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.
SHOW-CAUSE HEARING:

1. Case No. 09-058  
   (over from 5/21/09)  
   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

   STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, the Chair reported that the applicant has complied with the condition attached to the May 21, 2009 approval. Mr. Anzaldo moved to PLACE ON FILE Case No. 09-058. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Donovan, Meyer, Hancock

MOTION CARRIED: 5-0
LAYOVER CASES:

2. Case No. 10-005 - LAYOVER
(over from 1/21/10, 2/18/10)
The Architectural Offices
5015 Underwood Avenue  68132

REQUEST: Waiver of Section 55-734, 55-735 and
55-740(h) - Variance to the required off-
street parking for 6 apartment units from 11
stalls to 7 stalls and allow parking in the
front yard setback and allow cars to back
into the adjacent street

LOCATION: 1547 S 28 Street
ZONE: R7

STAFF RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Meyer moved to
LAYOVER the case per the applicant's request. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Donovan, Meyer, Hancock, Anzaldo

MOTION CARRIED: 5-0
3. Case No. 10-007  
(over from 2/18/10)  
Midtown Properties, LLC  
4880 S 131 Street  68137

REQUEST: Waiver of Section 55-206 – Variance to the front yard setback from 25’ to 21.5’ and to the rear yard setback from 25’ to 6’ to erect two 3-unit townhome structures with garages.

LOCATION: 140 N 41 Street

ZONE: R5(35)PK, R5 Pending

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Gerald Reimer, Midtown Properties, 4880 S. 131 Street, appeared before the board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, stated that this plan provides for two 3-unit townhome structures which would match up with the front setback of the structures to the north and south on 41st Street. He stated that the second part of the waiver refers to the proposed parking garages with access to the alley. The garages consist of six bays for each of the townhome structures allowing two parking stalls per living unit. Blair explained that while the case was laid over last month, the Board heard from an adjacent property owner with some concerns about the development of the site with respect to off-street parking for the neighborhood as a whole. He stated that the alternative to the waiver of setback from the alley would be to put in surface parking. Blair felt that the garages would enhance the viability of the townhomes. He stated that the proposed garages have similar setbacks as garages in adjacent alleys throughout the neighborhood. Blair stated that the Department supports the project.

In response to Mr. Hancock, Mr. Reimer stated that the two-car garages would not impact the neighborhood. He stated that they requested removal of the parking overlay as well. Reimer stated that they held a meeting with the neighborhood association to discuss the plan. The opposing neighbor was not in attendance at that meeting. Reimer stated that the neighborhood association voiced support of the plan at the Planning Board meeting. He commented that they later met with the opposing neighbor who now understands and supports the plan as well.

Mr. Mahlendorf moved to APPROVE according to the plans submitted. Mr. Anzaldo seconded the motion.

AYES: Donovan, Meyer, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 10-014  
City of Omaha c/o James Thele  
1819 Farnam Street  

REQUEST: Waiver of Section 55-206 – Variance to the allowed impervious surface coverage from 55% to 57.1%--66.9% for Lots 1, 3, 4, 5, & 6, and to the minimum lot width from 50’ to 40’ and to the rear setback from 25’ to 20’ for lot 7; all in Woodland Ridge  

LOCATION: NW of 42nd & Lake Street  
ZONE: R4(35), R5 Pending  

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.  

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Sorin Juster, Civil Engineer, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared before the board in support of the waiver.  

Mr. Tom Blair, ZBA Administrator, stated that this proposal involves seven (7) lots located northwest of 42nd & Lake Street with access into the project from the rear (north side). He stated that the property rises dramatically from Lake Street to the north. Due to its configuration and in order to develop the property to its fullest extent, the waivers are necessary.  

In response to Mr. Anzaldo, Mr. Juster stated that the units will be for sale. With respect to the Board’s site inspection, Mr. Mahlendorf recommended that every effort be made to maintain and control the erosion by installing proper silt fencing.  

Mr. Anzaldo moved to APPROVE the waiver. Ms. Donovan seconded the motion.  

AYES: Meyer, Anzaldo, Mahlendorf, Donovan, Hancock  
MOTION CARRIED: 5-0
5. Case No. 10-015
Glad Tidings Church
7415 Hickory Street

REQUEST: Waiver of Section 55-146, 55-715 and
55-735 (B) – Variance to the allowed
impervious coverage from 40% to 76% and
to the minimum street yard landscaping
from 70% to 53% and allow parking in the
front and street side yards

LOCATION: 7415 Hickory Street
ZONE: R2

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Terry Franks, 4308 South
89th Street, and Mr. Mike Thompson, Alley Poyner Macchietto, 1516 Cuming Street, appeared before the
board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, stated that the applicant has a proposal for extensive renovations;
additional parking, removal of a structure, reconfiguration of the parking lot and its access to 75th Street.
Blair explained that the single-family residential district of R2 challenges this type of campus in meeting
impervious surface coverage and landscaping standards. He added that the main entrance is being
moved to the south side of the church and a complete reconfiguration done.

Blair stated that the Department questions three curb cuts adjacent to 75th Street which will be the only
access onto the church property, according to the site plan. He stated that the plan conforms to Public
Works design for three curb cuts, however, the Planning Department would like applicant to reduce the
design to two curb cuts on 75th Street.

Mike Thompson, Alley Poyner Macchietto, stated that the owners of the church were concerned about
having too few ways for the congregation to exit out of the church. Mr. Franks stated that the reason for
the proposed curb cuts is due to two services in which many are arriving and exiting within a 30-minute
period of one another. He stated that the drive-thru and drop-off area in front for the elderly becomes
congested and does not provide easy access. The number of stalls will be increased from 260 to 281.
The entire parking lot will be reconfigured and re-paved. Thompson added that the addition of a large
lot provides a more useable layout for modifications, storm drainage and impervious coverage. He stated
that the number of access points has been reduced by one.

In response to Mr. Meyer, Mr. Thompson stated that the landscaping plan for the islands in the parking
lot will have trees and low foliage. The southern portion of the parking lot on the site plan utilizes
pervious pavers which allows for filtering and drainage of the storm water. At this point, all surface run-
off drains into 74th Street. This new design has been vastly improved over the current drainage system.

In response to Mr. Anzaldo, Mr. Thompson stated that in front of the church is the drop-off area for the
elderly which tends to get backed up. The curb cut closest to the building serves best as a drop-off area.
Thompson stated that the other two access points down the street would best serve traffic to enter and
exit smoothly.

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

AYES: Anzaldo, Mahlendorf, Donovan, Meyer, Hancock

MOTION CARRIED: 5-0
6. Case No. 10-016
   Omaha Neon Sign Co.-Troy Panagiotis
   1120 N 18 Street

   REQUEST: Waiver of Section 55-836 - Variance to the
            front and street side yard setback from 12’
            and 6’ to 0’ to move an existing monument
            sign

   LOCATION: 4865 S 108 Street
   ZONE: CC

   STAFF RECOMMENDATION: Approval in accordance with the site plan submitted by the applicant.

   At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Troy Panagiotis appeared
   before the board in support of the waiver.

   Mr. Panagiotis stated that the Right-of-Way Department had marked the location while referring to the
   plan. The widening project will require that the sign be moved approximately 16’ to the north, keeping
   the sign within the grass area. There will be 8’ between the new right-of-way line and the curb line
   which would create a 1’ setback from 108th Street and there would be no waiver necessary for the street
   side yard setback. The sign would essentially be moved to the north approximately 16 feet.

   Mr. Tom Blair, ZBA Administrator, clarified the request on the agenda to state, “from 12 feet to 1 foot
   and no waiver to the street side yard.” There was some concern by the board that the line-of-sight
   triangle may be obscured at the new location of the sign based upon the amount of street widening
   done. Mr. Panagiotis stated that the sign would not affect the line-of-sight triangle. Blair stated that with
   the new lot lines being created by the street improvement project the sign is being moved further to the
   north which is further away from the intersection. Blair stated that the oncoming traffic will be
   northbound indicating that the line-of-sight triangle would not affect westbound traffic approaching the
   corner of “O” Street at 108th. Panagiotis stated that moving the sign north is the only option in creating
   space for the sign. Blair stated that both the Engineering and Right-of-Way Divisions require that the
   line-of-sight triangle at the intersection be observed.

   Mr. Meyer moved to APPROVE subject to review by the Traffic Department to ensure that the line-of-
   sight is acceptable. Ms. Donovan seconded the motion.

   AYES: Mahlendorf, Donovan, Meyer, Anzaldo, Hancock.

   MOTION CARRIED: 5-0
7. Case No. 10-017
   Thomas & Kristine Clark
   13516 Paul Circle

REQUEST: Waiver of Section 55-126 - Variance to the side yard setback from 25' to 17' to allow an architectural roof line to extend into the side yard setback

LOCATION: 13516 Paul Circle
ZONE: R1

STAFF RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Brian Stokes, AIA, 636 S. 57th Street, appeared before the board in support of the waiver.

Mr. Blair, ZBA Administrator, stated that the board inspected the existing residence and the proposed location of the addition. He stated that the roofline (overhang) extends beyond the setback line. Blair stated that the adjacent lot is vacant. Generally, this request is a design preference and could be reduced in size. He commented that there is a provision in the code which allows overhangs to extend 24” into a required setback. Blair stated that phone calls from property owners in the area were not opposed since the proposed improvements were on the south side of the existing structure. In response to Mr. Anzaldo, Mr. Stokes stated that the owner’s intent is to maintain the lot to the south without any structure on it. In response to Mr. Hancock, Mr. Stokes stated that the project was scaled back originally. He was aware of the setbacks using a process of give and take on the floor plans and elevations. Stokes stated that when the roofline became an issue, it was necessary to come to this board. Mr. Hancock stated that the request does not involve living space.

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

AYES: Donovan, Meyer, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
8. Case No. 10-018  
S & W Fence Co.  
15803 Pacific Street  

REQUEST: Waiver of Section 55-832 - Variance to the maximum size for a monument sign from 25 sq. ft. to 30 sq. ft. and to the required setback from 12' to 9'

LOCATION: 900 N 90th Street  
ZONE: R8

STAFF RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Mike Welniak, S & W Fence Co., 15803 Pacific Street, and Mr. Joe Schulte, Administrator, New Cassel, 900 N. 90th Street, appeared in support of the waiver.

Mr. Hancock stated that based upon extensive review of this case, the board agreed that the new sign would be an improvement. Mr. Hancock stated that there is no difference in placement from the existing sign.

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

AYES: Meyer, Anzaldo, Mahlendorf, Donovan, Hancock  

MOTION CARRIED: 5-0
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9. Case No. 10-019
Tony & Donna Brown
11408 Frederick Street
REQUEST: Waiver of Section 55-503 - Variance to the use regulations of the General Industrial district to allow a dog kennel facility not permitted in the GI district
LOCATION: 6508 N 16th Street
ZONE: GI

STAFF RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Derek Goff, Thompson Dreessen & Dorner, Inc., 10836 Old Mill Road, Mr. Tony Brown and Mrs. Donna Brown, 6508 N. 16th Street, appeared before the board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, noted the applicant's previous approval for a smaller site. He stated that the applicant felt that if he ever expanded the property to the commercial district the property owner could potentially block his visibility from John J. Pershing Drive. The objections raised by the Department are the same from January except the site is bigger. He stated that the plans do not show the kennel would be enlarged. Blair stated that the Airport Business Park projects this area to be used for industrial purposes.

Mr. Brown stated that in January they had a signed purchase agreement with an option to purchase the adjacent property. He stated that the owner decided to sell the lot that is adjacent to this lot which is also a piece of this property. Brown stated that the buyer is a construction company which has a project going on presently that will last for approximately 4 years. He stated that they want to park construction vehicles in the area. The concern is that there is a right-in/right-out exit off of Pershing Drive but if they acquire the corner property they have the option of using the entrance of the 16th Street which is approximately 1 to 2 feet from the building. Brown wants to put a double-glass entry where there is an existing window which would be 6' to 7' from that entrance. Another concern is that they want to put a gable roof on the building. Brown stated there are no intentions of expanding the kenneling portion into that area. He stated that he is buying the land to preserve the view from Pershing Drive and more importantly to prevent construction vehicles from driving in and out immediately adjacent to the existing building.

Mr. Blair stated that the board is being asked to extend the approval by allowing this addition piece. He stated that the applicant has also applied for an administrative subdivision to combine this corner lot with the lot that was before the board in January. If approved, the applicant could not sell the corner lot separately without coming back to the Planning Department to ask that it be split off again. This particular plan does not show curb cuts, parking, if any, etc. The applicant will meet the industrial standards for this portion of the site.

Ms. Donovan moved to APPROVE a variance to allow the kennel facility in GI District. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Mahlendorf, Donovan, Meyer, Hancock

MOTION CARRIED: 5-0
10. Case No. 10-020
   Scott & Karla Cassels
   1317 N 141 Avenue

REQUEST: Waiver of Section 55-126 - Variance to the side yard setback from 25’ to 8.3’ to erect 12’ x 24’ garage addition

LOCATION: 1317 N 141 Avenue
ZONE: R1

STAFF RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Michael McGuire, Straightline Design, 3725 S. 147th Street, and Karla Cassels appeared before the board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, noted that the site plan submitted by the applicant shows a 12’ wide garage addition. As seen during the inspection, the south wall would be 12’11” from the south property line. There is another retaining wall with a walkway that extends closer. The Department does not recommend this request in light of no other setbacks being that small throughout the entire subdivision. The Department feels that the applicant has reasonable use of their property as built and there are other avenues that can be pursued for additional square footage.

Mr. McGuire stated that options were investigated for an additional garage. He saw that they would encroach into the side yard setback. Options were investigated: 1) tandem garage would be a possibility except that there have been grade issues with water run-off in the past. McGuire stated another option would be a detached garage. Both options were submitted to the Linden Estates homeowner's association for approval. He stated that after visiting with the architect, the association was interested in this addition due to the small impact it would have on the neighborhood. In response to Hancock, Mr. McGuire stated that the City code allows them to be within 3’ of a side yard setback on a detached garage, up to 750 sq. ft., and a minimum of 60’ back from the front lot line.

Mr. Blair stated that the front of the home is 50 feet behind the property line. He commented that the code states that if a garage, detached or accessory structure is built in a residential district, it can be built closer to the side lot line provided it is 60’ back from the front property line. Blair stated that in most instances, that would put the structure in the backyard and have less of an impact on the adjacent property owner. He stated that the setbacks here are the greatest setbacks of any zoning classification in the City. He stated that there is no a hardship due to the ability under the code to build a detached building.

Mr. McGuire stated that because of the 5’ utility easement that runs along the south side of the lot, the applicant wants to stay at 5 feet. He stated that Option A fits nicer with the neighborhood garages and is in keeping with the integrity of the neighborhood. In response to Mr. Mahlendorf, Mr. McGuire stated that the applicant currently has four (4) single garages. McGuire stated that the depth cannot be expanded on three of those. He stated that the fourth garage would be too steep and would funnel water to the neighbor’s property.

Mr. Meyer stated some concern in not wanting to set a precedent because the board has never waived a side yard setback in this area. Mr. McGuire asked that the board consider a practical difficulty rather than a hardship as it relates to the substantial drop-off in the rear yard.

Mr. Mahlendorf stated that everything in the Linden Estates neighborhood is set at 25 feet. McGuire stated that to go forward with the detached garage would put it closer. Mahlendorf felt that the homeowner's association may not grant a detached garage that is 5’ from the property line. He added that the only waivers granted in Linden Estates have been fence related. The applicant was given an opportunity to withdraw the request for waiver due to nonsupport from the board.

Mr. Anzaldo moved to DENY the request. Mr. Meyer seconded the motion.
AYES: Mahlendorf, Meyer, Anzaldo, Hancock

ABSTAIN: Donovan

MOTION CARRIED: 4-0-1
11. Case No. 10-021
Daniel P. Molloy, Jr.
661 S 56 Street

REQUEST: Waiver of Section 55-768(B)(3) - Variance to allow a temporary commercial use not permitted in the R4(35) district during the 2010 College World Series

LOCATION: 3709 S 14 Street
ZONE: R4(35)

STAFF RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Daniel Molloy, Jr., and Ms. Jennifer Taylor, Attorney, 8712 W. Dodge Rd., appeared before the board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, stated that the Planning Department has been opposed to this request due to the fact that it is located on 14th Street rather than 13th Street. He explained that waivers were previously granted with particular stipulations attached in hopes of improving the temporary commercial uses along 13th Street during the College World Series making them as safe as possible. Things had evolved which had become bothersome over the years and the Department has since used some measure of control. Blair stated that another issue has developed in which there are three nights of the 2010 College World Series where the 2nd game will begin at 8 pm. In this case, the conditions can be reworded to address those hours of operation.

Ms. Donovan moved to APPROVE the request in accordance with the plans submitted as Exhibit 2, subject to: 1) for this applicant only, 2) for the 2010 College World Series only, 3) no bands, 4) no sale of food or alcohol, 5) the applicant must provide a detailed site plan showing tents, vendor tables, temporary fencing, signage and pedestrian access, 6) the hours of operation will be between 8:00 a.m. and midnight, 7) no use of golf carts or other motorized vehicles, 8) the applicant must provide trash pick-up daily, security and portable toilets, 9) product delivery between 6:00 a.m. and 10:00 a.m. only and 10) a required setback of 2’ from the property line including stakes, tie downs, overhangs and signage. Mr. Meyer seconded the motion.

AYES: Donovan, Meyer, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
12. Case No. 10-022  
St. Michael Lutheran Church  
13232 Blondo Street  
REQUEST: Waiver of Section 55-740(F), 55-715 - Variance to the perimeter landscaping and street yard landscaping from 10' to 5.2' to erect additions to existing parking lots and building  
LOCATION: 13232 Blondo Street  
ZONE: R7

STAFF RECOMMENDATION: Approval in accordance with the site plan submitted.

At the Zoning Board of Appeals meeting held on Thursday, March 18, 2010, Mr. Michael McGuire, Straightline Design, Inc. appeared before the board in support of the waiver.

Mr. Tom Blair, ZBA Administrator, explained that the church appeared before the board in March 2001 and at that time the plan provided for a connection of the two parking lots (east and west) with a drive aisle that extended along Blondo coming as close as 2' to the Blondo Street property line. That plan was never implemented. He stated that the March 2001 waiver was approved based on a particular plan that is not being followed. Now there is a new plan that does not show a physical connection between the two parking lots and has different dimensions. In 2001, the zoning was a different residential classification and the site plan that was submitted with the new application shows some of those improvements coming as close as 5.2 feet.

Mr. McGuire pointed out the dead-end in the parking lot with no access to Blondo Street. He stated that portion of the parking lot has become an area for drop-off. McGuire stated that more parking stalls are proposed as well. In response to Mahlendorf, McGuire stated that nothing else is closer than what already exists. Ms. Donovan felt that it seems to be a much better plan for safety concerns.

Mr. McGuire stated some concern regarding the 25' front yard setback requirement. Mr. Meyer stated that the rezoning and the Blondo Street widening impacted the property at no fault of the applicant. Mr. Blair stated that when this case was reviewed, Blondo Street was not called the front setback. At the time, 132nd Street was the front setback making the setback more than 35 feet. He added that Blondo Street is the street side yard setback and that requirement is 25 feet.

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

AYES: Meyer, Anzaldo, Mahlendorf, Donovan, Hancock.

MOTION CARRIED: 5-0
APPROVAL OF MINUTES

Mr. Mahlendorf moved to APPROVE the meeting minutes of February 18, 2010 as written. Mr. Meyer seconded the motion.

AYES: Anzaldo, Mahlendorf, Donovan, Meyer, Hancock

MOTION CARRIED: 5-0

ADJOURNMENT

Mr. Mahlendorf moved to ADJOURN the Zoning Board of Appeals meeting at 2:12 pm. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Donovan, Meyer, Anzaldo, Hancock

MOTION CARRIED: 5-0

___________________________________
Approved (date)

___________________________________
Bert Hancock, Chairman

___________________________________
Claudia Moore, Secretary