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, June 2, 2014 and Thursday, June 5, 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
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. 14-042  
   (From 4/10/14 & 5/8/14)  
   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.

At the Zoning Board of Appeals meeting held on June 12, 2014, Mike Degan appeared before the Board. Mr. Degan requested another layover to allow additional time to resolve the issues with the case. In response to Mr. Anzaldo, he stated that a 60-day layover should be sufficient.

Mr. Anzaldo moved to LAYOVER for 60 days until the August meeting of the Board. Ms. Donovan seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
2. Case No. 14-048  
From 5/8/14
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 14’ 8” 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 June 12, 2014, Mark Harral appeared before the Board in support of the request.

Mr. Harral stated that he submitted a revised plan at the Board’s request, which showed the proposed addition in alignment with the existing detached garage.

Mr. Hancock stated that the Board was concerned about the letters of opposition that had been submitted by some of the surrounding neighbors. Mr. Harral responded that he removed a trailer from the site and cleaned up the property. Aside from the existing garage, there is a shed at the rear of the property. Mr. Mahlendorf stated that he was in support of the request if the applicant would agree not to build any other free-standing structures on the property. Mr. Harral was in agreement. In response to Ms. Donovan, he assured the Board that he would not be running a business from the property. The proposed garage will also match the existing home.

Mr. Mahlendorf moved to APPROVE subject to no other free-standing structures to be built on the property. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

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

(From 5/8/14)  

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 June 12, 2014, Jim Smith, Property Owner, appeared before the Board in support of the request.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 28’ x 63’ detached building near the rear property line, which would encroach into the rear yard setback. The code requires that the existing gravel driveway be paved as part of the project. He stated that the Department has supported waivers of the hard-surface requirements in these types of cases, especially since the driveway connects to an existing gravel street. Approval would be subject to the drive approach and the first 50’ inside the property line being paved at such time that 48th Street is improved. However, the Department found no hardship or practical difficulty that would justify the waiver for the rear yard setback and, therefore, recommended denial of that request.

Mr. Smith explained that if the structure were built at 25’, it would be too close to the existing home. Also, the topography of the site makes it difficult to situate the garage near the south of the property. The proposed site would also eliminate the need for grading or removal of any trees for the area, which is located in an Environmental Overlay District.

In response to Mr. Mahlendorf, the applicant stated that the proposed building would be farther from the property line than the buildings that were previously there.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to the drive approach and the first 50’ inside of the property line being paved at such time 48th Street is improved. Mr. Anzaldo seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
4. Case No. 14-057  
(From 5/8/14)  
Signworks, Inc.  
4713 “F” Street  
Omaha, NE 68117  

REQUEST: Waiver of Section 55-833 – Variance to the front yard setback from 12’ to 3’; to the street side yard setback from 6’ to 0’ to construct a monument sign.

LOCATION: 10801 Pacific Street  
ZONE: LO  

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on June 12, 2014, Gaby Ryan and Linda Lutner appeared before the Board.

Mr. Hancock noted that the applicant had made significant changes to the plans. Ms. Ryan stated that the message center had been removed and the square footage of the proposed sign was reduced to a legal size. The location of the size was closer to the property line than what was previously proposed so that both faces of the sign could be visible from the street.

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

AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

MOTION CARRIED: 5-0
5. Case No. 14-058 - **WITHDRAWN**  
   (From 5/8/14)  
   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

This request was withdrawn at the request of the applicant.
NEW CASES:

6. Case No. 14-061  
   Robert Quartoroli  
   Dream Scape Homes  
   P.O. Box 963  
   Elkhorn, NE 68022

   REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 60% to 50% and to the minimum street yard landscaping depth from 15’ to 4’ to allow a circular driveway.

   LOCATION: 21015 “W” Circle  
   ZONE: R4

RECOMMENDATION: Denial

At the Zoning Board of Appeals meeting held on June 12, 2014, Robert Quartoroli appeared before the Board.

Mike Carter, Zoning Board Appeals Administrator, stated that the applicant was proposing to construct a circular driveway in the front yard of a new home that does not comply with landscaping requirements. The Planning Department does not support the request since there is no hardship or practical difficulty and believes that the driveway should be built in compliance with the code. The Planning Department recommended denial.

Mr. Quartoroli stated that the property owner would like a circular drive since several other homes in the area have them. In response to Mr. Anzaldo, Mr. Quartoroli stated that the house could not be moved back due to the shape of the lot.

Mr. Mahlendorf stated that it was difficult to support the request for a new construction project that is in the permitting process. He further noted that some of the other homes in the neighborhood with circular drives had more front yard space or houses that were further back from the street. Mr. Lanoha stated that he could find no hardship that would create the need for the waiver. He advised the applicant that if a layover was granted it would not guarantee an approval at the next meeting. Ms. Donovan did not support the waiver due to the amount of impervious coverage and suggested that landscaping be added.

Brain Sadler (President - Home Owners Association, Estates at Coventry), appeared in opposition to the request. He stated that the lots that were approved for circular driveways by the Home Owners Association were different from the applicant’s. The Association felt that it would not be in the best interest of the neighborhood to have a circular drive put in at this address, especially with the street yard landscaping at 40%.

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

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf

NAYES: Hancock

MOTION CARRIED: 4-1
7. Case No. 14-062
Rolando Armas
5103 Center Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-406, 55-716 & 55-734
- Variance to the street side yard setback requirement from 50’ from center line to 45.5’ from center line; to the rear yard setback from 15’ to 4’; to the required buffer yard between GC & R4 from 5’ to 0’ and 13’ to 3’; and to the required number of off-street parking stalls from 5 to 0 to construct a new building.

LOCATION: 5103 Center Street
ZONE: GC

RECOMMENDATION: Denial

The applicant requested a layover of this case.

Scott Glenn, 206 Timber Drive, Council Bluffs, Iowa, appeared to inquire about the case. He owns the business at 5115 Center Street.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant is proposing to remove the existing home/office and replace it with a larger building, which would require a waiver to the street side yard setback. Also, the existing detached garage that was originally built for residential use now requires different rear yard setback and buffer yard requirements for the proposed commercial use. Off-street parking cannot be provided on the site.

Mr. Hancock informed Mr. Glenn that he could receive more information about the case after the meeting since the applicant was not in attendance to answer any questions.

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

AYES: Donovan, Lanoha, Mahlendorf, Anzaldo, Hancock

MOTION CARRIED: 5-0
8. Case No. 14-063
Desere’ Johns
14512 Holmes Street
Omaha, NE 68137
REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 28’4” to construct a covered porch and stairs.
LOCATION: 14512 Holmes Street
ZONE: R3

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 12, 2014, Desere’ Johns appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to replace an existing deck on the front of the home with an 8’ x 17’ covered front porch that will encroach into the front yard setback. The porch would be 32’4” from the property line; the stairs would project another 4’ into the setback. The applicant indicated that the porch will improve the aesthetics of the property and provide protection from the weather. The Planning Department found that there was no hardship or practical difficulty and that the request is a result of a design preference and, therefore, recommended denial.

Ms. Johns explained that the existing porch needs to be replaced. She proposed replacing the porch with the same dimensions, but with the addition of the roof for protection from the sun and other elements. The existing porch is 6’. Ms. Donovan noted that the addition would be no larger than what is already in place and would improve the appearance of the existing home.

Ms. Donovan moved to APPROVE as submitted. Mr. Anzaldo seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0
9. Case No. 14-064
Superior Lighting, Inc.
2121 South 24th Street
Omaha, NE 68108

REQUEST: Waiver of Section 55-838 – Variance to the maximum height for four (4) wall signs from 35’ to 48’.

LOCATION: 10010 Regency Circle (Wells Fargo)

ZONE: GC

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on June 12, 2014, Patrick Weeks (Superior Lighting, Inc.) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the walls signs as proposed exceed the maximum height that is allowed for the building. The Planning Department believes that there is a hardship that results from zoning regulations that limit the height of the signs with relation to the height of the building. The Department recommended approval in accordance with the plans submitted.

Ms. Dononvan moved to APPROVE. Mr. Hancock seconded the motion.

AYES: Mahlendorf, Anzaldo, Donovan, Lanoha, Hancock

MOTION CARRIED: 5-0
10. Case No. 14-065
   Don Stein
   Stein Construction
   2447 South 156th Circle
   Omaha, NE 68130
   REQUEST: Waiver of Section 55-126, 55-715 & 55-782(b)(2) – Variance to the maximum impervious surface coverage from 30% to 43.6%; to the street yard landscaping minimum depth from 30’ to 0’; to allow an existing patio to project more than 10’ into a required yard and to allow construction of a house addition and circular driveway.
   LOCATION: 416 South 96th Street
   ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 12, 2014, Steven Ginn (Steven Ginn Architects) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that homeowner was proposing to remodel the property which would include an addition to the front of the home and redesign of the existing circular driveway. The existing rear patio, which was installed after a waiver was granted in 1999, was also included in the current request. The applicant plans to reduce the amount of impervious coverage to 42%. The Planning Department found that there was no hardship or practical difficulty that would support the waivers. The Department also determined that there was enough room to build a driveway in compliance and, therefore, recommended denial.

Mr. Hancock noted that the proposed design requires only one curb cut and does not exceed the amount of impervious coverage (43.6%) that had already been granted in 1999.

The Board expressed support for the design of the project.

Mr. Anzaldo moved to APPROVE as submitted. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf, Hancock

MOTION CARRIED: 5-0
11. Case No. 14-066
Anna Johnson
3815 North 83rd Street
Omaha, NE 68134

REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 65% to 58% and to the minimum street yard landscaping depth from 20’ to 0’ to allow a circular driveway to remain.

LOCATION: 5419 Western Avenue
ZONE: R3

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 12, 2014, Anna Johnson appeared before the Board. Ms. Johnson constructed a circular driveway at the front of the property which enabled the homeowners to safely enter onto Western Avenue. The adjacent neighbor agreed to allow the driveway to connect to their driveway so that they would also not need to back out onto Western Avenue. She added that many of the surrounding homes have a parking pad which allows cars to turn around and safely exit their driveway. Ms. Donovan responded that many of those property owners lease space from the City. She was in support of an apron that would allow the homeowners to be able to turn their vehicles around; however, she was opposed to the driveway as installed and suggested a layover to give the applicant time to submit a revised plan.

Mike Carter, Zoning Board of Appeals Administrator, stated that the request is to allow the circular driveway to remain. He explained that the lot is too narrow for a circular driveway and that Public Works will not issue two curb cut permits for a lot that is 50’ wide. The Planning Department is concerned about the precedent that this would set for the neighborhood. It was also noted that there was no shared access easement in place with the neighbor to the east. The Planning Department recommended denial.

Mr. Lanoha noted that the current driveway driveway crosses the lot line between the two properties and added that although the current neighbors are content with the design, any future neighbors may not be. He suggested that an easement be put in place.

Mr. Mahlendorf believed that the tree in front of the property is a hardship for the property owners, since it prevents them from parking in front of the home. He felt that the plan is convenient for both neighbors.

Jason MacTaggart, Home Owner – 5419 Western Avenue, appeared in support of the request.

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

AYES: Lanoha, Mahlendorf, Anzaldo

NAYES: Donovan, Hancock

MOTION DENIED: 3-2

Ms. Donovan moved to LAYOVER. 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 May 8, 2014 meeting. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Mahlendorf, Anzaldo, Donovan, Hancock

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:09 p.m.

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Clinette Warren, Secretary