AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, AUGUST 19, 2010 1:00 P.M.
7TH FLOOR - ROOM 702
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

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; Rosemarie Horvath, Assistant City Attorney; and Claudia Moore, 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.

ZONING BOARD OF APPEALS MEMBERS will assemble in the Planning Department Central Conference Room on Thursday, August 19, 2010 at 8:30 a.m. to determine the sites to be inspected.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, August 12, 2010.

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.

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.
LAYOVER CASES:

1. Case No. 10-043
   (over from 5/20/10, 6/17/10 )
   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

NEW CASES:

2. Case No. 10-086
   City of Omaha
   Attn:  Kevin Denker
   1819 Farnam Street  68183
   REQUEST:  Waiver of Section 55-740(E)(1) – Variance to the hard surfacing requirement for a temporary parking lot (for one year)
   LOCATION:  1101 Abbott Drive
   ZONE:  CBD

3. Case No. 10-087
   Avant Architects
   3337 N 107 Street  68134
   REQUEST:  Waiver of Section 55-716 – Variance to the required bufferyard between CC and DR from 30’ to 0’
   LOCATION:  24343 Chicago Street
   ZONE:  CC

4. Case No. 10-088
   Eric Lakeman
   P. O. Box 82
   Bennington, NE  68007
   REQUEST:  Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’ and to the side yard setback from 25’ to 10’ and to the rear yard setback from 35’ to 25’
   LOCATION:  21814 Daylily Circle
   ZONE:  R1

5. Case No. 10-089
   John Mumma, Jr.
   10219 Gertrude Circle
   Omaha, NE  68128
   REQUEST:  Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 20’ to erect a 4’ X 10’ kitchen addition
   LOCATION:  316 S 56 Street
   ZONE:  R3

6. Case No. 10-090
   James E. Mitchell
   5111 N 126 Street  68164
   REQUEST:  Waiver of Section 55-734 – Variance to the required off-street parking for a day care facility from 24 stalls to 18 stalls
   LOCATION:  4902 Hamilton Street
   ZONE:  GC

7. Case No. 10-091
   Karin M. Johnson
   2815 S 137 Street  68144
   REQUEST:  Waiver of Section 55-186 – Variance to the side and rear setback for a 14’ X 14’ 18-foot high storage shed from 3’ to 2.61’ and 2.32’
   LOCATION:  2815 S 137 Street
   ZONE:  R4(35)
8. Case No. 10-092
Oakhaven Homes Inc.
Attn: Dave McVicker
501 E Gold Coast Road  68133
REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 36’ by adding an archway with decorative columns and to retain the existing covered front porch
LOCATION: 1723 S 87 Street
ZONE: R2

9. Case No. 10-093
Kelly Wirges
19136 Harrison Street  68136
REQUEST: Waiver of Section 55-166, 55-767C – Variance to the front yard setback for a multiple frontage lot from 35’ to 7’ and allow a home occupation to be located outside the dwelling unit
LOCATION: 19136 Harrison Street
ZONE: R3

10. Case No. 10-094
Capitol Rows, LLC
Attn: Don Mohlman
11422 Miracle Hills Drive, Ste. 400
Omaha, NE  68154
REQUEST: Waiver of Section 55-740F – Variance to the required perimeter landscaping from 10’ to 0’ and 6.6’ to construct parking lots for adjacent townhomes
LOCATION: 323 N 24 Street
ZONE: CBD-ACI-2(PL)

11. Case No. 10-095
Scott Lohmann
4905 Washington Street  68117
REQUEST: Waiver of Section 55-108 – Variance to the side yard setback from 25’ to 22’ to erect a 30’ X 40’ addition to existing shed
LOCATION: 4905 Washington Street
ZONE: DR

12. Case No. 10-096
Shanna Whitsitt
5013 Burt Street  68132
REQUEST: Waiver of Section 55-782 B6 – Variance to the side yard setback for a residential accessory building from 3’ to 1.5’ to erect a 22’ X 24’ detached garage
LOCATION: 5013 Burt Street
ZONE: R4(35)

13. Case No. 10-097
Stuart Wheat
5823 Briggs Street  68106
REQUEST: Waiver of Section 55-782 B6 – Variance to the side yard setback for a residential accessory building from 3’ to 1.5’ to erect a 20’ X 22’ detached garage
LOCATION: 5823 Briggs Street
ZONE: R4(35)

14. Case No. 10-098 WITHDRAWN
Don Eckles
8705 S 9 Street
Bellevue, NE  68147
REQUEST: Waiver of Section 55-686 – Variance to the major commercial corridor landscaping standards from 15’ to 10’ to construct a drive thru restaurant
LOCATION: 4102 S 84 Street
ZONE: GI-MCC (proposed)
15. Case No. 10-099  
Julie Beck  3311 Pine Street  
John Billings  3313 Pine Street  
William Latka  3316 Hickory  
Omaha, NE  68105  
REQUEST: Waiver of Section 55-166 – Variance to the minimum lot width from 60’ to 42.5 & 50’ and to the minimum lot area from 7,500 sq. ft. to 5,610 sq. ft. and 7,435 sq. ft. in order to subdivide the subject properties  
LOCATION: 3316 Hickory/3311 Pine/3313 Pine  
ZONE: R3

16. Case No. 10-100  
Norton Custom Homes Inc.  
Attn: Scott Norton  
3307 Chandler Road 68147  
REQUEST: Waiver of Section 55-782 B6 – Variance to the required side yard setback for a residential accessory building from 3’ to 1’ to replace a 24’ X 20’ detached garage  
LOCATION: 5026 Burt Street  
ZONE: R4(35)

17. Case No. 10-101  
Omaha International Food  
Attn: Abdi Mohamed  
219 S 25 Street 68131  
REQUEST: Waiver of Section 55-734, 55-735B, 55-740F – Variance to the required perimeter landscaping from 10’ to 0’ and allow parking in the required front yard setback and to the required off-street parking from 25 stalls to 19 stalls  
LOCATION: 2902 S 20 Street  
ZONE: R6

18. Case No. 10-102  
NeighborWorks Omaha  
Attn: Ken Lyons  
1704 N 24 Street, Ste. 102 68110  
REQUEST: Waiver of Section 55-246 – Variance to the street side yard setback from 15’ to 8’ for HVAC units adjacent to 36th Street between Ohio Street & Lake Street  
LOCATION: 3520 Lake Street  
ZONE: R7

19. Case No. 10-103  
Open Door Mission  
2201 E Locust Street East 68110  
REQUEST: Waiver of Section 55-505, 55-734 – Variance to the use regulations of the GI District to allow multi-family and large group living for 270 men not permitted by right in GI District and to the off-street parking requirements from 172 stalls to 20 stalls  
LOCATION: 2705 N 20 Street, East  
ZONE: GI