AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, OCTOBER 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 (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, October 20, 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, October 10, 2011 (for use waivers only) and Thursday, October 13, 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. 11-091  
   (Over from 8/18/11 and 9/15/11)  
   Kevin Walker  
   9458 Maple Street  
   Omaha, NE  68134  
   REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 15’ to construct an attached garage  
   LOCATION: 9458 Maple Street  
   ZONE: R3

2. Case No. 11-098  
   (Over from 8/18/11 and 9/15/11)  
   Jeff Patchin  
   12305 William Street  
   Omaha, NE  68144  
   REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 2’6” to allow construction of a 22’ X 30’ garage addition  
   LOCATION: 12305 William Street  
   ZONE: R2

NEW CASES

3. Case No. 11-110  
   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. 11-111  
   Cesar Fragoso  
   4314 Center Street  
   Omaha, NE  68105  
   REQUEST: Waiver of Section 55-187 - Variance to the front yard setback from 35’ to 17’ to allow a covered front porch to remain  
   LOCATION: 4314 Center Street  
   ZONE: R4(35)

5. Case No. 11-112  
   The Garage Company  
   8301 Q Street  
   Omaha, NE  68127  
   REQUEST: Waiver of Section 55-740(e) - Variance to the paved, hard surfaced driveway requirement for a 20’ x 20’ shed  
   LOCATION: 14051 Patrick Avenue  
   ZONE: R3

6. Case No. 11-113  
   Jose Luis Castillo  
   3818 U Street  
   Omaha, NE  68107  
   REQUEST: Waiver of Section 55-187 - Variance to the front yard setback from 35’ to 19’ to allow an existing covered front porch to be enclosed  
   LOCATION: 3818 U Street  
   ZONE: R4(35)
7. Case No. 11-114  
James Incontro  
2818 South 34th Street  
Omaha, NE  68105  
REQUEST: Waiver of Section 55-206 - Variance to the side yard setback from 5’ to 4’ for an existing home to allow the property to be subdivided (Lot 2, Incontro Village)  
LOCATION: 3117 South 60th Street  
ZONE: R5

8. Case No. 11-115  
James Incontro  
2818 South 34th Street  
Omaha, NE  68105  
REQUEST: Waiver of Section 55-206 - Variance to the minimum lot width from 50’ to 45.54’ for Lot 7, Incontro Village to allow the property to be subdivided  
LOCATION: 3227 South 60th Street  
ZONE: R5

9. Case No. 11-116  
Scott Paszkewitz  
18230 Tammy Trail  
Omaha, NE  68135  
REQUEST: Waiver of Section 55-740(e) - Variance to the hard surfaced driveway requirement for a detached garage  
LOCATION: 18230 Tammy Trail  
ZONE: DR

10. Case No. 11-117  
Thomas and Kathleen Williams  
1313 Turner Boulevard  
Omaha, NE  68105-1932  
REQUEST: Waiver of Section 55-166 - Variance to the maximum building coverage from 35% to 42%; to the maximum impervious coverage from 45% to 68%; and to the interior side yard from 7’ to 3’9” to allow construction of a house addition  
LOCATION: 1313 Turner Boulevard  
ZONE: R3

11. Case No. 11-118  
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

12. Case No. 11-119  
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 39’ and 52’ and the interior side yard setback from 10’ to 5’ to allow subdivision of the property  
LOCATION: 600-610 South 76th Street  
ZONE: R1 (R2-Pending)

13. Case No. 11-120  
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
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Requestor</th>
<th>Agenda Item</th>
<th>Request Details</th>
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<tr>
<td>14.</td>
<td>Andrew Rikli</td>
<td>Waiver of Section 55-764(d) - Variance to the capacity limitations for a <em>Daycare services (general)</em> use in a R2 district from 12 to 45 individuals. LOCATION: 9030 Western Avenue, ZONE: R2.</td>
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<td>15.</td>
<td>Urban Village Park Avenue Redevelopment, LLC</td>
<td>Waiver of Section 55-735 - Variance to allow off-street parking in the front yard setback. LOCATION: 806 Park Avenue; 709 and 713 South 30th Street; and 710 and 712 Park Avenue, ZONE: R7.</td>
<td></td>
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<td>16.</td>
<td>Jim and Shirley Huerter</td>
<td>Waiver of Section 55-126 &amp; 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 2’ and the street side yard setback from 25’ to 14’ 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.</td>
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<td>17.</td>
<td>Andrew Gustafson</td>
<td>Waiver of Section 55-246 - Variance to the front yard setback from 35’ to 22’ to rebuild existing covered front porch. LOCATION: 140 North 33rd Street, ZONE: R7.</td>
<td></td>
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<td>18.</td>
<td>Tim Lang</td>
<td>Waiver of Section 55-146 - Variance to the interior side yard setback from 10’ to 3’ to construct a garage/house addition. LOCATION: 9710 Parker Street, ZONE: R2.</td>
<td></td>
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<td>19.</td>
<td>Theresa L. Wyant</td>
<td>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, ZONE: DR.</td>
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<td>Case No.</td>
<td>Requestor</td>
<td>Address</td>
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<td>11-127</td>
<td>Jeremy Carrell</td>
<td>5020 South 110th Street, Omaha, NE 68137</td>
<td>Waiver of Section 55-108 - Variance to the interior side yard setback from 25’ to 10’ to allow an existing garage to remain</td>
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<td>11-128</td>
<td>Edward Okosi</td>
<td>12311 Parker Circle, Omaha, NE 68154</td>
<td>Waiver of Section 55-764(d) - Variance to the capacity limitation for a Daycare services (general) use in a R3 district from 12 to 40 individuals</td>
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<td>11-129</td>
<td>Grace Lutheran Church</td>
<td>1326 South 26th Street, Omaha, NE 68105</td>
<td>Waiver of Section 55-246, 55-735(b) &amp; 55-740(f) - Variance to the maximum impervious coverage from 70% to 86%, to allow off-street parking for a non-residential use within the required front yard setback and to the perimeter parking lot landscaping from 10’ to 5.2’ and 5’ to allow expansion of an existing parking lot</td>
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<td>11-131</td>
<td>Jodi Peckham</td>
<td>5409 North 9th Street, Omaha, NE 68110</td>
<td>Waiver of Section 55-187 - Variance to the front yard setback from 35’ to 10’ to allow a 25‘ x 27’ house addition</td>
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<td>11-132</td>
<td>G. Thomas Simmons</td>
<td>667 North 66th Street, Omaha, NE 68132</td>
<td>Waiver of Section 55-734 - Variance to the required number of off-street parking stalls from 38 to 14</td>
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**MINUTES TO BE APPROVED:** August 18, 2011 and September 15, 2011

**FINAL - 10/11/11**