Minutes
Administrative Board of Appeals
October 26, 2009

MEMBERS PRESENT: Ann O’Connor, Chairman
Jay Incontro
David Levy
Jim Weaver
Chris Jerram

OTHERS PRESENT: RoseMarie Horvath, Law Department
Kevin Denker, Planning Department
Mike Paukert, Public Works

I. Roll Call

Ms. Ann O’Connor called the meeting to order at 1:30 pm.

Mr. Kevin Denker asked that the board receive as Exhibit 1 in each of this meeting’s cases the contents of the City's file on each case.

Ms. Ann O’Connor acknowledged the contents of the City's file as Exhibit 1 in each case.

II. Cases

9-9-75 (over from 9/28/09)
Appeal Police Department denial of firearm registration: James Bostic, 1506 S 60 Street #3 68106

William Eustice, attorney for the applicant appeared before the board and requested that the case be withdrawn.

Motion to deny appeal by Mr. Incontro. Second by Mr. Levy.

AYES: Jerram, Incontro, Levy, Weaver, O’Connor

Motion carried 5-0

9-10-81
Appeal Police Department denial of firearm registration: Darius Jones, 3955 N 55 Street 68104

Darius Jones appeared before the Board. Mr. Jones stated he would like to own and carry a firearm for protection.

Lt. Sedlacek, Omaha Police Department, stated Mr. Jones was denied a handgun registration because of a CCW weapons charge on May 20, 2007. Mr. Jones was issued a protection order that expired in August 2009. There are no other criminal charges against Mr. Jones.

In response to Mr. Incontro, Lt. Sedlacek stated the CCW charge was for a concealed gun and Mr. Jones spent 10 days in jail.

In response to Mr. Incontro, Mr. Jones stated he is not employed.

Motion to deny appeal by Mr. Incontro. Second by Mr. Weaver.

AYES: Weaver, Jerram, O’Connor

NAYES: Incontro, Levy
Motion carried 3-2

**9-10-82**
Appeal Police Department denial of firearm registration: Spyder M. Keller, 7034 Lafayette Avenue 68132

Spyder Keller appeared before the Board.

Lt. Sedlacek, Omaha Police Department, stated Mr. Keller was denied a handgun registration because of a CCW gun charge conviction on October 19, 2008 in Council Bluffs, Iowa. In January 2005 and November 2007, Mr. Keller was fined for possession of marijuana, less than an ounce.

Motion to deny appeal by Mr. Weaver.  Second by Mr. Incontro.

AYES:  Levy, Jerram, Weaver, Incontro, O'Connor

Motion carried 5-0

**9-10-84**
Appeal Police Department denial of firearm registration: Joseph P. Brosnihan, 6711 S 32 Street 68107

Joseph Brosnihan appeared before the Board.  Mr. Brosnihan stated he works in the security business and would like to own and carry a firearm for protection.

Lt. Sedlacek, Omaha Police Department, stated Mr. Brosnihan was denied a handgun registration because of a CCW weapons charge for a knife on July 17, 1998.  Mr. Brosnihan's record has been fairly clean since 1998.

Motion to grant appeal by Mr. Incontro.  Second by Mr. Levy.

AYES:  Jerram, Incontro, Levy, O'Connor

NAYES:  Weaver

Motion carried 4-1

**9-10-79**
Appeal Police Department notice of nuisance at 3460 Larimore Avenue: Homer Davault, PO Box 12271  68112

Homer Davault was not present for the hearing.

Kevin Denker submitted photos (Exhibit 2) that indicate the driveway has been paved where vehicles were parked illegally.

Motion to deny appeal by Mr. Incontro.  Second by Mr. Levy.

Mr. Incontro withdrew his motion because the applicant complied with the notice.

Motion to grant appeal by Mr. Incontro.  Second by Mr. Weaver.

AYES:  Incontro, Weaver, O'Connor

NAYES:  Jerram, Levy

Motion carried 3-2
9-10-80
Appeal Police Department notice of nuisance: Mary M. Brown, 3244 N 40 Avenue 68111

Mary Brown appeared before the board and presented the new registration and insurance for her vehicle.

Kevin Denker stated the vehicle in question has been licensed (Exhibit 2) but one tire is flat.

Ms. Brown stated she would have the flat tire repaired.

Motion to grant appeal by Mr. Jerram. Second by Mr. Incontro.

AYES: Incontro, Levy, Weaver, Jerram, O’Connor

Motion carried 5-0

9-10-83
Appeal Police Department notice of nuisance: Harland Ludwick, 5821 N 33 Avenue 68111

Jessica Keithley, granddaughter of Harland Ludwick appeared before the board.

Kevin Denker submitted photos (Exhibit 2). He stated there are two rock/asphalt-type paving strips that led to a garage at the rear of the property that would retain grandfather rights. The applicants are not parking on the parking strips and are not allowed to park on the grass near the rear door.

Ms. Keithley submitted a drawing of the property (Exhibit 3). She stated her grandparents have health issues and would like to request more time.

Motion to deny appeal with 225 days to comply by Mr. Jerram. Second by Mr. Incontro.

AYES: Levy, Weaver, Jerram, Incontro, O’Connor

Motion carried 5-0

9-10-85
Appeal denial of curb cut permit at 420 N 14 Street by Public Works Department: James H. Monahan, 623 Service Life Building 68102

James Monahan and Brian Reiman appeared before the board. Mr. Monahan stated he is contesting the denial of a permit for a curb cut for a driveway on the west side of 14th Street between Chicago and Cass Streets. The driveway was removed when 14th Street was moved one-half block west and the interstate ramps were installed.

Mike Paukert, Public Works Department, stated the subject property has street frontage on all four sides. The traffic engineer designates where driveways are allowed if the minimum requirements are not met. The curb cut was denied because the standard for driveways on 14th Street is 230 feet from any intersection, which would make 14th Street out of compliance for any major driveways. The volume of vehicles on 14th Street is approximately 9,000 vehicles per day. There were four accidents each near the north and south intersections on 14th Street for 2008 and the first half of 2009. The city feels that another driveway would be a conflict point and increase the amount of accidents.

Motion to grant appeal by Mr. Jerram.

Motion died for lack of a second.
In response to Mr. Incontro, Mr. Paukert believes the proposed curb cut is approximately 60’ from Chicago Street. Mr. Monahan stated the driveway would be approximately 200’ from the interstate exit ramp.

Motion to deny appeal by Mr. Incontro.

Motion died for lack of a second.

Motion to grant appeal by Jerram but driveway to be no closer than 90’ from Chicago Street.

Motion died for lack of a second.

Motion to layover for 30 days until the next meeting on November 30, 2009 to allow applicant time to submit plans for review by Mr. Levy. Second by Mr. Incontro.

In response to Mr. Incontro, Mr. Paukert verified that the city is not in favor of the curb cut.

AYES: Weaver, Jerram, Incontro, Levy, O’Connor

Motion carried 5-0

III. Approval of Minutes from September 28, 2009

Motion to approve minutes from the September 28, 2009 meeting by Mr. Incontro. Seconded by Mr. Levy.

AYES: Incontro, Levy, Weaver, O’Connor

ABSTAIN: Jerram

Motion carried 4-0

IV. Adjournment

Motion to adjourn by Mr. Levy. Second by Mr. O’Connor.

AYES: Incontro, Levy, Weaver, Jerram, O’Connor

Motion carried 5-0

Meeting adjourned at 2:45 PM.

Visit the Planning Department’s Site on the Internet at www.ci.omaha/ne.us/planning