**ZONING BOARD OF APPEALS**

**AGENDA**

Public Hearing
Thursday, August 8, 2013 - 1:00 P.M.

Legislative Chambers-LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

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**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 8, 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, July 29, 2013 (for use waivers only) and Thursday, August 1, 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](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. 13-075 (from 6-13-13 & 7-11-13)
   GGS, LLC
   4824 Farnam Street
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-826(a)(4)(a) – Variance to allow an off-premise advertising sign (billboard) closer than 150’ from the perpendicular distance to a property line of a residential zoning district.
   LOCATION: 5555 Center Street
   ZONE: GI

2. Case No. 09-73 - LAYOVER (from 7-11-13)
   Dan Latenser
   4028 North Post Road
   Omaha, NE 68112
   REQUEST: Appeal from decision of Planning Department (see file).
   LOCATION: 12209, 12422, 12436, 12532, 12541 & 12542 North 40th Street; 11805 & 11807 Calhoun Road; 12103 Ponca Road; 4014, 4110, 11121, 11616, 11621 & 11706 North Post Road.
   ZONE: R1-ED, DR-ED & R2-ED

3. Case No. 13-080 - WITHDRAWN (from 7-11-13)
   The Garage Company
   8301 Q Street
   Omaha, NE 68127
   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the maximum size for an accessory structure outside the buildable area from 750 sq. ft. to 1,416 sq. ft. to allow for construction of a 936 sq. ft. garage addition to existing detached garage.
   LOCATION: 3905 Aurora Drive
   ZONE: R2

4. Case No. 13-084 (from 7-11-13)
   Scott Seaton
   Warehouse 51, LLC
   9864 North 109th Avenue
   Omaha, NE 68142
   REQUEST: Waiver of Section 55-716 & 55-506 – Variance to the required buffer yard between DR (GI pending) and R4/DR from 60’ with screening to 30’ with screening and to the minimum lot width from 100’ to 60’.
   LOCATION: 9260 Scott Street (north of Scott Street between Irvington Road and 92nd Avenue)
   ZONE: DR (GI pending)

5. Case No. 13-086 (from 7-11-13)
   Terry Hurt
   T. Hurt Construction
   8529 Wirt Street
   Omaha, NE 68122
   REQUEST: Waiver of Section 55-782 (b)(6) – Variance to the maximum size for an accessory building outside the buildable area in a residential district from 750 sq. ft. to 888 sq. ft.
   LOCATION: 5844 Pine Street
   ZONE: R4(35)

6. Case No. 13-091 (from 7-11-13)
   Home Building Professionals of Greater Omaha, Inc.
   11205 South 150th Street #100
   Omaha, NE 68138
   REQUEST: Waiver of Section 55-825(c) – Variance to the maximum sign area for two temporary signs from 32 sq. ft. to 96 sq. ft. for the Street of Dreams event.
   LOCATION: 11710 Fort Street & generally at NW corner of 120th Street and Military Avenue
   ZONE: DR and R6
NEW CASES

7. Case No. 13-092
Kent Braasch
Essex Communities
11606 Nicholas Street
Omaha, NE 68154
REQUEST: Waiver of Section 55-784(c)(1), 55-784(c)(2), 55-784(d)(2) & 55-786 – Variance to the setback from a public street in a cluster subdivision from 25' to 17.6', 17.75' and 12'; to the setback from other property lines from 20' to 12.83'; to the setback from a private way from 25' to 20'; and to the residential fence regulations to allow a 3' and 5' solid wall/fence in the front yard setback of a residential district to allow for the construction of 8 cottage homes.
LOCATION: 9515 West Center Road
ZONE: R6-PUD (R5 Cluster Pending)

8. Case No. 13-093
Anthony Martin
4345 Fort Street
Omaha, NE 68111
REQUEST: Waiver of Section 55-406 & 55-734 – Variance to the rear yard setback from 15' to 3'; to the maximum impervious coverage from 90% to 92%; and to the number of off-street parking stalls from 11 to 0; to allow a 792 sq. ft. addition.
LOCATION: 2623 Florence Boulevard
ZONE: GC

9. Case No. 13-094
Habitat for Humanity
Daniel Brewer
2204 Ames Avenue
Omaha, NE 68110
REQUEST: Waiver of Section 55-206 – Variance to the interior side yard setback from 5' to 2'; to the minimum lot area from 5,000 sq. ft. to 3,910 sq. ft. and to the minimum lot width from 50' to 34', to allow for construction of a new home.
LOCATION: 2444 South 20th Street
ZONE: R5

10. Case No. 13-095
Anthony and Janie Woods
5417 North 65th Street
Omaha, NE 68104
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25' to 20.3' to allow for a house addition.
LOCATION: 5417 North 65th Street
ZONE: R4(35)

11. Case No. 13-096
Dean and Linda Fajen
4916 Franklin Street
Omaha, NE 68104
REQUEST: Waiver of Section 55-186 – Variance to the interior side yard setback from 5' to 3' to allow for a 9'x23' addition to existing attached garage.
LOCATION: 4916 Franklin Street
ZONE: R4(35)
12. Case No. 13-097  
Flatland Church  
Pastor Bart Wilkins  
4801 North 144th Street  
Omaha, NE 68116  
REQUEST:  
Waiver of Section 55-186 & 55-830 - Variance to the maximum impervious coverage from 50% to 59%; to the overall total permitted sign area from 32 sq. ft. to 68 sq. ft.; to the maximum height for a wall sign from 16' to 30', to allow for a building addition and parking lot expansion.  
LOCATION: 4801 North 144th Street  
ZONE: R4

13. Case No. 13-098  
Brian Lorenz  
c/o Starbucks  
7007 Discovery Boulevard  
Dublin, OH 43017  
REQUEST:  
Waiver of Section 55-345 - Variance to the permitted use regulations of the LC District to allow a Restaurant (Drive-In) use type.  
LOCATION: 15771 West Dodge Road  
ZONE: LC-ACI-4(PL)

14. Case No. 13-099  
Bonnie Cosentino-Welsch  
1010 South 67th Street  
Omaha, NE 68106  
REQUEST:  
Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6' tall privacy fence in the front yard setback.  
LOCATION: 1010 South 67th Street  
ZONE: R4(35)

15. Case No. 13-100  
TACKarchitects  
Rebecca Harding, AIA  
1111 North 13th Street  
Omaha, NE 68102  
REQUEST:  
Waiver of Section 55-734 - Variance to the minimum number of off-street parking stalls from 46 to 11 to allow for a Guidance Services use.  
LOCATION: 812 South 24th Street & 817 South 25th Street  
ZONE: DS-ACI-1(50)

16. Case No. 13-101  
D.E. Bomberger, Jr.  
Stephen Center, Inc.  
2723 Q Street  
Omaha, NE 68107  
REQUEST:  
Waiver of Section 55-246, 55-734, 55-735(a)(1), 55-738 & 55-763(c)(2)(b) - Variance to the front yard setback from 35' to 5'; to the street side yard setback from 15' to 0'; to the maximum floor area ratio from 1.0 to 1.35; to the maximum impervious coverage from 70% to 80%; to the maximum number of residents from 16 to 194; to the minimum number of off-street parking stalls from 97 to 22; to the number of handicapped stalls from 1 to 0; to allow off-street parking for a Large Group Living use in the front yard setback, to allow construction of a Large Group Living facility.  
LOCATION: 2723 Q Street  
ZONE: HI-CC(R7-MCC pending)
17. Case No. 13-102  
   Pat McNeil  
   Aspen Opportunities, LLC  
   4666 South 132nd Street  
   Omaha, NE 68137  
   REQUEST: Waiver of Section 55-246, 55-715 & 55-740(f) – Variance to the front yard setback from 35’ to 28’; to the maximum impervious coverage from 70% to 79%; to the minimum street yard landscaping depth from 10’ to 3’; to the minimum street yard landscaping percentage from 50% to 30%; to the perimeter parking lot landscaping from 5’ to 0’, to allow for an apartment building.  
   LOCATION: 11101 & 11103 M Street  
   ZONE: CC

18. Case No. 13-103  
   Tim Huber  
   5036 South 135th Street  
   Omaha, NE 68137  
   REQUEST: Waiver of Section 55-735(b) – Variance to allow an off-street parking facility for a non-residential use within the front/street side yard setback of a residential zoning district.  
   LOCATION: 7001 Oak Street  
   ZONE: R7-ACI-4(PL)

7/30/13