MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING - THURSDAY, JANUARY 20, 2011
CONFERENCE ROOM - 7th FLOOR, ROOM 702 – 1:00 P.M.
CIVIC CENTER - 1819 FARNAM STREET
OMAHA, NEBRASKA

MEMBERS PRESENT: Bert Hancock, Chairman
Brian Mahlendorf, Vice Chair
Sebastian Anzaldo
Jacque Donovan
Lloyd Meyer

OTHERS PRESENT: Tom Blair, Zoning Board of Appeals Administrator
Rick Cunningham, Planning Director
Rosemarie Horvath, Assistant City Attorney
Michael Carter, City Planner

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.
LAYOVER CASES:

1. Case No. 10-147
   Tony Constantino
   (Over from 11/18/10, 12/16/10)
   6516 Irvington Road  68122

   LAYOVER

   REQUEST: Waiver of Section 55-740 & 55-716 - Variance to the off-street parking design standards by allowing vehicles to back into adjacent streets, to perimeter and street yard landscaping from 10' and 8.5' to 0' and to the handicapped access aisle from 8' to 5' by enlarging an existing restaurant

   LOCATION: 6516 Irvington Road
   ZONE: GC

RECOMMENDATION: The new site plan shows a need for revisions so that all vehicles can enter adjacent streets in a forward position. The applicant now needs additional time to make revisions to the current site plan.

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Tom Blair, ZBA Administrator presented the case.

Mr. Blair recommended a layover per the applicant’s request.

Mr. Meyer moved to LAYOVER the request until the February 17, 2011 meeting. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
2. Case No. 10-150
   Justin Darby
   (Over from 12/16/10)
   623 S 78 Street 68124

REQUEST: Waiver of Section 55-126 – Variance to the
side yard setback requirement from 25’ to
22’ to allow construction of a new 40’ X 40’
attached garage with living space above

LOCATION: 623 S 78 Street
ZONE: R1

RECOMMENDATION: The recommendation of the Planning Department remains unchanged.

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Justin Darby, and Mr. Dick Smith, 3004 S 72 Avenue, appeared before the board in support of this appeal.

Mr. Tom Blair, ZBA Administrator, stated that this case was laid over to allow time for the applicant to provide floor plans reflecting how the additional living space would be used. Included was the plan to install a 6-foot high privacy fence along the east property line in order to protect against any noise or automobile headlights that could shine into the neighbor’s property.

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

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
NEW CASES:

3. Case No. 10-046
   Emerging Terrain
   Attn: Anne Trumbe
   5912 Maple Street 68104

   REQUEST: Waiver of Section 55-825(C)(4) – Variance
            to the maximum size for a temporary
            banner (for up to 4 years) from 120 sq. ft.
            to 20,800 sq. ft.
   LOCATION: 3417 Vinton Street
   ZONE: GI

LAYOVER

RECOMMENDATION: Approval for 4 years with an annual review by the Zoning Board of Appeals to
                 determine if they should remain in place.

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Tom Blair, ZBA
Administrator presented the case.

Mr. Blair recommended a layover per the applicant’s request.

Mr. Mahlendorf moved to LAYOVER this case until the February 17, 2011 meeting. Mr. Meyer seconded
the motion.

AYES: Meyer, Donovar, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
4. Case No. 11-001
   Bender Ornementa Inc.
   Attn: Kevin M. Berder
   14955 Grover Street 68144

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

   LOCATION: 1410 N 143 Street
   ZONE: R1

   RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Kevin Bender, Bender Ornemental, Ms. Lisa Smith, property owner, and Mr. Bobbi Monzingo, designer, 8545 Lake Street, appeared before the board in support of this appeal.

Mr. Tom Blair, ZBA Administrator, stated that according to the Planning Department, there were no visibility issues at the intersection of 143rd & Hamilton Street. The proposed waiver will allow the fence to be located 35’ from the front property line and will match up with the existing fence along the street sideyard property line.

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

AYES: Donovan, Anzalco, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
5. Case No. 11-002  
Riveras Mexican Food  
Attn: Jesus Rivera  
12047-49 Blondo Street  68164

REQUEST: Waiver of Section 55-366 – Variance to the rear yard setback from 15' to 11’ to construct a 8’ X 18’ walk-in cooler

LOCATION: 12047-49 Blondo Street

ZONE: CC

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Jesus Rivera, and Ms. Sahar Al-Turk, property manager, 12047 Blondo Street, appeared before the board in support of this appeal.

Mr. Tom Blair, ZBA Administrator, stated that the proposal is to construct an 8’ X 18’ walk-in cooler to the rear of the building. He stated that access is gained only by way of the interior of the building, according to the drawing. The adjacent property owner to the south had no objection.

Mr. Meyer 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
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6. Case No. 11-003
   Sebastian Anzaldo
   910 South 37 Street 68124

   REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15' to 10' to erect a single family residence
   LOCATION: 5656 S 49 Street
   ZONE: R4(35)

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Sebastian Anzaldo appeared before the board in support of this appeal.

Mr. Anzaldo stated that previous waivers were granted for similar houses on corner lots in the area.

Mr. Mahlendorf moved to APPROVE this waiver request. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 4-C
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7. Case No. 11-004
   Omaha Neon Sign Co.  
   1120 N 18 Street  68102

   REQUEST:  Waiver of Section 55-843 – Variance to the
              allowed height of a pole sign from 35’ to 60’
   LOCATION:  14540 Grover Street
   ZONE:  GI

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Charles Hineline, Gret Plains Auto Body, 14540 Grover Street, and Mr. Troy Panagiotis, Omaha Neon Sign Company, 1120 N. 18th Street, appeared before the board in support of this appeal.

Mr. Tom Blair, ZBA Administrator, stated this case was similar to a request made in May 2004 which was ultimately withdrawn. He stated that the Department’s concern that a sign this tall at this location could lead to other waiver requests of a similar height.

Mr. Hineline stated that a taller sign would provide visibility and customer convenience. He stated that they receive calls for directions to the location and have experienced numerous missed appointments due to the difficulty in finding the business.

Mr. Hineline stated that there is a 40’ difference in height from the business location to Industrial Road. He requested that the board consider a pole sign at 50’ in height based on the topographical differentiation.

Mr. Panagiotis stated that other possibilities were explored. Mr. Blair suggested that the applicant pursue other alternatives with the Traffic Engineering Department.

Ms. Donovan felt that most of the businesses in the area are destination oriented.

Mr. Anzaldo moved to LAYOVER the request until the February 17, 2011 meeting to allow the applicant time to make some adjustment or to make another application. Ms. Donovan seconded the motion.

AYES:  Meyer, Donovan. Anzaldo, Mahlendorf, Hancock

MOTION CARRIED:  5-C
8. Case No. 11-005
   Tim Donovan
   6633 S 84 Ave  68127

   REQUEST: Waiver of Section 55-246 – Variance to the front yard setback requirement from 35’ to 21’ 5” and 31’ 5” to construct a 9’ 4” X 16’ deck and stairs for each unit

   LOCATION: 818 & 820 N 107 Ave, 817 & 819 N 108 Street

   ZONE: R7

RECOMMENDATION: Approval

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Tim Donovan appeared before the board in support of this appeal.

In response to Mr. Mahlendorf, Mr. Donovan stated that the timeline for the exterior portion of this project will be completed in early spring.

Mr. Anzaldo moved to APPROVE the waiver request. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
9. Case No. 11-006
   Dundee Ridge LLC
   Attn: Charles Sullivan
   P.O. Box 241948  68124

   REQUEST: Waiver of Section 55-740(f)(4) and 55-325
   – Variance to the perimeter parking lot
   landscaping requirement from 10’ to 5’ &
   7.87’ and to the impervious surface
   coverage from 80% to 82%

   LOCATION: 4825 Dodge Street
   ZONE: R7-ACI-2(50) w/PK Overlay & GO-ACI-2(50)

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Charles Sullivan
appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicant is requesting a 2% variance of the impervious
surface coverage due to a potential City requirement. Mr. Sullivan gave an update on the progress of the
project.

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

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
10. Case No. 11-007
    Sullivan Homes
    333 S 93 Street  68114

    REQUEST: Waiver of Section 55-126 – Variance to the
    rear yard setback from 35’ to 30’ to allow
    construction of an 8’ X 10’ addition
    LOCATION: 610 Loveland Drive
    ZONE: R1

RECOMMENDATION: Approval, subject to building materials matching the existing structure.

At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Charles Sullivan appeared before the board in support of this request.

Mr. Sullivan requested a layover of this case to allow the applicant time to adjust the design of the building.

Mr. Anzaldo moved to AYOVER the waiver request until the February 17, 2011 meeting. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
11. Case No. 11-008
   NS Worldwide
   Attn: Jack Song
   11025 M Street  68:27

   REQUEST:  Waiver of Section 55-843 – Variance to the maximum size for a pole sign from 150 sq. ft. to 220 sq. ft. and to the maximum height from 35’ to 67’
   LOCATION:  11025 M Street
   ZONE:  GI

   RECOMMENDATION:  Denial – The existing sign must be reduced in size and height to conform to current pole sign regulations.

   At the Zoning Board of Appeals meeting held on Thursday, January 20, 2011, Mr. Jack Song, and Ms Andye Nelson, Omaha Neon Sign Company, 1120 N. 18th Street, appeared before the board in support of this request.

   Mr. Tom Blair, ZBA Administrator, stated that the applicant is requesting to utilize the current pole sign under the new name. He stated that the sign does not conform to the present code. The Planning Department recommends that the sign be reduced in size and height.

   Mr. Song stated visibility concerns in regards to lowering the sign. Ms. Nelson requested a consideration to reduce the height to 50 feet.

   Mr. Anzaldo moved to LAYOVER to allow the applicant time to make adjustments to the sign.
   Ms. Donovan seconded the motion.

   AYES:  Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

   MOTION CARRIED:  5-0
APPROVAL OF MINUTES:

Ms. Donovan moved to APPROVE the December 16, 2010 meeting minutes as written. Mr. Meyer seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0

ADJOURNMENT:

Mr. Mahlendorf moved to ADJOURN the meeting at 1:56 p.m. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0

Approved (date)

Bert Hancock, Chair

Claudia Moore, Secretary