AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, SEPTEMBER 15, 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, September 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, September 5, 2011 (for use waivers only) and Thursday, September 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.

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. 11-069  
(Over from 7/21/11, 8/18/11)  
Vicky Stadther  
1650 W 82 Street Ste. 900  
Bloomington, MN  55431  

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)

2. Case No. 11-070  
(Over from 7/21/11, 8/18/11)  
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

3. Case No. 11-078  
(Over from 7/21/11, 8/18/11)  
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 10’5” and to the required bufferyard between CC & R6 from 30’ to 5’ to allow for redevelopment of the site  

LOCATION: 9905 Q Street  
ZONE: CC

4. Case No. 11-091  
(Over from 8/18/11)  
Kevin Walker  
9458 Maple Street  
Omaha, NE  68134  

REQUEST: Waiver of Section 55-782(b)(6) – Variance to the front yard setback from 60’ to 15’ to construct a 20’ X 20’ detached garage  

LOCATION: 9458 Maple Street  
ZONE: R3

5. Case No. 11-093  
(Over from 8/18/11)  
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 88 Street  
ZONE: R2

6. Case No. 11-098  
(Over from 8/18/11)  
Jeff Patchin  
12305 William Street  
Omaha, NE  68144  

REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 3’6” to allow construction of a 22’ X 32’ garage addition  

LOCATION: 12305 William Street  
ZONE: R2
# NEW CASES

7. **Case No. 11-100**  
   **Five Points Bank**  
   9718 Giles Road  
   Omaha, NE  68128  
   **REQUEST:** Waiver of Section 55-716 – Variance to the required bufferyard from 20’ to 12’ to allow construction of a trash enclosure  
   **LOCATION:** 8820 Arbor Street  
   **ZONE:** LO-MCC

8. **Case No. 11-101**  
   **Charles & Sherry Arnold**  
   1291 S 164 Street  
   Omaha, NE  68130  
   **REQUEST:** Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 12’ to allow construction of a 16’ X 14’ deck  
   **LOCATION:** 1291 S 164 Street  
   **ZONE:** R3

9. **Case No. 11-102**  
   **Terry Hogan**  
   14450 Eagle Run Drive  
   Omaha, NE  68154  
   **REQUEST:** Waiver of Section 55-740(f)(4) – Variance to the perimeter parking lot landscaping from 5’ to 2’ for a drive-thru lane  
   **LOCATION:** 1203 Mike Fahey Street  
   **ZONE:** CBD-ACI-1(PL)

10. **Case No. 11-103**  
    **Chad Allington**  
    P.O. Box 540731  
    Omaha, NE  68154  
    **REQUEST:** Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’ and to the interior side yard setback on both sides from 25’ to 10’ to construct a new home  
    **LOCATION:** 1319 Ranch View Lane  
    **ZONE:** R1

11. **Case No. 11-104**  
    **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

12. **Case No. 11-105**  
    **Mike & Cathy Turman**  
    4521 Krug Avenue  
    Omaha, NE  68106  
    **REQUEST:** Waiver of Section 55-323 & 55-734 – Variance to the use regulations of the GO district to allow General Retail Sales and to the required off-street parking from 8 stalls to 7 stalls  
    **LOCATION:** 4701 Center Street  
    **ZONE:** GO

13. **Case No. 11-106**  
    **Matt Egermayer**  
    1752 S 87 Street  
    Omaha, NE  68124  
    **REQUEST:** Waiver of Section 55-836 – Variance to the front yard setback from 12’ to 7’ for a monument sign  
    **LOCATION:** 1014 S 74 Plaza  
    **ZONE:** CC-MCC
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Requestor</th>
<th>Address</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
<th>ZONE:</th>
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</thead>
<tbody>
<tr>
<td>11-107</td>
<td>Robert &amp; Jacqueline Nunez</td>
<td>232 S 86 Street</td>
<td>Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 16’ to allow a 16’ X 16’ deck to remain and from 25’ to 12’ for existing garage addition</td>
<td>232 S 86 Street</td>
<td>R2</td>
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<tr>
<td>11-108</td>
<td>Brau Builders Inc.</td>
<td>20515 Nicholas Cir #6</td>
<td>Waiver of Section 55-715 – Variance to the minimum street yard landscaping from 65% to 51% and to the minimum depth from 20’ to 0’ to construct a circle drive</td>
<td>13506 Burt Street</td>
<td>R3</td>
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<tr>
<td>11-109</td>
<td>Marie Kubat</td>
<td>5506 Howard Street</td>
<td>Waiver of Section 55-166 – Variance to the interior side yard setback from 7’ to 3’6” to construct a garage addition</td>
<td>5506 Howard Street</td>
<td>R3</td>
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