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, May 9, 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 29, 2013 (for use waivers only) and Thursday, May 2, 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.
RECONSIDERATION

1. 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 37; 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

LAYOVERS

2. 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

3. 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)

4. 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

NEW CASES

5. Case No. 13-050
   Shamrock Development, Inc.
   1414 Harney Street, Suite 400
   Omaha, NE 68102

   REQUEST: Waiver of Section 55-740(b) – Variance to the required curb length per car for 90° angle stalls from 9’ to 8’6”.

   LOCATION: 1501 Jackson Street
   ZONE: CBD-ACI-1(PL)
6. Case No. 13-051
Bonnie Vaughan
12056 Ohio Circle
Omaha, NE 68164
REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 24.9’ and to the rear yard setback from 25’ to 19.5’ to allow construction of a 20’x22’ garage addition.
LOCATION: 12056 Ohio Circle
ZONE: R3

7. Case No. 13-052
David Aldrich
1318 Hickory Street
Omaha, NE 68108
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, privacy fence in the front/street side yard setback.
LOCATION: 1318 Hickory Street
ZONE: R7

8. Case No. 13-053
Dennis & Teresa Anderson
5211 Underwood Avenue
Omaha, NE 68132
REQUEST: Waiver of Section 55-166 – Variance to the rear yard setback from 25’ to 17’ to construct a 2-story house addition.
LOCATION: 5211 Underwood Avenue
ZONE: R3

9. Case No. 13-054
Kerr Construction
2610 North 58th Street
Omaha, NE 68104
REQUEST: Waiver of Section 55-186 & 55-187(e) – Variance to the front yard setback from 35’ to 28’ and to the street side yard setback from 15’ to 10’6” to replace existing stoop and stairs.
LOCATION: 6255 South 41st Avenue
ZONE: R4(35)

10. Case No. 13-055
Jenny Allgood
4815 Davenport Street
Omaha, NE 68132
REQUEST: Waiver of Section 55-186 – Variance to the front yard setback from 25’ to 16’ and to the maximum impervious coverage from 50% to 56% to allow a 2-story home addition.
LOCATION: 4815 Davenport Street
ZONE: R4

11. Case No. 13-056
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
12. Case No. 13-057  
Bluestem Investments, LLC  
2842 Tucker Street  
Omaha, NE 68112  
REQUEST: Waiver of Section 55-506, 55-734, 55-740(f)(4) & 55-740(e)(1) – Variance to the front yard setback from 50’ from center line to 42’ from center line (2872 Tucker); to the parking lot perimeter landscaping from 10’ to 0’ and 5’ to 1’ (2872 Tucker); to the number of off-street parking stalls from 50 to 12; and to permit off-street parking facilities to be surfaced with permeable pavers; to allow for the enlargement of the existing business.  
LOCATION: 2851, 2862 & 2872 Tucker Street, 8515 North 29th Street  
ZONE: GI

13. Case No. 13-058  
Tidblom Enterprises, LLC dba Ceramic Tile Works Center  
11005 West Maple Road  
Omaha, NE 68164  
REQUEST: Waiver of Section 55-734 & 55-769(d)(3) – Variance to the number of off-street parking stalls from 72 to 41 and to allow an accessory use to occupy more than 25% of the total floor area; for a 7,130 sq. ft. warehouse addition.  
LOCATION: 11005 West Maple Road  
ZONE: CC

14. Case No. 13-059  
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’x40’4”, 2-level detached garage.  
LOCATION: 22125 Trailridge Boulevard  
ZONE: R1

15. Case No. 13-060  
Jared Gerber  
9312 Leavenworth Street  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 14’; to the interior side yard setback from 7’ to 4’6” and 3’6’ to allow construction of porch and kitchen additions.  
LOCATION: 5501 Howard Street  
ZONE: R3

16. Case No. 13-061  
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)

17. Case No. 13-062  
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: 21414 Arbor Street  
ZONE: AG
18. Case No. 13-063 - **LAYOVER**
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 2%; 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

19. Case No. 13-064
Nottingham, LLC
12829 West Dodge Road
Suite #100
Omaha, NE 68154

REQUEST: Waiver of Section 55-716, 55-734, 55-735 & 55-740(f) – Variance to the bufferyard between R7 & R3 from 30’ to 15’; to the number of off-street parking stalls from 49 to 39; to the perimeter parking lot landscaping from 10’ to 8’; and to allow off-street parking for a *Multiple Family Residential* use in the front yard setback.

LOCATION: 3304, 3314, 3316 Burt Street & 3311 Cuming Street
ZONE: R3 & R7 (R7 Pending)

20. Case No. 13-065
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
5/1/13