Mr. Hancock called the meeting to order at 1:00 p.m., introduced the board members, as well as the staff, and explained the procedures for hearing the cases.
Layover Cases:

1. Case No. 10-005  
   (over from 1/21/10, 2/18/10, 3/18/10, 4/15/10, 5/20/10)  
   The Architectural Offices  
   4610 Dodge Street  68132

   Request: Waiver of Section 55-246 – Variance to the minimum lot width from 50’ to 40’ to erect a new duplex

   Location: 1545 S 28 Street  
   Zone: R7

Staff Recommendation: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Bryan Zimmer, Architect, The Architectural Offices, 4610 Dodge Street, appeared on behalf of the applicant in support of the waiver.

Mr. Tom Blair, ZBA Administrator, stated that this case was laid over to give the applicant an opportunity to make revisions to the plan. The floor plan was modified to a 3-bedroom duplex. The dimensions have been modified as well. He stated what was once a staff office is now a closet. The building footprint along with the north and south setbacks are the same. The single-family house was removed and the lot is now vacant.

Mr. Anzaldo inquired if the applicant plans to run an assisted living or some type of medical facility. Mr. Zimmer stated the applicant plans to lease to mentally-handicap individuals and employ off-site supervision to periodically check on them.

Mr. Evan Engelkes, 1541 S. 28th Street, spoke in support of the waiver. He stated that the property owner has maintained the corner property and the building. Engelkes had no objections to the applicant's plan.

Mr. Anzaldo moved to APPROVE the request for waiver in accordance with the new plan submitted. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock
MOTION CARRIED: 5-0
2. Case No. 10-043  
(request over from 5/20/10)  
TRP Properties, LLC  
12910 F Plaza  68137  
REQUEST: Appeal of the determination by the City of Omaha that an existing use exceeds the maximum permitted sound levels of the General Industrial District as provided by Sections 55-803 & 55-804  
LOCATION: 12910 F Plaza  
ZONE: GI

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Terry Peterson, owner of TRP Properties, LLC, Mr. Randy Milbrith, Terracon Consultants Inc., Mr. Jerry Slusky, Attorney, and Darrell Seachrist, Safety Director, Omaha Craft Materials, appeared in support of the appeal.

Mr. Tom Blair, ZBA Administrator, stated that the zoning code references the amount of noise that is permissible across property lines based on a given zoning and use. He noted that 85 letters of protest were received by the Planning Department in opposition to the request. Blair stated that the Department met with the applicant on numerous occasions and discussed various types of noise abatement in order to be in compliance. He stated that the zoning code restricts the decibel level adjacent to the residential properties that are approximately 300' to the north to 60 decibels. The readings that the City obtained have exceeded that level.

Mr. Slusky stated that prior to investing in this property, the applicant proposed an operation that recycles railroad material. Peterson stated that they were told that the use fit within general industrial. Slusky stated that the business has been operating in this 60-year-old general industrial district for more than a year.

Mr. Peterson stated that he operates several businesses from this property. He talked about the history of the companies that currently use parts of the property which are Omaha Track Materials LLC, Omaha Track Equipment LLC, and Ribbon Weld LLC. He stated that in 1984 they moved further into the recycling of railroad material. Peterson stated that in 1993 the company began operating steel railroad materials in Council Bluffs. He stated that the Omaha facility (WECO) opened in February 2009 processing recycled steel. In response to Mr. Hancock, Mr. Peterson stated that WECO moved from Council Bluffs. Peterson stated that Omaha Track Equipment moved to Omaha to expand and operate near the Union Pacific mainline. He stated that lots 16, 17, and 18 are the rail processing facilities which are the eastern lots. Peterson stated that Omaha Track Equipment occupies lot 19. He stated that rail breaking began in June last year and lasted until August 2009. Peterson stated that rail breaking slowed down considerably due to a decline in the steel market but picked up again in March, April, and May 2010.

Mr. Peterson felt that they were not in violation according to the interpretation of the zoning regulations with regard to maximum permitted sound levels. In addition, they performed sound testing to determine if the operation was within the City ordinance. He stated that the sound levels reach 80 decibels with peaks to 90 decibels, not to exceed 15 cumulative minutes every hour. Peterson listed some solutions that could reduce the sound further: 1) cease from breaking rail at this location; 2) replace magnets with grapples to unload rail; 3) lay steel on wood stringers while sorting; 4) restrict the hours of operation; and 5) perform additional sound studies.

Mr. Slusky referred to a diagram that displayed the general industrial zoning adjacent to other general industrial users. He pointed out that the residential subdivision was planted 20 years after other industrial companies were established. He talked about the term “adjacent” used in the ordinance and the need to clarify the interpretation as it relates to residential properties and lot lines in this district.

Mr. Todd Koozer, 12729 C Street, appeared in opposition and represented the neighborhood group. He stated that the rail breaking has stopped but Omaha Track is dropping rail which is just as bad with regard to sound levels. Koozer stated that the noise is destroying property values. Koozer stated that the neighbors are depending on the City to hold up the laws for the homeowners.
Mr. Randy Milbrith stated that on June 14 recordings were conducted at the residential (rearyard) property line north of the facility. He stated that the manual sorting of metal scrap measured at a peak sound level of 73 decibels; moving rail with a forklift measured at a peak sound level of 90.6; and transferring scrap metal from one pile to another by a magnetic lift measured at a peak sound level of 83.7. Mr. Hancock stated that the readings were consistent with the City's recordings. Milbrith described the sounds as impact noises generated by metal on metal with some reverberation. He discussed other controls listed in the exhibit which could soften the sound effects of the activities performed on the property. Milbrith stated that some of the ambient concentrations range from 46 to 58 decibels.

Mr. Koozer stated that he recorded up to 98 decibels during the breaking and moving of rail. He also measured the trains at 85 decibels. Koozer stated that the trains are not as unbearable as the steel activity.

Mr. Hancock commented on the term "adjacent" in the code. He had concerns about the 60 decibel rating relative to adjacent property. He felt that if the noise is above the decibel limit, it should be even lower further away.

Mr. Anzaldo reiterated the challenges stated earlier by the applicant in getting service from OPPD, MUD, sewer, etc. and questioned whether the City was fully knowledgeable of the activity which presently takes place at the business site. It was discovered that the applicant has not received a certificate of occupancy for the current use.

Mr. Blair pointed out the code's definition for general industrial which states, "General industrial uses do not have noticeable noise, odor, vibration, or air pollution effects across property lines." Therefore, the board may be asked to waive the zoning to allow a use that would not otherwise be permitted because it exceeds the sound level.

Mr. Hancock stated that there is a difference between a decibel rating and a frequency rating rather than wavelength of the sound. He felt that the sharpness of a rail vibrating against another rail can definitely be agitating.

Mr. Mahlendorf moved to LAYOVER the appeal for 60 days during which the hours of operation will be 7:30 am to 5:00 pm Monday through Friday. During the 60 day period, the City will provide a legal opinion on the definition of "adjacent" whether or not 60 decibels or 80 decibels is the peak amount that should be considered in this case. Within the 60 days, there will be an independent test of the noise for an extended period of time. Mr. Meyer seconded the motion.

AYES: Meyer, Nash, Mahlendorf, Hancock

NAY: Anzaldo

MOTION CARRIED: 4-1

In response to Mr. Koozer, Mr. Hancock recommended that Mr. Koozer contact the Code Enforcement Department if the layover request is violated.
3. Case No. 10-045  
(over from 5/20/10)  
Jeremy Carrell  
5020 S 110 Street  68137  
REQUEST:  
Waiver of Section 55-406 - Variance to the rear yard setback from 15' to 8.75' and to the impervious coverage from 90% to 100% and to the bufferyard between GC & R4 from 12' to 2'  
LOCATION:  
4425 N 16 Street  
ZONE:  
GC  

STAFF RECOMMENDATION:  Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Jeremy Carrell, Mr. LeRoy Gardner, Poohbah Construction, and Ms. Jennifer Wheeler, DK Towing, appeared in support of the request.

Mr. Tom Blair, ZBA Administrator, stated that the building addition can be reduced in size so that all requirements of the zoning code can be followed and the Department is opposed to the requested waivers. Blair stated that the site plan submitted shows the proposed addition to the south of the existing building which is 47' X 48'. He added that there is an existing 20' X 34' one-story building already on the property. Blair noted that the tow lot portion of the business as well as the sales lot, if one is associated with this business, would require a special use permit approved by the Planning Board and City Council.

Ms. Wheeler commented on the building size and the need for the waiver.

Mr. Mahlendorf felt that the applicant was overbuilding the lot.

Mr. Carrell stated that Ms. Wheeler is in the process of petitioning to vacate the alley on the rear of the property. The board stated that the vacation would be helpful regarding all three requests. Mr. Blair suggested that the applicant get the alley vacated, revise the plans, and meet the three criteria prior to applying for a special use permit. Carrell stated that the building size could be reduced to 36' X 36' with the changes discussed.

Mr. Anzaldo moved to APPROVE that the waiver request be withdrawn by applicant to revise the plans. Mr. Meyer seconded the motion.

AYES: Nash, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED:  5-0
4. Case No. 10-053  
(over from 5/20/10)  
R & A Builders  
Box 540731  68154

| REQUEST: | Waiver of Section 55-126 - Variance to the maximum impervious coverage from 30% to 42% and to the minimum street yard landscaping from 75% to 65% |
| LOCATION: | 1223 Ranch View Lane |
| ZONE: | R1 |

STAFF RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Chad Allington, R & A Builders, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that it has been discovered that the building coverage slightly exceeds 75 percent. He stated that the applicant needs to request a waiver for the excess in building coverage. The request for waiver must also be advertised.

Mr. Anzaldo moved to LAYOVER the request for 30 days to advertise the waiver request for building coverage. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
5. Case No. 10-054
(over from 5/20/10)
Michael & Joyce Nylin
19006 Grover Street  68130

REQUEST: Waiver of Section 55-186 - Variance to the rear yard setback from 25’ to 16’ 20’ to erect 20’ 16’ X 25’ addition to existing residence

LOCATION: 19006 Grover Street
ZONE: R4

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, the applicants appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the board was able to view the property firsthand. He inquired if the applicant could reduce the size of the building.

Mr. Hancock explained that the board is hesitant to grant waivers of setbacks in new subdivisions. However, it is recognized that the applicant does not have a neighbor to the rear. Mr. Nylin presented two letters from neighbors who are not in opposition to his request. in response to Mr. Hancock, Mr. Nylin stated that he would have no problem with revising the setback and reducing the size of the addition.

Mr. Anzaldo moved to APPROVE a 20’ rear yard setback to erect a 16’ X 25’ addition. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
NEW CASES:

6. Case No. 10-061
   Burch & Renee Kealey
   2008 N 55 Street  68104
   REQUEST: Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 3.9’ to erect 2-story addition and garage addition to existing residence
   LOCATION: 2008 N 55 Street
   ZONE: R4(35)

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, the applicants appeared before the board in support of this request.

Mr. Kealey stated that the proposed addition will not be closer to the neighbor’s house. He stated that the neighbor is on a double wide lot which is 30’ away. Kealey further explained the two-story addition and the tandem garage that will be constructed.

Mr. Anzaldo moved to APPROVE the request for waiver as submitted. Mr. Meyer seconded the motion.

AYES: Nash, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
7. Case No. 10-062
   James & Anita Birrell
   4328 S 180 Street  68135

REQUEST: Waiver of Section 55-767 (C) - Variance to allow a home occupation (photography studio) outside the dwelling unit

LOCATION: 4328 S 180 Street
ZONE: AG

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, the applicants appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the Department received a phone call from an adjacent property owner opposing waivers to allow a home occupation in the neighborhood. Other property owners were concerned about the signage that had been placed at the front of the property. He added that most of the business activity takes place off-site.

Mr. Hancock stated that the board supports the home occupation with conditions.

Mr. Meyer moved to APPROVE the request for waiver, subject to: 1) no signage; 2) for this applicant only; and 3) no employees other than the residents of property. Mr. Nash seconded the motion.

AYES: Nash, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
8. Case No. 10-063
Joe Kidd
3615 Martha Street  68105

REQUEST: Waiver of Section 55-206 - Variance to the maximum impervious coverage from 55% to 61% to replace a detached garage

LOCATION: 2122 S 35 Avenue
ZONE: RS(35)

STAFF RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Joe Kidd appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant is replacing the existing garage with one that is smaller (17' X 20') in the same location. He stated that the proposed garage comes closer to meeting the impervious coverage standards than the existing garage. He stated that the Department supports this request.

In response to Mr. Hancock, Mr. Kidd stated that the garage will be finished with vinyl siding.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Nash seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Nash, Hancock

MOTION CARRIED: 5-0
9. Case No. 10-064  
Creighton Medical Associates  
1319 Leavenworth Street  68102

REQUEST: Waiver of Section 55-824 (d) - Variance to allow two ground signs on property where the front wall of the building which the sign serves is closer than 15’ from the street to which it is oriented

LOCATION: 1319 Leavenworth Street
ZONE: CBD

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Ms. Gabrielle Ryan, Neon Products, appeared before the board in support of this request.

In response to Mr. Hancock, Ms. Ryan stated that all other signs will be removed.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Mahlendorf seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
10. Case No. 10-065
   Jeff Gehring
   4222 Davenport  68131

   REQUEST:    Waiver of Section 55-186 - Variance to the rear yard setback from 25' to 20’ to replace 4’ X 5’ deck
   LOCATION:  5820 Dorcas Street
   ZONE:       R4(35)

   STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

   At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Jeff Gehring, Mercury Contractors, appeared before the board in support of this request.

   Mr. Tom Blair, ZBA Administrator, stated that the duplex is 18' from the alley and does not meet the rear yard setback. He stated that the deck would give a means of ingress and egress to the rear of the two units.

   Mr. Mahlendorf moved to APPROVE the request in accordance with the plans submitted. Mr. Meyer seconded the motion.

   AYES: Meyer, Nash, Anzaldo, Mahlendorf, Hancock

   MOTION CARRIED:  5-0
11. Case No. 10-066
FBG Service Corp.
407 S 27 Avenue  68131

REQUEST: Waiver of Section 55-825 (C) - Variance to the maximum size for a temporary sign (for 4 months) from 20 sq. ft. to 100 sq. ft.

LOCATION: 407 S 27 Avenue
ZONE: CBD

STAFF RECOMMENDATION: Approval, subject to the sign being removed by October 31, 2010.

At the Zoning Board of Appeals held on Thursday, June 17, 2010, Ms. Barbara Luna, appeared before the board in support of the request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant proposes a temporary sign until October 31, 2010 to identify 50 years of service at that location.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Meyer seconded the motion.

AYES: Nash, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
12. Case No. 10-067

Chris Foster
3413 California Street  68131

REQUEST: Waiver of Section 55-166 – Variance to the maximum impervious coverage from 45% to 52% to erect a driveway and detached garage

LOCATION: 3330 California Street
ZONE: R3

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Justin Brown, 3408 California Street, appeared on behalf of the applicant in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this lot is 55' X 110'. Currently, there is no off-street parking to serve this residence. He stated that the applicant proposes a detached garage that meets all required setbacks with a driveway. However, due to the heavy traffic volumes of California Street, the applicant proposed a turnaround in the back that would allow cars to exit in a forward position which provides a safer way to exit the property.

Mr. Meyer moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Anzaldo seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Nash, Hancock

MOTION CARRIED: 5-0
13. Case No. 10-068
John & Kathleen Mitchell
1205 N 100 Circle  68114

REQUEST: Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 6’9” 10’ to erect a 750 sq. ft. garden house

LOCATION: 1205 N 100 Circle
ZONE: R2

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals held on Thursday, June 17, 2010, Ms. Suzan Rohrig, Architect, 16429 Mason Street, appeared on behalf of the applicants in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the plans were revised based upon the adjacent property owner’s suggestion to move the improvement 10 feet away from the common lot line.

Ms. Rohrig explained that a garden house has a roof on part of the structure with columns and is open to the exterior. She stated that they met with the neighbors on either side who viewed the plans and support the revised design.

Mr. Meyer moved to APPROVE the waiver request in accordance with the revised plans submitted. Mr. Nash seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
14. Case No. 10-069
Kirk Larson
2926 S 217 Circle  68022

REQUEST: Waiver of Section 55-126 - Variance to the
front yard setback from 50’ to 44.6’ and to
the side yard setback from 25’ to 21’ to
erect 22’ X 28’ garage addition

LOCATION:  2926 S 217 Circle
ZONE:  R1

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, the applicant appeared before
the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated the Department's position is that the addition could be reduced
in size to meet the front and side yard setbacks.

Mr. Larson stated that his property is butted up against a common ground (20 feet of side yard) which he
maintains. Mr. Hancock also pointed out that the applicant's lot is irregular.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Nash seconded the motion.

AYES: Meyer, Nash, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED:  5-0
15. Case No. 10-070
   Josh Lingenfelter
   1528 N 75 Avenue  68114
   REQUEST: Waiver of Section 55-786(e)(1) – Variance to the residential fence regulations to allow a 6’ high privacy fence in the street side yard
   LOCATION: 1528 N 75 Avenue
   ZONE: R3

STAFF RECOMMENDATION: Denial – This request will set a precedent.

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Josh Lingenfelter and Mr. Dennis Hyde appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the code allows for a 4’ high, 50% open fence. The street side yard setback requirement is 17.5’ for a 6' solid cedar fence.

Discussion surrounded the safety and visibility of a 6' high fence on the corner. The applicant commented on the difficulty of building the fence in accordance with the setback requirement due to the close proximity of a retaining wall.

A motion was made and reconsidered due to the need for accuracy in determining the exact location of the property line.

Mr. Anzaldo moved to LAYOVER the waiver request for 30 days to allow applicant time to develop detailed plans of exact dimensions from the curb line, property line, and sidewalk line. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
16. Case No. 10-071
Newstreet LLC
6336 Pershing Drive  68110

REQUEST: Waiver of Section 55-740(e)(1) – Variance to the hard surfacing requirement for a temporary gravel parking lot (for one year for 6 months)

LOCATION: 711 N 15 Street & 1402 Mike Fahey Drive

ZONE: HI

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Jerry Banks, Newstreet LLC, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the City has concerns about gravel parking lots due to the fact that cars track gravel onto the adjacent street which is a maintenance problem. He stated that gravel lots can become unsightly for parking if the lot is not properly maintained. Blair stated that a one-year waiver is excessive. He stated that the number of construction workers will be much less in a year.

Mr. Banks stated that they are working on a redevelopment plan for this site.

Mr. Mahlendorf moved to APPROVE a temporary gravel parking lot (for 6 months) starting July 1, 2010. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Nash, Anzaldo, Hancock

MOTION CARRIED: 5-0
17. Case No. 10-072  
Kevin Kleine  
4970 S 36 Avenue  68107

REQUEST: Waiver of Section 55-523 - Variance to the use regulations of the Heavy Industrial District to permit a single-family residence not otherwise permitted

LOCATION: 4970 S 36 Avenue
ZONE: HI

STAFF RECOMMENDATION: Approval. The applicant has made application for rezoning to R4.

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Ms. Kevin Kleine appeared before the board in support of this request.

It was confirmed that the applicant has made application for R4 zoning in order to sell the house which would make it legal to live in as opposed to being in a heavy industrial zoning district as it stands.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Mahlendorf seconded the motion.

AYES: Meyer, Nash, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED:  5-0
18. Case No. 10-073  
Tires and Wheels LLC  
4310 S 84 Street  68127  

REQUEST: Waiver of Section 55-506 - Variance to the maximum impervious coverage from 90% to 95% and the minimum rear yard setback from 10' to 0' to erect a new building  

LOCATION: 4310 S 84 Street  
ZONE: GI  

STAFF RECOMMENDATION: Denial  

At the Zoning Board of Appeals meeting held on Thursday, June 17, 2010, Mr. Mike Kline, Tires and Wheels LLC, and Mr. Chris Dorner, TD2, 10836 Old Mill Road, appeared before the board in support of this request.  

Mr. Tom Blair, ZBA Administrator, stated that this property is T-shaped lot with access to 84th Street. A portion of the lot is developed nearly to its fullest extent with parking, asphalt, and a building. The applicant proposes a 50' X 50' building to the northeast side which is undeveloped at this point. He stated that the Department recommends that the applicant construct a smaller building and meet the requirements of the ordinance.  

Mr. Kline stated that the proposed building would store vehicles. He talked about plans to landscape outside of the fence. Kline added that there is a 20' sewer easement which is the reason for the variance of setback on one side.  

Mr. Mahlendorf felt that a hardship is experienced due to the shape of the lot and the double easement.  

In response to Mr. Hancock, Mr. Kline stated that the adjacent neighbor's building would be 6' away. Mr. Hancock had some concerns about the close proximity to the neighbor with regards to drainage.  

Mr. Mahlendorf moved to APPROVE the waiver request. Mr. Anzalso seconded the motion.  

AYES: Meyer, Nash, Anzaldo, Mahlendorf  

NAYES: Hancock  

MOTION CARRIED: 4-1
APPROVAL OF MINUTES

Mr. Meyer moved to APPROVE the meeting minutes of May 20, 2010. Mr. Mahlendorf seconded the motion.

AYES:  Anzaldo, Mahlendorf, Meyer, Hancock

ABSTAIN:  Nash

MOTION CARRIED:  4-0-1

ADJOURNMENT

Mr. Mahlendorf moved to ADJOURN the meeting at 3:47 p.m. Mr. Hancock seconded the motion.

AYES:  Anzaldo, Mahlendorf, Meyer, Nash, Hancock

MOTION CARRIED:  5-0

Approved (date)

Bert Hancock, Chairman

Claudia Moore, Secretary