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, November 17, 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, November 7, 2011 (for use waivers only) and Thursday, November 10, 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.

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. 11-070
   (Over from 7/21/11, 8/18/11, and 9/15/11)
   Slosburg Company
   10040 Regency Circle #200
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-716, 55-740(f)(4) & 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’; and to the minimum sidewalk width from 10’ to no less than 7’ for a large retail building
   LOCATION: 2501 S 90 Street and 8998 West Center Road
   ZONE: CC & CC/FF

2. Case No. 11-104
   (Over from 9/15/11)
   Nebraska Methodist Hospital
   8303 Dodge Street
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-123 & 55-740 – Variance to allow a temporary gravel parking lot for construction personnel not permitted in the R1 district
   LOCATION: 8135 & 8151 Farnam Drive and 8220 & 8224 Harney Street
   ZONE: R1

3. Case No. 11-110
   (Over from 10/20/11)
   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 30’ and 25’ to allow expansion of convenience storage
   LOCATION: 15815 Pacific Street
   ZONE: GI

4. Case No. 11-118
   (Over from 10/20/11)
   Patricia Greives
   3037 South 35th Avenue
   Omaha, NE 68105
   REQUEST: Waiver of Section 55-206 - Variance to the rear yard setback from 25’ to 15’ to allow construction of a sunroom addition
   LOCATION: 3037 South 35th Avenue
   ZONE: R5

5. Case No. 11-119
   (Over from 10/20/11)
   Richard Berkshire
   Berkshire Family Building, LLC
   600-610 South 76th Street
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-146 - Variance to the minimum lot width from 80’ to 36’ and 50’ to allow subdivision of the property
   LOCATION: 600-610 South 76th Street
   ZONE: R1 (R2-Pending)

6. Case No. 11-120
   (Over from 10/20/11)
   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 a 14’ x 24’ garage to remain
   LOCATION: 12232 Farnam Street
   ZONE: R2
7. Case No. 11-123  
(Over from 10/20/11)  
Jim and Shirley Huerter  
9230 Capitol Avenue  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-126 & 55-786 - Variance to the street side yard setback from 25’ to 14’ for a 9’ x 12’ shed; to the rear yard setback from 35’ to 1’ and the street side yard setback from 25’ to 13’ for pool equipment; to the maximum impervious coverage from 30% to 46%; and to allow a 6’ high privacy fence in the street side yard setback  
LOCATION: 9230 Capitol Avenue  
ZONE: R1

8. Case No. 11-125  
(Over from 10/20/11)  
Tim Lang  
9710 Parker Street  
Omaha, NE 68114-1248  
REQUEST: Waiver of Section 55-146 - Variance to the interior side yard setback from 10’ to 8’ to construct a garage/house addition  
LOCATION: 9710 Parker Street  
ZONE: R2

9. Case No. 11-126  
(Over from 10/20/11)  
Theresa L. Wyant  
3219 South 220th Street  
Omaha, NE 68022  
REQUEST: Waiver of Section 55-108 - Variance to the minimum lot size from 1 acre to 39,314 square feet and to the minimum lot width from 100’ to 61.60’ to allow subdivision of the property (Lot 2, Trailridge Ranches, Replat 3)  
LOCATION: 3305 South 220th Street and 3219 South 220th Street  
ZONE: DR

10. Case No. 11-131  
(Over from 10/20/11)  
Jodi Peckham  
5409 North 9th Street  
Omaha, NE 68110  
REQUEST: Waiver of Section 55-187 - Variance to the front yard setback from 35’ to 10’ to allow a 25’ x 27’ house addition  
LOCATION: 5409 North 9th Street  
ZONE: R4(35)

NEW CASES

11. Case No. 11-130  
James Holt  
JDH Properties LLC  
563 South 175th Circle  
Omaha, NE 68118  
REQUEST: Waiver of Section 55-523 & 55-734 - Variance to the permitted use regulations of the HI district to allow a kennel use and to the minimum number of off-street parking stalls from 9 to 0 for the kennel use  
LOCATION: 819 South 7th Street  
ZONE: HI-ACI-1(PL)

12. Case No. 11-133  
City of Omaha  
1819 Farnam Street #1111  
Omaha, NE 68183  
REQUEST: Waiver of Section 55-207(g) - Variance to the front yard setback from 35’ to 26.1’ to replace existing covered front stoop  
LOCATION: 2213 North 37th Street  
ZONE: R5(35)
13. Case No. 11-134  
Omaha Neon Sign Co.  
1120 North 18th Street  
Omaha, NE  68102

REQUEST: Waiver of Section 55-836 – Variance to the front yard setback from 12’ to 0’ for a monument sign

LOCATION: 3223 North 108th Street

ZONE: CC

14. Case No. 11-135  
J P Carpentry  
8610 South 21st Street  
Omaha, NE  68147

REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 25.9’ to construct a 20’ x 20’ detached garage

LOCATION: 185 South 216th Circle

ZONE: R1

15. Case No. 11-136  
Paula J. Philippi  
1411 South 16th Street  
Omaha, NE  68108

REQUEST: Waiver of Section 55-206 – Variance to the minimum lot area from 5,000 sq. ft. to 2,653.4 sq. ft. and 3,050 sq. ft. to allow for approval of an administrative subdivision

LOCATION: 1411 South 16th Street and 1515-1517 William Street

ZONE: R5

16. Case No. 11-137  
Jason and Denise Bash  
315 North 36th Avenue  
Omaha, NE  68131

REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 9’ 4” and to the interior side yard setback from 7’ to 1’ 10” to construct a two-story detached garage

LOCATION: 315 North 36th Avenue

ZONE: R3

17. Case No. 11-138  
Thomas McLeay  
America First Real Estate Group LLC  
1004 Farnam Street Suite 400  
Omaha, NE  68102

REQUEST: Waiver of Section 55-326 – Variance to the rear yard setback from 15’ to 0’ and to the interior side yard setback from 7’ to 0’ for the existing building to allow for approval of an administrative subdivision

LOCATION: 819 Dorcas Street

ZONE: GO

18. Case No. 11-139  
Ron Zych  
6712 South 91st Avenue  
Omaha, NE  68127

REQUEST: Waiver of Section 55-782(b)(6) – Variance to the rear yard setback from 3’ to 0’ for a 10’ x 14’ shed

LOCATION: 6712 South 91st Avenue

ZONE: R4

19. Case No. 11-140  
Steve Turner  
6315 Hamilton Street  
Omaha, NE  68132

REQUEST: Waiver of Section 55-187(e) - Variance to the front yard setback from 35’ to 9’ 2” to allow a covered front stoop to remain

LOCATION: 6315 Hamilton Street

ZONE: R4(35)
20. Case No. 11-141
James Warner
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154
REQUEST: Waiver of Section 55-166 & 55-163 - Variance to the use regulations of the R3 District to allow single-family residential (attached); to the lot area from 7,500 sq. ft. to 6,603 sq. ft. and 5,158 sq. ft.; to the lot width from 60’ to 50’ and 38’; to the maximum impervious coverage from 45% to 55%; and to the interior side yard setback from 7’ to 0’
LOCATION: 5203 and 5205 Chicago Street
ZONE: 

21. Case No. 11-143
Kum & Go
6400 Westown Parkway
West Des Moines, IA  50266
REQUEST: Waiver of Section 55-925 - Variance to the build-to/setback requirement from 95’ to approximately 170’ for a new convenience store
LOCATION: 1819 North 72nd Street
(Northeast corner of 72nd & Decatur Streets)
ZONE: GC (ACI-2(50)-Pending)

22. Case No. 11-144
Dave Paladino
Paris Investments LLC
2702 Douglas Street
Omaha, NE 68131
REQUEST: Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 10 to 0 for a Daycare (General) use
LOCATION: 3828 Dodge Street and 101 North 38th Avenue
ZONE: GO-ACI-2(50)

23. Case No. 11-145
Peter Fink
Certified Transmission
1801 South 54th Street
Omaha, NE 68106
REQUEST: Waiver of Section 55-183, 55-186, 55-715, 55-735 & 55-740 - Variance to the permitted use regulations of the R4 District to allow a surface parking use; to the maximum impervious coverage from 50% to 100%; to the 4’ screening requirement; to the perimeter parking lot landscaping from 10’ and 5’ to 0’; to the minimum depth of street yard landscaping from 15’ to 0’; to allow off-street parking for a non-residential use in the required front yard setback; and to the drive aisle width from 24’ to 9’
LOCATION: 1919 South 55th Street
ZONE: R4(35)

24. Case No. 11-146
William Matzek
Kimley-Horn and Associates, Inc.
2550 University Ave West 238 N
St. Paul, MN  55114
REQUEST: Waiver of Section 55-934 - Variance to the maximum height of a Category 3 retaining wall to allow a wall height up to 15.5’
LOCATION: 2451 North 90th Street
ZONE: CC(MCC Pending)

DISCUSSION ITEM:
Survey Requirement for Zoning Board of Appeals applications

MINUTES TO BE APPROVED: October 20, 2011