AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, OCTOBER 21, 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, October 21, 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, October 11, 2010 (for use permits only) and Thursday, October 14, 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. 10-104  
   (over from 9/16/10)  
   Jerry Reimers  
   4880 S 131 Street, Ste 2  68137  
   REQUEST: Waiver of Section 55-226 – Variance to the front yard setback from 35’ to 27’ and to the required site area per unit from 2,000 sq. ft. to 1,375 sq. ft. to erect a 12-unit apartment building  
   LOCATION: 1002 S 33 Street  
   ZONE: R6

2. Case No. 10-106  
   (over from 9/16/10)  
   Mercedes Moreno  
   3936 T Street  68107  
   REQUEST: Waiver of Section 55-782 B6 – Variance to the side yard setback from 3’ to 2’ to allow a 20.5’ X 27.5’ 2-story detached garage in excess of 750 sq. ft. to remain  
   LOCATION: 3936 T Street  
   ZONE: R4(35)

3. Case No. 10-109  
   (over from 9/16/10)  
   Orange Development  
   1200 Corporate Drive  
   Birmingham, AL  35242  
   REQUEST: Waiver of Sections 55-934 and 55-734 – Variance to the maximum retaining wall height of the Urban Design standards from 5’ to 6.5’ and to the required off-street parking from 53 stalls to 51 stalls to construct a pharmacy  
   LOCATION: 4840 Dodge Street  
   ZONE: CC

4. Case No. 10-113  
   (over from 9/16/10)  
   Volunteer of America, Dakotas  
   Attn: Pamela Bollinger, Pres/CEO  
   P.O. Box 89306  
   Sioux Falls, SD  57109-9306  
   REQUEST: Waiver of Sections 55-246, 55-715, 55-716, 55-734, 55-735, 55-740 F and 55-785 – Variance to the maximum floor area ratio from 1.0 to 1.2 and to the front yard setback from 35’ to 10’ and to the street side yard setback from 19’ to 10’ and to the required street yard landscaping from 50% to 39% and to the buffer yard between R7 and R4 from 30’ to 10’2” and to the required off-street parking from 160 stalls to 80 stalls and to allow off-street parking for a multi-family residential use to be within the required front and street side yard setback and to the required parking lot perimeter landscaping from 5’ to 3’ and to the required site area per unit from 1,000 sq. ft. per unit to 509 sq. ft. per unit  
   LOCATION: 39th to 40th Street north of Pacific  
   ZONE: GI – R7 Pending
5. Case No. 10-115  
(over from 9/16/10)  
Meyer & Associates  
1065 N 115 Street, Suite 200  68154

REQUEST: Waiver of Section 55-186 – Variance to the front yard setback from 35’ to 15’ and to the maximum impervious coverage from 50% to 70% and to the required off-street parking from 85 stalls to 68 stalls and allow parking for a non-residential use in a residential district to be located in the front yard setback.

LOCATION: 5071 Center Street and 1916 S 50 Ave  
ZONE: R4(35)

NEW CASES:

6. Case No. 10-119  
Anthony Plaza  
10545 Adams Drive  
Ralston, NE  68127

REQUEST: Waiver of Section 55-206 – Variance to the minimum lot size from 5,000 sq. ft. to 4,556 sq. ft. and 3,648 sq. ft. to the minimum lot width from 50’ to 33.31’ and 30.79’ and to the interior side yard setback from 5’ to 3’ to allow the subdivision of the property into 2 lots.

LOCATION: 1515 & 1517 William Street  
ZONE: R5

7. Case No. 10-120  
Straightline Design  
Attn: Mick McGuire  
3925 S 147 Street, #119  68144

REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 35’ to allow construction of a 8’ X 10’4” covered front porch with modified roofline.

LOCATION: 9342 Krug Avenue  
ZONE: R2

8. Case No. 10-121  
Holy Name Housing  
Attn: Joe Vaughan  
3014 N 45 Street  68104

REQUEST: Waiver of Section 55-207(g) – Variance to the front yard setback from 35’ to 25’ to allow the construction of 3 single family homes.

LOCATION: 3413, 3415, and 3416 Parker Street  
ZONE: R5(35)

9. Case No. 10-122  
GESU Housing, Inc.  
Attn: Bro. Mike Wilmot  
5008 ½ B Dodge Street  68132

REQUEST: Waiver of Section 55-207(g) – Variance to the front yard setback from 35’ to 25’ to construct a single family home.

LOCATION: 4308 Burdette Street  
ZONE: R5 (35)

10. Case No. 10-123  
Certified Transmission  
Attn: Peter Fink  
1801 S 54 Street  68106

REQUEST: Waiver of Section 55-323 – Variance to the use regulations of the general office district to allow vehicle storage on the 1st floor of a 3-story office building.

LOCATION: 5404 Cedar Street  
ZONE: GO
11. Case No. 10-124
Lisa Hardisty/Andrew Taiber
4408 Hickory Street  68105
REQUEST: Waiver of Section 55-782(b)(6)(a) – Variance to the rear yard and interior side yard setbacks from 3’ to 1’ to allow construction of a detached garage
LOCATION: 4408 Hickory Street
ZONE: R4(35)

12. Case No. 10-125
Michael H. Sorensen
21301 Hickory Street
Elkhorn, NE  68022
REQUEST: Waiver of Section 55-366 – Variance to the front yard setback from 25’ to 17.5’ to allow construction of an 875 sq. ft. office space addition
LOCATION: 13206 Cottner Street
ZONE: CC

13. Case No. 10-126
Alegent Health
12809 W Dodge Rd  68154
REQUEST: Waiver of Section 55-833 – Variance to maximum sign area for a monument sign from 25 sq. ft. to 32 sq. ft. and allow electronic information not otherwise permitted in the LO district
LOCATION: 10101 Maple Street
ZONE: LO

14. Case No. 10-127
City of Omaha
Attn: Larry Tatum
1523 S 24 Street  68108
REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between CC and DR from 15’ to 10’ to allow the replacement of the parking lot
LOCATION: 5111 N 90 Street
ZONE: CC

15. Case No. 10-128
City of Omaha
Attn: Chris Wayne
1819 Farnam Street  68183
REQUEST: Waiver of Section 55-206 – Variance to the minimum lot area from 5,000 sq. ft. to 4,680 sq. ft. and the rear yard setback from 25’ to 23’ to allow subdivision of the property into 2 lots for single family residential construction
LOCATION: 1818, 1820, 1822 and 1824 Corby Street
ZONE: R7(R5 pending)

16. Case No. 10-129
City of Omaha
Attn: Chris Wayne
1819 Farnam Street  68183
REQUEST: Waiver of Section 55-206 – Variance to the minimum total width requirements from 50’ to 45’ to allow the subdivision of the property into 2 lots
LOCATION: 2109, 2111, and 2113 Ohio Street
ZONE: R7(R5 pending)
17. Case No. 10-130  
City of Omaha  
Attn: Chris Wayne  
1819 Farnam Street  68183  
REQUEST: Waiver of Section 55-206 – Variance to the minimum lot width from 50’ to 45’ to allow the subdivision of the property into 2 lots  
LOCATION: 2011 and 2013 Ohio Street  
ZONE: R7 (R5 pending)

18. Case No. 10-131  
Jeff Lampe  
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

19. Case No. 10-132  
Ralston School District #54  
c/o Jerald Riibe, RPS Superintendent  
8545 Park Drive  
Ralston, NE  68127  
REQUEST: Waiver of Section 55-830(2) – Variance to the total permitted sign area in the R3 district from 32 sq. ft. to 71 sq. ft.  
LOCATION: 5100 S 93 Street  
ZONE: R3

20. Case No. 10-133  
Ralston School District #54  
c/o Jerald Riibe, RPS Superintendent  
8545 Park Drive  
Ralston, NE  68127  
REQUEST: Waiver of Section 55-830(2) – Variance to the total permitted sign area from 32 sq. ft. to 56 sq. ft. and allow a pole sign not otherwise permitted in the R3 district  
LOCATION: 10310 Mockingbird Drive  
ZONE: R3

21. Case No. 10-134  
Lonnie Korus  
5129 S 90 Street  68127  
REQUEST: Waiver of Section 55-786(e) – Variance to the residential fence regulations to allow a 7’ high privacy fence in the street side yard setback  
LOCATION: 5129 S 90 Street  
ZONE: R4(35)

22. Case No. 10-135  
Omaha Neon Sign Company  
1120 N 18 Street  68102  
REQUEST: Waiver of Section 55-830 – Variance to the front yard setback from 12’ to 3’ for a monument sign and allow electronic information not otherwise permitted in the R4(35) district  
LOCATION: 1501 S 48 Street  
ZONE: R4(35)
23. Case No. 10-136
Community Bible Church
Attn: Mel Friesen
9001 Q Street 68127

REQUEST: Waiver of Section 55-166, 55-735(b) and 55-740(f)(4) – Variance to the maximum impervious coverage from 45% to 69.7% to allow off-street parking for a religious assembly use to be within the required front & street side yard setback and to the required parking lot perimeter landscaping from 10’ to 5.13’, 4’ and 3’

LOCATION: 9001 Q Street
ZONE: R3

24. Case No. 10-137
Cesar Fragoso
4314 Center Street 68105

REQUEST: Waiver of Section 55-187 – Variance to the front yard setback from 35’ to 23.5’ to erect an enclosed front porch

LOCATION: 4314 Center Street
ZONE: R4(35)

25. Case No. 10-138
Circo Enterprises
4611 S 96 Street 68127

REQUEST: Waiver of Section 55-835 – Variance to allow a 25’ high, 16 sq. ft. pole sign not permitted in the Limited Commercial District

LOCATION: 6651 Sorensen Parkway
ZONE: LC