ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, September 11, 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: Robert (Bert) Hancock, Chair; Brian Mahlendorf, Vice Chair; Jacque Donovan; 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, September 11, 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 1, 2014 (for use waivers only) and Thursday, September 4, 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. 14-080
   (from 8-14-14)
   Heather Kirk
   Santa Monica, Inc.
   130 North 39th Street
   Omaha, NE 68130
   REQUEST: Waiver of Section 55-764(c)(1) – Variance to allow a proposed Transitional Living use within ½ mile of an existing Transitional Living use with a Reasonable Accommodation request.
   LOCATION: 401 South 39th Street
   ZONE: GO-ACI-1(PL)

NEW CASES:

3. Case No. 14-093
   Tim & Mary Sheehan
   604 North 65th Street
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-126 – Variance to the maximum impervious coverage from 30% to 44%; to the interior side yard setback from 25’ to 9’; and to the rear yard setback from 35’ to 7’6” to construct a detached shed and deck.
   LOCATION: 604 North 65th Street
   ZONE: R1

4. Case No. 14-094
   PDI Construction
   P.O. Box 522
   Gretna, NE 68028
   REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 9 to 0 to allow expansion of the existing Cocktail Lounge use.
   LOCATION: 5216 & 5218 North 24th Street
   ZONE: GC

5. Case No. 14-095
   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

6. Case No. 14-096
   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
7. Case No. 14-097  
Clarkson Memorial Hospital  
988145 Nebraska Medical Center  
Omaha, NE 68198  
REQUEST: Waiver of Section 55-406 – Variance to the maximum building coverage from 70% to 79% to construct a parking garage.  
LOCATION: 4111 Harney Street  
ZONE: GC-ACI-1(PL)

8. Case No. 14-098  
Ryan Durant  
Omaha Housing Authority  
540 South 27th Street  
Omaha, NE 68105  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow an ornamental fence with brick columns taller than 4’ in the front/street side yard setbacks of a residential district.  
LOCATION: 5900 Northwest Radial Highway  
ZONE: R8

9. Case No. 14-099  
Joseph Finelli  
11933 Hickory Road  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, privacy fence in the street side yard setback of a residential district.  
LOCATION: 11933 Hickory Road  
ZONE: R2

10. Case No. 14-100  
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