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, April 28, 2014 and Thursday, May 1, 2014.

MEMBERS PRESENT: Bert Hancock, Chair  
Brian Mahlendorf, Vice Chair  
Sebastian Anzaldo  
Jacque Donovan  
Jason Lanoha

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

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator  
Jay Davis, Assistant Director - Permits & Inspections  
RoseMarie Lee, City Law  
Clinette Warren, Recording Secretary

Mr. Hancock 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 Case No. 13-135 - WITHDRAWN (From 11/4/13)
   John Fullenkamp
   Augusta Properties, LLC
   11440 West Center Road
   Omaha, NE 68144
   LOCATION: 12808 & 12828 Augusta Avenue
   ZONE: GO

   REQUEST: Waiver of Section 55-716 – Variance to the required buffer yard between GO and DR from 30’ to 20’ to allow for the installation of a backup generator.

This request was withdrawn at the request of the applicant.
2. Case No. 14-040 (From 4/10/14) REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow an 8’ tall chain-link fence.

Laura Sherman
10126 Edna Circle
LaVista, NE 68128

LOCATION: 2515 “H” Street

ZONE: R7

RECOMMENDATION: Approval, in accordance with the plans submitted, subject to the fence being no taller than 6’.

At the Zoning Board of Appeals meeting held on May 8, 2014, Laura Sherman appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a variance to allow an 8’ tall, chain-link fence at the rear of the property. The site contains a commercial building on land that is zoned residential. There is currently a 4’ tall, chain-link fence in place. The Planning Department does not support an 8’ tall fence, but does support a 6’ tall fence that is more in line with residential zoning regulations. He explained that the applicant has had issues with vandalism of the property in the past and is attempting to add more security. The Planning Department recommended approval in accordance with the plans submitted, subject to the fence being no taller than 6’.

The applicant was in agreement with the Planning Department’s recommendation.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to the fence being no taller than 6’. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
3. Case No. 14-042 
(From 4/10/14)
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)

RECOMMENDATION: Denial.

The applicant requested a layover of this case.

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

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 14-029
   34 Harney, LLC
   Mark Torczon
   11205 South 150th Street
   Omaha, NE 68138
   REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 42 to 32 to allow a 32-unit apartment building.
   LOCATION: 3327 Harney Street
   ZONE: R7-ACI-1(PL), (R8-PUD-Pending)

RECOMMENDATION: Approval, in accordance with the plans submitted, subject to approval of the rezoning to R8 and associated PUD plan.

At the Zoning Board of Appeals meeting held on May 8, 2014, Larry Jobeun (11440 West Center Road) appeared before the Board on behalf of the applicant.

Mr. Jobeun agreed with the recommendation of the Planning Department. He stated that the City Council had recently approved a redevelopment plan for this case. The Planning Board also approved the rezoning on May 7, 2014.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department has been supportive of these types of projects in the urban areas of the city. The Department has also supported waivers that provide at least one parking stall per apartment unit. This project is near the downtown area and has mass transit available for residents. The Planning Department recommended approval in accordance with the plans submitted, subject to approval of the rezoning to R8 and an associated PUD plan.

In response to Mr. Lanoha, Mr. Jobeun stated that the building contains 18 efficiency units, 8 1-bedroom units, and 6 2-bedroom units. He stated that they had met with some of the neighbors and that there was hardly any opposition to the project.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to approval of the rezoning to R8 and associated PUD plan. Mr. Hancock seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0

Monroe Evans, 3404 Dewey, appeared before the Board. Mr. Evans stated that there was damage to his property as a result of the demolition work that occurred on this project. He displayed pictures which showed foundation damage to his property. He felt that the applicant should be responsible for repairs. Mr. Jobeun stated that this issue was outside of the Board’s jurisdiction; however, he explained that engineers have inspected Mr. Dewey’s property and were investigating the causes of the damage. Although the Board had no authority to resolve the issue, Mr. Hancock stated that the Board was concerned with the impact that a project has on the surrounding neighborhood. The Board was confident that the applicant would strive to be a “good neighbor” and would do what was necessary to resolve any issues with Mr. Evans.
5. Case No. 14-045

Tim Miller & Susan Scepaniak
12136 North 54th Street
Omaha, NE 68152

REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for an existing gravel driveway to allow for construction of a new pole barn.

LOCATION: 12136 North 54th Street
ZONE: DR-ED

RECOMMENDATION: Approval, subject to the drive approach and the first 50’ of driveway inside the property line being paved at such time that Fox Farm Road is paved.

At the Zoning Board of Appeals meeting held on May 8, 2014, Tim Miller appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct a new pole barn which would require a hard-surfaced driveway from the building to the street. The existing gravel driveway is over 1,000’ long. The Planning Department has been supportive of these types of waivers to ensure that no trees in the area are destroyed. He added that the street that the proposed driveway would connect to is also gravel. The Department recommended approval, subject to the drive approach and the first 50’ of driveway inside the property line being paved at such time that Fox Farm Road is paved.

Mr. Miller stated that he was in agreement with the Planning Department’s recommendation.

Ms. Donovan moved to APPROVE subject to the drive approach and the first 50’ of driveway inside the property line being paved at such time that Fox Farm Road is paved. Mr. Mahlendorf seconded the motion.

AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

MOTION CARRIED: 5-0
6. Case No. 14-046  
James & Ann McGill  
2214 South 85th Avenue  
Omaha, NE 68124  
REQUEST: Waiver of Section 55-146 & 55-715 - Variance to the maximum impervious surface coverage from 40% to 50% 48%; to minimum street yard landscaping percentage from 70% to 67% and to the street yard landscaping minimum depth from 25’ to 0’ to allow construction of a circular driveway.  
LOCATION: 2214 South 85th Avenue  
ZONE: R2

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Patrick McGill (1504 South 102nd Circle) and James McGill appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remove a portion of the existing pavement in order to construct a circular driveway. The property currently exceeds the maximum impervious coverage allowed for the zoning district. The proposed circular driveway would add even more impervious coverage to the site. As proposed, the driveway would also reduce the amount of required street yard landscaping percentage and the minimum depth required for construction of a driveway in the front yard. He noted that there was no hardship or practical difficulty, since there is an existing driveway on the site. The Planning Department recommended denial.

Mr. Patrick McGill explained that the applicants are advancing in age and have many senior aged guests who visit them. The existing driveway provides access to the back of the home where there are stairs and a ramp. It is easier to access the front of the home. He stated that there is no parking on the street because of the schools nearby. He stated that the proposed driveway would create a safer ingress and egress for the residents and visitors. He further added that there are several circular drives in the surrounding neighborhood.

Mr. Hancock stated that, because of the multiple waivers being requested, the Board had visited this property earlier in the day. He noted that the applicant was attempting to remove some concrete. Mr. Patrick McGill responded the applicant would be willing to remove more concrete than what was shown on the plans, so that there would be no increase in the amount of impervious coverage. Mr. Mahlendorf stated that there was support for the other waivers if the applicant did not increase the amount of impervious coverage on the property.

Ms. Donovan also encouraged the applicant to add more landscaping that would screen part of the driveway from the street. James McGill responded that more landscaping would be installed after the driveway is put in.

Mr. Mahlendorf moved to APPROVE subject to the impervious coverage not exceeding the current 48%. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
7. Case No. 14-048
Mark & LouAnn Harral
4802 South 90th Street
Omaha, NE 68127
REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25' to 8'6" to allow construction of a garage addition.
LOCATION: 4802 South 90th Street
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Mark Harral appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition on the north side of the existing home, which will connect to an existing detached garage on the property. The proposed garage would be as close as 8'6" to the interior side property line, resulting in the need for a waiver. The Planning Department found that there was no hardship or practical difficulty since there is ample space to construct a garage that is in compliance with zoning regulations. Also, there is already an existing detached garage on the property. For those reasons, the Planning Department recommended denial. He noted that there were calls and emails from surrounding neighbors who were concerned about the condition and use of the property.

Mr. Harral stated that the proposed garage would enable him to clean up the property and would also be used to help his wife enter the property from the garage.

Mr. Hancock stated that the Board had visited that site and was concerned about materials that were being stored there. In response to Mr. Hancock, Mr. Harral stated that he does not reside in the home, but plans to do so when the proposed garage is complete. The home is currently being used as an office and for storage. Ms. Donovan stated that she was hesitant to support the waiver since there is sufficient land to build an addition legally. Mr. Lanoha stated that he could not find a hardship that was created as a result of zoning regulations. Mr. Anzaldo suggested that the applicant accept a layover, which would give him time to come up with a redesign. Mr. Mahlendorf indicated that there might be more support from the Board if the new garage did not extend past the existing garage.

Mr. Carter advised the applicant that the land is zoned residential and, therefore, could not be used to store materials for a business.

Mr. Mahlendorf moved to LAYOVER until the June 12, 2014 meeting. Mr. Lanoha seconded the motion.

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

MOTION CARRIED: 5-0
8. Case No. 14-049
David Schorg
2602 Avenue F
Council Bluffs, IA 51501
REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 16’ to allow for replacement of a wraparound porch, floor and stairs.
LOCATION: 5107 South 39th Street
ZONE: R4(35)

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on May 8, 2014, David Schorg appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was requesting a waiver to replace the floor and stairs of an existing wraparound front porch. The roof would remain as it currently is. He explained that the Planning Department has supported these types of waivers in the past since the porch is integral to the design of the home. The Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
9. Case No. 14-050

James Warner
10836 Old Mill Road
Omaha, NE 68154

REQUEST: Waiver of Section 55-146 & 55-740(e)(1) – Variance to the rear yard setback from 25’ to 10’ and to the hard-surface driveway requirement for a 28’ x 63’ detached building.

LOCATION: 12401 North 48th Street
ZONE: R2-ED

RECOMMENDATION: Denial of the waiver request to the rear yard setback. Approval of the waiver to the hard-surfaced driveway requirement, subject to the drive approach and the first 50’ inside the property line being paved at such time 48th Street is improved.

At the Zoning Board of Appeals meeting held on May 8, 2014, no one appeared before the Board.

The Board decided to give the applicant an opportunity to appear.

Mr. Anzaldo moved to LAYOVER until the June 12, 2014 meeting. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

MOTION CARRIED: 5-0
10. Case No. 14-051
Geoffrey Lambert
1529 South 139th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-166 – Variance to the interior side yard setback from 7’ to 5’ for construction of a garage addition.

LOCATION: 1529 South 139th Street
ZONE: R3

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Geoffrey Lambert appeared before the Board.

Mr. Lambert stated that he planned to make the one-car garage a two-car garage. He added that he had spoken with his neighbors and none had any objections to the request. He had previously submitted statements of support from the neighbors to the case file.

Ms. Donovan noted that previously the Board has accepted a setback average in these types of cases and that the applicant would be exceed the average. It was also noted that the applicant has an irregularly shaped lot which creates a hardship.

Mr. Mahlendorf noted that the waiver would apply to a small portion of the building and that the neighbors are in support of the request.

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

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
11. Case No. 14-052  
Chris Moody  
11163 Girard Street  
Omaha, NE 68142  
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.  
LOCATION: 11163 Girard Street  
ZONE: R4  

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Chris Moody appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ tall, privacy along the west property line. The property line is shared with a stub street on 112th Street. The code requires the setback for a privacy fence of that height to be 15’ from the property line. The Planning Department believed that there was no hardship or practical difficulty that would allow the fence to encroach into the required street side yard setback and, therefore, recommended denial.

Mr. Moody was concerned that his dog would be able to jump a 4’ fence. He added that if he built the fence at 15’, he would lose a significant portion of his backyard. He also noted that 112th Street is a stub street with no traffic.

In response to Mr. Mahlendorf, Mr. Moody stated that he would be installing a 6’ tall, wooden fence which is typical of the neighborhood. Mr. Mahlendorf felt that the hardship was that 112th Street is not a thru-street. He stated that he was in favor of a 6’ tall, board-on-board fence. Mr. Moody did not object to installing a board-on-board fence.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the installation of a board-on-board (shadow box) fence. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock  

MOTION CARRIED: 5-0
12. Case No. 14-053
Sean & Angie Knight
804 South 131st Avenue
Omaha, NE 68154

REQUEST: Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 11.7’ for construction of an 18’ x 22.16’ garage addition.

LOCATION: 804 South 131st Avenue
ZONE: R2

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Sean Knight appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a garage addition on the west side of the home. The existing attached garage faces Leavenworth Street and has a setback of 10.7’. The applicant is proposing to build the garage addition at 11.7’, which does not meet the required 20’ setback. The Planning Department believed there is no hardship or practical difficulty and recommended denial. He did note that the driveway width appeared to exceed the maximum of 30’ allowed under the Public Works regulations for residential driveways, resulting in the need for a waiver from that Department.

Mr. Knight explained that the existing home already encroaches 10.7’ into the 20’ side yard setback and that the proposed addition would be built 11.7’ from the property line. He stated that he had spoken with the neighbors and they were all in support of the addition.

Mr. Mahlendorf noted that the proposed driveway would extend the full length of the garage addition. He suggested that the width of the driveway to the right of the garage door be reduced to 45.13’ from the property line. He added that the addition would not encroach any further than the existing home.

Mr. Mahlendorf moved to APPROVE in accordance with the plans submitted, subject to the applicant limiting the paving of the new driveway to no greater than 45.13’ from the 132nd Street property line. Ms. Donovan seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
ZONING BOARD OF APPEALS
Minutes – May 8, 2014
Page 14

13. Case No. 14-054
   Best Buy Signs/Lund Company
   17410 Storage Road
   Omaha, NE 68136

   REQUEST: Waiver of Section 55-836 – Variance to the
   front yard setback from 35’ to 0’ 12’ for a
   25’ tall pole sign with an electronic message
   center.

   LOCATION: 14451 West Center Road
   ZONE: CC

   RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Justin Brown appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to erect a
new pole sign with an electronic message center that would replace an existing monument sign for the
Galleria shopping center. The sign area proposed requires a setback of at least 35’ from the property line
along West Center Road. To prevent blocking the sign from the adjacent McDonald’s restaurant, the
applicant is requesting a waiver which would allow their sign to be setback 0’ from the property line along
West Center Road. The Planning Department found that there was no hardship or practical difficulty since
a sign could be legally placed on the property. The Department also believed there would be no visibility
issues along West Center Road and recommended denial of the request.

Mr. Brown explained that the request is to actually have the sign budget increased from 75 sq. ft. to 81
sq. ft. The applicant felt that the 0’ setback would prevent visual obstructions with the McDonald’s sign.

Jim Paulison, Best Buy Signs, explained that the proposed sign is allowed to have 75 sq. ft. of signage. The additional sign area being requested would make the letters on the sign work better.

There was discussion regarding the placement of the sign, and the existing sign which is 63’ from the
property line. Mr. Hancock stated that the Board would not approve a sign with a 0’ setback. He also
noted that the property has received waivers to increase its sign budget significantly over the last several
years.

John Lund explained the reasons for the new sign, which included the tenants need for signage that is
closer to the street.

Ms. Donovan moved to APPROVE the 81 sq. ft. sign with a 12’ setback. Mr. Anzaldo seconded the motion.

Mr. Carter stated that in cases where the area is designated for an MCC overlay, the City requests that if
the Board approves the waiver, it is with the condition that the property owner rezones the property to
MCC (Major Commercial Corridor) in connection with Urban Design regulations. Mr. Anzaldo objected to
this request since it was not part of the City's recommendation. It was decided that the applicant would be
given the opportunity to look into what is required for an MCC overlay and decide it was something they
wanted to pursue.

AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

MOTION CARRIED: 5-0
14. Case No. 14-055
Chad Peterson
15808 West Dodge, LLC
2425 South 144th Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-348 – Variance to the maximum height from 40’ to 51.5’ for construction of an office building.

LOCATION: 15808 West Dodge Road

ZONE: LC-ACI-4(PL)

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on May 8, 2014, Mike West (Carlson-West-Povandra Architects, 5060 Dodge Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant is proposing to construct a new office building on a vacant site. The proposed height for the building is 51.5’, which exceeds the maximum height of 40’ for the district. The Planning Department believes there is a hardship because the property slopes down away from West Dodge Road. The Master Plan for this area supports a higher intensity zoning classification which would allow even taller buildings than what is being proposed. The LC (Limited Commercial District) classification was a result of the neighbors who, at the time, wished to limit the height of buildings in area. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Hancock stated that he had concerns with how this project would affect the neighbors. He noted that the proposed building would be higher than nearby properties to the west that have received waivers for building heights. He wanted to ensure that the applicant did not have an advantage over those properties. He mentioned limiting the usable square footage of the building to three floors. The applicant responded that he was planning to build three floors of office space in addition to a parking garage on the lowest level.

Mr. Lanoha agreed with the Planning Department’s recommendation and noted that the project is supported by the Master Plan.

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

Anthony Siahpush appeared in opposition to the request. He owns the building directly west of the proposed new building. He was concerned with how the proposed height of the building would affect his property. He stated that several years ago, he appeared before the Zoning Board of Appeals to request a waiver for the height of his building. He explained that at the time he was requesting an additional 10’ but was allowed 5’ so that the building would be in compliance. He was also concerned about the height and type of signage that the applicant may use, particularly a billboard sign.

Mr. West stated that the signage issue would be addressed at a later time, which may result in another appearance before the Board. Ms. Donovan suggested a layover so that all issues could be taken care of at the same time. Mr. Hancock explained that he did not want the applicant to have an advantage with signage that his neighbors do not have.

Al Povandra (Carlson-West-Povandra Architects) appeared before the Board and mentioned that, although the proposed building would be taller, it would be narrower than any of the surrounding buildings. He added that any plans for signage had not been finalized. Mr. Lanoha stated that he wanted to know the applicants’ intentions with regards to signage before the waiver request for height was decided. There was some discussion with Mr. Siahpush regarding the heights and signage of surrounding buildings.

It was decided that the signage on the building could go no higher than 24’. Mr. Hancock stated that the Board wanted to prevent having the building exterior cluttered with several tenant signs. Mr. Lanoha stated that he would not support any future waivers for signage.
AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
15. Case No. 14-056
   Thomas & Patricia Peterson
   Dba Peterson Greens, LLC
   1111 Ridgewood Avenue
   Omaha, NE 68124

REQUEST: Waiver of Section 55-423 – Variance to the permitted use regulations of the Central Business District (CBD) to allow a Crop Production use (hydroponics/aquaponics) not otherwise permitted.

LOCATION: 817-819 South 7th Street
ZONE: CBD-ACI-1(PL)

RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on May 8, 2014, Thomas and Patricia Peterson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to use the site for a hydroponics/aquaponics operation, which would be located entirely within the building. He explained what the proposed use entails. Because the use is not technically allowed in the Central Business District, a waiver is required. The Planning Department supports the request, since there does not seem to be any issues with the proposed use. The applicants plan to occupy the middle bay of an existing industrial/warehouse building. The Department recommended approval, in accordance with the plans submitted.

In response to Mr. Anzaldo, Jim Holt stated that there is an existing business in the north bay and storage in the south bay.

Mr. Mahlendorf noted that the use should have very little impact on the surrounding neighborhood. In response to Mr. Hancock, Mr. Peterson explained that the County will contact the State to determine what, if any, regulations should be applied to the business. He added that no food preparation will occur at the site.

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

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

MOTION CARRIED: 5-0
16. Case No. 14-057
Signworks, Inc.
4713 “F” Street
Omaha, NE 68117
REQUEST: Waiver of Section 55-833 – Variance to the front yard setback from 12’ to 6’; to the street side yard setback from 6’ to 0’; to the maximum area for a monument sign from 25 sq. ft. to 91 sq. ft.; and to allow an electronic message sign not permitted in the Limited Office (LO) district.
LOCATION: 10801 Pacific Street
ZONE: LO

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 8, 2014, Gaby Ryan (Signworks, Inc.) and Linda Lutner (Igel Orthodontics) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a monument sign that would encroach into the front and street side yard setbacks, exceed the maximum sign area, and have an electronic message sign that is not allowed. The Planning Department did not support the request since there is no hardship or practical difficulty and, therefore, recommended denial.

Ms. Ryan explained that the request for the 0’ street side yard setback is due to the large setback from Pacific Street. She added that the 91 square foot sign area request is a result of the sign design which may require two faces, one side that would face eastbound traffic and the other that would face westbound traffic. The doctor for the orthodontics office is requesting the electronic message center as a personal design preference to advertise the clinic’s services and other community events.

Mr. Hancock inquired as to whether the other signage on the property could possibly be removed if the waivers were granted. Ms. Donovan stated that she would not support the request since the facility is a destination and not a retail strip mall. She felt that the case should be laid over to give the applicant time to redesign the sign. Mr. Lanoha believed that there was a hardship resulting from the setbacks; however, he did not think there were any hardships which would require the remaining waivers. It was suggested that the applicant consider removing the messaging center and reduce the size of the sign.

Ms. Lutner explained that it is difficult to see the office from the road because of trees in summer and because of the large size of the setback.

Mr. Mahlendorf moved to LAYOVER until the June 12, 2014 meeting. Ms. Donovan seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
17. Case No. 14-058
   Signworks, Inc.
   4713 “F” Street
   Omaha, NE 68117

   REQUEST: Waiver of Section 55-836 – Variance to the
   front yard setback from 12’ to 1’ for three
   (3) monument signs.

   LOCATION: 14001 “L” Street
   ZONE: CC-FF/FW

   RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on May 8, 2014, Gaby Ryan (Signworks, Inc.) and Chris
   Olson (Nebraska Turf Products) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant’s request was for three
   monument signs along Old “L” Street with a 1’ setback. The proposed signs are directional signs which
   would be legal if the company name was removed. There is existing signage on the property. Since there
   is no hardship or practical difficulty, the Planning Department recommended denial.

   Mr. Olson explained that there is another business behind Nebraska Turf Products whose customers
   regularly enter through the exit. There was some discussion regarding whether any company names
   needed to be on the signs. Mr. Olson stated that his company name did not need to be on the enter/exit
   signs. Mr. Hancock suggested that the Can Pac company name be added to the monument sign.

   Mr. Carter noted that the property is in a flood zone and that the signs will probably require a Flood Plain
   Permit.

   Since the property owner decided to install the signs legally, the Board decided to vote for a layover with
   the expectation that the case would likely be withdrawn.

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

   AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

   MOTION CARRIED: 5-0
18. Case No. 14-059
    Signworks, Inc.
    4713 “F” Street
    Omaha, NE 68117

    REQUEST: Waiver of Section 55-825(c) – Variance to
    the maximum area for a temporary sign
    from 32 sq. ft. to 108 sq. ft. for a banner for
    4 weeks during the College World Series.

    LOCATION: 1624 Mike Fahey Street
    ZONE: DS-ACI-1(PL)

    RECOMMENDATION: Approval.

    At the Zoning Board of Appeals meeting held on May 8, 2014, Gaby Ryan (Signworks, Inc.) appeared
    before the Board.

    Ms. Donovan noted that the Board has approved this type of request for the last several years with no
    problems. Mr. Mahlendorf stated that the advertisement is not for Creighton but for a civic event.

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

    AYES: Analdo, Donovan, Lanoha, Mahlendorf, Hancock

    MOTION CARRIED: 5-0
19. Case No. 14-060
Signworks, Inc.
4713 “F” Street
Omaha, NE 68117

REQUEST: Waiver of Section 55-825(c) - Variance to the maximum area for a temporary sign from 32 sq. ft. to 132 sq. ft. for a banner for 4 weeks during the College World Series.

LOCATION: 815 Florence Boulevard
ZONE: DS-ACI-1(PL)

RECOMMENDATION: Approval.

At the Zoning Board of Appeals meeting held on May 8, 2014, Gaby Ryan (Signworks, Inc.) appeared before the Board.

Mr. Hancock noted that this case is similar to Case 14-059.

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

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

MOTION CARRIED: 5-0
APPROVAL OF MINUTES

Mr. Anzaldo moved to APPROVE the minutes for the April 10, 2014 meeting. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Mahlendorf, Lanoha

ABSTAIN: Hancock

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:34 p.m.

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Clinette Warren, Secretary