CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, September 7, 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, September 17, 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. 09-086  
   (over from 7/16/09, 8/20/09)  
   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

2. Case No. 09-090 – Laid Over  
   (over from 7/16/09, 8/20/09)  
   Omaha Steel Castings 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

3. Case No. 09-093  
   (over from 8/20/09)  
   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

4. Case No. 09-097  
   (over from 8/20/09)  
   Marc Riewer  
   Magoo LLC  
   3820 N 90 Street  68134  
   REQUEST: Waiver of Section 55-366 & 55-822N – Variance to the front yard setback from 25’ to 0’ to erect 15’ x 20’ free-standing structure  
   LOCATION: 3820 N 90 Street  
   ZONE: CC

5. Case No. 09-098  
   (over from 8/20/09)  
   Neon Product Co.  
   4713 F Street  68117  
   REQUEST: 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  
   LOCATION: 13255 West Center Road  
   ZONE: CC

NEW CASES:

6. Case No. 09-104  
   Brett Gottsch – Gottsch Land Co.  
   20507 Nicholas Circle, Suite 100  
   68022  
   REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’, to the street side yard setback from 25’ to 20’, and to the interior side yard setback from 25’ to 10’ to erect single-family homes  
   LOCATION: 19207, 19408, 19414, 19502 and 19510 Camden Avenue; 5260, 5275 and 5280 N 196 Street; 19217 and 19218 Grande Avenue Circle; 5209 N 192 Circle, 19412 Grande Avenue  
   ZONE: R1 (formerly SF-1 Elkhorn)
<table>
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<th>Case No.</th>
<th>REQUEST</th>
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<td>Lazaro Campos</td>
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<td>09-106</td>
<td>Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 28’ to allow 12’ x 20’ deck to remain</td>
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<td>9970 Florence Heights Blvd 68112</td>
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<tr>
<td>09-107</td>
<td>Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 10’ to erect a 10’ x 23’ elevated deck</td>
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<td>09-108</td>
<td>Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 25’ and to the side yard setbacks from 7’ to 5’ to erect two residential Villas</td>
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<td>Five Fountains, LLC</td>
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<td>17809 Pacific Street 68130</td>
<td>19008 and 19014 Cuming Circle R3(R4 Pending)</td>
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<td>09-109</td>
<td>Waiver of Section 55-786 – Variance to allow a 6’ high privacy fence in the street side yard</td>
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<td>09-110</td>
<td>Waiver of Section 55-146 – Variance to the side yard setback from 10’ to 4’ to erect a 13’8” x 8’ attached garage addition</td>
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<td>John &amp; Marlene Haske</td>
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<td>309 S 68 Avenue 68132</td>
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<td>09-111   - Withdrawn</td>
<td>Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 4.5’ for existing residence</td>
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<td>Holy Name Housing</td>
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<td>3014 N 45 Street 68104</td>
<td>2227 Willis Avenue R4</td>
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<td>09-112</td>
<td>Waiver of Section 55-740 – Variance to the hard surfacing requirements and perimeter landscaping for a temporary gravel parking lot</td>
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<td>Creighton University</td>
<td>Creighton University</td>
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<tr>
<td>2500 California Plaza 68178</td>
<td>615 N 17 Street DS</td>
</tr>
</tbody>
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15. Case No. 09-113  
Open Door Mission  
2201 E Locust Street  68110  
REQUEST: Waiver of Section 55-734 – Variance to the required off-street parking from 82 stalls to 45 stalls to erect transitional living facility  
LOCATION: 2201 E Locust Street  
ZONE: GI

16. Case No. 09-114  
Steven & Michelle Scott  
10370 Franklin Circle  68114  
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 41’6” and to the street side yard setback from 25’ to 19’6” to erect additions to existing residence  
LOCATION: 408 S 91 Circle  
ZONE: R1

17. Case No. 09-115  
80 Dodge Hotel Venture, LLC  
8712 West Dodge Road  68114  
REQUEST: Waiver of Section 55-366 – Variance to the rear yard setback from 15’ to 0’ to erect hotel building  
LOCATION: 225 N 80 Street  
ZONE: CC

18. Case No. 09-116  
Joe Rysavy  
Catholic Charities  
3300 N 60 Street  68104  
REQUEST: Waiver of Section 55-246 & 55-735B – Variance to the street side yard setback from 25’ to 18’2” and allow parking for a non-residential use in a residential district to be located in the street side yard  
LOCATION: 2111 Emmet Street  
ZONE: R7

19. Case No. 09-117  
CBS Sign Co.  
21920 Platteview Road  68025  
REQUEST: Waiver of Section 55-834 – Variance to the front setback for a monument sign from 12’ to 0’  
LOCATION: 117 N 32 Avenue  
ZONE: GO

20. Case No. 09-118  
Suzanne & Robert Karasek  
5802 S 53 Street  68117  
REQUEST: Waiver of Section 55-716, 55-740E & 55-766B2 – Variance to the bufferyard between GI & R7 from 50’ w/screening to 0’ w/o screening and to the hard surfacing requirement for an existing service drive and to the requirement that a scrap and salvage business be enclosed with an 8’ high screen  
LOCATION: 2816 & 2825 B Street  
ZONE: GI

21. Case No. 09-119  
Millard Good Samaritan Housing, Inc.  
12835 Deauville Drive  68137  
REQUEST: Waiver of Section 55-735, 55-246 & 55-734 – Variance to the front yard setback from 35’ to 25’ and to the required off-street parking from 76 stalls to 39 and allow parking in the front yard setback  
LOCATION: 12835 Deauville Drive  
ZONE: R7
22. Case No. 09-120  
Joe Kozol  
5707 N 60 Street  68104  
REQUEST: Waiver of Section 55-765(e)(6) - Variance to the required perimeter buffer yard from 20' to 0' for convenience storage facility  
LOCATION: 5707 N 60 Street  
ZONE: CC

23. Case No. 09-121  
John Synowiecki  
2451 S 27 Avenue  68105  
REQUEST: Waiver of Section 55-523 - Variance to the allowed uses in the heavy industrial district to permit a single-family residence to remain  
LOCATION: 2451 S 27 Avenue  
ZONE: HI