ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, August 9, 2012, 1:00 P.M.
Legislative Chambers-LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Robert (Bert) Hancock, Chair; Brian Mahlendorf, Vice Chair; Jacque Donovan; Sebastian (Subby) Anzaldo; and Jonathan Nash, Jr. Teri Teutsch and Sean Kelley are the alternates. For a waiver to be approved, four members must vote in favor of the request.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

ZONING BOARD OF APPEALS MEMBERS will assemble in the Planning Department Central Conference Room, 11th Floor, on Thursday, August 9, 2012 at 8:30 a.m. to determine the sites to be inspected.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, July 30, 2012 (for use waivers only) and Thursday, August 2, 2012.

MEETING PROCEDURES:

Applicant, Property Owner or Representative - must appear at the meeting.
It is the applicant’s responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standard are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please come forward and give your name to the secretary and the chairman. If there are opponents, they will also come forward at that time and give their names to the secretary and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, the applicant must receive a building permit before starting any construction. You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, no earlier than the Monday following the meeting.

The Zoning Board of Appeals agenda and other information regarding the Zoning Board of Appeals and the Planning Department is available on the Internet at http://www.ci.omaha.ne.us/planning. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska. Prior to the hearing, the applicant may schedule a time to review the City’s case file during normal business hours by contacting the Planning Department at (402) 444-3426. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5204, 72 hours in advance.
LAYOVERS

1. Case No. 12-043  
   (over from 5/10/12 and 7/12/12)  
   Buck’s, Inc.  
   4973 Dodge Street  
   Omaha, NE 68132  
   REQUEST: Waiver of Section 55-366 & 55-740(f) – Variance to the maximum impervious coverage on Lot 1 from 85% to 85.5%; to the rear yard setback on Lots 1 & 2 from 15’ to 2’ and 1.63’; to the minimum perimeter landscaping on Lots 1 & 2 from 5’ to 0’; and to the minimum interior landscaping on Lot 1 from 5% to 0% to allow for the approval of an administrative subdivision  
   LOCATION: 8455 Frederick Street and 3052 South 84th Street  
   ZONE: CC & CC/FF

2. Case No. 12-057  
   (over from 7/12/12)  
   Bob Stratton  
   c/o Broadmoor Hills  
   18510 Capitol Court  
   Omaha, NE 68022  
   REQUEST: Waiver of Section 55-831 – Variance to maximum sign area for a monument sign from 20 sq. ft. to 48 sq. ft. and to the total sign area from 40 sq. ft. to 62 sq. ft.  
   LOCATION: 18510 Capitol Court  
   ZONE: R6-ACI-4(PL)

NEW CASES

3. Case No. 12-064  
   Judy Olson  
   9621 North 30th Street  
   Omaha, NE 68112  
   REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 27’ and to the interior side yard setback from 10’ to 9’ to allow an approximate 43 sq. ft. garage addition.  
   LOCATION: 9621 North 30th Street  
   ZONE: R2-ED

4. Case No. 12-065  
   Brother Mike Wilmot SJ  
   GESU Housing, Inc.  
   5008 ½ B Dodge Street  
   Omaha, NE 68132  
   REQUEST: Waiver of Section 55-206 & 55-207(g) – Variance to the front yard setback from 35’ to 25’ and to the street side yard setback from 15’ to 5’ (4149 Burdette) to allow for the construction of 2 single family homes  
   LOCATION: 4145 Burdette Street and 4149 Burdette Street  
   ZONE: R5(35)

5. Case No. 12-066  
   Brother Mike Wilmot SJ  
   GESU Housing, Inc.  
   5008 ½ B Dodge Street  
   Omaha, NE 68132  
   REQUEST: Waiver of Section 55-206– Variance to the street side yard setback from 15’ to 7.33’ to allow a 769 sq. ft. addition  
   LOCATION: 2154 South 33rd Street  
   ZONE: R5(35)

6. Case No. 12-067  
   Mark Sanford  
   1306 North 162nd Street  
   Omaha, NE 68118  
   REQUEST: Waiver of Section 55-734 – Variance to the number of off-street parking stalls from 59 to 0 for Pet Services and General Retail Sales uses  
   LOCATION: 801 South 16th Street  
   ZONE: DS-ACI-1(PL)
7. Case No. 12-068
Verizon Wireless
1620 “M” Street
Lincoln, NE 68501
REQUEST: Waiver of Section 55-740(e) – Variance to the hard surface driveway and parking area requirement to allow gravel surface
LOCATION: NE of Northern Hills Drive and Calhoun Road (Hwy 75)
ZONE: DR-ED

8. Case No. 12-069 (WITHDRAWN)
Brother Mike Wilmot SJ
GESU Housing, Inc.
5008 ½ B Dodge Street
Omaha, NE 68132
REQUEST: Waiver of Section 55-207(g) – Variance to the front yard setback from 35’ to 25’ to allow for the construction of a single family home
LOCATION: 4220 Erskine Street
ZONE: R5(35)

9. Case No. 12-070
Alejandro Soto
2011 “W” Street
Omaha, NE 68107
REQUEST: Waiver of Section 55-186 & 55-782(b)(6) – Variance to the maximum impervious coverage from 50% to 54% to the front yard setback from 60’ to 31’, to the interior side yard setback from 3’ to 1’, and to the rear yard setback from 3’ to 2’4” to allow construction of a 217 sq. ft. detached accessory building.
LOCATION: 2011 “W” Street
ZONE: R4(35)

10. Case No. 12-071
Dan Baker
1834 Jefferson Street
Omaha, NE 68107
REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 27’ to allow a 215 sq. ft. deck to remain
LOCATION: 1834 Jefferson Street
ZONE: R4(35)

11. Case No. 12-072
Vicky Stadther
McDonald’s USA
1650 W. 82nd Street #900
Bloomington, MN 55431-9888
REQUEST: Waiver of Section 55-925 & 55-716 – Variance to the Build-to/setback dimension along Dodge Street for a Type C frontage in an ACI-2 District from 45’ to 25’6” and to the required buffer yard between CC and DR from 30’ to 10’
LOCATION: 7717 West Dodge Road
ZONE: CC-ACI-2(65)-FF

12. Case No. 12-073
Ken Oster
Oster Construction, Inc.
15710 “L” Street
Omaha, NE 68135
REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 8’ to construct a pool house
LOCATION: 3511 South 228th Terrace
ZONE: R1
13. Case No. 12-074
  John Schmidt
  Historic Florentine LLC
  1940 South 49th Street
  Omaha, NE 68106
  REQUEST: Waiver of Section 55-740 & 55-737 – Variance to the perimeter parking lot landscaping from 5’ to 2’2” and from 10’ to 3’4” and 2’9”, to allow compact stalls to overhang into a required landscaped area, and to allow 53.3% of the total parking stalls to be compact stalls
  LOCATION: 907-11 South 25th Street
  ZONE: DS

14. Case No. 12-075
  Jason Alberico
  Hansen Enterprises LLC
  5712 South 60th Street
  Omaha, NE 68117
  REQUEST: Waiver of Section 55-740(f) – Variance to the perimeter parking lot landscaping requirement from 5’ to 2’72” to allow a paved driveway to remain
  LOCATION: 5702 South 60th Street
  ZONE: GI-FF

15. Case No. 12-076
  Philip Kommer
  1031 South 30th Avenue
  Omaha, NE 68105
  REQUEST: Waiver of Section 55-246 & 55-734 – Variance to the minimum lot width from 30’ to 25.9’ and 24’, to the minimum lot size (Lot 2) from 3,000 sq. ft. to 2,888 sq. ft.; and to the required number of off-street parking stalls (Lot 2) from 2 to 0 to allow for the approval of an administrative subdivision
  LOCATION: 1029/1031 South 30th Avenue
  ZONE: R7

16. Case No. 12-077
  Matt Geiger
  11329 North Post Road
  Omaha, NE 68112
  REQUEST: Waiver of Section 55-126 – Variance to the street side yard setback from 25’ to 10.1’ for garage addition
  LOCATION: 11329 North Post Road
  ZONE: R1-ED

17. Case No. 12-078
  William Jensen
  9430 Chicago Street
  Omaha, NE 68114
  REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to 19’ to allow for garage addition
  LOCATION: 9430 Chicago Street
  ZONE: R1

18. Case No. 12-079
  Kum & Go
  6400 Westown Parkway
  West Des Moines, IA 50266
  REQUEST: Waiver of Section 55-740(f), 55-716, 55-406 – Variance to the perimeter parking lot landscaping from 10’ to 7.56’ & 3.06’ and to the required buffer yard between GC and R7 from 30’ to 13’ and between GC & R4(35) from 30’ to 24.42’ and to the front yard setback of 50’ from center line to 40’ from center line to allow for the construction of a convenience store
  LOCATION: 4103 Leavenworth Street
  ZONE: GC