ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, April 11, 2013 - 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, April 11, 2013 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, April 1, 2013 (for use waivers only) and Thursday, April 4, 2013.

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) 444-5202, 72 hours in advance.
LAYOVERS

1. Case No. 12-044  
   (over from 6/14/12)  
   TRP Properties, LLC  
   12910 F Plaza  
   Omaha, NE 68137  
   REQUEST: Waiver of Section 55-804 & 55-786(f) – Variance to allow the existing use to exceed the maximum permitted sound levels of the GI district; and to allow a 27’ tall sound barrier wall.  
   LOCATION: 12802, 12910, 12928 & 13010 F Plaza  
   ZONE: GI

2. Case No. 12-047  
   Nancy Fager  
   Christ Community Church  
   404 South 108th Avenue  
   Omaha, NE 68154  
   REQUEST: Waiver of Section 55-834 – Variance to the maximum permitted sign area from 60 sq. ft. to 230 sq. ft.; to the maximum area for a monument sign from 32 sq. ft. to 44 sq. ft. and to allow an electronic message sign not allowed for a Civic use in a GO District.  
   LOCATION: 404 South 108th Avenue  
   ZONE: GO GO-FF/FW

3. Case No. 13-019  
   James Haley  
   7011 Farnam Street  
   Omaha, NE 68132  
   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall privacy fence in the street side yard setback.  
   LOCATION: 7011 Farnam Street  
   ZONE: R3

4. Case No. 13-021  
   Juan J. Soto  
   4103 South 22nd Street  
   Omaha, NE 68107  
   REQUEST: Waiver of Section 55-206 – Variance to the rear yard setback from 25’ to 10’ and to the maximum impervious coverage from 55% to 60% to allow a new deck to remain.  
   LOCATION: 4103 South 22nd Street  
   ZONE: R5(35)

NEW CASES

5. Case No. 13-037  
   Charles E. Ring  
   3415 North 80th Street  
   Omaha, NE 68134  
   REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 23.6’ to allow a new covered porch to remain.  
   LOCATION: 3415 North 80th Street  
   ZONE: R2

6. Case No. 13-038  
   William Rafael  
   11737 Hemlock Street  
   Overland Park, KS 66210  
   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 5’ tall fence with 40% open construction in the street side yard setback.  
   LOCATION: 3257 South 102nd Street  
   ZONE: R2

7. Case No. 13-039  
   Miguel Gaddi  
   1715 Sendero Lane  
   Boise, ID 83712  
   REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 11’1” and to the street side yard setback from 15’ to 10’; to rebuild existing stairs.  
   LOCATION: 3004 Marcy Street  
   ZONE: R7
8. Case No. 13-040
   Joel Chudy
   15748 Laurel Avenue
   Omaha, NE 68116
   REQUEST: Waivers of Section 55-784(e) – Variance to the maximum impervious coverage in a R5-cluster subdivision from 55% to 60%.
   LOCATION: 14703 & 14709 Laurel Plaza
               14707, 14710, 14716, 14725 & 14731 Himebaugh Plaza
               5803 North 148th Plaza
               14735 & 14741 Hartman Plaza
   ZONE: R5-cluster

9. Case No. 13-041
   Zachary Miller
   5828 William Street
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the side yard setback from 3’ to 22” and the rear yard setback from 3’ to 0’ to construct a 14’x24’ detached garage.
   LOCATION: 5828 William Street
   ZONE: R4(35)

10. Case No. 13-042
    BMaKK Corp
    1440 Read Street
    Omaha, NE 68112
    REQUEST: Waiver of Section 55-503 – Variance to the permitted use regulations of the GI District to allow a Scrap and Salvage Services use.
    LOCATION: 1440 Read Street
    ZONE: GI, GI-FW

11. Case No. 13-043
    Shellie Shoening
    1801 Country Club Avenue
    Omaha, NE 68104
    REQUEST: Waiver of Section 55-186 – Variance to the interior side yard setback from 5’ to 2’ to allow construction of a 2nd floor addition.
    LOCATION: 1801 Country Club Avenue
    ZONE: R4(35)

12. Case No. 13-044
    Danny Rodgers
    2013 U.S. Senior Open
    6900 Country Club
    Omaha, NE 68152
    REQUEST: Waiver of Section 55-740(e) – Variance to the hard surfacing requirement for a temporary parking area.
    LOCATION: 6900 Country Club Road & 7197 State Street
    ZONE: DR-ACI-4(PL)

13. Case No. 13-045
    Danny Rodgers
    2013 U.S. Senior Open
    6900 Country Club
    Omaha, NE 68152
    REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for a temporary sign from 32 sq. ft. to 200 sq. ft. for a banner for the U.S. Senior Open event.
    LOCATION: 11910 West Dodge Road
    ZONE: CC

14. Case No. 13-046
    Danny Rodgers
    2013 U.S. Senior Open
    6900 Country Club
    Omaha, NE 68152
    REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for a temporary sign from 32 sq. ft. to 450 sq. ft. for a banner for the U.S. Senior Open event.
    LOCATION: 11404 West Dodge Road
    ZONE: CC
15. Case No. 13-047  
Holy Name Housing  
3014 North 45th Street  
Omaha, NE 68104  

REQUEST: Waiver of Section 55-243 – Variance to the permitted use regulations of the R7 district to allow a Medical Office use.  
LOCATION: 4320 Fort Street  
ZONE: R7-PUD

16. Case No. 13-048  
Ryan Durant  
Omaha Housing Authority  
540 South 27th Street  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-734, 55-740(f)(4), 55-735(a)(1) & 55-716 – Variance to the minimum number of off-street parking stalls for a multiple family residential use from 176 to 67; to the minimum perimeter landscaping from 10’ to 8.5’, 7’ and 8.8’; to the required buffer yard between R8 and R5 from 30’ to 8.5’, 7’ and 17.7’; and to allow off-street parking for a multiple family residential use in the front/street side yard setback.  
LOCATION: 3616 North 24th Street (Evans Tower)  
ZONE: R8

17. Case No. 13-049  
Ryan Durant  
Omaha Housing Authority  
540 South 27th Street  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-734, 55-740(f)(4) & 55-735(a)(1) – Variance to the minimum number of off-street parking stalls from 334 to 90; to the minimum perimeter landscaping from 10’ to 5.7’ and to allow off-street parking for a multiple family residential use in the front/street side yard setback.  
LOCATION: 1501 Park Avenue (Park North and South Towers)  
ZONE: R8

RECONSIDERATION:  

18. Case No. 13-033  
Ryan M. Durant  
Omaha Housing Authority  
540 South 27th Street  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-716, 55-734, & 55-735(a)(1) – Variance to the required buffer yard between R8 and R6/R5(35)/R4(35) from 30’ to 10’; to the minimum number of off-street parking stalls from 118 to 47 and to allow off-street parking for a multiple family residential use within the front/street side yard setbacks to allow the reconstruction/expansion of the parking lot.  
LOCATION: 4850 Underwood Avenue (Underwood Tower)  
ZONE: R8

19. Discussion of Pending litigation and possible appeals (U.S.S. Hazard, Inc. and Latenser)