AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, APRIL 16, 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, April 9, 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, April 16, 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. 09-023 – **LAID OVER**  
   *(over from 2/19/09, 3/19/09)*  
   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:**  

2. Case No. 09-027  
   *(over from 3/19/09)*  
   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  

3. Case No. 09-029  
   *(over from 3/19/09)*  
   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)  

4. Case No. 09-034  
   *(over from 3/19/09)*  
   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  

NEW CASES:

5. Case No. 09-037  
   Chris Wayne  
   City of Omaha  
   1819 Farnam Street  68183  
   **REQUEST:** Waiver of Section 55-206 - Variance to the minimum lot size from 5,000 sq. ft. to 4,342 sq. ft. and 4,352 sq. ft. for two new single-family lots  
   **LOCATION:** 1806-08 Ohio Street  
   **ZONE:** R7(R5 Pending)  

6. Case No. 09-038  
   Ethan Mann  
   629 N 42 Street  68131  
   **REQUEST:** Waiver of Section 55-786E - Variance to the maximum height for a fence in a residential district from 6’ to 8’  
   **LOCATION:** 629 N 42 Street  
   **ZONE:** R3
7. Case No. 09-039  
Alley Poyner Macchietto  
1516 Cuming Street  68102
REQUEST: Waiver of Section 55-735 & 55-740F - Variance to the perimeter landscaping in the front and side yard setbacks from 10’ to 1’, 5’ and 7’ 10” and allow parking for a non-residential use in the front yard of a residential district
LOCATION: 9855 West Center Road  
ZONE: DR

8. Case No. 09-040  
Tom Jarvis  
8809 N 75 Street  68122
REQUEST: Waiver of Section 55-786E - Variance to allow a 6’ high semi-private vinyl fence in the front yard of a double-frontage lot
LOCATION: 8809 N 75 Street  
ZONE: R4

9. Case No. 09-041  
Prestine Construction  
1609 N 197 Street  68022
REQUEST: Waiver of Section 55-108 - Variance to the front yard setback from 50’ to 13’ to erect addition to house and 22’ x 7’ covered porch
LOCATION: 4913 Washington Street  
ZONE: DR

10. Case No. 09-042  
Prestine Construction  
1609 N 197 Street  68022
REQUEST: Waiver of Section 55-146 - Variance to the rear yard setback from 25’ to 19’ to erect a 11’ x 11’6” addition to existing dwelling
LOCATION: 1618 S 123 Street  
ZONE: R2

11. Case No. 09-043  
JEB Enterprise  
198 138 Avenue NW  
Andover, MN  55304
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: 3482 S 13 Street; 3468 S 13 Street; 3458 S 13 Street  
ZONE: R4(35)

12. Case No. 09-044  
Dennis Bryers  
Omaha Parks Rec. & Public Property  
1819 Farnam Street, Rm 701  68183
REQUEST: Waiver of Section 55-829 - Variance to the allowed sign budget from 40 sq. ft. to 137.7 sq. ft. to erect one wall sign and four monument signs for a new elementary school, community center and library
LOCATION: 14850 Laurel Avenue  
ZONE: DR

13. Case No. 09-045  
David & Tracy Poppert  
12956 Morrison Drive  68154
REQUEST: Waiver of Section 55-146 - Variance to the front yard setback from 40’ to 35’ to erect 12.5’ x 26.6’ garage addition
LOCATION: 12956 Morrison Drive  
ZONE: R2

14. Case No. 09-046  
Jay Rhubottom  
4214 N 84 Street  68134
REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 18’ to allow a 12’ x 14’ elevated deck
LOCATION: 4214 N 84 Street  
ZONE: R4(35)
15. Case No. 09-048
Rob Albers
2701 S 10 Street 68108

REQUEST: Waiver of Section 55-740F - Variance to the required perimeter landscaping from 10’ to 5’ to construct a 16 stall parking lot
LOCATION: 2545 S 10 Street
ZONE: GC

16. Case No. 09-047
Sebastian A. Anzaldo
910 S 37 Street 68105

REQUEST: Waiver of Section 55-206 - Variance to the street side yard setback from 15’ to 11’ and to the interior side yard from 5’ to 3’ to erect new single-family dwelling
LOCATION: 2601 Monroe Street
ZONE: R5(35)