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, March 2, 2015 and Thursday, March 5, 2015.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Jeremy Aspen
Sebastian Anzaldo
Jason Lanoha

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

STAFF PRESENT: Dave Fanslau, Assistant Director
Mike Carter, Zoning Board of Appeals Administrator
Travis Gibbons, City Planner
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.
SHOW CAUSE:

1. Case No. 14-013 (from 1/8 & 2/12/15) REQUEST: Waiver of Section 55-824(d) – Variance to allow a monument sign on a property with a building closer than 15’ to the property line.

Premier Bank
Chris Maher
16802 Burke Street
Omaha, NE 68118

LOCATION: 4314 & 4318 Dodge Street, 109 North 43rd Avenue
ZONE: GC-ACI-2(50)

PLANNING DEPARTMENT RECOMMENDATION: Approval of the revised plan, subject to the following 4 conditions and compliance with 55-854, whichever is most restrictive: 1) Sizing of Message Space: The current “message space” is 132 lines (height) by 176 columns (width). The bank is able to adjust the “message space” to have a 6 ½ inch black/blank space on all sides of the sign to make our new “message space” to 110 lines (height) by 154 columns (width); 2) Brightness Settings: The bank’s sign is currently set up with the manufacturer’s recommended brightness settings of “automatic”. This means that based on the sunlight exposure throughout the day the brightness automatically adjusts. For example, if it is a cloudy day, the brightness setting would be set at 70%. If it is a sunny day, the brightness setting would be as bright as 100%, and in the evening, the brightness setting would adjust to 10-15%. There are two options that the bank can do to adjust the brightness settings: a) Adjust the maximum brightness setting to 80% instead of 100% during the daytime so the brightness is set up for a cloudy day all of the time. b) In creating each slide image, we would incorporate more pastel or darker colors (black, dark red, mauve, etc.) and limit the amount of brighter colors (white, bright blue, bright green, etc.) 3) Slide cycle: Limit the number of slides in the cycle to a specific number of slides per minute. (i.e. at one (1) slide per ten (10) seconds for a total of six (6) slides in one minute). The transitional from one image to another will appear instantaneous. 4) Off-premises Signage: The monument sign will not broadcast any so-called “off-premises” signage.

At the Zoning Board of Appeals meeting held on March 12, 2015, Larry Jobeun, 11440 West Center Road, and Chris Maher appeared before the Board.

Mr. Jobeun stated that the applicant had met with the Planning Department to decide on performance standards that would make the sign more acceptable in its current location. The issues that were discussed included dimming, instantaneous change, the number of slides and off-premise signage. His client was in agreement with the conditions of approval.

Mr. Mahlendorf stated that the Board was generally in support of the request; however, they wanted a final visual inspection of the sign before approving it.

Mr. Aspen moved to LAYOVER to allow the applicant to implement changes and for a visual inspection by the Zoning Board of Appeals. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
LAYOVER CASES:

2. Case No. 15-004 (from 2/12/15) REQUEST: Waiver of Section 55-853(a) & 55-826 (a)(3)&(4) – Variance to the spacing requirements for an electronic/static off-premise advertising sign.

   Bronco Land Company
   7134 Pacific Street
   Omaha, NE 68106

   LOCATION: 7120/7152 Pacific Street
   ZONE: GC-ACI-2(65)-FF, GI-ACI-2(65)-FF

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2015, Larry Jobeun, 11440 West Center Road, and Mike Kelley appeared before the Board.

Mr. Jobeun stated that the billboard is situated in the middle of the Kum & Go site on the corner. He explained that the hardship is that the billboard impedes future redevelopment of that corner. The applicant indicated that a number of parties have been interested in the property but viewed the billboard as a deterrent. He requested that the sign be moved 100’ to the north, bringing it within 600’ of an existing sign located across the street. He mentioned that the applicant was aware that another code section also applied in this case (Section 55-617) which requires a Special Use Permit when a sign is being replaced on the same property or on an adjacent tract.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department found no hardship or practical difficulty to support the request. He restated that a Special Use Permit would need to be obtained from the Planning Board and City Council as a separate process.

Mr. Anzaldo moved to APPROVE subject to the applicant obtaining a Special Use Permit. Mr. Lanoha seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 15-009 (from 1/8/15)  
Christina M. Blumkin Trust  
9405 Davenport Street  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-126 – Variance to the  
front yard setback from 50’ to 45’; to the  
rear yard setback from 35’ to 25’; and to the  
maximum height from 35’ to 46’, to  
construct a new single-family home.  

LOCATION:  
9405 Davenport Street  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on March 12, 2015, Jerry Slusky, 8712 West Dodge Road,  
and Matt Blumkin, appeared before the Board on behalf of the applicant.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had adjusted the plans so  
that a height waiver was no longer necessary. The Planning Department found no hardship since there is  
currently nothing on the land. The Department felt that the proposed home should comply with the zoning  
requirements. He noted that the proposed home would stick out since most of the homes on the block are  
situated further back on the lot. The Planning Department recommended denial.  

Mr. Slusky stated that his client believed that there is a hardship due to the large setbacks required in a R1  
district.  

In response to Mr. Lanoha, Mr. Slusky explained that a special covenant applies to the 19 homes in the  
area. The property owner needed to obtain signatures from the majority of the homeowners in order to  
modify the existing covenants. He submitted documentation of the covenant modification (Exhibit B). In  
response to Mr. Aspen, Mr. Slusky stated that the applicant did not want to build the home further back  
but preferred to seek waivers that would allow the home to be built as proposed. He stated that other  
homes in the area were granted setback waivers. Ms. Donovan attested to the fact that there were other  
homes in the area that were built further into the front yard setback.  

Cooper Vertz, 9425 Davenport, appeared in opposition to the waiver of the front yard setback. He stated  
that there were no houses on the street that violated the 50’ setback and that there was no hardship on  
the part of the applicant. Mr. Carter stated that he was unaware of any waivers to the front yard setbacks  
that had been granted to anyone on the block.  

In response to Mr. Lanoha, Joseph Whelan, Attorney, stated that the covenants stipulate a 60’ front yard  
setback. Approval was needed from the neighbors to allow a 45’ setback, contingent upon approval from  
the Zoning Board of Appeals, for this property only. He testified that the owners of the adjacent lots did  
sign off on the modification to the covenants.  

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

AYES: Lanoha, Anzaldo, Donovan, Mahlendoff  
NAYES: Aspen  
MOTION CARRIED: 4-1
4. Case No. 15-010 (from 2/12/15)  
   St. John's Lutheran Church  
   11120 Calhoun Road  
   Omaha, NE 68152  
   REQUEST: Waiver of Section 55-829 - Variance to the front yard setback from 12’ to 0’ to construct a monument sign.  
   LOCATION: 4519 Kelby Road  
   ZONE: DR-ED  

   PLANNING DEPARTMENT RECOMMENDATION: Denial.
   
   The applicant requested a layover of this case.
   
   Ms. Donovan moved to LAYOVER. Mr. Aspen seconded the motion.
   
   AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf
   
   MOTION CARRIED: 5-0
5. Case No. 15-015 (from 2/12/15)  
Mark Sanford  
1306 North 162nd Street  
Omaha, NE 68118  

REQUEST: Waiver of Section 55-363 – Variance to the permitted use regulations of the CC District to allow a Body & Fender Repair Services use not otherwise permitted.

LOCATION: 15555 Q Street
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2015, Julia Plucker, 444 Regency Parkway Drive, Mark Sanford and Thomas Wortman appeared before the Board.

Ms. Plucker stated that the Body & Fender Repair Services use did not fully explain the “micro shop” being proposed for the location. She stated that, at the Board’s request, a landscaping plan had been submitted in addition to a document defining what a “micro shop” is. The document stated that an individual must be a Multiple Shop Operator so that there is another location available to send cars that are totaled; she stressed that nothing will be stored outside. It takes an average of 17 hours for repairs to be done on-site and a maximum of 9.6 paint hours. She stated that the hardship is that the zoning code does not define what a micro shop actually is. She stated that many of the neighbors felt that the micro shop would be a less invasive use than the gas station that was previously on the site. She stated that the applicant was aware of some opposition to the request and stressed that the owner was committed to being a good neighbor.

Mike Carter, Zoning Board of Appeals Administrator, explained that if the use for this property was approved it would be highly likely that it will remain that way, even if the use was limited to a particular owner. He stated that the Body & Fender Repair Services is the best description for the business. Public Works had indicated that, as part of the building permit process, access to Q Street should be closed and access to 156th Street should be moved further south. He further stated that if the Board was inclined to grant the waiver, the applicant should be required to comply with MCC standards, including removal of the pole sign and the addition of a monument sign. The waiver should also be for this applicant only which would require future owners to appear before the Board before starting business. The Planning Department recommended denial.

Ms. Donovan felt that the proposed use was more desirable than an auto repair shop. She felt that the owner had proven that he was a good neighbor. She stressed, however, that if approval was granted it should be for this applicant only. Mr. Mahlendorf agreed that the business was not a true auto repair business.

In response to Mr. Lanoha, Mr. Wortman stated that if access was not granted for Q Street he would need to reconsider the entire plan.

Kelly Foral, 18734 R Street, appeared before the Board on behalf of Autumn Grove Apartments. She had met with Mr. Wortman earlier in the day and concluded that his business would be a better alternative to the gas station that was previously on the site. She stated that the owner of the apartments wanted to ensure that the waiver would be for the applicant only.

Mr. Aspen was concerned that if access was not allowed on Q Street, it would result in an increase in traffic for the surrounding neighborhood. Mr. Anzaldo felt that an increase of approximately 13 cars per day would not significantly impact the neighborhood. He stated that the Q Street issue was not before the Board and that it should be handled by the Public Works Department.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to the compliance with MCC standards to include removal of the pole sign and for this applicant only. The applicant will work with Public Works regarding Q Street access. Mr. Anzaldo seconded the motion.
AYES: Anzaldo, Donovan, Aspen, Mahlendorf

NAYES: Lanoha

MOTION CARRIED: 4-1
NEW CASES:

6. Case No. 15-011  
Larry Jensen  
Midtown Development  
6324 South 118th Street  
Omaha, NE 68137  
REQUEST: Waiver of Section 55-246, 55-734, 55-735(a)(1), 55-716 & 55-715 – Variance to the front yard setback from 35’ to 8’; to the rear yard setback from 25’ to 20’; to the interior side yard setback from 10’ to 2’ (trash enclosure); to the required number of off-street parking stalls from 33 to 22; and to allow off-street parking for a multi-family residential use in the front yard setback of a residential zoning district; to the minimum street yard landscaping depth from 10’ to 6’; to the required bufferyard between R7 and R5 from 14’ to 6’ and to the street side yard setback from 15’ to 9’, to allow construction of a 22-unit apartment building and parking lot.

LOCATION: 1030 & 1034 South 30th Avenue, 3006 & 3008 Pacific Street  
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to compliance with Article 22, Urban Design.

At the Zoning Board of Appeals meeting held on March 12, 2015, Robert Torson, Robert Torson Architects – 6542 South 118th Street, and Larry Jensen appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct two buildings that will have a total of 22, 1-bedroom unit apartments including 22 off-street parking stalls with access off the alley and an exit on Pacific Street. The project meets the 1:1 standard for parking. There is also parking along the street that will be available for visitors. The buildings would face 30th Avenue with patio space on the main floor and an open area between the two buildings. The applicant worked with the Planning Department on the design of the project. He mentioned that the applicant would need to continue to work with the Planning Department on the side of the building that faces Pacific Street to ensure that the wall will comply with Urban Design Standards. The Planning Department believed there was a hardship that resulted from trying to fit these types of projects into redevelopment areas and felt that some assistance was necessary. The Department recommended approval in accordance with the plans submitted, subject to compliance with Article 22, Urban Design.

In response to Mr. Anzaldo, Mr. Jensen stated that some existing homes would be demolished in order to make room for the project. Mr. Anzaldo expressed support for the project.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, noting the Planning Department’s recommendation. Mr. Aspen seconded the motion.

Dennis McCully, 3017 Pacific Street, appeared in opposition to the request. He submitted pictures to the Board of his home and the area surrounding his home (Exhibit C). He also submitted an additional packet of information (Exhibit B). Mr. McCully stated that he was basically opposed to the parking situation which was already an issue. He also stated that the developer never had a meeting with the neighbors to discuss the project.

Lisa Chudomelka, 1039 South 30th Avenue, appeared in opposition to the request. She felt that 1:1 parking would not be sufficient, considering that many households have more than one car. She inquired as to how tall the units would be and if the existing sycamore trees would remain.

Mr. Carter noted that the Planning Department received an email from Michael Chudomelka in opposition of the request.
In response to Mr. Lanoha, Mr. Cater stated that 1:1 parking has become the preference, especially in the midtown area.

Mike Lillian appeared in opposition to the request. He is the owner of a rental unit near the proposed site of the apartment buildings. He had an issue with the parking situation, the number of new units being proposed, and the lack of green space. He noted that there is only parking on one side of the street.

Mary Fitzpatrick, 2970 Pacific Street, appeared before the Board. She stated that one parking space per unit would not work. She felt that there was nothing to support the idea that many of the residents would rely on public transportation instead of their own person vehicle. She also preferred better setbacks and more landscaping for the site.

Lou Pesek, 1022 South 30th Avenue, appeared before the Board. He inquired into what type of residents would inhabit the buildings. He also felt that there should be only half of the proposed 22 units and more green space.

Patrick Malloy appeared before the Board. He owns properties in the neighborhood. He felt that the City should provide additional parking on some of the vacant lots in the area.

In response to concerns of the neighbors, Mr. Jensen stated that there are 3 sycamore trees on the site that the applicant would attempt to save. He further stated that letters were sent to the surrounding neighbors approximately one week before the meeting about the project, but no one showed up. Ms. Donovan felt that the applicant should make another attempt to meet with the neighbors.

Ms. Donovan WITHDREW her motion. It was the consensus of the Board to allow the motion to be withdrawn.

Mr. Mahlendorf advised the neighbors that 1:1 parking was becoming the standard, resulting from individuals who want to live near their work and not own a car. He also stated that the provided parking was more than was there to begin with.

Mr. Anzaldo moved to LAYOVER to give the applicant time to meet with the neighbors. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 15-017  
Danielle Dring  
Mercury Contractors  
4222 Davenport Street  
Omaha, NE 68131  

REQUEST: Waiver of Section 55-126 & 55-715 - Variance to the front yard setback from 50' to 44'; to the interior side yard setback from 25' to 16'; and to the minimum depth for street yard landscaping from 30' to 0', to construct a home addition.

LOCATION: 8225 Jackson Street  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2015, Danielle Dring and Jeff Gehring appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a similar waiver had been granted for this property in November 2014. Upon submittal of a building permit it was determined that the site plan had been changed from what the Board had approved, resulting in the need for another waiver. A waiver for the street yard landscaping was added because of the angle of the driveway that will be put in. He added that more structure will be in the setback than what was previously approved. The Planning Department did not support the request and recommended denial.

The property owner stated that he had spoken with his neighbor to the east who requested that the driveway be moved further to the east and the garage further to the west. In order to make the change, a curve was added to the driveway and a covered patio to the rear.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 15-019
Dan Brewer
Habitat for Humanity
1701 North 24th Street
Omaha, NE 68110

REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 25’ to construct a new single-family home.

LOCATION: 3932 North 21st Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submitting an application for rezoning the property from R7 to R5.

At the Zoning Board of Appeals meeting held on March 12, 2015, Ed Thiele, Habitat for Humanity, appeared before the Board.

Mr. Thiele stated that the existing duplex would be demolished to make way for construction of a new home in 2015. The applicant requested that the new home be built with a 25’ setback to match the other homes on the block. The applicant also indicated that rezoning of the property would be applied for pending the decision of the Zoning Board of Appeals.

Mr. Mahlendorf stated that he would be abstaining from the case since the company he worked for would be involved with the project.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to submitting an applicant for rezoning from R7 to R5. Ms. Donovan seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha

ABSTAIN: Mahlendorf

MOTION CARRIED: 4-0-1
9. Case No. 15-020
City of Omaha
Chris Wayne
1819 Farnam Street
Omaha, NE 68183

REQUEST: Waiver of Section 55-206 & 55-742 – Variance to the minimum lot size from 5,000 sq. ft. to 4,522 sq. ft. - 4,995 sq. ft.; to the front yard setback from 25 ft. to 20 ft.; to the street side yard setback from 15' to 13', to the rear yard setback from 25’ to 20’, to allow required off-street parking in the front yard setback to subdivide the property into 6 lots for single family residential homes.

LOCATION: Southwest corner of 19th & Locust Streets – 2821, 2817, 2813, 2809, 2812 North 19th Avenue; 1918, 1908, 1904 Corby Street; 2822, 2818, 2816, 2814, 2812 North 19th Street

ZONE: R7 & GC (R5-pending)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on March 12, 2015, Chris Wayne appeared before the Board.

Mr. Wayne explained that the site was difficult because of the original street layout. There were originally 13 lots that have been subdivided down to 6.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 15-021
Jeff Keating
PDM, Inc.
1111 North 102nd Court
Omaha, NE 68114

REQUEST: Waiver of Section 55-366 – Variance to the maximum impervious surface coverage from 85% to 90% for the proposed Lot 1, to allow for approval of an administrative subdivision.

LOCATION: 3002 South 24th Street
ZONE: CC-ACI-1(50)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2015, Doug Dreessen, 10836 Old Mill Road, and Jeff Keating appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the proposed subdivision would result in Lot 1 exceeding the maximum impervious coverage allowed. Since there was no hardship or practical difficulty, the Planning Department recommended denial.

Mr. Mahlendorf mentioned that the Board had visited the property. In response to Mr. Lanoha, Mr. Dreessen explained that a basin would be built to improve stormwater drainage for the site.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 15-022  
   Mr. & Mrs. David Peters  
   725 North 57th Street  
   Omaha, NE 68132  

REQUEST:  Waiver of Section 55-186 & 55-187(e) –  
           Variance to the front yard setback from 35’  
           to 33.5’; to the street side yard setback  
           from 15’ to 10’; to the rear yard setback  
           from 25’ to 20’10” for the existing structure  
           and a home addition.  

LOCATION:  523 North 52nd Street  
ZONE:  R4(35)  

PLANNING DEPARTMENT RECOMMENDATION:  Denial.  

At the Zoning Board of Appeals meeting held on March 12, 2015, Jim Linkletter, Architect, 2639 Avenue D,  
Council Bluffs, Iowa, David Peters and Jan Peters appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that two of the waivers are for existing  
conditions. The request for the rear yard setback was a design preference and was not supported by the  
Planning Department, which recommended denial.  

Mr. Anzaldo noted that the Board had received an email from the neighborhood association which  
indicated that it was in support of the project. Mr. and Mrs. Peters had also spoken to the neighbors who  
had expressed support for the project. Mr. and Mrs. McNichols, neighbors of the applicants, appeared in  
support of the request.  

Ms. Peters stated that the parking situation in the neighborhood caused a hardship.  

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

It was determined that an additional waiver would be needed because of a proposed second-floor, east  
bay window shown on the floor plan that projects out from the structure into the setback. If the applicants  
decided to keep the window, another waiver would be necessary and the case would need to be re-  
advertised. The applicants decided to accept the decision made by the Board and decide on the additional  
waiver at another time.  

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf  
MOTION CARRIED: 5-0
12. Case No. 15-023  
Omaha Blue Wave  
14205 J Street  
Omaha, NE 68137  

REQUEST: Waiver of Section 55-503 - Variance to the permitted use regulations of the GI District to allow a Personal Improvement Services and Personal Services use not otherwise permitted.

LOCATION: 13803 Industrial Road
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of a Special Use Permit application to allow Personal Improvement Services and Personal Services in the GI district no later than June 8, 2015.

At the Zoning Board of Appeals meeting held on March 12, 2015, Ray Trimble – Building Owner, 4383 Nicholas Street, and Jeff and Michele Helaney – Business Owners, appeared before the Board.

Mr. Mahlendorf noted that the Planning Department recommended approval of the request, subject to submittal of a Special Use Permit application to allow Personal Improvement Services and Personal Services.

Mike Carter, Zoning Board of Appeals Administrator, noted that the request had been revised to include both Personal Improvement Services and Personal Services, adding that the applicant had already applied for the Special Use Permit.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submittal of a Special Use Permit application to allow Personal Improvement Services and Personal Services in the GI district no later than June 8, 2015. Mr. Aspen seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 15-024  
   John Caniglia  
   Icon Properties Midtown  
   P.O. Box 540308  
   Omaha, NE 68154  

   REQUEST: Waiver of Section 55-266, 55-734 & 55-740(f) – Variance to the interior side yard setback from 10’ to 5.75’; to the rear yard setback from 25’ to 2’ (trash enclosure); to the minimum perimeter parking lot landscaping from 10’ to 8’ and to the required number of off-street parking stalls from 40 to 32, to construct a 28-unit apartment building.

   LOCATION: 3412, 3420 & 3424 Dodge Street; 111 North 35th Street  

   ZONE: R8-ACI-2(50)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to compliance with Article 22, Urban Design.

At the Zoning Board of Appeals meeting held on March 12, 2015, Dan Dolezal, Ehrhart Griffin & Associates - 3552 Farnam Street appeared before the Board on behalf of the owners.

Mr. Dolezal provided some information about the project. He was notified that there was feedback from some of the surrounding neighbors who were opposed to the architecture. He displayed some conceptual sketches of the proposed building, noting that the waivers were not architecturally related. He stated that the owners did intend to meet with the neighbors regarding the project.

Mr. Mahlendorf stated that applicants should meet with the neighbors before appearing before the Board. Mr. Dolezal agreed that he should have advised his clients of that fact.

Mr. Carter stated that he received a letter from Councilman Chris Jerram and the Gifford Park Neighborhood Association.

Ms. Donovan moved to LAYOVER to give the applicant time to talk with the neighbors. Mr. Aspen seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 15-025  
Arch Icon Development  
505 Walker Street  
Woodbine, IA 51579  

REQUEST: Waiver of Section 55-737(b) & (c), 55-740(f)(4) & (5) & 55-786 – Variance to the compact parking stall depth from 16’ to 14’; to the grouping of compact stalls from 5 to 3; to the minimum parking lot perimeter landscaping from 10’ to 0’, 3.4’, 1.0’, 8.8’ & 6.3’ and 5’ to 0’ & 3.2’; to the minimum interior parking lot landscaping from 7% to 3% and to allow a 6’ tall, 50% open fence within the front/street side yard setbacks, for improvements/construction of 5 off-street parking lots.

LOCATION: 2316, 2308, 2317, 2301 Dewey Avenue; 2316, 2312, 2224, 2222, 2235, 2227, 2217, 2215, 2211 Howard Street; 508 & 552 South 22nd Street

ZONE: CBD-ACI-1(PL) & DS-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to working with the Planning Department on the design of a 3’ tall, screen wall adjacent to the parking lot at the northeast corner of 24th and Howard Streets.

At the Zoning Board of Appeals meeting held on March 12, 2015, Doug Kellner – TD2, appeared before the Board on behalf of the applicant. He stated that there was a hardship with the parking because of the existing building.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was renovating several existing buildings and is in need of more off-street parking than is currently available. The applicant was proposing to renovate existing stalls and to provide additional parking spaces. The Planning Department believed that the waivers were reasonable because of the benefit of added parking to the neighborhood, and recommended approval in accordance with the plans submitted, subject to the applicant working with the Planning Department on the design of a 3’ tall, screen wall adjacent to the parking lot at the northeast corner of 24th and Howard Streets. He mentioned that Public Works had indicated that the driveway from Howard Street and Dewey Avenue must comply with their standards.

Mr. Carter noted that the fence waiver was not necessary since the property is zoned commercial. Regarding the Planning Department’s recommendation that a 3’ tall screen wall be provided at the northeast corner of 24th & Howard, Mr. Kellner stated that there is still communication with Planning and Public Works on the final details.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted, subject to working with the Planning Department on the design of a 3’ tall, screen wall adjacent to the parking lot at the northeast corner of 24th and Howard Streets. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 15-027
Vince Wilson
Wright of Center, LLC
11232 Wright Circle
Omaha, NE 68144

REQUEST: Waiver of Section 55-740(f)(4) - Variance to the perimeter parking lot landscaping from 5' to 0' to install additional parking stalls.

LOCATION: 11232 Wright Circle
ZONE: CC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 12, 2015, Vince Wilson, 31478 Terrace Avenue, Missouri Valley, Iowa, appeared before the Board.

Mr. Wilson explained that, due to growth, the applicant is looking to add on to the existing building and create more parking. After speaking with the adjacent neighbor to the east, Honeyman Rent All, and with their engineering firm, TD2, the applicant decided to look into shared parking between the two locations. The variance would allow the applicant to remove the 5' of landscaping to the east of the building and replace it with additional parking. Mr. Wilson submitted a letter from Patricia Honeyman (Exhibit B) expressing support for the waiver.

Mike Carter, Zoning Board of Appeals Administrator, stated that there was no hardship or practical difficulty to allow the waiver to be granted; however, he suggested that if the Board was inclined to grant the waiver it should be with the condition that the proposed addition along Center Street should comply with the MCC overlay standards. The Planning Department recommended denial.

In response to Mr. Mahlendorf, Doug Dreessen (Thompson Dreessen & Dorner) stated that in order for the plan to work a cross easement would be granted between the two owners.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to compliance with Urban Design standards for the MCC overlay. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 15-028

Kirt Trivedi
24th Street Enterprises, LLC
1536 Cuming Street
Omaha, NE 68102

REQUEST: Waiver of Section 55-737, 55-740(c) & 55-928(e)(1)b - Variance to allow a constrained parking area larger than 15,000 sq. ft. to allow groupings of less than 5 compact parking stalls and to allow parking stalls to encroach into a required landscaped area, for the redevelopment of the property for a hotel and parking area.

LOCATION: 2200-2232 Farnam Street & 219 South 24th Street

ZONE: CBD-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on March 12, 2015, Doug Dreessen, 10836 Old Mill Road, and Kirt Trivedi appeared before the Board.

Mr. Dreessen explained that there will be indoor parking on the south side of the proposed hotel. Because of building dimensions, 4 compact stalls or 2 regular stalls can be put in that location. Based on the Planning Department’s recommendation, the drive lanes had been reduced to 24’ and the parking stall depths to 16’ in an effort to maintain as much green space around the perimeter of the building as possible. The waivers would allow the cars to overhang into the required landscaping.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department supported the request and that the proposed waivers were acceptable. He added that the project would fit the neighborhood. A screen wall would be provided along Farnam Street. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
ZONING BOARD OF APPEALS  
Minutes – March 12, 2015  
Page 20

**APPROVAL OF MINUTES:**

Ms. Donovan moved to APPROVE the minutes for the February 12, 2015 meeting. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen

ABSTAIN: Mahlendorf

MOTION CARRIED: 4-0-1

**ADJOURNMENT**

It was the consensus of the Board to ADJOURN the meeting at 3:20 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary