MINUTES
Administrative Board of Appeals
October 26, 2015

MEMBERS PRESENT:
Jose Lopez-Nuno
Brian Kruse
John R. Barrett, Alternate

MEMBERS NOT PRESENT:
David C. Levy, Vice Chair
Marty Conboy, Alternate

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

ROLL CALL:

Mr. Lopez-Nuno 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.

Mr. Barrett moved to elect Mr. Lopez-Nuno as acting chairman for the meeting. Second by Mr. Kruse.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0.

Cases:

1. 15-10-080
Larry Jobeun
Fullenkamp Doyle & Jobeun
11440 West Center Road
Omaha NE 68144

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 64th Avenue & Arbor Street, UNO Arena Parking Lot)

Larry Jobeun, Fullenkamp Doyle & Jobeun, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the request for 2 driveways was non-compliant but occasionally needed for an event parking lot of this size. He added that the proposed driveways onto Arbor Street and 64th Avenue were onto low-volume, low-speed local streets.

Mr. Jobeun stated that the proposed lot was acquired by Aksarben Future Trust and would be controlled by the University of Omaha for their arena events. He added that the lot would be gated and not open to the public on a daily basis. In response to the Board, he submitted aerials of the site (Exhibit 2) and stated that a completion date was approximately spring of 2016.

Motion to APPROVE by Mr. Barrett. Second by Mr. Kruse.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.
2.
15-10-081
Larry Jobeun
Fullenkamp Doyle & Jobeun
11440 West Center Road
Omaha NE 68144
REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 72nd & Hickory Streets, QuikTrip)

Larry Jobeun, Fullenkamp Doyle & Jobeun, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that prior approval was granted by the Board for this on July 27, 2015 and that the plan has changed slightly with one driveway shifted north. He added that the non-compliance issues were the request for 2 driveways and spacing from the adjacent driveway on the property to the south. He then explained that the Department was not objected to the proposed plan if an internal access easement was granted upon future development of the adjacent property to the south.

Mr. Jobeun submitted a copy of the July 27, 2015 case file for the approved waiver of driver requirements (Exhibit 2). He explained the internal reconfiguration of the site flipped the building and canopy on the new proposed plan and the driveway shifted 70 feet to the north. He stated that the property owner was agreeable to easement rights for the adjacent property to the south upon future development. In response to the Board, Mr. Jobeun explained that permits and approvals were required for development of the adjacent property to the south and easement rights would be granted at that time.

Motion to APPROVE by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.

3.
15-10-082
Curt Field
Prochaska & Associates
11317 Chicago Circle
Omaha NE 68154
REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 36th & King Streets, OPS Florence Elementary)

Bernard Hottovy, Prochaska Associates, and Zach Crisman, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed site added a bus drop off and pick up lane on the 36th Street frontage of the school and that the Department worked with Omaha Public Schools (OPS) for the safest configuration. He added that the grade change behind the school limited configuration of the driveways. He noted that school representatives committed to “school buses only” signage and placement of safety cones to prevent passenger vehicles from accessing bus lane entrances. Mr. Haas stated that non-compliance for the site was the request for a third access, but that the Department was not opposed to the waiver request.

Mr. Hottovy stated that handicapped parking was moved closer to the school and that the staff provided on-site traffic control for safety.

Motion to APPROVE by Mr. Barrett. Second by Mr. Kruse.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.
4. 15-10-083
Jenny Zimmer
Alley Poyner Macchietto Architecture
1516 Cuming Street
Omaha NE 68102

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 24th Street & Landon Court, The Sterling)

Jenny Zimmer, Alley Poyner Macchietto Architecture, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed site was in the vicinity of another project that was recently granted similar waivers by the Board. He explained that the gated parking lot access did not meet the distance requirement of 20 to 25 feet from the curb and that the minimum driveway width regulation was 22 feet for two-way traffic but the plan proposed a driveway width of 13 feet. He also explained that this was a unique site and that Landon Court narrowed from 24th Street on the west to 22nd Street on the east and was substandard with minimal traffic.

Ms. Zimmer stated that the request was the sixth parking lot of a larger project and that 5 other parking lots were previously approved. She added that the site was an addition to the larger project and that space was limited for a secured access. In response to the Board, she stated that the lot had 17 total reserved parking spaces for residents only.

Motion to APPROVE by Mr. Barrett. Second by Mr. Kruse.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.

5. 15-10-084
John Coolidge, Jr.
Lamp Rynearson & Associates, Inc.
14710 West Dodge Road, Suite 100
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 184th Avenue & California Street, proposed H&H Kia)

John Coolidge, Lamp Rynearson, and Ted Zetzman and Jay Noddle, Noddle Companies, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the site was a proposed dealership and the request for a second driveway was con-compliant.

Mr. Coolidge stated that 2 driveways limited traffic along the residential street to the north and minimized interference associated with the Elementary School along 184th Avenue to the west.

Mr. Zetzman agreed that that two driveways improved circulation on the site and limited traffic through the residential neighborhood. In response to the Board, Mr. Noddle stated that because the proposed plan allowed ease of ingress and egress to and from the site, delivery trucks were encouraged to park on site rather than on the local streets. He then submitted an aerial of the proposed site (Exhibit 2) and responded that vehicles routing to the dealership approached the entrance at 184th Avenue from the south before reaching the school entrance.

Motion to APPROVE by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.
6.  15-10-085
Brian Timmons  REQUEST:  Appeal Public Works Department denial of
The Garage Company  driveway permit
8301 Q Street  (RE: 6253 Ponderosa Circle)
Omaha NE 68127

Brian Timmons, The Garage Company, and Brian and Monica Barry, owners, appeared before the Board. Mike Gaughen, Public Works Department, appeared before the Board. Mr. Gaughen stated that the required curb distance between 2 residential driveways on the same property was 40 feet and that the curb provided proper drainage.

Mr. Timmons stated that the additional driveway was for a new detached garage and that grade change limited the location. He added that Mrs. Barry had disabilities and used the existing attached garage and that the new detached garage was for recreational vehicles.

Mrs. Barry briefly discussed her disability and need to park in the attached garage, and stated that she was unable to park her vehicle in the cul-de-sac during inclement weather. Mr. Timmons explained that the curb was rolled and with the flared design the distance between the 2 driveways was approximately 2 feet. Mr. Gaughen stated that the design of the driveway did not cause harmful drainage to other neighbors and Ms. Barry stated that the neighbor stated she was not opposed. Mr. Timmons submitted an alternate site plan and aerial map (Exhibit 2) and discussed the zoning regulations for street yard landscaping. Mr. Barry stated that parking on the street was limited to frontage on 2 of the 6 homes in the cul-de-sac.

Motion to APPROVE by Mr. Barrett. Second by Mr. Kruse.

AYES:  Barrett, Kruse, Lopez-Nuno

Motion carried 3-0.  Appeal granted.

7.  15-10-086
Jeff Mooney  REQUEST:  Appeal Public Works Department denial of
2115 South 90th Street  driveway permit
Omaha NE 68124  (RE: 2115 South 90th Street)

Jeff Mooney, appeared before the Board. Mike Gaughen, Public Works Department, appeared before the Board. Mr. Gaughen stated that the required curb distance between 2 residential driveways on the same property was 40 feet and that Mr. Mooney requested 31 feet.

Mr. Mooney stated that high traffic volume along 90th Street caused him difficulty backing out of his residential driveway and requested 2 drives for a u-shaped driveway. He added that other homes in the area along 90th Street also had a similar u-shaped driveway for the same reason.

Motion to APPROVE by Mr. Kruse. Second by Mr. Barrett.

AYES:  Barrett, Kruse

NAYS:  Lopez-Nuno

Motion carried 2-1.  Appeal granted.
8.
15-10-087
John A. Troshynski
7424 North 82nd Avenue
Omaha NE 68122
REQUEST: Appeal Police Department Notice of Nuisance (RE: 7424 North 82nd Avenue)

John Troshynski appeared before the Board. Kevin Denker, Planning Department, explained that Mike Johnson, Planning Department, and Officer James Stokes, Omaha Police Department, visited the site today and that the inboard/outboard motor boat violated the setback regulation when placed on the end of the boat (Exhibit 2). He further explained that today the boat measured 19.6 feet and that regulation was 20 feet.

Mr. Troshynski stated that he purchased a swing hitch for his trailer that allowed a 90 degree angle. Mr. Denker discussed the regulations for parking within the setback and Mr. Troshynski explained to the Board that the boat was parked in the driveway during summer for cleaning and other times was at a lake.

Motion to DENY with 30 days to comply by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal denied with 30 days to comply.

9.
15-10-088
Marvin Smith
2121 Spencer Street
Omaha NE 68110
REQUEST: Appeal Police Department revocation of firearm registration

Marvin Smith appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Smith’s firearm registration was revoked on September 14, 2015 due to an active domestic abuse protection order and was still in effect.

Mr. Smith submitted to the Board a copy of the dismissal of the protection order signed (Exhibit 2) and that the dismissal was issued on the preceding Friday.

Motion to APPROVE by Mr. Barrett. Second by Mr. Kruse.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal granted.

10.
15-10-089
Venitia N. Page
3315 Laurel Avenue
Omaha NE 68111
REQUEST: Appeal Police Department denial of firearm registration

Venitia Page was not present when her case was called. The Secretary verified that a return receipt for certified mail signed by Ms. Page was received. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Ms. Page applied to register a firearm on October 2, 2015 and was denied due to a marijuana less than one ounce conviction dated May 15, 2007.
Motion to HOLDOVER until the November 30, 2015 by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal held over until the November 30, 2015 meeting.

11.
15-10-090
Willis Lamar Dunkin
5346 North 45th Street
Omaha NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Willis Dunkin appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Dunkin applied to register a firearm on September 24, 2015 and was denied for an assault and battery conviction dated February 21, 2014 which he served 5 days in jail. He added that the only other items on Mr. Dunkin’s record were for traffic violations.

Mr. Dunkin stated that the incident from 2014 was a family dispute at a private residence and explained that his sister pulled a knife on him so he grabbed the knife from her and hit her. Mr. Barrett explained that his vote today was based on ordinance regulations established by the City and not by Mr. Dunkin’s character. Mr. Kruse noted that the conviction was very recent.

Motion to DENY by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal denied.

12.
15-10-091
Brandon L. Jarmon
3404 John A. Creighton Boulevard
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Brandon Jarmon appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Jarmon applied to register a firearm on October 2, 2015 and was denied for 3 marijuana less than one ounce convictions dated September 18, 2007 when he was a juvenile, December 12, 2011 and July 18, 2012.

Mr. Jarmon stated that the conviction from 2011 occurred while he was attending college and borrowed his mother’s car. He further explained that marijuana roaches were found in the ashtray of his mother’s vehicle, but did not belong to him. He stated that he had a home with prior break-ins, he had 6 children and wanted a firearm for protection.

Motion to DENY by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Appeal denied.
ADJOURN:

Motion to adjourn by Mr. Kruse. Second by Mr. Barrett.

AYES: Barrett, Kruse, Lopez-Nuno

Motion carried 3-0. Meeting adjourned at 1:57 pm.