MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, SEPTEMBER 16, 2010
CONFERENCE ROOM - 7th FLOOR, ROOM 702 - 1:00 P.M.
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

MEMBERS PRESENT: 
Brian Mahlendorf, Vice Chair
Sebastian Anzaldo
Jacque Donovan
Lloyd Meyer

MEMBER NOT PRESENT: 
Bert Hancock, Chairman

OTHERS PRESENT: 
Tom Blair, Zoning Board of Appeals Administrator
Rosemarie Horvath, Assistant City Attorney
Michael Carter, City Planner

Mr. Mahlendorf 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.
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**LAYOVER CASE:**

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<th>Case No.</th>
<th>REQUEST:</th>
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<td>10-088</td>
<td>Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 25’ and to the side yard setback from 25’ to 10’ and 5’ and to the rear yard setback from 35’ to 25’</td>
<td>21814 Daylily Circle</td>
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Mr. Eric Lakeman  
P. O. Box 82  
Bennington, NE  68007

RECOMMENDATION: Approval. A rezoning of this 9-lot subdivision should be initiated by the City Planning Board.

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Mr. Eric Lakeman appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case was laid over to re-advertise dimensions that were excluded last month. He stated that the applicant will have ownership of the lots on each side of this site. The Planning Department is in support due to the severe grade change across the property to the west. The waivers are necessary in order to fit the house on this lot which is the first house to be built on this cul-de-sac.

Ms. Donovan moved to APPROVE the request. Mr. Meyer seconded the motion.

AYES: Anzaldo, Teutsch, Meyer, Donovan, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

2. Case No. 10-104
   Jerry Reimers
   4880 S 131 Street, Ste 2  68137
   REQUEST: Waiver of Section 55-226 – Variance to the front yard setback from 35’ to 27’ and to the required site area per unit from 2,000 sq. ft. to 1,375 sq. ft. to erect a 12-unit apartment building
   LOCATION: 1002 S 33 Street
   ZONE: R6

RECOMMENDATION: Layover for re-design and detailed parking layout.

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Mr. Jerry Reimers appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that in reviewing the plans, questions arose that dealt with off-street parking. There were no indications in the plans stating how many stalls were provided, nor was there a request asking for a waiver of the off-street parking. The design of the structure was different from the architectural standard found in the neighborhood, therefore the board decided on a layover.

Mr. Jerry Reimers stated that the board has not reviewed the updated plan. He stated that the building has a high elevation. Reimers stated that cars would enter from Mason Street into an underground parking garage which meets the current requirement of two parking stalls per unit as well. There is access to 24 or more stalls. He stated that there will be further refinement of the plans. Reimers commented on the architectural style. He noted that the architectural style is a new concept where “modern design” is sprinkled in with the older, rehab neighborhoods. Mr. Meyer suggested that Mr. Reimer collect support letters for that particular style of architecture. He noted Hanscom Park N.A. and Leavenworth N.A. support on previous projects.

Ms. Angela Earnest, 1005 Turner Blvd., appeared before the board with concerns about the proposed plan. Mr. Reimers stated that the lots, which are wooded with trees, were purchased for additional parking. Earnest stated that she has a screened-in patio in back in which she would have clear view of whatever becomes of those lots. He stated that they plan to save the good trees and use existing landscaping, and buffers. Reimers listed other locations where they provided landscaping to stimulate change in the midtown area.

Mr. Rex Ekleberry, 1007 S. 33rd Street, appeared before the board with concerns about the proposed plan. In response to Mr. Ekleberry, Mr. Reimer referenced the site and noted that they purchased that property to rehab. He stated that the property was a condemned single family dwelling needing renovation and ownership. Reimers felt that single family rehabs are an entry point for a new generation into old neighborhoods. Ekleberry was also concerned about construction cutting off 33rd Street.

Mr. Anzaldo moved to LAYOVER until the October 21, 2010 meeting to allow the applicant time to provide a parking plan for the proposed apartment building, and address concerns of the two neighbors who were present at the meeting. Ms. Teutsch seconded the motion.

AYES: Teutsch, Meyer, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 10-105  
Kevin Mears  
2719 N 50 Street  68104  

REQUEST:  Waiver of Section 55-782B6, 55-186 - Variance to the side and rear setback for a detached garage from 3’ to 2’ and to the maximum impervious coverage from 50% to 54%  

LOCATION:  2719 N 50 Street  
ZONE:  R4(35)  

RECOMMENDATION:  Approval in accordance with the plans submitted.  

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Mr. Kevin Mears  

Mr. Tom Blair, ZBA Administrator, stated that this case involves a single family lot that is 46’ wide by 100’ in depth. He stated that the applicant is requesting a small detached garage located in the southeast corner be removed due to its condition. A new structure that is slightly bigger will be placed in the same spot utilizing the same 2’ setback that was established when the original garage was built. The Planning Department supports the request due to the size of the lot. In addition, maneuverability in and out of the garage would not be good if the new structure were placed further back. Blair stated that there were no responses received from notices sent to neighbors.  

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

AYES:  Meyer, Donovan Anzaldo, Teutsch, Mahlendorf  

MOTION CARRIED:  5-0
4. Case No. 10-106
Mercedes Moreno
3936 T Street  68107

REQUEST: Waiver of Section 55-782 B6 - Variance to the side yard setback from 3’ to 2’ to allow a 20.5’ X 27.5’ 2-story detached garage to remain

LOCATION: 3936 T Street
ZONE: R4(35)

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Ms Mercedes Moreno, and Mr. David Moreno, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case deals with a waiver of the required setback for an accessory building. The building is larger than 750 sq. ft. due to two levels. The board also has concerns about the garage being built without a permit. The applicant stated that there are a total of five individuals living in the main house.

Mr. Scott Minino, 3930 T Street, appeared in opposition. He had concerns about the accessory building encroaching on his property. Minino stated that a privacy fence was installed due to the encroachment. He discovered that the garage had a window on the second floor which overlooked his property. Mr. Minino stated that there are no gutters on the garage, therefore rain water from the eaves pour onto his property. He is concerned about the resale value of his home as well.

Mr. Anzaldo recommended that the applicant provide a survey showing the position of the garage and a report from a city building inspector showing the condition of the garage relative to ordinances and building code compliance. In response to Mr. Anzaldo, Ms. Moreno stated that the two apartments have been there for twenty years.

Mr. Anzaldo moved to LAYOVER the request until the October 21, 2010 meeting to allow the applicant time to provide a survey of the land where the accessory building is located. A building inspector shall provide a report regarding compliance of the accessory building with the building code. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Teutsch, Meyer, Mahlendorf

MOTION CARRIED:  5-0
5. Case No. 10-107  
Ronald S Truax  
3002 S 21 Street 68108

REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35’ to 12’ and to the street side yard setback from 15’ to 14’ to erect an 8’ X 24’ porch

LOCATION: 3002 S 21 Street

ZONE: R4

RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Mr. Ronald S. Truax appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the width of this new construction would match with the north and south walls of the existing structure. He noted this area as being an older part of the city, so many of the setback requirements of today are not met. Blair stated that the neighbors were in support of this variance as well (Exhibit #2).

Ms. Donovan moved to APPROVE the request. Ms. Teutsch seconded the motion.

AYES: Anzaldo, Teutsch, Meyer, Donovan, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 10-108
Brian Kenney
13635 Shongaska Rd  68112

REQUEST: Waiver of Section 55-108 – Variance to the side yard setback from 25’ to 15’ to erect 14’ X 16’ sunroom addition

LOCATION: 13635 Shongaska Road
ZONE: DR

RECOMMENDATION: Approval, subject to the applicant making application for a subdivision plat to provide permanent access to Shongaska Road.

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Ms. Kesa Kinney appeared before the board in support of the request.

Mr. Tom Blair, ZBA Administrator, stated that the setback requested is in keeping with the existing setback. The house is currently within 16’ of the side lot line. It is a wooded lot and the addition would match that same setback. He stated that this property is technically landlocked. The applicant has begun the process to attach a small piece of ground which would make this property abut Shongaska Road so that a building permit could be issued if the board wanted to approve a waiver. The Planning Department is in support of a waiver in light of the fact that the house has already established a setback similar to what is being requested and that the applicant has agreed to attach the two pieces together to provide permanent access.

Blair stated that an administrative subdivision needs to be prepared and the Planning staff will assist the applicant in accomplishing that.

Ms. Donovan moved to APPROVE the request in accordance with the plans submitted, and subject to the applicant making application for a subdivision plat to provide permanent access to Shongaska Road. Mr. Mahlendorf seconded the motion.

AYES: Teutsch, Meyer, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 10-109  
Orange Development  
1200 Corporate Drive  
Birmingham, AL  35242

REQUEST: Waiver of Section 55-934 – Variance to the maximum retaining wall height of the Urban Design standards from 5’ to 6’ to construct a pharmacy with required parking

LOCATION: 4840 Dodge Street

ZONE: CC

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Larry Jobeun, 11440 W. Center Road, presented this case on behalf of the applicant.

Mr. Tom Blair, ZBA Administrator, stated that the original Urban Design standards restricted the height of retaining walls limiting the maximum height to an average of 5 feet. He stated that at some point it changed and although this retaining wall has a height of 6.5’ at one end, it tapers down to dramatically less. Mr. Jobeun stated that the original site plan included a strip of green space along Dodge Street which absorbed the grade change to meet the requirements for the retaining wall. Since that time, Public Works requested parallel parking on Dodge Street, so they would lose that 8’ strip of green space. Jobeun added that the City Council requested them to remove 13 parking stalls on the northeast side which will come before this board November 2010.

Mr. Blair suggested that the applicant layover the case until next month in order to re-advertise for the parking waiver.

Mr. Meyer moved to LAYOVER the request until the October 21, 2010 meeting to address off-street parking and re-advertise the overall height of the retaining wall. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 10-110
   Tuff Shed
   7530 L Street  68127

   REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback on a double frontage lot from 25’ to 5’ to erect a 12’ X 16’ storage shed
   LOCATION: 9211 Weir Street
   ZONE: R3

   RECOMMENDATION: Approval

   At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Paul Runyon, Tuff Shed, Mr. James Patton & Mrs. Elizabeth Patton, 9211 Weir Street, appeared before the board in support of this request.

   Mr. Tom Blair, ZBA Administrator, stated that the Department finds that there is a hardship due to the double frontage nature of the property; it fronts Weir Street and backs up to Q Street. He stated that similar waivers for accessory buildings like sheds have been approved throughout the city.

   Mr. Patton requested a correction of 1’ on the setback because of a utility easement which is 5’ from the rear yard property line. He stated that the waiver request should be a 6’ rear yard setback. Patton stated that the existing shed is being replaced due to hail damage.

   Ms. Donovan moved to APPROVE the request based on the plans submitted, with applicant’s consideration to landscape. Ms. Teutsch seconded the motion.

   AYES: Donovan, Anzaldo, Teutsch, Meyer, Mahlendorf

   MOTION CARRIED: 5-0
9. Case No. 10-111  
Tuff Shed  
7530 L Street  68127  
REQUEST: Waiver of Section 55-166 - Variance to the rear yard setback on a double frontage lot from 25’ to 5’ to erect a 10’ X 12’ storage shed  
LOCATION: 9217 Weir Street  
ZONE: R3  

RECOMMENDATION: Approval

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Paul Runyon, Tuff Shed, Mr. James Patton & Mrs. Elizabeth Patton, 9211 Weir Street, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this request is being modified to a 6’ rear yard setback, moving further away from Q Street as well. He stated that the Planning Department is in support for the same reason as the previous case.

Mr. Meyer moved to APPROVE the request based on the plans submitted, with applicant’s consideration to landscape. Ms. Donovan seconded the motion.

AYES: Anzaldo, Teutsch, Meyer, Donovan, Mahlendorf

MOTION CARRIED: 5-0
10.  Case No. 10-112
    Charles L. Mullen
    5430 N 63 Street  68104

REQUEST:   Waiver of Section 55-186 - Variance to the
rear yard setback from 25’ to 23’ to erect a
10’ to 21’8” covered deck

LOCATION:  5430 N 63 Street

ZONE:      R4(35)

RECOMMENDATION:  Denial

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Charles Mullen appeared
before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant was before the board previously in 2006 for a
setback to add a sunroom in which those plans were not implemented. The applicant is presently
requesting a larger and wider deck with a cover made from 2’ X 6’ rafters with 4’ X 8’ lattice on the top.

Mr. Cullen stated that he initially removed the deck and cement steps in 2006 upon approval of the
requested waiver. He stated that since the improvements were not made in 2006, he plans to add a
wider deck which would augment the steps removed at the back door.

Mr. Meyer moved to APPROVE the waiver request. Ms. Donovan seconded the motion.

AYES:  Meyer, Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED:  5-0
11. Case No. 10-113
   Volunteer of America, Dakotas
   Attn: Pamela Bollinger, Pres/CEO
   P.O. Box 89306
   Sioux Falls, SD 57109-9306

   **LAYOVER**

   REQUEST: Waiver of Sections 55-246, 55-715, 55-716, 55-734, 55-735, 55-740 F and 55-785 - Variance to the maximum floor area ratio from 1.0 to 1.2 and to the front yard setback from 35’ to 10’ and to the street side yard setback from 19’ to 10’ and to the required street yard landscaping from 50% to 39% and to the bufferyard between R7 and R4 from 30’ to 10’2” and to the required off-street parking from 160 stalls to 80 stalls and to allow off-street parking for a multi-family residential use to be within the required front and street side yard setback and to the required parking lot perimeter landscaping from 5’ to 3’ and to the required site area per unit from 1,000 sq. ft. per unit to 509 sq. ft. per unit

   LOCATION: 39th to 40th Street north of Pacific
   ZONE: GI - R7 Pending

   RECOMMENDATION: Approval

   At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Tom Blair, ZBA Administrator, stated that the applicant contacted the Planning Department and requested a 30-day layover to allow time to address neighborhood concerns.

   Mr. Anzaldo moved to LAYOVER the request until the October 21, 2010 meeting. Mr. Teutsch seconded the motion.

   AYES: Teutsch, Meyer, Donovan, Anzaldo, Mahlendorf

   MOTION CARRIED: 5-0
12. Case No. 10-114
Omarail
2117 S 156 Circle  68106

REQUEST:  Waiver of Section 55-786 – Variance to the residential fence regulations to permit a 6' high aluminum fence in the street side yard setback
LOCATION:  503 S 57 Street
ZONE:    R3

RECOMMENDATION:  Denial

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Adam Dusatko and Ms. Donna Collins, 503 S. 57th Street, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant has provided additional plans to indicate that although the fence is made of aluminum, it would appear as a wrought-iron style. It would replace the fence that was seen during the inspection today and in the exact location on the north side. The fence will extend out 4' further.

Ms. Collins stated that the property was previously surveyed. Mr. Dusatko indicated that the fence will be on the property line. A picture of the open-style construction of the fence was submitted. The applicants stated that the new fence will provide better visibility. Blair stated that the placement of the fence needs to be based on the survey of the property to prevent having it on city right-of-way. Mr. Mahlendorf stated that the applicants are addressing a safety factor which is better than the current situation.

Ms. Donovan moved to APPROVE the waiver request in accordance with the plans submitted, subject to a land survey. Mr. Mahlendorf seconded the motion.

AYES:  Donovan, Anzaldo, Teutsch, Meyer, Mahlendorf

MOTION CARRIED:  5-0
13. Case No. 10-115
Meyer & Associates
1065 N 115 Street, Suite 200  68154

REQUEST: Waiver of Section 55-186 - Variance to the front yard setback from 35’ to 15’ and to the maximum impervious coverage from 50% to 70% and to the required off-street parking from 85 stalls to 68 stalls and allow parking for a non-residential use in a residential district to be located in the front yard setback.

LOCATION: 5071 Center Street and 1916 S 50 Ave
ZONE: R4(35)

RECOMMENDATION: Layover for redesign in order to provide the minimum off-street parking on-site or reduce the sanctuary size.

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Dan Kerns, Meyer & Associates and Mr. Jeff Loberger, Good Shepherd Church, 5071 Frances Street, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that as seen on inspection today, the church and school is being enlarged and be closer to 51st Street. Additional parking is being provided as part of the project. Three homes would be removed on 50th Avenue. Because those homes are being removed and the amount of land owned by the church is increasing, the Planning Board would have to approve a Conditional Use Permit to allow the church to expand at this location. The three waivers before this board are: first the front yard setback. Blair explained that previously the front yard setback was at Center Street. The church ran along 51st Street and did not extend to 50th Avenue. He stated that the front yard setback was at Center Street. The street side yard setback of 15’ was along 51st Street and the three lots on 50th Avenue became involved. With the addition of the three lots, the setbacks changed. Therefore, there is a multiple frontage lot at 50th Avenue to the east, 51st Street to the west, and Center Street to the north. The front yard setback changed from Center Street to 51st Street. The applicant requested a waiver of the setback on 51st Street to 15’ (what used to be legal) from 35’ (what is currently required by the ordinance) due to the change and acquisition of three additional lots. In response to a resident, Mr. Blair stated that all of the church property is zoned R4(35). He stated that what caused the waiver is moving of the improvements closer to 51st Street; 2) The second waiver refers to impervious surface coverage because of the difficulty for churches and schools to meet the same standards of a single family home; 3) The final waiver refers to the number of off-street parking stalls that are required for a sanctuary of this size. Eighty-five parking stalls are required. Twelve new parking stalls that have been constructed along 51st Street at a 90 degree angle, paid for by the church. The church is asking Public Works that the parking stalls be leased to them exclusively which has not been decided yet. The applicant has 68 stalls on the property based on this plan and 12 stalls that they hope to have under their control with a lease bringing the total to 80 stalls. Blair stated that either the board grants a waiver for off-street parking or the applicant must reduce the size of the sanctuary.

Mr. Blair stated that parking lots are not required to meet the same standards as buildings. He stated that parking lots are required to meet a 10’ setback adjacent to streets.

In response to Mr. Meyer, Mr. Loberger stated that the total size of the congregation is 400, including church and school. Mr. Kerns stated that the size of the current parking lot holds 26 cars. The goal is to get many of the cars off the street.

Mr. Rex Gruber and Ms. Laraine Harris, 1933 S. 50th Ave., Mr. Robert Powers, 1919 S. 50th Ave., and Ms. Jenna Buckley, 1941 S. 50th Ave., appeared in opposition to this request.

Mr. Blair stated that the Department also received a number of phone calls from surrounding property owners who were not present.
Mr. Gruber voiced concerns about lighting and traffic. Mr. Powers voiced concerns regarding the setbacks on 50th Avenue which Mr. Blair addressed. He explained to the residents that the waivers before this board are relative to the design of this project. Blair stated that the use of the property will be addressed by the Planning Board. Ms. Buckley stated a concern about the parking lot being her direct view which takes on a commercial feel versus a neighborhood feel. She added that the removal of the houses would bring the noise, light, and traffic from Center Street. Buckley was concerned that as membership grows and changes occur, the church could eventually relocate leaving the uniqueness of this neighborhood destroyed. Ms. Harris voiced concerns about safety for the children regarding traffic. Mr. Kerns reminded that the traffic use is not as intense as a pharmacy or gas station. He stated that the parking lot is laid out as efficiently as possible per ordinance with minimum dimensions working off of the building that is there. Mr. Loberger stated that neighbors on 51st Street support this project due to the parking that currently lines both sides of their street.

Mr. Anzaldo stated that resident(s) in favor were not present and suggested the applicant meet again with the neighbors for a consensus. Ms. Donovan recommended the applicant receive letters of support.

Mr. Anzaldo moved to LAYOVER the request until the October 21, 2010 meeting to allow the applicant time to address neighbor concerns.

AYES: Anzaldo, Teutsch, Meyer, Mahlendorf

NAYS: Donovan

MOTION CARRIED: 4-1
14. Case No. 10-116
Professional Firefighters Assn. of Omaha, Local 385
6005 Grover Street 68106

REQUEST: Waiver of Section 55-740 E1 - Variance to the hard-surfacing requirements for a parking lot

LOCATION: 6005 Grover Street

ZONE: GI

RECOMMENDATION: Approval for 90 days or whenever the paving is completed, whichever come first.

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. John Fullenkamp, Attorney, 11440 W. Center Road appeared before the board on behalf of the applicant.

Mr. Fullenkamp requested a layover to allow the applicant time to get an actual parking count and a plan for paving.

Mr. Blair stated that the building permit issued for the hall meets the parking requirements. He stated that this does not include the gravel lot on public right-of-way because some of the parking area on the private property is also not hard surfaced.

Mr. Meyer moved to LAYOVER the request until the November 18, 2010 meeting to allow the applicant time to meet with the City to discuss the proper number of stalls to be hard-surfaced, and a subsequent meeting with the City to present a schedule for completion. Mr. Anzaldo seconded the motion.

AYES: Teutsch, Meyer, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 10-117
Quest Construction Co.
14939 Industrial Road  68144

REQUEST: Waiver of Section 55-166 – Variance to the street side yard setback from 17.5 to 11.0 to erect a 20’ X 23’ garage addition 

LOCATION: 19254 Spencer Street
ZONE: R3

RECOMMENDATION: Denial

At the Zoning Board of Appeals held on Thursday, September 16, 2010, Mr. Tom McGinnis, President, Quest Construction, Mr. Jeff Elliott, E&A Consulting, 330 N. 117th Street, and Mr. John Fullenkamp, Fullenkamp Doyle & Jobeun, 11440 W. Center Road, appeared before the board in support of this request.

Mr. Tom Blair stated that the original application showed a small encroachment with respect to this proposed two-car garage addition which extends into the street side yard setback adjacent to 192nd Avenue. The Planning Department did not see a hardship created by the ordinance. The configuration of the property meant that there could not be an addition built in this area. Since a house has already been built there with adequate off-street parking, Blair suggested that the applicant provide graphical information to better show what the addition would look like. In going over the exhibits submitted by the applicant, the board suggested a hip roof on the east side to soften the effect.

Mr. Fullenkamp stated that the entry into the subdivision is toward the side of the house where there is significant right-of-way and where the sidewalk will be placed. There is a 17.5’ setback in the irregular lot at the property line. He stated that there is an 11’ encroachment at the height of the angle for approximately 8-10’ on either side. Fullenkamp stated that the effective green space was calculated from the curb to the 17’ line and the encroachment represents 1% of the entire green area. He discussed the entrance landscaping while referring to submitted drawings and provided additional perspectives as well. Fullenkamp stated that the materials on the garage addition would be the same as on the house. Mr. Elliott stated that they plan on adding a matching hip roof to blend in with the house.

Mr. Anzaldo moved to APPROVE the waiver request in accordance with the plans submitted, subject to adding a matching hip roof to the garage addition and landscaping as discussed. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 10-118
Omaha Neon Sign Co.
Attn: Troy Panagiotis
1120 N 18 Street  68102

REQUEST: Waiver of Section 55-836 - Variance to the front setback for a 150 sq. ft. 35’ high pole sign from 35’ to 0’

LOCATION: 20330 Veterans Drive
ZONE: CC

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, September 16, 2010, Mr. Rick North, Dial Realty, 11506 Nicholas Street, and Mr. Troy Panagiotis appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the only frontage for the property is adjacent to 204th Street. Access is provided at Veterans Drive with an easement to the south. Therefore, 204th Street is the front yard setback for the building and signage. He stated that the zoning classification permits a 150 sq. ft. pole sign at 35’ high which is proposed by the applicant. The applicant wants to place the sign as close as possible to the property line along 204th Street for maximum visibility. Blair stated that there is approximately 60-100’ of grass between that property line and the curb line. Blair stated that the exhibit actually shows that the sign is set back from the property line to some extent. The Planning Department recommends that the 35’ setback be maintained or the sign be made smaller and meet a 12’ setback.

In response to Mr. Anzaldo, Mr. Panagiotis stated that the rendering shows the sign setback at approximately 6’ from the property line. There was discussion as to what the exhibit reflected and what was proposed. Mr. Meyer stated that the setback has to be from the leading edge.

Mr. Meyer moved to APPROVE a front setback from 35 feet to 12 feet from the property line. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Teutsch, Meyer, Mahlendorf

MOTION CARRIED: 5-0

In response to Ms. Donovan, Mr. North stated that there will be no signs added to the property.
APPROVAL OF MINUTES:

Ms. Donovan moved to APPROVE the August 19, 2010 meeting minutes as written. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Teutsch, Meyer, Donovan, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT:

Mr. Meyer moved to ADJOURN the meeting at 2:55 p.m. Ms. Donovan seconded the motion.

AYES: Teutsch, Meyer, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0

Approved (date)

Brian Mahlendorf, Vice Chair

Claudia Moore, Secretary