AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, AUGUST 20, 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, August 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, August 20, 2009 at 9:00 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. 09-070
   (over from 6/18/09, 7/16/09)
   Chris Forsman
   5306 S 185 Street  68135
   REQUEST: Waiver of Section 55-740 – Variance to not require a hard surfaced driveway and curb cut for a structure capable of storing a personal vehicle
   LOCATION: 5306 S 185 Street
   ZONE: DR

2. Case No. 09-083
   (over from 7/16/09)
   Cara Riggs
   Omaha South High School
   4519 S 24 Street  68107
   REQUEST: Waiver of Section 55-837 – Variance to the sign regulations of the NBD district to allow a 18’6” high, 32 sq. ft. pole sign with electronic message not permitted in NBD
   LOCATION: 4519 S 24 Street
   ZONE: NBD

3. Case No. 09-086 – Laid Over
   (over from 7/16/09)
   Scott A. Sladovnik
   7637 Fairway Drive  68152
   REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’ to erect 26’ x 18’6” addition to existing residence
   LOCATION: 7637 Fairway Drive
   ZONE: R1

4. Case No. 09-090 – Laid Over
   (over from 7/16/09)
   Omaha Steel Casting Co.
   c/o Phil Teggart
   4601 Farnam Street  68132
   REQUEST: Waiver of Section 55-503 – Variance to the use regulations of the General Industrial District to allow a steel foundry not otherwise permitted
   LOCATION: 1440 Read Street and 6924 N 14 Avenue
   ZONE: GI

NEW CASES:

5. Case No. 09-093
   Bucks Inc.
   4973 Dodge Street  68132
   REQUEST: Waiver of Section 55-715 & 55-740 – Variance to the perimeter landscaping and street yard landscaping from 10’ to 0’ to construct convenience store with pump islands
   LOCATION: 3052 S 84 Street
   ZONE: CC & CC-FF

6. Case No. 09-094
   Divine Shepherd Lutheran
   15005 Q Street
   REQUEST: Waiver of Section 55-830 – Variance to the maximum height for a monument sign from 6’ to 11’ 2”
   LOCATION: 15005 Q Street
   ZONE: R3

7. Case No. 09-095
   ICON Clinical Pharmacology
   10845 Harney Street  68154
   REQUEST: Waiver of Section 55-834(2) – Variance to the front yard setback from 12’ to 8’ to erect a 7’ high monument sign
   LOCATION: 10845 Harney Street
   ZONE: GO
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Name</th>
<th>Address</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>09-096</td>
<td>Barry Long</td>
<td>Omaha Housing Authority</td>
<td>Waiver of Section 55-740F – Variance to the perimeter landscaping adjacent to a residential district from 10’ to 5’</td>
<td>4500 S 25 Street</td>
<td>R8</td>
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<tr>
<td>09-097</td>
<td>Marc Riewer</td>
<td>Magoo LLC</td>
<td>Waiver of Section 55-366 &amp; 55-822N – Variance to allow a free-standing 16’ x 16’ structure in the front yard setback</td>
<td>3820 N 90 Street</td>
<td>CC</td>
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<tr>
<td>09-098</td>
<td>Neon Product Co.</td>
<td>4713 F Street</td>
<td>Waiver of Section 55-836 – Variance to the maximum size for a monument sign from 75 sq. ft. to 112.85 sq. ft. and to the maximum height from 25’ to 44’ by modifying an existing sign</td>
<td>13255 West Center Road</td>
<td>CC</td>
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<td>09-099</td>
<td>Chicago Lumber Co.</td>
<td>1324 Pierce Street</td>
<td>Waiver of Section 55-716 – Variance to the required bufferyard between GI &amp; R4 from 60’ to 58’ and between GI &amp; R7 from 50’ to 25’ to construct new warehouse</td>
<td>1415 Pierce Street</td>
<td>GI</td>
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<tr>
<td>09-100</td>
<td>Anne &amp; Nicholas Baxter</td>
<td>5609 Jones Street</td>
<td>Waiver of Section 55-166 – Variance to the side yard setback from 7’ to 2’ to erect an 8’2” x 17’10” addition to existing residence</td>
<td>5609 Jones Street</td>
<td>R3</td>
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<td>09-101</td>
<td>Dr. Jerald Riibe</td>
<td>Ralston Public Schools</td>
<td>Waiver of Section 55-715 &amp; 55-716 &amp; 55-740 – Variance to the minimum street yard, landscaping from 25’ to 18.79’ and 10’ to 1.13’ to the bufferyard between GI &amp; R6 from 25’ to 18.97 to the perimeter parking lot landscaping from 10’ to 1.13’ and to the interior landscaping from 5% to 2.1%</td>
<td>8545 Park Drive</td>
<td>GI</td>
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<tr>
<td>09-102</td>
<td>Dundee Ridge LLC</td>
<td>19507 Pierce Street</td>
<td>Waiver of Section 55-784B(1) &amp; 55-784C(2) &amp; 55-784D(2) – Variance to the minimum site area per unit from 2000 sq. ft. to 1350 sq. ft., to the perimeter setback for a cluster subdivision from 20’ to 7’ and to the required setback for garages in a cluster subdivision from 25’ to 17’</td>
<td>104, 108, 112, 116, 120, 124, 128, 132 Dundee Ridge Court</td>
<td>R7(Cluster)</td>
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<td>Case No.</td>
<td>Name</td>
<td>Address</td>
<td>Request</td>
<td>Location</td>
<td>Zone</td>
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<td>09-103</td>
<td>Lynelle L. Basile</td>
<td>2609 S 12 Street</td>
<td>Waiver of Section 55-203 - Variance to the use regulations of the R-5 district to allow 3 dwelling units to remain</td>
<td>2609 S 12 Street</td>
<td>R5</td>
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<td>09-074</td>
<td>Tim Holland</td>
<td>119 S 49 Avenue</td>
<td>Waiver of Section 55-226 &amp; 55-716 - Variance to the front yard setback from 35’ to 25’ and to the bufferyard between R6 &amp; R4, R3 from 30’ to 10’ to erect 9 townhome units</td>
<td>209 S 49 Street</td>
<td>R3(R6 Pending)</td>
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