MINUTES
Administrative Board of Appeals
November 24, 2014

MEMBERS PRESENT:
David C. Levy, Vice Chair
Jim Weaver
Jose Lopez-Nuno
Bode M. A. Labode

MEMBERS NOT PRESENT:
Ann M. O’Connor, Chair
Marty Conboy, Alternate
John R. Barrett, Alternate

STAFF PRESENT:
Timothy Himes, Jr., Law Department
Kevin Denker, Planning Department
Rikki Flott, Recording Secretary

ROLL CALL:
Mr. Levy 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. 14-11-077
   Anthony D. Mayo
   2114 Binney Street
   Omaha, NE 68110
   REQUEST: Appeal Police Department denial of firearm registration

Anthony Mayo appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Mayo applied to register a firearm on October 16, 2014 and was denied due to a marijuana less than an ounce conviction on January 23, 2012.

Mr. Mayo stated that his reason for the appeal was that since the conviction he matured, had children and was concerned with the safety of his neighborhood.

In response to Mr. Weaver, Lt. Sedlacek stated that Mr. Mayo’s entire criminal record was submitted as Exhibit 1 and that he only received traffic violations since the 2012 conviction. Mr. Mayo responded to Mr. Weaver that he served jail time for driving under suspension and questioned the process of registering a firearm. Lt Sedlacek and Mr. Levy explained to Mr. Mayo the process of registering a firearm within the city and that the process was separate from county regulations. Mr. Levy then commented that Mr. Mayo’s conviction was only 2 years prior.

Motion to DENY by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal denied.
3.  14-11-079  
Christopher Haag  
5149 South 98th Plaza, Apt. 14  
Omaha, NE 68127  

REQUEST: Appeal Police Department denial of waivers for Handgun Safety Training

Mr. Haag was not present. The Board Secretary stated that a return confirmation of certified mail was not received, but that on November 21, 2014 she left a voicemail with the applicant regarding the meeting. Lt. David Sedlacek, Omaha Police Department, stated that the applicant’s submitted paperwork was questionable, but at a later time was confirmed to be authentic.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal granted.

4.  14-11-080  
Gary L. Gilmore Jr.  
7128 Sarpy Avenue  
Bellevue, NE 68147  

REQUEST: Appeal Police Department denial of firearm registration

Gary Gilmore Jr. appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Gilmore applied to register a firearm on October 27, 2014 and was denied due to a concealed weapon conviction on August 28, 2007, the weapon was found under the front passenger seat during a traffic stop.

Mr. Gilmore stated that the traffic stop resulting in the conviction occurred after leaving an Omaha shooting range in route to his home in Bellevue. He explained that he assumed his Sarpy County purchase certificate was also valid in Douglas County. Mr. Gilmore stated that he recently purchased a new firearm that he wanted to register in Omaha to avoid violations while visiting the Omaha shooting range.

Lt. Sedlacek confirmed to the Board that Mr. Gilmore had no other convictions on his record since 2007.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal granted.

6.  14-11-081  
Jesus and Sharon Perez  
3802 South 24th Street  
Omaha, NE 68107  

REQUEST: Appeal Planning Department Notice of Nuisance (RE: 3802 South 24th Street)

Jesus and Sharon Perez appeared before the Board. Joe Adriano, City Planning, stated that Notice was for a truck vending vehicle parked in a residential zone and that Mr. and Mrs. Perez requested permission to park their vending vehicle at their residence, against zoning regulations. He then submitted photos of the vehicle (Exhibit 2). Mr. Adriano confirmed to the Board that the Nuisance was not for setback violations of the parked vehicle.
Mr. Perez stated that he was aware he could not sell food from the vending vehicle while at his residence and requested to only park the vending vehicle at their residence. He added that the vehicle needed to be plugged into an electrical outlet to keep the food cold and that the generator normally used was stolen when someone broke into the vehicle.

In response to the Board, Mr. Denker discussed the zoning code regarding commercial vehicles parked at a residence. Mr. Perez explained the vehicle needed to be plugged in at the residence from approximately 3:00 am to 4:00 pm the following day to keep the food and drinks cold. He then confirmed he obtained proper state and city permits to operate the business. Mr. Adriano stated that the zoning district at this address was R7 and that if the vending vehicle was parked in the driveway, there was space to park a vehicle behind the vending vehicle. Mr. Perez stated that the truck was 18 feet by 8 feet.

Mrs. Perez stated that they have children to provide for and they were trying to follow all regulations. Mr. Perez stated that the restaurant where they park the vehicle to sell food was on South 24th and N Streets, but that parking was only available on the street and electricity was not available. He added that items were stolen from the vehicle when parked in the back of the restaurant.

Mr. Weaver commented that the applicants were not selling food from the residence and only requested to park the vehicle at the residence. Mr. Levy noted that the vehicle met front yard setbacks and was parked on pavement.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal granted.

7.
14-11-082
Robert E. Moser
6725 Grant Street
Omaha, NE 68104
REQUEST: Appeal Police Department Notice of Nuisance
(RE: 7056 Izard Street)

Robert Moser appeared before the Board. Officer James Stokes, Omaha Police Department, stated that Notice was for a white Dodge Caravan with flat tires and another vehicle with expired plates. Kevin Mulcahy, Planning Department submitted photos of the vehicles (Exhibit 2). Officer Stokes stated that upon inspection, he found the applicant was in compliance and that the green truck was parked on pavement, in operational condition and had historical plates with no expiration date. He also explained that the van had a left front tire that kept going flat.

Mr. Moser stated that he planned to put a new tire on the van. In response to the Board, Officer Stokes stated that both vehicles appeared to be in operation condition with current registration. He also stated that the green truck was never in violation and that the issue with the van was a flat tire.

Motion to APPROVE by Mr. Labode. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal granted.
8.
14-11-083
Todd Heistand
NuStyle Development
514 Walker Street
Woodbine, IA 51579

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: The Wire, 20th & Dodge Streets)

Todd Heistand was not present. Kevin Denker, City Planning, stated that the applicant requested the case be held over until the December 29, 2014 meeting and that the Public Works Department had no objection to hold over the case.

Motion to HOLD OVER the case until the December 29, 2014 meeting by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver
ABSTAIN: Levy

Motion carried 3-0-1. Appeal held over to the December 29, 2014 meeting.

2.
14-11-078
Tyler J. Donner
12962 Corby Street
Omaha, NE 68164

REQUEST: Appeal Police Department denial of firearm registration

Tyler Donner was not present when his case was called. The Board Secretary stated that she received return confirmation of the notice sent out to Mr. Donner by certified mail. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Donner applied to register a firearm on October 17, 2014 and was denied due to marijuana less than an ounce convictions dated January 7, 2009 and June 19, 2012. In response to Mr. Weaver, Lt. Sedlacek confirmed that on December 17, 2013 Mr. Donner was the victim of the crime. Mr. Weaver then requested to set aside the case to the end of the meeting.

Tyler Donner was not present when his case was called a second time. Mr. Levy reiterated information given to the Board when the case was first called.

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

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal denied.

5.
14-10-072 from 10/27/14
Mitchell T. Anderson
12120 Stonegate Drive #311
Omaha, NE 68164

REQUEST: Appeal Police Department denial of firearm registration

Mitchell Anderson was not present when his case was called. Kevin Denker, Planning Department, stated that the case was held over from the October 27, 2014 meeting. The Board Secretary stated that she received return confirmation of the notice sent to Mr. Anderson by certified mail and also left a voicemail for the applicant. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Anderson applied to register a firearm on October 7, 2014 and was denied due to a marijuana less than an ounce conviction on April 19, 2011. Mr. Weaver then requested to set aside the case to the end of the meeting.
Mitchell Anderson was not present when his case was called a second time. Mr. Levy reiterated information given to the Board when the case was first called. Mr. Denker reminded the Board that the case was held over from the October 27th meeting because the applicant was not present.

Motion to DENY by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Appeal denied.

**ADJOURN:**

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

AYES: Labode, Lopez-Nuno, Weaver, Levy

Motion carried 4-0. Meeting adjourned at 1:55 pm.