AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, AUGUST 18, 2011, 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: Mike Carter, 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, 11th Floor, on Thursday, August 18, 2011 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, August 8, 2011 (for use waivers only) and Thursday, August 11, 2011.

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, Property Owner or Representative - 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 (audio version) to this agenda is necessary, please notify the ZBA Secretary at 402-444-5202, 72 hours in advance.
### LAYOVERS

1. **Case No. 11-057**  
   *Over from 6/16/11, 7/21/11*  
   Mutual of Omaha  
   3301 Dodge Street  
   Omaha, NE 68175  
   **REQUEST:** Waiver of Section 55-825(c) – Variance to the temporary sign regulations to allow a temporary video projection  
   **LOCATION:** 3301 Dodge Street  
   **ZONE:** CBD-ACI-2(50)

2. **Case No. 11-069**  
   *Over from 7/21/11*  
   Vicky Stadther  
   1650 W 82 Street Ste. 900  
   Bloomington, MN 55431  
   **LAYOVER**  
   **REQUEST:** Waiver of Section 55-366, 55-734 & 55-740(f)(4) – Variance to the rear yard setback from 15’ to 6’ to construct a trash enclosure, to the minimum number of required off-street parking stalls for a Restaurant (Drive-in) from 27 to 14 and to the perimeter parking lot landscaping from 5’ to 0’  
   **LOCATION:** 2410 Cuming Street  
   **ZONE:** GI-ACI-1(PL)  
   **CC-ACI-1(PL) (Pending)**

3. **Case No. 11-070**  
   *Over from 7/21/11*  
   Slosburg Company  
   10040 Regency Circle #200  
   Omaha, NE 68114  
   **REQUEST:** Waiver of Section 55-716 & 55-740(f)(4) – Variance to the bufferyard requirements between CC and R2 from 30’ with screening to 0’ without screening and to the perimeter parking lot landscaping from 5’ to 0’ to allow for redevelopment of the site  
   **LOCATION:** 2501 S 90 Street & 8998 West Center Road  
   **ZONE:** CC & CC/FF

4. **Case No. 11-075**  
   *Over from 7/21/11*  
   Omaha Neon Sign Co  
   Attn: Jay Muller  
   1120 N 18 Street  
   Omaha, NE 68102  
   **REQUEST:** Waiver of Section 55-836 – Variance to the maximum size for a pole sign from 150 sq. ft. to 300 sq. ft. and to allow an off-premise advertising sign  
   **LOCATION:** 2502 S 133 Plaza  
   **ZONE:** CC

5. **Case No. 11-076**  
   *Over from 7/21/11*  
   Northwest High School  
   8204 Crown Point Ave  
   Omaha, NE 68134  
   **REQUEST:** Waiver of Section 55-829 – Variance to the maximum height for a monument sign from 6’ to 12’, to the maximum sign area from 25 sq. ft. to 61 sq. ft., to the maximum total permitted sign area from 40 sq. ft. to 232 sq. ft., and to allow an electronic message sign not otherwise permitted in the DR district  
   **LOCATION:** 8204 Crown Point Ave  
   **ZONE:** DR
6. Case No. 11-078  
(Over from 7/21/11)  
A. Leo Pelds Engineering Co.  
2323 Dixon Street  
Des Moines, IA  50316  
REQUEST: Waiver of Sections 55-366 and 55-716 – Variance to the rear yard setback from 15’ to 6’5”, to the required bufferyard between CC & R6 from 30’ to 3’ to allow for redevelopment of the site  
LOCATION: 9905 Q Street  
ZONE: CC

SHOW-CAUSE HEARING

7. Case No. 08-078  
Maurice C. Parker  
300 S 16 Street #1202  
Omaha, NE  68102  
REQUEST: Waiver of Section 55-203 – Variance to the use regulations of R5(35) to allow a 30’ X 24’ garage as the primary use in a residential district  
LOCATION: 1123 Bancroft Street  
ZONE: R5(35)

NEW CASES:

8. Case No. 11-081  
Kenneth Hahn  
1343 S 75 Street  
Omaha, NE  68124  
REQUEST: Waiver of Section 55-186 – Variance to the maximum impervious coverage in a R4 district from 50% to 60% to allow a church expansion  
LOCATION: 15002 Blondo Street  
ZONE: R4

9. Case No. 11-082  
Edward & Beverly Smith  
7739 Nina Street  
Omaha, NE  68114  
REQUEST: Waiver of Section 55-183 – Variance to the permitted use regulations of the R4 district to allow duplex residential  
LOCATION: 7739 Nina Street  
ZONE: R4(35)

10. Case No. 11-083  
Omaha Neon  
c/o Troy  
1120 N 18 Street  
Omaha, NE  68102  
REQUEST: Waiver of Section 55-836 – Variance to the maximum height for a wall sign in a CC district from 35’ to 60’  
LOCATION: 7270 Cedar Street  
ZONE: CC

11. Case No. 11-084  
Omaha Neon  
c/o Dennis  
1120 N 18 Street  
Omaha, NE  68102  
REQUEST: Waiver of Section 55-836 – Variance to the maximum height for a wall sign in a CC district from 35’ to 59’  
LOCATION: 655 N 108 Avenue  
ZONE: CC

12. Case No. 11-085  
Brau Builders, Inc.  
20515 Nicolas Circle #6  
Omaha, NE  68022  
REQUEST: Waiver of Section 55-784(c) – Variance to the perimeter yard regulations for a cluster subdivision from 20’ to 16’ to construct a new covered deck.  
LOCATION: 21046 Arbor Court  
ZONE: R4
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<td>Eloy Flores</td>
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<td>Malibu Sunrooms</td>
<td>Attn: Tom Patton</td>
<td>2133 S 46 Street</td>
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<td>J P Carpentry</td>
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<td>18.</td>
<td>Kevin Walker</td>
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<td>19.</td>
<td>Gary Prochaska</td>
<td>2305 S 88 Street</td>
<td>2305 S 88 Street</td>
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**REQUEST:**

- **13.** Waiver of Section 55-786(e) – Variance to the residential fence regulations to allow a 6’ high chain link fence in the front yard setback
- **14.** Waiver of Section 55-186 & 55-742(b)(3) – Variance to the interior side yard setback from 5’ to 2’ and to allow parking in the required front yard setback
- **15.** Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 31’ to construct a sunroom addition
- **16.** Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 34’ to construct a wider covered stoop and stairs, and a 8’ X 2’ cantilevered addition
- **17.** Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 34’ to construct a 20’ X 20’ detached garage
- **18.** Waiver of Section 55-782(b)(6) – Variance to the front yard setback from 60’ to 15’ to construct a 22’ X 44’ tandem attached garage
- **19.** Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 17’ to construct a 22’ X 44’ tandem attached garage
20. Case No. 11-093  
Perry & Eloise Poyner  
1517 N 51 Street  
Omaha, NE  68104  
REQUEST: Waiver of Section 55-146 – Variance to the  
front yard setback from 40’ to 32’ to  
construct a new covered porch  
LOCATION: 408 S 89 Street  
ZONE: R2

21. Case No. 11-094  
Siena Francis House  
1702 Nicholas Street  
Omaha, NE  68102  
REQUEST: Waiver of Section 55-734 – Variance to the  
required off-street parking from 48 stalls to  
0 stalls for 48 multi-family efficiency units  
LOCATION: 1131, 1135, 1139 & 1141 N 18 Street  
ZONE: DS

22. Case No. 11-095  
Brian & Carey Hamilton  
139 Elmwood Road  
Omaha, NE  68132  
REQUEST: Waiver of Section 55-126 – Variance to the  
interior side yard setback from 25’ to 5’6” to  
allow the 2nd floor of an existing garage to  
be finished for an exercise room and  
bathroom  
LOCATION: 139 Elmwood Road  
ZONE: R1

23. Case No. 11-096  
Joy Soby  
6167 Country Road 40  
Fort Calhoun, NE  68023  
REQUEST: Waiver of Section 55-206 – Variance to the  
front yard setback from 35’ to 13’ to  
construct a new covered porch and stairs  
LOCATION: 3610 Franklin Street  
ZONE: R5(35)

24. Case No. 11-097  
Best Lawns Inc.  
2205 N 88 Street  
Omaha, NE  68134  
REQUEST: Waiver of Section 55-786 – Variance to the  
residential fence regulations to allow a 6’  
tall, wrought iron fence in the street side  
yard setback  
LOCATION: 17107 Valley Drive  
ZONE: R4

25. Case No. 11-098  
Jeff Patchin  
12305 William Street  
Omaha, NE  68144  
REQUEST: Waiver of Section 55-146 – Variance to the  
interior side yard setback from 10’ to 3’6” to  
allow construction of a 22’ X 32’ garage  
addition  
LOCATION: 12305 William Street  
ZONE: R2

26. Case No. 11-099  
Kevin Grode  
5706 N 81 Street  
Omaha, NE  68134  
REQUEST: Waiver of Section 55-146 – Variance to the  
front yard setback from 40’ to 30’ to  
construct a new deck  
LOCATION: 5706 N 81 Street  
ZONE: R2