ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, November 14, 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, November 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, November 4, 2013 (for use waivers only) and Thursday, November 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) 444-5202, 72 hours in advance.
LAYOVERS

1. Case No. 09-73
   (from 7-11-13 & 8-8-13)
   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

2. Case No. 13-118
   (from 10-10-13)
   Mark Bulger
   Walter B. Roberts Corporation
   1024 South 32nd Street
   Omaha, NE 68105
   REQUEST: Waiver of Section 55-246, 55-716, 55-734 & 55-735 – Variance to the minimum site area per unit from 1,000 sq. ft. to 774.9 sq. ft; to the required buffer yard between R7 and R4 from 30’ to 20’, 21’ and 8’; to the required number of off-street parking stalls from 95 to 60; and to allow off-street parking for a multi-family residential use in the front yard setback with a Reasonable Accommodation request to allow construction of a new apartment building.
   LOCATION: 1024 South 32nd Street
   ZONE: R7

NEW CASES

3. Case No. 13-124
   Aaron Long
   Karen Street Baptist Church
   6109 Karen Street
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-186, 55-735(b), 55-740(b), & 55-740(f)(4) – Variance to the maximum impervious coverage from 50% to 51.3% to allow off-street parking for a non-residential use in the front/street side yard setback of a residential district; to the front yard setback from 35’ to 30’; to the required perimeter landscaping from 5’ to 0’; and to the minimum drive aisle width for a 90° parking stall from 24’ to 13’ to allow construction of building and parking lot additions.
   LOCATION: 6109 Karen Street
   ZONE: R4(35)

4. Case No. 13-125
   Timothy Williams
   7013 South 53rd Street
   Omaha, NE 68157
   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the interior side yard setback from 3’ to 2’ to allow a 13’ x 20’ detached garage to remain.
   LOCATION: 4529-31 Madison Street
   ZONE: R7
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Address 1</th>
<th>Address 2</th>
<th>Request</th>
<th>Location</th>
<th>Zone</th>
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<tbody>
<tr>
<td>13-126</td>
<td>Loren J. Lamprecht</td>
<td>20830 Paddock Circle</td>
<td>Waiver of Section 55-126 – Variance to the interior side yard setback from 25' to 16' to allow for a garage addition.</td>
<td>20830 Paddock Circle</td>
<td>R1</td>
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<td>13-127</td>
<td>Celebrity Homes</td>
<td>c/o Loren Johnson</td>
<td>Waiver of Section 55-186 – Variance to the interior side yard setback from 5' to 4' 8½” to allow an existing home to remain.</td>
<td>8929 North 159th Avenue</td>
<td>R4</td>
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<td>13-128</td>
<td>Myles Gart</td>
<td>12905 Eagle Run Drive</td>
<td>Waiver of Section 55-715 – Variance to the street yard landscaping minimum depth from 20' to 0' to allow for construction of a circular driveway.</td>
<td>12905 Eagle Run Drive</td>
<td>R3</td>
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<tr>
<td>13-129</td>
<td>James P. Cerone</td>
<td>5105 South 184th Plaza</td>
<td>Waiver of Section 55-786(e)(1) – Variance to allow a 6’ tall, chain-link fence in the front and street side yard setbacks of a residential district.</td>
<td>2201 and 2207 Poppleton Avenue</td>
<td>R7</td>
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<td>13-130</td>
<td>Thomas Maxwell</td>
<td>9228 Adel Circle</td>
<td>Waiver of Section 55-126 – Variance to the front yard setback from 50' to 44’7” to allow home additions.</td>
<td>601 South 91st Circle</td>
<td>R1</td>
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<td>13-131</td>
<td>Rolland Moyer</td>
<td>4817 Cuming Street</td>
<td>Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 20’5” to allow for a porch replacement.</td>
<td>1021 North Happy Hollow Boulevard</td>
<td>R3</td>
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<td>13-132</td>
<td>Curt Mitchell</td>
<td>1602 North 11th Street</td>
<td>Waiver of Section 55-786(f) – Variance to the fence regulations to allow a 7’ tall, wrought iron style fence in the front yard setback.</td>
<td>1602 North 11th Street</td>
<td>H1</td>
</tr>
<tr>
<td>13-133</td>
<td>ADC Homes</td>
<td>15002 “A” Circle</td>
<td>Waiver of Section 55-126 – Variance to the maximum impervious coverage from 30% to 40% to allow for construction of a pool house.</td>
<td>1222 North 136th Avenue</td>
<td>R1</td>
</tr>
</tbody>
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13. Case No. 13-134  
John Maslonka  
Hammerplex  
8505 Crown Point Avenue  
Omaha, NE 68134  
REQUEST: Waiver of Section 55-363 – Variance to the permitted use regulations to allow a Vehicle Storage use not otherwise permitted in the CC district.  
LOCATION: 8505 Crown Point Avenue  
ZONE: CC

14. Case No. 13-135  
John Fullenkamp  
Augusta Properties, LLC  
11440 West Center Road  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-716 – Variance to the required buffer yard between GO and DR from 30’ to 20’ to allow for the installation of a backup generator.  
LOCATION: 12808 & 12828 Augusta Avenue  
ZONE: GO

SHOW CAUSE CASE

15. Case No. 08-078  
Maurice C. Parker  
300 South 16th Street  
#1202  
Omaha, NE 68102  
REQUEST: Waiver of Section 55-203 – Variance to the use regulations of R5(35) to allow a 30’ X 24’ garage as the primary use in a residential district.  
LOCATION: 1123 Bancroft Street  
ZONE: R5(35)