AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, MAY 21, 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, May 14, 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, May 21, 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.
1. Case No. 09-023
(over from 2/19/09, 3/19/09, 4/16/09)
St. Peter Claver - Withdrawn 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

2. Case No. 09-034
(over from 3/19/09, 4/16/09)
Salvation Army - Laid Over
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

3. Case No. 09-038
(over from 4/16/09)
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

4. Case No. 09-049
Gregory & Kathleen Alvoid
7828 N 78 Street  68104
REQUEST: Waiver of Section 55-786 - Variance to the maximum height of a wrought iron fence in the front yard of a residential district from 4’ to 6’ with an 8’ high gate
LOCATION: 7828 N 78 Street
ZONE: DR

5. Case No. 09-050
John A. Smith
Sports Mania
924 N 3rd
Jacksonville, FL  32250
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: 3464 S 13 Street
ZONE: R4(35)

6. Case No. 09-051
Jeremy Carrell
5004 S 110 Street  68137
REQUEST: Waiver of Section 55-206 & 55-207C - 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’
LOCATION: 5014 Cass Street
ZONE: R5(35)

7. Case No. 09-052
CBRE - MEGA
11213 Davenport Street  68154
REQUEST: Waiver of Section 55-834 - Variance to the front yard setback from 12’ to 5’ to erect an 11’6” high, 32 sq. ft. monument sign
LOCATION: 11213 Davenport Street
ZONE: GO
8. Case No. 09-053  
Doug Leibman  
5022 S 49 Street  68117

REQUEST: Waiver of Section 55-166 - Variance to the front yard setback from 35’ to 30’ to erect addition to existing residence

LOCATION: 5022 S 49 Street  
ZONE: R3

9. Case No. 09-054  
Tim Zimmerer  
15757 S 57 Street  68133

REQUEST: Waiver of Section 55-146 - Variance to the rear yard setback from 25’ to 22’ to erect 27’ x 27’ attached garage with breezeway

LOCATION: 5035 S 132 Street  
ZONE: R2

10. Case No. 09-055  
The Waiting Room Lounge  
6212 Maple Street  68104

REQUEST: Waiver of Section 55-824B(2) - Variance to allow a projecting sign to extend closer than 2’ to the vertical plane of the adjacent curbline

LOCATION: 6212 Maple Street  
ZONE: NBD

11. Case No. 09-056  
BCDM  
1015 N 98 Street, Ste 300  68114

REQUEST: Waiver of Section 55-186, 55-715, 55-735 & 55-740 - Variance to the front yard setback from 25’ to 5’, to the street yard and perimeter landscaping from 15’ and 10’ to 1’ and allow parking for a non-residential use in a residential district to be located in the front yard setback

LOCATION: 5300 N 30 Street  
(Ft. Omaha Campus, Building 21)  
ZONE: R4

12. Case No. 09-057  
CBS Sign Company  
21920 Platteview Road  
Gretna, NE  68028

REQUEST: Waiver of Section 55-836 - Variance to the front yard setback from 12’ to 1’ to erect a 49 sq. ft., 9’6” high ground sign

LOCATION: 10720 Pacific Street  
ZONE: CC

13. Case No. 09-058  
Eddith Buis  
1018 S 36 Street  68105

REQUEST: Waiver of Section 55-226 - Variance to the front yard setback from 35’ to 24’8” to erect 21’4” x 21’4” detached garage

LOCATION: 1018 S 36 Street  
ZONE: R6

14. Case No. 09-059  
Kody Kirwan  
21202 Schofield Drive  
Gretna, NE  68028

REQUEST: Waiver of Section 55-146 - Variance to the rear yard setback from 25’ to 10’ to erect a 16’ x 28’ attached garage addition

LOCATION: 12222 Shamrock Road  
ZONE: R2

15. Case No. 09-060  
Omaha Neon Sign  
1120 N 18 Street  68102

REQUEST: Waiver of Section 55-838 - Variance to the maximum height for three wall signs from 35’ to 70’

LOCATION: 10250 Regency Circle  
ZONE: GC
16. Case No. 09-061  
Jon S. Natvig  
11424 Castelar Circle  68144  
REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 25’ to 11’ to continue construction of a 14’ x 20’ gazebo  
LOCATION: 10800 West Center Road  
ZONE: R4

17. Case No. 09-062  
Matthew Stoffel  
4749 Capitol Avenue  68132  
REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35’ to 14’ and to the side yard setback from 5’ to 3’6” to erect 25’8” x 8’ covered deck and patio  
LOCATION: 4749 Capitol Avenue  
ZONE: R7

18. Case No. 09-063  
Nancy Kehrli  
620 S 206 Avenue  68022  
REQUEST: Waiver of Section 55-126 - Variance to the side yard setback from 25’ to 5’ to erect a 22’ x 20’ detached pool house  
LOCATION: 620 S 206 Avenue  
ZONE: R1

19. Case No. 09-064  
Baby D Incorporated  
7053-7055 Maple Street  68104  
REQUEST: Waiver of Section 55-734 - Variance to the required off-street parking for a 37 patron theater from 10 stalls to 0  
LOCATION: 7053-7055 Maple Street  
ZONE: CC

20. Case No. 09-065  
Milissa Gerken  
1117 S 36 Street  68105  
REQUEST: Waiver of Section 55-166 - Variance to the side yard setback from 7’ to 5’ to erect 9’ x 3’4” bathroom addition  
LOCATION: 1117 S 36 Street  
ZONE: R3