AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, JANUARY 20, 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: 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, 11th Floor, on Thursday, January 20, 2011 at 9:00 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, January 10, 2011 (for use permits only) and Thursday, January 13, 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 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. 10-147
   Tony Constantino
   (Over from 11/18/10, 12/16/10)
   6516 Irvington Road  68122
   LOCATION: 6516 Irvington Road
   ZONE: GC
   REQUEST: Waiver of Section 55-740 & 55-716 – Variance to the off-street parking design standards by allowing vehicles to back into adjacent streets, to perimeter and street yard landscaping from 10’ and 8.5’ to 0’ and to the handicapped access aisle from 8’ to 5’ by enlarging an existing restaurant

2. Case No. 10-150
   Justin Darby
   (Over from 12/16/10)
   623 S 78 Street  68124
   LOCATION: 623 S 78 Street
   ZONE: R1
   REQUEST: Waiver of Section 55-126 – Variance to the side yard setback requirement from 25’ to 22’ to allow construction of a new 40’ X 40’ attached garage with living space above

NEW CASES:

3. Case No. 10-046
   Emerging Terrain
   Attn: Anne Trumble
   5912 Maple Street  68104
   LOCATION: 3417 Vinton Street
   ZONE: GI
   REQUEST: Waiver of Section 55-825(C)(4) – Variance to the maximum size for a temporary banner (for up to 4 years) from 120 sq. ft. to 20,800 sq. ft.

4. Case No. 11-001
   Bender Ornamental Inc.
   Attn: Kevin M. Bender
   14955 Grover Street  68144
   LOCATION: 1410 N 143 Street
   ZONE: R1
   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ high wrought iron fence in the front and street side yard setbacks

5. Case No. 11-002
   Riveras Mexican Food
   Attn: Jesus Rivera
   12047-49 Blondo Street  68164
   LOCATION: 12047-49 Blondo Street
   ZONE: CC
   REQUEST: Waiver of Section 55-366 – Variance to the rear yard setback from 15’ to 11’ to construct a 8’ X 18’ walk-in cooler

6. Case No. 11-003
   Sebastian Anzaldo
   910 South 37 Street  68124
   LOCATION: 5656 S 49 Street
   ZONE: R4(35)
   REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15’ to 10’ to erect a single family residence
7. **Case No. 11-004**  
Omaha Neon Sign Co.  
1120 N 18 Street  68102  
**REQUEST:** Waiver of Section 55-843 – Variance to the allowed height of a pole sign from 35’ to 60’  
**LOCATION:** 14540 Grover Street  
**ZONE:** GI

8. **Case No. 11-005**  
Tim Donovan  
6633 S 84 Ave  68127  
**REQUEST:** Waiver of Section 55-246 – Variance to the front yard setback requirement from 35’ to 21’ 5” and 31’ 5” to construct a 9’ 4” X 16’ deck and stairs for each unit  
**LOCATION:** 818 & 820 N 107 Ave, 817 & 819 N 108 Street  
**ZONE:** R7

9. **Case No. 11-006**  
Dundee Ridge LLC  
Attn.: Charles Sullivan  
P.O. Box 241948  68124  
**REQUEST:** Waiver of Section 55-740(f)(4) and 55-326 – Variance to the perimeter parking lot landscaping requirement from 10’ to 5’ & 7.87’ and to the impervious surface coverage from 80% to 82%  
**LOCATION:** 4825 Dodge Street  
**ZONE:** R7-ACI-2(50) w/PK Overlay & GO-ACI-2(50)

10. **Case No. 11-007**  
Sullivan Homes  
333 S 93 Street  68114  
**REQUEST:** Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 30’ to allow construction of an 8’ X 10’ addition  
**LOCATION:** 610 Loveland Drive  
**ZONE:** R1

11. **Case No. 11-008**  
NS Worldwide  
Attn.: Jack Song  
11025 M Street  68127  
**REQUEST:** Waiver of Section 55-843 – Variance to the maximum size for a pole sign from 150 sq. ft. to 220 sq. ft. and to the maximum height from 35’ to 67’  
**LOCATION:** 11025 M Street  
**ZONE:** GI