AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, JANUARY 15, 2009, 1:00 P.M.
7TH FLOOR - ROOM 702
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, January 8, 2009.

The agenda for this meeting is available for public inspection in the Planning Department, 11th Floor, Omaha/Douglas Civic Center, 1819 Farnam Street. The Board has the right to modify the agenda at the public meeting.

ZONING BOARD OF APPEALS MEMBERS ONLY: Case reviews will be on Thursday, January 15, 2009, at 9:00 a.m. Meet in the Planning Department Central Conference Room with subsequent inspections of as many sites as possible.

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Sebastian "Subby" Anzaldo, Robert Hancock, Lloyd Meyer, Jacques Donovan and Brian Mahlendorf. Jonathan Nash, Jr. and Teri Teutsch are alternates. Only Board members vote. For a waiver to be approved, four members must vote in favor of the request.

The Board is assisted by the following City staff: Debbie Hightower, Board Secretary; Alan Thelen, City Attorney; and Tom Blair, ZBA Administrator.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

MEETING PROCEDURES:

Applicant and Property Owner - must appear at the meeting.

It is the applicant's responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standard are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please come forward and give your name to the secretary and the chairman. If there are opponents, they will also come forward at that time and give their names to the secretary and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, the applicant must receive a building permit before starting any construction. You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, on the Monday following the meeting or later.

If an alternative (tape) to this agenda is necessary, 72 hours notice is required.
HOLD OVER CASES:

1. Case No. 08-187  
   (over from 11/20/08, 12/18/08)  
   John McClellan  
   3602 Vinton Street  68105
   
   REQUEST: Waiver of Section 55-265 – Variance to the front yard setback from 35’ to 0’ to erect 24’ x 42’ 8” attached garage
   
   LOCATION: 3602 Vinton Street  
   ZONE: GC

2. Case No. 08-195 - Withdrawn  
   Louis Hyland  
   (over from 11/20/08, 12/18/08)  
   Grandpa’s C-Store  
   5018 Underwood Avenue  68132
   
   REQUEST: Waiver of Section 55-837(2) – Variance to the maximum height for a monument sign from 10’ to 18’ by modifying the existing pole sign to a monument sign
   
   LOCATION: 5018 Underwood Avenue  
   ZONE: NBD

3. Case No. 08-198  
   Joseph L. Beister  
   (over from 12/18/08)  
   3711 S 97 Street  68124
   
   REQUEST: Waiver of Section 55-742 – Variance to allow a recreational vehicle in excess of 20’ in length to be stored in the front yard setback
   
   LOCATION: 3711 S 97 Street  
   ZONE: R3

4. Case No. 08-200  
   Timothy J. DeGeorge  
   (over from 12/18/08)  
   830 N 89 Circle  68114
   
   REQUEST: Waiver of Section 55-146 & 55-865 – Variance to expand an existing two-family residential non-conforming use by erecting an addition to the primary residence and allow a 39’ x 25’ detached garage to remain with a 20’ rear yard setback rather than the required 25’
   
   LOCATION: 830 N 89 Circle  
   ZONE: R2

NEW CASES:

5. Case No. 09-001  
   Nicolas Lopez  
   2525 S 7 Street  68108
   
   REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 10’ 6” to allow 10’ x 21’ covered patio to remain
   
   LOCATION: 2525 S 7 Street  
   ZONE: R4(35)

6. Case No. 09-002  
   Vicky Studther  
   McDonalds LLC  
   1650 W 82 Street #900  
   Bloomington, MN  55431
   
   REQUEST: Waiver of Section 55-366 – Variance to the front yard setback from 25’ to 10.5’ and 15’ to erect a 6’ x 27’ trash enclosure
   
   LOCATION: 11330 West Dodge Road  
   ZONE: CC-FF
7. Case No. 09-003
   Sylvester Orsi
   4962 S 174 Avenue  68135
   REQUEST: Waiver of Section 55-266 – Variance to the floor area ratio from 2.0 to 2.19, to the front yard setback from 35’ to 0’, to the street side yard setback from 25’ to 0’, to the side yard setback from 10’ to 0’, to the rear yard setback from 25’ to 3’ to the maximum building coverage from 70% to 90% and to the maximum impervious coverage from 80% to 95% for multi-family residential development
   LOCATION: 1113 S 10 Street
   ZONE: HI (NBD Pending)

8. Case No. 09-004 - Withdrawn
   Foot & Ankle Specialists
   1301 N 72 Street  68114
   REQUEST: Waiver of Section 55-833 – Variance to the front setback for a monument sign from 12’ to 4’
   LOCATION: 1301 N 72 Street
   ZONE: LO

9. Case No. 09-005
   Jared Gerber
   Gerber Architecture
   9312 Leavenworth Street  68114
   REQUEST: Waiver of Section 55-126 – Variance to the maximum impervious coverage from 30% to 37% to erect addition to existing residence
   LOCATION: 506 N Elmwood Road
   ZONE: R1

10. Case No. 09-006
    St. Patricks Catholic Church & School
    20500 West Maple Road  68022
    REQUEST: Waiver of Section 55-715, 55-735, 55-740 – Variance to the maximum street yard landscaping from 55% to 31% and to the street yard depth from 15’ to 0’ and to the parking lot perimeter landscaping from 10’ to 0’ and allow parking for a non-residential use to be located in the front and street side yard setbacks
    LOCATION: 20500 West Maple Road
    ZONE: R5

11. Case No. 09-007
    Wal-Mart Real Estate Business Trust
    2001 SE 10Th Street
    Bentonville, AR  72712
    REQUEST: Waiver of Section 55-836 – Variance to the front setback for two existing monument signs from 12’ to 5.86’ and .50’
    LOCATION: 1606 S 72 Street
    ZONE: CC