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, August 4, 2014 and Thursday, August 7, 2014.

MEMBERS PRESENT:  Brian Mahlendorf, Vice Chair
                  Sebastian Anzaldo
                  Jacque Donovan
                  Jason Lanoha
                  Teri Teutsch, Alternate

MEMBERS NOT PRESENT:  Bert Hancock, Chair
                       Sean Kelley, 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. 14-042 (From 4/10/14, 5/8/14 & 6/12/14)
   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 August 14, 2014, Mike Degan appeared before the Board.

Mr. Degan explained that the parties involved had reached an agreement and that the attorneys were working out the details. He requested a 60-day layover with the option of a 30-day layover if the applicant was ready.

Ms. Donovan moved to LAYOVER for 60 days; 30 days if the applicant is ready. Ms. Teutsch seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 14-078 (from 7/10/14)  
David Updike  
1404 North 60th Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 24’ to construct a new deck and stairs.  
LOCATION: 1404 North 60th Street  
ZONE: R4(35)  
RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 14, 2014, David Updike appeared before the Board.

Mr. Updike stated that his plan had been amended to show that the proposed deck would be no larger than the existing one. In addition, wood/decking materials would be used in lieu of concrete.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department supports the request since the applicant is replacing what already exists. He added that the proposed deck is integral to the design of the home. The Planning Department recommended approval in accordance with the revised plans submitted.

Ms. Donovan felt that the revised plan was more characteristic of the neighborhood.

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

AYES: Donovan, Lanoha, Teutsch, Anzaldo, Malendorf  
MOTION CARRIED: 5-0
NEW CASES:

3. Case No. 14-079
   Thomas W. Adams
   1941 South 42nd Street
   Suite 550
   Omaha, NE 68105

REQUEST: Waiver of Section 55-933 & 55-836 - Variance to the maximum height for a monument sign from 12' to 18'; to the maximum sign area from 75 sq. ft. to 96.5 sq. ft. and to the front yard setback from 12' to 0' to install a monument sign.

LOCATION: 7810 Dodge Street (Beverly Hills Plaza)
ZONE: CC-ACI-2(65)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Thomas Adams appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to replace an existing pole sign along Dodge Street with a monument sign. The Planning Department believes that there are other places on the property where the sign could be legally located and recommended denial. He noted, however, that the Urban Design Review Board recommended approval of the sign, subject to a maximum 18' height and landscaping being included at its base.

Ms. Teutsch stated that the Board had visited the site and that it did not appear that there would be any sight obstruction issues. In response to Ms. Teutsch, Mr. Adams explained that another location was not chosen for the sign due to the placement of the electrical connections and current footings. He explained that the electronic signage would rotate approximately every 5 seconds, with no flashing, and would be restricted to tenant advertising only. He added that the proposed size of the messaging portion sign would make it easily visible to the public.

Ms. Donovan moved to APPROVE the request as submitted. Ms. Teutsch seconded the motion.

AYES: Lanoha, Teutsch, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 14-080
Heather Kirk
Santa Monica, Inc.
130 North 39th Street
Omaha, NE 68130

REQUEST: Waiver of Section 55-764(c)(1) – Variance to allow a proposed Transitional Living use within ½ mile of an existing Transitional Living use with a Reasonable Accommodation request.

LOCATION: 401 South 39th Street
ZONE: GO-ACI-1(PL)

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 14, 2014, Lawrence Roland (Gross & Welch – 1500 Omaha Tower, 2120 South 72nd Street) and Heather Kirk appeared before the Board in support of the request.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to establish a Transitional Living use on the site. The facility would be operated as a long-term, residential halfway house program for adult women with substance dependence. The program provides the residents with job-seeking and other related skills. Visitors are limited due to strict adherence to confidentiality laws and for the protection of the residents. The current facility at 130 North 39th Street is at full occupancy and would be converted to a ¾ house. The proposed location would allow for more beds and additional space for staff.

Mr. Carter explained that zoning regulations require a separation distance of ½ mile between existing Transitional Living uses; there are currently three other Transitional Living facilities within a ½ mile of the proposed facility. In addition, the applicant has submitted a Reasonable Accommodation request to allow the facility to operate at the site. At its August 6, 2014 meeting, the Planning Board approved a Special Use Permit allowing a Transitional Living use, subject to conditions which included a waiver to the ½ mile requirement. The applicant has proposed no external physical changes to the site. Due to the demand for these types of facilities in the area, the Planning Department supports the request and recommended approval in accordance with the plans submitted. The Planning Department also believes that the request meets the requirements of the City’s Reasonable Accommodation policy.

Mr. Roland discussed the difference between a halfway house, three-quarter way house and a transitional use facility. He stated that a detailed search was performed and there were no permitted transitional use facilities within ½ mile of the proposed location. He also mentioned that Small Group Home and Large Group Home used are not the same to the use being proposed. He explained that the State of Nebraska limits the number of residents in the home at any given time; the maximum number for this facility being 18. In addition, the Planning Board stipulated that there should be no more than 20 beds at the facility.

Mr. Jones, Attorney – 9290 West Dodge Road, appeared on behalf of his client, Dr. Lavonne Plambeck. Dr. Plambeck owns the Montessori Educational Center located directly across the street from the proposed facility; she is in opposition to the request. He stated that there are 100 children who attend the center ranging in age from 6 months to 6 years. The center operates from 7 am to 6 pm. His client felt that putting a transitional living facility directly across the street would put the educational center out of business. He also stated the following objections: 1) the request violates the laws and regulations of the City; and 2) the project would have a negative impact on the neighborhood, particularly the Montessori Center, since the front porch for the proposed facility is directly across from the center; and 3) He stated that the existing 3 facilities: ARCH, New Hope and the Santa Monica all claim to be transitional living facilities and are within ½ mile of the proposed site. . He also believed that the women at the center could be negatively affected by watching children being dropped off and picked up. He added that some of the crimes committed by persons in the facilities disqualify them from the Reasonable Accommodation request. He also expressed concern over what would happen if the applicant ever left the residence, leaving behind the Transitional Living use that would accompany the land. Mr. Mahlendorf responded that the Board could limit whether the use waiver would be connected with the land.
Rhonda Stuberg, President - Blackstone Neighborhood Association, appeared in opposition to the request. She explained that efforts are being made to uplift the neighborhood. She noted that there are approximately 12 group homes in the area, not including the Colonial Hotel and its residents. She stated that the Blackstone Neighborhood Association is not in support of the waiver. In response to Mr. Anzaldo, Ms. Stuberg stated that the neighborhood had declined somewhat due to the number of residents who have left the area. Her preference was to have a single-family move into the home.

Curt Snodgrass, 632 South 38th Street, appeared in opposition to the request. He felt that the group homes in the area detract from the neighborhood and make it less attractive to single families. He believed that the proposed use could negatively impact the Montessori Education Center and felt that the applicant should look for other options with regards to the location of the proposed facility.

Jim Farho, 3722 Dewey Avenue, appeared in opposition to the request. He was concerned that if more transitional homes were approved for the neighborhood it would decrease his chances of being able to sell his home to another family in the future. He submitted a list which showed the 12 Group Home/Transitional Living facilities that are in the area (Exhibit B). He felt that the 3 existing facilities were sufficient for the area and that no others should be allowed.

In response to Ms. Donovan, Mr. Roland stated that his client had looked at other properties in the area but found issues with either the size or price of the properties.

Mr. Anzaldo inquired as to whether the Board could approve the request for “this applicant only”. Jennifer Taylor, Attorney – City Law, responded that the Board had the ability to restrict a waiver to a particular applicant, especially regarding a request for Reasonable Accommodation. In response to Mr. Anzaldo, Mr. Roland listed the 7 conditions that were part of the Planning Board’s recommendation for approval:
1) Receiving a waiver from the Zoning Board of Appeals for the separation distance from other existing Transitional Living facilities prior to forwarding the request to the City Council;
2) The facility being limited to no more than 20 occupants at one time;
3) The applicant providing 1 handicapped-accessible parking stall;
4) Compliance with the site plan;
5) Compliance with the submitted operating statement;
6) Compliance with the submitted Reasonable Accommodation application; and
7) Compliance with all other applicable regulations.
Mr. Roland explained how the applicant had complied with most of the conditions. He stated that the applicant had previously held two public meetings. The first meeting had several attendees; the second had very few attendees. After some discussion, Mr. Anzaldo concluded that the applicant had complied with all conditions.

Mr. Anzaldo moved to APPROVE the request.

Mr. Mahlendorf stated that the focus of the Board should be whether the applicant meets the requirements of the Reasonable Accommodation request. Referring to Article VI(b), he noted that the applicant bears the burden of proof for the following: a) the Applicant has the must prove qualifications of an individual with a disability; b) the requested accommodation is related to the disability. With regards to this item, Mr. Mahlendorf noted that the location is in close proximity to jobs and public transportation; c) an accommodation is necessary to provide disabled individuals with an equal opportunity to use and enjoy housing because it will enhance the individuals quality of life and, if it were not for the accommodation, the individual will be denied an equal opportunity to enjoy the housing of their choice.

Mr. Roland explained why the applicant qualified for the Reasonable Accommodation request. He stated that the women who are in the program are dealing with alcohol/chemical dependency and other issues. They have gone through another program in order to qualify for residency in the Santa Monica House. The women are in the program for approximately 6 months; the second proposed facility would allow the women to receive treatment for up to 1 year which increases the chances of a successful transition into society. In response to Mr. Lanoha, Mr. Roland stated that he did not feel there would be a negative impact on the surrounding uses, especially since there are no residential properties in the immediate area. With regard to the existing Santa Monica property at 130 North 39th Street, he stated that since 1972 there has been only one police call. He stated that in the past the Joslyn Castle Neighborhood Association
had no problems with the Santa Monica House as a neighbor. He felt that the track record of the current facility was proof that they would make every effort to be a good neighbor.

In response to Mr. Lanoha, Ms. Kirk stated that she felt that the proposed facility would have no negative impact on the Montessori Educational Center. She added that out of respect for the neighborhood as a whole, the current facility requires that the residents congregate at the back of the property. The women would also be required to use the entrance located at the rear of the home of the new facility.

Dr. Plambeck discussed how the activities at the education center could negatively affect the women from the Santa Monica House. She also questioned the safety of the children at the center.

Mr. Anzaldo AMENDED his motion: He moved to APPROVE the request for this applicant only. Mr. Mahlendorf seconded the motion.

AYES: Teutsch, Anzaldo, Mahlendorf

NAYES: Donovan, Lanoha

MOTION FAILED: 3-2

Ms. Donovan stated that her main concern was with the number of facilities in the area, including Small and Large Group Living. She wanted additional information regarding what other locations had been considered by the applicant and information regarding existing facilities.

Mr. Carter clarified that the various uses are considered separate in the zoning ordinance. He explained that some are allowed in the district while the Transitional Living use has a ½ mile restriction.

Ms. Donovan moved to LAYOVER. Ms. Teutsch seconded the motion.

AYES: Teutsch, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 14-081
Amy Sohm
3811 North 53rd Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-186 – Variance to the interior side yard setback from 5’ to 3’ to construct a detached garage.

LOCATION: 3811 North 53rd Street
ZONE: R4(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Amy Sohm appeared before the Board.

Ms. Sohm stated that the previous garage had to be demolished as a result of a recent hail storm. The proposed garage would be constructed at the same location.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to rebuild a slightly larger garage and would utilize the existing foundation. The garage as proposed requires a 5’ setback although the previous garage was at 3’. The Planning Department believed that a garage in compliance with the ordinance could be constructed and recommended denial.

Mr. Mahlendorf noted that the proposed garage would be no closer to the interior side yard setback than the previous structure.

The applicant stated that the materials of the new garage would match the existing home.

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

AYES: Anzaldo, Donovan, Lanoha, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 14-082  
   Mike LaFave  
   1228 Ranch View Lane  
   Omaha, NE 68022  

   REQUEST: Waiver of Section 55-126 – Variance to the interior side yard setback from 25’ to 10.29’ to allow construction of a house addition.

   LOCATION: 1228 Ranch View Lane  
   ZONE: R1

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 14, 2014, Mike LaFave appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department believes a practical difficulty exists as a result of the subdivision being approved under Elkhorn zoning regulations which allowed a 10’ setback. This occurred before it was annexed by the City of Omaha, which converted the zoning to R1 with a 25’ setback. He noted that several waivers of this type have been granted since the annexation. The Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf noted that there were two letters in opposition.

Robert Bolson, 1229 South 214th Street, appeared to inquire about the project. His property is located directly behind the applicant’s. He stated that there is a drainage problem between the applicant’s property and an adjacent home. He wanted to know if there would be any negative impact as a result of the applicant building closer to neighboring property. Mr. LaFave responded that the SID agreed to pour concrete around the existing drain tile. In addition, he stated that a 12” drain tile would probably be installed that would help water to drain into the street.

Ms. Donovan noted that if the property had not been annexed by Omaha, the applicant would be in compliance and no waiver would be required.

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

AYES: Donovan, Lanoha, Teutsch, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 14-083
Venkata Alla
1110 North 133rd Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, ornamental fence with stone columns in the front/street side yard setback of a residential district.

LOCATION: 1110 North 133rd Street
ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Deepthi Samindla, wife of the applicant, appeared before the Board.

Mike Carter, Zoning Board of Appeal Administrator, stated that the applicant was proposing to construct a 6’ tall, ornamental style fence with stone pillars along the property line on Nicholas Street. The Planning Department does not support the request since a fence can legally be constructed on the property and, therefore, recommended denial.

Ms. Samindla explained that the fence would be placed mainly along the side and front of the house for safety reasons. She felt that visibility should not be an issue because of the proposed location of the fence. She also assured the Board that a drainage system that had been put in place by the previous owners would not be disturbed.

Jim Czyz, 13402 Hamilton Street, appeared before the Board. Mr. Czyz’s home is directly behind the applicant’s. He stated that water drains down Hamilton Street and out of the backyard of his property. He wanted to make sure that the drain line would not be disturbed.

Ms. Donovan noted that the type of fence being proposed was typical of the area.

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

AYES: Lanoha, Teutsch, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
<table>
<thead>
<tr>
<th>Case No.</th>
<th>14-084</th>
<th>REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, metal fence in the front yard setback of a residential district.</th>
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<tr>
<td>Ted V. Grace</td>
<td>14921 Industrial Road Omaha, NE 68144</td>
<td>LOCATION: 3303 South 168th Street ZONE: DR</td>
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**RECOMMENDATION: Denial.**

At the Zoning Board of Appeals meeting held on August 14, 2014, Ted Grace (Grace Custom Homes) appeared before the Board on behalf of the property owner.

Mike Carter, Zoning Board of Appeal Administrator, stated that the applicant was proposing to construct a 6’ tall fence in the front yard setback. He added that there is no hardship since a legal fence can be constructed on the property. The Planning Department recommended denial.

In response to Ms. Donovan, Mr. Grace stated that the proposed fence would actually be located 50’ from the street. He mentioned that there are other properties along 168th Street that have a 6’ tall fence.

Ms. Donovan expressed support for the request.

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

AYES: Teutsch, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
9.  Case No. 14-085
    Chris Oltmanns
    2875 Binney Street
    Omaha, NE 68111

    REQUEST:  Waiver of Section 55-206 – Variance to the
    front yard setback from 25’ to 10’ with a
    Reasonable Accommodation request to
    allow a deck and stairs to remain.

    LOCATION:  2875 Binney Street
    ZONE:  R5

RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 14, 2014, Chris Oltmanns appeared before the Board.

Mike Carter, Zoning Board of Appeal Administrator, stated that the applicant had constructed an 8’ x 12’ deck at the front of the property without a building permit. As constructed, the deck encroaches into the required front yard setback. The applicant submitted a Reasonable Accommodation request so that the deck could be allowed to remain. Mr. Oltmanns indicated that the improvement was necessary for accessibility reasons and mental health benefits for one of the residents of the home. The Planning Department supports the request and believes that it does comply with the Reasonable Accommodation policy and, therefore, recommended approval in accordance with the plans submitted.

The Board also believed that the applicant met the requirements for a Reasonable Accommodation request.

Mr. Anzaldo moved to APPROVE. Ms. Teutsch seconded the motion.

AYES: Anzaldo, Donovan, Teutsch, Mahlendorf

MOTION CARRIED: 4-0 (Mr. Lanoha was not present during the vote)
10. Case No. 14-086
Robert or Rogene Locken
14616 North 72nd Street
Omaha, NE 68122

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

LOCATION: 14616 North 72nd Street
ZONE: DR-ED

RECOMMENDATION: Approval subject to the applicant paving the drive approach, plus the first 50' inside the property line.

At the Zoning Board of Appeals meeting held on August 14, 2014, Robert and Rogene Locken appeared before the Board.

Mike Carter, Zoning Board of appeal Administrator, stated that the applicants were planning to construct a new home on a site north of the City which has been designated as an Environmental Overlay District. The City has typically supported waivers of this type to discourage paving and grading on the land. The Planning Department supports the waiver and recommended approval, subject to the applicant paving the drive approach plus the first 50’ inside the property line.

Mr. Locken was in agreement with the Department’s recommendation.

Mr. Lanoha moved to APPROVE subject to the applicant paving the drive approach, plus the first 50’ inside the property line. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Teutsch, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 14-087
Adriana Hinojosa
2308 Harrison Street
Omaha, NE 68147

REQUEST: Waiver of Section 55-206 – Variance to the rear yard setback from 25’ to 11’ to construct a 19’1” x 25’6” addition to an existing 520 sq. ft. shed.

LOCATION: 2308 Harrison Street
ZONE: R5(35)

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Joe Bradley (Attorney) and Adriana Hinojosa appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that construction was already underway on the addition. The Planning Department found no hardship or practical difficulty that would prevent the garage from being built in compliance with zoning regulations and recommended denial.

Mr. Mahlendorf mentioned that the Board had visited the property. There was some discussion about the removal of a bus and other items that were being stored on the property. In response to Mr. Anzaldo, Ms. Hinojosa stated that she was not originally aware that a permit was needed to construct the addition. Mr. Bradley explained that the applicant took the proper steps when she learned that a permit was necessary. Ms. Hinojosa stated that she would have the property cleared within 30 days.

Mr. Anzaldo moved to APPROVE subject to the applicant cleaning the property within 30 days. Ms. Teutsch seconded the motion.

AYES: Lanoha, Teutsch, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 14-088  
   Richard Jacobson  
   812 North 66th Street  
   Omaha, NE 68132  

   REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 31’ 10¾”; to construct a 29’1” x 27’8” two-story garage addition.  

   LOCATION: 812 North 66th Street  
   ZONE: R1

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Steven Ginn (Architect) and Richard Jacobson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an addition to a detached garage that would encroach into the required rear yard setback. There was a waiver to the street side yard setback granted in 1996 which allowed the garage to be constructed so that it would line up with an existing structure on the property. The Planning Department found no hardship or practical difficulty since a garage in compliance with the code could be built on the site and, therefore, recommended denial.

Mr. Ginn stated that the property owners would like more garage space so that their cars were not parked on the street. He explained that if the addition was built without any encroachment into the setback, the stalls would be too small for a car to fit. He felt that the addition would not detract from the neighborhood. Mr. Ginn submitted renderings of the proposed addition (Exhibit B).

In response to Mr. Mahlendorf, Mr. Ginn stated that the homeowner intends to maintain his vehicles which require a slightly larger garage than normal. Mr. Mahlendorf mentioned that the four curb cuts being proposed for the property may not be allowed and that approval would be needed from the Public Works Department. Mr. Ginn responded that approval was being sought from Public Works and that, if necessary, the curb cuts could be reduced to three.

Mr. Mahlendorf felt that the request was more of a preference and not a necessity, especially considering how minimal the request was. The Board’s preference was for the applicant to restrict the number of curb cuts to three. Mr. Lanoha commented that if the property were zoned R2 it would be completely in character with the neighborhood.

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

AYES: Teutsch, Anzaldo, Donovan, Lanoha  

NAYES: Mahlendorf  

MOTION CARRIED: 4-1
13. Case No. 14-089  
Falcone Homes  
P.O. Box 541055  
Omaha, NE 68154  

REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 7’ to construct a single-family home.  
LOCATION: 19010 Honeysuckle Drive  
ZONE: R4

RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on August 14, 2014, Jason Thelen (E & A Consulting Group) appeared before the Board.  

Mr. Thelen stated that he wanted to amend the request from 25’ to 12.11’ instead of the requested 25’ to 7’. Ms. Donovan noted that there was a creek behind the proposed home and stated that she preferred the home be situated as far back away from the street as possible.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the City seldom supports variances for new homes on vacant lots. The Planning Department recommended denial of the request since the property could be constructed in compliance with the code.  

Mr. Mahlendorf felt that there was a hardship because of the irregular shape of the lot at the rear of the proposed home. In response to Mr. Lanoha, Mr. Thelen explained that the irregular shape of the backyard is a result of guidelines set by the Army Corp of Engineers who require a certain amount of buffer between the proposed home and the creek.  

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

AYES: Anzaldo, Donovan, Lanoha, Teutsch, Mahlendorf  

MOTION CARRIED: 5-0
14. **Case No. 14-090**  
Glenda Wood  
Habitat for Humanity of Omaha  
1701 North 24th Street  
Omaha, NE 68110  

**REQUEST:** Waiver of Section 55-206 – Variance to the minimum lot width from 50’ to 36’ to construct a new home.  

**LOCATION:** 2430 South 19th Street  

**ZONE:** R5  

**RECOMMENDATION:** Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 14, 2014, Glenda Wood appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the home that was previously on the lot had been demolished and the applicant was proposing to construct a new single-family home on it. The property is 36’ wide and does not meet the width requirement of 50’ for its zoning classification, resulting in the need for a waiver. Mr. Carter stated that there are several properties in the neighborhood that have similar issues with width. The Planning Department believed there is a hardship due to the size of the lot and recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Lanoha, Teutsch, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 04-161
   Sam Mandolfo
   2611 South 117th Street
   Omaha, NE 68144
   REQUEST: Waiver of Section 55-716 – To amend a previously approved variance to the required buffer yard between CC & R4 from 30' with screening to 10'7" with screening to allow construction of a radio tower.
   LOCATION: 17979 Pierce Plaza (17821 Pierce Plaza)
   ZONE: CC

RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 14, 2014, Sam Mandolfo appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case originally began in 2004 with a waiver to allow the commercial site to have parking and trash dumpsters in the buffer yard behind the structure. The applicant was proposing to amend the request so that a 50' radio tower could be constructed in the buffer yard between the commercial site and a school located to the south. He explained that the buffer yards are intended to screen and separate the different uses. The Planning Department found no hardship or practical difficulty and recommended denial of the request.

Mr. Mandolfo submitted a letter from the owner of the property (Exhibit B) in support of the request. He stated that there is a great demand for cell service in the area and that there is no other property in the immediate area where the proposed tower can be located. He stated that he attempted to reach someone from the Elkhorn Public Schools about the project and had received no response. He felt that the proposed tower would not be an issue for the adjacent school. He added that there would be nothing within 15' of the property line, which is the waiver that was granted in 2004. He stated that a fence would also be constructed that would provide the necessary buffer.

Mr. Mahlendorf stated that the Board had visited the site and believed that the tower would not negatively impact the area. There was some discussion about parking on the site and the type of tower being proposed. In response to Mr. Anzaldo, Mr. Mandolfo stated that he has spoken with Jason Harris with the Elkhorn Public Schools in the past about installing towers at other school locations. Mr. Mahlendorf confirmed that no part of the pole, including the antennae or any other cell tower poles installed in the future, would be higher than 50’.

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

AYES: Lanoha, Teutsch, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 14-091  
Frank R. Krejci  
1505 North 203rd Street  
Elkhorn, NE 68022  
REQUEST: Waiver of Section 55-87, 55-740(e), 55-765(d)(3) and 55-765(d)(4) – Variance to the lot width from 300’ to 0’; to the requirement that access roads and parking facilities must be hard-surfaced; and to the required water supply, sewage disposal and water/toilet facilities; to allow a Campground use.  
LOCATION: NW of 230th Street & West Maple Road  
ZONE: AG-FW  
RECOMMENDATION: Approval in accordance with the plans submitted, subject to paving the approach plus the first 50’ of the access easement and approval of a Floodplain Development Permit.

At the Zoning Board of Appeals meeting held on August 14, 2014, Jim Lang (11718 Nicholas Street) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Board approved a Conditional Use Permit for this applicant at its July 2, 2014 meeting. The permit allows for a campground on the site, which requires a hard-surface for parking in addition to other city services. Because of the proposed use, the Planning Department supports the waiver subject to the applicant paving the approach, plus the first 50’ of the access easement and approval of a Floodplain Development Permit.

Mr. Lang stated that his client was in agreement with the Planning Department’s recommendation.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to paving the approach plus the first 50’ of the access easement and approval of a Floodplain Development Permit. Mr. Lanoha seconded the motion.

AYES: Teutsch, Anzaldo, Donovan, Lanoha, Mahlendorf  
MOTION CARRIED: 5-0
17. Case No. 91-057
   Jules Updike
   2327 North 150th Avenue
   Omaha, NE 68116

   REQUEST: Waiver of Section 55-366 – To amend a previously approved variance to the required front yard setback from 25’ to 21.7’ to allow replacement of an existing deck with a new deck and canopy.

   LOCATION: 1300 South 72nd Street
   ZONE: CC-ACI-2(65)

   This request was withdrawn at the request of the applicant.
APPROVAL OF MINUTES

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

AYES: Anzaldo, Donovan, Lanoha

ABSTAIN: Teutsch, Mahlendorf

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:21 p.m.

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Clinette Warren, Secretary