AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, DECEMBER 16, 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, 11th Floor, on Thursday, December 16, 2010 at 9:00 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 Monday, December 6, 2010 (for use permits only) and Thursday, December 9, 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. 10-131  
   Jeff Lampe  
   *(Over from 10/21/10)*  
   4472 Shady Lane Circle  68105  
   **REQUEST:**  
   Waiver of Section 55-839(2) – Variance to allow a 36 sq. ft., 17’ high pole sign not allowed in the CBD  
   **LOCATION:**  
   555 N 13 Street  
   **ZONE:**  
   CBD

2. Case No. 10-141  
   Scooter’s Coffeehouse  
   *(Over from 11/18/10)*  
   Attn: Adam Cockerill  
   3201 Wilhelminia Drive  
   Bellevue, NE  68123  
   **REQUEST:**  
   Waiver of Section 55-366 – Variance to the front yard setback from 25’ to 3’ to erect a 12’ X 30’ drive-up coffee kiosk  
   **LOCATION:**  
   7601 Pacific Street  
   **ZONE:**  
   CC

3. Case No. 10-147  
   Tony Constantino  
   *(Over from 11/18/10)*  
   6516 Irvington Road  68122  
   **REQUEST:**  
   Waiver of Section 55-740 & 55-716 – Variance to the off-street parking design standards by allowing vehicles to back into adjacent streets, to perimeter and street yard landscaping from 10’ and 8.5’ to 0’ and to the handicapped access aisle from 8’ to 5’ by enlarging an existing restaurant  
   **LOCATION:**  
   6516 Irvington Road  
   **ZONE:**  
   GC

NEW CASES:

4. Case No. 10-150  
   Justin Darby  
   623 S 78 Street  68124  
   **REQUEST:**  
   Waiver of Section 55-126 – Variance to the side yard setback requirement from 25’ to 22’ to allow construction of a new 40’ X 40’ garage addition  
   **LOCATION:**  
   623 S 78 Street  
   **ZONE:**  
   R1

5. Case No. 10-151  
   Ricky Kumar  
   5804 Nicholas Street  68132  
   Firouzan Masoomi  
   5618 Nicholas Street  68132  
   **REQUEST:**  
   Waiver of Section 55-166 – Variance to the minimum lot width from 60’ to 45.4’ and 56.58’ and to the minimum lot area from 7,500 sq. ft. to 5,527 sq. ft. and 6,629 sq. ft. and to the side yard setback from 7’ to 2.2’ to permit a lot line adjustment  
   **LOCATION:**  
   5618 & 5804 Nicholas Street  
   **ZONE:**  
   R3

6. Case No. 10-152  
   Orange Development  
   1200 Corporate Drive  
   Birmingham, AL  35242  
   **REQUEST:**  
   Waiver of Section 55-928 E – Variance to the required landscaping in a major commercial corridor from 15’ to 13’  
   **LOCATION:**  
   8319 West Center Road  
   **ZONE:**  
   CC (MCC Overlay District pending)
7. Case No. 10-153  
Orange Development  
1200 Corporate Drive  
Birmingham, AL  35242  
REQUEST: Waiver of Section 55-928 E – Variance to the required landscaping in a major commercial corridor from 15’ to 8.5’  
LOCATION: 2609 S 132 Street  
ZONE: CC (MCC Overlay District pending)

8. Case No. 10-154  
Dave & Mary Overbay  
10038 Ohio Street  68134  
REQUEST: Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 9’ to erect a 15’4” X 24’4” garage addition  
LOCATION: 10038 Ohio Street  
ZONE: R2

9. Case No. 10-155  
Rose Green  
7511 Bedford Avenue  68134  
REQUEST: Waiver of Section 55-146 – Variance to the lot width requirements from 80’ to 60’ to allow the subdivision of the property  
LOCATION: 7545 Bedford Ave  
ZONE: R2

10. Case No. 10-156  
N & H Builders  
4506 Snowdrift Lane  68152  
REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback requirement from 25’ to 8’ to allow the conversion of an existing and covered patio to an enclosed 3-season room  
LOCATION: 510 Loveland Drive  
ZONE: R1