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 Lee, 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, May 20, 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, May 10, 2010 and Thursday, May 13, 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)
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. 10-029
(over from 4/15/10)
Planit Omaha
10832 Old Mill Road Suite 8  68154

REQUEST: Waiver of Section 55-768 – Variance to allow a temporary commercial use not permitted in the R4(35) District for the 2010 College World Series

LOCATION: 3406 S 14 Street
ZONE: R4(35)

NEW CASES:

3. Case No. 10-035
Debbie Nelson
702 S 178 Street  68118

REQUEST: Waiver of Section 55-740 – Variance to the hard-surfacing requirements for a residential driveway to provide gravel access

LOCATION: 20950 State Street
ZONE: AG

4. Case No. 10-036
Fil Catania
4412 S 42 Street

REQUEST: Waiver of Section 55-366 – Variance to the front yard setback from 25’ to 0’ to erect a 30’ X 25’ canopy

LOCATION: 4412 S 42 Street
ZONE: CC

5. Case No. 10-037
Straightline Design, Inc.
3925 S 147 Street, Ste 119  68144

REQUEST: Waiver of Section 55-126 & 55-715 – Variance to the front yard setback from 50’ to 14.3’ and to the side yard setbacks from 25’ to 12’ and to the street yard landscaping from 75% to 55.1% to erect sunroom addition and replace existing decks

LOCATION: 21925 Quail Ridge Circle
ZONE: R1

6. Case No. 10-038
V. J. Designs Inc.
14470 Sherwood Avenue  68116

REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 20’ to construct new deck

LOCATION: 15803 Lake Street
ZONE: R4

7. Case No. 10-039
James L. Lemon
6318 N 49 Street  68104

REQUEST: Waiver of Section 55-108 – Variance to the side yard setback from 25’ to 20’ to reconstruct a 30’ X 50’ storage shed

LOCATION: 6318 N 49 Street
ZONE: DR
8. Case No. 10-040
Sebastian A. Anzaldo
910 S 37 Street  68105
REQUEST: Waiver of Section 55-206 – Variance to the front yard setback from 35’ to 25’ to erect single-family residence
LOCATION: 2314 Drexel Street
ZONE: R5(35)

9. Case No. 10-041
Dean Miller
3468 S 13 Street  68108
REQUEST: Waiver of Section 55-768 – Variance to allow a temporary commercial use not permitted in the R4(35) District during the 2010 College World Series
LOCATION: 3406, 3408, 3468, and 3482  S 13 Street
ZONE: R4(35)

10. Case No. 10-042
Rich Tokheim
3476 S 76 Street  68108
REQUEST: Waiver of Section 55-768 – Variance to allow a temporary commercial use not permitted in the R4(35) District during the 2010 College World Series
LOCATION: 3476 S 13 Street
ZONE: R4(35)

11. Case No. 10-043
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 -and- Appeal of the determination by the City of Omaha that the existing use is considered “Scrap & Salvage” and consequently requires a Special Use Permit to be approved by the City Council
LOCATION: 12910 F Plaza
ZONE: GI

12. Case No. 10-044
Autism Center of Nebraska
4007 Harrison Street  68147
REQUEST: Waiver of Section 55-163 – Variance to the use regulations of the R3 District to allow for the training of 23 autistic clients most similarly described as a trade school and not permitted in the R3 District
LOCATION: 9012 Q Street
ZONE: R3

13. Case No. 10-045
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
14. Case No. 10-046
Emerging Terrain
5912 Maple Street  68104
REQUEST: Waiver of Section 55-825(C)(4) – Variance to the maximum size for a temporary banner (3 to 4 months) from 120 sq. ft. to 25,600 sq. ft.
LOCATION: 3417 Vinton Street
ZONE: GI

15. Case No. 10-047
Hearthstone Homes, Inc.
810 N 96 Street, 3rd Floor  68114
REQUEST: Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 4.6’ for existing single family residence
LOCATION: 19517 T Street
ZONE: R4

16. Case No. 10-048
Malibu Sunrooms
13633 S 217 Street  68028
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 22’ to erect a 14’ X 23’ sunroom and deck addition
LOCATION: 5618 S 115 Circle
ZONE: R4

17. Case No. 10-049
Millard Public Schools
13906 F Street  68137
REQUEST: Waiver of Section 55-715 – Variance to the minimum depth of street yard landscaping from 15’ to 12’ due to parking lot replacement
LOCATION: 3320 S 127 Street
ZONE: R4

18. Case No. 10-050
Cella Quinn
10908 Forrest Drive  68124
REQUEST: Waiver of Section 55-767(C) – Variance to allow a home occupation with two non-resident employees by amending a previously approved site plan
LOCATION: 10908 Forrest Drive
ZONE: R1

19. Case No. 10-051
Rick Berkshire
1010 S 120 Street  68154
REQUEST: Waiver of Section 55-834 – Variance to the front setback for a 9’5” high monument sign from 12’ to 0’
LOCATION: 1301 S 75 Street
ZONE: GO

20. Case No. 10-052
H & S Partnership, LLP
701 Olson Drive
Papillion, NE  68046
REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping from 60% to 7% to add two (2) off-street parking stalls
LOCATION: 1216 S 10 Street
ZONE: R4
21. Case No. 10-053
   R & A Builders
   Box 540731  68154
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’ to erect single-family dwelling
LOCATION: 1223 Ranch View Lane
ZONE: R1

22. Case No. 10-054
   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

23. Case No. 10-055
   Michael Preston
   2028 S 85 Avenue  68124
REQUEST: Waiver of Section 55-146 – Variance to the side yard setback from 10’ to 9’ to erect 11’ X 38’ addition to existing residence
LOCATION: 2028 S 85 Avenue
ZONE: R2

24. Case No. 10-056
   Denny Haman
   4809 Meyer Street  68152
REQUEST: Waiver of Section 55-108 – Variance to the front yard setback from 50’ to 41’ to erect a 9’ X 16’ porch
LOCATION: 14242 N 47 Street
ZONE: DR-ED

25. Case No. 10-057
   Maurice & Lori Ludwick
   20155 Farnam Street  68022
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ high solid vinyl fence to remain in the street side yard setback
LOCATION: 20155 Farnam Street
ZONE: R4

26. Case No. 10-058
   Terry Rush
   1120 N 18 Street  68102
REQUEST: Waiver of Section 55-830 – Variance to the maximum sign budget from 32 sq. ft. to 122 sq. ft. and to the maximum size for a wall sign from 32 sq. ft. to 42.5 sq. ft. & 47.7 sq. ft. and to the maximum height for a wall sign from 16’ to 24’
LOCATION: 7400 Western Avenue
ZONE: R3
27. Case No. 10-059  
Curt Hofer Construction, Inc.  
2332 Bob Boozer Drive 68130  
REQUEST: Waiver of Section 55-87 – Variance to the front yard setback from 50’ to 37’ 9” and to the minimum lot area from 20 acres to .84 acres and to the lot width from 300’ to 208’ and to the building coverage from 5% to 13% and to the impervious coverage from 10% to 21% to erect single family dwelling and garage  
LOCATION: 17324 F Street  
ZONE: AG

28. Case No. 10-060  
Mike Jansen Custom Cedar Decks  
Attn: Mike Jansen  
6223 S 170 Street 68144  
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 22.3’ to erect a 10’ X 22’ covered deck  
LOCATION: 13711 Grover Street  
ZONE: R4(35)