AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, OCTOBER 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 Monday, October 5, 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, September 17, 2009 at 8:30 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: Robert Hancock, Lloyd Meyer, Jacque Donovan, Brian Mahlendorf, and Sebastian “Subby” Anzaldo. 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: Tom Blair, ZBA Administrator; Alan Thelen, City Attorney; and Debbie Hightower, Board Secretary.

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. 09-051  
   (over from 5/21/09)  
   Doug Kerns  
   6120 Havelock Avenue  
   Lincoln, NE 68507  
   REQUEST: Waiver of Section 55-206 & 55-207(c) - Variance to the minimum lot width for a duplex from 60’ to 44.88’ and 49.87’ and to the side yard setback for a detached garage from 7’ to 0’ and maximum impervious coverage from 55% to 80% and 75%  
   LOCATION: 5014 Cass Street  
   ZONE: R5(35)

2. Case No. 09-112  
   (over from 9/17/09)  
   Creighton University  
   2500 California Plaza 68178  
   REQUEST: Waiver of Section 55-740 - Variance to the hard surfacing requirements and perimeter landscaping for a temporary gravel parking lot  
   LOCATION: 615 N 17 Street  
   ZONE: DS

NEW CASES:

3. Case No. 09-122  
   Jerry Purnell  
   4917 S 95 Circle 68127  
   REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback from 25’ to 21’ to allow a 12’ x 16’ deck to remain  
   LOCATION: 4917 S 95 Circle  
   ZONE: R3

4. Case No. 09-123  
   Lafi I. Jafari  
   2853 Vane Street 68112  
   REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 1.2’ and to the side yard setback from 5’ to 1’ by attaching a detached garage to the residence by way of a 12’ x 28’ deck  
   LOCATION: 2853 Vane Street  
   ZONE: R4(35)

5. Case No. 09-124  
   Jeffrey R. Wheeler  
   5027 N 105 Street 68134  
   REQUEST: Waiver of Section 55-146 - Variance to the side yard setback from 10’ to 7’4” to erect a 22’8” x 26’ garage addition  
   LOCATION: 5027 N 105 Street  
   ZONE: R2

6. Case No. 09-125  
   Lee Foreman  
   1721 S 154 Circle 68144  
   REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback from 25’ to 5.7’ to erect two room additions with accompanying decks  
   LOCATION: 1721 S 154 Circle  
   ZONE: R3
7. Case No. 09-126  
Guillermino Becerra  
1823 Q Street  68107  
REQUEST: Waiver of Section 55-186 & 55-782(b)(6) - Variance to the front yard setback for a detached garage from 60' to 19' and to the maximum impervious coverage from 50% to 56% and to the maximum building coverage from 40% to 47% to erect a 23' x 19' detached garage  
LOCATION: 1823 Q Street  
ZONE: R4(35)

8. Case No. 09-127  
Open Door Mission  
2201 East Locust Street  68110  
REQUEST: Waiver of Section 55-503 - Variance to the use regulations of general industrial to permit 41 multi-family units not otherwise permitted  
LOCATION: 2201 East Locust Street  
ZONE: GI

9. Case No. 09-128  
Charles Drew Health Center  
2915 Grant Street  68111  
REQUEST: Waiver of Section 55-735(b) - Variance to allow parking for a non-residential use in a residential district to be located in the front and side yard setback  
LOCATION: 2915 Grant Street  
ZONE: R7(GO Pending)

10. Case No. 09-129  
Kiewit Construction  
3921 Mason Street  68105  
REQUEST: Waiver of Section 55-839 - Variance to the maximum size for a monument sign from 75 sq. ft. to 187.5 sq. ft. and to the maximum height from 12' to 18' for a three-sided monument sign  
LOCATION: 1301 Harney Street  
ZONE: CBD

11. Case No. 09-130  
Holy Name Housing Corp.  
3014 N 45 Street  68104  
REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35' to 25' to erect 3 single-family homes  
LOCATION: 2207 Maple; 2215 Maple and 2219 Maple Street  
ZONE: R7

12. Case No. 09-131  
Creighton University  
2500 California Plaza  68102  
REQUEST: Waiver of Section 55-444 - Variance to the use regulations of the downtown services (DS) district to permit four 30'-40' high wind energy turbines not otherwise permitted  
LOCATION: 2225 California Plaza  
ZONE: DS

13. Case No. 09-132  
Beth Olson - CBS Home  
16949 Lakeside Hills  68130  
REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to permit a 4' high solid fence in the street side yard  
LOCATION: 6501 N 24 Street  
ZONE: R4(35)
14. Case No. 09-133
   August and Phyllis Monzu
   1502 Olin Avenue  68108
   REQUEST: Waiver of Section 55-206 - Variance to the rear yard setback from 25' to 11' to erect 18' x 24' addition to existing residence
   LOCATION: 1502 Olin Avenue
   ZONE: R5(35)

15. Case No. 09-134
   Apple Properties, LLC
   4267 S 144 Street  68137
   REQUEST: Waiver of Section 55-716 - Variance to the required bufferyard between CC & R2 from 30' with screening to 10' without screening
   LOCATION: 14111 Pacific Street
   ZONE: CC

16. Case No. 09-135
   Omaha Neon Sign Co, Inc.
   1120 N 18 Street  68102
   REQUEST: Waiver of Section 55-830 - Variance to the allowed sign budget from 32 sq. ft. to 158 sq. ft. and to the maximum height for a monument sign from 6' to 9' to erect 5 wall signs and one monument sign
   LOCATION: 5300 N 30 Street
   ZONE: R4

17. Case No. 09-136
   James Thele - City of Omaha
   1819 Farnam Street  68183
   REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35' to 25' to erect 27 multi-family units
   LOCATION: 2820-2827 N 18 Street; 2809-2823 N 19 Street; 1623-1629 and 1805-1819 Locust Street
   ZONE: R7