Mr. Hancock called the meeting to order at 1:00 p.m., introduced the board members, as well as the staff, and explained the procedures for hearing the cases. He announced that Case No. 11-036 was previously withdrawn per the applicant’s request.
NEW CASES:

1. Case No. 11-024
   City of Omaha
   1819 Farnam Street
   Omaha, NE  68183

   REQUEST:  Waiver of Section 55-740 – Variance to the
            hard-surfacing requirements to allow the
            enlargement of an existing gravel parking
            lot

   LOCATION:  3033 Hummel Road
   ZONE:      DR-ED

RECOMMENDATION:  Denial as presented.  Some time could be given to the applicant in which to
                  permanently pave the area.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Ms. Melinda Pearson and Ms. Pat Slaven, Parks Department, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that Hummel Park is heavily wood and this portion of the park is not readily visible. He stated that the Parks Department is planning a new day camp center. Blair stated that the existing day camp center has been removed and a new structure is underway. He stated that access from Hummel Road is hard surfaced to a point. Blair stated that the Parks Department proposes to enlarge a gravel area to the south in order to accommodate approximately 34 additional vehicles.

Ms. Pearson stated that Hummel Park Day Camp is a remote site. She stated that the camp’s activities primarily consist of hiking in the wilderness. Pearson stated that the front drive is paved for buses with a handicap area provided for parking. She stated that paving the entire parking lot would be out of character for the environment. Pearson stated that many of the City’s older parks have gravel parking lots. She stated that currently the camp is in use during the summer months with potential for year-round use.

Mr. Anzaldo moved to APPROVE the waiver request, subject to reviewing the use in two years. Ms. Donovan seconded the motion.

AYES:  Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED:  5-0
2. Case No. 11-025
   Benjamin Matheny
   20949 State Street
   Omaha, NE  68022
   REQUEST: Waiver of Section 55-740 – Variance to the hard-surfacing requirements for a residential driveway to permit a gravel surface
   LOCATION: 20949 State Street
   ZONE: AG
   RECOMMENDATION: Approval, subject to the applicant agreeing to pave the approach plus 50’ when State Street is improved.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Benjamin Matheny appeared before the board in support of this report.

Mr. Tom Blair, ZBA Administrator, stated that this 6-acre site on State Street is not improved. He stated that it has been Department policy to allow gravel driveways because State Street is gravel. Blair stated that once State Street is improved, there would be concern about gravel tracked onto the street’s hard surface. Therefore, the Department recommends approval subject to the applicant agreeing to pave the approach plus 50’ whenever State Street is improved.

Mr. Mahlendorf moved to APPROVE the waiver request subject to the applicant agreeing to pave the approach plus 50 feet at such time that State Street is improved. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
3. Case No. 11-026  
Greg Young Chevrolet, Inc.  
8505 Crown Point Avenue  
Omaha, NE  68134  
REQUEST: Waiver of Section 55-363 – Variance to the use regulations of the Community Commercial District to allow the outdoor storage of recreational vehicles, boats and trailers not otherwise permitted  
LOCATION: 8505 Crown Point Avenue  
ZONE: CC  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Greg Young and Mr. Russ Daub appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case was heard in 2008 regarding a sale of the property. He stated that the sale of the property did not take place. Blair stated that the applicant then requested to store the recreational vehicles temporarily. He stated that a waiver was granted until January 1, 2009. Blair stated that there has been no sale to-date. He stated that the number of vehicles have increased and are being stored outside of the fenced area.

Mr. Greg Young stated when the business closed in September of 2008, they had planned other ventures which did not culminate. Mr. Mahlendorf stated that additional vehicles detract from that area. He suggested that the applicant relocate the vehicles to a less-visible area. Mr. Young stated that there is a drainage problem on the property that would preclude relocating the vehicles to the northeast area of the property. He stated that the vehicles are stored inside an area that is fenced for security and allows access to certain others. Mr. Anzaldo suggested that the applicant perform some clean up and keep the property intact.

Ms. Donovan moved to APPROVE a variance allowing the current use to remain for six months. Mr. Anzaldo seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
4. Case No. 11-027
   Metropolitan Entertainment & Convention Authority
   Attn: Bruce Carpenter
   8404 Indian Hills Drive
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-740(e)(1) – Variance to the hard-surfacing requirement for a temporary parking lot

   LOCATION: 1101 Abbott Drive
   ZONE: CBD

   RECOMMENDATION: Approval as requested.

   At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Bruce Carpenter, HDR, Inc., 8404 Indian Hills Drive, and Ms. Christy Harris, MECA, 455 N. 10th Street, appeared before the board in support of this request.

   Mr. Carpenter stated that this request is to extend the existing variance through July 29, 2011 two scheduled events (College World Series and the Red Sky Music Festival).

   Mr. Meyer moved to APPROVE the waiver request until July 29, 2011. Ms. Donovan seconded the motion.

   Mr. Blair stipulated that the lot cannot be used for parking beyond July 29, 2011.

   AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

   MOTION CARRIED: 5-0
5. Case No. 11-028
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE

REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 25’, to the interior side yard setback from 7’ to 5’, and to the street side yard setback from 17.5’ to 15’ to construct a single family residence

LOCATION: 13641 Miami Street
ZONE: R3

RECOMMENDATION: Approval, subject to the applicant applying for rezoning to R4 within 60 days and no issuance of a Certificate of Occupancy on the house until the rezoning is approved.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. James Warner, TD2, 10836 Old Mill Road, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this is a vacant lot in Green Meadows. He stated that Green Meadows has R3 zoning which carries bigger setbacks. Blair stated that the lots are smaller than R3 can support. He stated that the applicant would meet the R4 setbacks--front sides and rear as well as interior side and has agreed to apply for rezoning of the property to R4. Blair stated that this waiver would give the applicant an opportunity to begin construction on the new home and the zoning would follow in 3 to 4 months. He stated that the recommendation is to approve the waiver as requested with the setbacks subject to the applicant agreeing to apply for rezoning to R4 prior a certificate of occupancy being issued to the new home.

Mr. Meyer moved to APPROVE the waiver request subject to the applicant applying for rezoning to R4 within 60 days. Certificate of Occupancy will not be issued until rezoning is approved. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
6. Case No. 11-029
   Omaha Neon Sign Company
   Attn: Troy Panagiotis
   1120 N 18 Street
   Omaha, NE 68102
   REQUEST: Waiver of Section 55-836(2) – Variance to the required front yard setback for a pole sign from 12’ to 8’
   LOCATION: 11714 West Dodge Road
   ZONE: CC

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Troy Panagiotis appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the proposed sign is at the same setback as the sign that is being modified. He presented a drawing of the pole sign with an 8’ 8” setback from the West Dodge Road right-of-way with use of the same footings. Blair stated that in order to use the same footings, a lower sign to identify the businesses on the lower level, is requested. In response to Mr. Mahlendorf, Mr. Panagiotis stated that the current 22-foot high sign will be brought down to 13 feet.

Mr. Meyer moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Mahlendorf seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
7. Case No. 11-030  
Robert Hancock Company  
1925 S 64 Avenue  
Omaha, NE 68106

REQUEST: Waiver of Section 55-246, 55-715, 55-735(a)(1), & 55-740(f)(4) – Variance to the maximum impervious coverage from 70% to 80%, to the minimum depth of the street yard landscaping from 10’ to 5’ and the minimum street yard landscaping from 50% to 41%, to the required perimeter parking lot landscaping from 10’ to 5’, and to allow parking for multiple family residential use in the required front yard

LOCATION: 450 S 78 Street  
ZONE: R7

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Robert Hancock, and Mr. James Warner, TD2, 10836 Old Mill Road, appeared before the board in support of this request.

Mr. Hancock, Chair, recused himself from the board in order to represent this case. Mr. Mahlendorf, Vice Chair, facilitated the hearing of this case.

Mr. Tom Blair, ZBA Administrator, stated that the plans submitted did not meet the design criteria in the zoning code for the size of the spaces due to overhang into the driveway. He stated that the board toured the site today and observed a need to provide additional parking. Blair stated that the building meets the minimum standards. He stated that it appeared that visitors have a tendency to park by the front door. Blair stated that a revised plan showing parallel parking instead of the original 8 angled parking stalls was presented (Exhibit 2). He stated that the applicant proposes 6 parallel parking stalls which would provide additional landscaping for better functionality. In response to Mr. Meyer, Mr. Blair stated that this plan is a re-configuration of the same hard surfacing. He stated that less of the property violates the 10’ required front yard setback. Blair stated that the amount of hard surfacing is the same and meets the code. Mr. Warner added that the 66’ right-of-way provides extra room for meeting some of the waivers as well.

Mr. Hancock stated that the Villa Vinee Apartments consists of seven buildings. He shared some perspective of the building on the west side of 78th Street. Hancock stated that this lone building has reduced green space. He stated that the larger complex is well-landscaped with plenty of green space.

Mr. Anzaldo moved to APPROVE the waiver request according to Exhibit 2. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
8. Case No. 11-031
   Brian Klare
   302 S 51 Avenue
   Omaha, NE  68132

   REQUEST: Waiver of Section 55-782B6 – Variance to the maximum size of an accessory building outside the build-able area of the lot from 750 sq. ft. to 840 sq. ft. by adding to a detached garage
   LOCATION: 302 S 51 Avenue
   ZONE: R3

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Brian Klare and Mrs. Wendy Klare appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant submitted two detailed drawings showing the existing condition as seen on inspection today, and elevation drawings showing the material matching very closely to what is there now. He stated that the plans meet the required setbacks.

In response to Mr. Meyer, Mr. Klare stated that samples were secured which match the roof tile. He stated that he is working with several brick suppliers to create mock-ups so that the brick matches properly. Klare offered a correction that the request is only 90 sq. ft. over. He stated that the proposed building measures at 20’ X 22’. Klare stated that the proposed plan provides for better maneuverability. He submitted signed petitions from adjoining property owners which supported this plan.

Mr. Mahlendorf moved to APPROVE the waiver request subject to the building materials matching the existing house. Mr. Anzaldo seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
9. Case No. 11-032
   Summit Construction Inc.
   Attn: Doug Dahl
   3430 S 115 Avenue
   Omaha, NE 68144

   REQUEST: Waiver of Section 55-186 – Variance to the required front yard setback from 35’ to 21’ and from 35’ to 26’ to allow construction of a 12’ X 28’ room addition

   LOCATION: 4119 S 12 Street
   ZONE: R4(35)

   RECOMMENDATION: Approval as submitted subject to building materials matching those of the existing structure.

   At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Doug Dahl appeared before the board in support of this request.

   Mr. Tom Blair, ZBA Administrator, stated that this property is a triangular-shaped lot at the corner of Mid-City Avenue and 12th Street. He stated that neighbors who have called concerning the notices received, realized that the addition would be on the south side of the home and had no objections. The Planning Department supports this request due to the hardship presented by the irregular shape of the lot.

   Mr. Meyer moved to APPROVE the waiver request subject to the building materials matching those of the existing structure. Ms. Donovan seconded the motion.

   AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

   MOTION CARRIED: 5-0
10. Case No. 11-033

Joseph Hohn
17702 Frances Street
Omaha, NE 68130

REQUEST: Waiver of Section 55-526 – Variance to the front yard setback from 50’ to street centerline to 31’4” to street centerline for office addition

LOCATION: 3310 H Street
ZONE: HI

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. Joseph Hohn appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the setbacks are taken from 33rd Street. He stated that the applicant has made numerous improvements to the property. The applicant proposes additional offices to the east of the existing building next to 33rd Street. Blair stated that a waiver of the setback on that side is requested, which is similar to the setback enjoyed by the property owner to the east. He stated that the addition will be located along the east side of the building. Blair stated that there will be additional landscaping along 33rd Street and the intersection at 33rd & H Street. He stated that the Planning Department is in support of this request.

Ms. Donovan moved to APPROVE the waiver request in accordance with the plans submitted. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
11. Case No. 11-034
   Brent Mencke
   16854 Erskine Street
   Omaha, NE  68116

   REQUEST: Waiver of Section 55-786 – Variance to the
   residential fence regulations to allow a 6’ high privacy fence in the street side yard setback

   LOCATION: 16854 Erskine Street
   ZONE: R4

   RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. and Mrs. Brent Mencke, and Mr. Jeff Lake, neighbor, appeared before the board in support of this request.

   Mr. Tom Blair, ZBA Administrator, stated that this is a corner lot on 168th Avenue & Erskine. It is a relatively new subdivision where there are not many fences. He stated that the applicant proposes a 6’ high cedar fence that would be located behind the house, which functions as a rear yard, and extend to 168th Avenue. Blair stated that there is not as much privacy on a corner lot as there would be on an interior lot. He stated that because this request is for a corner, the fence as proposed will have to be moved 15’ off the lot line which cuts the yard almost in half. Blair stated that if waivers of this type of fencing are granted, that could lead to more waivers in the street side yard throughout this new subdivision. He stated that others in this subdivision have called to state opposition to fence waivers.

   Mr. Mahlendorf recommended a solution that offered security, full use of the yard, and will meet the code requirement for fences on a corner lot.

   Mr. Mahlendorf moved to APPROVE a six-foot high, 50% open, privacy fence in the street yard setback from the north property line along 168th Avenue back to where it returns to the house, and a six-foot solid fence running along the north property line from east to west (exhibit 2). Mr. Meyer seconded the motion.

   AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

   MOTION CARRIED: 5-0
12. Case No. 11-035  
Hearthstone Homes  
810 N 96 Street, 3rd Floor  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-186 – Variance to the side yard setback from 5’ to 4.9’ for existing residence  

LOCATION: 1312 N 209 Street  
ZONE: R4  

RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on Thursday, April 21, 2011, Mr. John Fullenkamp, Attorney, 11440 West Center Road, appeared before the board in support of this request.

Mr. Mahlendorf moved to APPROVE the waiver request. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock  

MOTION CARRIED: 5-0
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**APPROVAL OF MINUTES:**

Ms. Donovan moved to APPROVE the March 17, 2011 meeting minutes as written. Mr. Anzaldo seconded the motion.

**AYES:** Anzaldo, Mahlendorf, Meyer, Donovan

**ABSTAIN:** Hancock

**MOTION CARRIED:** 4-0-1

**DISCUSSION:**

Ms. RoseMarie Horvath, Assistant City Attorney, Law Department, stated that the Douglas County Court ruled that the City’s municipal sound ordinance is void for vagueness. Therefore, the TRP case (10-043) will continue the business of breaking rail, etc. She stated that the decibel measurements reported by the inspectors were not concrete. Ms. Horvath stated the City can either appeal the Court’s decision to the Court of Appeals or amend (rewrite) the ordinance. Ms. Horvath stated that the Planning Department opted to rewrite the ordinance and clarify the sound measurement table in the ordinance. She stated that a draft will be prepared and submitted to the Planning Department for review. In response to Mr. Hancock, Ms. Horvath stated that a model code used by other cities will be utilized to rewrite this code in regard to sound levels, decibels, and frequencies.

**ADJOURNMENT:**

Mr. Mahlendorf moved to ADJOURN the meeting at 2:08 p.m. Mr. Meyer seconded the motion.

**AYES:** Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

**MOTION CARRIED:** 5-0

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Claudia Moore, Secretary