MEMBERS PRESENT:
David C. Levy, Chairman
Ann O’Connor, Vice Chair
Brian W. Kruse

MEMBERS NOT PRESENT:
Mark Santo
Jeffrey Beals
Marty Conboy, Alternate
John R. Barrett, Alternate

STAFF PRESENT:
Timothy Himes, Law Department
Scott Benson, 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. 16-09-069
   Jonathan McCarville
   Leo A Daly
   8600 Indian Hills Drive
   Omaha NE 68114-4039
   REQUEST: Appeal Public Works Department denial of driveway permit
   (RE: 74th & Seward Streets, Creighton Prep School)

Jonathan McCarville appeared before the Board. Murthy Koti, Public Works Department, appeared before the Board. Mr. Koti stated that the site had 2 access driveways on Western Avenue and an additional access driveway on 74th Street. After reviewing the case, the Public Works Department concluded that it could not approve the request for 2 additional driveways on 74th Street for the addition that was being built. He mentioned that there was a potential in the near future that the school could extend its jurisdiction west of 74th Street. He added that the school would more than likely go through the process of vacating 74th Street in the future. Noting the large size of the parcel, he stated that he did not believe that the school’s request was unfair; however, city staff did not have the authority to approve the request.

Mr. McCarville stated that in the future, the school would request that 74th Street be vacated. He stated that there was currently one other owner on the block to the west and that the school was in the process of making plans with that owner to obtain the land in the future. After that land had been obtained, 74th Street would become a private road and the extra driveways being requested would be exiting onto a private instead of a public road. The proposed new parking lot would alleviate the need for students to park in surrounding neighborhoods.

Mr. Levy noted that North 74th Street was essentially a dead-end street and could be considered an access-way.
Motion to APPROVE by Mr. Kruse. Second by Ms. O'Connor.
AYES: Kruse, O'Connor, Levy

Motion carried 3-0. Appeal granted.

2.
16-09-070
Larry D Smith
Avant Architects
3337 North 107th Street
Omaha NE 68134-3664

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 4604 Dodge Street, Pinnacle Bank)

Larry Smith appeared before the Board. Murthy Koti, Public Works Department, appeared before the Board. Mr. Koti stated that there was an issue with the length of stacking that was being proposed as part of the project. The applicant was proposing to use part of the existing alley for stacking for the ATM and the full-service window. He explained that stacking length being proposed was 96’ from the window and 75’ from the ATM. The length for the ATM met the current standards; however, the current standards for the full-service window were 200’. He added that those standards were being re-evaluated due to the rise in electronic banking, which reduced visits to the window. The length was being modified in the near future to 100’, which would bring the window length into compliance.

Mr. Smith stated that the bank was proposing to widen the alley for two-way traffic, adding that they had spoken with an adjacent neighbor and OPPD about that portion of the project.

Motion to APPROVE by Mr. Kruse. Second by Ms. O'Connor.
AYES: Kruse, O'Connor, Levy

Motion carried 3-0. Appeal granted.

3.
16-09-071
Randy Kuszak
Lamp Rynearson & Associates Inc
14710 West Dodge Road, Suite 100
Omaha NE 68154-2027

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 13619 Industrial Road, Diesel Power site)

John Coolidge, Randy Kuszak and Carol White (Lyman-Richey) appeared before the Board. Murthy Koti, Public Works Department, appeared before the Board. Mr. Koti stated that the site was located in an industrial area and had a couple of access points along 136th Street. Because portions of the site were being rebuilt, current driveway regulations went into effect. The current policy allows only one driveway per site. The request was for an additional driveway, which Public Works could not approve administratively. He noted that the area was industrial and low-volume and that the second driveway was already existing.

Mr. Coolidge stated that Lyman-Richey was reconfiguring the site so that it could serve as a truck maintenance facility. He explained that there were entrances on either side of the building, but there was no room to provide access for a truck from one side to the other.

Motion to APPROVE by Mr. Kruse. Second by Ms. O'Connor.
AYES: Kruse, O'Connor, Levy

Motion carried 3-0. Appeal granted.
4.  
16-09-072
Mark Santo  
Mark VII Enterprises  
4028 Hamilton Street  
Omaha NE 68131
REQUEST:  Appeal Public Works Department denial of  
driveway permit  
(RE:  4026 Hamilton Street)

Mark Santo appeared before the Board.  Chris Faulk, Public Works Department, appeared before the  
Board.  Mr. Faulk explained that the driveway permit was denied because there was insufficient details  
for the proposed driveway on the plans and also because the required minimum dimensions of the  
driveway were not met. He added that the lot was very narrow at 60’ and that the existing building took  
up half the lot. The applicant was proposing to construct a garage on the other half, with a driveway  
connecting to the garage door.

Mr. Santo presented exhibits for the file. He explained that the purchase of the building in a blighted or  
near-blighted neighborhood enabled him to qualify to do work with the federal government. He explained  
that he would pick up many of the materials that are needed for projects. However, there is an alley to the  
rear and a garage door on the back of the building that would allow access for larger truck to make  
deliveries to the building. He stated that there was no other business on the street that met the City’s  
driveway requirements. He mentioned the benefits of the business to the community and the fact that he  
had appeared before the Zoning Board of Appeals and had been granted waivers for the project.

Motion to APPROVE by Mr. Kruse.  Second by Ms. O’Connor.

AYES:  Kruse, O’Connor, Levy

Motion carried 3-0.  Appeal granted.

5.  
16-09-073
Richard Onnen, P.E.  
E&A Consulting Group, Inc.  
7130 South 29th Street  
Lincoln, NE  68516
REQUEST:  Appeal Public Works Department denial of  
driveway permit  
(RE:  3303 N. 108th Street, Wash World)

Richard Onnen, Harold Stuckey and Rob Luellen appeared before the Board.  Murthy Koti, Public Works  
Department, appeared before the Board.  Mr. Koti stated that the applicant was requesting a waiver for the  
number of driveways on the site. There were currently 4 driveways on the site that included 2 on 108th  
Street, 1 on Bedford Avenue and 1 on 107th Street. The 2 driveways on 108th Street would be closed. The  
owner was requesting that the driveway on Bedford be moved to the west so that it would realign with the  
driveway on the south. This would also enable it to the meet the 60’ offset requirement from the major  
street. The applicant was also requesting a waiver to the distance between driveways on 107th Street. The  
minimal required distance for 107th Street is 60’; in this case the distance is 0’. Mr. Koti noted that there  
were some grade challenges on 107th Street that prevented that driveway from being moved further south.

Mr. Onnen explained that the 2 remaining driveways would allow for circulation on the site. The existing  
driveway on 107th would also be upgraded to meet current design standards.

Motion to APPROVE by Mr. Kruse.  Second by Ms. O’Connor.

AYES:  Kruse, O’Connor, Levy

Motion carried 3-0.  Appeal granted.
6.

16-09-074
David J. Watkins
2705 North 66th Street
Omaha NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Mr. Watkins appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 10, 2016 the applicant applied to register a firearm but was denied due to an unlawful transportation of a firearm conviction from June 26, 2014 for which he received 9 months probation. There were 2 firearms in the applicant’s vehicle. There was a MIP conviction from 2011, recover stolen property conviction from 2012, a DUI from 2012 and other traffic-related offenses.

Mr. Watkins explained that he was appealing because he wanted a smaller firearm to protect his family. He further explained that the Unlawful Transportation of a Firearm conviction resulted from his association with a former friend who convinced him that stealing items from vehicles would be a way to get money. He stated that the guns found in the car were his and that he had purchased them legally. In response to Mr. Levy, Mr. Watkins stated that he had no objections to taking firearm safety classes. In response to Mr. Kruse, Mr. Watkins stated that he successfully completed his probation.

Motion to DENY by Ms. O’Connor. Second by Mr. Kruse.

AYES: Kruse, O’Connor

NAYES: Levy

Motion carried 2-1. Appeal denied.

7.

16-09-075
Joe L. McManis Jr.
5926 South 136th Circle
Omaha NE 68137

REQUEST: Appeal Police Department denial of firearm registration

Joe McManis appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 22, 2016 the applicant applied to register a firearm but was denied due to a possession of marijuana less than 1-ounce conviction from January 28, 2009 for which he was fined $300. The other items on his record was a fraud conviction from 2014 and other traffic-related offenses.

Mr. McManis stated that he was a responsible gun owner and hunter.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal granted.
8.

16-09-076
Jeffrey J. Goergen
8802 South 45th Avenue
Bellevue NE 68157

REQUEST: Appeal Police Department denial of firearm registration

Jeffrey Goergen and Joe Howard (Attorney – 1403 Farnam Street, Suite 216) appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 17, 2016 the applicant applied to register a firearm and was denied due to 2 marijuana less than 1-ounce convictions from June 16, 2009 and July 8, 2009. He was fined $300 in each case. The applicant also failed to disclose on his application whether he had ever been convicted of a crime. He also had a theft conviction from 2004, a DUI from 2008, a False Information charge from 2009, a theft charge from 2010 and a drug paraphernalia charge from 2012. Those were all misdemeanors and did not affect the applicant’s gun registration.

Mr. Howard spoke about the False Information charge. He stated that the marijuana charges were from some time ago, adding that the applicant wanted the gun for protection. He explained that Mr. Goergen had a family and had become a responsible individual.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal granted.

9.

16-09-077
Jaron Sutton
6105 North 46th Avenue
Omaha NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Jaron Sutton appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 27, 2016 the applicant applied to register a firearm but was denied due to a possession of marijuana less than 1 ounce conviction from August 23, 2010 for which he was fined $300. The only other offenses was a MIP from 2009 and other traffic-related issues.

Mr. Sutton stated that he wanted the firearm for protection. He explained that he was much younger when the offenses occurred.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal granted.

10.

16-09-078
Commodore L. Perkins
4811 Franklin Street
Omaha NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Commodore Perkins appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 22, 2016, the applicant applied to register a firearm and was denied due to 3 previous marijuana less than 1 ounce convictions from June 26, 2007 for which he was fined $100, the second from October 19, 2011 for which he was fined $300, and the last
from July 19, 2014 for which he was fined $300. There was also a carrying a concealed weapon conviction from July 7, 2015 which resulted in 30 days in jail. There were traffic offenses, a false information charge from 2003 and an open container charge from 2008.

Mr. Perkins explained that the gun from the 2015 conviction belonged to his cousin who was licensed to carry a concealed weapon. He stated that he had not used marijuana for close to 2 years, he had a family and he wanted to own a firearm legally. He mentioned that he worked every day and that he had no gang ties.

Mr. Kruse noted that the most recent marijuana conviction was in 2014. Mr. Levy agreed and stated that more time needed to pass.

Motion to DENY by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal denied.

Brandon Peoples appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 23, 2016, the applicant applied to register a firearm and was denied due to a marijuana less than 1 ounce conviction from August 1, 2013, for which he received a fine.

Mr. Peoples wanted the firearm to protect his family. He explained that as a result of the conviction he was suspended for 6 of his college games and he had to take drug test for 1 year. In response to Mr. Kruse, Mr. Peoples stated that at the time of the incident he was not using and that he passed all of the drugs tests he took.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal

Genaro Adauto, Jr. appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on August 26, 2016 the applicant applied for a taxicab permit and was denied due to a careless driving conviction from August 15, 2016 for which he was fined $50. The actual date of the incident was December 1, 2014. While driving his cab, officers observed the applicant accelerating heavily and braking several times. He also was close to striking a raised median several times between Seward Street and Western Avenue on 72nd Street. The vehicle was doing 80 mph in a 30 mph zone. He was also reported as being argumentative at that time.
Mr. Adauto explained that he had picked up an intoxicated individual from a bar and wanted to get the person to their destination as quickly as possible. The passenger was vomiting and argumentative. He stated that he enjoyed driving a taxi and he wanted to return to that occupation.

In response to Mr. Kruse, the applicant stated that the reason he may have appeared argumentative is because the officers did not take into consideration that he had an intoxicated passenger that he had to deal with at the time. He added that he was also upset because he knew that a careless driving conviction would affect his ability to be able to drive a taxi. He stated that he regretted those actions. He mentioned that he has received positive feedback from customers because of his helpful actions and respectful attitude. He also assisted police officers during a drunk driving incident.

In response to Mr. Levy he stated that he did have a job offer that was based on the results of the appeal.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal

13.
16-09-081
Bernard Osthoff
4744 North 64th Street
Omaha NE 68104

REQUEST: Appeal Police Department Notice of Nuisance (RE: 4744 North 64th Street)

Bernard Osthoff appeared before the Board. Scott Benson, Planning Department, and Officer James Stokes, Omaha Police Department appeared before the Board.

Officer Stokes stated that another officer issued the notice and that it appeared that the applicant should not have received it unless the vehicle in question was in a non-operational condition. It appeared as if the vehicle was not registered at the time of the notice although it was. It was still registered at the time of the meeting, was parked on pavement and was in operational condition.

In response to Mr. Kruse, Officer Stokes explained that the vehicle was registered but the tags were just not on it.

Mr. Osthoff explained that he neglected to put the new tags on the vehicle.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal

14.
16-09-082
Michael R. Smith
12317 Crawford Road
Omaha NE 68144

REQUEST: Appeal Police Department Notice of Nuisance (RE: 12317 Crawford Road)

The applicant failed to appear before the Board. Scott Benson, Planning Department, and Officer James Stokes, Omaha Police Department appeared before the Board.

The applicant informed staff that he was out of the country and requested a layover.
Motion to holdover until the October 24, 2016 meeting by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal heldover until the October 24, 2016 meeting.

15.
16-09-083
Adam C. Wetzel
2319 South 113th Street
Omaha NE 68144

REQUEST: Appeal Police Department Notice of Nuisance (RE: 2319 South 113th Street)

Adam Wetzel appeared before the Board. Scott Benson, Planning Department, and Officer James Stokes, Omaha Police Department appeared before the Board.

Officer Stokes stated that a complaint was received through the Mayor’s office on August 16, 2016 about a vehicle that had been parked in a driveway for 4 months without a valid Nebraska registration. He visited the address on August 23, 2016 and found the vehicle with no plates. When the VIN was ran it was found that the vehicle had been purchased on July 25, 2015. The vehicle was in violation of city ordinance and a notice was issued.

Mr. Wetzel explained that in 2014 he was not working and he fell behind on mortgage and vehicle payments. His wife also lost her job in 2015. He stated that his family was undergoing a lot of financial difficulty.

In response to Mr. Kruse, the applicant stated that he was hoping to register the car by the end of November since he had just gotten a new job.

Motion to DENY WITH TIME TO COMPLY BY NOVEMBER 30, 2016 by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal denied with time to comply by November 30, 2016.

16.
16-09-084
Jeff & Dana Henery
17212 Windsor Drive
Omaha NE 68118

REQUEST: Appeal Nebraska Humane Society Potentially Dangerous Dog Declaration

The applicant, Jeff Henery, and Mark Langan, Nebraska Humane Society, were not present. They had notified staff that they were not going to appear. The board secretary confirmed that she had spoken to the applicants. They felt that their request would be denied so they decided to comply with all of the requirements of the Dangerous Dog designation.

Motion to DENY by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Appeal denied.
APPROVAL OF MINUTES:

Motion by Mr. Kruse to approve the minutes from August 22, 2016. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0.

ADJOURN:

Motion to adjourn by Mr. Kruse. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

Motion carried 3-0. Meeting adjourned at 2:27 pm.