AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, NOVEMBER 19, 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, November 12, 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, November 19, 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, 10/15/09)  
   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 $80\%$, 73% and 75%  
   LOCATION: 5014 Cass Street  
   ZONE: R5(35)

NEW CASES:

2. Case No. 09-137  
   Kyle Deets  
   1825 N 207 Street 68022  
   REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6’ high privacy fence in the street side yard  
   LOCATION: 1825 N 207 Street  
   ZONE: R4

3. Case No. 09-138  
   Darrell A. Taylor  
   2515 Grant Street 68111  
   REQUEST: Waiver of Section 55-186 - Variance to the side yard setback from 5’ to 2’ to erect 11’ x 20’ attached garage  
   LOCATION: 6339 N 31 Avenue  
   ZONE: R4(35)

4. Case No. 09-139  
   Teresa Dilts  
   909 N 96 Street #201 68114  
   REQUEST: Waiver of Section 55-834 - Variance to the front yard setback from 12’ to 0’ to erect an 8’ high monument sign  
   LOCATION: 909 N 96 Street  
   ZONE: GO

5. Case No. 09-140  
   Orval Pinkes  
   7730 Hascall Street 68124  
   REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15’ to 3’ to erect a 24’ x 24’ detached garage  
   LOCATION: 3864 Grover Street  
   ZONE: R4(35)

6. Case No. 09-141  
   Ralston Congregation of Jehovah’s Witnesses  
   9201 “Q” Street 68127  
   REQUEST: Waiver of Section 55-166, 55-715, 55-740 & 55-735 - Variance to the maximum impervious surface coverage from 45% to 75% to the street yard landscaping from 20’ to 0’ and to the perimeter landscaping from 10’ to 0’ and allow parking for non-residential use on residential lot to be located in front yard setback to construct 10 parking stalls and canopy  
   LOCATION: 9201 “Q” Street  
   ZONE: R3
7. Case No. 09-142  
Midlands Scientific  
1202 S 11 Street  68108  
REQUEST: Waiver of Section 55-716 - Variance to the required bufferyard between GI and R7 from 50' to 22' to erect warehouse addition  
LOCATION: 1202 S 11 Street  
ZONE: GI

8. Case No. 09-143  
Carol Fender Givans  
1504 Harrison Street  68147  
REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35' to 17'6" to erect cover over existing wheelchair ramps  
LOCATION: 1504 Harrison Street  
ZONE: R4(35)

9. Case No. 09-144  
Orange Development  
1200 Corporate Drive  
Birmingham, AL  35242  
REQUEST: Waiver of Section 55-934(c)(2) – Variance to allow two retaining walls to be located in a required bufferyard  
LOCATION: 71st to 72nd, Maple to Corby  
ZONE: CC-ACI-2(62)

10. Case No. 09-145  
Jerry Reimer  
Urban Village Development  
4880 S 131 Street  68137  
REQUEST: Waiver of Section 55-266 - Variance to the rear yard setback from 25' to 9' to replace and enlarge existing fire escapes  
LOCATION: 601 S 31 Avenue  
ZONE: R8

11. Case No. 09-146  
John L. Main  
1113 S 95 Street  68124  
REQUEST: Waiver of Section 55-782(b)(6) – Variance to the maximum size for an accessory building in a residential district from 750 sq. ft. to 1,132 sq. ft.  
LOCATION: 1113 S 95 Street  
ZONE: R2

12. Case No. 09-147  
Larry Lindberg  
1618 S 141 Avenue Circle  68144  
REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback from 25’ to 15’ to erect 16’ x 15’ addition to existing residence  
LOCATION: 1618 S 141 Avenue Circle  
ZONE: R3

13. Case No. 09-148  
Kim Thompson – Millard Public Schools (Russell Middle School)  
13906 F Street  68137  
REQUEST: Waiver of Section 55-830 - Variance to the maximum sign budget from 32 sq. ft. to 78 sq. ft. by adding a 24 sq. ft. wall sign  
LOCATION: 5304 S 172 Street  
ZONE: R4

14. Case No. 09-149  
Kim Thompson - Millard Public Schools (Beadle Middle School)  
13906 F Street  68137  
REQUEST: Waiver of Section 55-830 - Variance to the maximum sign budget from 32 sq. ft. to 69 sq. ft. by adding an 18 sq. ft. wall sign  
LOCATION: 18201 Jefferson Street  
ZONE: R4

15. Case No. 09-150  
Kim Thompson – Millard Public Schools (Central Middle School)  
13906 F Street  68137  
REQUEST: Waiver of Section 55-830 - Variance to the maximum sign budget from 32 sq. ft. to 141 sq. ft. by adding a 22 sq. ft. wall sign  
LOCATION: 12801 L Street  
ZONE: R4
16. Case No. 09-151  
Kim Thompson - Millard Public Schools  
(Millard North Middle School)  
13906 F Street  68137  
REQUEST: Waiver of Section 55-829 – Variance to the maximum sign budget from 40 sq. ft. to 51 sq. ft. by adding a 34 sq. ft. wall sign  
LOCATION: 3030 S 139 Plaza  
ZONE: DR  

17. Case No. 09-152  
J. P. Raynor  
Investors Realty  
11301 Davenport Street  68154  
REQUEST: Waiver of Section 55-833 – Variance to the maximum sign budget from 89 sq. ft. to 106 sq. ft. and to the maximum size for a monument sign from 25 sq. ft. to 40 sq. ft.  
LOCATION: 12829 West Dodge Road  
ZONE: LO  

18. Case No. 09-153  
Best Brake  
3909 N 90 Street  68134  
REQUEST: Waiver of Section 55-836 – Variance to the maximum sign budget from 42 sq. ft. to 539 sq. ft. by adding three wall signs  
LOCATION: 3909 N 90 Street  
ZONE: CC  

19. Case No. 09-154  
Terri L. Cunningham-Swanson  
4712 Chicago Street  68132  
REQUEST: Waiver of Section 55-738 – Variance to the requirement for handicapped parking to serve a massage therapist  
LOCATION: 4506 Leavenworth Street  
ZONE: GI  

20. Case No. 09-155  
TBD Enterprises  
7020 N 102 Circle  68122  
REQUEST: Waiver of Section 55-506 – Variance to the minimum lot width from 100’ to 20’ to subdivide existing property  
LOCATION: 10010 Scott Circle  
ZONE: GI  

21. Case No. 09-156  
Frank Safford  
1445 S 252 Street  68069  
REQUEST: Waiver of Section 55-88(b)(1) – Variance to the minimum total area required for a cluster subdivision from 20 to 17.69 acres  
LOCATION: 1135 and 1445 S 252 Street  
ZONE: AG(Cluster Subdivision pending)  

22. Case No. 09-157  
Michael S. Mapes  
2566 Leavenworth LLC  
2566 Leavenworth Street  68105  
REQUEST: Waiver of Section 55-734 – Variance to the required off-street parking from 63 stalls to 35 stalls for office and custom manufacturing  
LOCATION: 2562-66 Leavenworth Street  
ZONE: DS  

23. Case No. 09-158  
Ray Trimble  
13835 Industrial Road  68137  
REQUEST: Waiver of Section 55-503 – Variance to allow an accessory apartment not permitted in the General Industrial district  
LOCATION: 4383 Nicholas Street  
ZONE: GI  

**ELECTION OF OFFICERS**