ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, July 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, July 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, July 1, 2013 (for use waivers only) and Thursday, July 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. 13-039**  
   * (from 5-9-13)  
   Miguel Gaddi  
   1715 Sendero Lane  
   Boise, ID 83712  
   **REQUEST:** Waiver of Section 55-246 & 55-734 -  
   Variance to the front yard setback from 35' to 20' 1" and to the street side yard setback from 15' to 10'; to the rear yard setback from 25' to 2.5'; to the interior side yard setback from 7' to 4'; to the minimum lot size from 5,000 sq. ft. to 2,775 sq. ft.; to the site area per unit from 2,500 sq. ft. to 1,387.5 sq. ft.; to the minimum number of off-street parking stalls from 3 to 0; to allow for a duplex use.  
   **LOCATION:** 3004 Marcy Street  
   **ZONE:** R7

2. **Case No. 13-062** - **WITHDRAWN**  
   * (from 5-9-13)  
   Dennis Circo  
   Circo Strategic Investments  
   9445 "J" Street  
   Omaha, NE 68127  
   **REQUEST:** Waiver of Section 55-84 -  
   Variance to allow an accessory structure (private indoor tennis court) on a lot without a primary structure.  
   **LOCATION:** 2141 Arbor Street  
   **ZONE:** AG

3. **Case No. 13-063**  
   * (from 5-9-13 & 6-13-13)  
   John Jeanetta  
   Heartland Family Service  
   2101 South 42nd Street  
   Omaha, NE 68105  
   **REQUEST:** Waiver of Section 55-735(a)(1), 55-246, 55-734, 55-740(f)(5), 55-740(b) & 55-763(c)(2) -  
   Variance to the maximum Floor Area Ratio (FAR) from 1.0 to 1.55; to the maximum impervious coverage from 70% to 80%; to the minimum number of off-street parking stalls from 40 to 39; to the minimum interior parking lot landscaping from 5% to 0%; to allow off-street parking for a Large Group Living use in the front yard setback; to the maximum number of residents from 16 to 80; to the drive aisle width for a compact parking stall from 20' to 16' and 12'; and with a Reasonable Accommodation Request.  
   **LOCATION:** 4842 Sprague Street & 4835 Sahler Street  
   **ZONE:** R7

4. **Case No. 13-075**  
   * (from 6-13-13)  
   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
NEW CASES

5. Case No. 09-73
   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

6. Case No. 13-078
   Don Stein
   2447 South 156th Circle
   Omaha, NE 68130
   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the maximum size for an accessory structure outside the buildable area to allow construction of a 648 sq. ft. detached garage with an attached 892 sq. ft. covered veranda.
   LOCATION: 6729 Davenport Street
   ZONE: R1

7. Case No. 13-079
   Jerry Reimer
   4808 South 131st Street
   Omaha, NE 68137
   REQUEST: Waiver of Section 55-716, 55-734 & 55-735 - Variance to the required buffer yard between GO (R7 pending) & AG from 15’ to 9.8’; to the required number of off-street parking stalls from 331 to 294; and to allow off-street parking areas for a multi-family use in the front yard setback, to allow for construction of an apartment complex.
   LOCATION: SW corner of 192nd Street & Western Avenue
   ZONE: GO (R7 pending)

8. Case No. 13-080
   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

9. Case No. 13-081
   City of Omaha
   1819 Farnam Street
   Omaha, NE 68183
   REQUEST: Waiver of Section 55-206 & 55-742(b) - Variance to the front yard setback from 25’ to 20’; to the street side yard setback from 15’ to 11.2’; to the rear yard setback from 25’ to 14.9’, to allow parking in the front yard setback, for the construction of a new home.
   LOCATION: 1822 Corby Street
   ZONE: R5
10. Case No. 13-082  
John Milota III  
1706 South 75th Street  
Omaha, NE 68124  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 5’6” tall wrought iron fence with stone pillars in the front/street side yard setback.  
LOCATION: 1706 South 75th Street  
ZONE: R2

11. Case No. 13-083  
Mark Mitchell  
Mitchell Auto Auction, LLC  
4109 South 184th Street  
Omaha, NE 68135  
REQUEST: Waiver of Section 55-363 – Variance to the permitted use regulations of the CC District to allow a Vehicle Storage Use type not otherwise permitted.  
LOCATION: 5218, 5318 & 5402 “L” Street  
ZONE: CC

12. Case No. 13-084  
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)

13. Case No. 13-085  
Ben Norris  
Parking Area Maintenance, Inc.  
2028 Keystone Drive  
Omaha, NE 68134  
REQUEST: Waiver of Section 55-716, 55-717 & 55-740(g) – Variance to the required buffer yard between GI & DR from 60’ with screening to 29’ without screening and to the 4’ tall screening requirement for a parking lot abutting a residential district.  
LOCATION: 9580 Ida Street  
ZONE: GI

14. Case No. 13-086  
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)

15. Case No. 13-087  
Troy Panagiotis  
Omaha Neon  
1120 North 18th Street  
Omaha, NE 68102  
REQUEST: Waiver of Section 55-836 – Variance to the total permitted sign area from 127 sq. ft. to 152 sq. ft.  
LOCATION: 7604 West Dodge  
ZONE: CC-ACI-2(65)/FF

16. Case No. 13-088  
McGregor Interests, Inc.  
11750 Stonegate Circle  
Omaha, NE 68164  
REQUEST: Waiver of Section 55-716 – Variance to the required buffer yard between GI & R7 from 50’ with screening to 34’ with screening to allow for development of the site for a convenience storage facility.  
LOCATION: 9717 & 9815 Redick Avenue  
ZONE: GI
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
<th>ZONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-089</td>
<td>Waiver of Section 55-186 – Variance to the interior side yard setback from 5’ to 3’ and 1’ to allow deck to be rebuilt.</td>
<td>5610 South 19th Street</td>
<td>R4(35)</td>
</tr>
<tr>
<td>13-090</td>
<td>Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall privacy fence in the street side yard setback.</td>
<td>9009 Farnam Street</td>
<td>R1</td>
</tr>
<tr>
<td>13-091</td>
<td>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.</td>
<td>11710 Fort Street &amp; generally at NW corner of 120th Street and Military Avenue</td>
<td>DR and R6</td>
</tr>
</tbody>
</table>