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 29, 2017 and Thursday, June 1, 2017.

MEMBERS PRESENT: Brian Mahlendorf, Chair  
Jacque Donovan, Vice-Chair  
Jason Lanoha  
Sebastian Anzaldo  
Jeremy Aspen

MEMBERS NOT PRESENT: Sean Kelley (Alternate)

STAFF PRESENT: Dave Fanslau, Planning Director  
Mike Carter, Zoning Board of Appeals Administrator  
Jennifer Taylor, City Attorney  
Clinette Ingram, Recording Secretary  
Michelle Alfaro, Planning Department

The meeting was called to order at 1:02 p.m. Mr. Mahlendorf introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

1. Case No. 16-118 (from 12/8/16, 1/12/17, 2/9/17, 4/13/17 & 5/11/17)
   Robert & Sharon Bruning
   16201 Fort St.
   Omaha, NE 68122
   REQUEST: Waiver of Section 55-84, 55-87, 55-715, 55-734 & 55-740(f) – Variance to the permitted use regulations of the AG district to allow Building Maintenance Services, Custom Manufacturing and Warehousing and Distribution (Limited), not otherwise permitted, to the maximum building coverage from 5% to 20%, to the maximum impervious surface coverage from 10% to 56%, to the required street yard landscaping percentage from 90% to 80%, to the minimum street yard landscaping depth from 35’ to 9’ and 9’, to the required number of off-street parking stalls from 55 to 31 and to the minimum perimeter parking lot landscaping from 10’ to 9’ and 5’.
   LOCATION: 16201 Fort Street
   ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Jerry Slusky (8712 West Dodge) appeared before the Board on behalf of the applicants.

Mr. Slusky submitted a memorandum (Exhibit 3) pertaining to the case. He referred to information that had been submitted regarding a traffic study that had been performed by Felsburg, Holt and Ullevig. The report concluded that there were no site-distance issues at that location and that the Fort Street access did not need to be closed and relocated to the south side of the property. The board took some time to review the Exhibit.

At Ms. Donovan’s request, Mr. Slusky revisited the list of items that had been previously submitted by the applicants detailing the proposed changes they planned to make to the site. The changes included the installation of firewalls to some of the buildings and installation of a gate for Fire Department access on the south side of the site.

In response to Mr. Mahlendorf, Mr. Slusky stated that the results of the traffic study had been shared with the Public Works Department. Ryan Haas, Public Works Department, stated that the study included the number of trips in and out of the driveway and concluded that access was not necessary at 161st Street; however, it did not address the impact of leaving the access open onto Fort Street and the hazard level created by that access as opposed to sending commercial traffic through the neighborhood. He added that the Public Works Department would not normally recommended sending commercial traffic through a neighborhood, in this case however, that option would be less hazardous than the current and future conditions on Fort Street.

Jay Davis, Assistant Planning Director, stated that although his department had done what it could from a building code standpoint to bring the site into compliance, the existing use was still not allowed since the property was zoned Agricultural. He also stated that if conditions on the site were allowed to continue as they were, it would set a precedent for the other 8 properties with similar situations.

Mr. Mahlendorf stated that his concern was that the property was zoned Agricultural but was not being used as such. He acknowledged the efforts of all parties involved with the case.
Mr. Lanoha concluded that the issue with the case pertained mainly to zoning and that it should have been handled through the rezoning process with the Planning Board and City Council. He explained that his decision was based on Chapter 55 of the Omaha Municipal Code, specifically 55-81(c)(d) and (e), and how it defines property zoned Agricultural. Mr. Slusky responded that he believed that it was the duty of the Zoning Board of Appeals to make reasonable adjustments in the zoning code to accommodate the situation. He believed that a rezoning of the property would not work. He added that other properties in similar situations should be given the opportunity to make adjustments to their sites.

Mr. Anzaldo stated that he also believed that the case should have gone before the Planning Board and on to City Council.

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

AYES: Anzaldo, Aspen, Lanoha, Mahlendorf

NAYES: Donovan

MOTION CARRIED: 4-1
2. **WITHDRAWN**  
   Case No. 17-053 (from 5/11/17)  
   Alan Potash, CEO  
   Jewish Federation of Omaha  
   333 S. 132nd St.  
   Omaha, NE 68154  
   REQUEST: Waiver of Section 55-832 – Variance to the maximum sign budget from 40 sq. ft. to 202 sq. ft., to the maximum sign area for a monument sign from 25 sq. ft. to 55 sq. ft., to allow an electronic message center, not otherwise permitted, and the front yard setback from 12’ to 6’ for the new monument sign, based on the proposed overall sign plan for the site.  
   LOCATION: 333 South 132nd Street  
   ZONE: R8  

This request was withdrawn at the applicant’s request.
3. Case No. 17-059 (from 5/11/17)  
Isaac Nelson  
McDaniel Wallquist Construction  
2628 S. 87th St.  
Omaha, NE 68124  
REQUEST: Waiver of Section 55-126 & 55-715 –  
Variance to the maximum impervious surface coverage from 30% to 32% and to  
the minimum street yard landscaping depth from 30’ to 0’ to allow for construction of a  
circular driveway.  
LOCATION: 9528 Capitol Avenue  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on June 8, 2017, Isaac Nelson appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant requested the waivers for a  
circular driveway. The Planning Department found no hardship or practical difficulty and believed that any  
improvements to the site should be in compliance with zoning regulations. The Planning Department  
recommended denial.  

Mr. Nelson stated that the homeowner was concerned about having enough parking for guests due to  
traffic on 96th Street. He indicated that the neighbors supported the idea of more off-street parking.  

In response to Mr. Mahlendorf, Mr. Nelson stated that the 32% impervious surface coverage was based on  
the circular drive, front walk and multiple patios to the rear of the home. He added that one of the patios  
could be removed so that the site could meet the 30% maximum impervious coverage requirement. Mr.  
Mahlendorf noted that circular driveways were characteristic of the neighborhood.  

Mr. Aspen moved to APPROVE the variance to the minimum street yard landscaping depth only; no  
approval for the maximum impervious coverage. Mr. Mahlendorf seconded the motion.  

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf  

MOTION CARRIED: 5-0
4. Case No. 17-062 (from 5/11/17)  
  
Jason C. Hubbard  
12303 Pacific St.  
Omaha, NE 68154  

REQUEST: Waiver of Section 55-767(c), 55-166 & 55-830 – Variance to the front yard setback from 35’ to 27’6”, to the home occupation regulations to allow 1 non-resident employee, to the maximum sign area from 2 sq. ft. to 5 sq. ft. and to the maximum height for a wall sign from 8’ to 15’.

LOCATION: 12303 Pacific Street  
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Jason Hubbard appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to use a portion of the home for his law office. The applicant planned to add a new concrete front stoop, replace the existing driveway, and relocate the existing paved parking area near Pacific Street further onto the site. This would reduce the amount of pavement on the site. The Planning Department found no hardship or practical difficulty to allow any waivers on the site and believed that any improvements to the stoop should comply with the code. He added that the Home Office and signage regulations should also comply. The Planning Department recommended denial.

Mr. Hubbard explained that he is a solo practice attorney who does evictions and collections. He has one paralegal who works Monday through Friday from 9 a.m. until 3 p.m. He indicated that his business generated almost no foot traffic since most of his business is done by email and telephone. He wanted a “Law Office” sign above his front door with 12” lettering that would be visible to cars passing along Pacific Street.

Ms. Donovan stated that she was not in favor of the sign since the applicant indicated that he had very few visitors to the office. Mr. Mahlendorf stated that the applicant could still have a legal sign that met the requirements of the ordinance.

In response to Mr. Lanoha, Mr. Hubbard stated that to the west of the home is an OPPD power station with apartments to the east and to the rear. Mr. Lanoha noted that there was a hardship that resulted from the location of the home.

Ms. Donovan moved to APPROVE the front yard setback and home occupation regulations only; no approval for the maximum sign area or sign height. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Request</th>
<th>Location</th>
<th>ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-064</td>
<td>Waiver of Section 55-832 – Variance to the overall sign budget from 40 sq. ft. to 216 sq. ft. to allow two (2) additional monument signs.</td>
<td>6404 North 70th Plaza</td>
<td>R7</td>
</tr>
</tbody>
</table>

At the Zoning Board of Appeals meeting held on June 8, 2017, Todd Schuiteman (Quality Living, Inc.) and Gaby Ryan (Signworks) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared at the June 7, 2017 meeting of the Planning Board and received approval of a Major Amendment to allow two additional monument signs off Sorensen Parkway. The applicant had appeared before the Zoning Board in 2014 to request additional signage and fencing. He indicated that the Planning Department has typically supported these types of requests in situations where there is a large campus setting with multiple facilities and frequent visitors. This request increases the sign budget that was approved in 2014 from 190 square feet to 216 square feet. The Planning Department recommended approval in accordance with the plans submitted.

Ms. Ryan stated that the two additional signs would direct visitors to different areas of the campus.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 17-065
Boys Town National Research Hospital
555 N. 30th St.
Omaha, NE  68131

REQUEST: Waiver of Section 55-825(c) – Variance to allow two (2) one (1) temporary signs and to the maximum size for the temporary signs from 32 sq. ft. to 494 sq. ft. and 995 sq. ft., through the end of 2017.

LOCATION: 555 North 30th Street
ZONE: GO

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted for sign A only, subject to the sign being removed no later than January 15, 2018.

At the Zoning Board of Appeals meeting held on June 8, 2017, John Arch (CEO Boys Town), Gaby Ryan (Signworks) and Chris Doyle (Director of Marketing - Boys Town) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared at the June 7, 2017 meeting of the Planning Board for approval of a Major Amendment to allow the signs. The Planning Board recommended approval of the 494 square foot sign (Sign A) but not for the 995 square foot sign. For that reason, the Zoning Board could only decide on the smaller, temporary sign. The hospital was commemorating its 100 year anniversary and wanted to display a temporary sign on the south side of the hospital. The Planning Department has typically been supportive of temporary signage for unique, community related events. The Department recommended approval in accordance with the plans submitted for sign A only, subject to the sign being removed no later than January 15, 2018.

Mr. Mahlendorf stated that the board has been supportive of temporary signage for civic uses or community events; however, the board had taken the stance that the signs could not be used for "self-recognition". For example, Mutual of Omaha was not allowed to include its logo on banners for the swim trials. He added that over time, company names and products have been included on temporary banners.

Mr. Doyle spoke about the various events that were planned to celebrate the Boys Town anniversary.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted for sign A only, subject to the sign being removed no later than January 15, 2018. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha

NAYES: Mahlendorf

MOTION CARRIED: 4-1
7. Case No. 17-066
Murray Hayes
EGAD LLC
4104 Lafayette Avenue
Omaha, NE 68131
REQUEST: Waiver of Section 55-206, 55-207(g), 55- 
207(c) & 55-734 - Variance to the front yard 
setback from 35' to 22.4', to the interior side 
yard setback from 7' to 3.3', to the number 
of off-street parking stalls from 3 to 1, to the 
minimum lot size from 6,000 sq. ft. to 3,600 
sq. ft. and to the minimum lot width from 60' 
to 40' to allow a Duplex Residential use.
LOCATION: 4103 Izard Street
ZONE: R5(35)

PLANNING DEPARTMENT RECOMMENDATION: Approval of the variance request to the front yard setback from 35' to 22.4' and to the interior side yard setback from 7' to 3.3' to allow for the construction of a pervious deck. Denial of the variance requests to the number of off-street parking stalls from 3 to 1, to the minimum lot size from 6,000 square feet to 3,600 square feet and to the minimum lot width from 60' to 40' to allow a Duplex Residential use.

At the Zoning Board of Appeals meeting held on June 8, 2017, Murray Hayes appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was in the process of renovating the home. The applicant planned to replace a covered front porch, which had been removed, with a deck of similar size that encroached into the front yard and interior side yard setbacks. He proposed to convert the home into a duplex which is allowed in R5, but waivers were needed. He explained that the Planning Department has typically been supportive of waivers in these types of situations where improvements are being made on existing homes. He also noted that the proposed porch would be the same size as the previous structure. The Planning Department found no hardship or practical difficulty to allow the home to be converted into a duplex. The Planning Department recommended approval of the request for the front yard and interior side yard setbacks but denial of the waivers for off-street parking stalls, the minimum lot size and the minimum lot width.

Mr. Hayes stated that in the past the property has been a single-family home, duplex and boarding house. He indicated that he had been told by Code Enforcement that the property had been registered as a duplex. He explained that the structure was 2,000 square feet and was too big to be a rental in that area. He added that five of the seven houses on that side of the block are duplexes.

Mr. Mahlendorf mentioned that the board had received communication from one neighbor who was in support of the project and another who was not in support. In response to Mr. Mahlendorf, Mr. Hayes stated that there was currently parking for 3 cars on the lot and only 1 met the setback requirements. He submitted pictures of the property that showed what it look liked before and after the renovations (Exhibit 2).

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-067  
   John Sova  
   RDG Planning and Design  
   900 Farnam St. Suite 100  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-734 - Variance to the minimum number of off-street parking stalls from 104 to 46 to allow renovation of the existing building for an office use.  
   LOCATION: 3801 Harney Street  
   ZONE: GO-ACI-1(PL)  

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

At the Zoning Board of Appeals meeting held on June 8, 2017, Kylan Block (RDG) and Andrea Kathol (Women’s Center for Advancement) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to renovate the existing building into office space for the Women’s Center for Advancement (WCA). The applicant planned to remove the existing pavement on the east side of the site to make room for landscaping and restripe the parking lot so that proper stall sizes, drive aisles and handicapped stalls could be installed. On-street parking would be provided on 38th Street. The Planning Department found that there was a hardship due to the existing nature of the building and because any use of the building would require a parking waiver. The Department believed that the proposed improvements adequately addressed the issues with the site and, therefore, recommended approval in accordance with the plans submitted.

Ms. Donovan expressed concern about overflow parking ending up in the surrounding neighborhood. Mr. Block noted that there were negotiations with an adjacent neighbor and the Public Works Department for more parking.

Ms. Kathol stated that the owner has been speaking with the neighbors to try and negotiate more parking for the site. She felt that the parking issue would be resolved by the time the building was opened. She explained that many of the clients were transported to the site by taxicab or police car so parking would be mainly for staff. Mr. Mahlendorf also noted that the site is also near public transportation.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 12-010
   Joe Failla
   Redeemer Church
   13831 Industrial Road
   Omaha, NE  68137

   REQUEST: Waiver of Section 55-503 - Variance to the
   use regulations in the GI District to allow
   Religious assembly, not otherwise permitted.

   LOCATION: 13831 Industrial Road
   ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Joe Failla appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the applicant had appeared before the Board in 2012 to request a use waiver to allow Religious Assembly on the site. He also appeared in 2013 for an expansion of the site. The site is located in an industrial area with several business on the property. The Planning Department does not support civic uses in industrially zoned properties for traffic safety issues and because it reduces the options for industrial businesses that could potentially use the space. The Planning Department found no hardship or practical difficulty to allow the request; however, if the board was inclined to grant the waiver the Planning Department suggested that the duration of the use be restricted and be limited to this applicant only. The Planning Department recommended denial.

In response to Ms. Donovan, Mr. Failla stated that he had just negotiated a 5-year lease with the landlord. He requested that the term of the waiver coincide with the lease, which would end August 31, 2022.

Ms. Donovan moved to APPROVE in accordance with the plans submitted for this applicant only until August 31, 2022. Mr. Lanoha seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 17-068
Tom Eyman
700 Loveland Dr.
Omaha, NE 68114

REQUEST: Waiver of Section 55-206 - Variance to the street side yard setback from 15’ to 7’10” to allow for the replacement of exterior stairs.

LOCATION: 2521 South 32nd Avenue
ZONE: R5(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, John Lowndes (11909 South 48th Street) and Scott Eyman appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated the applicant was proposing to replace the existing wood stairs on the exterior of the home. The Planning Department found that there was a hardship since the stairs were an existing condition. He stated that there was some question about whether the number of units inside the structure were allowed. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Lowndes stated that the current stairs consisted of two flights that extended to the apartment on the top floor. The new stairs would be made of metal and would be code compliant in all aspects.

Scott Eyman stated that there were a total of 4 units in the building and that there had been for as long as his father had owned the building.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
At the Zoning Board of Appeals meeting held on June 8, 2017, Jay Gillespie appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a pool patio to be as close as 1’ from the rear property line. The pool was constructed after the property permit was obtained. The applicant indicated that he was unaware of the setback requirement. The Planning Department found no hardship or practical difficulty and believed that any improvements should comply with zoning regulations. He noted that there was an outlot to the rear of the property that is designated as a tree mitigation area. He urged the applicant to find out exactly where the property line is so that no improvements are made in that area. The Planning Department recommended denial.

Mr. Gillespie submitted letter of support from his neighbors, developer and Home Owners Association (Exhibit B). He stated that he was not aware of the setbacks and added that a few other neighbors were in the same situation with their pools.

Mr. Mahlendorf stated that there was some confusion with pools since many times an individual will obtain a permit from Douglas County for the pool without realizing that a building permit is needed from the City of Omaha. He also noted that the neighbor most affected had submitted a letter of support for the applicant.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 17-070  
Brian Timmons  
The Garage Company  
8301 Q St.  
Omaha, NE  68127  
REQUEST: Waiver of Section 55-186 - Variance to the maximum impervious coverage from 50% to 62% to allow for construction of a detached garage and driveway extension.  
LOCATION: 3911 North 53rd Street  
ZONE: R4(35)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Brian Timmons and Michael Scarborough, Property Owner, appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 24’ x 30’ detached, 3-car garage with an extension to the driveway that would cause the impervious coverage to exceed the 50% maximum. The Planning Department found no hardship or practical difficulty, noting that the request is a result of a design preference, and recommended denial.

Mr. Timmons stated that off-street parking is only allowed on one side of the street. He stated that a standard 24’ x 24’ garage would still exceed the maximum impervious coverage.

In response to Ms. Donovan, Mr. Timmons stated that the existing 8’ x 8’ shed that sits on the property would be removed. The garage would match the existing home. He added that if the garage was for 2 cars instead of 3, the impervious coverage would be 56% instead of 62%. Ms. Donovan stated that she could support a 2-car garage. Taking into consideration the on-street parking situation, Mr. Aspen stated that he was in support of a 3-car garage.

After some discussion, it was determined that a 26’ x 24’ garage would be constructed that could accommodate two of the property owner’s vehicles and a motorcycle.

Ms. Donovan moved to APPROVE in accordance with the plans submitted for a 26’ x 24’ garage with similar materials that does not exceed 62% impervious coverage. Mr. Lanoha seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf  
MOTION CARRIED: 5-0
13. Case No. 17-071    REQUEST: Waiver of Section 55-764(d)(2)(b) -
Michelle Chapman    Variance to allow Daycare Services (General) use within a residential structure
Chapman Properties LLC that is not occupied primarily as a residence
5304 N. 51 St. by the owner or tenant.
Omaha, NE  68104

LOCATION: 4609 North 24th Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Michelle Chapman appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had previously operated a home daycare at this location which she closed for personal reasons. Because of its proximity to industrial activity, the applicant had been unable to rent the home. Ms. Chapman owns a daycare to the north of the home. The ordinance states that if a daycare is operated from a residential home, it must be used primarily as a residence and not just a daycare. The Planning Department found no hardship or practical difficulty to allow a daycare to be operated from the home without it being occupied as a residence. He added that if the waiver were granted, the applicant should check with Permits and Inspections about commercial code regulations that could require some improvements to the property. The Planning Department recommended denial.

Ms. Chapman explained that she needed more space to accommodate the parents of school age children who are out for the summer. She stated that she could not rent the property because of the semi-trailers parked to the side and rear. In response to Mr. Mahlendorf, she stated that she operated a daycare at the residence five years ago. There is parking at her adjacent property. She explained that she will usually not take a school aged child unless there is already a younger sibling that attends her daycare. Parents will usually drop off the younger child and walk the older child to the facility next door.

Mr. Carter briefly discussed the changes that had been made to the ordinance that restricted homes being used solely for commercial purposes, with no tenants living in the home.

In response to Mr. Mahlendorf, Ms. Chapman stated that she wanted no more than 12 children in the proposed facility.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 15-042
   Rose Blumkin Performing Arts
   2001 Farnam St.
   Omaha, NE 68102
   REQUEST: Waiver of Section 55-839(b) - Variance to the total permitted sign area from 469 sq. ft. to 1,354 sq. ft. to allow installation of 4 wall signs.
   LOCATION: 2001 Farnam Street
   ZONE: CBD-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Kori Radloff (Rose Blumkin Performing Arts) and Rob Tomanek (Signworks) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant had requested a similar waiver in 2014 to allow 4 wall signs on the side of the theater. The request was approved with the condition that the applicant be required to appear before the board in 2 years (2017) for review of the case. The Planning Department found no hardship or practical difficulty to allow the signs and believed that any signs should comply with zoning regulations. The Planning Department recommended denial.

Mr. Tomanek stated that the signs had been changed annually and were durable. Ms. Radloff confirmed that the signs changes with each theater season.

Ms. Donovan stated that one of the previous banners did not promote a show but encouraged individuals to join the theater, which was discouraged. Although the applicant preferred that the waiver be granted for a longer period of time, Ms. Donovan felt that it should be for another 2 years to give the applicant, City and board the opportunity to address any concerns.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted for this applicant only for 2 years. Ms. Donovan seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 17-074
Carl Troia
641 S. 93rd St.
Omaha, NE  68114
REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25' to 13' to allow construction of a house addition.
LOCATION: 641 South 93rd Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Carl Troia and Jim Dennell (BCDM Architects) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 1,245 square foot addition to the existing home that would encroach into the required side yard setback. The property was granted a setback waiver in 2012 to allow the applicant to encroach into the front yard setback. The Planning Department found no hardship or practical difficulty and believed that any improvements should be constructed in compliance with zoning regulations and, therefore, recommended denial.

Mr. Troia stated that he has been in the home for about 30 years. He wanted to move the master bedroom and bathroom to the main level so that he would be able to remain in the home in the future. He indicated that he had sent letters to over 30 of his neighbors and that he received about 25 responses of which only 1 was not in support. He submitted those documents to the file (Exhibit B). The neighbor who did not support simply believed that covenants should be followed.

In response to Mr. Mahlendorf, Mr. Troia stated that he had not acted on the waiver he was granted in 2012 but that it would be part of the overall renovation. Ms. Donovan noted the irregular shape of the house on the lot and how it is situated on the land.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted. Ms. Donovan seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 17-075  
Christopher Erickson  
16755 Frances St.  
Omaha, NE 68114

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping depth from 30' to 13' and to the minimum street yard landscaping percentage from 75% to 62% to allow construction of a home with a circular driveway.

LOCATION: 4880 South 236th Circle  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Christopher Erickson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant planned to construct a home in the Hamptons. Due to topographical challenges in that area, a blanket waiver was granted in 2008 for setback requirements. The Planning Department found no hardship or practical difficulty to allow the waiver for a circular driveway since it is a design preference. The Planning Department recommended denial.

Mr. Erickson stated that parking on the street was restricted because of a roundabout that is located nearby. He explained that the house could not be pushed back because of a 95’ drop-off to the rear of the property. He stated that the driveway would not be out of context with the rest of the neighborhood since there were several circular driveways in the development.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 17-076  
Sharlyn Konfrst  
Farm Credit Services of America  
5015 S. 118th St.  
Omaha, NE  68137  

REQUEST: Waiver of Section 55-715 & 55-366 - Variance to the front yard setback from 25' to 0' and to the minimum street yard landscaping depth from 10' to 0' to allow for construction of a new building and skywalk over 118th Street.  

LOCATION: 5010 and 5015 South 118th Street  

ZONE: CC  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on June 8, 2017, Rob Olson appeared before the Board on behalf of the applicant.  

Mike Carter, Zoning Board of Appeals Administrator, stated that Farm Credit Services operated out of the building and had a parking lot across the street. The applicant planned to develop the site with a new building that included parking on the main level and a skywalk that connected the building to the existing facility on the east side of the street. Waivers were needed for the front yard setbacks for both properties and for the street yard landscaping depth for the new property. The Planning Department found no hardship or practical difficulty and believed that any improvements on the site should comply with zoning regulations. He explained that it was difficult for the Planning Department to justify waivers for a vacant site. The Planning Department recommended denial; however, if the board granted the waiver, he stated that a right-of-way lease would be required for the proposed skywalk over 118th Street.  

Mr. Olson stated that the lot drops approximately 32’ – 34’ from west to east and 15’ from south to north. He indicated that the west side of the lot was the safest place that could accommodate semi-trailer traffic. The skywalk would allow employees to communicate with one another with crossing 118th Street. The skywalk would be built at 21’ which is higher than the 17’ requirement.  

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf  

MOTION CARRIED: 5-0
18. Case No. 17-077
Jared Gerber
Gerber Architecture
5037 Parker St.
Omaha, NE 68104

REQUEST: Waiver of Section 55-166 - Variance to the front yard setback from 35’ to 30’ to allow construction of a 5’ x 26’ covered front porch.

LOCATION: 1726 Bowie Drive
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Jared Gerber appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a covered front porch that would encroach into the required front yard setback. The Planning Department found no hardship or practical difficulty and believed that a 5’ x 6’ front porch could be built that complied with zoning requirements. The Planning Department recommended denial.

Mr. Gerber stated that a surveyor confirmed that the home sits on the 35’ setback. He wanted the porch for visitors, packages left at the home and for icy conditions. He explained that the existing stoop has deteriorated. In addition, the mother of the property owner will need to move into the home in the future and a handicap ramp will more than likely be necessary. Finally, he mentioned that a neighbor across the street received an 8’ waiver for the front yard setback.

Mr. Mahlendorf believed that a 5’ encroachment would have little to no impact on the neighborhood. He suggested that if the property owner needed to add the ramp in the future, a Reasonable Accommodation Request could be made.

In response to Ms. Donovan, Mr. Carter stated that the steps are not included in the 5’ encroachment into the setback.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
19. Case No. 17-078  
Mark Sanford  
Sanford Architecture  
1306 N. 162nd St.  
Omaha, NE 68118  
REQUEST: Waiver of Section 55-146 - Variance to the  
front yard setback from 40’ to 27’ to allow  
construction of a new balcony and  
decorative trellis.  
LOCATION: 627 Waterloo Drive  
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 8, 2017, Mark Sandord appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the property owner planned to construct a new balcony and decorative trellis on the front of the home that would project into the required front yard setback. The Planning Department found no hardship or practical difficulty and believed that any improvements to the site should be in compliance with zoning regulations. The Planning Department recommended denial. He noted that an email had been received from the homeowner’s association. The association did not support the request.

Mr. Sanford stated that he was not aware of the email from the association. He explained that the property owners wanted to change the appearance of the home.

Mr. Mahlendorf encouraged the applicant to speak with the homeowners association about the project. The applicant was in agreement with the layover.

James Watson appeared before the board. He explained that the home would not match with the others near it. He also mentioned that the closest home to the setback on that street is 38’3”, noting that the applicant was proposing to come as close as 27’. He was also in support of a layover.

Ms. Donovan moved to LAYOVER. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
20. Case No. 17-081
Lawrence Butler
4809 Northwest Radial Hwy
Omaha, NE 68104

REQUEST: Waiver of Section 55-406, 55-734, 55-740(f) & 55-716 - Variance to the minimum number of off-street parking stalls from 45 to 16, to the required perimeter landscaping from 10’ to 5’ and 0’, to the required bufferyard between GC and R4(35) from 13.5’ with screening to 5’ with screening, to the minimum interior parking lot landscaping from 5% to 0% and to the maximum impervious coverage from 90% to 95%.

LOCATION: 4803 NW Radial Highway
ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the applicant submitting an application for rezoning to CC-Community Commercial District with the MCC Overlay.

At the Zoning Board of Appeals meeting held on June 8, 2017, Lawrence Butler appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to renovate the existing building and reconstruct the parking lot to the south of the building. There are existing tenants in the building. A number of waivers are necessary for the parking lot because of the size of the lot and residential zoning to the south. The applicant proposed adding a 6’ tall fence to the south property line to screen the lot from the adjacent neighbor. Mr. Carter explained that existing conditions made it a challenge to improve the site and comply with zoning regulations. Since those limitations caused a hardship to the applicant the Planning Department recommended approval in accordance with the plans submitted, subject to the applicant submitting an application for rezoning to CC-Community Commercial District with the MCC Overlay. Mr. Butler stated that he was attempting to bring the site as much into compliance as possible.

Stephanie Weaver, 2412 North 48th Street, appeared before the board. She stated that her home is about 18” from the property line she shares with the applicant. She felt that the fence would encourage vandalism and that a retaining wall would be a better solution. She also stated that she had taken care of the landscaping that belongs to the applicant for the last few years. She believed that if more landscaping was installed there was a possibility that it would not be maintained. She was also concerned about the extra parking that would end up on the streets. Mr. Carter explained that the fence is required by the code to provide screening for the residential property.

Mr. Butler responded that there was not enough of a slope to construct a retaining wall. He planned to use four stalls on the north side of the building. With regards to upkeep of the landscaping, he explained that he had recently obtained a survey so that he could determine where the property lines were. He acknowledged that Ms. Weaver had been maintaining the lawn that was adjacent to her property. Ms. Donovan stressed that the applicant should do everything that he could to be a good neighbor. She suggested that he meet with Ms. Weaver so that they could come to an agreement on whatever issues needed to be addressed.

Mr. Carter mentioned that there was an issue with parking on Northwest Radial Highway because of the bus stop. He did not know if Public Works would be willing to provide on-street parking at that location.

The board urged the applicant to set up a meeting and work out any issues with Ms. Weaver.

Ms. Donovan moved to LAYOVER. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
21. Case No. 17-082
Ryan Ousey
3002 S. 35th St.
Omaha, NE 68105

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: 3002 South 35th Street
ZONE: R5(35)

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

At the Zoning Board of Appeals meeting held on June 8, 2017, Ryan Ousey appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ privacy fence along Oak Street. He noted that Oak Street is an unimproved street that will not be improved or extended in the future. Oak Street cannot be vacated since the adjacent residential property uses it for access to their garages. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Aspen moved to APPROVE the minutes for the April 13, 2017 meeting. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0

Mr. Lanoha moved to APPROVE the minutes for the May 11, 2017 meeting. Ms. Donovan seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 4:10 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary