AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, JUNE 17, 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, June 17, 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 Monday, June 7, 2010 (use waivers only) and Thursday, June 10, 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. 10-005  
(over from 1/21/10, 2/18/10, 3/18/10, 4/15/10, 5/20/10)  
The Architectural Offices  
4610 Dodge Street  68132  
REQUEST: Waiver of Section 55-246 – Variance to the minimum lot width from 50’ to 40’ to erect a new duplex  
LOCATION: 1545 S 28 Street  
ZONE: R7

2. Case No. 10-043  
(over from 5/20/10)  
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

3. Case No. 10-045  
(over from 5/20/10)  
Jeremy Carrell  
5020 S 110 Street  68137  
REQUEST: Waiver of Section 55-406 – Variance to the rear yard setback from 15’ to 8.75’ and to the impervious coverage from 90% to 100% and to the bufferyard between GC & R4 from 12’ to 2’  
LOCATION: 4425 N 16 Street  
ZONE: GC

4. Case No. 10-053  
(over from 5/20/10)  
R & A Builders  
Box 540731  68154  
REQUEST: Waiver of Section 55-126 – Variance to the maximum impervious coverage from 30% to 42% and to the minimum street yard landscaping from 75% to 65%  
LOCATION: 1223 Ranch View Lane  
ZONE: R1

5. Case No. 10-054  
(over from 5/20/10)  
Michael & Joyce Nylin  
19006 Grover Street  68130  
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 16’ to erect 20’ X 25’ addition to existing residence  
LOCATION: 19006 Grover Street  
ZONE: R4

NEW CASES:

6. Case No. 10-061  
Burch & Renee Kealey  
2008 N 55 Street  68104  
REQUEST: Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 3.9’ to erect 2-story addition and garage addition to existing residence  
LOCATION: 2008 N 55 Street  
ZONE: R4(35)

7. Case No. 10-062  
James & Anita Birrell  
4328 S 180 Street  68135  
REQUEST: Waiver of Section 55-767 (C) – Variance to allow a home occupation (photography studio) outside the dwelling unit  
LOCATION: 4328 S 180 Street  
ZONE: AG
8. Case No. 10-063  
Joe Kidd  
3615 Martha Street  68105  
REQUEST: Waiver of Section 55-206 – Variance to the maximum impervious coverage from 55% to 61% to replace a detached garage  
LOCATION: 2122 S 35 Avenue  
ZONE: R5(35)

9. Case No. 10-064  
Creighton Medical Associates  
1319 Leavenworth Street  68102  
REQUEST: Waiver of Section 55-824 (d) – Variance to allow two ground signs on property where the front wall of the building which the sign serves is closer than 15’ from the street to which it is oriented  
LOCATION: 1319 Leavenworth Street  
ZONE: CBD

10. Case No. 10-065  
Jeff Gehring  
4222 Davenport  68131  
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 20’ to replace 4’ X 5’ deck  
LOCATION: 5820 Dorcas Street  
ZONE: R4(35)

11. Case No. 10-066  
FBG Service Corp.  
407 S 27 Avenue  68131  
REQUEST: Waiver of Section 55-825 (C) – Variance to the maximum size for a temporary sign (for 4 months) from 20 sq. ft. to 100 sq. ft.  
LOCATION: 407 S 27 Avenue  
ZONE: CBD

12. Case No. 10-067  
Chris Foster  
3413 California Street  68131  
REQUEST: Waiver of Section 55-166 – Variance to the maximum impervious coverage from 45% to 52% to erect a driveway and detached garage  
LOCATION: 3330 California Street  
ZONE: R3

13. Case No. 10-068  
John & Kathleen Mitchell  
1205 N 100 Circle  68114  
REQUEST: Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 6’9” to erect a 750 sq. ft. garden house  
LOCATION: 1205 N 100 Circle  
ZONE: R2

14. Case No. 10-069  
Kirk Larson  
2926 S 217 Circle  68022  
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 44.6’ and to the side yard setback from 25’ to 21’ to erect 22’ X 28’ garage addition  
LOCATION: 2926 S 217 Circle  
ZONE: R1

15. Case No. 10-070  
Josh Lingenfelter  
1528 N 75 Avenue  68114  
REQUEST: Waiver of Section 55-786(e)(1) – Variance to the residential fence regulations to allow a 6’ high privacy fence in the street side yard  
LOCATION: 1528 N 75 Avenue  
ZONE: R3
16. Case No. 10-071
Newstreet LLC
6336 Pershing Drive  68110

REQUEST: Waiver of Section 55-740(e)(1) – Variance to the hard surfacing requirement for a temporary gravel parking lot (for one year)

LOCATION: 711 N 15 Street & 1402 Mike Fahey Drive
ZONE: HI

17. Case No. 10-072
Kevin Kleine
4970 S 36 Avenue  68107

REQUEST: Waiver of Section 55-523 – Variance to the use regulations of the Heavy Industrial District to permit a single-family residence not otherwise permitted

LOCATION: 4970 S 36 Avenue
ZONE: HI

18. Case No. 10-073
Tires and Wheels LLC
4310 S 84 Street  68127

REQUEST: Waiver of Section 55-506 – Variance to the maximum impervious coverage from 90% to 95% and the minimum rear yard setback from 10’ to 0’ to erect a new building

LOCATION: 4310 S 84 Street
ZONE: GI