MEMBERS PRESENT:
Ann M. O’Connor, Chair
David C. Levy, Vice Chair
Jim Weaver
Jose Lopez-Nuno
John R. Barrett, Alternate

MEMBERS ABSENT:
Bode M. A. Labode
Marty Conboy, Alternate

OTHERS PRESENT:
Timothy Himes, Law Department
Kevin Denker, Planning Department
Yvonne Barna, Planning Department
Kevin Mulcahy, Planning Department
Ryan Haas, Public Works Department
Rikki Flott, Recording Secretary

ROLL CALL:
Ms. O’Connor called the meeting to order at 1:00 pm. The Board received as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Cases:

1. 14-6-040
Dana J. Guyton
8206 N. 36th St.
Omaha, NE 68112
REQUEST: Appeal Police Department denial of firearm registration

Dana Guyton appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that applicant attempted to register a firearm on May 21, 2014 and was denied because of an October 3, 2005 conviction for marijuana less than an ounce.

Mr. Guyton explained that the conviction occurred when he was 16 years old. He added that he is currently a full-time student and the father of three children. He stated that he currently does not use any controlled substances.

In response to Mr. Weaver, Lt. Sedlacek stated that the applicant has nothing else on his record after the 2005 conviction.

Mr. Levy moved to GRANT the appeal. Mr. Lopez-Nuno seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.
2.

14-6-041
Elijah L. Bass, Jr.
6906 N. 41st St.
Omaha, NE 68112

REQUEST: Appeal Police Department denial of firearm registration

Elijah Bass, Jr. appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that applicant attempted to register a firearm on May 23, 2014 and was denied as a result of a December 8, 2006 conviction for Carrying a Concealed Weapon. He noted that, besides a few traffic offences, there were no other convictions on the applicant’s record.

Mr. Bass stated that he was appealing because of the length of time that has passed since the conviction.

In response to Mr. Weaver, Mr. Bass explained that, at the time, he was not aware that he needed to take a class before carrying a concealed weapon. He added that he sold the gun that he was not allowed to register to his friend. Lt. Sedlacek explained that if the Board decided to grant the appeal, the Police Department would make note of it and allow the applicant to register other firearms in the future.

Mr. Weaver moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.

3.

14-6-042
Timothy Hickman-Smith
5616 N. 29th St.
Omaha, NE 68111

REQUEST: Appeal Police Department revocation of firearm registration

Timothy Hickman-Smith appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that applicant was served a Protection Order for domestic violence on April 22, 2014. As a result, he was sent a letter from the Police Department on May 23, 2014 stating that his gun registration was revoked. The protection order was still active as of the date of the meeting.

Mr. Hickman-Smith stated that he wanted to keep his gun and that he has received threats from the person who applied for the Protection Order.

In response to Mr. Levy, Lt. Sedlacek stated that he believed that the gun was still in the applicant’s possession and that it could be transferred to another individual until the expiration of the Protection Order which is 1 year from its issue date.

Mr. Weaver stated that he could not support the request since the active Protection Order was still active.

Mr. Weaver moved to DENY the appeal. Mr. Barrett seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL DENIED 5-0.
4.
14-6-043
Eric Muller
12207 Crawford St.
Omaha, NE 68144
REQUEST: Appeal Police Department denial of firearm registration

Eric Muller appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that on May 29, 2014 the applicant was denied a firearm registration due to a November 22, 2013 conviction for Carrying a Concealed Weapon. He added that there were no other convictions on the applicant’s record.

Mr. Muller explained that he was transporting the gun at the time he was charged and was unaware of the requirements for doing so.

In response to Mr. Levy, Lt. Sedlacek stated that the applicant currently has three other guns registered with the Police Department and that if the request was denied the registrations for those guns would be revoked. Lt. Sedlacek explained that if a gun is being transported in a vehicle it must be unloaded inside of a cargo or luggage compartment that is not accessible to the driver or other passengers inside the vehicle. It could also be unloaded and broken down in an enclosed case or trunk.

Mr. Levy felt the facts showed that the applicant acted unknowingly and expressed support for the request.

Mr. Levy moved to GRANT the appeal. Mr. Weaver seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.

5.
14-6-044
Quincy M. Pointer
5518 N. 50th Street
Omaha, NE 68104
REQUEST: Appeal Police Department denial of firearm registration

Quincy Pointer appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that on June 12, 2014 the applicant was denied a gun permit registration due to two Carrying Concealed Weapon convictions (July 15, 2005 and July 13, 2006) and two convictions for possession of marijuana less than an ounce (November 9, 2005 and December 16, 2005).

Mr. Pointer explained that he no longer uses any controlled substances and that he has worked his job for approximately 9 years. He added that he is a homeowner with a family and would like to own a gun for protection. In response to Mr. Levy, Mr. Pointer stated that his employer requires random drug testing as part of employment and that he has passed them all.

Mr. Weaver moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.
6.
14-6-045
Michelle Smith
3110 Cottage Grove Ave.
Omaha, NE 68132
REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 3110 Cottage Grove Avenue)

No one appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that the notice was issued by the Omaha Police Department. The complaint was for an un-plated vehicle parked in the yard. An inspector from Permits and Inspections went to the property the week before the meeting and did not see the vehicle in the yard. Mr. Denker submitted pictures of the property (Exhibit 2). He suggested that the Board deny the request in the event that the case comes back before the Board.

Mr. Weaver moved to DENY. Mr. Levy seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL DENIED 5-0.

7.
14-6-046
James Bogensberger
2004 N. 50th St.
Omaha, NE 68104
REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 1810 Northwest Radial Highway)

James Bogensberger appeared before the Board. Kevin Mulcahy, Housing Inspector – Permits and Inspections also appeared.

Mr. Mulcahy stated that a complaint was received about expired plates at 1810 Northwest Radial Highway. The vehicle was not in running condition and a Notice of Nuisance was issued. He added that there are now current plates on the vehicle; however, it is still not in running condition. He submitted pictures of the vehicle (Exhibit 2).

Mr. Bogensberger stated that he had registered the vehicle and that it was in running condition. He also repaired a flat tire on the vehicle. He presented to the Board a copy of the current registration that was valid from May 22, 2014 through November 2014. Mr. Denker explained that vehicles longer than 20’ are not allowed in the front yard setback, even if the surface was paved. There was some discussion about the actual setback of the home and whether the vehicle was in compliance. Mr. Denker suggested that the case be laid over to give the inspector the opportunity to measure the front yard setback. He explained that if the applicant was in compliance, Permits and Inspections would inform the Board and the applicant would not be required to reappear.

Mr. Weaver moved to LAYOVER until the July 28, 2014 meeting. Mr. Lopez-Nuno seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL DENIED 5-0.
8.
14-6-047
Donald L. Reents
1205 S. 27th St.
Omaha, NE 68105
REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 1216 South 27th Street)

Donald Reents appeared before the Board. Yvonne Barna, Housing Inspector – Permits and Inspections, also appeared. Ms. Barna stated that the applicant contacted her and said that he was attempting to sell the sheds and vehicles. When she visited the property she noted that the vehicles were on paved surfaces and had “for sale” signs on them. She was in support of giving the applicant extra time.

Mr. Reents stated that he was appealing so that he could have time to resolve the situation. He requested 30 days. He stated that a trailer that had been sitting on the property was sold, leaving one truck.

Mr. Weaver moved to LAYOVER for 60 days until the August 25, 2014 meeting. Mr. Lopez-Nuno seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL DENIED 5-0.

9.
14-6-048
Virgil D. Anderson
Anderson Excavating
1920 Dorcas St.
Omaha, NE 68108
REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 2410 Center Street)

Kevin Denker, Chief Housing Inspector, suggested that Cases 14-6-048 and 14-6-049 be heard together. Yvonne Barna, Housing Inspector – Permits and Inspections, appeared before the Board. Ms. Barna stated that she had previously written notices for the two properties, but they had expired. After receiving additional complaints, the owner of the properties was notified again. She explained that there are two campers sitting on a commercial property, hooked up to utilities, with families living in them. She added that sewage was being dumped onto the lots. The applicant claimed that the individuals are there for security reasons. The camper at 2410 Center Street is sitting on grass.

Alan Williams, Husch Blackwell – 13330 California Street, appeared on behalf of Anderson Excavating. It was his contention that residential zoning regulations should not apply since the properties are zoned Heavy Industrial. He explained that the structures house overnight guards who protect the property from theft and graffiti. He felt that the structures should be considered as accessory buildings. Mr. Denker responded that mobile homes are limited to areas zoned for mobile home parks. He explained that the campers would be allowed if they were stored on the property; however, they cannot be occupied.

In response to the Board, Mr. Williams stated that the security guards are employed personally by Virgil Anderson, the owner of the property. He added that the structures were basically being used as guard shacks and as shelter for the workers.
The Board reviewed pictures of the property that were presented by Ms. Barna. Mr. Weaver stated that he was comfortable deciding whether the structures should be considered as campers or mobile guard shacks. He noted that the applicant had the option of appealing to the District Court.

Mr. Weaver moved to DENY the request. Mr. Barrett seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, O’Connor

NAYES: Levy

ACTION: APPEAL DENIED 4-1.

11.
14-6-050

Robert E. Moser
6725 Grant St.
Omaha, NE 68104

REQUEST: Appeal Police Department Notice of Nuisance
(RE: 2040 North 67th Street)

Robert Moser appeared before the Board. Kevin Mulcahy, Housing Inspector – Permits and Inspections, also appeared.

Mr. Mulcahy stated that he visited the property and did not find the vehicle that was reported to be on a non-paved surface. However, there was a vehicle in a shed that was not licensed; he was not sure whether it needed to be. He submitted pictures of the property to the Board (Exhibit 2).

Mr. Moser stated that the trouble he is having is the result of a bad relationship with a family member. In response to the Board, Lt. David Sedlacek stated that if a vehicle is closed up in a garage it does not need to be plated.

Mr. Levy noted that the ’97 Pontiac Transport had been placed on a paved surface and that the vehicle in the shed did not need to be licensed.

Mr. Levy moved to GRANT the appeal. Mr. Lopez-Nuno seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.

12.
14-6-051

Robert E. Moser
6725 Grant St.
Omaha, NE 68104

REQUEST: Appeal Police Department Notice of Nuisance
(RE: 6725 Grant Street)

Robert Moser appeared before the Board. Kevin Mulcahy, Housing Inspector – Permits and Inspections, also appeared.

Mr. Mulcahy stated that he was notified by the police of several vehicles on the property with expired plates. He submitted photos of the vehicles (Exhibit 2). The applicant stated that all of the vehicles had been plated. With regards to the litter on the property, Mr. Moser stated that there was a pile of dirt on the driveway that he will remove when the weather permits. There was some discussion about removal of other items that had been placed on top of cars.
Mr. Levy moved to DENY the appeal. Mr. Barrett seconded the motion.

AYES: Barrett, Lopez-Nuno, Levy, O’Connor

NAYES: Weaver

ACTION: APPEAL DENIED 4-1.

Dean Jaeger and Ryan Haas, City of Omaha – Public Works Department, appeared before the Board. Mr. Haas stated that he had worked with the applicant to resolve the two driveway issues for the site. One of those issues was resolved; however, there are still two driveways proposed for the site, one on 110th Street and the other on Corby Street.

Mr. Jaeger stated that his client felt that one driveway would not be sufficient for the number of units being proposed and that one driveway would also cause a safety issue. In response to Mr. Barrett, Mr. Jaeger stated that project is new construction and not an improvement. He added that it is actually an expansion of an existing project. In response to Mr. Levy, Mr. Haas stated that the two driveways are appropriately located even though just one of the driveways is allowed.

Mr. Levy moved to GRANT the appeal. Mr. Weaver seconded the motion.

AYES: Lopez-Nuno, Weaver, Levy, O’Connor

NAYES: Barrett

ACTION: APPEAL GRANTED 4-1.

Pat Hillyer, Jeff Funk (Lumberman’s) and Ryan Haas, City of Omaha – Public Works Department, appeared before the Board.

Mr. Haas stated that the site plan shows that the property owner is attempting to provide better circulation of traffic and separate contractor and truck deliveries from smaller vehicles. He explained that driveway regulations allows for pairs of one-way driveways to replace single two-way driveways, which the City attempts to regulate by restricting the width of the drives. He noted that there are no regulations for industrial driveways for one-way pairs since it would be difficult for trucks to navigate a 20’ wide driveway. He explained that the applicant was requesting that one of the driveways be 50’ when only 40’ is allowed. He noted, however, that the site is located on a low-volume, low-speed frontage road and that the need for the request is a result of existing improvements. He concluded that, under the circumstances, the request was not extreme.
Mr. Hillyer explained that the plan is to move the east driveway further to the east so that it can line up with the new contractor entrance. The goal is to promote safety for retail traffic by relocating contractor and semitrailer delivery traffic. He noted that the proposed 50’ driveway is smaller than the existing 60’ driveway. He presented a picture that showed how difficult it is for a truck to maneuver (Exhibit 2) if there was already one truck at the loading dock. He also submitted a picture showing contractor and retail traffic on the site (Exhibit 3). In response to Mr. Levy, Mr. Hillyer stated that the east driveway is 40’ and the west driveway is 60’. They are both used as two-way drives. The owner proposes to install signage to show that each driveway is for entering and exiting only.

Mr. Funk explained the existing traffic flow on the site. He stated that the goal is to create one-way traffic around the perimeter of the building. As proposed, the plan would allow semi-trucks to easily maneuver the site. An existing gate on the property that has been closed would also be opened to assist with traffic flow. In response to Mr. Levy, Mr. Funk stated that the proposal to narrow the driveway was made in an attempt to come to a compromise with the City and to make the driveway less welcoming to semi-truck traffic. In addition, the plan would allow for diagonal parking against the building; ten parallel parking stalls would be added adjacent to the proposed island.

Mr. Weaver stated that there should be no impact to the traffic in the area.

Mr. Weaver moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

ACTION: APPEAL GRANTED 5-0.

15.
14-6-055
Luke Weatherly
Olsson Associates
2111 S. 67th St., Ste. 200
Omaha, NE 68106
REQUEST: Appeal Public Works Department denial of driveway permit
(RE: UNMC, Ambulatory Care Facility, 40th and Leavenworth Streets)

Luke Weatherly, Neil Bourne (RDG Planning & Design) and Ryan Haas, City of Omaha – Public Works Department, appeared before the Board.

Mr. Haas stated that the City had met with the applicant on several occasions and that attempts had been made to bring the site into compliance with driveway regulations as much as possible.

Mr. Weatherly provided some background information on the site and submitted additional plans (Exhibit 2). He noted the various grade changes on the lot.

Mr. Bourne described the use of the building which would be built into the hill. He explained that the lowest level of the building allows entry into the garage, the middle level is for front door drop-offs, and the highest level is for dock functions off of Emile Street. He discussed proposed changes which included removal of the 41st Street exit and truck dock access on the north side of the building away from the pedestrian walkway and main entrance. Due of site grade changes, the property owner preferred three access points, two along 40th Street and the truck dock. Mr. Bourne added that he felt patients and visitors would be better served with a “high-low” entrance.

With regards to the driveway on Jones Street, Mr. Haas stated that waivers were required since it was too close to 40th Street and because it would require a back-in maneuver; however, he noted that it was one of the best alternatives considering the circumstances. He agreed that the location of the southern driveway on 40th Street was appropriately placed since it would be aligned with a driveway across the street. He stated that Public Works felt that it was appropriate to consolidate the driveways (shown in applicant’s
Exhibit 2B) and were supportive of that request. There was some discussion about the type of vehicles that would use the Jones Street entrance and how they would maneuver the area. The applicant stated that back-in truck parking would be restricted from midnight to 2:30 a.m.

In response to Ms. O’Connor, Mr. Haas stated that the two driveways would create more conflict points as opposed to one driveway that would concentrate them in one location.

Mr. Levy moved to GRANT the appeal. Mr. Barrett seconded the motion.

AYES: Barrett, Lopez-Nuno, Weaver, Levy

NAYES: O’Connor

ACTION: APPEAL GRANTED 4-1.

**APPROVAL OF MINUTES:**

Motion by Mr. Levy to approve the minutes from April 28, 2014. Second by Mr. Lopez-Nuno.

AYES: Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 4-0.

**ADJOURN:**

Motion to adjourn by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0.

Meeting adjourned at 2:51 pm.