that was constructed adjacent to the apron around their in-ground pool. Construction of this accessory building was allowed after the Zoning Board of Appeals approved a waiver request in 1995. The structure does not meet the required 25’ rear yard setback since it sits 6’ off the rear property line. The applicant wanted to expand the addition by adding another 325 square feet, bringing the total square footage of the building to 745 square feet. The Planning Department found no hardship or practical difficulty to support the request since it is a design preference. The applicant stated that the structure is not a pool house, but the Planning Department views it as such and realized that at any time, it could be used for that purpose. This would create a structure that unfairly encroaches closer than it should upon the neighboring rear yard. The Planning Department recommended denial of the request.

Mr. Wojtalewicz stated that he wanted to extend the existing storage shed so that he could store more gardening tools and other collectibles. He indicated that the addition would match the setback of the existing shed. Mr. Torson stated that the only issue with the structure is its proximity to the pool and what the board believed the building could be if someone else made it into a pool house in the future. He questioned if the board should consider what a future owner could do.

Mr. Todd noted that the structure is listed as a bathhouse on the Douglas County Assessor’s website. He added that the Plans Examiners in Permits and Inspections determined that the structure was a pool house. Mr. Wojtalewicz responded that the structure has no plumbing and added that there was no pool equipment stored in it.

In response to Ms. Moore, Mr. Wojtalewicz stated that he had not had the opportunity to speak with the neighbor to the rear who was most affected by the addition. He offered to get a letter of support from that neighbor to present to the board. He stated that the mechanical equipment for the pool is installed outside. Mr. Lanoha stated that he could not support adding to the non-conformity of the site. Mr. Aspen stated that he could not find a hardship.

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

AYES: Kelley, Moore

NAYES: Friedman, Aspen, Lanoha

MOTION FAILED: 3-2.

The applicant declined the offer of a layover.
11. Case No. 19-008  
Robert Torson Architects  
2542 South 118th Street  
Omaha, NE 68137  
REQUEST: Waiver of Section 55-126 - Variance to the maximum impervious coverage percentage from 30% to 34% to allow for construction of a new home addition and driveway.  
LOCATION: 606 South 93rd Street  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on January 10, 2019, Robert Torson (6542 South 118th Street) and Becky DeBolt appeared before the board.  

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home and garage addition with the intention that the space would be used by a sibling with ambulatory issues. The improvements to the home would create an independent apartment that would be used until such time that a different level of care may be necessary. The improvements would cause the property to exceed the maximum impervious coverage by 4%. The addition would consist of a separate entrance, kitchen, great room, 2 bedrooms, bathroom, single car garage and a shared laundry room. Mr. Todd explained an additional dwelling unit on a single-family home is subject to supplemental area, dimensional and use standards is defined in the zoning code as Accessory Residential, which is not allowed in a R1 district. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.  

Mr. Torson stated that he may have improperly described the addition in his original submittal as a small apartment. He explained that the 3 individuals who will live in the home are tenants-in-common. He stated that the request was specifically for a sidewalk area where the owners wanted pervious pavers so that the area would be more stable and require less maintenance.  

In response to Mr. Lanoha, Mr. Todd explained that the shared laundry room with door on either side caused an issue since the home becomes two separate units when one of the doors is closed. He stated that this causes issues with the zoning request since the situation could be considered to be “Accessory Residential” or “Duplex”. He stated that the applicants could receive a waiver for impervious coverage but could possibly have trouble getting a building permit with the design. Mr. Todd suggested that the applicants speak with the Planning Department to see if a more acceptable solution could be found.  

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

AYES: Kelley, Moore, Aspen, Friedman, Lanoha  

MOTION CARRIED: 5-0.
12. Case No. 19-009

Ed Thiele
c/o Habitat for Humanity
1701 North 24th Street
Omaha, NE 68110

REQUEST: Waiver of Section 55-206 - Variance to the minimum lot area requirement from 5,000 sq. ft. to 4,960 sq. ft. and to the minimum lot width from 50' to 40' to allow for construction of new single family homes.

LOCATION: 3813, 3821 & 3823 North 23rd Street
ZONE: R5

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

At the Zoning Board of Appeals meeting held on January 10, 2019, Ed Thiele appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that these lots that are being redeveloped are 40' wide, but the zoning district requires a minimum of 50'. In addition, the lots are 4,960 square feet in a district that requires a minimum of 5,000 square feet. The Planning Department found a hardship existed since the proposed lot widths cannot be enlarged to meet code regulations and their overall size is consistent with existing development in the neighborhood. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

AYES: Moore, Aspen, Friedman, Kelley, Lanoha

MOTION CARRIED: 5-0.
13. Case No. 19-010

Ed Thiele

c/o Habitat for Humanity

1701 North 24th Street

Omaha, NE 68110

REQUEST: Waiver of Section 55-206 – Variance to the minimum lot area requirement from 5,000 sq. ft. to 4,160 sq. ft. and to the minimum lot width from 50’ to 42’ to allow for construction of a new single family home.

LOCATION: 3609 North 19th Street

ZONE: R5

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

At the Zoning Board of Appeals meeting held on January 10, 2019, Ed Thiele appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the lot that is being redeveloped is 42’ wide, but the zoning district requires a minimum of 50’. In addition, the lots are 4,160 square feet in a district that requires a minimum of 5,000 square feet. The Planning Department found a hardship existed since the proposed lot width cannot be enlarged to meet code regulations and their overall size is consistent with existing development in the neighborhood. The Planning Department found that the proposed lot width and minimum size are consistent with many other properties in the neighborhood and recommended approval in accordance with the plans submitted.

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

AYES: Aspen, Freidman, Kelley, Moore, Lanoha

MOTION CARRIED: 5-0.
14. Case No. 19-011  
Joshua Kochen  
1725 Ontario Street  
Omaha NE 68108  

REQUEST: Waiver of Section 55-166 - Variance to  
the front yard setback from 35’ to 18’  
feet to allow for an existing covered porch.  

LOCATION: 1725 Ontario Street  
ZONE: R4(35)  

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

At the Zoning Board of Appeals meeting held on January 10, 2019, Joshua Kochen before the board.  

Cliff Todd, Zoning Board of Appeals Administrator, stated that, during a renovation, the  
applicant enclosed the existing front porch. It was not brought any further into the setback than it  
stood previously. He noted that along the two blocks of Ontario Street that run the length of this  
small neighborhood, none of the homes meet the required 35’ front yard setback. The newest  
home that was constructed in 2003 is also non-compliant. A hardship existed since the home  
was constructed in the 1920s and is in a neighborhood that was platted prior to zoning  
regulations being enacted. The Planning Department found that the request was not  
unreasonable since the porch did not increase the level of non-compliance. The Planning  
Department recommended approval in accordance with the plans submitted.  

Mr. Kochen explained that he failed to get a permit for the front porch, which was brought to his  
attention by Permits and Inspections. He submitted several letters of support from his neighbors  
(Exhibit B).  

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

AYES: Friedman, Kelley, Moore, Aspen, Lanoha  

MOTION CARRIED: 5-0.
15. Case No. 19-012
Jamie Meyer
22920 West Center Road
Omaha, NE 68022

REQUEST: Waiver of Section 55-87 - Variance to the maximum impervious coverage from 10% to 20% to allow for construction of a 1,600 sq. ft. outbuilding.

LOCATION: 22920 West Center Road
ZONE: AG/AG-FW

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 10, 2019, Jamie Meyer and Sheena Meyer appeared before the board. Mr. Lanoha stated that he would not be voting on the case since he owns the surrounding properties.

Cliff Todd, Zoning Board of Appeals Administrator, stated that applicant planned to remove an old, unused tennis court as part of a remodel of the existing home. The court measures approximately 6,490 square feet and, in its place, the applicant wanted to construct a 1,600 square foot accessory building along with a paved drive. Although the applicant would be reducing the pre-existing impervious coverage by removing the larger court and replacing it with a smaller building, the request is still viewed as a design preference. The Planning Department found no hardship or practical difficulty to support this request and recommended denial.

Mr. Meyer stated that the footprint would be reduced by half with the construction of the pole barn. He believed the impervious coverage should be increased since he only owns 1.4 acres of land and because the land is not used for agricultural purposes. He indicated that the building would be used to store mowers, 4-wheelers and other types of equipment.

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

AYES: Kelley, Moore, Aspen, Friedman

ABSTAIN: Lanoha

MOTION CARRIED: 4-0-1.
APPROVAL OF MINUTES:

Mr. Kelley moved to APPROVE the minutes for the December 13, 2018 meeting. Mr. Aspen seconded the motion.

AYES: Moore, Aspen, Kelley, Lanoha

ABSTAIN: Friedman

MOTION CARRIED: 4-0-1.

ELECTION OF OFFICERS:

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

AYES: Aspen, Friedman, Kelley, Moore, Lanoha

MOTION CARRIED: 5-0.

Mr. Moore moved to RE-ELECT Mr. Aspen as Vice-Chair. Mr. Lanoha seconded the motion.

AYES: Friedman, Kelley, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.

ADJOURNMENT

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

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary