ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, June 13, 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, June 13, 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, June 3, 2013 (for use waivers only) and Thursday, June 6, 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. 13-056  
   (from 5-9-13)  
   Larry R. Vierregger  
   11652 Pierce Street  
   Omaha, NE 68144  
   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the maximum size for an accessory building outside of the buildable area in a residential district from 750 sq. ft. to 960 sq. ft.  
   LOCATION: 11652 Pierce Street  
   ZONE: R2

2. Case No. 13-059  
   (from 5-9-13)  
   Jim Vyhlidal  
   22125 Trailridge Boulevard  
   Elkhorn, NE 68022  
   REQUEST: Waiver of Section 55-126 - Variance to the rear yard setback from 35’ to 15’ to allow construction of a 32’ x 40’4”, 2-level detached garage.  
   LOCATION: 22125 Trailridge Boulevard  
   ZONE: R1

3. Case No. 13-061  
   (from 5-9-13)  
   Robert Fox  
   5402 “A” Street  
   Omaha, NE 68106  
   REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 29’ to allow construction of a garage addition.  
   LOCATION: 5402 “A” Street  
   ZONE: R4(35)

4. Case No. 13-063  
   (from 5-9-13)  
   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

5. Case No. 13-065  
   (from 5-9-13)  
   Allen Grimes  
   Legacy Homes Omaha, LLC  
   12040 McDermott Plaza  
   LaVista, NE 68128  
   REQUEST: Waiver of Section 55-166 - Variance to the front yard setback from 35’ to 25’ to allow construction of a new home.  
   LOCATION: 13624 Miami Street  
   ZONE: R3
NEW CASES

6. Case No. 13-066
   1301 Holdings, LLC
   Clifford Ehlers
   1315 Jones Street
   Omaha, NE 68102
   REQUEST: Waiver of Section 55-63 – Variance to allow a site to be in more than one base zoning district.
   LOCATION: 1301 & 1315 Jones Street
   ZONE: DS-ACI-1(PL) & CBD-ACI-1(PL)

7. Case No. 13-067
   Nancy Melby
   12244 Woolworth Avenue
   Omaha, NE 68144
   REQUEST: Waiver of Section 55-740(e)(3) – Variance to the requirement that a paved, hard surface driveway be provided for a structure capable of storing a personal vehicle.
   LOCATION: 12244 Woolworth Avenue
   ZONE: R2

8. Case No. 13-068
   Mark Wiesman
   Wiesman Development, LLC
   1000 North 90th Street
   Suite 100
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-366, 55-716 & 55-734 – Variance to the maximum height from 60’ to 72’8”; to the required buffer yard between CC & R7 from 20’ to 10’; and to the required number of off-street parking stalls from 666 to 495, to allow construction of a new office building.
   LOCATION: 9102 Burt Street
   ZONE: CC

9. Case No. 13-069
   College World Series of Omaha, Inc.
   5010 Dodge Street
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-825(c) – Variance to the temporary sign regulations to allow a temporary video projection from June 13 – June 26, 2013.
   LOCATION: 455 North 10th Street (Century Link Center)
   ZONE: CBD-ACI-1(PL)

10. Case No. 13-070
    Douglas County School District
    0001
    3215 Cuming Street
    Omaha, NE 68131
    REQUEST: Waiver of Section 55-108, 55-715 & 55-786 – Variance to the front yard setback from 50’ to 38.93’; to the maximum impervious coverage from 25% to 29.5%; to the minimum street yard landscaping depth from 30’ to 13’ and 9”; and to the residential fence regulations to allow a 10’ tall fence.
    LOCATION: 2110 “O” Street (H.P. Smith Park)
    ZONE: DR

11. Case No. 13-071
    2013 U.S. Senior Open
    6900 Country Club Road
    Omaha, NE 68152
    REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a temporary parking area.
    LOCATION: 7105 Newport Avenue
    ZONE: CC-ACI-4(PL)
12. Case No. 13-072  
Sue Henson  
2611 South 117th Street  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-146 - Variance to the minimum lot width from 80' to 60' and 48.2’ to allow for approval of an administrative subdivision.  
LOCATION: 2530 & 2532 North 75th Street  
ZONE: R2-FF/FW

13. Case No. 13-073  
Maxine Coffee  
2708 South 134th Avenue  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-186 - Variance to the interior side yard setback from 5’ to 1.1’ to allow construction of a 14’ x 25.65’ garage addition.  
LOCATION: 2708 South 134th Avenue  
ZONE: R4(35)

14. Case No. 13-074  
Foundations Development, Inc.  
1886 South 126th Street  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-735(a)(1) – Variance to allow off-street parking for a multiple family residential use in the front yard setback.  
LOCATION: 4502 South 60th Street  
ZONE: DR(R6-pending)

15. Case No. 13-075  
GGS, LLC  
4824 Farnam Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-826(a)(4)(a) – Variance to allow an off-premise sign (billboard) closer than 150’ from the property line of a residential zoning district.  
LOCATION: 5555 Center Street  
ZONE: GI

16. Case No. 13-076  
John Eggen  
Bethany Lutheran  
4200 North 204th Street  
Elkhorn, NE 68022  
REQUEST: Waiver of Section 55-84 – Variance to the permitted use regulations of the AG district to allow a Daycare services (general) use.  
LOCATION: 4200 North 204th Street  
ZONE: AG

17. Case No. 13-077  
Century Development Company  
1505 North 203rd Street  
Omaha, NE 68022  
REQUEST: Waiver of Section 55-126 – Variance to the site development regulations of the R1 district to the site development regulations of the R3 district to allow construction of a new home.  
LOCATION: 421 S. 243rd Street  
ZONE: R1-FF