Certification of Publication: Zoning Board of Appeals Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, July 29, 2013 and Thursday, August 1, 2013.

MEMBERS PRESENT: Bert Hancock, Chair  
Brian Mahlendorf, Vice Chair  
Sebastian Anzaldo  
Jacque Donovan  
Teri Teutsch, Alternate

MEMBERS NOT PRESENT: Jonathan Nash, Jr.  
Sean Kelley, Alternate

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator  
RoseMarie Horvath, City Law  
Clinette Warren, Recording Secretary

Mr. Hancock called the meeting to order at 1:03 p.m., introduced the board members, as well as the staff, and explained the procedures for hearing the cases.
LAYOVERS

1. Case No. 13-075
   (from 6-13-13 & 7-11-13)
   GGS, LLC
   4824 Farnam Street
   Omaha, NE 68132
REQUEST: Waiver of Section 55-826(a)(4)(a) – Variance to allow an off-premise advertising sign (billboard) closer than 150’ from the perpendicular distance to a property line of a residential zoning district.
LOCATION: 5555 Center Street
ZONE: GI

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on August 8, 2013, Jerry Slusky and Amanda Veazy (Wait Outdoor) appeared before the Board.

Mr. Slusky stated that, at the request of the Zoning Board of Appeals, the applicant has contracted Robert’s Nursery to install landscaping at the site. He explained that the City of Omaha is working behind the property, which has created a shortage of parking and storage space. The movement of the billboard will allow for the addition of some of the parking that was lost.

Mr. Anzaldo moved to APPROVE in accordance with the revised landscape plan. Ms. Donovan seconded the motion.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had submitted a more detailed landscaping plan as requested; however, he noted that the Planning Department still does not support the request since a permit has already been issued for the billboard in a legal location.

AYES: Anzaldo, Donovan, Mahlendorf, Teutsch, Hancock

MOTION CARRIED: 5-0
2. Case No. 09-73  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.

(from 7-11-13) ZONE: R1-ED, DR-ED & R2-ED

REQUEST: Appeal from decision of Planning Department (see file).

Dan Latenser ZONE: R1-ED, DR-ED & R2-ED

4028 North Post Road

Omaha, NE 68112

The City of Omaha requested that this case be laid over.

Ms. Donovan moved to LAYOVER. Ms. Teutsch seconded the motion.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0
3. Case No. 13-080  

   (from 7-11-13)  

   The Garage Company  
   8301 Q Street  
   Omaha, NE 68127

   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the maximum size for an accessory structure outside the buildable area from 750 sq. ft. to 1,416 sq. ft. to allow for construction of a 936 sq. ft. garage addition to existing detached garage.

   LOCATION: 3905 Aurora Drive  
   ZONE: R2

This request was withdrawn at the request of the applicant.
4. Case No. 13-084  
(from 7-11-13)  
Scott Seaton  
Warehouse 51, LLC  
9864 North 109th Avenue  
Omaha, NE 68142  

REQUEST: Waiver of Section 55-716 & 55-506 – Variance to the required buffer yard between DR (GI pending) and R4/DR from 60’ with screening to 30’ with screening and to the minimum lot width from 100’ to 60’.

LOCATION: 9260 Scott Street (north of Scott Street between Irvington Road and 92nd Avenue)

ZONE: DR (GI pending)

RECOMMENDATION: Approval in accordance with the plans submitted.

The applicant requested that this case be laid over.

Ms. Teutsch moved to LAYOVER. Mr. Hancock seconded the motion.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0
5. Case No. 13-086 (from 7-11-13)  
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 840 sq. ft.

LOCATION: 5844 Pine Street  
ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 8, 2013, Terry Hurt and Royce Connerley appeared before the Board.

Mr. Hurt stated that, after some discussion with the architect, the length of the proposed garage was reduced to 36.5’ from 37’ and the width was reduced to 23’ from 24’. This reduced the square footage being requested from 888 to approximately 840.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department continues to recommend denial since a garage in compliance with city regulations can be built.

Mr. Mahlendorf stated that the proposed garage would be out of context with the neighborhood. Ms. Donovan stated that she would support the applicant building the proposed garage legally in the same location as the existing garage.

There was some discussion about shifting the location of the garage. Mr. Connerly stated that he did not want to build the proposed garage where the existing one is currently located.

Ms. Donovan suggested a layover to allow the applicant time to look into other options.

Mr. Mahlendorf moved to LAYOVER. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Teutsch, Anzaldo, Donovan, Hancock  
MOTION CARRIED: 5-0
6. Case No. 13-091
   (from 7-11-13) Home Building Professionals of Greater Omaha, Inc.
   11205 South 150th Street
   #100
   Omaha, NE 68138

REQUEST: Waiver of Section 55-825(c) – Variance to the maximum sign area for two temporary signs from 32 sq. ft. to 96 sq. ft. for the Street of Dreams event.

LOCATION: 11710 Fort Street & generally at NW corner of 120th Street and Military Avenue

ZONE: DR and R6

RECOMMENDATION: Approval in accordance with the plans submitted, subject to the signs being removed by October 15, 2013.

At the Zoning Board of Appeals meeting held on August 8, 2013, Cari Rasmussen appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is requesting two sign locations for the Street of Dreams event. He stated that the Planning Department supports this type of request due to its temporary nature for a special event. The Planning Department recommended approval subject to the signage being removed by October 15, 2013.

Ms. Rasmussen agreed with the Planning Department’s recommendation.

Ms. Donvan moved to APPROVE in accordance with the plans submitted, subject to the signs being removed by October 15, 2013. Mr. Hancock seconded the motion.

AYES: Teutsch, Anzaldo, Donovan, Mahlendorf, Hancock

MOTION CARRIED: 5-0
NEW CASES

7. Case No. 13-092
Kent Braasch
Essex Communities
11606 Nicholas Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-784(c)(1), 55-784(c)(2), 55-784(d)(2) & 55-786 – Variance to the setback from a public street in a cluster subdivision from 25’ to 17.6’, 17.75’ and 12’; to the setback from other property lines from 20’ to 12.83’; to the setback from a private way from 25’ to 20’; and to the residential fence regulations to allow a 3’ and 5’ solid wall/fence in the front yard setback of a residential district to allow for the construction of 8 cottage homes.

LOCATION: 9515 West Center Road
ZONE: R6-PUD (R5 Cluster Pending)

RECOMMENDATION: Approval in accordance with the plans submitted, subject to the setback for the two (2) eastern homes to be increased to 18’ and providing the necessary turnarounds for the private drives acceptable to the Public Works Department.

At the Zoning Board of Appeals meeting held on August 8, 2013, Kent Braasch and Jerry Slusky appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared before the Planning Board on August 7, 2013 for a platting and rezoning of the property. That request was approved. He added that the Planning Department feels there is a hardship due to the requirement that the applicant dedicate 17’ of right-of-way along 96th Street. He stated that the Planning Department is in support of the request, with the exception of the waiver to the setback from other property lines from 20’ to 12.83’. Mr. Carter explained that the structure could be adjusted to comply with city regulations. He suggested that the applicant work with the Public Works Department to address issues with the turnarounds for the private drives.

In response to Mr. Hancock, Mr. Slusky stated that his client has spoken with Ryan Haas of the Public Works Department regarding the turnaround, noting that it was a condition of approval from the Planning Board. He requested that the Board give consideration to the fact that the applicant was required to dedicate the right-of-way along 96th Street.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Ms. Teutsch seconded the motion.

AYES: Anzaldo, Donovan, Mahlendorf, Teutsch, Hancock

MOTION CARRIED: 5-0
At the Zoning Board of Appeals meeting held on August 8, 2013, Anthony Martin appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the applicant had this property removed from the City's demolition list. Improvement had been made to the property without permits and that there is an open case with Code Enforcement because of various issues. Mr. Carter noted that the applicant does own the vacant property to the south. The Planning Department recommended denial to give the applicant the opportunity to make improvements to the vacant property, thereby, reducing the need for the waivers to the site.

Mr. Martin provided some background information for the property. He noted that the waivers would allow him to complete the construction on the property and bring the property to code. In response to Mr. Hancock, Mr. Martin stated that the facility would be used as a meeting and practice place for an adult drill team. Mr. Hancock stated that the Board supports Mr. Martin’s investment in the neighborhood. Mr. Martin explained that there are currently 8 – 10 parking spaces on the property with additional parking along 19th street. He added that he would possibly use the vacant lot to the south for parking in the future.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted. Ms. Donvan seconded the motion.

In response to Mr. Hancock, Mr. Martin stated that the team would practice twice a week for about two hours.

Mr. Carter suggested that the Board as a condition of approval the additional of a least one handicapped stall on the north side of the building. The Board felt that it was sufficient to make the applicant aware of the handicapped stall, but not to make it a condition of approval.

There was some discussion about the dumping problem in the area. Mr. Martin explained that it continues to be an issue because the location is secluded.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0
9. Case No. 13-094
    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

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 8, 2013, Daniel Brewer appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a new home on a vacant property. The home that was previously on the lot was destroyed by fire. Due to the small size of the lot, waivers are required for construction of the home. He noted that there is a hardship since the size and width of the lot cannot be increased. The Planning Department recommended approval in accordance with the plans submitted. Mr. Carter advised the Board that there was a letter in opposition to the request submitted by the property owner to the north.

In response to Mr. Hancock, Mr. Brewer stated that a narrow house plan is being proposed for the lot. He stated that he has not spoken to the neighbors regarding the project; however, one of the adjacent neighbors did offer to purchase the lot. Habitat for Humanity declined that offer. Mr. Anzaldo felt that it would be appropriate for the applicant to have some discussion with the neighbors about the project, especially because of the small size of the lot. Ms. Donovan also agreed that the applicant should speak with the neighbors and also continue to work on a design with a side yard setback that is greater than the 2’ being proposed.

Ms. Donovan moved to LAYOVER. Ms. Teutsch seconded the motion.

There was some discussion about an alternate design for the home.

Linda McFarland (2446 South 20th Street) appeared in opposition to the request. She expressed concern with the close proximity of the proposed home to her residence and the small size of the lot. Mr. Hancock responded that the Board was giving the applicant an opportunity to meet with the neighbors with the purpose of reaching a compromise regarding the project.

AYES: Mahlendorf, Teutsch, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
10. Case No. 13-095
Anthony and Janie Woods
5417 North 65th Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 20’3” to allow for a house addition.

LOCATION: 5417 North 65th Street
ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 8, 2013, Janie Woods appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a 12’ x 23.5’ home addition in place of an existing wood deck to the rear of the home. The proposed addition will extend into the rear yard setback by approximately 5’. The applicant has stated that a relative must live with them because of health issues. The Planning Department stated that there was no hardship or practical difficulty since a smaller additional can be built in compliance with city regulations and, therefore, recommended denial.

In response to Mr. Hancock, Ms. Woods stated that the addition would include a foundation and would give provide extra room for her mother and visitors. She further stated that she has spoken with her neighbors and they have no objection to the addition. The addition will match the house.

Ms. Donovan noted that there is no one directly behind the home that would be affected by the addition.

Mr. Anzaldo moved to APPROVE. Mr. Mahlendorf seconded the motion.

Mr. Mahlendorf further noted that there would be minimal to no impact on the adjacent neighbors with the construction of the addition.

AYES: Teutsch, Anzaldo, Donovan, Mahlendorf, Hancock

MOTION CARRIED: 5-0
11. Case No. 13-096
   Dean and Linda Fajen
   4916 Franklin Street
   Omaha, NE 68104

   REQUEST: Waiver of Section 55-186 – Variance to the interior side yard setback from 5’ to 3’ to allow for a 9’x23’ addition to existing attached garage.

   LOCATION: 4916 Franklin Street
   ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 8, 2013, Dean Fajen appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a 9’ x 23’ addition to the existing attached garage. The applicant is proposing to have the addition match the current 3’ setback for the garage. The Planning Department believes that there is no hardship or practical difficulty since an addition could be constructed in compliance with regulations and, therefore, recommended denial.

Mr. Hancock stated that the Board had driven by the property and noticed that a pool and terraces in the backyard, which raised concerns regarding the amount of impervious coverage. Mr. Fajen responded that the amount of impervious coverage had not been calculated. Mr. Hancock stated that, as a compromise, the applicant may be required to remove one of the other structures in the backyard in exchange for the garage. Mr. Mahlendorf warned the applicant that he may face issues with impervious coverage when he applies for a permit, requiring him seek additional waivers from the Board. In response to Mr. Carter, Mr. Fajen agreed to take steps to ensure that he does not exceed the amount of impervious coverage.

Mr. Mahlendorf moved to APPROVE. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Mahlendorf, Teutsch, Hancock

MOTION CARRIED: 5-0
12. Case No. 13-097
Flatland Church
Pastor Bart Wilkins
4801 North 144th Street
Omaha, NE 68116
REQUEST: Waiver of Section 55-186 & 55-830 – Variance to the maximum impervious coverage from 50% to 59%; to the overall total permitted sign area from 32 sq. ft. to 68 sq. ft.; to the maximum height for a wall sign from 16’ to 30’, to allow for a building addition and parking lot expansion.
LOCATION: 4801 North 144th Street
ZONE: R4

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 8, 2013, Terry Morrison (Ehrhart Griffin & Associates) appeared before the Board.

Mr. Hancock noted that, although the City has recommended approval of the request, the Board was concerned about the existing monument sign.

Ms. Donovan moved to APPROVE in accordance with the plan submitted subject to the overall permitted sign area not exceeding 32 square feet. Also, if signage is added to the building the monument sign must be removed.

In response to Ms. Donovan, Mike Carter, Zoning Board of Appeals Administrator, stated that the monument sign probably exceeds the 32 square feet. He explained that a Conditional Use Permit was approved for the project at the June 5, 2013 Planning Board meeting. He mentioned to the Board that making changes could require the applicant to appear before the Planning Board again. Mr. Carter stated that the 68 square feet includes both the wall and monument signs. Ms. Donovan suggested that the applicant come back before the Zoning Board of Appeals with an updated sign plan that addresses the monument sign. The Board decided to approve a portion of the waiver and layover the other, which would the applicant to proceed with construction.

Ms. Donovan moved to APPROVE the variance to the maximum impervious coverage from 50% to 59%. Ms. Teutsch seconded the motion.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0

Ms. Donovan moved to LAYOVER the request for the overall permitted sign area from 32 sq. ft. to 68 sq. ft. and to the maximum height or a wall sign from 16’ to 30’. Ms. Teutsch seconded the motion.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0
13. Case No. 13-098
   Brian Lorenz
   c/o Starbucks
   7007 Discovery Boulevard
   Dublin, OH 43017
   REQUEST: Waiver of Section 55-345 – Variance to the permitted use regulations of the LC District to allow a Restaurant (Drive-In) use type.
   LOCATION: 15771 West Dodge Road
   ZONE: LC-ACI-4(PL)

RECOMMENDATION: Approval in accordance with the plans submitted, subject to this user only.

At the Zoning Board of Appeals meeting held on August 8, 2013, Jason Ruegg (C.B. Richard Ellis/MEGA), Paul Cox (C.B. Richard Ellis/MEGA), and Tim Lueck (Starbucks) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to open a restaurant at the site of the former Omaha State Bank. Due to the location’s Limited Commercial zoning, the applicant is requesting a waiver to allow a drive thru restaurant. The Planning Department supports the request considering the location of the restaurant and recommends approval, subject to this user only. The Planning Department suggests that the applicant consider constructing a raised curb to prevent cars from cutting into the drive thru lane and to make efforts to minimize any noise from the drive thru speakers into the residential properties to the south.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Mahlendorf seconded the motion.

AYES: Mahlendorf, Teutsch, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
14. Case No. 13-099
Bonnie Cosentino-Welsch
1010 South 67th Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall privacy fence in the front yard setback.

LOCATION: 1010 South 67th Street
ZONE: R4(35)

RECOMMENDATION: Approval, subject to the privacy fence being no closer than 15’ from the front property line.

At the Zoning Board of Appeals meeting held on August 8, 2013, Bonnie Cosentino-Welsch appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated the applicant is requesting a waiver to allow a 6’ tall privacy fence in the front yard setback. The Planning Department believes that there is a hardship and recommends that the fence be installed 15’ from the property line, matching the side yard setbacks of the adjacent properties. The Planning Department recommended approval subject to the 6’ privacy fence being no closer than 15’ from the front property line.

Mr. Malendorf stated that the Planning Department rarely approves fences in the setback, but decided that it is appropriate in this case.

Mr. Mahlendorf moved to APPROVE the request subject to the 6’ privacy fence being no closer than 15’ from the front property line. Ms. Donovan seconded the motion.

Ms. Cosentino-Welsch submitted letters of support from her neighbors (Exhibit B) and explained the reasons for her request.

Mark Welsh (5611 Howard Street) appeared in support of the request. He presented several pictures of the property from various angles. He explained that no cars or pedestrians pass the property since it is located on a dead-end street. Ms. Welsh stated that her property is not identified nor does it provide privacy for the adjacent neighbors. Mr. Welsh submitted pictures of the property (Exhibit C).

AYES: Teutsch, Anzaldo, Donovan, Mahlendorf, Hancock

MOTION CARRIED: 5-0
15. Case No. 13-100

REQUEST: Waiver of Section 55-734 – Variance to the minimum number of off-street parking stalls from 46 to 11 to allow for a Guidance Services use.

LOCATION: 812 South 24th Street & 817 South 25th Street

ZONE: DS-ACI-1(50)

RECOMMENDATION: Approval in accordance with the plans submitted, subject to this user only.

At the Zoning Board of Appeals meeting held on August 8, 2013, Rebecca Harding appeared before the Board on behalf of Together, Inc.

Ms. Harding stated that Together, Inc. is a homelessness prevention agency that is planning to move into an existing building. She explained that, based on calculations for the building, parking would be deficient by approximately 33 spaces. She further explained that most of the clients do not have cars and use mass transit to get to the facility.

Mr. Anzaldo moved to APROVE in accordance with the plans submitted, for this user only. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Mahlendorf, Teutsch, Hancock

MOTION CARRIED: 5-0
16. Case No. 13-101
D.E. Bomberger, Jr.
Stephen Center, Inc.
2723 Q Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-246, 55-734, 55-735(a)(1), 55-738 & 55-763(c)(2)(b) – Variance to the front yard setback from 35’ to 5’; to the street side yard setback from 15’ to 0’; to the maximum floor area ratio from 1.0 to 1.35; to the maximum impervious coverage from 70% to 80%; to the maximum number of residents from 16 to 194; to the minimum number of off-street parking stalls from 97 to 22; to the number of handicapped stalls from 1 to 0; to allow off-street parking for a Large Group Living use in the front yard setback, to allow construction of a Large Group Living facility.

LOCATION: 2723 Q Street
ZONE: HI-CC(R7-MCC pending)

RECOMMENDATION: Approval in accordance with the plans submitted, subject to the handicapped stalls to the west of the proposed building complying with Public Works design standards.

At the Zoning Board of Appeals meeting held on August 8, 2013, Dale Bomberger and Doug Kellner (Thompson, Dreesen & Dorner, Inc.) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the project was recommended by the Planning Board for a Special Use Permit for Large Group Living at its June 2013 meeting, subject to the approval of the waivers from the Zoning Board of Appeals. The Special Use Permit will replace the Conditional Use Permit for a Group Home that was issued in 1998. He noted that the services provided by the facility are in high demand in the community. The Planning Department supports the request and recommends approval in accordance with the plans submitted, subject to the handicapped stalls to the west of the proposed building complying with Public Works design standards.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the handicapped stalls to the west of the proposed building complying with Public Works design standards. Mr. Hancock seconded the motion.

AYES: Donovan, Mahlendorf, Teutsch, Anzaldo, Hancock

MOTION CARRIED: 5-0
17. Case No. 13-102  
Pat McNeil  
Aspen Opportunities, LLC  
4666 South 132nd Street  
Omaha, NE 68137  

REQUEST: Waiver of Section 55-246, 55-715 & 55-740(f) – Variance to the front yard setback from 35’ to 28’; to the maximum impervious coverage from 70% to 79%; to the minimum street yard landscaping depth from 10’ to 3’; to the minimum street yard landscaping percentage from 50% to 30%; to the perimeter parking lot landscaping from 5’ to 0’, to allow for an apartment building.

LOCATION: 11101 & 11103 M Street  
ZONE: CC

RECOMMENDATION: Approval in accordance with the revised plans submitted.

At the Zoning Board of Appeals meeting held on August 8, 2013, Jeff Anderson (McNeil Company) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the plans for this project had been revised. The new plans eliminated the need for waivers to the front yard setback and the street yard landscaping depth. He noted that the Planning Board had approved a Conditional Use Permit for Multiple Family Residential use subject to conditions. He also explained that this site is in a mostly commercial and industrial area and the requested waivers would not be out of character with the area. The Planning Department recommended approval in accordance with the revised plans submitted.

Mr. Anzaldo moved to APPROVE in accordance with the revised plans submitted. Ms. Teutsch seconded the motion.

In response to Mr. Mahlendorf, Mr. Anderson stated that the applicant has chosen to build in the area with the hopes of revitalizing neighborhood. He expressed the hope that persons working in the surrounding building would choose to live in the neighborhood.

AYES: Mahlendorf, Teutsch, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
18. Case No. 13-103
Tim Huber
5036 South 135th Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-735(b) – Variance to allow an off-street parking facility for a non-residential use within the front/street side yard setback of a residential zoning district.

LOCATION: 7001 Oak Street
ZONE: R7-ACI-4(PL)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 8, 2013, Lavonne Plambeck and Ken Sorenson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to install a drive-through, drop-off for a Montessori school. The Planning Department found that there is no hardship or practical difficulty since there is on-street parking available for drop-offs. Mr. Carter mentioned that the site lacks sidewalks which should have been constructed along with the building. Also, any improvements to the site, including a playground area, must meet setback requirements. The Planning Department recommended denial.

There was some discussion about the installation of sidewalks. Ms. Donovan suggested that sidewalks be required when another business moves into an adjacent property.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to sidewalks being added once the adjacent parcels (buildings) are developed. Ms. Donovan seconded the motion.

AYES: Teutsch, Anzaldo, Donovan, Mahlendorf, Hancock

MOTION CARRIED: 5-0
APPROVAL OF MINUTES

The minutes for the July 11, 2013 meeting will be approved at the September 12, 2013 meeting.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:53 p.m.

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Clinette Warren, Secretary