PRE-MEETING:

The board members in attendance were: Sean Kelley, Kristine Moore, Dustin Friedman and Matthew Kortright. Planning Department staff in attendance were: Cliff Todd and Clinette Ingram. The board reviewed the cases.

MEMBERS PRESENT: Sean Kelley – Acting Chair
Kristine Moore
Dustin Friedman (Alternate)
Matthew Kortright (Alternate)

MEMBERS NOT PRESENT: Jason Lanoha - Chair
Jeremy Aspen – Vice Chair
Brian Mahlendorf

STAFF PRESENT: 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, City staff and explained the procedures for hearing the cases. He advised the applicants that there were four board members instead of five and that applicants would be given the option to layover their case until the next meeting when five members were present.
NEW CASES:

<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
<th>ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-073</td>
<td>Waiver of Section 55-206 - Variance to the interior side yard setback from 7’ to 3’4” to allow for construction of a new deck.</td>
<td>13405 Ellison Circle</td>
<td>R5</td>
</tr>
</tbody>
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PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 11, 2019, Michael Jenkins appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant had constructed a new deck on the rear of his home to replace an older pre-existing structure. The new deck was built without a building permit. The Planning Department found no hardship or practical difficulty to support the request as it was a design preference and new deck could be constructed that complied with the zoning code. The Planning Department recommended denial of the request. He noted that the Planning Department received a letter of support from the neighbor to the south.

Mr. Jenkins apologized for not obtaining a building permit before constructing the deck.

Ms. Moore noted the irregular shape of the property and stated that she understood the need for the variance. Mr. Kelley added that there was a hardship because of the shape of the lot which made it difficult to construct a deck that complied with zoning ordinances.

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

AYES: Freidman, Kortright, Moore, Kelley

MOTION CARRIED: 4-0.
2. Case No. 19-074

Rebecca Hosch
c/o David Ehrenberg
2717 North 100th Avenue
Omaha, NE 68134

REQUEST: Waiver of Section 55-166 - Variance to the front yard setback from 35' to 25' to allow for the repair of an existing porch and steps.

LOCATION: 6507 Newport Avenue

ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 11, 2019, Rebecca Hosch appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to replace an existing porch and steps on the front of the home that would extend approximately 10’ into the required 35’ setback. No records were found to show that the porch and steps had been constructed legally. He explained that if the applicant wanted to replace the existing non-conforming structure, they would be allowed to construct a smaller 5’ x 6’ landing with steps that extend to the side without the need for a waiver. The Planning Department found no hardship or practical difficulty to support this request as it was a design preference and recommended denial of the request.

Ms. Hosch stated that she wanted the porch and stairs to match what was existing. She indicated that several of her neighbors’ homes were similar to hers. She presented pictures to the board as proof. She stated that she had spoken to her neighbors about her plans and there were no objections.

In response to Ms. Moore, Ms. Hosch stated that the new deck would be the exact same size as the previous one.

Mr. Kelley noted that the board had historically supported waivers for structures that were being repaired.

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

AYES: Kortright, Moore, Friedman, Kelley

MOTION CARRIED: 4-0.
3. Case No. 19-075  
Dan Marak  
c/o Olsson and Associates  
2111 South 67th Street  
Omaha, NE 68106

REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 165 to 110.

LOCATION: 7010 Haschall Street  
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on July 11, 2019, Larry Jobeun (11440 West Center Road) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant was proposing to convert the extended stay hotel property into multi-family apartments and was unable to meet the minimum parking requirements. He explained that, although there is on-street parking in the neighborhood, a hardship existed due to the site being previously developed to meet the parking regulations for a 107 room extended stay hotel and there was no additional room to expand. At its June 5, 2019 meeting, the Planning Board approved a Conditional Use Permit to allow Multi-family residential in a CC district for this property with one of the conditions being that the applicant was required to receive a waiver from the Zoning Board of Appeals to reduce the required number of parking spots. The Planning Department supported the request and recommended approval.

Mr. Kelley believed that this was the best use for the property.

Ms. Moore moved to APPROVE. Mr. Kortright seconded the motion.

AYES: Moore, Friedman, Kortright, Kelley

MOTION CARRIED: 4-0.
4. Case No. 19-076          REQUEST: Waiver of Section 55-146 - Variance to the
Daniel & Penny Michonski  front yard setback from 40' to 32' to allow for
 c/o Jared Gerber       the construction of a new covered porch and
5037 Parker Street       stairs.
Omaha, NE 68104

LOCATION: 1733 South 95^th Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 11, 2019, Jared Gerber appeared before the board on behalf of the applicants.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicants wanted to add a covered porch to the front of their home for visitors since the existing front stoop could get very slippery during periods of rain and snow. 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 noted that the Planning Department received two letters of support from neighboring properties.

Mr. Kelley stated that he supported the request since it was an existing situation. In response to Mr. Kortright, Mr. Gerber stated that the materials used for the covered porch would match the existing structure.

Mr. Kortright moved to APPROVE in accordance with the plans submitted, subject to the applicant using materials that match the existing home. Mr. Friedman seconded the motion.

AYES: Friedman, Kortright, Moore, Kelley

MOTION CARRIED: 4-0.
5. **Case No. 19-077**  
3 Minute Car Wash, LLC  
c/o Chris Erickson, TD2  
10836 Old Mill Road  
Omaha, NE 68154

**REQUEST:** Waiver of Section 55-765(b)(1) - Variance to allow *Stacking space for conveyor-operated automotive washing facilities* in the front yard setback to allow for the construction of a new automated carwash.

**LOCATION:** 787 North 204th Avenue  
**ZONE:** CC-MCC

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.

At the Zoning Board of Appeals meeting held on July 11, 2019, Chris Erickson (Rocket Car Wash – 222 South 15th Street) appeared before the board on behalf of the applicant.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to use a portion of the front yard setback as a stacking area for an automated carwash. He explained that because this is new construction on an unimproved site, the property should be developed to comply with the zoning regulations of the CC and MCC overlay district. 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 mentioned that the Planning Department had received two letters in support of the request from Menard’s and the property owner to the north.

Mr. Erickson stated that there could be a number of cars using the wash during peak hours. He noted that the site is long and narrow which makes it a good fit for the use. He stated that part of the challenge with the site is that it was platted under Elkhorn regulations before it was annexed by the City of Omaha. He also noted that drive-through stacking for a carwash is 25’ instead of the standard 15’. He requested that the site be allowed to have the same setback as most of the surrounding properties. He indicated that he had spoken to the neighbors and they were all in support of the third stacking lane since it would help to avoid stacking out onto the neighboring streets.

In response to Mr. Kelley, Mr. Erickson stated that stacking issues would occur more frequently during the winter. He explained that the capacity of the facility was up to 200 cars per hour and that cars would come in waves because of the timing of traffic signals.

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

**AYES:** Kortright, Moore, Friedman, Kelley

**MOTION CARRIED:** 4-0.
6. Case No. 19-078
   Neil Galas
   13509 South 44th Street
   Bellevue, NE 68123
   REQUEST: Waiver of Section 55-206 - Variance to the rear yard setback from 25' to 8' to allow for the construction of a new deck.
   LOCATION: 3106 Seward Street
   ZONE: R5(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 11, 2019, Neil Galas appeared before the board.

Cliff Todd, Zoning Board of Appeals Administrator, stated that the applicant wanted to construct a new deck on the rear of the home but was unable to meet the rear yard setback of 25’. The Planning Department found no hardship or practical difficulty to support this request as it was a design preference and recommended denial of the request.

Mr. Galas stated that the new deck (7’ x 4’) would be smaller than the previous one (12’ x 5’). He explained that a deck was needed for a back door that was 4’ off the ground. He indicated that he spoke with the neighbor to the east and submitted a statement from that neighbor (Exhibit B).

Ms. Moore believed that the applicant’s investment in the neighborhood helped to improve the area.

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

AYES: Moore, Friedman, Kortright, Kelley

MOTION CARRIED: 4-0.
APPROVAL OF MINUTES:

The minutes for the June 13, 2019 meeting were tabled until the August meeting due to lack of sufficient number members who were at that meeting.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 1:28 p.m.

____________________________________________
Approved (date)

____________________________________________
Jason Lanoha, Chair

____________________________________________
Clinette Ingram, Secretary