ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, September 12, 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, September 12, 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, September 2, 2013 (for use waivers only) and Thursday, September 5, 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. 13-063
   (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

2. 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

3. Case No. 13-084
   (from 7-11-13 & 8-8-13)
   Scott Seaton
   Warehouse 51, LLC
   9864 North 109th Avenue
   Omaha, NE 68142
   REQUEST: Waiver of Section 55-716, 55-717(c) & 55-506 – Variance to the required buffer yard between DR (GI pending) and R4/DR from 60’ with screening to 10’ with screening; to allow a 6’ solid fence for screening at the exterior boundary of the buffer yard and to the minimum lot width from 100’ to 60; to allow a driveway in the buffer yard.
   LOCATION: 9260 Scott Street (north of Scott Street between Irvington Road and 92nd Avenue)
   ZONE: DR (GI Pending)

4. Case No. 13-086 - WITHDRAWN
   (from 7-11-13 & 8-8-13)
   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)
5. Case No. 13-094 (from 8-8-13)  
Habitat for Humanity  
Daniel Brewer  
2204 Ames Avenue  
Omaha, NE 68110  
REQUEST: Waiver of Section 55-206 – Variance to the interior side yard setback from 5’ to 2’; to the minimum lot area from 5,000 sq. ft. to 3,910 sq. ft. and to the minimum lot width from 50’ to 34’, to allow for construction of a new home.  
LOCATION: 2444 South 20th Street  
ZONE: R5

6. Case No. 13-097 (from 8-8-13)  
Flatland Church  
Pastor Bart Wilkins  
4801 North 144th Street  
Omaha, NE 68116  
REQUEST: Waiver of Section 55-830 – Variance to the maximum height for a wall sign from 16’ to 30’.  
LOCATION: 4801 North 144th Street  
ZONE: R4

NEW CASES

7. Case No. 12-010  
Redeemer Church  
Joe Failla  
13831 Industrial Road  
Omaha, NE 68137  
REQUEST: Waiver of Section 55-503 – Variance to the permitted use regulations of the GI District to allow expansion of a Religious Assembly Use.  
LOCATION: 13833 Industrial Road  
ZONE: GI

8. Case No. 13-104  
James Andreasen  
18002 Murray Trail  
Gretna, NE 68028  
REQUEST: Waiver of Section 55-734 & 55-246 – Variance to the front yard setback from 35’ to 6’ and the number of off-street parking stalls from 12 to 5 to allow a dumpster enclosure.  
LOCATION: 4821 Nicholas Street  
ZONE: R7

9. Case No. 13-105  
Susann Shyken  
601 Ridgewood Avenue  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 3’ and the interior side yard setback from 10’ to 3’ to allow a dumpster enclosure.  
LOCATION: 1003 North 48th Avenue  
ZONE: R7

10. Case No. 13-106  
Susann Shyken  
601 Ridgewood Avenue  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 6’ and the interior side yard setback from 10’ to 4’ to allow a dumpster enclosure.  
LOCATION: 1017 North 48th Avenue  
ZONE: R7
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST</th>
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<tbody>
<tr>
<td>13-107</td>
<td>Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 22’ to allow for an 18’8” x 22’ garage addition.</td>
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<tr>
<td>13-108</td>
<td>Waiver of Section 55-206 – Variance to the street side yard setback from 15’ to 9’ to allow for the construction of a new home.</td>
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<tr>
<td>13-109</td>
<td>Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 25.1’ to allow a 7.5’ x 15’ sunroom addition.</td>
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<td>13-110</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>
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<tr>
<td>13-111</td>
<td>Waiver of Section 55-126 – Variance to the maximum impervious coverage from 30% to 50% to allow construction of a new garage.</td>
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<tr>
<td>13-112</td>
<td>Waiver of Section 55-782(b)(6) – Variance to the maximum size of an accessory structure outside of the buildable area from 750 sq. ft. to 1,078 sq. ft., to allow a detached garage/pool house with veranda.</td>
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<td>13-113</td>
<td>Waiver of Section 55-836 – Variance to the front yard setback from 12’ to 3’ for a monument sign.</td>
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<td>Case No.</td>
<td>Requester</td>
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<td>13-114</td>
<td>Edward Pullen</td>
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<td>13-115</td>
<td>Quality First Construction</td>
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