PRE-MEETING:

The board members in attendance were: Sean Kelley, Jason Lanoha, Brian Mahlendorf and Jason Friedman. 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, March 2, 2020 (Use Waivers) and Thursday, March 5, 2020.

MEMBERS PRESENT:
Sean Kelley - Chair
Jason Lanoha – Vice-Chair
Brian Mahlendorf
Dusty Friedman (Alternate)

MEMBERS NOT PRESENT:
Jeremy Aspen
Kristine Moore
Matthew Kortright (Alternate)

STAFF PRESENT:
Mike Carter, Current Planning Manager
Cliff Todd, Zoning Board of Appeals Administrator
Jake Placzek, City Planner
Jennifer Taylor, City Attorney
Clinette Ingram, Recording Secretary

The meeting was called to order at 1:00 p.m. Mr. Kelley introduced the board members and City staff. He explained the procedures for hearing the cases. He stated that the applicant for Case 20-043 had withdrawn their request.
LAYOVER CASE:

1. Case No. 20-022 (layover from 2/13/20)  
   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)

The applicant requested a layover of this case.

Mr. Mahlendorf moved to LAYOVER until the April 9, 2020 meeting of the board. Mr. Lanoha seconded the motion.

AYES: Friedman, Lanoha, Mahlendorf, Kelley

MOTION CARRIED: 4-0.
NEW CASES:

2. Case No. 20-032
   Foundations Development, LLC
   1886 South 126th Street
   Omaha, NE 68144

   REQUEST: Waiver of Sections 55-716, 55-734 & 55-735(a)(1) - Variance to the minimum bufferyard requirement between an R7 and R4/R5 districts from 30' to 10', to the required number of off-street parking stalls from 106 to 79 and to the parking facility location to allow required off-street parking in the front yard setback to construct new multiple-family and senior housing.

   LOCATION: 1404 Castelar Street
   ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Rob Woodling appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing the development of a 38-unit, multiple-family residential building on the east side of the site; a 15-unit, multiple-family residential building at the north side of the site and 79 off-street parking stalls. The 38-unit facility would be targeted to seniors aged 55 and older and the smaller 15-unit building would be targeted to the graduates and families of the Bethlehem House located to the north. In addition to the off-street parking being provided, there were approximately 32 on-street parking spaces available. The Planning Department found no hardship or practical difficulty to support this request since a project in compliance with the municipal code could be constructed. He added that any redevelopment of the site should comply with current zoning regulations.

Mr. Woodling stated that a meeting had been held with the Deer Park Neighborhood Association and the neighbors expressed concern mostly about parking and landscaping. With regards to the parking at the new Bethlehem facility, he stated that 10 parking stalls were being proposed at the north end of the site as part of the project. He explained that there were 6 staff on site at any given time. He further explained that most of the women who stayed in the Bethlehem House did not own a vehicle which meant that there should be at least 4 extra parking stalls. Mr. Woodling also explained that the building could not be repositioned on the site due to water retention issues.

Chris Rodenburg (2328 South 15th Street) appeared in opposition to the request. He stated that there were only two homes, both at the ends of the block, with a driveway and that no home had a garage. He was concerned about the amount of extra parking on his street that would result from the proposed improvements.

Vivian Peppers (2308 South 15th Street) appeared in opposition to the request. She was also concerned about the extra on-street parking. She explained that there were already issues with parking especially when the Bethlehem home had certain events like Family Night. She added that parking was extremely congested when there are events at the Sokol Auditorium on 13th Street.

Richard Collins (Castelar Street) appeared in opposition to the request. Mr. Collins stated that the 4’ tall bushes that were being proposed for the parking lot would not be tall enough to prevent the light from vehicles from entering his picture window. He also mentioned the parking congestion issues. He believed that there was a better use for the site.

Mr. Lanoha explained that the proposed use was acceptable for the site. He noted that if the number of units was reduced the applicant would not even need to apply for a waiver. He suggested that including
the parking for the Bethlehem House as a condition of approval would perhaps give the neighbors peace of mind. Mr. Woodling had no issues with that condition being part of the motion.

Mr. Carter mentioned that a Use Permit was approved for the Bethlehem House a few years ago which indicated that a parking lot would be constructed. He stated that the parking lot could be constructed as approved on those original plans.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the parking requirements of the Bethlehem House being included as part of the project. Mr. Lanoha seconded the motion.

AYES: Lanoha, Mahlendorf, Friedman, Kelley

MOTION CARRIED: 4-0.
3. Case No. 20-033  
James Andrlik  
12918 Harney Street  
Omaha, NE 68154

REQUEST: Waiver of Section 55-146 - Variance to the interior side yard setback from 10’ to 1’ to allow for the construction of a new garage addition.

LOCATION: 12918 Harney Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Roxanne Andrlik appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to add a new, single-car garage addition along the west side of their home that would encroach into the required side yard setback leaving only 1’ of space to the property line. The Planning Department found no hardship or practical difficulty to support this request as this was a design preference. The Planning Department recommended denial of the request.

Ms. Andrlik explained that one of their vehicles was parked on concrete outside of the existing garage. She proposed enclosing that area in an effort to make the home more aesthetically pleasing and to increase the property value. She indicated that she had spoken with all of the neighbors and no one was opposed to the request.

Mr. Mahlendorf stated that a structure so close to the property line becomes imposing. He did not support a garage being constructed ‘1’ from the property line. Mr. Lanoha agreed and stated that he could not find a hardship in this case. Mr. Kelley believed that the request from 10’ to 1’ was too extreme.

Mr. Lanoha moved to DENY. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Friedman, Lanoha, Kelley

MOTION CARRIED: 4-0.
4. Case No. 20-034
Woodsonia Acquisitions, LLC
C/O Larry Jobeun
17007 Marcy Street
Suite 2
Omaha, NE 68118

REQUEST: Waiver of Sections 55-246, 55-716 & 55-735(a)(1) - Variance to the front yard setback from 35' to 0', to the minimum bufferyard requirement between R7 and R4 from 30’ to 19’ and to allow required off-street parking in the front yard setback to construct new multiple-family housing.

LOCATION: Northwest of 168th and Fort Streets
ZONE: AG (R7-PUD pending)

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

At the Zoning Board of Appeals meeting held on March 12, 2020, Larry Jobeun (11440 West Center Road) appeared before the board on behalf of the developer Jeff Elliott.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant planned to construct nine apartment buildings and due to the topography and drainage on the site, a number of waivers were required. A hardship existed due to the topography and irregular shape of the property. The Planning Department supported the request and recommended approval in accordance with the plans submitted. He mentioned that he received a phone call from a person who was opposed to the request.

Mr. Jobeun provided more details about the topography of the lot. He also submitted documentation (Exhibit B) that related to each of the waiver requests. He showed what the views would look like from the proposed decks of the homes looking toward Flanagan Lake. He explained how the residences would be situated on the lot, noting that some would appear to be only two stories due to the topography of the site. He presented the landscape plan and showed that there was a large of amount of distance from the property lines to the proposed structures.

Natalie Williams (1700 Farnam Street) appeared in behalf of property owners directly northeast of the proposed development who were opposed to the request. She noted that there was significant opposition to the request when it was presented to the Planning Board. She stated that the bufferyard was critically important to protect the interest of surrounding homeowners and that it was also important to limit the height of the buildings to two stories so that the view of the lake would not be impaired. Her clients believed that their lake view and property values would be detrimentally impacted, claiming that their property values had already been reduced by more than $10,000 since the proposal of the apartments. She stated that an undue hardship would be created and imposed on the surrounding homeowners. She requested that the request be denied. In addition, her clients requested that the developer assure property owners that the proposed landscaping and trees would be installed in the bufferyard to provide an additional barrier between their homes and the proposed apartment complex. They also wanted a landscaping plan that included the amount, type, and height of any trees as a condition of approval in an attempt to hold the developer accountable.

Mr. Jobeun responded that there was opposition to the project at the January Planning Board meeting; however, it was withdrawn at the February meeting. He stated that the developer would be agreeable to discussing landscaping with the adjacent property owners in the near future. He was confident that the views from the lots would be relatively unencumbered with the exception of Lot 83. He noted that this site was already in the Master Plan for a mixed-use development and there was already a preliminary plan that called for a number of commercial and multi-family uses. He explained that under the mixed-use zoning, structures could be up to 60’ in height; this structure would be approximately 42’. He believed the proposed use to be less intense than the office/commercial uses that could potentially generate more traffic.

Mr. Mahlendorf noted that the only portion of the lot that did not meet the bufferyard requirement was a small triangular portion (approximately 313 square feet) of Lot 83 which should not negatively impact any views.
Mr. Lanoha stated that the landscaping plan would be part of the PUD (Planned Unit Development) which puts certain restrictions on the developer as part of the requirements to obtain a Certificate of Occupancy. He added that landscaping could be discussed at the Planning Board and City Council meetings.

Mr. Kelley agreed with the recommendation of the City and the hardship as stated by the applicant. He also noted that the landscaping requirements were already included as part of the PUD.

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

AYES: Freidman, Lanoha, Mahlendorf, Kelley

MOTION CARRIED: 4-0.
5. Case No. 20-035  
J.S.J. Enterprises, LLC  
c/o Russell Falconer  
6225 North 89th Circle  
Omaha, NE 68134  

REQUEST: Waiver of Section 55-716 - Variance to the minimum bufferyard requirement between a GI and DR district from 60' to 45' to allow a portion of a parking lot to encroach.  

LOCATION: 7525 North 101st Street  
ZONE: GI & GI-FF  

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

At the Zoning Board of Appeals meeting held on March 12, 2020, Dustin Shropshire (6225 North 89th Circle) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new building and a portion of the parking lot encroached into a required bufferyard. A hardship existed due to the proximity of the site in relation to the adjacent drainage way. He explained that the Planning Department has historically supported waivers to the bufferyard requirements when abutting a drainage way as opposed to residential uses. The nearest residential use was over 240 feet away. The applicant had indicated that they would also be planting trees to provide additional screening in order to create a larger, green border between the parking area and the residential use to the north. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Shropshire provided some images to support the Planning Department’s recommendation. He explained that just a portion of the parking lot (330 sq. ft.) encroached into the bufferyard. He stated that the landscaping would be situated in such a way that it was not obtrusive to the view of the nearby mobile home park.

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

AYES: Lanoha, Mahlendorf, Friedman, Kelley

MOTION CARRIED: 4-0.
6. Case No. 20-036
Patrick Gerber
1824 North 49th Street
Omaha, NE 68104
REQUEST: Waiver of Section 55-734 - Variance to required number of off-street parking stalls from 22 to 0 to allow for a new arcade.
LOCATION: 3301 Leavenworth Street
ZONE: GI-ACI-1(PL) (CC-ACI-1(PL) pending)

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

At the Zoning Board of Appeals meeting held on March 12, 2020, Patrick Gerber (1824 North 49th Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to open an arcade in this vacant, commercial space and was unable to provide the required off-street parking requirements. A hardship existed due to the small size of the property, the building being bound by adjacent properties and right-of-way and there being no place to provide off street parking. The applicant had indicated that he received permission from two properties located to the west, the Daily Record (3323 Leavenworth Street) and Kent Bellows Studio (3303 Leavenworth Street) to allow customers to use their parking lots for customer parking during his operating hours. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

AYES: Mahlendorf, Friedman, Lanoha, Kelley

MOTION CARRIED: 4-0.
7. Case No. 20-037
Leslie Flores
2713 Harrison Street
Bellevue, NE 68147

REQUEST: Waiver of Section 55-187(e) - Variance to front yard setback from 35' to 20' to allow for the construction of a new home.

LOCATION: 2528 South 8th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Michael Jaime (7511 South 46th Avenue) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a new home, but due to the potential cost of a retaining wall, they requested a 20' front yard setback instead of the required 35'. The Planning Department found no hardship or practical difficulty to support the request as this was an undeveloped property and the financial condition of the applicant was not a basis for a hardship. The Planning Department did support a 25' front yard setback if the applicant chose to rezone the property from R4(35) to R4. The Planning Department recommended denial of the request.

Mr. Jaime explained that the proposed home would be surround by hills on all sides. He did not want to cut into a hill to build what would be a very expensive retaining wall. In response to Mr. Kelley, Mr. Jaime stated that he could rezone the property; however, he would still need to dig into a hill to build the retaining wall.

Mr. Mahlendorf agreed that the topography of the lot forced the home to be built towards the front of the lot.

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

AYES: Friedman, Lanoha, Mahlendorf, Kelley

MOTION CARRIED: 4-0.
8. Case No. 20-038
Dennis Parr
5648 Briggs Street
Omaha, NE 68106

REQUEST: Waiver of Sections 55-186 & 55-786 - Variance to the street side yard setback from 15’ to 1’ and to allow a fence taller than 4’ and less than 50% open in the required street side yard setback, to allow for a new home addition, deck and fence.

LOCATION: 5648 Briggs Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Dennis Parr appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to build an addition on the west side of the home and with the proposed deck, the addition would be within 1’ of the 58th Street property line. The R4(35) district requires a 15’ street side yard setback. The property also had an existing, non-conforming fence which was not allowed since it was taller than 4’ and less than 50% open and it appeared to encroach into the 58th Street right-of-way. The Planning Department found no hardship or practical difficulty to support the request and recommended denial of the request.

Mr. Parr believed that there were no setback regulations when the house was built in 1939. He stated that most the homes in the neighborhood had fences, garages, additions or decks that encroached into the setback. He explained that the fence and deck were already in place when he purchased the home in 1993. He wanted to replace the stairs to the deck since they had deteriorated over the years.

In response to Mr. Mahlendorf, Mr. Parr explained that the deck would not extend any further into the setback although the addition would reduce the size of the deck. The existing fence would remain in place. Mr. Kelley inquired as to whether the applicant would consider making the fence 50% open since it appeared to be a safety hazard for pedestrians and traffic. Mr. Parr stated that he preferred to keep the fence as is since he liked the privacy for the patio that is located below the deck. Mr. Lanoha noted that the fence had been in place since before the applicant owned the home.

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

AYES: Lanoha, Mahlendorf, Friedman, Kelley

MOTION CARRIED: 4-0.
9. Case No. 20-039
College of Saint Mary
c/o Dawn Danley
6457 Frances Street
Suite 200
Omaha, NE 68106

REQUEST: Waiver of Section 55-108 - Variance to the maximum impervious coverage from 25% to 40.1% to allow for the construction of a new field house.

LOCATION: 7000 Mercy Road

ZONE: MU (DR-ACI-2(65) PENDING)

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

Mr. Mahlendorf stated that he had a conflict with this case and would need to abstain from voting. This resulted in there not being a quorum and the case would need to be laid over until the April 9, 2020 meeting of the board.

At the Zoning Board of Appeals meeting held on March 12, 2020, Dawn Danley (DLR Group – 6457 Frances Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new fieldhouse and would exceed the maximum percentage of impervious coverage allowed. A hardship existed due to the size and civic use of the property. He stated that the City had historically supported waivers to the maximum impervious surface coverage for churches, schools, and other civic uses in residential zoning districts due to the needs of these facilities and the desire to have them located within residential neighborhoods. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Friedmand moved to LAYOVER until the April 9, 2020 meeting. Mr. Lanoha seconded the motion.

AYES: Friedman, Lanoha, Kelley

ABSTAIN: Mahlendorf

MOTION CARRIED: 3-0-1.
At the Zoning Board of Appeals meeting held on March 12, 2020, Mike Porter appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new garage addition on the rear of the home and was unable to meet the required 35’ rear yard setback. He mentioned that the work had already started before the waiver was requested. The Planning Department found no hardship or practical difficulty to support the request since it was a design preference and recommended denial.

Mr. Porter stated that he wanted additional parking for his cars. He explained that he built the garage as it was shown on his building permit but the measurements were incorrect. In response to Mr. Lanoha, Mr. Porter stated that he was not aware of the incorrect measurements at the time.

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

AYES: Friedman, Lanoha, Mahlendorf, Kelley

MOTION CARRIED: 4-0.
11. Case No. 20-041  
Steve Walker  
13612 Miami Street  
Omaha, NE 68164  

REQUEST: Waiver of Section 55-163 & 55-166 - Variance to allow a Warehousing and Distribution (limited) use, not otherwise permitted in the R3 district and to the rear yard setback from 25’ to 15’ to allow for an existing storage building.

LOCATION: 13612 Miami Street  
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted subject to the following conditions: 1) The new home must be complete and occupied (final inspection approval) within 12 months of this waiver being approved otherwise the waiver is void, appropriate enforcement action will be initiated and the detached garage may only be used for personal use by the owner of 13612 Miami Street; 2) For this applicant, Steve Walker and/or his brother, Mark Walker, only; 3) There is to be no outdoor storage on-site; and 4) The storage building is for personal use only, no commercial storage or use allowed.

At the Zoning Board of Appeals meeting held on March 12, 2020, Steve Walker and Mark Walker (1230 North 89th Street) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to split this property into two separate lots which would create a lot with a non-conforming use. A hardship existed due to the inability of the purchaser, Mark Walker, to obtain financing for the new home while the lot is still under the ownership of the applicant. The Planning Department recommended approval in accordance with the plans submitted subject to the conditions listed above. Mr. Todd stated that he received a number of calls and emails from many of the neighbors. The majority of the neighbors were opposed, some supported the request and others wanted the request laid over so that they could learn more about the case.

Mr. Mark Walker stated that he and his brother were attempting to build a home on the property for their elderly mother. He indicated that he was not aware of any opposition from the neighbors.

Mr. Steve Walker stated that there was some outside storage that would be removed from the site immediately.

Tim Garnett (13545 Miami Street) appeared in support of the request. He indicated that many of the neighbors were confused about the project because of how it was stated on the notice sent from the Planning Department. Many believed that a new building was being constructed. He stated that he was fine with the existing building as long as there was no outdoor storage. He stated that SID board members supported the request. He believed that it would be better for the neighborhood and would increase property taxes.

Mary Conway (13708 Corby Street) appeared in opposition to the request. She was concerned about the rezoning of the property from a residential use to a warehouse use. She was afraid of the precedent that would be set. She was also concerned about the amount of existing, outside storage and how the conditions of the requested waiver would be enforced.

Mr. Todd admitted that the wording of the notice could be easily misunderstood. He explained that if the lot were split the existing building would not be allowed. The only way to make it temporarily legal was to allow the requested use.

John Conway (13708 Corby Street) appeared in opposition to the request. He provided some background information about the area. He was opposed to allowing the warehousing use so that the site could be used. Mr. Lanoha explained that if the lot were split, the existing building would be non-conforming. The temporary use would allow the building to exist for up to 12 months so that the home could be constructed. Mr. Lanoha believed that there should be more communication between the applicant and the neighbors.
He also believed that the process was appropriate in this case. He hoped that after more communication, there would not be as many individuals that were opposed to the request.

Mr. Todd addressed concerns about enforcement and he encouraged the applicant to clean up the property. He stated that if boats, vehicles or other items were placed on the property making it non-compliance, Code Enforcement could be contacted.

Mr. Kelley stated that he would support a 30-day layover to give the neighbors time to process what was being proposed by the applicant.

Steve Walker restated that any items being stored on the property would be removed by the weekend.

Mr. Lanoha moved to LAYOVER until the April 9, 2020 meeting. Mr. Kelley seconded the motion.

AYES: Lanoha, Mahlendorf, Friedman, Kelley

MOTION CARRIED: 4-0.
12. Case No. 20-042
   Tania Ramirez Gallardo
   2706 South 40th Street
   Omaha, NE 68105

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping percentage from 60% to 49% to allow for a driveway addition.

LOCATION: 2706 South 40th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Jose Rodriguez (2706 South 40th Street) appeared before the board with an interpreter.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to add a driveway addition but was unable to meet the required, minimum percentage of street yard landscaping. The work has already been done without permits and without an approved waiver. The Planning Department found no hardship or practical difficulty to support this request since it was a design preference and none of the proper procedures to legally complete the work had been followed. The Planning Department recommended denial of the request.

Mr. Rodriguez stated that when he purchased the home there was only a one-car garage. He increased the size of the garage from 10' x 20' to 25' x 40'.

Mr. Kelley was concerned about the precedent that would be set if the additional pavement was allowed. He suggested that the applicant obtain a permit and work with the Planning Department to bring the property in compliance.

Mr. Mahlendorf moved to DENY the request. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Friedman, Lanoha, Kelley

MOTION CARRIED: 4-0.
13. Case No. 20-043
Sanitary Improvement District
#177, c/o Robert Westley
250 Riverside Drive
Waterloo, NE 68069

REQUEST: Waiver of Section 55-830(2) - Variance to the front yard setback from 12' to 7' to allow for a new neighborhood identification sign.

LOCATION: 232 Waterloo Drive
ZONE: R2-FW

This request was withdrawn at the request of the applicant.
14. Case No. 20-044
   Phillip Johnson
   4306 Grover Street
   Omaha, NE 68112
   REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15' to 14' to allow for an existing deck and steps.
   LOCATION: 4306 Grover Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2020, Phillip Johnson appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had constructed a new deck and stairs on the east side of his home along 43rd Street. The deck was located outside of the required street side yard setback but the attached steps encroach 1’ inside the setback, placing them 14’ from the property line. The Planning Department found no hardship or practical difficulty to support this request since it was a design preference and recommended denial of the request.

Mr. Johnson explained that the front door of his home was not frequently used. He stated he repaired an existing awning and landscaping steps that were deteriorating and added a new deck to be used by his family. He indicated that he was not aware that he needed a permit to build the deck. He explained that the steps were built in such a way that his wife could carry her work equipment in and out of the home.

Mr. Mahlendorf believed the request to be reasonable.

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

AYES: Lanoha, Mahlendorf, Friedman, Kelley

MOTION CARRIED: 4-0.
15. Case No. 20-045  
Doug Fliam  
3622 North Post Road  
Omaha, NE 68112  
REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway to a new detached garage.  
LOCATION: 3622 North Post Road  
ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the following conditions: 1) The applicant verifying with the Planning Department that applying for and receiving approval of a Special Use Permit for development in the North Hills may be required as a result of the construction of the new accessory building and its related soil displacement and/or tree canopy removal; and 2) The garage is to be for personal use only, as no commercial uses are permitted in a DR district.

At the Zoning Board of Appeals meeting held on March 12, 2020, Doug Fliam appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remove an existing, detached garage located near the rear of the property and replace it with a larger, accessory building in the same location. Because the property is located in an ED overlay district (Environmental Resources District), a Special Use Permit could be required for construction of the new structure; however, the applicant had indicated that he would not be removing any tree canopy and the amount of soil disruption would be minimal. A practical difficulty existed due to the location of the property in an environmental overlay district that discouraged increased storm water runoff and unnecessary grading. The Planning Department recommended approval in accordance with the plans submitted, subject to the conditions listed above.

Mr. Fliam explained that the garage was being replaced due to deterioration issues.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted subject to the following conditions: 1) The applicant verifying with the Planning Department that applying for and receiving approval of a Special Use Permit for development in the North Hills may be required as a result of the construction of the new accessory building and its related soil displacement and/or tree canopy removal; and 2) The garage is to be for personal use only, as no commercial uses are permitted in a DR district. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Friedman, Lanoha, Kelley

MOTION CARRIED: 4-0.
APPROVAL OF MINUTES:

There were only 2 members who could vote on the March 12, 2020 minutes. They would be placed on the next agenda.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting.

_________________________________________________________________________________
Approved (date)

_________________________________________________________________________________
Sean Kelley, Chair

_________________________________________________________________________________
Clinette Ingram, Secretary