PRE-MEETING:

The board members in attendance were: Jeremy Aspen, Matthew Kortright, Jason Lanoha, Brian Mahlendorf and Kristine Moore. Planning Department staff in attendance were Cliff Todd (Zoning Board of Appeals Administrator) and Clinette Ingram (Recording Secretary). The board reviewed the cases.

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, February 3, 2020 (Use Waivers) and Thursday, February 6, 2020.

MEMBERS PRESENT: Jason Lanoha – Vice-Chair
Jeremy Aspen
Matthew Kortright (Alternate)
Brian Mahlendorf
Kristine Moore

MEMBERS NOT PRESENT: Dusty Friedman (Alternate)
Sean Kelley - Chair

STAFF PRESENT: Mike Carter, Current Planning Manager
Cliff Todd, Zoning Board of Appeals Administrator
P.J. Butler, City Planner
Jennifer Taylor, City Attorney
Michelle Peters, City Attorney
Clinette Ingram, Recording Secretary

The meeting was called to order at 1:00 p.m. Mr. Lanoha introduced the board members and City staff. He explained the procedures for hearing the cases. He stated that the applicant for Case 20-010 had withdrawn their request.
CASES:

1. **Case No. 19-110**

   **REQUEST:** Waiver of Sections 55-206 & 55-782(b)(6)(a) - Variance to the street side yard setback from 15’ to 9.8’ and to the accessory structure setback adjustment from 60’ to 38.75’, to allow for construction of a 20’ x 20’ detached garage and new driveway.

   **LOCATION:** 3004 Frederick Street

   **ZONE:** R5(35)

   **PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Michael and Barb Weiland appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new, 20’ x 20’ detached garage on his property that did not meet the minimum accessory structure or street side yard setback requirements of the R5 base district. The applicant previously received a waiver for this same request at the October 10, 2019 Zoning Board of Appeals meeting. At that time, the necessary distance for the accessory structure setback was calculated incorrectly, stating that the setback needed was a reduction from 60’ to 45’ when in fact the correct distance would be 38.75’. The Planning Department found no hardship or practical difficulty to support this request, since this was a design preference, and there is no code requirement stating that a home must have a garage. The Planning Department recommended denial of the waiver request.

Ms. Moor noted that the request was approved with the same plan at the October 10, 2019 Zoning Board of Appeals meeting.

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

**AYES:** Aspen, Kortright, Mahlendorf, Moore, Lanoha

**MOTION CARRIED:** 5-0.
2. Case No. 20-015
   Karol Ulmer
   1117 South 10th Street
   #18
   Omaha, NE 68108
   REQUEST: Waiver of Section 55-925(c) & 55-925(2) - Variance to the build-to/set-back lines and zones from 5’ to 3’.
   LOCATION: 916 Pierce Street
   ZONE: NBD-NCE-E

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

At the Zoning Board of Appeals meeting held on February 13, 2020, Karol Ulmer appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to convert this former commercial property into a single-family home. He noted that the age and condition of the existing structure and the lot size made building options very limited. In addition, the lot is zoned NBD-NCE-C which requires buildings to be set back 5’ from the front property line. The applicant had previously received a waiver from the Zoning Board of Appeals on June 12, 2018 for a nearly similar request, but since that time the existing building which the applicant intended to refurbish and include as part of her residence could not be brought up to present day structural code standards. For this reason, it was decided that the structure would be razed and replaced with a new structure. The applicant had coordinated extensively with the Planning Department to develop a landscape plan for the property that would improve the streetscape while providing an acceptable sidewalk/curb walk area for pedestrians. The Planning Department supported the waiver request and recommended approval in accordance with the plans submitted.

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

AYES: Kortright, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
3. Case No. 20-016
   Seamus Kelly
   16010 Ruggles Street
   Omaha, NE 68116
   REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 17’ to allow for the replacement of an existing deck.
   LOCATION: 15304 Pine Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Cameron Ziegenfuss (16010 Ruggles Street) appeared before the board on behalf of the property owners.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace the existing, deteriorating deck with one that is the same size as what is currently on the home. The proposed deck would not encroach any further into the rear yard setback. He noted that the home backs up to a creek and park space as do other homes on the block that have also received waivers for insufficient rear yards. The Planning Department found no hardship or practical difficulty to support this request since this was a design preference, and recommended denial of the waiver request.

Mr. Ziegenfuss explained that if the deck was built according to code, it would be too small and would potentially hurt the value of his home. He also noted that most of the homes on that block had decks that were the same distance from the property line. He added that if the deck was built at 25’, there would not be room for the staircase.

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

AYES: Mahlendorf, Moore, Aspen, Kortright, Lanoha

MOTION CARRIED: 5-0.
4. Case No. 20-017  
Zach Grandel  
8707 Ohearn Street  
Omaha, NE 68127  
REQUEST: Waiver of Sections 55-187(e) - Variance to the front yard setback from 35' to 0' to allow for the replacement of an existing deck.  
LOCATION: 1108 Homer Street  
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, the applicant failed to appear before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new deck to replace the current one which was in need of repair. The deck also served as the front porch and entrance to the home. The home, even without the deck, would not meet the required setback as it sat approximately 12’ from the property line. The Planning Department found no hardship or practical difficulty to support this request, since this was a design preference, and recommended denial of the waiver request. He added that, instead of a deck which abuts the front property line, a smaller set of steps could be constructed to help alleviate the non-conformity of the property.

There were not proponents or opponents for this case.

Mr. Aspen moved to SUSPEND the board rule that the applicant must appear in this particular case. Ms. Moore seconded the motion.

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha  
MOTION CARRIED: 5-0.

Ms. Moore stated that this was a common request in situations where there is an older home and the applicant wanted to replace the existing deck in the same location at the same size as the previous deck.

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

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha  
MOTION CARRIED: 5-0.

Mr. Mahlendorf moved to REINSTATE the board rule that an applicant must appear. Mr. Aspen seconded the motion.

AYES: Aspen, Kortright, Mahlendorf, Moore, Lanoha  
MOTION CARRIED: 5-0.
5. Case No. 20-018  
Clay and Desire' Sievers  
943 South 201st Street  
Omaha, NE 68022  

REQUEST: Waiver of Sections 55-126 - Variance to the front yard setback from 50’ to 35’-2” and to the interior side yard setback from 25’ to 16’-1” to allow for construction of a new home.

LOCATION: 22118 Quail Circle  
ZONE: R1

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

At the Zoning Board of Appeals meeting held on February 13, 2020, Desire’ Sievers and Mark Shahan (8715 William Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new, single-family home on this irregularly shaped lot. The original subdivision was previously designed and platted under Elkhorn’s municipal code which was different from the current requirements. The requested waiver would allow the home to be built utilizing setbacks that were consistent with other homes in the circle and other homes in the neighborhood that were also subject to the zoning conversion. He noted that other homes nearby had received approval for similar waiver requests. The Planning Department recommended approval in accordance with the plans submitted.

Ms. Sievers stated that the HOA had recommended approval of the request and he submitted the letter (Exhibit B).

Mr. Mahlendorf stated that the change of zoning from when the property was under Elkhorn’s code was a hardship.

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

AYES: Mahlendorf, Moore, Aspen, Kortright, Lanoha

MOTION CARRIED: 5-0.
6. Case No. 20-019  
Jason Troia  
17004 Patrick Avenue  
Omaha, NE 68116  

REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6’ tall fence in the street side yard setback.

LOCATION: 17004 Patrick Avenue
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Jason Troia appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant planned to install an in-ground pool in their back yard. The waiver was being requested for aesthetic, safety and functional reasons. There was an existing, wrought-iron style, code-compliant 4’ fence located along the property line that was greater than 50% open. The applicant was proposing to replace the rear 60’ of the fencing along 170th Street with a 6’ fence of the same style and material in order to maintain their existing fence line and safely enclose their pool. The Planning Department found no hardship or practical difficulty to support this request, since this was a design preference, and recommended denial of the waiver request.

Mr. Troia stated that one of his children had special needs and the waiver would allow the decking space to be wider, making it easier to navigate. He stated that a fence that is highly visible was chosen to keep the intersection safe.

Mr. Mahlendorf stated that because the home was near a T-intersection there were less issues with visibility. He also mentioned that there was the requirement that a 6’ fence be placed around a pool.

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

AYES: Kortright, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
7. Case No. 20-020  
Nebraska Methodist College  
c/o Joe Proctor  
Design 8 Studios  
5801 North 90th Street  
Omaha, NE 68134  
REQUEST: Waiver of Section 55-834(2) - Variance to maximum sign budget from 60 sq. ft. to 214.80 sq. ft. and to the maximum size of a wall sign from 31.5 sq. ft. to 150 sq. ft. to allow for the installation of a new wall sign.  
LOCATION: 720 North 87th Street  
ZONE: GO

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

At the Zoning Board of Appeals meeting held on February 13, 2020, Joe Proctor and Emily Peklo (Nebraska Methodist College – 720 North 87th Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new, 150 square foot wall sign on the east side of the building facing North 87th Street. The proposed sign exceeded the maximum square footage allowed for a wall sign and would cause the property to exceed the allowable sign budget for a GO District. The Planning Department supported the request due to the large number of visitors, multiple access points and the civic activities that occurred on the campus property. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Proctor explained that numerous individuals have come into the college, believing that it was a hospital. He stated that property signage would help to identify it as a learning institution. He provided photos of the content of the signage and he explained that a stretch-banner system would be used.

Ms. Peklo explained that the larger signage would provide cohesion between the buildings, inform the public that the site is an educational institution and would differentiate the college from Methodist Hospital and Methodist Clinic on Dodge Street.

In response to Mr. Aspen, Mr. Proctor stated that the sign would be switched out one a year. Mr. Aspen stated that he could support the sign if the applicant appeared before the board occasionally to discuss the content of the sign. Mr. Mahlendorf stated that the board had typically set time restrictions for temporary banners (i.e. College World Series, Mutual of Omaha). He added that he has supported banners if they were civic in nature; however, he believed that if a company name was added then it became advertising. He believed that what was being proposed amounted to advertising.

Ms. Moore stated that she understood the confusion for some people who might think the school is a doctor's office.

In response to Mr. Kortright, Mr. Proctor explained that banner would be installed in a solid cabinet with a flex face that could be changed out but was considered to be more permanent than a plain banner. In response to Mr. Lanoha, Ms. Peklo stated that the signs could be adjusted to show more of what the school offers. She offered to present that material to the board another time.

Mr. Aspen moved to APPROVE in accordance with the plans submitted with the condition that the applicant return yearly for re-approval.

Mr. Aspen AMENDED his motion to APPROVAL in accordance with the plans submitted with the condition that the applicant return whenever the sign is changed. Mr. Lanoha seconded the motion.

AYES: Moore, Aspen, Kortright, Lanoha  
NAYES: Mahlendorf  
MOTION CARRIED: 4-1.
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Nebraska Methodist College c/o Joe Proctor Design 8 Studios 5801 North 90th Street Omaha, NE 68134</th>
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<tr>
<td>Zone</td>
<td>GO</td>
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<tr>
<td>Location</td>
<td>515 North 87th Street</td>
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**REQUEST:** Waiver of Section 55-834(2) - Variance to maximum sign budget from 60 sq. ft. to 221.61 sq. ft. and to the maximum size of a wall sign from 7.4 sq. ft. to 150 sq. ft. to allow for the installation of a new wall sign.

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Joe Proctor and Emily Peklo (Nebraska Methodist College – 720 North 87th Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new, 150 square foot wall sign on the west side of the building facing North 87th Street. The proposed sign exceeded the maximum square footage allowed for a wall sign (7.4 sq. ft. to 150 sq. ft.) and would cause the property to exceed the allowable sign budget (60 sq. ft. to 181.5 sq. ft.) for a GO District. He further stated that the building was constructed in 1975 as a medical office and continued to look and function as one, as opposed to a traditional educational campus. He added that, based on the size of the façade, the proximity and accessibility from 87th Street, the minimal frontage and the existing conforming signage, there was no hardship or practical difficulty to support the waiver request. For those reasons the Planning Department recommended denial.

Mr. Proctor stated that this building would have a sign cabinet attached to the face of the building with a flex face.

The board noted that this site had a monument sign that was not being utilized. Mr. Aspen stated that he could not support this request since the existing signage was not being used or removed. Mr. Kortright agreed and added that the existing monument sign could possibly attract more attention than the proposed wall sign. Mr. Todd mentioned that the monument sign measured 42 square feet as opposed to the 150 square feet that was being requested with the banner.

Mr. Mahlendorf stated that he had the same reservations about the sign as he did for the previous case (Case 20-021).

Mr. Kortright moved to DENY the request. Mr. Aspen seconded the motion.

AYES: Moore, Aspen, Kortright, Mahlendorf

NAYES: Lanoha

MOTION CARRIED: 4-1.
9. Case No. 20-022  
Nebraska Methodist College  
c/o Joe Proctor  
Design 8 Studios  
5801 North 90th Street  
Omaha, NE 68134  
REQUEST: Waiver of Section 55-834(2) - Variance to maximum sign budget from 60 sq. ft. to 203.5 sq. ft. and to the maximum size of a wall sign from 9 sq. ft. to 150 sq. ft. to allow for the installation of a new wall sign.  
LOCATION: 501 North 87th Street  
ZONE: GO-ACI-2(PL)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Joe Proctor, Chuck Wietap (Design8 Studios) and Emily Peklo (Nebraska Methodist College – 720 North 87th Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new, 150 square foot wall sign on the south side of the building facing West Dodge Road. The proposed sign exceeded the maximum size allowed for a wall sign (9 sq. ft. to 150 sq. ft.) and would cause the property to exceed the allowable sign budget (60 sq. ft. to 203.5 sq. ft.). He further stated that the building was constructed in 1975 as a medical office and continued to look and function as one, as opposed to a traditional educational campus. He added that, based on the size of the façade, the proximity and accessibility from 87th Street, the minimal frontage and the existing conforming signage, there was no hardship or practical difficulty to support the waiver request. For those reasons the Planning Department recommended denial.

Ms. Peklo noted that this site was across the street from Methodist Hospital. She added that the Methodist clinic was also visible from this building.

Mr. Wietap explained that the applicant requested more square footage for the sign since the building was considered a civic use. He added that the building for the previous case (Case 20-021, 515 North 87th Street) was also considered to be a civic use. Mr. Todd explained that the amount of sign budget for a property was determined by the use.

In response to Ms. Moore, Mr. Proctor stated that there were no monument signs located on this property.

Mr. Mahlendorf mentioned his reservations about the proposed signage. Mr. Aspen and Ms. Moore supported signage for this location but not the amount that was proposed. Mr. Proctor responded that the amount of signage could be adjusted. Mr. Aspen suggested a layover so that the applicant could present another option. The applicants were in agreement with a layover.

Mr. Kortright mentioned that he was concerned about the underutilization of the existing signage (53.51 sq. ft. while 60 sq. ft. is allowed). He also added that the proposed signage did not emphasize that the building was a college.

Mr. Aspen moved to LAYOVER until the March 12, 2020 meeting. Mr. Kortright seconded the motion.

AYES: Aspen, Kortright, Mahlendorf, Moore, Lanoha

MOTION CARRIED: 5-0.
10. Case No. 20-023
Woodman of the World
c/o David Levy
1700 Farnam Street
Suite 1500
Omaha, NE 68102

REQUEST: Waiver of Section 55-839(2) - Variance to the total permitted sign area from 1096 sq. ft. to 2,942 sq. ft. and to the maximum allowed size of a wall sign from 21.6 sq. ft. and 26.6 square ft. to 533 sq. ft., to allow for the installation of 4 new wall signs.

LOCATION: 1700 Farnam Street
ZONE: CBD-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on February 13, 2020, David Levy (Baird Holm Law – 1700 Farnam Street) and Joe Wieland appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace 4 wall signs, all of which exceeded the allowable sign area and budget maximums for a CBD District. A hardship existed due to the size and height of the existing building. The applicant was proposing to replace the current signage from "Woodmen" to "WoodmenLife". Due to the height at which the signs were installed, the allowances provided by the code would make the signage very difficult to see from the ground. Because the proposed signage was similar in size to the existing sign, and given the unique height and placement, the Planning Department supported the request and recommended approval in accordance with the plans submitted.

Mr. Levy stated that the proposed signage would be 7% larger than the existing sign because it would be lit internally and the letters needed to be placed further apart so that the sign would not blur. He also showed what a conforming sign would look like from the street.

Mr. Mahlendorf noted the iconic nature of the sign in the Omaha area.

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

AYES: Kortright, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
11. Case No. 20-024
   VP 168, LLC
c/o Kyle Hasse
   E & A Consulting Group
   10909 Mill Valley Road, #100
   Omaha, NE 68154

   REQUEST: Waiver of Section 55-226 & 55-716 - Variance to the front yard setback from 35' to 25' and to the minimum bufferyard requirement from 30' to 5' to allow for the construction of new townhomes.

   LOCATION: West of 169th and Boyle Streets
   ZONE: R6(PUD)

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

At the Zoning Board of Appeals meeting held on February 13, 2020, Jason Thielen (E & A Consulting Group) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that a hardship existed due to the fact that the property was developed with R5 regulators but ultimately the site was zoned R6. The requested waivers were acceptable as they were consistent with the plan supported by the Planning Department and approved by City Council at its August 28, 2018 meeting. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Mahlendorf, Moore, Aspen, Kortright, Lanoha

MOTION CARRIED: 5-0.
12. Case No. 20-025
   Hannah Aganor
   6563 North 24th Street
   Omaha, NE 68122
   REQUEST: Waiver of Section 55-786 - Variance to the
   residential fence regulations to allow a 5' tall
   fence in the street sideyard setback.
   LOCATION: 6563 North 24th Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, the applicant failed to appear before
the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 5’
tall, greater than 50% open, aluminum fence on their property line along Newport Avenue. The fence
would begin approximately 36’ back from the front property line and run 62’ along Newport Avenue to the
existing driveway where it would then turn south and connect with the garage. He explained that either a 4’
tall, 50% open fence could be constructed along the property line or a 5’ fence could be constructed at the
required 15’ street side yard setback, both of which would be compliant and would not need any waivers.
The Planning Department found no hardship or practical difficulty to support the request since it was a
design preference and recommended denial of the request.

There were no proponent or opponents for this case.

Mr. Aspen moved to SUSPEND the board rule that an applicant must appear in this particular case. Mr.
Kortright seconded the motion.

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha
MOTION CARRIED: 5-0.

Mr. Mahlendorf stated that the proposed fence was aligned in such a way that it would not obstruct the
view of vehicles or pedestrians. Mr. Kortright noted that the current regulations would mean that fence
would split the backyard in half. He also supported the request since the proposed fence would be
wrought iron.

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

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha
MOTION CARRIED: 5-0.

Mr. Aspen moved to REINSTATE the board rule that an applicant must appear. Ms. Moore seconded the
motion.

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha
MOTION CARRIED: 5-0.
13. Case No. 20-026
   Jose Alvarado
   6042 South 38th Street
   Omaha, NE 68107

REQUEST: Waiver of Section 55-187(e) - Variance to the front yard setback from 35’ to 12’ to allow for the construction of a home addition.

LOCATION: 6042 South 38th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Jose Alvarado appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant converted his existing, enclosed porch into living space and failed to apply for the necessary permits. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial of the request. He mentioned that he received a call from a neighbor that was opposed to the waiver request.

Mr. Alvarado explained that the previous porch was damaged so he replaced it with a porch of the same size. He indicated that he was unaware he needed a permit to rebuild the porch.

There was some discussion about when construction began at the home. It was determined that it was probably sometime in 2018. Mr. Alvarado stated that he planned to finish the home to code. The board stressed the importance of the applicant getting the home in order as soon as possible so that it would be presentable for the neighborhood.

In response to Mr. Lanoha, Mr. Alvarado stated that the inspector had not been back to his home to inspect it. Mr. Lanoha stated that he was concerned that the applicant was not motivated enough to get the work done in a timely manner, especially since it appeared construction had been going on since 2018. Mr. Aspen believed that Code Enforcement would follow up with the applicant.

Mr. Aspen moved to APPROVE in accordance with the plans submitted with the condition that the applicant uses like-kind materials. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Kortright, Mahlendorf, Moore

NAYES: Lanoha

MOTION CARRIED: 4-1.
14. Case No. 20-027
Anne & Steven Kutilek
 c/o Mick McGuire
Straightline Designs
3925 South 147th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25’ to 11.57’ and to the maximum impervious coverage allowed from 30% to 33.1% to allow for the construction of a garage addition.

LOCATION: 9506 Douglas Street

ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Steven Kutilek and Mick McGuire appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new garage addition and was unable to meet the 25’ minimum interior side yard setback. In addition, the property would exceed the maximum allowed impervious coverage of 30%. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial of the request.

Mr. McGuire stated that the existing structure was already non-conforming since it was set far back from the street. He explained that most of the impervious coverage would be for the length of driveway that is needed for the home. He noted that the left side of the home drops off and there was a paver patio located on that side of the home. He added that the garage was too small for the size of the home. He provided a list of neighbors who supported the request, which included the adjacent neighbor to the east who would be most affected by the addition (Exhibit B). He stated that the neighbors preferred an attached 3rd car garage as opposed to a detached garage.

Mr. Mahlendorf was concerned about the width of the garage. He suggested that it be reduced a couple of feet or the 3rd car addition be offset behind the existing garage. Mr. McGuire responded that they were attempting to match the hip roof. Mr. Kortright believed that the shape of the lot was a hardship and he believed that the options suggested by Mr. Mahlendorf would help to increase the side yard distance. Mr. McGuire responded that for aesthetic reasons, the garage was designed as proposed on the plans so that it appeared as if it was original to the home.

Mr. Kutilek agreed that it was more aesthetically pleasing to design the garage as proposed. Mr. Aspen believed that the proposed garage fit the context of the neighborhood.

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

AYES: Kortright, Mahlendorf, Moore, Aspen, Lanoha

MOTION CARRIED: 5-0.
15. Case No. 20-028
 Toni Turnquist
 c/o Mick McGuire
 Straightline Designs
 3925 South 147th Street
 Omaha, NE 68144

 REQUEST: Waiver of Section 55-186 - Variance to the interior side yard setback from 5’ to 2’ to allow for the construction of a garage addition.

 LOCATION: 3115 North 125th Avenue
 ZONE: R4

 PLANNING DEPARTMENT RECOMMENDATION: Denial.

 At the Zoning Board of Appeals meeting held on February 13, 2020, Toni Turnquist and Mick McGuire appeared before the board.

 Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition and was unable to meet the minimum required 5’ interior side yard setback. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial of the request.

 Mr. McGuire stated that the applicant had spoken with her neighbors and had received signatures to show they supported the project (Exhibit B).

 Ms. Turnquist noted that there was sufficient greenspace between her home and the adjacent neighbors’.

 Mr. Aspen moved to APPROVE in accordance with the plan submitted. Mr. Kortright seconded the motion.

 AYES: Mahlendorf, Moore, Aspen, Kortright, Lanoha

 MOTION CARRIED: 5-0.
16. Case No. 20-029
Michael Norton
C/O Evan Healey
SJ Jensen Construction
6324 South 118th Street
Omaha, NE 68137
REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow for the installation of a new grass driveway.
LOCATION: 25555 Blondo Street
ZONE: AG-FF

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Michael Norton and Evan Healey appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had recently applied for building permits to construct a new outbuilding on his property that would feature a 9’ x 7’ overhead door which, per code, required a hard surface driveway. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and a code-compliant, hard-surface driveway could be installed. The Planning Department recommended denial of the request. He noted that the property was zoned AG-FF (Agricultural-Flood Fringe Overlay District) and he mentioned that the applicant had been working with the Floodplain Administrator to obtain the necessary permits.

Mr. Healey explained that the outbuilding was necessary for storage since the home had no basement. He explained that a 9’ door was proposed so that large items could be moved in and out. He added that the homeowner’s association supported the project.

Noting the existing amount of parking and paving on the site, Mr. Mahlendorf believed that the outbuilding would be used for storage only and would not be used to store vehicles.

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

AYES: Moore, Aspen, Kortright, Mahlendorf, Lanoha

MOTION CARRIED: 5-0.
17. Case No. 20-030  
Allen Berglund  
2333 South 35th Avenue  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-206 - Variance to the rear yard setback from 25’ to 0’ and to the interior side yard setback from 5’ to 0’ to allow for the use of an existing deck.

LOCATION: 2333 South 35th Avenue  
ZONE: R5(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 13, 2020, Allen Berglund appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated the applicant had constructed a new deck around the above ground pool in the northeast corner of the back yard. The upper and lower portions of the deck encroached into the required rear and side yard setbacks. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference. The Planning Department recommended denial of the request. He noted, however, that he received a letter with the signature of 8 neighbors, including the adjacent property owners who supported the applicant’s request.

Mr. Berglund stated that his neighbors have complimented him on the improvements that have been made to the home. He apologized for not obtaining a permit. He explained that, due to the location of the detached garage, the size of the lot and the location of the home on the lot, the only place to put the pool was in the northeast section of the yard. He added that the yard slopes 3.5’ from the alley to the back of the home.

In response to Mr. Mahlendorf, Mr. Berglund stated that the lower deck was approximately 11” off the ground and the upper deck was approximately 40” off the ground, with five steps connecting the decks. He indicated that there was a full railing system around the upper deck.

Mr. Mahlendorf believed that the lower deck and part of the upper deck could be viewed as patios. Ms. Moore noted that there was an alley, a driveway and privacy fence at the rear of the home. She did not believe that the existing deck would negatively impact any of the neighbors.

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

AYES: Aspen, Kortright, Mahlendorf, Moore, Lanoha  

MOTION CARRIED: 5-0.
18. Case No. 15-060  
Park 125 WDodge, LLC  
c/o Kyle Haase  
E&A Consulting  
10909 Mill Valley Road  
Omaha, NE 68154  

REQUEST: Waiver of Sections 55-246, 55-716, 55-735(a)(1) & 55-740(f)(4) - Variance to the required buffer yard between R7 and DR from 30' to 0', to the interior side yard setback from 12' to 0', to the minimum required parking lot perimeter landscaping from 10' to 0' and to allow off-street parking for a multiple family residential use in the front yard setback of a residential district to allow for the construction of a new apartment complex.

LOCATION: 710 North 124th Court & 12510 West Dodge Road  
ZONE: R7-ACI-4(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the following: 1) Compliance with Article 22, Urban Design regulations and 2) Prior to applying for a building permit the applicant must a) amend the subdivision agreement to allow the driveway with the outlot; b) update the wetlands analysis and provided a mitigation plan if necessary and c) provide approval of a Corp Section 404 permit.

At the Zoning Board of Appeals meeting held on February 13, 2020, Jason Thelen (E & A Consulting Group) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had previously received a similar waiver from the Zoning Board of Appeals on July 9, 2015 for reduced bufferyard and interior side yard setbacks. Since that time, the site layout had changed and the waiver request was revised to reflect the new design. A practical difficulty existed due to the DR zoning of the undevelopable outlot that served as a drainage area adjacent to the applicant’s property. The DR zoning requires a bufferyard when adjacent to R7 zoning based on the height of the buildings. The Planning Department supported the request and recommended approval in accordance with the plans submitted, subject to the following: 1) Compliance with Article 22, Urban Design regulations and 2) Prior to applying for a building permit the applicant must: a) amend the subdivision agreement to allow the driveway with the outlot; b) update the wetlands analysis and provided a mitigation plan if necessary and c) provide approval of a Corp Section 404 permit.

Mr. Thelen believed that the current plan was improved from what was previously approved in 2015.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to: 1) Compliance with Article 22, Urban Design regulations and 2) Prior to applying for a building permit the applicant must a) amend the subdivision agreement to allow the driveway with the outlot; b) update the wetlands analysis and provided a mitigation plan if necessary and; c) provide approval of a Corp Section 404 permit. Mr. Kortright seconded the motion.

AYES: Kortright, Mahlendorf, Moore, Aspen, Lanoha  
MOTION CARRIED: 5-0.
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes of the January 9, 2020 meeting as AMENDED. Ms. Moore seconded the motion.

AYES: Moore, Aspen, Lanoha

ABSTAIN: Kortright, Mahlendorf

MOTION CARRIED: 3-0-2.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:00 p.m.

____________________________________________________________________
Approved (date)

____________________________________________________________________
Jason Lanoha, Chair

____________________________________________________________________
Clinette Ingram, Secretary