Minutes
Administrative Board of Appeals
September 26, 2011

MEMBERS PRESENT: Ann O’Connor, Chair
David Levy, Vice Chair
Jose Lopez
Steve Simmonds, Alternate
Jama Samie, Alternate

MEMBERS ABSENT: Jim Weaver
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OTHERS PRESENT: RoseMarie Horvath, Law Department
Kevin Denker, Planning Department
Debbie Hightower, Recording Secretary

I. Roll Call

Ms. O’Connor called the meeting to order at 1:05 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.

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

II. Cases

11-9-052
Appeal Omaha Police Department denial of firearm registration: James E. Stark, 4551 North 36th Avenue 68111

James E. Stark appeared before the board. Mr. Stark stated he would like to own a firearm for personal protection and he indicated that he also works at a liquor store.

Sgt. Jeremy Christiansen, Omaha Police Department, stated the denial of the firearm registration was based on past criminal history. On September 10, 2009, Mr. Stark was charged with a CCW, unregistered firearm, and unlawful transport. Mr. Stark was convicted of the CCW charge and was sentenced to 10 days in jail.

In response to Ms. O’Connor, Mr. Christiansen stated the only other item on Mr. Stark’s record was that he received a fine for an open container in June 2011.

Mr. Stark indicated that he works full-time at Granite Works and also part-time at Rhythms & Blues, a liquor store at 30th and Pratt Street.

Mr. Simmonds asked Mr. Stark why he did not register the firearm that was involved in the 2009 incident. Mr. Stark indicated that he had just moved back from Georgia but does not have a good reason for not registering the previous firearm but wants to do the right thing now. He indicated that he would be willing to take a firearms class.

Mr. Samiev made a motion to layover until the October 31, 2011 meeting to allow the applicant time to successfully complete a firearms class. Motion died for lack of a second.

Mr. Simmonds made a motion to deny the appeal. Second by Mr. Lopez.

AYES: Lopez, Samiev, O’Connor

NAYES: Levy, Samiev
Motion carried 3-2. Appeal denied.

11-9-050
Appeal Omaha Police Department notice of nuisance at 3225 South 138th Street: Dan Bishop, 3225 South 138th Street 68144

Dan Bishop did not appear before the board.

Kenton Duncan, City of Omaha, Code Inspector, submitted photos (Exhibit 2) that show there are still a camper, boat and a Suburban on the property.

Officer Casey Shannon, Omaha Police Department, confirmed that there are still numerous vehicles parked in the driveway with expired plates.

Mr. Levy made a motion to deny the appeal. Second by Mr. Samiev.

AYES: Simmonds, Samiev, Levy, Lopez, O'Connor

Motion carried 5-0. Appeal denied.

11-9-051
Appeal Omaha Police Department notice of nuisance at 12917 Cady Avenue: Andrew Olson d/b/a Heartland One, 12917 Cady Avenue 68164

Andrew Olson appeared before the board. Mr. Olson requested more time for the vehicle with expired plates. He also indicated that his boat will be put in storage but was not allowed to keep it at the marina because of the flood.

Officer James Stokes, Omaha Police Department, submitted photos (Exhibit 2) showing that a boat, which is over 20' long, and an unregistered limo are still parked in the driveway.

Kevin Mulcahy, City of Omaha, Code Inspector, stated he has received numerous complaints that go back to 2009. Mr. Mulcahy indicated that there are photos in an open case file that shows the boat in the driveway in October 2009.

Mr. Levy made a motion to deny the appeal with 30 days to comply. Second by Mr. Samiev.

AYES: Lopez, Simmonds, Levy, Samiev, O'Connor

Motion carried 5-0. Appeal denied with 30 days to comply.

11-9-054
Appeal Omaha Police Department notice of nuisance at 10515 Ellison Plaza: Teena Taylor, 456 Rainbow Drive, Rock Port, MO 64482

Teena Taylor did not appear before the board.

Mr. Denker stated that Teena Taylor contacted the Board Secretary on September 12, 2011 and indicated that she bought a wheel tax tag for her daughter who is now a full-time student.

Mr. Simmonds made a motion to deny the appeal with 30 days to comply. Second by Mr. Levy.

AYES: Samiev, Levy, Lopez, Simmonds

NAYES: O’Connor

Motion carried 4-1. Appeal denied with 30 days to comply.
11-9-053
Appeal denial of proposed driveway location on the south side of Bedford Avenue to be offset from
the existing driveway location on the north side of Bedford Avenue at 3223 North 108th Street:
Jason Thiellen, E & A Consulting Group, Inc., 330 North 117th Street 68154 on behalf of TFL, Inc.,
202 South 73rd Street 68114

Jason Thiellen, appeared before the board. Mr. Thiellen stated the location of the driveway waiver is
near 108th and Maple. This is a redevelopment of the former KFC and will be a Tobacco 4 Less.
The current driveway is not conducive to allow a tanker truck to move around. In addition, Bedford
Avenue technically functions like a local street. The proposed driveway location on the south side of
Bedford Avenue is not as big of an issue as it would be on a public collector street. He indicated that
he has worked with Public Works through this process.

Ryan Haas, City of Omaha, Public Works, stated that Public Works would be in favor of the driveway
waiver.

Mr. Levy made a motion to approve the appeal subject to the plans submitted. Second by Mr.
Simmonds.

AYES: Levy, Lopez, Simmonds, O’Connor
ABSTAIN: Samiev

Motion carried 4-0-1. Appeal granted subject to the plans submitted.

III. Approval of Minutes from August 29, 2011

Motion to approve the minutes from the August 29, 2011 meeting by Mr. Levy. Second by Mr. Lopez.

AYES: Levy, Lopez, Simmonds, O’Connor
ABSTAIN: Samiev

Motion carried 4-0-1.

IV. Adjournment

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

AYES: Levy, Lopez, Simmonds, Samiev, O’Connor

Motion carried 5-0. Meeting adjourned at 1:40 PM.

Debbie Hightower, Planning Department
Recording Secretary

Visit the Planning Department’s Site on the Internet at
http://co.douglas.ne.us/omaha/planning/boards/administrative-board-of-appeals