Mr. Mahlendorf 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 layovers were requested for Case No.’s 11-069, 11-070 and 11-091. Case No. 11-100 was withdrawn.
LAYOVERS

1. Case No. 11-069 - Layover
   (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)

RECOMMENDATION: Layover

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Mike Carter, ZBA Administrator, presented this case and recommended a layover.

Mr. Anzaldo moved to LAYOVER the request until the October 20, 2011 meeting. Ms. Teutsch seconded the motion.

AYES: Anzaldo, Teutsch, Donovan, Mahlendorf

MOTION CARRIED: 4-0
2. Case No. 11-070 - **Layover**  
*(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  

**RECOMMENDATION:** Layover  

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Mike Carter, ZBA Administrator, presented this case and recommended a layover.  

Mr. Anzaldo moved to LAYOVER the request until the October 20, 2011 meeting. Ms. Teutsch seconded the motion.  

**AYES:** Teutsch, Donovan, Anzaldo, Mahlendorf  

**MOTION CARRIED:** 4-0
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

RECOMMENDATION: Approve subject to the project to comply with the MCC-Major Commercial Corridor
regulations, including building elevations and signage and the applicant applying to rezone the property
with the MCC overlay.

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Ms. Elara Jondl and Mr.
Leo Pelds, A. Leo Pelds Engineering Company appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that during the previous Zoning Board of Appeals meeting
the applicant was directed to redesign the project with the staff. The applicant has provided an
additional setback of four feet on the south property line from 6’5” to 10’5” and an additional two feet on
the west property line from 3’ to 5’.

Ms. Donovan moved to APPROVE with the new plans submitted.

Ms. Donovan amended her motion to include APPROVAL subject to complying with the MCC regulations and submittal of an application for rezoning to MCC.

AYES: Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 4-0
4. Case No. 11-091 - Layover  
(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  

RECOMMENDATION: Layover  

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Mike Carter, ZBA Administrator, presented this case and recommended a layover.  

Ms. Donovan moved to LAYOVER the request until the October 20, 2011 meeting. Mr. Anzaldo seconded the motion.  

AYES: Anzaldo, Teutsch, Donovan, Mahlendorf  

MOTION CARRIED: 4-0
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  

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Perry Poyner, 1517 North 51 Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the department recommends denial. There is a reasonable use of the property without the waiver.

Mr. Anzaldo stated that the home is need of refurbishing. Mr. Mahlendorf agreed that the home is in need of an upgrade.

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

AYES: Teutsch, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
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

RECOMMENDATION: Denial

No one appeared before the board.

Ms. Donovan moved to LAYOVER the request until the October 20, 2011 meeting. Ms. Teutsch seconded the motion.

AYES: Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 4-0
NEW CASES

7. Case No. 11-100 - **Withdrawn**
   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

RECOMMENDATION: Withdrawal

At the Zoning Board of Appeals meeting held on September 12, 2011, Mr. Mahlendorf, Vice Chair, stated that this case has withdrawn at the request of the applicant.
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’ 16’  
allow construction of a 16’ X 14’ deck

LOCATION: 1291 S 164 Street  
ZONE: R3

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Jim Ulrich, 2112 Hedgeapple Road, Plattsmouth, Nebraska, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that an addition is presently being constructed to the rear of the house and goes to the required 25’ setback. The applicant is proposing to construct a deck on the rear of the addition. The addition is causing the need for a variance therefore the department recommends denial.

Mr. Ulrich indicated that the reason for the variance is that the owner was concerned that he will eventually be wheelchair bound and wanted to get everything on one level. He stated that since the start of the project, the owner recently had a mini stroke and a seizure. Mr. Ulrich submitted several photos showing the impact of the deck on the neighborhood. The deck will be very low and is almost considered a patio.

Ms. Teutsch questioned the need for a handicap ramp. Mr. Ulrich answered that the ramp would be up against the house and would not be in addition to the width of the house.

Mr. Mahlendorf stated that the deck should be as low as possible.

Ms. Donovan moved to APPROVE subject to the rear yard setback from 25’ to 16’ and the deck to be level with the first floor elevation of the house. Mr. Mahlendorf seconded the motion.

AYES: Teutsch, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
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)

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Sean Kelley, 7134 Pacific Street appeared before the board on behalf of the applicant in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the proposal of the property is to be developed with a drive thru lane to the back of the property, which encroaches, into the perimeter landscaping. The back area buffers against the railroad tracks therefore the department recommends approval in accordance with the plans submitted.

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

AYES: Anzaldo, Teutsch, Donovan, Mahlendorf

MOTION CARRIED: 4-0
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

    RECOMMENDATION: Approval, subject to the proposed home being no closer to the front property line than existing homes to the west.

    At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Chad Allington, Box 540731, appeared before the board on behalf of the applicant in support of this request.

    Mr. Michael Carter, ZBA Administrator, stated that there have been other waivers approved in the neighborhood that was originally created under Elkhorn regulations with a 40-foot setback on the front and 10 feet on the sides. The City of Omaha regulations currently requires a 50-foot setback on the front and 25 feet on the sides. The applicant is requesting a waiver to go back to the Elkhorn regulations. The department recommends supports the request subject to the proposed home being no closer to the front property line of the existing homes to the west.

    Mr. Allington stated that he spoke to an adjacent neighbor that was concerned that the proposed home would be too large and tower over his property. Mr. Allington explained the difference in zoning between Elkhorn and Omaha and that the home would be in compliance with the setbacks of the adjacent homes.

    Ms. Donovan moved to APPROVE subject to the front yard setback to be no closer to the front property line than the adjacent home to the west at 1323 Ranch View Lane. Mr. Mahlendorf seconded the motion.

    AYES: Anzaldo, Teutsch, Donovan, Mahlendorf

    MOTION CARRIED: 4-0
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  

RECOMMENDATION: Approval, subject to the following: 1) Installation of a 30’ bufferyard and a 4’ high landscape screening along the east and south property lines; 2) No access to Harney Street; 3) Work with the Planning Department on a long term solution, such as a PK-Parking Overlay District; and 4) Hours of operation being 7am-5:30pm and the variance expiring on October 1, 2013.

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Mr. Scott Dye, attorney, 1500 Woodmen Tower and Tom Eiserman, Vice President, Methodist Health System, 8511 West Dodge Road, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that in 2008 the hospital made a similar request to allow the property to be used as a parking lot for construction personnel. The time frame for this request will be for three years. The department supports the request with specific conditions such as installation of a buffer yard, landscaping screen along the property line and no access to Harney Street. There needs to be a long-term solution by working with the planning department.

Mr. Dye stated that the waiver is requested because of further construction taking place at Methodist Hospital and to provide a place for construction personnel and staging. He stated that the hospital is concerned and wants to provide a safer place for the contractor employees to park. He indicated that his client is in agreement with the buffer yard and landscaping screening conditions but there would be a need to access Harney Street at times.

Ms. Pat Little, 8119 Harney Street, appeared before the board in opposition. Ms. Little questioned the number of vehicles in the parking area. Mr. Eiserman answered that the number of vehicles would vary during the project. He stated he is trying to avoid any parking within the neighborhoods. Ms. Little questioned if there will be someone coordinating the construction site and making it as pleasant as possible over the next three years. Mr. Eiserman answered that he will do as much as possible but it will be difficult to meet all expectations.

In response to Mr. Mahlendorf, Mr. Eiserman stated that the start of construction would be in the first quarter of 2012. Mr. Mahlendorf indicated that there is time to meet with the planning department to determine a better long-term solution.

Ms. Donovan moved to LAYOVER the request until the October 20, 2011 meeting to allow the applicant time to meet with the Planning Department to prepare a definite plan. Ms. Teutsch seconded the motion.

AYES: Teutsch, Donovan, Anzaldo, Mahlendorf  
MOTION CARRIED: 4-0
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  

RECOMMENDATION: Approval, in accordance with the plans submitted, subject to: 1) This applicant only; and 2) The property owner agreeing to provide a cross access easement for the properties to the west if the site is redeveloped.

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Doug Halvorson, landscape architect, Olsson Associates; Ms. Cathy Turman, property owner; and Erin VonDollen, adjacent neighbor, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated the plan presented is to put a bike shop at the location. The current zoning does not permit general retail sales on the property but the owner has proposed to make improvements to the site such as landscaping on 47th Street and a fence. The waiver request is for 7 parking stalls instead of 8 parking stalls. This type of business would have a very low impact on the neighborhood and there will be improvements to the site. The department supports the request with the conditions for this applicant only and the request for cross access easement to the west if the site is ever redeveloped.

Ms. Turman stated that her bicycle shop is currently located at 1902 South 13th Street but her lease is not being renewed. She indicated that she purchased the building and has talked with all the neighbors. The neighbors are very excited and anxious to have the lot cleaned up. The neighbors are not in favor of the fence because they feel the fence would give teenagers a place to hide out. She stated that the business will be open 9 a.m. to 5 p.m. therefore any headlights would not be shining into a neighbors home. Ms. VonDollen verified that she is not in favor of the fence. Mr. Carter verified that the fence is not required. Ms. Turman agreed that if the neighbors would want a fence in the future, then she would add the fence.

Mr. Mahlendorf asked Ms. Turman how many of her customers would bike to the shop. Ms. Turman indicated that she is proposing a 10-rack bike system for customers. She stated that Center Street has a lot of bike traffic and the shop would be 1 ½ mile from each bike trail and 1 mile from the bike project. There is also a bus stop near the store for bike riders that also ride the bus. She confirmed that it would be justification to need less parking stalls.

Ms. Teutsch asked Ms. Turman what would be the argument for not having shrubs. Ms. Turman answered that she does not object to the green space that will help with the handicapped parking but there is no home directly across the street and nobody there to obstruct them from. There is a lot of pedestrian traffic and they do not want to trip. Mr. Halvorson added that the biggest issue was that the paving went right up to the sidewalk so therefore there was paving in the right-of-way. It was agreed that the paving needed to be taken out of the right-of-way and another little landscape strip added for a buffer. As it went through the process, it was suggested that the landscape be 12’ but then a motorcycle parking stall would be lost. He stated that Ms. Turman would rather have the landscaping 5’ and 5’ and you still get the shrubbery.

In response to Ms. Donovan, Mr. Halvorson answered that 7’ is enough for a motorcycle parking stall. Ms. Turman stated that there is many motorcycle riders that come to the bike shop.

Mr. Anzaldo moved to APPROVE. Ms. Donovan seconded the motion.
Mr. Anzaldo added that he would like to include for this applicant only.

Ms. Turman asked to verify the motion. Mr. Halvorson asked to recap the three items.

Mr. Anzaldo amended his motion to APPROVE subject to this applicant only and the addition of the green space as designed excluding the fence. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 4-0
At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Sean Kelley, 7134 Pacific Street; Matt Egermayer, 1752 South 87th Street; and Mike Huber, owner of the property, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated the applicant is proposing to use the old Mid City Bank monument sign. In 2002, the Zoning Board of Appeals approved a waiver on the property and one of the conditions was that the Mid City Bank sign go away once the property was vacated. Based on the waiver in 2002, the department recommends denial.

Mr. Kelley stated that the building is located in an MCC overlay district thus enhancing the design requirements thus a need for a monument sign. The applicant is proposing a fast food restaurant and the applicant believes it is necessary to have a sign in the old bank monument sign location to draw attention. The applicant will accommodate the sign standards by reducing the sign height to 12’ and a masonry base. The waiver request is to allow the front yard setback to be 7’.

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

AYES: Anzaldo, Teutsch, Donovan, Mahlendorf

MOTION CARRIED: 4-0
14. Case No. 11-107  
Robert & Jacqueline Nunez  
232 S 86 Street  
Omaha, NE  68114  

REQUEST: 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  

LOCATION: 232 S 86 Street  
ZONE: R2  

RECOMMENDATION: Denial of the waiver request for the deck. Approval of the waiver request for the garage.

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Jason Black, 3024 South 175th Plaza on behalf of Robert and Jacqueline Nunez, 232 South 86th Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that this case involves two separate additions to the existing structure. The garage addition received a building permit in error by the department. When an inspection was done on the garage addition it was noted that the deck did not have a permit. The department can support the waiver for the garage but recommends denial for the deck.

Mr. Black stated that the Nunez’s purchased the property in March 2010 and have done extensive remodeling. The builder of the garage built a deck but did not apply for the permit because the deck was further away from the property line than the garage. In the meantime, the neighbor to the west applied for and received a waiver to build a deck.

Ms. Donovan questioned what type of green would be installed. Ms. Nunez stated that two dead pine trees have been removed.

Ms. Donovan moved to APPROVE subject to the property owner adding two pine trees to buffer their deck from the deck located on the property to the west. Mr. Anzaldo seconded the motion.

AYES: Teutsch, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
15. Case No. 11-108  
Brau Builders Inc.  
20515 Nicholas Circle #6  
Omaha, NE 68022  

REQUEST: 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  
LOCATION: 13506 Burt Street  
ZONE: R3  

RECOMMENDATION: Denial  

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Bob Brau, 20515 Nicholas Circle, appeared before the board on behalf of the owner in support of this request.  

Mr. Michael Carter, ZBA Administrator, stated that the code requires that a certain depth of street yard be provided before any widening of a driveway. The department recommends denial.  

Mr. Brau stated the owner would like to pour concrete up to the front stoop for zero access for handicap elderly parents. He stated that the adjacent neighbors have a circle drive and do not have a problem with the installation of a circle drive.  

Mr. Anzaldo moved to APPROVE. Ms. Teutsch seconded the motion.  

AYES: Donovan, Anzaldo, Teutsch, Mahlendorf  

MOTION CARRIED: 4-0
16. Case No. 11-109
Marie Kubat
5506 Howard Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-166 – Variance to the interior side yard setback from 7’ to 3’6” to construct a garage addition

LOCATION: 5506 Howard Street
ZONE: R3

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, September 15, 2011, Jack and Marie Kubat, 5506 Howard Street, appeared before the board in support of this request.

Mr. Michael Carter, ZBA Administrator, stated that the applicant is proposing to construct a tandem garage off the existing garage. The existing structure is 3’6” from the property line and the proposal is to match that with a 25’ addition. The garage could be constructed in compliance on the property therefore the department recommends denial.

In response to Ms. Donovan, Ms. Kubat stated that the materials of the addition would be a combination of stucco in the same pattern with brick corners.

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

AYES: Anzaldo, Teutsch, Donovan, Mahlendorf

MOTION CARRIED: 4-0
APPROVAL OF MINUTES

The August 18, 2011 minutes to be approved at the October 20, 2011 meeting due to a lack of quorum of board members that were present.

DISCUSSION:

Ms. RoseMarie Horvath stated she has nothing new to report from the law department.

ADJOURNMENT

Ms. Donovan moved to ADJOURN the meeting at 2:15 pm. Mr. Mahlendorf seconded the motion.

AYES: Teutsch, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0