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, December 1, 2014 and Thursday, December 4, 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 1:02 p.m., introduced the Board members and staff, and explained the procedures for hearing the cases.
**LAYOVERS:**

<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
<th>ZONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-042</td>
<td>Waiver of Section 55-853(a) – Variance to allow an electronic off-premise sign closer than 700’ to an existing standard off-premise sign.</td>
<td>4409 Dodge Street</td>
<td>CC-ACI-2(50)</td>
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</tbody>
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Lamar Outdoor Advertising

TLC Properties

4849 “G” Street

Omaha, NE 68117

This request was withdrawn at the request of the applicant.
2. Case No. 14-116  
(from 11/13/14)  
Martin Vazquez  
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’ 5’x21’ garage addition.  
LOCATION: 9105 Raven Oaks Drive  
ZONE: R2-ED  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Martin Vazquez appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a garage addition to an existing structure that would extend into the front yard and side yard setbacks. He noted that there were emails from an adjacent neighbor and the neighborhood association in opposition to the request. The Planning Department did not believe that there was a hardship and recommended denial.

Mr. Vazquez explained that there was no other place on his property where he could construct a shed for his tools and other equipment. This was because of the way the property drops off from 10’ to 25’ in some areas.

Mr. Mahlendorf stated that the Board had visually inspected the property. In response to Mr. Anzaldo, Mr. Vazquez stated that he did begin work on the addition without a building permit. He further stated that he had spoken with the neighbor to the north who was concerned that the addition was too close to the property line. He had not spoken with the neighborhood association. Mr. Anzaldo suggested that the applicant reduce the size of the addition so that it would not encroach as much into the side yard setback.

Allen Hendrickson, 9111 Raven Oaks Drive, appeared in opposition to the request. He stated that the addition would block the view from his living room window.

Mr. Carter stated that the applicant would have to cut off 7’ of the 12’ wide addition in order to comply with the required side yard setback.

In response to Mr. Lanoha, Mr. Hendrickson stated that, at one time, he was in support of the project since he believed it would be possible to hide it with landscaping. Mr. Hendrickson had no objections to the waiver of the front yard setback.

Mr. Mahlendorf explained to the applicant that his options were to have a shed that was 5’ wide or none at all. Mr. Lanoha stated that there was no hardship on the applicant’s part that would justify the waiver to the side yard setback. He added that it would also not be fair to the adjacent neighbor. The applicant agreed to reduce the shed to 5’ wide. He stated that the shed would be of the same materials as the existing garage and that the shed would be entered through the garage.

Ms. Donovan moved to APPROVE the front yard setback ONLY subject to the addition being constructed of similar materials as the existing home. Mr. Anzaldo seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf  
MOTION CARRIED: 5-0
3. Case No. 14-124 (from 11/13/14)  
   Team J Sales  
   Joe Hahn  
   3310 H Street  
   Omaha, NE 68107

   REQUEST: Waiver of Section 55-526, 55-734 & 55-716  
   - Variance to the rear yard setback from 10’ to 0’; to the required number of off-street parking stalls from 31 to 21; and to the required buffer yard between HI & R4 from 70’ to 0’ to construct a warehouse addition.

   LOCATION: 3310 H Street  
   ZONE: HI

   RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Joe Hahn and Todd Whitfield (Lamp, Rynearson & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to consider what other waivers were needed for the project and to redesign it if necessary. The applicant applied for a Site Plan Review, which determined what waivers were needed. He noted that the proposed loading dock was moved from the south side of the building to an area more to the north. The building was decreased in size and pushed back from 34th Street. Regardless of the changes made by the applicant, the Planning Department found no hardship and believed that the site would be overbuilt. The Department recommended denial.

Mr. Whitfield stated that the parking lot could be restriped so that the required number of parking stalls is reached.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 14-127
   Gary Rumbaugh Construction
   Gary Rumbaugh
   13503 Frederick Street
   Omaha, NE 68144
   REQUEST: Waiver of Section 55-715 – Variance to the street yard landscaping depth from 25’ to 0’ to allow construction of a garage addition and driveway.
   LOCATION: 3203 South 116th Avenue
   ZONE: R2

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Gary Rumbaugh appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition to the existing home. The driveway that serves the home does not meet the minimum depth required for street yard landscaping. The Planning Department found no hardship or practical difficulty and believed that any additions or driveways should comply with zoning requirements. The Department recommended denial.

Mr. Rumbaugh submitted pictures of the home (Exhibit B). He stated that, Mr. Kochanowicz, the homeowner, is in a wheelchair and has a difficult time entering the home. The addition would include an elevator that would allow the homeowner to enter it from the garage and access the main floor of the home.

Ms. Donovan noted that the applicant was not overbuilding the lot, that there were no issues with impervious coverage, and that none of the neighbors seemed to object to the project. She advised Mr. Rumbaugh to keep as much green space as possible.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 14-129  
Steve J. Silver  
7706 I Plaza  
Omaha, NE 68127  

REQUEST: Waiver of Section 55-506 – Variance to the maximum height from 120’ to 156’ for a new animal feed manufacturing facility.

LOCATION: 4444 South 76th Circle  
ZONE: GI-FF  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Steven Silver and Bill Bradbury (Younglove Construction) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new animal feed manufacturing facility. The applicant indicated that the design requires the height being requested for the gravity flow of the materials and for cleanout of the equipment so that quality control and USFDA standards are met. He stated that the code requires a maximum of 120’; however, there is an exception that allows a 25% height increase for this type of facility. The facility is proposing to go beyond the 25% allowed. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Bradbury explained the reasons why the additional height was necessary. He stated that if the bulk storage bins were reduced in size to make the height legal, the operation of the facility would be severely impacted. He submitted a rendition of the plant (Exhibit 2) into the case file.

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 14-130 Robert Bolte 11330 Bel Air Drive Omaha, NE 68144

REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25' to 5'4” to construct a 14’x24’ garage addition.

LOCATION: 11330 Bel Air Drive
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Robert and Wynette Bolte appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition on the west side of the existing home which would encroach into the required side yard setback. The addition would be as close a 5’4” from an angled property line on the west side of the property. The Planning Department found no hardship or practical difficulty and believed that any addition should comply with the side yard setback and, therefore, recommended denial.

Ms. Bolte explained that if the garage was constructed in the back of the home it would decrease the amount of landscaping in the front. The garage addition would be used to store an antique car on the property.

Mr. Mahlendorf noted that the neighbor who would be most affected by the addition, Jen Anderson - 11338 Bel Air Drive, submitted a letter of support for the project. There was also a letter of support from Mary Conway, 1645 South 113th Plaza, the property owner to the rear.

Ms. Donovan noted the irregular shape of the lot and the amount of green space on the property. The applicants stated that the materials of the addition would match the existing home.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 14-131
   Carol Stanley
   8540 Underwood Avenue
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the interior side yard setback from 3’ to 1.6’ to allow a 96 sq. ft. shed to remain.

   LOCATION: 8540 Underwood Avenue
   ZONE: R2

   RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, Carol Stanley and Gary Hohnholt appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a 96 sq. ft. shed that had already been constructed to remain within the 3’ setback. He indicated that the structure was built without a permit and that the Planning Department received a complaint about the shed. The Department found no hardship and practical difficulty and felt the shed should be moved to comply with the required setback and, therefore, recommended denial.

Ms. Stanley stated that she and her husband were not aware that a building permit was required to build the shed. She submitted a letter of support from the adjacent neighbor to the west, 8544 Underwood Avenue (Exhibit B). She added that other neighbors had expressed their support.

Mr. Hohnholt explained that the shed sits on piers, making it difficult to move to another location. In response to Mr. Aspen, the applicant stated that the shed had been completed about two years ago.

In response to Ms. Donvan, Ms. Stanley stated that the neighbor to the east has a shed on his property that is approximately 6’ – 8’ behind the home.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 14-133
   Ken Sorensen
   City of Omaha – Moylan Iceplex
   12550 West Maple Road
   Omaha, NE 68164

   REQUEST: Waiver of Section 55-829 – Variance to the
total signage budget from 40 sq. ft. to 164
sq. ft.; to the maximum size for a wall sign
from 40 sq. ft. to 107 sq. ft.; and to the
maximum height for a wall sign from 16’ to
22’.

   LOCATION: 12440 West Maple Road
   ZONE: DR

   RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on December 11, 2014, Ken Sorensen and Brian Sauser appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated the applicant was proposing to install a wall sign on the Maple Street side of the existing building. The building is located in Tranquility Park, which is over 240 acres of land. There are multiple activities occurring on the site. There are existing monument signs along West Maple Road and 120th Street. Those signs along with the one being proposed make up the total sign budget. The wall sign exceeds the budget. Mr. Carter explained that the City has typically supported these types of waivers for properties that are very large, are for a civic use, have multiple activities on the site, and multiple street frontages. The Planning Department recommended approval in accordance with the plans submitted.

The applicant stated that the sign would help visitors easily locate the facility.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9.  Case No. 14-134  
    William E. Harden, Jr  
    7651 Grover Street  
    Omaha, NE 68124  
    REQUEST:  Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 10’ to construct a 15’x22’ garage addition.  
    LOCATION:  7651 Grover Street  
    ZONE:  R4(35)  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 11, 2014, William and Jean Harden appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition on the south side of the home that would encroach into the rear yard setback. The applicant indicated that the garage is needed to store vehicles and other equipment. There is a current two-car garage on the site. The Planning Department believes that any new construction should comply with zoning regulations and, therefore, recommended denial. He noted that a similar waiver for a garage addition was denied by the Board in 1985.

Mr. Harden admitted that he applied for a similar waiver in 1985, but that it was for a larger structure. He explained that the garage would be used to store an antique car and other equipment. He submitted several letters of support from his neighbors (Exhibit B).

The Board noted that the proposed garage encroaches even less than a detached garage would.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted subject to the addition being constructed of similar materials as the existing home. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
SHOW-CAUSE HEARING:

10. Case No. 14-013
    Premier Bank
    Chris Maher
    16802 Burke Street
    Omaha, NE 68118
    REQUEST: Waiver of Section 55-824(d) – Variance to allow a monument sign on a property with a building closer than 15’ to the property line.
    LOCATION: 4314 & 4318 Dodge Street, 109 North 43rd Avenue
    ZONE: GC-ACI-2(50)

At the Zoning Board of Appeals meeting held on December 11, 2014, Larry Jobeun appeared before the Board.

Mr. Jobeun offered to present information that could possibly impact the Board’s decision to request a show-cause hearing for this case. Jennifer Taylor, Attorney – City Law, responded that allowing Mr. Jobeun to speak would be giving the applicant the opportunity to present testimony without hearing from the other side. She advised that, for advertising purposes, all testimony should be heard at the next scheduled meeting if the Board decided to vote in favor of a show-cause hearing.

Mr. Anzaldo moved to APPROVE the show-cause hearing for the next scheduled meeting. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES

The minutes for the November 13, 2014 meeting were not available for approval.

DISCUSSION:

Jennifer Taylor, Attorney - City Law, updated the Board on the matter regarding the Blackstone Neighborhood Association’s appeal of the decision regarding Case 14-080 (Applicant: Santa Monica, Inc.). The Judge in the case dismissed the portion of the case that involved the Zoning Board of Appeals. The Neighborhood Association requested a Motion for Reconsideration which was due to go before the Judge on Monday, December 15, 2014. Ms. Taylor explained the reason the case was dismissed and stated that she would keep the Board informed of any new developments.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:14 p.m.

Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary