AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, DECEMBER 17, 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, December 10, 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, December 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. 09-138
   Darrell A. Taylor
   2515 Grant Street  68111
   REQUEST: Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 1.1’ and to the front yard setback from 35’ to 12.7’ to allow an 11’ x 20’ attached garage to remain
   LOCATION: 6339 N 31 Avenue
   ZONE: R4(35)

2. 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

3. Case No. 09-147 - Withdrawn
   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

4. 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

5. 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

6. 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

7. 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

8. 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
NEW CASES:

9. Case No. 09-159  
   Daniel Brewer - Habitat for Humanity  
   2204 Ames Avenue  68110  
   REQUEST: Waiver of Section 55-206 – Variance to the front yard setback from 25’ to 18’ to erect single-family residence  
   LOCATION: 2852 Manderson Street  
   ZONE: R5

10. Case No. 09-160  
    Jeff Mell  
    2961 Ed Creighton Blvd  68105  
    REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 9’ to erect an 18’ x 18’ room addition  
    LOCATION: 4686 Hickory Street  
    ZONE: R4(35)

11. Case No. 09-161  
    Alan Freilich  
    13306 Portal Drive  68138  
    REQUEST: Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 17’ to erect 13’ x 24’ addition to existing residence  
    LOCATION: 11909 Prairie Lane Drive  
    ZONE: R2

12. Case No. 09-162  
    John Fitzpatrick  
    2916 S 97 Circle  68124  
    REQUEST: Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 13.7’ to erect addition to existing residence  
    LOCATION: 2939 S 99 Avenue  
    ZONE: R2

13. Case No. 09-163  
    Millard Public Schools  
    (Cody Elementary School)  
    13906 F Street  68137  
    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 yard setback  
    LOCATION: 3320 S 127 Street  
    ZONE: R4

14. Case No. 09-164  
    Jilio C. Covarrubias  
    1901 Missouri Avenue  68107  
    REQUEST: Waiver of Section 55-824(d) – Variance to allow a ground sign on property where the front wall of the building which the sign serves is closer than 15’ from the street to which it is oriented  
    LOCATION: 1901 Missouri Avenue  
    ZONE: GC

15. Case No. 09-165  
    Brinker & Rebecca Harding  
    2122 S 109 Street  68144  
    REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 35’ to allow 10’ x 22’ covered porch to remain  
    LOCATION: 2122 S 109 Street  
    ZONE: R2

16. Case No. 09-166  
    Jeremy Carrell  
    5020 S 110 Street  68137  
    REQUEST: Waiver of Section 55-206 – Variance to the minimum lot width from 50’ to 27’ and to the side yard setback from 5’ to 0’ and 4.5’ and to the minimum lot area from 5,000 sq. ft. to 3,504 sq. ft. to administratively subdivide this lot  
    LOCATION: 4006-4008 Decatur Street  
    ZONE: R5(35)
17. Case No. 09-167
Carol Meredith
7614 Seward Street  68114
REQUEST: Waiver of Section 55-166 – Variance to the side yard setback from 7’ to 4’ to erect a 12’ x 22’ attached garage
LOCATION: 7614 Seward Street
ZONE: R3

18. Case No. 09-168
TriPointe Baptist Church
4121 S 84 Street  68127
REQUEST: Waiver of Section 55-503 – Variance to the use regulations of the General Industrial District to allow religious assembly for three years
LOCATION: 4105-4131 S 84 Street
ZONE: GI

19. Case No. 09-169
Subby Anzaldo
910 S 37 Street  68105
REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15’ to 10’8” and to the side yard setback from 5’ to 4’3” to erect single-family residence
LOCATION: 5853 S 51 Street
ZONE: R4(35)