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, November 3, 2014 and Thursday, November 6, 2014.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Michael Aspen
Sebastian Anzaldo
Jason Lanoha

MEMBERS NOT PRESENT: Sean Kelley, Alternate
Teri Teutsch, Alternate

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

Mr. Mahlendorf called the meeting to order at 1:00 p.m., introduced the Board members and staff, and explained the procedures for hearing the cases.
Layovers:

1. Case No. 14-107 (from 10/9/14)  
   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 11' to construct a new 6'x12' covered deck and stairs.  
   Location: 2341 North 61st Street  
   Zone: R4(35)  

Recommendation: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Lina and John Schwisow appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that this case had been laid over to allow for advertisement of the covered deck and to give the applicant the opportunity to revise their plans. A revised plan was submitted which showed a 6'x12' covered deck and cover, which was slightly smaller than what was originally proposed. The Planning Department believed that a legal stoop could be constructed on the property without a cover and, therefore, recommended denial.

Ms. Schwisow stated that the reasons for the proposed front porch were mostly aesthetic.

Mr. Carter noted that there was a letter in opposition to the request. In response to Ms. Donovan, Ms. Schwisow stated that the materials used for the deck would match the existing home. Ms. Schwisow presented a picture of another home in the neighborhood with similar features.

Ms. Donovan moved to APPROVE in accordance with the plans submitted subject to the materials matching the existing home. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
2. 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

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014 Scott Sladovnik appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that this case had been laid over to give the applicant time to address issues with the building permit and inspections. He stated that the applicant had submitted plans that had been reviewed and approved by city staff. He explained that the city does not typically support waivers for vacant lots and that any new construction should comply with zoning regulations. The Planning Department recommended denial.

Mr. Sladovnik explained that new plans were submitted for new construction and not renovation.

Ms. Donovan inquired about plans for the front walk. She suggested that it be located at least 15’ from the property line and that some landscaping be installed along the front of the home for the benefit of the neighbors. She indicated that the walkway should be situated to the south of the existing tree and that the landing for the stairs be no greater than 5’x6’.

In response to Mr. Lanoha, Chris Antoniak, the applicant’s current general contractor, stated that he had not been charged a quad fee for any permits. John Albino, the previous contractor, also appeared before the Board. He explained that there were footings under the original structure; however, there was no rebar in the footings which caused them to deteriorate.

Ms. Donovan moved to APPROVE in accordance with the revised plans submitted subject to the walkway being located to the south of the existing tree and the landing shall be no greater than 5’x6’. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

3. Case No. 14-106
   Chris J. Walling
   2106 South 49th Street
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-186 – Variance to the
   rear yard setback from 25’ to 4’10” to
   enlarge an existing detached garage.
   LOCATION: 2106 South 49th Street
   ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014 Chris Walling appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 4.7’ x 14.3’ addition to an existing detached garage. The addition would fill in a notch at the rear of the structure. The applicant planned to repair the back wall of the existing garage as part of the project. With the addition, the garage would exceed the 750 square foot maximum at the current setback resulting in the need for a waiver.

The Planning Department believes that new construction should comply with zoning regulations and, therefore, recommended denial.

Mr. Walling explained that he was attempting to increase the square footage of the garage and make improvements to his property. He stated that he had spoken with his adjacent neighbors and that they had no objections to the project.

Ms. Donovan noted that the footprint of the garage would not change and that it would be no closer to the adjacent property than it currently was.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 14-113
Jose Ramirez
901 South 33rd Street
Omaha, NE 68105

REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15’ to 6’ to construct an 8’x15’ deck.

LOCATION: 901 South 33rd Street
ZONE: R4

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014 Jose Ramirez appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a deck to the rear of the existing home. The deck as proposed would encroach into the street side yard setback, creating the need for the waiver. The deck would match the setback of the existing home. The Planning Department found no hardship or practical difficulty and believed that any new construction should comply with the required setback and, therefore, recommended denial.

The representative for the applicant explained that insurance for the home was cancelled because there was no deck outside of the door. Mr. Mahlendorf noted that the deck would not have a greater setback than the home.

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 14-114
Mercury Contractors
Danielle Dring
4222 Davenport Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-126 - Variance to the front yard setback from 50' to 44' and to the interior side yard setback from 25' to 16' to construct a home addition.

LOCATION: 8225 Jackson Street
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014 Duane Kind, Owner, Danielle Dring, and Jeff Gehring appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a large addition to the front of the existing home which would encroach into the front yard and interior side yard setbacks. The Planning Department found that there was ample space for a home addition on the site and that there was no hardship or practical difficulty that would justify encroachments into the required setbacks. He noted that few, if any, waivers had been granted in that neighborhood of the front yard setback. The Planning Department recommended denial.

Mr. Kind explained that he was attempting to improve the look of the home and make it wheelchair accessible for the future. He stated that he had spoken with his neighbors and that none had any issues with the project.

Mr. Mahlendorf stated that the Board had visited the property and were mainly concerned with the side yard. Mr. Kind responded that the new space would be the living room and dining room. He explained that he was attempting to make the home all one level. Ms. Dring presented an example of another side yard in the neighborhood that had been reduced in size along with other properties with modifications. Mr. Mahlendorf noted that a letter of support from the property owner at 540 Ridgewood Drive had been submitted for the project.

In response to Mr. Lanoha, Mr. Kind explained that the addition would reduce the length of the driveway and would allow him to construct a master bath and bedroom. He added that the addition would allow him and his wife to continue to reside in the home long-term. Referring to the aerial photos of the neighborhood, Mr. Mahlendorf noted that the requested waivers were similar to other nearby properties.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
   Patrick Malloy
   6069 Maple Street
   Omaha, NE 68104

REQUEST: Waiver of Section 55-246 & 55-734 - Variance to the minimum lot area from 1,500 sq. ft. to 1,423 sq. ft., 1,430 sq. ft. and 1,187 sq. ft.; to the minimum lot width from 20’ to 19.1’; to the maximum building coverage from 60% to 62.2%; to the maximum impervious coverage from 70% to 85.2%; to the minimum site area per unit from 2,000 sq. ft. to 1,554.5 sq. ft.; to the front yard setback from 35’ to 0’; to the street side yard setback from 15’ to 0’; to the interior side yard setback from 7’ to 6’; to the rear yard setback from 25’ to 9.5’; and to the minimum number of off-street parking stalls from 2 to 0 for each unit, to allow the property to be subdivided into 6 individual townhome units.

LOCATION: 3003 Pacific Street
ZONE: R7

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on November 13, 2014, Patrick Malloy appeared before the Board.

Mr. Aspen explained that he would be recusing himself from this case.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to subdivide the property into six separate lots to allow for individual sales of the townhome units. He noted that, although numerous waivers were being requested, they were the result of existing conditions. The Planning Board approved the platting of the property at its September meeting, subject to approval of the requested waivers by the Zoning Board of Appeals. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

In response to Ms. Donovan, Mr. Malloy stated that residents would park on the street. He added that there were negotiations with the owner of a lot across the street for parking.

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

AYES: Donovan, Lanoha, Anzaldo, Mahlendorf

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1
7. Case No. 14-116
   Martin Vasquez
   9105 Raven Oaks Drive
   Omaha, NE 68152
   REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 34’ and to the interior side yard setback from 10’ to 3’ to construct a 12’x21’ garage addition.
   LOCATION: 9105 Raven Oaks Drive
   ZONE: R2-ED

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, the applicant was not able to appear before the Board.

The Board decided to vote for a layover to give the applicant the opportunity to appear.

Ms. Donovan moved to LAYOVER. MR. Lanoha seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 14-117
Matt Dworak
519 North 41st Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-786(e) – Variance to the residential fence regulations to allow a 6’ tall privacy fence in the street side yard setback of a residential district.

LOCATION: 519 North 41st Street
ZONE: R3

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Matt Dworak appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had removed an existing chain link fence from his property and started construction of a 6’ tall, privacy fence up to the street side yard property line along California Street. The applicant had submitted an updated survey which indicated the location of the property lines. The Planning Department found no hardship or practical difficulty and believed that a fence in compliance could be constructed on the site and, therefore, recommended denial.

Mr. Dworak explained that he wanted to the fence for his dog. He further explained that if the fence was placed legally it would be too close to his home. Ms. Donovan suggested a board-on-board fence instead of the solid fence being proposed. She also noted that there is a sharp slope on the applicant’s property which would make the fence appear shorter than it actually would be.

Mr. Anzaldo noted the letters of support for the request.

Ms. Donovan moved to APPROVE in accordance with the plans submitted subject to the applicant installing a board-on-board fence. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 14-118  
Giacinto Donato  
1527 North 94th Street  
Omaha, NE 68114

REQUEST: Waiver of Section 55-186 & 55-187(e) – Variance to the front yard setback from 35’ to 19’ and to the street side yard setback from 15’ to 5.5’ to construct 2 decks and stairs.

LOCATION: 4602 South 31st Street
ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Giacinto “Jack” Donato appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had removed the front porch from the existing home and was proposing to construct two decks on the front of the home. The lower deck would be 6’x16’ and will replace the former enclosed front porch; the other is a 6’x10’ Juliet balcony on the second floor. Both would encroach into the required front and street side yard setbacks resulting in the need for the waivers. The applicant indicated that the proposed decks would have similar setbacks as his neighbors. The Planning Department believed that the construction should comply with zoning regulations and, therefore, recommended denial.

Mr. Donato explained that the previous porch sat on three, unstable cinder blocks that were sinking. He wanted to build a two-tier deck with a door off of the second-level bedroom. The door would also be installed for safety reasons, providing an exit from the kitchen.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 14-119

Neil Lindquist
8509 Westridge Drive
Omaha, NE 68124

REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 28’ to construct a new deck and stairs.

LOCATION: 8509 Westridge Drive
ZONE: R3-FF

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Neil Lindquist appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct a 4’x16’ deck and stairs at the front of the home that would encroach into the front yard setback. It would replace the current deck and would not encroach any farther into the setback than the existing deck already does. The Planning Department believed that the new deck should comply with zoning regulations and, therefore, recommended denial.

In response to Mr. Mahlendorf, Mr. Lindquist stated that the proposed deck would be the same size as the current deck, but would have a side entrance instead of the front entrance.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 14-120
   Omaha Door & Window
   Mike McLaughlin
   4665 G Street
   Omaha, NE 68117
   REQUEST: Waiver of Section 55-126 - Variance to the rear yard setback from 35’ to 14’ to construct a 12’x14’ sunroom addition.
   LOCATION: 9530 Davenport Street
   ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Mike McLaughlin appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 12’x14’ sunroom to the rear of the property that would encroach into the required rear yard setback. He explained that any new construction should comply with zoning regulations. The Planning Department found no hardship or practical difficulty to allow the addition and, therefore, recommended denial.

Mr. McLaughlin explained that the rear of the home was the best location for the sunroom since it is surrounded by taller bushes and a tree on all sides. He added that the neighbor to the rear of the proposed addition had no objections to the project.

Ms. Donovan noted that most of the homes in the neighborhood are have large front yard setbacks making it somewhat difficult to construct and addition in the backyard that would not encroach. In response to Mr. Lanoha, Mr. McLaughlin stated that a retaining wall and bushes separates the home from the neighbor to the rear.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 14-121
Russell Finch Construction
2114 South 47th Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-782(b)(6) – Variance to the front yard setback from 60’ to 35’ to construct a 24’x30’ detached garage.

LOCATION: 21025 Timberlane Circle
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Rodney Anderson, Homeowner, and Russell Finch appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a detached, two-car garage that extends into the required front yard setback. He noted that there was no hardship or practical difficulty and that new construction should comply with the setbacks. As proposed, the garage would be closer to Timberland Circle than the existing home. He added that no other homes in the neighborhood have been granted waivers for a garage as close to the property line as was being proposed. The Planning Department recommended denial.

Mr. Anderson stated that there is a large slope on the property. He added that he was attempting to place the garage between two existing trees. He explained that there is a large lot behind the home that is not accessible because of several existing trees on the east. He stated that he spoke with his neighbor directly to the west who indicated that they had no issues with the request.

In response to Ms. Donovan, Mr. Anderson stated that he could amend his request so that the setback would be at 40’ instead of 35’. Ms. Donovan reasoned that it would be similar to another neighbor who was previously granted a 40’ setback.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to a 40’ setback from the front property line. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 14-122
Grace Reformed Church
5151 North 93rd Street
Omaha, NE 68134

REQUEST: Waiver of Section 55-734 & 55-737 - Variance to the minimum number of off-street parking stalls from 121 to 80 and to allow more than 40% of the spaces as compact stalls, for a Religious Assembly use.

LOCATION: 344 North 115th Street
ZONE: CC

RECOMMENDATION: Approval in accordance with the plans submitted, for this applicant only.

At the Zoning Board of Appeals meeting held on November 13, 2014, Perry Poyner (408 South 88th Street) and Phil Belin (12341 Westover Road) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that, based on the capacity of the sanctuary for this location, 121 parking stalls were required. The site currently provides 80 stalls, 45% of which are compact stalls. The applicant had discussed parking arrangements with neighboring lots so that additional stalls are available when needed, mainly on Sundays. The Planning Department believed that there is sufficient off-street parking available in the surrounding neighborhood for the times when the applicant would need it and, therefore, recommended approval in accordance with the plans submitted for this applicant only.

Mr. Belin stated that letters of intent had been entered into with the owners of 338 North 15th Street and 275 North 115th Street. Copies of those letters are in the case file. The applicant mentioned that there are another 10 – 15 parking stalls available on the street if needed.

Ms. Donovan moved to APPROVE in accordance with the plans submitted for this applicant only. Mr. Aspen seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 14-123  
Team J Sales  
Joe Hahn  
3310 H Street  
Omaha, NE 68107  

REQUEST: Waiver of Section 55-183 – Variance to the permitted use regulations of the R4 district to allow a Warehousing & Distribution (Limited) use.  

LOCATION: 4305 South 34th Street  
ZONE: R4  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Todd Whitfield Lamp, Rynearson & Associates) and Joe Hahn appeared before the Board.

Mr. Anzaldo stated that he would not be voting on this case due to personal interests he has in the neighborhood.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to put a maintenance building and parking lot on this vacant property that is zoned residential. The residential zoning regulations do not permit an industrial use in a residential district. Mr. Carter explained that this property has been designated by the Master Plan for Low-Density Residential which is consistent with what currently exists on the block. He added that permitting the industrial use would be detrimental to the residential neighborhood. The Planning Department strongly believes that the property should not be used for that purpose. It was determined that there was no hardship or practical difficulty that would allow the property to be used for industrial purposes. The Planning Department recommended denial.

The applicant stated that the lot he wants to use has been empty at least since 1957. He added that he had spoken with the neighbors and that they were in support of the project. Because of water runoff issues, he felt that no one would want to build a home on the lot.

Mr. Lanoha inquired as to why the applicant chose the Zoning Board of Appeals for his request, when he could have applied to have the property rezoned or chosen an overlay. Mr. Whitfield responded that the Planning Department would only support a Parking Overlay District which is not sufficient because the applicant needs to put maintenance building on the lot. Mr. Hahn explained that his current industrial space is full of inventory which is why he needs an additional building. Mr. Whitfield also thought that his client would be able to expedite the process by appearing before the Zoning Board of Appeals.

Mr. Carter stated that it would take approximately three months for the applicant to go through the rezoning process. He noted that additional waivers would be needed for parking, setbacks, and other issues. The overlay process was briefly discussed. Mr. Carter suggested that the applicant apply for a site plan review so that the City could determine what waivers were needed. The Board stated that they would support the project if waivers were needed for construction up to the rear property line.

Ms. Donovan moved to LAYOVER for up to 120 days to give the applicant the opportunity to examine other alternatives for the project. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Aspen, Mahlendorf  
ABSTAIN: Anzaldo  
MOTION CARRIED: 4-0-1
15. Case No. 14-124
Team J Sales
Joe Hahn
3310 H Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-526 – Variance to the front yard setback from 50’ from center line to 35’ & 30’ from center line; and to the rear yard setback from 10’ to 0’ to construct building additions.

LOCATION: 3310 H Street
ZONE: HI

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Todd Whitfield (Lamp, Rynearson & Associates) and Joe Hahn appeared before the Board.

The applicant requested that this case be heard before Case 14-123.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct three additions to the existing facility in a phased development plan. The additions would add over 47,000 square feet to the facility. The Planning Department found no hardship or practical difficulty and believed that any new construction should comply with regulations. He noted that, although no formal site plan review had been completed, it appeared that additional waivers would be needed for the buffer yard and possibly for off-street parking. The applicant indicated that his operation had outgrown the site. Public Works expressed concerns regarding the proposed loading dock, the addition of another curb cut, and delivery trucks maneuvering in the street. The Planning Department recommended denial.

Mr. Mahlendorf explained to the applicant that the case would need to be laid over to address the other waivers that had not been requested. Mr. Whitfield objected to the layover since it would possibly slow down progress with his business. It was explained to the applicant that it would be beneficial to have all issues settled at one time instead of having him appear again before the Board at a later date.

Ms. Donovan moved to LAYOVER so that it could be determined if additional waivers are needed. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 14-125  
Dr. Mark Puccioni  
9010 Farnam Street  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-126 & 55-782(b)(2) - Variance to the rear yard setback from 35’ to 10’ and to allow a patio as close as 2’ to the rear property line, for construction of a pool cabana and patio.  

LOCATION: 9010 Farnam Street  
ZONE: R1  

RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on November 13, 2014, Larry Jobeun and Isaac Nelson (McDaniel & Walquist Construction) appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a pool cabana and patio in the backyard of the property. The improvements would encroach into the required setbacks, creating the need for waivers. He stated that any new construction should comply with zoning regulations and that there was no hardship or practical difficulty to allow construction in the setbacks. The Planning Department recommended denial.  

Mr. Mahlendorf noted that there was a letter of support for the project from the neighbor at 120 South 90th Street, the property directly to the north. Mr. Jobeun submitted the original of the letter. He felt that there was a hardship that resulted from the location of the property which abuts both 90th and Farnam Streets. The front of the home faces 90th Street, but the address is Farnam Street. He explained that there are two front yards and that the only safe place to put a pool and cabana is in the back yard. He stated that the cabana would match the existing house.  

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf  

MOTION CARRIED: 5-0
17. Case No. 14-126
Craig Tuttle
1536 South 79th Street
Omaha, NE 68124

REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25' to 23'9” to allow replacement of an existing structure.

LOCATION: 701 South 96th Street
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on November 13, 2014, Jack Martis and Parker Edick (Bruce Frasier Architects - 1005 South 76th Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remodel a portion of the home. The existing structure will be removed and replaced on the existing foundation. A small portion of the structure will encroach into the side yard setback, creating the need for the waiver. He stated that any new construction should comply with zoning regulations. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Martis explained that the portion of the home being remodeled will use the existing footings.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES

Mr. Anzaldo moved to APPROVE the minutes for the October 9, 2014 meeting. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf

ABSTAIN: Aspen

MOTION CARRIED: 4-0-1

DISCUSSION:

Jennifer Taylor, Attorney - City Law, stated that the Blackstone Neighborhood Association made the decision to appeal the Zoning Board of Appeal decision regarding Case 14-080 (Applicant: Santa Monica, Inc.). She stated that the City Law Department would appear in District Court on behalf of the Zoning Board of Appeals.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:05 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary