Minutes
Administrative Board of Appeals
December 27, 2010

MEMBERS PRESENT:  David Levy, Vice Chair
                     Jim Weaver
                     Jose Lopez
                     Bode Labode
                     Jama Samiev, Alternate

MEMBERS ABSENT:     Ann O’Connor, Chair
                     Steve Simmonds, Alternate

OTHERS PRESENT:     RoseMarie Lee, Law Department
                     Kevin Denker, Planning Department
                     Debbie Hightower, Recording Secretary

I.  Roll Call

   Mr. Levy called the meeting to order at 1:00 pm.

   Mr. 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.

   Mr. Levy acknowledged the contents of the City’s file as Exhibit 1 in each case.

II. Cases

   10-12-102
   Appeal Omaha Police Department denial of firearm registration: Jason A. Schwarz, 12329 Hascall Street 68144

   Jason A. Schwarz appeared before the board.

   Sgt. Sherie Thomas, Omaha Police Department, stated the reason for the denial was that in March 1997, Mr. Schwarz attempted suicide by ingesting eleven 500 mg. of Hydrocodone.

   Mr. Schwarz responded that he was 16 years old at the time of the attempted suicide. He stated it was a “bratty kid thing” and regrets those actions which was over 14 years ago.

   In response to Mr. Levy, Sgt. Thomas stated Mr. Schwarz has been arrested for DUI in 2000 and 2005.

   Mr. Schwarz answered Mr. Weaver that he has been through outpatient rehab and does not party like he had in the past.

   Mr. Weaver made a motion to grant the appeal. Second by Mr. Samiev.

   AYES: Lopez, Weaver, Labode, Samiev, Levy

   Motion carried 5-0.
**10-12-103**

Appeal Omaha Police Department denial of firearm registration: Aaron A. Leeder, 2534 North 83rd Street 68134

Aaron Leeder did not appear before the board.

Sgt. Sherie Thomas, Omaha Police Department, stated the reason for the denial was that on January 4, 2006, Mr. Leeder was charged with a CCW (three knives), possession of drug paraphernalia and financial responsibility and was fined $200 for the CCW, which was a misdemeanor.

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

AYES: Weaver, Labode, Samiev, Lopez, Levy

Motion carried 5-0. Appeal denied.

**10-11-87 (over from 11/29/10)**

Appeal Omaha Police Department notice of nuisance: Robert A. Larkin for Jean E. Bennett, 4214 North 146th Plaza #301 68116

Robert Larkin or Jean Bennett did not appear before the board.

Kevin Denker stated Mr. Larkin called and stated the vehicle in question was recently totaled in an accident.

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

AYES: Labode, Samiev, Lopez, Weaver, Levy

Motion carried 5-0. Appeal denied.

**10-12-101**

Appeal Omaha Police Department notice of nuisance: Rafiu Braimah, 4904 Curtis Avenue 68104 for Alasa Braimah d/b/a Brama Auto, 4200 Redman, Omaha, NE 68111

Rafiu Braimah appeared before the board.

Officer Debra Prososki, Omaha Police Department, stated the notice of nuisance involved several vehicles on the lot that were not licensed and inoperable. Another complaint was received by the precinct with regard to being able to see around the corner due to the vehicles.

Mr. Braimah stated the property is open with no fence. He questioned if it was his responsibility if the license plates are expired on a vehicle that is dropped off at the site for repairs. Also, is he responsible for no tags or is there a provision to how many vehicles are allowed.

Mr. Denker stated he would need to do a background check on the business with regard to a certificate of occupancy.

Mr. Braimah stated the shop is used to repair vehicles owned by Midlands Services (non-emergency transportation company) but repairs are also done on vehicles that are owned by other individuals. He stated eight of the ten vehicles that were cited have been moved. The vehicles that are inoperable are due to lack of parts or waiting for parts that are ordered. Also, a van has been in a severe accident and is waiting for the insurance company.

In response to Mr. Levy, Mr. Braimah stated he does not know if he has a certificate of occupancy.
Mr. Denker suggested laying over the case until the next meeting to allow time to investigate the zoning and certificate of occupancy at the site.

Motion to lay this case over until the January 31, 2011 meeting by Mr. Samiev. Seconded by Mr. Weaver.

AYES: Samiev, Lopez, Weaver, Labode, Levy

Motion carried 5-0. Appeal laid over to the January 31, 2011 meeting.

10-12-104
Appeal Omaha Police Department notice of nuisance: Margaret Platek d/b/a AVAS Construction Co., 1207 North 11th Street 68102

Margaret Platek did not appear before the board.

Kevin Denker stated documentation was received that shows all three vehicles in question are now licensed in Nebraska.

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

AYES: Lopez, Weaver, Labode, Samiev, Levy

Motion carried 5-0. Appeal denied.

10-12-105
Appeal Omaha Police Department notice of nuisance: Panagiotis Koutakis, 12206 Charles Plaza #6 68154

Panagiotis Koutakis appeared before the board. Mr. Koutakis stated the vehicle is now registered and licensed. He did not offer any documentation.

Motion to deny appeal by Mr. Samiev. Second by Mr. Lopez.

AYES: Weaver, Labode, Samiev, Lopez, Levy

Motion carried 5-0. Appeal denied.

10-12-106
Appeal Omaha Police Department notice of nuisance: Christal M. Miller, 1853 South 123rd Avenue 68144

Christal and William Miller appeared before the board.

Kenton Duncan, City Inspector, submitted a drawing and several photos (Exhibit 2). He stated that a public complaint was received regarding recreational vehicles (boat and trailer) exceeding 20’ being parked in the street side yard. The vehicles in question are parked on a concrete pad which is only 15’ from the curb of the street.

Mrs. Miller stated she made numerous calls to the planning department regarding setbacks. There seems to be a contradiction in the interpretation of the code and she requested more time to correct the issue. Mr. Denker suggested a lay over and Mr. Duncan agreed to work with the Millers.

Motion to deny appeal subject to being in compliance by May 31, 2011 by Mr. Samiev. Second by Mr. Labode.
AYES: Labode, Samiev, Lopez, Weaver, Levy

Motion carried 5-0. Appeal denied subject to being in compliance by May 31, 2011.

10-12-107
Appeal Omaha Police Department notice of nuisance: Suzanne M. Edgerton, 3007 North 75 Avenue 68134

Suzanne Edgerton did not appear before the board.

Mr. Denker stated Ms. Edgerton called to request a layover until the next meeting.

Motion to lay this case over until the January 31, 2011 meeting by Mr. Weaver. Seconded by Mr. Samiev.

AYES: Samiev, Lopez, Weaver, Labode, Levy

Motion carried 5-0. Appeal laid over to the January 31, 2011 meeting.

III. Approval of Minutes from November 29, 2010

Motion to approve the minutes from the November 29, 2010 meeting by Mr. Weaver. Second by Mr. Lopez.

AYES: Lopez, Weaver, Levy

ABSTAIN: Labode, Samiev

Motion carried 3-0.

IV. Adjournment

Motion to adjourn meeting by Mr. Levy. Second by Mr. Weaver.

AYES: Weaver, Labode, Samiev, Lopez, Levy

Motion carried 5-0. Meeting adjourned at 1:50 PM.