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 (Bert) Hancock, Jacque Donovan, Brian Mahlendorf, Sebastian (Subby) Anzaldo and Jonathan Nash, Jr. Teri Teutsch and Sean Kelley are the 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 Debbie Hightower, 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, December 15, 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, December 5, 2011 (for use waivers only) and Thursday, December 8, 2011.

The agenda for this meeting is kept continually current and is available for public inspection in the Planning Department, 11th Floor, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska, during normal business hours. The agenda may be altered no later than 24 hours before the scheduled commencement of the 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.

Applicant may view the City's Planning File during normal business hours. Please contact the ZBA Secretary at (402) 444-5204 to make an appointment.

If an alternative (audio version) to this agenda is necessary, please notify the ZBA Secretary at (402) 444-5204, 72 hours in advance.
LAYOVERS

1. Case No. 11-069
   (Over from 7/21/11, 8/18/11, and 9/15/11)
   Vicky Stadther
   1650 West 82 Street #900
   Bloomington, MN 55431
   and
   Michael B. Maroney, OEDC
   2221 North 24th Street
   Omaha, NE 68110
   REQUEST: Waiver of Section 55-734, 55-740(f)(4) & 55-740(b) – Variance to the minimum number of off-street parking stalls for a Restaurant (drive-in) from 23 to 15; to the perimeter parking lot landscaping from 5’ to 1’ and 0’; and to the required drive aisle width for a 90 degree parking stall from 24’ to 21’
   LOCATION: 2410 and 2420 Cuming Street
   ZONE: CC-ACI-1(PL)

2. Case No. 11-070
   (Over from 7/21/11, 8/18/11, 9/15/11, and 11/17/11)
   Slosburg Company
   10040 Regency Circle #200
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-716, 55-740(f)(4), 55-740(j) & 55-935 - Variance to the bufferyard requirements between CC and R2 from 30’ with screening to 0’ without screening; to the perimeter parking lot landscaping from 5’ to 0’; to the 5’ sidewalk requirement along the north side of the building; and to the minimum sidewalk width of 10’ for a large retail building to allow for redevelopment of the site
   LOCATION: 2501 S 90 Street and 8998 West Center Road
   ZONE: CC & CC/FF

3. Case No. 11-110
   (Over from 10/20/11 and 11/17/11)
   Mike Welniak
   15803 Pacific Street
   Omaha, NE 68118
   REQUEST: Waiver of Section 55-716 - Variance to the required bufferyard between GI and R6 from 50’ to 25’ to allow expansion of convenience storage
   LOCATION: 15815 Pacific Street
   ZONE: GI

4. Case No. 11-120
   (Over from 10/20/11 and 11/17/11)
   Larry and Lori Wee
   12232 Farnam Street
   Omaha, NE 68154
   REQUEST: Waiver of Section 55-146 - Variance to the street side yard setback from 20’ to 11.2’ to allow 14’ x 24’ garage to remain
   LOCATION: 12232 Farnam Street
   ZONE: R2

5. Case No. 11-130
   (Over from 11/17/11)
   James Holt
   JDH Properties LLC
   563 South 175th Circle
   Omaha, NE 68118
   REQUEST: Waiver of Section 55-523, 55-423 & 55-734 - Variance to the permitted use regulations of the HI District to allow a Kennel and to the minimum number of required off-street parking stalls from 9 to 0
   LOCATION: 819 South 7th Street
   ZONE: HI-ACI-1(PL), (CBD-ACI-1(PL)-Pending)
NEW CASES

6. Case No. 11-147  
Gene Cammarota  
5423 Leavenworth Street  
Omaha, NE  68106  
REQUEST: Waiver of Section 55-183 & 55-203 – Variance to the use regulations of the R4(35) and R5(35) Districts to allow Restaurant (limited)  
LOCATION: 5423 Leavenworth Street  
ZONE: R4(35) & R5(35)

7. Case No. 11-148  
Bruce Lehn  
2626 North Terrace Court #3A  
Elkhorn, NE  68022  
REQUEST: Waiver of Section 55-765(e)(6) – Variance to the landscaped bufferyard requirement from 20’ to 10’ for Convenience storage  
LOCATION: 20120 Veterans Drive  
ZONE: CC

8. Case No. 11-149  
Christian Christensen  
720 North 13th Street  
Omaha, NE  68102  
REQUEST:Waiver of Section 55-740(c) & 55-740(f)(4) – Variance to allow a vehicle overhang to encroach into a required landscaped area and to the perimeter parking lot landscaping from 5’ to 3.7’  
LOCATION: Southwest corner of 8th and Pacific Streets  
ZONE: HI-ACI-1(PL), (R8-ACI-1 (PL) Pending)

9. Case No. 11-150  
Tab Devries  
2604 North 161st Avenue  
Omaha, NE  68116  
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 35’; to the side yard setback from 25’ to 10’; and to the rear yard setback from 35’ to 25’ to construct a single-family home  
LOCATION: 21854 Hillandale Road  
ZONE: R1

10. Case No. 11-151  
Jason Thiellen  
E & A Consulting Group Inc.  
330 North 117th Street  
Omaha, NE  68154  
REQUEST: Waiver of Section 55-206 & 55-735 – Variance to the maximum height from 35’ to 47’ and to allow off-street parking in the front/street side yard setbacks for the construction of an assisted living facility  
LOCATION: 17550 Wirt Street and 17555 Emmet Street  
ZONE: R5

11. Case No. 11-152  
Angelo Massey  
3328 Corby Street  
Omaha, NE  68111  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, wrought iron fence in the front and street side yard setbacks  
LOCATION: 2405 Evans Street  
ZONE: R7

MINUTES TO BE APPROVED: November 17, 2011

ELECTION OF OFFICERS