ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, October 9, 2014 - 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: Brian Mahlendorf, Chair; Jacque Donovan, Vice-Chair; Sebastian (Subby) Anzaldo; and Jason Lanoha. 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, October 9, 2014 at 9:00 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 29, 2014 (for use waivers only) and Thursday, October 2, 2014.

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) 444-5150 x2063. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5150 x2061, 72 hours in advance.
### LAYOVERS:

1. **Case No. 14-042**  
   *(From 4/10/14, 5/8/14, 6/12/14 & 8/14/14)*  
   - Lamar Outdoor Advertising  
   - TLC Properties  
   - 4849 “G” Street  
   - Omaha, NE 68117  
   **REQUEST:** Waiver of Section 55-853(a) – Variance to allow an electronic off-premise sign closer than 700’ to an existing standard off-premise sign.  
   **LOCATION:** 4409 Dodge Street  
   **ZONE:** CC-ACI-2(50)

2. **Case No. 14-095**  
   *(From 9-11-14)*  
   - Dennis Kosmicki  
   - 8704 Boyd Street  
   - Omaha, NE 68134  
   **REQUEST:** Waiver of Section 55-108 – Variance to the front yard setback from 50’ to 40.1’ to enclose an existing porch.  
   **LOCATION:** 8704 Boyd Street  
   **ZONE:** DR

3. **Case No. 14-096**  
   *(From 9-11-14)*  
   - Mark Harral  
   - 4802 South 90th Street  
   - Omaha, NE 68127  
   **REQUEST:** Waiver of Section 55-782(b)(6) – Variance to the front yard setback from 60’ to 35’ to allow for construction of a 2-story garage addition.  
   **LOCATION:** 8866 Holmes Street  
   **ZONE:** R7

4. **Case No. 14-100**  
   *(From 9-11-14)*  
   - Clif Poling  
   - Best Lawns, Inc.  
   - 2205 North 88th Street  
   - Omaha, NE 68134  
   **REQUEST:** Waiver of Section 55-126 & 55-782(b)(2) – Variance to the rear yard setback from 35’ to 4’, to the interior side yard setback from 25’ to 4.5’, and to allow a patio as close as 4’ from the rear property line for the construction of a new pool house structure and patio.  
   **LOCATION:** 1314 North 141st Avenue  
   **ZONE:** R1

### NEW CASES:

5. **Case No. 14-101**  
   - Von Maur  
   - 10010 California Street  
   - Omaha, NE 68114  
   **REQUEST:** Waiver of Section 55-836 – Variance to the maximum height for three (3) wall signs from 35’ to 50’.  
   **LOCATION:** 10010 California Street (Westroads Mall)  
   **ZONE:** CC

6. **Case No. 14-102**  
   - Immaculate Conception Church  
   - 2708 South 24th Street  
   - Omaha, NE 68106  
   **REQUEST:** Waiver of Section 55-832 – Variance to the front yard setback from 12’ to 0’ to allow a monument sign.  
   **LOCATION:** 2708 South 24th Street  
   **ZONE:** R7-ACI-1(50)
7. **Case No. 14-103**  
   **Jared Gerber**  
   9312 Leavenworth Street  
   Omaha, NE 68114

    REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 36’ to construct a covered porch with columns.  
    LOCATION: 306 South 68th Street  
    ZONE: R2

8. **Case No. 14-104**  
   **Dan Nedved**  
   8110 Keystone Drive  
   Omaha, NE 68134

    REQUEST: Waiver of Section 55-308 – Variance to the maximum impervious coverage from 65% to 69% to provide additional parking on the site.  
    LOCATION: 8305 Gold Street  
    ZONE: LO

9. **Case No. 14-105**  
   **Lund Company**  
   450 Regency Parkway, Suite 220  
   Omaha, NE 68114

    REQUEST: Waiver of Section 55-933(c) – Variance to the minimum size of a business center from 10 acres to 3.79 acres to allow installation of a business center identification sign.  
    LOCATION: 2120 South 72nd Street  
    ZONE: GO-ACI-2(65)

10. **Case No. 14-107**  
    **Lina and John Schwisow**  
    2341 North 61st Street  
    Omaha, NE 68104

    REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 10’ to construct a new 7’x12’ deck and stairs.  
    LOCATION: 2341 North 61st Street  
    ZONE: R4(35)

11. **Case No. 14-108**  
    **Amy Sladovnik**  
    7637 Fairway Drive  
    Omaha, NE 68152

    REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 29’ and to the rear yard setback from 25’ to 23’ to construct a new home and deck.  
    LOCATION: 11025 Oak Street  
    ZONE: R3

12. **Case No. 14-109 WITHDRAWN**  
    Omaha, NE

    REQUEST: Waiver of Section 55-782(b)(6) – Variance to the street side yard setback from 17.5’ to 4’ to construct a 10’x10’ detached shed.  
    LOCATION:  
    ZONE: R3

13. **Case No. 14-110**  
    **Ryan Sheedy**  
    10530 Woolworth Avenue  
    Omaha, NE 68124

    REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 35’ to construct a house addition.  
    LOCATION: 10530 Woolworth Avenue  
    ZONE: R1
14. Case No. 14-111
Douglas County School Dist. 0001
4041 North 72nd Street
Omaha, NE 68102

REQUEST: Waiver of Section 55-186 and 55-786 – Variance to the maximum impervious coverage from 50% to 60% and to the residential fence regulations to allow a 6’ tall fence in the front yard setback of a residential district, for construction of an early childhood center.

LOCATION: 4304 North 33rd Street
ZONE: R4(35)

15. Case No. 14-112
Jason Miller
13937 Greenfield Road
Omaha, NE 68138

REQUEST: Waiver of Section 55-865(b) – Variance to allow enlargement of an existing non-conforming use.

LOCATION: 2519 South 26th Street
ZONE: GI

9/22/14