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 He announced that Case No.’s 11-048 and 11-058 were withdrawn, and layovers were requested for Case No.’s 11-057, 11-070, 11-076 and 11-078.
**LAYOVERS**

1. **Case No. 11-048**  
   *(Over from 5/19/11)*  
   Omaha Land & Cattle Co.  
   7905 L Street, Suite 110  
   Omaha, NE 68127  
   **WITHDRAWN**  
   **REQUEST:** Waiver of Section 55-716 – Variance to the required bufferyard between CC and R7 from 20’ to 15’ to allow for a new parking area  
   **LOCATION:** 9930 Maple Street  
   **ZONE:** CC

Case withdrawn as requested by the applicant.
2. Case No. 11-057  
   (Over from 6/16/11)  
   Mutual of Omaha  
   3301 Dodge Street  
   Omaha, NE  68175  
   **LAYOVER**

   REQUEST: Waiver of Section 55-825(c) – Variance to the temporary sign regulations to allow a temporary video projection

   LOCATION: 3301 Dodge Street

   ZONE: CBD-ACI-2(50)

RECOMMENDATION:

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, the applicant was not present due to a layover requested.

Mr. Anzaldo moved to LAYOVER the request until the August 18, 2011 meeting. Mr. Meyer seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
3. Case No. 11-058
   (Over from 6/16/11)
   Mike Hill
   3824 N 108 Street
   Omaha, NE 68164
   **WITHDRAWN**

   **REQUEST:** Waiver of Section 55-716 – Variance to the required bufferyard between LC & R2 from 20’ to 10’ to allow construction of an 80’ X 45’ building addition

   **LOCATION:** 8816 Blondo Street
   **ZONE:** LC

Case withdrawn as requested by the applicant.
4. Case No. 11-067
(Over from 6/16/11)
Lund Company
Attn:  Kyle Haase
120 Regency Parkway Drive #116
Omaha, NE  68114
REQUEST:  Waiver of Section 55-834 – Variance to the
front yard setback from 12’ to 0’ for a
monument sign
LOCATION:  11414 West Center Road
ZONE:  GO

RECOMMENDATION:  After meeting with the applicant, the Planning Department’s recommendation
remains unchanged. There are other locations on the site that may provide better visibility for the sign
than the proposed site at the southeast corner of the property, thereby maintaining the 6’ setback, as
recommended.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Jerry Slusky, Attorney, Mr.
Justin Brown, Best Buy Signs, 17410 Storage Road, and Mr. Kyle Haase, Property Manager, Lund
Company, appeared before the board in support of this request.

Mr. Slusky stated that the applicant proposes to remove the most-southeastern portion of parking and
replace it with landscaping in order to install a monument sign. He stated that the applicant proposes to
place the sign on the lot line for optimum visibility. Mr. Brown stated the sign would not impede visibility
and sit more than 40’ from 114th Street. In response to the Planning Department’s recommendation, Mr.
Brown stated that the applicant agreed to a 14-foot high sign with the plaza name at the top of the sign.
Mr. Slusky stated that the City right-of-way is maintained by the applicant as well. Mr. Brown stated that
the material would match the building and tie into the surroundings.

Mr. Michael Carter, ZBA Administrator, stated that the leasing sign in the right-of-way needs to be moved
onto the applicant’s property. Mr. Brown stated that the leasing sign would be removed from the right-
of-way area. Mr. Slusky stated that a 6’ setback would take out too much of the prime parking.

Mr. Anzaldo moved to APPROVE the waiver request, subject to: 1) moving the leasing sign from the
right-of-way to their property; and 2) landscaping a corner portion of the parking lot area for a 14-foot-
high monument sign. Ms. Donovan seconded the motion.

AYES:  Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED:  5-0
NEW CASES:

5. Case No. 11-068  
Roger Dokken  
6924 Bennington Road  
Omaha, NE  68152

REQUEST: Waiver of Section 55-108 & 55-740(e)(1) – Variance to the interior side yard setback from 25’ to 15’ 20’ to construct a detached garage and to the hard-surfacing requirement for a residential driveway to provide gravel access

LOCATION: 6924 Bennington Road
ZONE: DR-ED

RECOMMENDATION: Denial of the waiver to the side yard setback. Approval of the waiver to the hard-surfacing requirement, subject to the driveway being paved once Bennington Road adjacent to the drive is paved.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Ms. Laura Houston, 1323 S. 98 Street, appeared before the board in support of this request.

Ms. Houston stated that the site adjoining the street is the only buildable area on the 5-acre lot for the proposed garage. Houston stated that the grade drops significantly at the location of the existing garage. She discussed a septic leach field on the property that prevents building in that area. Ms. Houston stated that the applicant wants to avoid building the proposed garage over geothermal wells in front. She stated that the existing garages are not deep enough for a 40’ RV. Ms. Houston stated that the applicant chose to use very nice wood material for the proposed garage. She stated that the neighbors did not contest the proposed garage.

Mr. Michael Carter, ZBA Administrator, stated that the Department received one letter opposing the request. Ms. Houston stated that the applicant agreed to plant lilac shrubs among the existing trees on the east lot line. Mr. Mahlendorf discussed the location of the geothermal wells in relation to the proposed garage. Ms. Houston stated that the wells would have concrete pads on top for accessibility. She stated that the remainder of the driveway would be gravel until paving is required. Mr. Hancock felt that the applicant created this hardship. Mahlendorf felt that a 20’ setback would not interfere with maintenance of the geothermal wells.

Mr. Mahlendorf moved to APPROVE a waiver to the interior side yard setback from 25’ to 20’ and the hard-surfacing requirement for a residential driveway to allow gravel until Bennington Road is paved.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
6. Case No. 11-069
   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)

RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Ms. Vicky Stadther, McDonald’s, appeared before the board in support of this request. Ms. Toni Flynn, Lund Company, appeared before the board to represent the property owner of Kellom Valley regarding this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant proposes to redesign the property at the existing McDonald’s. He stated that the applicant is working with the Department to conform to the limits on the property to include compliance with the ACI requirements for design regulations. Carter stated that the proposed design is limited. He stated that access onto 24th Street was closed which posed some issues as to how the site can be redeveloped. Mr. Carter stated that the Department supports the waiver request.

Ms. Flynn stated that they are opposed to the current plan. She stated that a meeting is scheduled on Wednesday, July 27, 2011 with the property owners and the City regarding this redevelopment. Ms. Flynn suggested that this case be laid over.

In response to Mr. Hancock, Ms. Stadther stated that the access point onto 24th Street meets with ACI requirements and allows for deliveries. She stated that they would discuss the easement at the meeting next week. Mr. Meyer stated that a use covenant must be agreed upon. In response to Ms. Donovan, Ms. Stadther stated that there are 35 to 42 employees at this site. She stated that there is an off-site parking agreement for the employees. Ms. Flynn stated that the parking agreement is with the Lund Company and is not adhered to by McDonald’s employees. She stated that there is concern regarding McDonald’s employees using their main entrance as well.

Mr. Ken Johnson, City of Omaha, Economic Development Manager, stated that McDonald’s is a historical business that has been at that location for approximately 30 years. He stated that the City has sought alternative locations along the Cuming corridor in order to keep McDonalds in the community and renovate it. Mr. Johnson stated that there have been many attempts to work with the site’s space. He stated that the architects felt this redesign would not have a negative impact on the businesses there. He indicated that an easement arrangement would move this project forward.

In response to Mr. Hancock, Ms. Stadther stated that the reason for the request is to enlarge the kitchen area so that there is room for additional food items. She stated that this store is 75 percent drive-thru. Ms. Stadther stated that the current set-up of the menu board causes traffic congestion.

Mr. Meyer moved to LAYOVER the request until the August 18, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
7.  Case No. 11-070  
Slosburg Company  
10040 Regency Circle #200  
Omaha, NE  68114  

**LAYOVER**  

**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 10’ and 5’ to 0’ to allow redevelopment of the site  

**LOCATION:** 2501 S 90 Street & 8998 West Center Road  
**ZONE:** CC & CC/FF  

**RECOMMENDATION:** Layover to allow the applicant time to complete an Urban Design Review and Site Plan Review.  

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Ms. Betty Price, Slosburg Company, appeared before the board in support of this request.  

Mr. Michael Carter, ZBA Administrator, stated that the Urban Design Review Board handles all urban design regulations. He stated that the Department recommends a layover to allow the applicant time to go through the urban design process first to ensure compliance, which affects whether or not waivers are needed.  

Ms. Donovan moved to LAYOVER the waiver request until the August 18, 2011 meeting. Mr. Meyer seconded the motion.  

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

**MOTION CARRIED:** 5-0
8. Case No. 11-071
Matthew Epp
14127 N 64 Plaza
Omaha, NE  68152

REQUEST: Waiver of Section 55-266 – Variance to the
front yard setback from 35’ to 22’ and to the
interior side yard setback from 7’ to 2’6” to
replace stairs and deck

LOCATION: 619 S 31 Ave
ZONE: R8

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Donnie Schneckenberger, Leeward Investment Group and Mr. Matthew Epp appeared before the board in support of this request.

Mr. Schneckenberger stated that they are renovating this duplex to replace the existing deck. He stated that the existing deck did not have footings upon inspection by Mr. Mike Johnson, City Housing Inspector. Mr. Schneckenberger stated that the Housing Inspector required a separate permit for the proposed deck due to the variances needed. Ms. Donovan supported the replacement of the deck noting that the deck is the ingress and egress for the home.

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
9. Case No. 11-072  
Rev. Michael Gutgsell  
701 N 40 Street  
Omaha, NE 68131  

REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ high wrought-iron/privacy fence in the front and street side yard setbacks  

LOCATION: 4005 Burt Street  
ZONE: R3  

RECOMMENDATION: Approval, subject to any fencing in front of the residences along the west side of the parking lot being the 6’ ornamental, wrought-iron style.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Rev. Michael Gutgsell and Mr. Don Jensen, St. Cecilia's Cathedral, appeared before the board in support of this request.

Rev. Gutgsell stated that over time the property consists of two lots that were paved with asphalt and used for parking directly across from St. Cecilia's Cathedral. He stated that a vehicle that veered off the road at 40th Street destroyed the chain link fence, which separated the residential from the parking lot. Rev. Gutgsell stated that the Cathedral owns the lot to the north and requested the same open fencing on the north and south with solid fencing on the west side of the parking lot. He proposed to use 6’ decking which would prevent headlights from shining into the neighbors’ homes. Mr. Meyer recommended a visual path of 10’ to 12’ of open space on the north and south end sections of the west fencing with the middle portion of the fence being solid. Mr. Meyer stated the board supported the proposed ornamental fencing on both the north and south sides of the parking lot. The retaining wall detail was submitted and labeled "Exhibit B."

Mr. Anzaldo moved to APPROVE the waiver request, subject to a 6’ tall open (ornamental) fence on the north and south sides, and 10’ of open fencing on both the north and south ends of the west fence. The remainder of the west side of the fence shall be solid. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock  

MOTION CARRIED: 5-0.
RECOMMENDATION: Approval in accordance with the plans submitted, subject to the exterior materials matching the house.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Ms. Leila Knowles appeared before the board in support of this request.

Ms. Knowles requested that the 3’ setback be waived to rebuild the existing garage that is beyond repair. She proposes to widen the garage 8’ into the property. Ms. Knowles presented the site plan. She stated that the property has a shared driveway. Ms. Knowles stated that the proposed garage overlaps the house making maneuverability difficult. Ms. Donovan felt that the size of the lot is the hardship.

Ms. Donovan moved to APPROVE the waiver request in accordance with the plans submitted, subject to using similar materials to match the house. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
11. Case No. 11-074
    Randall Bartlett/R&B Const.
    3508 S 168 Street
    Omaha, NE  68130
    REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to 22’ to rebuild existing deck
    LOCATION: 9711 Fieldcrest Drive
    ZONE: R1

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Randall Bartlett appeared before the board in support of this request.

Mr. Hancock stated that this property was looked at extensively regarding the waiver request. Mr. Mahlendorf noted the irregular size of the lot with only a small corner of the deck encroaching.

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

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
12. Case No. 11-075  
Omaha Neon Sign Co  
Attn: Jay Muller  
1120 N 18 Street  
Omaha, NE 68102  

REQUEST: Waiver of Section 55-836 – Variance to the maximum size for a pole sign from 150 sq. ft. to 300 sq. ft. and to allow an off-premise advertising sign  

LOCATION: 2502 S 133 Plaza  
ZONE: CC  

RECOMMENDATION: Deny  

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Jay Muller, Omaha Neon Sign Company; Mr. Jerry Gordman, Gordman Properties, 444 Regency Parkway; and Mr. Randy Wieseler, First Management Inc., 1941 South 42 Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant proposes to erect a 300 sq. ft. pole sign, in the median along 132nd Street, to advertise tenants within the development. He stated that the Department does not support this request. Mr. Carter stated that there was a previous waiver granted for a similar sign on Center Street. He stated that any new signage should be in compliance.

Mr. Gordman stated that the businesses in the development have limited visibility. He stated that there has been a loss of tenants in the 132nd and Center Street sector. He stated that the best approach would be a multi-sign basis than for tenants to advertise on separate signs. He stated that during the original request of the first sign on West Center Road, the applicant mentioned returning at a later time for this proposed sign. Mr. Gordman stated there were concerns about visibility of the sign on West Center Road because the right-of-way is further to the north. He submitted a letter in support from the Old Orchard West Landowners Association. He stated that his company handles all road repair work and road maintenance of the roads within the shopping center. The proposed sign would be for the larger tenants that draw traffic into the shopping center.

Mr. Wieseler stated the property is at a disadvantage. Several potential tenants have not leased the space due to the existing visibility of the current signs.

Mr. Mahlendorf moved to APPROVE the waiver as requested. Mr. Hancock seconded the motion.

NAYES: Mahlendorf, Meyer, Donovan, Hancock, Anzaldo

MOTION FAILED: 0-5

Mr. Gordman requested that the size of the pole sign be 250 sq. ft. Mr. Anzaldo suggested that the pole sign be designed to 150 sq. ft.

Ms. Donovan stated she was not concerned about the size of the sign as much as the allowances of an off-premise sign.
Mr. Anzaldo moved to APPROVE the waiver as requested subject to the pole sign to be 200 sq. ft. and to allow an off-premise sign. Mr. Hancock seconded the motion.

AYES: Anzaldo, Hancock

NAYS: Meyer, Donovan, Mahlendorf

MOTION FAILED: 2-3

Mr. Anzaldo moved to LAYOVER the waiver request until the August 18, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
13. Case No. 11-076
Northwest High School
8204 Crown Point Ave
Omaha, NE 68134

REQUEST: Waiver of Section 55-829 – Variance to the maximum height for a monument sign from 6’ to 12’, to the maximum sign area from 25 sq. ft. to 61 sq. ft., to the maximum total permitted sign area from 40 sq. ft. to 232 sq. ft., and to allow an electronic message sign not otherwise permitted in the DR district

LOCATION: 8204 Crown Point Ave
ZONE: DR

RECOMMENDATION: Denial of the waivers as requested for sign area, sign height and overall sign area. Approval of the electronic message sign subject to: 1) No flashing, video, animation or pictures; 2) Utilizing text messages only; 3) Operating from 6 am to 10 pm; and 4) Moving the sign location further west, away from the residential properties, near the west entrance to the school.

Mr. Mahlendorf moved to LAYOVER the waiver request until the August 18, 2011 meeting. Mr. Hancock seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
14. Case No. 11-077  
J. Development/Jim Royer  
142 W Broadway Ste. 140  
Council Bluffs, IA  51503  
REQUEST: Waiver of Sections 55-506 – Variance to the rear yard setback from 10' to 0' to construct a new men's center facility  
LOCATION: 2705 N 20 Street East  
ZONE: GI & GI/FF

RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Dan Dolezal, Ehrhart Griffin & Associates, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the property is being redeveloped and has been divided into two lots. He stated the setback is needed to construct the building.

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

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
15. Case No. 11-078
A. Leo Pelds Engineering Co.
2323 Dixon Street
Des Moines, IA  50316

REQUEST: Waiver of Sections 55-366, 55-716 & 55-740(f)(4) – Variance to the rear yard setback from 15’ to 6’, to the required bufferyard between CC & R6 from 30’ to 3’ and to the perimeter parking lot landscaping from 10’ to 3’ and 5’ to 0’ to allow for redevelopment of the site with a convenience store

LOCATION: 9905 Q Street
ZONE: CC

RECOMMENDATION: Lay over the request to allow the applicant time to explore redesign options and for proper publication.

Mr. Mahlendorf moved to LAYOVER the waiver request until the August 18, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
16. Case No. 11-079
Brendan Crowley
12326 Douglas Circle
Omaha, NE  68154

REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 36’ to construct a garage addition

LOCATION: 12326 Douglas Circle
ZONE: R2

RECOMMENDATION: Approval, in compliance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Brendan Crowley, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated the applicant is proposing to add a 445 sq. ft. garage addition on the west side of the existing home. Mr. Carter stated the property line on the Circle does not curve to the pavement of the street and therefore causes a problem for the addition. He indicated that the department is in support of the setback due to the irregular shaped lot.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
17. Case No. 11-080  
Eddy Santamaria  
1301 Nicholas Street  
Omaha, NE  68102  
REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 22’ 25’ to construct an attached garage  
LOCATION: 8206 Howard & 448 S 82 Streets  
ZONE: R1

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, July 21, 2011, Mr. Eddy Santamaria appeared before the board on behalf of the applicant. Mr. James Canedy and Mr. Tyson Fiscus also appeared before the board.

Mr. Hancock stated that it took awhile to understand the relationship of the lot lines in which this becomes a rear yard once done which becomes a hardship. There were letters of support submitted from several neighbors.

Mr. Mahlendorf stated the project is “bizarre” but does not appear to hurt anybody.

Mr. Michael Carter, ZBA Administrator, indicated that the plans are different and the bay window has been removed therefore the rear yard setback will be 25 feet instead of 22 feet.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted. Ms. Donovan seconded the motion.

Mr. Mahlendorf amended his motion to APPROVE subject to the variance of the rear yard setback from 35 feet to 25 feet. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
NEW BUSINESS:

SHOW-CAUSE HEARING

18. Case No. 08-078  
Maurice C. Parker  
300 S 16 Street #1202  
Omaha, NE  68102

REQUEST:  Waiver of Section 55-203 – Variance to the use regulations of R5(35) to allow a 30’ X 24’ garage as the primary use in a residential district

LOCATION:  1123 Bancroft Street
ZONE:  R5(35)

Mr. Mahlendorf moved to APPROVE a show-cause hearing for the August 18, 2011 meeting. Ms. Donovan seconded the motion.

AYES:  Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED:  5-0
APPROVAL OF MINUTES

Mr. Meyer moved to APPROVE the June 16, 2011 meeting minutes. Ms. Donovan seconded the motion.

AYES: Meyer, Anzaldo, Mahlendorf, Donovan, Hancock

MOTION CARRIED: 5-0

NEW BUSINESS

Ms. RoseMarie Horvath, City Law, reported that Kiewit pulled the project and the Veterans Home that was proposed on 41st Street will not be built based on the opposition from Field Club Homeowners Association and Thornburg Homeowners.

ADJOURNMENT

Ms. Donovan moved to ADJOURN the meeting at 2:17 pm. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

Approved (date)

Bert Hancock, Chair

Claudia Moore, Secretary