ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, September 13, 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, September 13, 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, September 3, 2012 (for use waivers only) and Thursday, September 6, 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. 12-077  
   (over from 8/9/12)  
   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

NEW CASES

2. Case No. 12-080  
   Suzanne Claussen  
   IRET Properties  
   11422 Miracle Hills #510  
   Omaha, NE 68154  
   REQUEST: Waiver of Section 55-833 – Variance to the maximum height from 20’ to 36’ for 2 existing and 8 additional wall signs  
   LOCATION: 12002 Pacific Street  
   ZONE: LO

3. Case No. 12-081  
   Esprit Senior Housing  
   Esprit Memory Care, LLC  
   17555 Emmet Street  
   Omaha, NE 68116  
   REQUEST: Waiver of Section 55-830 – Variance to allow an 8’ tall, 112 sq. ft. monument sign not allowed in the R5 district  
   LOCATION: 17555 Emmet Street  
   ZONE: R5

4. Case No. 12-082  
   Navarro Enterprise Construction, Inc.  
   2914 “R” Street  
   Omaha, NE 68107  
   REQUEST: Waiver of Section 55-506 – Variance to the minimum lot area from 10,000 sq. ft. to 9,987 sq. ft. and to the minimum lot width from 100’ to 99.96’ to allow for the approval of an administrative subdivision  
   LOCATION: 5219 South 29th Street  
   ZONE: GI

5. Case No. 12-083  
   Terry Rush  
   Omaha Neon  
   1120 North 18th Street  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-830 – Variance to the maximum total permitted sign area from 32 sq. ft. to 57 sq. ft.; and to allow a 20’ tall, 57 sq. ft. pole sign not otherwise allowed  
   LOCATION: 5710 South 176th Avenue  
   ZONE: R4

6. Case No. 12-084  
   Jeffrey T. Lampe  
   4503 Center Street  
   Omaha, NE 68105  
   REQUEST: Waiver of Section 55-366 – Variance to the street side yard setback from 15’ to 0’ to allow covered entrance to remain  
   LOCATION: 4501 Center Street  
   ZONE: CC

7. Case No. 12-085  
   Triple C Development, Inc.  
   200 Armory Road  
   Centre, AL 35960  
   REQUEST: Waiver of Section 55-716 & 55-734 – Variance to the required buffer yard between GC & R7 from 30’ to 14.3’ and 0’ and the minimum number of off-street parking stalls from 33 to 28, to allow construction of a retail store  
   LOCATION: 2601 North 16th Street, 2617 North 16th Street, 2619 North 16th Street, and 1518 Ohio Street  
   ZONE: GC (CC-ACI-2(PL) (pending))
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
<th>ZONE</th>
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<tr>
<td>8. 12-086</td>
<td>Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 15’ to allow construction of a 1,000 sq. ft. detached garage</td>
<td>805 South 212th Street</td>
<td>R3</td>
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<td>9. 12-087</td>
<td>Waiver of Section 55-782(b)(6) – Variance to side yard setback from 3’ to 0.5’ and to the rear yard setback from 3’ to 0.5’ to erect a 22’ x 24’ detached garage</td>
<td>3218 Center Street</td>
<td>R3</td>
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<td>10. 12-088</td>
<td>Waiver of Section 55-740(c), 55-740(f), and 55-735(b) - Variance to the minimum perimeter parking lot landscape from 10’ to 5’; to allow vehicles to overhang into required landscaped area; and to allow parking for non-residential use to be located within a required front yard setback; for the construction of a new parking lot</td>
<td>1600 South 50th Street</td>
<td>R4(35)</td>
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<tr>
<td>11. 12-089</td>
<td>Waiver of Section 55-786(e) – Variance to the residential fence regulations to allow a 6’ tall wrought iron fence in the street side yard setback and Reasonable Accommodation request</td>
<td>17164 Valley Drive</td>
<td>R4</td>
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<td>12. 12-090</td>
<td>Waiver of Section 55-784(e) &amp; 55-186 – Variance to the maximum impervious coverage for a cluster subdivision in a R4 district from 50% to 63%</td>
<td>Camden Creek Subdivision between Decatur Street and Seward Street near 84th Avenue</td>
<td>R4</td>
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<td>13. 12-091</td>
<td>Waiver of Section 55-784(c)(1) – Variance to the setback from a public street in a cluster subdivision from 25’ to 15.3’, 20.6’, 17.5’, 20.2’, 21.7’, 11.1’, and 18.3’ to allow construction of 7 single-family homes</td>
<td>1612,1630,1636,1704,1722,1734, and 1740 North 84th Terrace</td>
<td>R4</td>
</tr>
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14. Case No. 12-092  
Rob Woodling  
Camden Creek, LLC  
1886 South 126th Street  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-784(c)(1) – Variance to the setback from a public street in a cluster subdivision, from 25’ to 9.5’, 23.5’, 15.6’, 18.9’, and 16.5’ to allow construction of 5 single-family homes  
LOCATION: 1601, 1610, & 1720 North 84th Avenue and 1717 & 1627 North 84th Terrace  
ZONE: R4

15. Case No. 12-093  
Rob Woodling  
Camden Creek, LLC  
1886 South 126th Street  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-784(c)(2) – Variance to the setback from other property lines in a cluster subdivision from 20’ to 19.6’, 19.8’, 11.3’, 10.3’, 7.7’, 12.8’, 17.4’, and 15.9’ to allow construction of 8 single-family homes  
LOCATION: 1601, 1607, 1613, 1619, 1625, 1631, 1703, 1715 North 84th Avenue  
ZONE: R4

16. Case No. 12-094  
Darin Smith  
Arch Icon Development  
505 Walker Street  
Woodbine, IA 51579  
REQUEST: Waiver of Section 55-737, 55-740(c), & 55-740(f)(4) – Variance to the perimeter landscaping from 5’ to 2’ and 0’; to allow vehicles to overhang into a required landscape area and to the minimum grouping of compact stalls from 5 to 2; for the construction of a parking lot  
LOCATION: 2405 Farnam Street  
ZONE: CBD-ACI-1(PL)

17. Case No. 12-095  
Kevin & Amanda Hebner  
20945 Timber Lane Drive  
Omaha, NE 68022  
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’ to allow construction of a house addition  
LOCATION: 20945 Timber Lane Drive  
ZONE: R1

18. Case No. 12-096  
Kevin Neubauer  
7980 Harney Street  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to 13’ to allow a garage addition  
LOCATION: 7980 Harney Street  
ZONE: R1

19. Case No. 12-097  
Mike Muller  
20894 Honeysuckle Drive  
Elkhorn, NE 68022  
REQUEST: Waiver of Section 55-768 and 55-740(e) – Waiver of the hard surfacing requirement for a temporary parking lot or appeal of a decision of the City of Omaha Planning Department regarding denial of a temporary use permit request  
LOCATION: South of 233rd Street and West Maple Road  
ZONE: AG-FW