AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, FEBRUARY 18, 2010 1:00 P.M.
7TH FLOOR - ROOM 702
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, February 8, 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.

ZONING BOARD OF APPEALS MEMBERS ONLY: Case reviews will be on Thursday, February 18, 2010 at 9:00 a.m. Meet in the Planning Department Central Conference Room with subsequent inspections of as many sites as possible.

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; Alan Thelen, 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.

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.
HOLD OVER CASES:

1. Case No. 10-005 - LAYOVER
   (over from 1/21/10)
   The Architectural Offices
   5015 Underwood Avenue  68132
   REQUEST: Waiver of Section 55-734, 55-735 & 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

NEW CASES:

2. Case No. 10-007
   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

3. Case No. 10-008
   Bryan Guy
   5605 Jones Street  68106
   REQUEST: Waiver of Section 55-782 B6 – Variance to the side and rear setback for a residential accessory building from 3’ to 1.1’ to erect a 22’ X 22’ detached garage
   LOCATION: 5605 Jones Street
   ZONE: R3

4. Case No. 10-009
   Leo Harrington
   4264 N 143 Street  68164
   REQUEST: Waiver of Section 55-406 – Variance to the minimum lot width from 50’ to 30’ to provide for an administrative subdivision
   LOCATION: 2819 N 16 Street
   ZONE: GC

5. Case No. 10-010
   Phil & Leslee Hacker
   431 N 61 Street  68132
   REQUEST: Waiver of Section 55-166 – Variance to the side yard setback from 7’ to 5’3” to erect two-story tandem garage addition
   LOCATION: 431 N 61 Street
   ZONE: R3

6. Case No. 10-011
   Clague & Kris Hodgson
   101 S 54 Street  68132
   REQUEST: Waiver of Section 55-166 – Variance to the minimum lot width from 60’ to 50’ and to the minimum lot area from 7500 sq. ft. to 7100 sq. ft. to provide for an administrative subdivision
   LOCATION: 101 S 54 Street
   ZONE: R3-ACI-2
7. Case No. 10-012  
Silo Extreme Outdoor Adv., LLC  
308 S 51 Street  68132  
REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between GI & R5 from 50’ to 30’ to allow outdoor/indoor sports and recreation (climbing)  
LOCATION: 3417 Vinton Street  
ZONE: GI

8. Case No. 10-013  
Dan & Sheryl Godsey  
4408 Capitol Avenue  68131  
REQUEST: Waiver of Section 55-734 – Variance of the required off-street parking for a 68-child daycare facility from 17 stalls to 12 stalls  
LOCATION: 3910 Harney Street  
ZONE: GC