PRE-MEETING:

The board members in attendance were: Sean Kelley, Jeremy Aspen, Matthew Kortright, 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, May 4, 2020 (Use Waivers) and Thursday, May 7, 2020.

MEMBERS PRESENT:  Sean Kelley - Chair
Jeremy Aspen
Kristine Moore
Brian Mahlendorf
Matthew Kortright (Alternate)

MEMBERS NOT PRESENT:  Jason Lanoha – Vice-Chair
Dusty Friedman (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.
LAYOVER CASE:

1. Case No. 20-039 (layover from 3/12/20)  
   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.

At the Zoning Board of Appeals meeting held on May 14, 2020, the applicant did not appear before the board. Mr. Mahlendorf stated that he would be abstaining from voting on this case.

Cliff Todd, Zoning Board of Appeals Administrator, recalled that the case had been laid over so that it could be heard before a full quorum of five board members. Since that time, the Planning Department had not received any new information and the recommendation to approve in accordance with the plans submitted remained the same.

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

AYES: Moore, Kortright, Aspen, Kelley

ABSTAIN: Mahlendorf

MOTION CARRIED: 4-0-1.
2. Case No. 20-041 *(layover from 3/12/20)*  
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 May 14, 2020, Mark Walker appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, recalled that the case had been laid over to give the neighbors time to review the request and to give the applicant the opportunity to provide them with additional information that included his future plans for the property. Since that time, the Planning Department had not received any new information and the recommendation to approve in accordance with the plans submitted, subject to the conditions listed above remained the same.

In response to Mr. Kelley, Mr. Walker stated that he was in agreement with the conditions as outlined by the Planning Department.

Mr. Mahlendorf moved to APPROVE 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. Mr. Kortright seconded the motion.

**AYES:** Kortright, Mahlendorf, Aspen, Moore, Kelley  
**MOTION CARRIED:** 5-0.
NEW CASES:

3. Case No. 20-046
   Othello Meadows
   c/o Ehrhart Griffin & Associates
   3552 Farnam Street
   Omaha, NE 68131
   REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 6 to 3 to allow for construction of two 3 unit townhome structures (one at each address).
   LOCATION: 3003 & 3004 Miami Street
   ZONE: R5(35) (R5-ACI-1 PENDING)

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

At the Zoning Board of Appeals meeting held on May 14, 2020, Terry Morrison (Ehrhart Griffin & Associates) appeared before the board on behalf of the owner.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct two, 3-unit townhome structures that would provide one parking stall per unit. He noted that the new development would need to comply with all ACI Overlay requirements. He also noted that the proposed structures were consistent with many other properties in this 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. Kortright seconded the motion.

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
4. Case No. 20-047
   Megan Semin
   17104 Chalet Drive
   Bellevue, NE 68123

   REQUEST: Waiver of Section 55-186 - Variance to the
   rear yard setback from 25’ to 15.5’ to allow
   for the construction of a new single-family
   home and deck.

   LOCATION: 3603 Hoctor Boulevard
   ZONE: R4

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on May 14, 2020, Joe Semin (applicant's father) appeared
   before the board on behalf of the owner.

   Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a
   new, single-family home and deck but was unable to meet the required rear yard setback. The Planning
   Department found no hardship or practical difficulty to support this request, noting that this was a design
   preference. He added that a deck should be constructed that met the required 25’ rear yard setback. The
   Planning Department recommended denial of the request.

   Mr. Semin presented information to show that the adjacent home was only 10’ from the alley which he
   indicated was rarely used.

   Ms. Moore noted the irregular shape of property and how it backed up to an alley.

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

   AYES: Aspen, Moore, Kortright, Mahlendorf, Kelley

   MOTION CARRIED: 5-0.
5. Case No. 20-048
   Yury Slonsky
   2333 South 24th Street
   Omaha, NE 68108

   REQUEST: Waiver of Sections 55-715 & 55-735 - Variance to the minimum street yard landscaping from 60% to 45% and to allow an off-street parking facility for a single-family use within the required front yard setback.

   LOCATION: 2333 South 24th Street
   ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Yury Slonsky appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to extend the width of the existing driveway to create additional parking in the front yard of their single-family home. The Planning Department found no hardship or practical difficulty to support this request as there was hard-surface parking via the alley at the rear of the property. The Planning Department recommended denial of the waiver request.

Mr. Slonsky explained that his home had two parking spots: one in front and one in back. He stated that the parking spot in back was too narrow since his wife needed a larger car and enough room to accommodate a child safety carrier. For that reason, she began to park on the front lawn. He added that the parking spot at the rear was approximately 100’ from the home which was difficult to navigate during the winter. Finally, he explained that he was concerned about the safety of parking behind the home since there was minimal lighting and occasionally the alley was used by individuals he was not familiar with. He explained that the current parking spot was 11’9” wide; he was proposing to add another 11’9” for a total of 23’6”.

Mr. Mahlendorf proposed a space that was a maximum of 22’ wide. It was noted that the request was similar to the existing situation at the two properties on either side of the applicant.

Mr. Kelley believed that the size of the proposed addition was too large for him to support. He stated that he typically did not support waivers for additional parking in the front yard. Mr. Mahlendorf explained to the applicant that a standard parking stall is 9’ wide. Mr. Slonsky inquired as to whether 10’ would be acceptable since he drives a truck and it would provide some room to maneuver with the baby seat.

Mr. Aspen stated that he could not support this waiver for the front yard and he asked about the parking conditions in the back. Mr. Slonsky explained that it was easier for his wife to use the space in the back when she had a sedan; however, once she got a larger vehicle to accommodate their baby she could no longer open the doors all the way to exit the car and remove the car seat. He explained that this was due to the narrow width of the back yard.

Mr. Mahlendorf believed that there was a practical difficulty based on the age of the home and the original design of the parking; however, he stated that he could go no larger than 20’.

Mr. Mahlendorf moved to APPROVE subject to the width of the driveway being no more than 20’ wide. Mr. Kelley seconded the motion.

AYES: Moore, Kortright, Mahlendorf, Kelley

NAYES: Aspen

MOTION CARRIED: 4-1.
6. Case No. 20-049
   Araceli Gonzalez
   9307 Laurel Avenue
   Omaha, NE 68134
   REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6’ tall, privacy fence in the front yard setback.
   LOCATION: 9603 Military Road
   ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Araceli Gonzalez appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 6’ tall, privacy fence along the south and west property lines. A portion of the south boundary of the property was considered a frontage along the North 96th Street right-of-way. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference. He added that a conforming 4’ tall, 50% open fence could be built on the property line or, if a 6’ privacy fence was desired, it could be built after meeting the required 50’ setback. The Planning Department recommended denial of the request.

Ms. Gonzalez explained that she accesses her property from Military Road. The location where she wants the fence is at the back of the property where 96th Street ends. She further explained that they have had strangers wandering around on their property and there was an incident were someone broke into their home and stole some items.

Ms. Moore noted that the applicant accessed her property from Military and added that 96th Street dead ends at their backyard.

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

AYES: Kortright, Mahlendorf, Moore, Kelley

NAYES: Aspen

MOTION CARRIED: 4-1.
7. Case No. 20-050
Steve and Chris Mendlik
c/o Clif Poling
Best Lawns, Inc.
11204 Davenport Street, #207
Omaha, NE 68154

REQUEST: Waiver of Sections 55-784(c)(1) & 55-786 - Variance to the setback from a public street from 40’ to 18’ and to the residential fence regulations to allow a 6’ fence in the front yard setback and to allow for the construction of a new pool house and patio.

LOCATION: 3619 South 170th Court
ZONE: R2-Cluster

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Clif Poling appeared before the board on behalf of the applicants.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new pool and patio area in the back yard of their home. This property has a double frontage, each requiring a 40’ setback. The applicant proposed the following: 1) that the setback be reduced to 18’ and 2) to construct a 6’ fence along the Ontario Street property line. The Planning Department found no hardship or practical difficulty to support the requests as they were design preferences and recommended denial of the requests.

Mr. Poling stated that the requests would allow existing, mature trees to remain on the property. He noted that there was not a home on Ontario Street that would be impacted by the proposed design. He also mentioned that the homeowner’s association had approved the plan.

Mr. Aspen noted the approval from the homeowner’s association and the fact that there were no objections to the request. Mr. Kelley added that the only impact would be to Ontario Street.

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

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
8. Case No. 20-051
Cameron Ziegenfoss
16010 Ruggles Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-266 - Variance to the interior side yard setback from 10’ to 6’ and to the rear yard setback from 25’ to 20’ to allow for the construction of a new deck and stairs.

LOCATION: 123 South 39th Street
ZONE: R8-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Stephen Sykes (Property Owner) and Cameron Ziegenfoss appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a deck on the north side of the building to replace and enlarge an existing deck. The submitted plans showed that the support posts for the proposed deck would be located within the driveway off South 39th Street. This appeared to impede vehicle access to the property. No other information was provided regarding access for parking, nor the provision of the required spaces. The design eliminated half of the available, off-street parking spaces. He noted that the applicant could also be required to apply for a parking waiver. He also mentioned that the property had an open Code Enforcement case and that citations had been issued to the owner multiple times, most recently in February 2020. The Planning Department found no hardship or practical difficulty to support the requests, which he explained would only add to the non-compliancy, thereby adding a burden to the residents of the neighborhood. The Planning Department recommended denial of the waiver request.

Mr. Sykes showed images of the existing, deteriorated staircase that was to be replaced and the existing parking spaces on 39th Street and at the rear of the property. He noted that the staircase was the reason for the Code Enforcement case. He stated that he and his partner purchased the home the latter part of 2019 with existing violations. Since they purchased the property, they had provided one off-street parking stall at the rear of the property. He explained that the staircase led to the only entrance into the building for three of the five apartments.

Mr. Ziegenfoss stated that the staircase was a safety concern and that it was still being used daily by the current tenants. The replacement staircase would make it easier for tenants to move items in and out of the building. He indicated that while he and others were working on the building they never had any problems finding off-street parking.

In response to Mr. Kelley, the applicants stated that the proposed stair case would be 4’ wider and would include a 6’ x 6’ landing. They indicated that the new staircase would resolve the issue with Code Enforcement. Mr. Todd responded that he did not know for sure if the requested waiver would resolve the Code Enforcement issue. Mr. Aspen suggested a one-month layover so that the applicant could bring back to the board proof that the waiver would resolve the issue. He also requested more accurate specifications.

Mr. Mahlendorf noted that they had already resolved the parking issue behind the building.

Mr. Aspen moved to LAYOVER until the June 11, 2020 meeting to give the applicant time to submit revised plans and to obtain documentation from Code Enforcement. Mr. Kelley seconded the motion.

AYES: Aspen, Moore, Kortright, Kelley
NAYES: Mahlendorf

MOTION CARRIED: 4-1.
9. Case No. 20-052  
Ames Ave Omaha, LLC  
c/o Joe Proctor  
Design 8 Studios  
5801 North 90th Street  
Omaha, NE 68134

REQUEST:  Waiver of Sections 55-836(2) - Variance to the minimum front yard setback from 12’ to 6’ to allow for the installation of a new monument sign.

LOCATION:  5070 Ames Avenue  
ZONE:  CC-MCC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Joe Proctor appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a new monument sign on the south frontage of the subject site, adjacent to Ames Avenue. Although the required setback is 12’, the applicant proposed that the sign be built at 6’ as they have indicated that there was not enough grassy area to properly place a monument/ground sign. The Planning Department found no hardship or practical difficulty to support the request as it was a design preferences and recommended denial of the requests.

Mr. Proctor explained that the purpose of the monument sign was to draw attention to the businesses located there, especially for eastbound traffic.

In response to Mr. Kortright, Mr. Proctor stated that Walmart also had a monument sign on 50th Street directly to the east. He also noted that Ames Avenue is above the grade of the parking lot. There was some discussion about the proposed height and exact location of the sign. In response to Mr. Todd, Mr. Proctor stated that Jerry Ziska, Sign Inspector, had already reviewed the sign and would issue a permit if the Zoning Board of Appeals granted the waiver.

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

AYES: Moore, Kortright, Mahlendorf, Aspen, Kelley

MOTION CARRIED: 5-0.
10. Case No. 20-053  
Jon Jabenis  
c/o Danielle Dring  
Smith Slusky Law  
8712 West Dodge Road, Suite 400  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25’ to 10’8” to allow for a home addition.

LOCATION: 844 Loveland Drive  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Danielle Dring appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 90’ x30’ addition at the rear of the home with a 10’8” setback to the interior side yard. He noted that this was new construction and a plan could be designed that would allow the applicant to construct a new addition that would comply with the 25’ setback. The Planning Department found no hardship or practical difficulty to support the request and recommended denial of the request.

Ms. Dring explained that the addition would replace an existing structure. She noted that the applicant owned three parcels of land where his home was located and that he had received verbal support for the project from the adjacent neighbor. She indicated that the applicant planned a full exterior remodel of his home so that it would match the proposed addition. She explained that many of the property owners in the area have purchased multiple lots so that they could combine the lots, tear down older homes and build larger new homes.

Mr. Kelley noted that the proposed addition would be placed in the same location as the existing structure.

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

AYES: Mahlendorf, Moore, Kortright, Kelley

NAYES: Aspen

MOTION CARRIED: 4-1.
11. Case No. 20-054  
John and Kerri Sorrell  
c/o Mick McGuire  
Straightline Design  
3925 South 147th Street, Suite 119  
Omaha, NE 68144  
REQUEST: Waiver of Sections 55-126, 55-782(b)(2) & 55-786 - Variance to the rear yard setback from 35’ to 25’ to allow for a home addition from 35’ to 7’ feet to allow for pool equipment, to the required setback for a patio from 25’ to 18’ from the rear property line and to the residential fence regulations to allow a 6’ tall, privacy fence in the street side yard setback.  
LOCATION: 9340 Davenport Street  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Mick McGuire appeared before the board on behalf of the applicants.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant intended to construct a new pool equipment area and addition to the existing home that were located within the required 35’ rear yard setback, as well as a patio 25’ from the rear yard property line. The applicants were also proposing a 6’ privacy fence within the required street side yard setback to provide additional privacy upon installation of the new pool. The Planning Department found no hardship or practical difficulty to support the requests as they were design preferences and recommended denial of the requests.

Mr. McGuire submitted an email from Mr. Sorrell that included signatures of support from the neighbors (Exhibit B), including the neighbor at 319 North 94th Street who would be most affected by the addition. Mr. McGuire stated that the home was originally setback at 75’ which limited the amount of rear yard. He indicated that the fence would be 15.32’ from the curb.

In response to Mr. Mahlendor, Mr. McGuire stated that the pool equipment could be relocated.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted; however, the waiver of the rear yard setback from 35’ to 7’ to allow for pool equipment is NOT approved as part of the waiver request. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley  
MOTION CARRIED: 5-0.
12. Case No. 20-055
Steve Buchanan
c/o S & W Fence
15803 Pacific Street
Omaha, NE 68118
REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6’, greater than 50% open fence with 8 foot tall columns within the front yard setback.
LOCATION: 1326 North 143rd Avenue Circle
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Mike Welniak (S & W Fence) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ tall, greater than 50% open fence as close as 15’ and as far away as 25’ from their property line along North 143rd Avenue Circle. The site plan that was submitted by the applicant also showed two 8’ tall column structures on either side of the existing driveway. He noted that a conforming 4’ tall - 50% open fence could be built on the property line or, if a 6’ tall – 50% open fence was desired, it could be built after it met the 50’ setback. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request.

Mr. Welniak indicated that his company had installed the majority of the fences in Linden Estates and that most were 6’ tall and built up to the property line.

Mr. Mahlendorf stated that the zoning code did not address estate fences. He noted that the request was not out of character with the rest of the neighborhood.

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

AYES: Aspen, Moore, Kortright, Mahlendorf, Kelley

MOTION CARRIED: 5-0.
13. Case No. 20-056
Nicholas Stalheim
11208 Martin Avenue
Omaha, NE 68164

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping percentage from 60% to 54% to allow for a new driveway and sidewalk.

LOCATION: 18701 Patrick Avenue
ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, no one appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing construct a driveway and was unable to meet the required minimum percentage of street yard landscaping. The R4 district requires 60% and due to the width of the driveway, this design provided only 54%. He advised that the applicant would need to receive approval for the width of the driveway from the Public Works Department. If the request was not approved, the applicant would then need to apply for a waiver from the Administrative Board of Appeals. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request.

Mr. Mahlendorf moved to LAYOVER until the June 11, 2020 to give the applicant the opportunity to appear before the board. Ms. Moore seconded the motion.

AYES: Moore, Kortright, Mahlendorf, Aspen, Kelley

MOTION CARRIED: 5-0.
14. Case No. 20-057  
GESU Housing, Inc.  
c/o Mike Hall  
Hallmarq Construction  
14225 Dayton Circle, Suite 9  
Omaha, NE 68137  

REQUEST:  Waiver of Sections 55-187(e) & 55-742(b) - Variance to the front yard setback from 35’ to 25’ and to allow off-street parking for a single-family residential use within the required front yard setback to allow for construction of 2 new, single-family homes.  

LOCATION:  3808 & 3910 Miami Street  
ZONE:  R4(35)  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to an application for rezoning to R4.

At the Zoning Board of Appeals meeting held on May 14, 2020, Mike Hall appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct two new, single-family homes that would be setback 25’ from the front property line along Miami Street. Each home would have an attached garage. A practical difficulty existed due to all the homes on this block being closer to the front property line along Miami Street than the required 35’ setback. In addition, single-car garages were common to this neighborhood. He explained that the Planning Department has typically supported a 25’ setback for properties that were zoned R4(35) when appropriate. The Planning Department recommended approval in accordance with the plans submitted, subject to the applicant submitting an application to rezone the properties to R4.

Mr. Hall stated that the applicant agreed with and would abide by the recommendation of the Planning Department.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of an application for rezoning to R4. Mr. Kelley seconded the motion.

AYES: Kortright, Mahlendorf, Aspen, Moore, Kelley  
MOTION CARRIED: 5-0.
15. Case No. 20-058  
James Leighter  
c/o Trent Gumm  
Tackett Company  
9829 South 168th Avenue  
Suite 4A  
Omaha, NE 68136  
REQUEST: Waiver of Section 55-740(e) - Variance to the hard surface driveway requirement to allow a gravel driveway to a new single family home.  
LOCATION: 7007 Rainwood Road  
ZONE: DR-ED  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the approach and the first 50’ of the drive within the property lines being paved.

At the Zoning Board of Appeals meeting held on May 14, 2020, James Leighter appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home on the property which was located within the ED-Overlay District. In these types of situations, the Planning Department has supported waiver requests related to paving since the ED District was intended to protect soil and trees from unnecessary erosion or removal. The Planning Department supported this waiver request and recommended approval in accordance with the plans submitted, subject to the applicant paving the approach and the first 50’ of drive.

Mr. Leighter stated that he obtained a survey of the property and it was determined that there was approximately 43.5’ from the center of the road to the property line. He requested that he be able to pave the approach plus an additional 7’. He indicated that his adjacent neighbors to the east, west and across the street did not object to his request. Mr. Mahlendorf agreed with the applicant.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the first 50’ from Rainwood Road being paved. Mr. Kortright seconded the motion.

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
16. Case No. 20-059
Consolidated Concrete, LLC
9555 South 147th Street
Omaha, NE 68138

REQUEST: Waiver of Section 55-767(a)(6) - Variance to the miscellaneous uses to allow a Temporary Use Permit to exceed the maximum duration allowed from 180 days to 365 days (April 30, 2021).

LOCATION: 14411 Pacific Street
ZONE: DR, MU and R4

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the site being used for projects relating to this location only.

At the Zoning Board of Appeals meeting held on May 14, 2020, Bob Dailey (McGrath North – 1601 Dodge Street) and Aaron Luth (Consolidated Concrete) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was requesting that the maximum duration of the waiver be extended to operate a temporary concrete batch plant to serve the development of streets, infrastructure and related improvements for the South and West Farm developments. A practical difficulty existed due to the necessity of finding a location that was capable of handling a temporary batch plant, while providing the most efficient means of travel with enhanced safety for the public. This request was previously approved and the Planning Department recommended approval in accordance with the plans submitted, subject to the site being used for projects relating to the South and West Farm developments only.

In response to Mr. Kelley, Mr. Luth confirmed that the request would be for the South and West Farm developments only. Mr. Mahlendorf inquired as to whether any complaints had been made to the applicant. Mr. Luth responded that a nearby resident complained about the lights that were on top of the plant when it was initially constructed that they subsequently removed. Mr. Todd stated that he was not aware of any other complaints.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the site being used for projects relating to this location only. Mr. Aspen seconded the motion.

AYES: Aspen, Moore, Kortright, Mahlendorf, Kelley

MOTION CARRIED: 5-0.
17. Case No. 20-060
Vibrant Homes
c/o Roger Carrell
5111 South 111th Street
Omaha, Ne 68137

REQUEST: Waiver of Section 55-206 - Variance to the minimum lot size from 7,000 sq. ft. to 5,660 sq. ft. and to the minimum lot width from 50' to 41.5' to allow for Two-Family Residential housing.

LOCATION: 1610 Dorcas Street
ZONE: GC (R7 Pending)

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

At the Zoning Board of Appeals meeting held on May 14, 2020, Roger Carrell appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct two, new single-family homes on this property and due to the design, was not able to meet a number of required setbacks. A hardship existed due to the shape and size of the property which was consistent with other properties in the surrounding neighborhood. The Planning Department found the waiver request to be reasonable. He noted that the applicant received approval from the Planning Board at its May 6, 2020 meeting to rezone the property from GC to R7. At the time of this meeting, the request was pending final approval from City Council. The Planning Department recommended approval in accordance with the plans submitted.

In response to Ms. Moore, Mr. Todd stated that he received a call from a neighbor who was concerned about parking issues. He assured the neighbor that there would be two parking stalls for each home.

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

AYES: Moore, Kortright, Mahlendorf, Aspen, Kelley

MOTION CARRIED: 5-0.
18. Case No. 20-061  
Vibrant Homes  
c/o Roger Carrell  
5111 South 111th Street  
Omaha, Ne 68137  
REQUEST: Waiver of Section 55-206 & 55-207 - Variance to the minimum lot size from 4,000 sq. ft. to 3,762 sq. ft. and to the rear yard setback from 25' to 20' to allow for the construction of a new single-family home.  
LOCATION: 1412 Martha Street  
ZONE: R7  

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

At the Zoning Board of Appeals meeting held on May 14, 2020, Roger Carrell 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 property and was unable to meet the required setbacks. A hardship existed due to the age and size of the property which was consistent with other properties in the surrounding neighborhood. The Planning Department found the waiver requests to be reasonable and recommended approval of the requests in accordance with the plans submitted.

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

AYES: Kortright, Mahlendorf, Aspen, Moore, Kelley  

MOTION CARRIED: 5-0.
Case No. 20-062
Omaha Turf Management
c/o Danielle Dring
8712 West Dodge Road
Suite 400
Omaha, NE 68114

REQUEST:
Waiver of Section 55-183, 55-186 & 55-734 - Variance to allow Warehousing and Distribution (limited) and Warehousing and Distribution (general) uses not permitted in the R4 district; to the front yard setback from 35’ to 8’ (west); to the interior side yard setback from 15’ to 3’ (south); to the minimum required percentages of street yard landscaping from 60% to 31.5% and to the minimum required parking stalls from 1 to 0.

LOCATION: 4426 South 37th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Danielle Dring appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to use the site for Warehousing and Distribution (limited) and Warehousing and Distribution (general) uses which are not permitted in the R4 district. A non-permitted storage building was previously constructed on the site which created the non-permitted/non-conforming use, setbacks, parking and street yard landscaping percentages. The City of Omaha Future Land Use map shows that this property is designated a Low Density Residential use and the City would not support rezoning to any other classifications. Mr. Todd explained if the plans had been properly reviewed in this case, the deficiencies and non-compliance with the zoning setbacks, the proposed use of the property as well as the location of the sewer lines all would have been noted. He added that financial issues were not a consideration for a hardship and the impact of the land use of this property and how it related to surrounding property owners had to be considered. The Planning Department found no hardship or practical difficulty to support the waiver requests and recommended denial.

Ms. Dring mentioned that the property was currently under litigation with the issue being that the building was constructed without permits in an unworkmanlike manner. She provided additional background information about the construction of the structure and noted that the building had been constructed across property lines. Ms. Dring stated that she wanted the board to give the directive to demolish the building and she explained the plans for the site when, and if, the structure was removed.

Mr. Kelley noted that the board did not have the authority to order the demolition of a structure. Mr. Mahlendorf added that a denial would be based on the facts of the case.

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

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOITON CARRIED: 5-0.
20. Case No. 20-063
   John and Lynne Boyer
   9727 Fieldcrest Drive
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-786(e)(1) - Variance to the residential fence regulations to allow a fence taller than 6' in the rear yard setback.

   LOCATION: 9727 Fieldcrest Drive
   ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, John Boyer appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct an 8’ tall privacy fence which would run the length of their rear property line. This would help to screen a recently completed concrete retaining wall on the adjacent property. The adjacent wall measured 7'3” on the north end and 6'3” to the south. The Planning Department found no hardship or practical difficulty to support the request as it was a design preferences and recommended denial of the request.

Mr. Boyer mentioned that a home was being built behind his. He indicated that there had been a 6’ tall, board-on-board privacy fence in the backyard since 1978 when he purchased the home. He also explained that there was an existing 70’ long concrete containment wall that helped with the drainage issues for that homes in that area. He indicated that he had spoken with his adjacent neighbors to the north and south and the neighbors building the home at the rear of his property and they all supported his request to elevate the fence on the joint boundary along 156th Street in an effort to hide the concrete wall. In response to Mr. Kelley, he stated that the home to the east sits approximately 40’ higher than his property.

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

AYES: Aspen, Moore, Kortright, Mahlendorf, Kelley

MOTION CARRIED: 5-0.
PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, David Gulick appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicants wanted to construct a new 6’ privacy fence, set 10’ in from their property line along Clay Circle. They believed that this was the best way to protect their yard and vegetation. A 6’ privacy fence in compliance with the zoning regulations could be installed 20’ from the property line along Clay Circle and 40’ from the front property line with no issues. Mr. Todd explained that compliant fences 4’ or less in height and at least 50% open allowed for vision clearance, safety considerations for traveling vehicles and pedestrians adjacent to corner lots and were more aesthetically acceptable. The Planning Department found no hardship or practical difficulty to support the request, as it was a design preference, and recommended denial of the request.

Mr. Gulick stated that for the last two years, he has seen a herd of deer travel daily through his yard and destroy the shrubbery. There is also a flock of turkeys that pass through his yard. He explained that the front of the fence would be setback at least 45’ from the street.

Mr. Aspen commented that that he was hesitant to support the request because the home was located in an environmental district with the intent to keep the area more natural. He also questioned the safety of the request. Mr. Mahlendorf believed that from a sight-line and safety perspective the impact would be minimal since the home was located in a cul-de-sac with a T-intersection. In response to Ms. Moore, Mr. Gulick stated that a 4’, 50% open fence would not stop deer from jumping over it onto their property.

With regards to Mr. Aspen’s concerns about installation of the fence in an environmental overlay district, Mr. Todd explained that the Planning Department was more concerned about tree and soil removal. He added that there was nothing specifically in the North Hill Environmental Resource Overlay District (Section 55-901) that addressed wildlife.

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

Ms. Moore stated that she could support a 6’ tall, 50% open fence as an option.

Mr. Mahlendorf AMENDED his motion to APPROVE a 6’ tall, 50% open fence in the street side yard setback. Mr. Kortright seconded the amended motion.

AYES: Moore, Kortright, Mahlendorf, Kelley

NAYES: Aspen

MOTION CARRIED: 4-1.
22. Case No. 20-065
Cameron Ziegenffoss
10610 Ruggles Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-226 - Variance to the front yard setback from 35’ to 21’ to allow for the replacement of an existing deck.

LOCATION: 3210 North 159th Avenue
ZONE: R6

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Cameron Ziegenffoss and Mary Beth Lee (Homeowner) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace the existing deck on the rear of their home. In this design, the steps would be moved closer and parallel to the rear of the home and the space formerly occupied by the steps would become usable deck space. He noted that there was no building code requirement that a single-family home required a deck. He added that a smaller deck and steps could be built closer and parallel to the house in order to reduce the existing, non-conforming structure. The Planning Department found no hardship or practical difficulty to support the request as it was a design preferences and recommended denial of the request.

Mr. Ziegenffoss noted that this was a double-frontage lot that both had 35’ setbacks. He noted that the home actually sat at 35’ which would leave the home without a deck. He noted that the proposed deck would be no larger than the existing deck. He also mentioned that the neighboring homes appeared to be over the 35’ setback as well.

Ms. Lee believed that the deck was in compliance before it was annexed by the City of Omaha. She added that the homes in that area all had decks and that her home would not have much value without one. She explained that three of the four homes on her block were not in compliance with the current zoning regulations.

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

AYES: Kortright, Mahlendorf, Aspen, Moore, Kelley

MOTION CARRIED: 5-0.
23. Case No. 20-066
Paul Wiseheart
2731 South 46th Avenue
Omaha, NE 68105

REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 23’10” to allow for the construction of a new deck.

LOCATION: 6617 Grant Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Paul Wiseheart appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was constructing a new home at this location and due to a misunderstanding of the setback requirements, the rear steps and landing would encroach approximately 14” into the rear yard setback. He noted that there was no building code requirement that a single-family home required a deck. He added that a smaller porch and steps could be built closer and parallel to the house to reduce the existing non-conforming structure. The Planning Department found no hardship or practical difficulty to support the request as it was a design preferences and recommended denial of the request.

Mr. Wiseheart explained that if the waiver were not granted he would not have a way to get out of his back door.

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

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
24. Case No. 20-067  
Grant and Lauren Langhofer  
7817 North 86th Avenue  
Omaha, NE 68122  

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

LOCATION: 7817 North 86th Avenue  
ZONE: R4  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on May 14, 2020, Paul Wiseheart appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a 6’ tall, privacy fence on their property line along King Street. The applicant indicated that if the fence was built at the required 15’ street side yard setback, a majority of their yard would be lost. A 6’ privacy fence in compliance with the zoning regulations could be installed 15’ from the property line along Madison Street and 25’ from the front property line with no issues. Mr. Todd explained that compliant fences 4’ or less in height and at least 50% open allowed for vision clearance, safety considerations for traveling vehicles and pedestrians adjacent to corner lots and were more aesthetically acceptable. As a result, these are the only type of fence allowed to be constructed along a front or street side property line. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request.

Mr. Langhofer explained that his home was lower than the streets behind it and the taller fence would prevent neighbors from being able to look down the hill into the backyard. He indicated that he had spoken with his adjacent neighbors and the ones across the street and they were all in favor of the request. He stated that a 4’ picket fence would not provide his family with the privacy they wanted.

Ms. Moore mentioned that the applicant had purchased a home on a corner lot and that she could only support a 50% open fence. In response to Mr. Aspen, Mr. Langhofer stated that his neighbors to the south and across the street had a 6’ fence. He preferred a 4’ tall, privacy fence to a 6’ tall fence that was 50% open. Mr. Kelley believed that the fence should be 50% open on the side yard.

Ms. Moore moved to APPROVE a 6’ tall, 50% open fence in the street side yard setback. Mr. Kelley seconded the motion.

AYES: Moore, Kortright, Mahlendorf, Kelley  
NAYES: Aspen  

MOTION CARRIED: 4-1.
25. Case No. 20-068
Catholic Cemeteries
c/o Joe Saniuk
4610 Dodge Street
Omaha, NE 68124

REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a fence taller than 4’ in the front/side yard setback.

LOCATION: 4601 Q Street
ZONE: R4

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

At the Zoning Board of Appeals meeting held on May 14, 2020, Joe Saniuk appeared before the board. Deacon Dan Keller was also in attendance.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to install a new section of fencing which exceeded the maximum allowed 4’ within the front and street side yard setback. A hardship existed due to the residential zoning and the existing civic use of the site. The Planning Department believed the request to be reasonable due to the existing use of the property. Also, matching the existing fencing would provide a pleasant aesthetic and fit in well with what is already being used. The Planning Department recommended approval in accordance with the plans submitted.

Ms. Moore noted that the request was for a fence that already existed around most of the property.

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

AYES: Moore, Kortright, Mahlendorf, Aspen, Kelley

MOTION CARRIED: 5-0.
26. Case No. 20-069  
Chris and Ranae Keckeisen  
c/o Jared Gerber  
5037 Parker Street  
Omaha, NE 68104  

REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25’ to 14’ and to the maximum allowed impervious coverage from 30% to 40% to allow for the construction of a home, garage and driveway addition.

LOCATION: 7910 Leavenworth Street  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Jared Gerber appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct a new garage and bedroom addition to the existing home that would result in the property not meeting a number of the R1 district regulators. They planned to demolish the existing garage and construct a new bedroom and garage addition that would be located 14’ from the east property line. In addition, there would be a walk-out basement workshop beneath the bedrooms that would be accessed by a driveway that would be built into the backyard and would include a turnaround that would raise the amount of impervious coverage to 40%. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request. Mr. Todd mentioned that he originally received strong opposition from some of the neighbors, however, once they had spoken with the applicants they supported the request.

Mr. Gerber explained the plans for the site. He explained that the site was somewhat narrow and it sloped to the north. The proposed drive would provide access to the backyard and would help to correct the erosion issues.

In response to Ms. Moore, Mr. Gerber stated that there would be an overhead door installed in the proposed shop area. He further explained that technically, the space could be a second garage; however, the homeowner did not plan to use it for that purpose. He planned to use it to load materials.

Mr. Todd advised that there should be no commercial activity at this residential location.

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

AYES: Kortright, Mahlendorf, Aspen, Kelley

NAYES: Moore

MOTION CARRIED: 4-1.
27. Case No. 20-070
Mickey Manley
c/o Eric Lakeman
L & L Custom Builders
P.O. Box 82
Bennington, NE 68007

REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a crushed rock driveway to a new, single-family home.

LOCATION: 4320 South 180th Street
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2020, Eric Lakeman appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had constructed a new, single-family home with an 805' driveway. The applicant had paved the approach from 180th street to his property line and then has installed a crushed rock driveway to provide access to the home. The applicant had indicated that sometime in the future, he intended to asphalt the driveway after the rock had compacted to a suitable base. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request. He added that this was new construction and a compliant hard-surface driveway must be installed. He noted that the Planning Department received opposition from the owner of a neighboring property who stated that other properties in the area had paved driveways and did not want an exception to be made for the applicant.

Mr. Lakeman explained that the ground was considered at the time to be an unstable surface that needed some time to be properly established. He stated that the request would be only for a year or so to give the road time to establish. He showed several other properties in the area with limited concrete approaches and gravel driveways. He requested that the waiver last until at least the end of next summer (September 2021).

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the waiver expiring September 30, 2021. Mr. Kelley seconded the motion.

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
28. Case No. 20-071
Tony Brown
11408 Frederick Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-503 - Variance to the use regulations of the General Industrial district to allow an expansion of an existing Kennel use not otherwise permitted.

LOCATION: 6508 North 16th Street
ZONE: GI

This case was withdrawn at the request of the applicant.
29. Case No. 20-072  
Dean Pierce  
5045 Manchester Drive  
Omaha, NE 68152  
REQUEST: Waiver of Section 55-740(e) - Variance to the hard-surface driveway requirement to allow a gravel driveway to a new outbuilding.  
LOCATION: 5045 Manchester Drive  
ZONE: DR-ED  

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

At the Zoning Board of Appeals meeting held on May 14, 2020, the applicant did not appear before the board. Mr. Todd advised the board that the applicant had some health concerns and did not want to appear at the meeting but understood that if there was opposition to the request, the case could be laid over until the June 11th meeting.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new outbuilding in the rear yard to the east of his existing home. 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. Since the gravel drive would be accessed via the applicant’s concrete driveway instead of Manchester Drive, there would be no requirement of paving the approach and the first 50’ of drive. 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. Kortright seconded the motion.

AYES: Moore, Kortright, Mahlendorf, Aspen, Kelley

MOTION CARRIED: 5-0.
30.  Case No. 20-073  
Aaron Campbell  
10652 Woolworth Avenue  
Omaha, NE 68124  

REQUEST:  Waiver of Section 55-126 - Variance to the interior side yard setback from 25’ to 15’ to allow for the construction of a new garage addition.  
LOCATION: 10652 Woolworth Avenue  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on May 14, 2020, Aaron Campbell appeared before the board.  

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new addition to the existing home in the form of a new garage and mud room. The new addition would be built onto the south side of the home and would bring the southeast corner of the home to within 15’ of the adjacent property instead of the required minimum setback of 25’. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and recommended denial of the request.  

Mr. Campbell explained that the home did not currently have a garage, only a carport. He believed that his was the only home in the neighborhood that did not have a garage. He explained that due to the topography of the lot, the way the home was situated on the site and the amount of trees on his lot, they were limited in where the garage could be placed.  

Mr. Todd mentioned that he had forwarded an email from the adjacent property owner who had some concerns about the project.  

Mr. Campbell stated that he had attempted to speak with his neighbor but had not had the opportunity to do so since he had made changes to his plan. He stated that the proposed garage would only go out 2’ further than the existing carport and attached shed.  

Mr. Mahlendorf thought it would be best for the applicant to attempt to talk with his neighbor about the project and possibly obtain his support. Mr. Kortright also suggested more accurate plans that clearly showed what was being proposed.  

Mr. Mahlendorf moved to LAYOVER until the June 11, 2020 meeting to give the applicant time to discuss the project with his neighbor.  

AYES: Kortright, Mahlendorf, Aspen, Moore, Kelley  

MOTION CARRIED: 5-0.
31. Case No. 20-074  
The Durham Museum  
c/o Christi Janssen  
801 South 10th Street  
Omaha, NE 68108  

REQUEST: Waiver of Section 55-825(c) - Variance to the temporary sign regulations to allow a temporary video display.  

LOCATION: 801 South 10th Street  
ZONE: GI-ACI-PL-*LL

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

At the Zoning Board of Appeals meeting held on May 14, 2020, Jessica Bremmer (Director of Marketing and Communications) appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was seeking permission to project historic quotes onto the exterior of the Durham Museum during the COVID-19 crisis as a sign of inspiration and hope for the city. The City has supported similar waivers in the past for special temporary events. He added that a practical difficulty existed due to the temporary nature of the display. The Planning Department supported the request and recommended approval in accordance with the plans submitted, noting that no commercial advertisement was proposed.

Ms. Bremmer stated that the museum wanted to have the messages be projected at least during the summer months. Mr. Aspen supported the waiver being through the end of the year.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted through December 31, 2020. Mr. Kortright seconded the motion.

AYES: Mahlendorf, Aspen, Moore, Kortright, Kelley

MOTION CARRIED: 5-0.
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes of the February 13, 2020 meeting. Mr. Kelley seconded the motion.

AYES: Aspen, Moore, Mahlendorf, Kelley

ABSTAIN: Kortright

MOTION CARRIED: 4-0-1.

The March minutes could not be approved due to lack of a quorum so they would be placed on the June 11th meeting agenda.

ADJOURNMENT

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

________________________________________________________________________
Approved (date)

________________________________________________________________________
Sean Kelley, Chair

________________________________________________________________________
Clinette Ingram, Secretary