AGENDA

ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, FEBRUARY 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 Monday, February 9, 2009 and Thursday, February 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, February 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: Sebastian “Subby” Anzaldo, Robert Hancock, Lloyd Meyer, Jacque 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. 09-001  
Nicolas Lopez  
(over from 1/15/09)  
930 Virginia Street  
Bellevue, NE  68147  
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)

2. Case No. 09-002  
Vicky Stadther  
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

NEW CASES:

3. Case No. 09-008  
Christian Christensen  
Caniglia Little Italy, LLC  
701 S 15 Street Ste 100  68102  
REQUEST: Waiver of Section 55-784C – Variance to the perimeter setback for a 12-unit cluster subdivision from 35' to 1.12' up to 18' from the perimeter lot line  
LOCATION: 8th & Pacific Streets  
ZONE: HI (R7 Cluster Subdivision Pending)

4. Case No. 09-009  
Jess Zeiss  
FNB Omaha  
1620 Dodge Street  68197  
REQUEST: Waiver of Section 55-768B3 - Variance to allow a temporary commercial use not permitted in the R4(35) district for the 2009 College World Series  
LOCATION: 1030 D Street  
ZONE: R4(35)

5. Case No. 09-010  
Daniel Hassel  
9822 Harney Pkwy N  68114  
REQUEST: Waiver of Section 55-768B3 - Variance to allow a temporary commercial use not permitted in the R7 district during the 2009 College World Series  
LOCATION: 3810 S 13 Street  
ZONE: R7

6. Case No. 09-011  
Bill Kirby  
Thrasher Basement System  
12330 Cary Circle  68128  
REQUEST: Waiver of Section 55-768B3 - Variance to allow a temporary commercial use not permitted in the R4(35) district for the 2009 College World Series  
LOCATION: 3484 S 13 Street  
ZONE: R4(35)

7. Case No. 09-012  
Daniel P. Molloy, Jr.  
661 S 56 Street  68106  
REQUEST: Waiver of Section 55-768B3 - Variance to allow a temporary commercial use not permitted in the R4(35) district during the 2009 College World Series  
LOCATION: 3709 S 14 Street  
ZONE: R4(35)
8. Case No. 09-013  
Investors Realty  
11301 Davenport Street  68154  
REQUEST: Waiver of Section 55-406 & 55-928C & 55-740F - Variance to the maximum impervious coverage from 85% to 90.9% and to the rear yard setback from 15' to 12'; to the perimeter landscaping from 5' to 0' and to reduce the required interior landscaping from 7% to 5.3% for an existing retail building  
LOCATION: 902 S 74 Plaza  
ZONE: GI (CC & MCC overlay district pending)

9. Case No. 09-014  
John Wyskowski  
6703 S 49 Terrace  68117  
REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15' to 5' to erect 22' x 25' addition to existing residence  
LOCATION: 6703 S 49 Terrace  
ZONE: R4

10. Case No. 09-015  
Russ & Donna Masloski  
2811 S 116 Avenue  68144  
REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25' to 5' to erect single-family residence  
LOCATION: 1646 N 173 Street  
ZONE: R4

11. Case No. 09-016  
Chris Oldenhuis  
Oldenhuis Contracting  
4501 Leavenworth Street  68106  
REQUEST: Waiver of Section 55-166 - Variance to the side yard setback from 7' to 4' to erect 24' x 28' addition to existing residence  
LOCATION: 667 N 58 Street  
ZONE: R3

12. Case No. 09-017  
Bruce Bowling  
10552 Forrest Drive  68124  
REQUEST: Waiver of Section 55-126 - Variance to the side yard setback from 25' to 16.3' to erect 12' x 20' addition to existing residence  
LOCATION: 10552 Forrest Drive  
ZONE: R1

13. Case No. 09-018  
Bryan & April Gregory  
9417 Manderson Street  68134  
REQUEST: Waiver of Section 55-742 - Variance to allow the overnight parking of a commercial vehicle in a residential district  
LOCATION: 9417 Manderson Street  
ZONE: R3

14. Case No. 09-019  
Jeremy Carrell  
5004 S 110 Street  68137  
REQUEST: Waiver of Section 55-186 - Variance to the minimum lot width for the R4(35) district from 50' to 49.37'  
LOCATION: 5123 Ruggles Street  
ZONE: R4(35)

15. Case No. 09-020  
Daveda Anderson-Ervin  
6730 Laurel Avenue  68104  
REQUEST: Waiver of Section 55-735B - Variance to allow parking for a non-residential use in a residential district to be located in the front yard setback  
LOCATION: 6102 Manderson Street  
ZONE: R4(35)
16. Case No. 09-021  
Tim Zimmerer  
15757 S 57 Street  68133  
REQUEST: Waiver of Section 55-266 - Variance to the rear yard setback from 25' to 3.7' to erect a 10’ x 16’ garage addition  
LOCATION: 3711 F Street  
ZONE: GC

17. Case No. 09-022  
Louis Zadina  
2902 S 16 Street  68108  
REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15' to 10' to allow 18’ x 18’ carport to remain  
LOCATION: 2902 S 16 Street  
ZONE: R4

18. Case No. 09-023  
St. Peter Claver  
Cristo Rey High School  
5301 S 36 Street  68107  
REQUEST: Waiver of Section 55-186 & 55-735B - Variance to the rear yard setback from 25' to 12’ to the maximum yard setback from 25’ to 12’ to the maximum building coverage from 40% to 59% to the maximum impervious coverage from 50% to 84% to the allowed building height from 35’ to 43’ and allow parking for a non-residential use to be located in the front yard  
LOCATION: 5301 S 36 Street  
ZONE: R4