DISPOSITION AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING – THURSDAY, NOVEMBER 17, 2011
7TH FLOOR, ROOM 702
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

LAYOVERS

1. Case No. 11-070 - Layover
   (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
   BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011.

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
   BOARD ACTION: APPROVED 5-0. Approved in accordance with the information/site plan submitted, subject to: 1) replace the curb and properly landscape the former drive access from Harney Street; 2) variance expiring on March 31, 2015; and 3) work with the Planning Department to prepare an acceptable landscape plan.

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
   BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011.
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  
BOARD ACTION: DENIED 5-0.

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)  
BOARD ACTION: DENIED 5-0.

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  
BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011 to allow applicant time to submit a landscape drawing.

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  
BOARD ACTION: APPROVED 5-0.

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  
BOARD ACTION: APPROVED 5-0. Approved as modified (Exhibit 2).
9. Case No. 11-126 - Layover (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

   BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011.

10. Case No. 11-131 - Layover (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)

    BOARD ACTION: LAYOVER 5-0. Laid over until the March 8, 2012 meeting.

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)

    BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011 to allow time for the applicant to meet with the opposition and the board to visit the site.

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)

    BOARD ACTION: APPROVED 5-0. Approved in accordance with the plans submitted.

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

    BOARD ACTION: LAYOVER 5-0. Laid over until the next meeting on December 15, 2011 to allow the applicant time to redesign.
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

BOARD ACTION:  APPROVED 5-0.  Approved in accordance with the plans submitted.

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

BOARD ACTION:  APPROVED 5-0.  Approved in accordance with the plans submitted.

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

BOARD ACTION:  APPROVED 5-0.  Approved subject to:  1) The materials to match the existing home, 2) the front yard setback to be 9’4” and the interior side yard setback to be 3’; and 3) the second story to be used as storage only and not to be used as a residence.

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

BOARD ACTION:  APPROVED 5-0.  Approved in accordance with the plans submitted subject to:  1) including a reciprocal/shared access and parking easement for both lots on the subdivision plat; 2) amending the Conditional Use Permit (C7-11-135); and 3) consulting with Permits and Inspections staff to ensure that splitting of the buildings as proposed meets all applicable building code requirements.

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

BOARD ACTION:  LAYOVER 5-0.  Laid over until the next meeting on December 15, 2011.
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)  
BOARD ACTION: APPROVED 5-0. Approved subject to the materials to match the existing home.

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: R3  
BOARD ACTION: APPROVED 5-0. Approved in accordance with the plans submitted subject to no future driveway or garage to be constructed on the 5203 Chicago Street property.

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)  
BOARD ACTION: APPROVED 5-0. Approved in accordance with the plans submitted with the design enhancements subject to: 1) the structure of the canopies shall be constructed of (or veneered with) masonry material matching the convenience store to no less than 30 inches square and no less than 8’ high; 2) all other sidewalk, landscape and building design provisions are met; 3) no subsequent waiver requests of the ACI-2 standards; and 4) recording the approved subdivision plat.

22. Case No. 11-144- Layover  
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)  
BOARD ACTION: LAYOVER 5-0. Laid over until the December 15, 2011 meeting.
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)

   BOARD ACTION: APPROVED 5-0. Approved subject to the installation of a 4’ tall screen fence when parking lot goes in and applying for any required fence waivers at that time.

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)

   BOARD ACTION: APPROVED 5-0. Approved in accordance with the plans submitted.