ZONING BOARD OF APPEALS
AGENDA

Public Hearing
Thursday, December 10, 2015 - 1:00 P.M.
Legislative Chambers-LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Brian Mahlendorf – Chair, Jacque Donovan - Vice-Chair, Sebastian (Subby) Anzaldo, Jason Lanoha, and Jeremy Aspen. Teri Teutsch and Sean Kelley are the alternates. For a waiver to be approved, four members must vote in favor of the request.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

ZONING BOARD OF APPEALS MEMBERS will assemble in the Planning Department Central Conference Room, 11th Floor, on Thursday, December 10, 2015 at 8:30 a.m. to determine the sites to be inspected.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, November 30, 2015 (for use waivers only) and Thursday, December 3, 2015.

MEETING PROCEDURES:

Applicant, Property Owner or Representative - must appear at the meeting.

It is the applicant's responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standard are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please come forward and give your name to the secretary and the chairman. If there are opponents, they will also come forward at that time and give their names to the secretary and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, the applicant must receive a building permit before starting any construction. You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, no earlier than the Monday following the meeting.

The Zoning Board of Appeals agenda and other information regarding the Zoning Board of Appeals and the Planning Department is available on the Internet at http://www.cityofomaha.org/planning. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska. Prior to the hearing, the applicant may schedule a time to review the City's case file during normal business hours by contacting the Planning Department at (402) 444-5150 x2063. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5150 x2061, 72 hours in advance.
LAYOVERS:

1. **Case No. 15-137 - WITHDRAWN**  
   (from 11-12-15)  
   Mark and Cathy Madsen  
   9527 Westchester Lane  
   Omaha, NE 68114  
   **REQUEST:** Waiver of Section 55-126 & 55-715 –  
   Variance to the front yard setback from 50’ to 30’ and to the minimum street yard landscaping depth from 30’ to 0’ to allow construction of a new home and pool house.  
   **LOCATION:** 9501 & 9521 Douglas Street  
   **ZONE:** R1

2. **Case No. 15-140 (from 11-12-15)**  
   Tim Norton, Creighton University  
   2500 California Plaza  
   Omaha, NE 68178  
   **REQUEST:** Waiver of Section 55-825(c) – Variance to the maximum area for a temporary sign from 32 sq. ft. to 640 sq. ft. for a banner to be displayed from December 17, 2015 until January 30, 2016.  
   **LOCATION:** 2500 Cass Plaza  
   **ZONE:** DS

NEW CASES:

3. **Case No. 15-121**  
   Gabriela R. Perez Chavez  
   1916 M Street  
   Omaha, NE 68107  
   **REQUEST:** Waiver of Section 55-207(g) & 55-206 –  
   Variance to the front yard setback from 35’ to 6.8’ and to the interior side yard setback from 5’ to 4.5’, to allow a 7’ x 20’7” deck with pergola and stairs to remain.  
   **LOCATION:** 1916 M Street  
   **ZONE:** R5(35)

4. **Case No. 15-128 - WITHDRAWN**  
   Troy Podraza  
   17837 Harney Street  
   Omaha, NE 68118  
   **REQUEST:** Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a parking lot to allow a gravel surface.  
   **LOCATION:** 15220 Military Road  
   **ZONE:** LC

5. **Case No. 15-134**  
   Douglas County School Dist. 0001  
   c/o Mark Warneke – Director of Buildings & Grounds  
   3215 Cuming Street  
   Omaha, NE 68131  
   **REQUEST:** Waiver of Section 55-186, 55-715 & 55-735(b) – Variance to the maximum impervious coverage from 50% to 70%; to the minimum street yard landscaping depth from 15’ to 14’; to the minimum street yard landscaping percentage from 60% to 45%; and to allow off-street parking for a nonresidential use in the front yard setback of a residential district; for construction of a new elementary school.  
   **LOCATION:** 1807 South 60th Street (5845 Walnut Street)  
   **ZONE:** R4
6. Case No. 15-141  
Douglas County School Dist. 0001  
3215 Cuming Street  
Omaha, NE 68131  
REQUEST: Waiver of Section 55-503 – Variance to the permitted use regulations of the GI District to allow temporary primary education facilities not otherwise permitted.  
LOCATION: 4301 North 30th Street  
ZONE: GI-ACI-1(PL)  

7. Case No. 15-143  
Michael Rouw - WITHDRAWN  
2105 South 145th Avenue  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-166 – Variance to the maximum impervious coverage from 45% to 47.9% to allow a 10’ x 18’ addition to remain.  
LOCATION: 2105 South 145th Avenue  
ZONE: R3  

8. Case No. 15-144  
Paul Wolff  
Wolff Contracting, LLC  
515 North 68th Street  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 4.8’ to allow construction of an addition to the second floor of an existing home.  
LOCATION: 1412 South 64th Avenue  
ZONE: R4(35)  

9. Case No. 15-145  
Mark J. Hemmer  
17621 Patrick Avenue  
Omaha, NE 68116  
REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 65% to 51%; and to the minimum street yard landscaping depth from 20’ to 0’ to allow installation of a circular drive.  
LOCATION: 18716 North HWS Cleveland Boulevard  
ZONE: R3  

10. Case No. 15-146  
Matt Tinkham  
Lamp Rynearson & Associates  
14710 West Dodge Road  
Suite 100  
Omaha, NE 68154  
REQUEST: Waiver of Section 55-506 – Variance to the minimum lot width from 100’ to 32.95’ and 32.75’ to allow for the approval of a subdivision of the property into 2 lots.  
LOCATION: 6620 F Street & 4343 South 67th Street  
ZONE: GI  

11. Case No. 15-147  
Mark Stevens  
Glad Tidings Assembly  
7415 Hickory Street  
Omaha, NE 68124  
REQUEST: Waiver of Section 55-830 – Variance to the overall sign budget from 32 sq. ft. to 51 sq. ft.; to the front yard setback from 12’ to 0’; and to the side yard setback from 6’ to 0’ to install a new monument sign.  
LOCATION: 7415 Hickory Street  
ZONE: R2
12. Case No. 15-148
   U.P. Connection Federal Credit Union
   6707 Grover Street
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-835 – Variance to allow an electronic message center as part of a new monument sign.
   LOCATION: 6707 Grover Street
   ZONE: LC

13. Case No. 15-149
   Marcus Palimenio & Rochelle Finnigan
   5615 Poppleton Avenue
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-186 & 55-187(e) – Variance to the front yard setback from 35’ to 30’ and to the rear yard setback from 25’ to 22.58’ to construct a front porch and rear deck.
   LOCATION: 5615 Poppleton Avenue
   ZONE: R4(35)

14. Case No. 15-150
   Jeff Mooney
   2115 South 90th Street
   Omaha, NE 68124
   REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 70% to 55% and to the minimum street yard landscaping depth from 25’ to 0’ to allow for the construction of a circular driveway addition.
   LOCATION: 2115 South 90th Street
   ZONE: R2

15. Case No. 15-151
   NS-Yard West, LLC
   6336 John J. Pershing Drive
   Omaha, NE 68110
   REQUEST: Waiver of Section 55-928(e) & 55-718 – Variance to the required landscaping plantings for a surface parking lot for a period of no more than 4 years from the date of approval of the Conditional Use Permit for Surface Parking.
   LOCATION: 1515 Cuming Street
   ZONE: CBD-ACI-1(PL)

16. Case No. 15-152
   Music School Development Corp LLC
   3405 South 108th Street
   Omaha, NE 68144
   REQUEST: Waiver of Section 55-143 & 55-830 – Variance to the permitted use regulations of the R2 district to allow a Restaurant (Limited) use not otherwise permitted and to allow a sign plan for signage not otherwise permitted.
   LOCATION: 7023 Cass Street
   ZONE: R2

(12-1-15)