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; Jacquie 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, March 14, 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, March 4, 2013 (for use waivers only) and Thursday, March 7, 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) 444-5204, 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. 13-009  
   (over from 2/14/13)  
   Morton Middle School  
   Omaha Public Schools  
   4606 Terrace Drive  
   Omaha, NE 68134  
   REQUEST: Waiver of Section 55-830 – Variance to the maximum sign budget from 32 sq. ft. to 208 sq. ft. and to the maximum sign area for 2 wall signs from 32 sq. ft. to 72 sq. ft. each.  
   LOCATION: 4506 Terrace Drive  
   ZONE: R3

3. Case No. 13-011  
   (over from 2/14/13)  
   Matthew J. Mullen  
   10552 Mullen Road  
   Omaha, NE 68124  
   REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 16’7” for a garage/home addition.  
   LOCATION: 10552 Mullen Road  
   ZONE: R1

NEW CASES

4. Case No. 13-017  
   Creighton University  
   2500 California Plaza  
   Omaha, NE 68178  
   REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for a temporary sign from 32 sq. ft. to 108 sq. ft. for a banner for 4 weeks during the College World Series.  
   LOCATION: 1624 Mike Fahey Street  
   ZONE: DS-ACI-1(PL)

5. Case No. 13-018  
   Creighton University  
   2500 California Plaza  
   Omaha, NE 68178  
   REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for a temporary sign from 32 sq. ft. to 132 sq. ft. for a banner for 4 weeks during the College World Series.  
   LOCATION: 815 North Florence Boulevard  
   ZONE: DS-ACI-1(PL)

6. 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
7. Case No. 13-020
Ronald G. Jones, Sr.
12715 Sky Park Drive
Omaha, NE 68137

REQUEST: Waiver of Section 55-782(b)(2) – Variance to allow a structural element (railing) more than 2’ above the adjacent ground level.

LOCATION: 12715 Sky Park Drive
ZONE: R2

8. 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)

9. Case No. 13-022
Terri Fitzgerald
Children’s Respite Care Center
13336 Industrial Road, Suite 101
Omaha, NE 68137

REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between CC & R3 from 30’ to 15’ to allow the construction of a new parking lot.

LOCATION: 5321 South 138th Street
ZONE: CC

10. Case No. 13-023
City of Omaha Planning Department – Chris Wayne
1819 Farnam Street
Omaha, NE 68183

REQUEST: Waiver of Section 55-246 & 55-742(b) – Variance to the front yard setback from 35’ to 20’ and to the rear yard setback from 25’ to 23.5’; and to allow parking in the front yard setback; to allow construction of a new home, deck, and stairs.

LOCATION: 1625 Corby Street
ZONE: R7

11. Case No. 13-024
City of Omaha Planning Department – Chris Wayne
1819 Farnam Street
Omaha, NE 68183

REQUEST: Waiver of Section 55-246 & 55-742(b) – Variance to the front yard setback from 35’ to 20’, to the street side yard setback from 15’ to 13’, and to the rear yard setback from 25’ to 17.8’; and to allow parking in the front yard setback; to allow for construction of a new home, deck, and stairs.

LOCATION: 1804 Corby Street
ZONE: R7

12. Case No. 13-025
City of Omaha Planning Department – Chris Wayne
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’ and to the rear yard setback from 25’ to 15’; and to allow parking in the front yard setback; to allow for construction of a new home, deck, and stairs.

LOCATION: 1822 Corby Street
ZONE: R5
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
<th>ZONE</th>
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<tbody>
<tr>
<td>13-026</td>
<td>Waiver of Section 55-187(e) - Variance to the front yard setback from 35’ to 25’ to allow for construction of a single family home.</td>
<td>4230 Ohio Street</td>
<td>R4(35)</td>
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<tr>
<td>13-027</td>
<td>Waiver of Section 55-246 &amp; 55-742(b) - Variance to the front yard setback from 35’ to 25’; and to allow parking in the front yard setback; to allow construction of 3 single family homes.</td>
<td>1526, 1530, and 1538 North 18th Street</td>
<td>R7</td>
</tr>
<tr>
<td>13-028</td>
<td>Waiver of Section 55-206, 55-207(g) &amp; 55-742(b) - Variance to the front yard setback from 35’ to 25’; and to the minimum lot width from 50’ to 47’ (3113 Franklin Street); and to allow parking in the front yard setback; to allow construction of 3 single family homes.</td>
<td>3109-11 Franklin Street, 3113 Franklin Street and 1622 North 31st Street</td>
<td>R5(35)</td>
</tr>
<tr>
<td>13-029</td>
<td>Waiver of Section 55-207(g) &amp; 55-742(b) - Variance to the front yard setback from 35’ to 25’; and to allow parking in the front yard setback; to allow construction of a single family home.</td>
<td>3112-3114 Seward Street</td>
<td>R5(35)</td>
</tr>
<tr>
<td>13-030</td>
<td>Waiver of Section 55-246 &amp; 55-742(b) - Variance to the front yard setback from 35’ to 25’; and to allow parking in the front yard setback; to allow construction of 4 single family homes.</td>
<td>2515, 2516, 2521 &amp; 2524 Patrick Avenue</td>
<td>R7</td>
</tr>
</tbody>
</table>
18. Case No. 13-031
City of Omaha Planning
Department - Chris Wayne
1819 Farnam Street
Omaha, NE 68183

REQUEST: Waiver of Section 55-207(g) & 55-742(b) - Variance to the front yard setback from 35’ to 25’; and to allow parking in the front yard setback; to allow construction of 5 single family homes.

LOCATION: 3711-17-19 Parker Street & 3718 and 3726 Parker Street
ZONE: R5(35)

19. Case No. 13-032
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 bufferyard between R8 & R6 from 30’ to 10’ and 22’; to the minimum number of off-street parking stalls from 228 to 91 and to allow off-street parking for a multi-family residential use within the front/street side yard setback to allow for the reconstruction/expansion of the parking lot.

LOCATION: 5904 Henninger Drive (Crown Tower)
ZONE: R8

20. 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 bufferyard 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

21. Case No. 13-034
Clay Reider
21919 Silverado Drive
Omaha, NE 68022

REQUEST: Waiver of Section 126 - Variance to the interior side yard setback from 25’ to 5’ to allow construction of a 40’x50’ garage.

LOCATION: 21919 Silverado Drive
ZONE: R1
22. Case No. 13-035  
Sixty Sorensen, LLC  
105 Nort 31st Avenue  
Omaha, NE 68131  

REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 104 to 81, to allow construction of a senior living facility.

LOCATION: 5910 Newport Plaza (Northeast corner of 60th & Newport Plaza)

ZONE: CC

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23. Case No. 13-036  
Sebastian Anzaldo  
910 South 39th Street  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-186 & 55-187(e) – Variance to the front yard setback from 35’ to 34’8”; to the rear yard setback from 25’ to 11’4”; and to the minimum lot area from 5,000 sq. ft. to 4,862 sq. ft. to allow for construction of a single family home and deck.

LOCATION: 3305 Polk Street

ZONE: R4(35)