ZONING BOARD OF APPEALS: 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, September 16, 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 Thursday, September 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 CASE:

1. Case No. 10-088  
   (over from 8/19/10)  
   Eric Lakeman  
   P. O. Box 82  
   Bennington, NE  68007  

   REQUEST:  
   Waiver of Section 55-126 – Variance to the  
   front yard setback from 50’ to 25’ and to the  
   side yard setback from 25’ to 10’ and to the  
   rear yard setback from 35’ to 25’  

   LOCATION:  
   21814 Daylily Circle  
   ZONE:  
   R1

NEW CASES:

2. Case No. 10-104  
   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

3. Case No. 10-105  
   Kevin Mears  
   2719 N 50 Street  68104  

   REQUEST:  
   Waiver of Section 55-782B6, 55-186 –  
   Variance to the side and rear setback for a  
   detached garage from 3’ to 2’ and to the  
   maximum impervious coverage from 50% to 54%  

   LOCATION:  
   2719 N 50 Street  
   ZONE:  
   R4(35)

4. Case No. 10-106  
   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 to  
   remain  

   LOCATION:  
   3936 T Street  
   ZONE:  
   R4(35)

5. Case No. 10-107  
   Ronald S Truax  
   3002 S 21 Street  68108  

   REQUEST:  
   Waiver of Section 55-186 – Variance to the  
   front yard setback from 35’ to 12’ and to the  
   street side yard setback from 15’ to 14’ to  
   erect an 8’ X 24’ porch  

   LOCATION:  
   3002 S 21 Street  
   ZONE:  
   R4

6. Case No. 10-108  
   Brian Kenney  
   13635 Shongaska Rd  68112  

   REQUEST:  
   Waiver of Section 55-108 – Variance to the  
   side yard setback from 25’ to 15’ to erect  
   14’ X 16’ sunroom addition  

   LOCATION:  
   13635 Shongaska Road  
   ZONE:  
   DR

7. Case No. 10-109  
   Orange Development  
   1200 Corporate Drive  
   Birmingham, AL  35242  

   REQUEST:  
   Waiver of Section 55-934 – Variance to the  
   maximum retaining wall height of the Urban  
   Design standards from 5’ to 6’ to construct a  
   pharmacy with required parking  

   LOCATION:  
   4840 Dodge Street  
   ZONE:  
   CC
8. Case No. 10-110  
Tuff Shed  
7530 L Street  68127  
REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback on a double frontage lot from 25’ to 5’ to erect a 12’ X 16’ storage shed  
LOCATION: 9211 Weir Street  
ZONE: R3

9. Case No. 10-111  
Tuff Shed  
7530 L Street  68127  
REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback on a double frontage lot from 25’ to 5’ to erect a 10’ X 12’ storage shed  
LOCATION: 9217 Weir Street  
ZONE: R3

10. Case No. 10-112  
Charles L. Mullen  
5430 N 63 Street  68104  
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 23’ to erect a 10’ to 21’8” covered deck  
LOCATION: 5430 N 63 Street  
ZONE: R4(35)

11. Case No. 10-113  
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 bufferyard 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

12. Case No. 10-114  
Omarail  
2117 S 156 Circle  68106  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to permit a 6’ high aluminum fence in the street side yard setback  
LOCATION: 503 S 57 Street  
ZONE: R3
13. Case No. 10-115  
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)

14. Case No. 10-116  
Professional Firefighters Assn. of Omaha, Local 385  
6005 Grover Street  68106  
REQUEST: Waiver of Section 55-740 E1 – Variance to the hard-surfacing requirements for a parking lot  
LOCATION: 6005 Grover Street  
ZONE: GI

15. Case No. 10-117  
Quest Construction Co.  
14939 Industrial Road  68144  
REQUEST: Waiver of Section 55-166 – Variance to the street side yard setback from 17.5 to 11.0 to erect a 20’ X 23’ garage addition  
LOCATION: 19254 Spencer Street  
ZONE: R3

16. Case No. 10-118  
Omaha Neon Sign Co.  
Attn: Troy Panagiotis  
1120 N 18 Street  68102  
REQUEST: Waiver of Section 55-836 – Variance to the front setback for a 150 sq. ft. 35’ high pole sign from 35’ to 0’  
LOCATION: 20330 Veterans Drive  
ZONE: CC