CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, March 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, March 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. 09-002 - Withdrawn
   (over from 1/15/09, 2/19/09)
   Vicky Stadther
   MacDonalds 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

2. Case No. 09-008
   (over from 2/19/09)
   Christian Chrisstensen
   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)

3. Case No. 09-014
   (over from 2/19/09)
   John Wyskowski
   6703 S 49 Terrace  68117
   REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15’ to 3’ to erect 22’ x 25’ addition to existing residence
   LOCATION: 6703 S 49 Terrace
   ZONE: R4

4. Case No. 09-023 – Laid Over
   (over from 2/19/09)
   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 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

NEW CASES:

5. Case No. 09-024
   Douglas Dreessen, P.E.
   10836 Old Mill Road  68154
   REQUEST: Waiver of Section 55-716 - Variance to the required bufferyard between LC & R1 from 20’ to 0’ to add additional off-street parking
   LOCATION: 13132 Davenport Street
   ZONE: LC

6. Case No. 09-025
   Joe Hanrahan
   Mutual of Omaha Plaza
   9 Fl-Comm. Project Planning  68175
   REQUEST: Waiver of Section 55-825(c)(4) - Variance to the maximum size for a temporary banner sign from 120 sq. ft. to 23,000 sq. ft.
   LOCATION: 3301 Dodge Street
   ZONE: CBD

7. Case No. 09-026
   Kim Thompson
   Millard Public Schools
   13906 F Street  68137
   REQUEST: Waiver of Section 55-830 - Variance to the allowed sign budget from 32 sq. ft. to 83 sq. ft. to erect a 49 sq. ft. wall sign
   LOCATION: 6708 S 161 Avenue
   ZONE: R4
8. Case No. 09-027  
John S. Shavlik  
5843 Grover Street  68106  
REQUEST: Waiver of Section 55-206 - Variance to the rear yard setback from 25’ to 5.7’ and to the side yard setback from 7’ to 5’ and to the front yard setback from 25’ to 19’ and to the rear yard setback from 25’ to 24.7’ in order to split this property into two duplex lots  
LOCATION: 5843 Grover Street  
ZONE: R5

9. Case No. 09-028  
Manuel Vazquez  
3354 S 17 Street  68108  
REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping from 60% to 0% to provide a 14’ x 25’ parking pad  
LOCATION: 3354 S 17 Street  
ZONE: 3354 S 17 Street  
ZONE: R4(35)

10. Case No. 09-029  
Wilfredo Gutierrez  
3502 Drexel Street  68107  
REQUEST: Waiver of Section 55-186 - Variance to the street side yard setback from 15’ to 10.5’ to allow addition to existing dwelling to remain  
LOCATION: 3502 Drexel Street  
ZONE: R4(35)

11. Case No. 09-030  
Coventry Health Care  
15950 W Dodge Road  68118  
REQUEST: Waiver of Section 55-835 - Variance to the allowed height for a wall sign from 24’ to 29’ to erect a 38 sq. ft. wall sign  
LOCATION: 15950 W Dodge Road  
ZONE: LC

12. Case No. 09-031  
Planit Omaha  
10832 Old Mill Road Ste 8  68154  
REQUEST: Waiver of Section 55-768 - Variance to allow a temporary commercial use not permitted in the R4(35) district during the 2009 College World Series  
LOCATION: 3406 S 14 Street  
ZONE: R4(35)

13. Case No. 09-032  
Rich Tokheim  
4255 N 143 Street  68164  
REQUEST: Waiver of Section 55-768 - Variance to allow a temporary commercial use not permitted in the R4(35) district during the 2009 College World Series  
LOCATION: 3476 S 13 Street  
ZONE: R4(35)

14. Case No. 09-033  
Hope Presbyterian Church  
5220 S 159 Avenue  68135  
REQUEST: Waiver of Section 55-830 - Variance to the maximum height for a ground sign from 6’ to 7’ and to the maximum size from 25 sq. ft. to 60 sq. ft.  
LOCATION: 5220 S 159 Avenue  
ZONE: R5

15. Case No. 09-034  
Salvation Army  
3612 Cuming Street  68131  
REQUEST: Waiver of Section 55-834 - Variance to allow a 6’7” x 9’6” electronic message wall sign not permitted for a civic use in the GO district  
LOCATION: 3612 Cuming Street  
ZONE: GO
16. Case No. 09-035  
Lawrence J. Woscyna  
308 N 54 Street  68132  

REQUEST:  Waiver of Section 55-166 - Variance to the side yard setback from 7’ to 5’ to erect 2-story addition to existing residence  
LOCATION:  308 N 54 Street  
ZONE:  R3  

17. Case No. 09-036  
Oldenhuis Contracting  
4501 Leavenworth Street  68106  

REQUEST:  Waiver of Section 55-166 - Variance to the side yard setback from 7’ to 3.95’ to erect 2’ x 17.5’ cantilevered addition to existing residence  
LOCATION:  689 N 59 Street  
ZONE:  R3