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, May 4, 2015, and Thursday, May 7, 2015.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jeremy Aspen
Sebastian Anzaldo
Jason Lanoha
Teri Teutsch, Alternate

MEMBERS NOT PRESENT: Jacque Donovan, Vice-Chair
Sean Kelley, Alternate

STAFF PRESENT: 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 1:03 p.m., introduced the Board members and staff, and explained the procedures for hearing the cases.
LAYOVERS

1. Case No. 15-035 *(from 4/9/15)*
   - Matt Kronaizl - WITHDRAWN
   - Kronaizl Investments, Inc.
   - 21046 X Street
   - Omaha, NE 68022
   - REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 60% to 51%.
   - LOCATION: 1818 North 197th Street
   - ZONE: R4

This request was withdrawn at the request of the applicant.
2. Case No. 15-036 (from 4/9/15)  REQUEST: Waiver of Section 55-782(b)(6) – Variance to the street side yard setback from 15’ to 7.5’ 10’ to construct a 720 square foot detached garage.

   Aaron Bailey
   6721 South 46th Avenue
   Omaha, NE 68117

   LOCATION: 6721 South 46th Avenue
   ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Aaron Bailey appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had submitted a revised plan showing a 10’ setback, a survey and information about the type of materials being proposed for the structure. The Planning Department believed that the building should comply with the required setbacks and recommended denial of the request.

Mr. Bailey explained that the building which was originally proposed at 960 square feet had been reduced to 720 square feet with lap siding instead of steel. There would also be 4’ high, brick wainscoting on the side of the building facing the street.

Mr. Mahlendorf stated that the Board still had some concerns with the look and location of the structure. He encouraged the applicant to build the garage legally.

In response to Mr. Anzaldo, Mr. Bailey stated that a 12’ concrete driveway would be added along 46th Avenue so that he can use the garage. Mr. Carter stated that a curb cut permit would still be required even though the street is not improved. In response to Ms. Teutsch, Mr. Bailey stated that the wood shed would be removed and the yard waste cans would be put inside of the garage.

Mr. Lanoha also believed that the structure could be constructed legally.

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

AYES: Anzaldo, Teutsch

NAYES: Lanoha, Aspen, Mahlendorf

MOTION FAILED: 3-2
3. Case No. 15-038 (from 4/9/15)  
Lamar Outdoor  
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)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on May 14, 2015, Mike Degan (13330 California) and Jim Deitering (Lamar Outdoor – 4849 G Street) appeared before the Board on behalf of the applicant.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had provided information on additional signage that could be removed in other locations. The Planning Department continued to believe that there was no hardship or practical difficulty and recommended denial.  

Mr. Mahlendorf advised the applicant that an additional waiver would be required since the property had been rezoned CC (Community Commercial) which does not allow off-premise signage. Mr. Degan felt that the issue could be grandfathered. He explained that the hardship was based on the fact that a permit was issued in 2012 but could not be acted upon due to ongoing litigation. In response to Mr. Mahlendorf, Mr. Degan stated that his client was prepared to drop any litigation against the City, remove the sign in the UNO parking lot at their cost, and would not take credit for the 6 boards at 4426 Dodge Street. In response to Mr. Mahlendorf, Mr. Deitering stated that the double-sided UNO sign is 11’ x 23’ on both sides.  

There was some discussion about the current CC zoning and its effect on the case. Mr. Degan stated that there was communication between Lamar and Waitt and that some progress was being made. Mr. Mahlendorf felt that a layover was necessary so that the correct waivers could be put in place.  

Mr. Lanoha requested that a specific proposal be submitted before the next meeting so that it could be determined exactly which signs would be removed so that an informed decision could be made. Mr. Degan agreed to do so.  

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

AYES: Teutsch, Lanoha, Aspen, Anzaldo, Mahlendorf  

MOTION CARRIED: 5-0
4. Case No. 15-042 (from 4/9/15)  
Rose Blumkin Performing Arts  
2001 Farnam Street  
Omaha, NE 68102  
REQUEST: Waiver of Section 55-839(b) – Variance to the total permitted sign area from 469 sq. ft. to 1,081 sq. ft. to allow installation of 3 wall signs.  
LOCATION: 2001 Farnam Street  
ZONE: CBD-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Julie Walker (Rose Theater – 2001 Farnam Street) and Rob Tomanek (Signworks – 4713 F Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared before the Landmarks Heritage Preservation Commission (LHPC) and was given approval for the wall signs. Because there was no hardship or practical difficulty the Planning Department did not support the request and recommended denial.

Ms. Walker submitted revised plans to the file (Exhibit C & D). The LHPC suggested that the wall signs be historically accurate, which would allow for 4 wall signs instead of 3. She provided a historic photo which showed that originally there was space for 4 signs. The applicant proposed installing 4 wall signs with arched tops above the architectural banding of the building. Ms. Walker stated that the signs would be changed annually every July.

Mr. Tomanek stated that the signs would be made of Flex Face which is a banner material. The banner would be stretched and fastened on the signs so that no fasteners would be visible on the face of the sign. The existing tree will be replaced with one that grows no higher than 15’. As presented, the signs were 21’ x 13’ or 273’ square feet. Mr. Mahlendorf agreed that there should be 4 signs as originally intended; however, he stated that the 4 signs would exceed the waiver that was being requested. He also preferred that the applicant appear before the Board every 1 to 2 years to ensure that the signs are installed as proposed.

Mr. Lanoha moved to LAYOVER to give the applicant time to submit the correct amount of square footage for the proposed signs. Mr. Aspen seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 15-045 (from 4/9/15)  
**WITHDRAWN**  
Mark & Cathy Madsen -  
9527 Westchester Lane  
Omaha, NE 68114  

REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 37”; to the interior side yard setback from 25’ to 20’; to the rear yard setback from 35’ to 30’; to the maximum building coverage from 25% to 26%; and to the maximum impervious coverage from 30% to 42%, to allow renovations and additions to the existing home.

LOCATION: 9527 Westchester Lane  
ZONE: R1

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

6. Case No. 15-037
   Tim Schmad
   Omaha Community Playhouse
   6915 Cass Street
   Omaha, NE 68132
   REQUEST: Waiver of Section 55-832(a) – Variance to the permitted sign types to allow an electronic message center.
   LOCATION: 6915 Cass Street
   ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to compliance with the Omaha Municipal Code, Section 55-854, Performance Standards and Section 55-857 (c), Hazards.

At the Zoning Board of Appeals meeting held on May 14, 2015, Troy Meyerson (409 South 17th Street) and Tim Schmad (5902 North 159th Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install an electronic message center in an existing sign. The applicant was granted a waiver in 1990 which allowed the current electronic message center. The sign would be remodeled to be an electronic message center on all three sides. At its May 6, 2015 meeting, the Planning Board approved a major amendment to the assumed Conditional Use Permit to allow the Cultural Services use on the site for the proposed sign. He mentioned that the proposed sign would increase the messaging space by 64 square feet. There was also an issue regarding trees along Cass Street that block the visibility of the sign which is one of the reasons the waiver was granted in 1990. The Planning Department supported the request in accordance with the plans submitted, subject to compliance with the Omaha Municipal Code, Section 55-854, Performance Standards and Section 55-857(c), Hazards. He mentioned that the City received a letter in opposition to the request from a property owner across the street to the east.

Mr. Meyerson explained that the exterior of the sign will not change, only the amount of electronic messaging inside the sign.

Mr. Schmad stated that the sign would be used to promote various shows throughout the year. There was some discussion about acceptable design standards in accordance with what is specifically stated in Section 55-854 and 55-857(c) of the Omaha Municipal Code.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to compliance with Sections 55-854 and 55-857(c) of the Omaha Municipal Code. Mr. Aspen seconded the motion.

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 15-040
Tonya Daniels
7665 Nebraska Avenue
Omaha, NE 68134

REQUEST: Waiver of Section 55-246 - Variance to the front yard setback from 35' to 24' and to the interior side yard setback from 10' to 3' to allow a rebuilt front porch to remain.

LOCATION: 1006 South 30th Avenue
ZONE: R7

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

At the Zoning Board of Appeals meeting held on May 14, 2015, Tonya Daniels (1006 South 30th Avenue) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the waiver was for an existing front porch that was in disrepair. The contractor built the front porch in the exact same location without the benefit of a permit. The applicant was seeking a waiver to allow the front porch to remain. The Planning Department believed that the porch was consistent with other residential properties in the neighborhood and recommended approval in accordance with the plans submitted.

Bonnie Urbanek (1017 South 30th Avenue) appeared in support of the request. She stated that the new porch was an improvement to what was previously there.

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

AYES: Anzaldo, Teutsch, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
Case No. 15-052
Omaha Neon Sign Company
Troy Panagiotis
1120 North 18th Street
Omaha, NE 68102

REQUEST: Waiver of Section 55-933(a) – Variance to allow a pole sign in an ACI district to remain.

LOCATION: 2765 South 13th Court

ZONE: CC-ACI-2(50)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Troy Panagiotis appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that there was an existing pole sign on the property. The applicant was proposing to put a new sign on the top of the pole. The proposed sign is located in an ACI (Area of Civic Importance) district where pole signs are not allowed. The case was before the Urban Design Review Board which recommended denial at its April 16, 2015 meeting. The Planning Department believed that any new signage must comply with the Urban Design code, which prohibits pole signs. Mr. Carter noted that in 2007, the property was granted a waiver for a monument sign that would have replaced the existing pole sign. The Planning Department recommended denial of the request as submitted.

Mr. Panagiotis stated that the monument sign would not be visible to northbound traffic or to the interstate off-ramps. The owner of the gas station sought to keep the pole sign but wanted to change the aesthetics of it to a more modern look. He believed that the sign should be allowed considering its location near the interstate and the existing signage belonging to the zoo and King Kong’s restaurant. Mr. Mahlendorf responded that the waiver that was given the property owner in 2007 should stand, especially with the ACI overlay in place. He stated that the owner had the option of re-facing the existing sign or complying with the waiver that had already been granted. Mr. Panagiotis submitted a picture of the proposed sign to the Board (Exhibit B).

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

AYES: Aspen

NAYES: Teutsch, Lanoha, Anzaldo, Mahlendorf

MOTION DENIED: 4-1
9. Case No. 15-033
Ronald Romans
2105 South 38th Street
Omaha, NE 68105

REQUEST: Waiver of Section 55-266 – Variance to the interior side yard setback from 5’ to 0’ to construct a new deck in the same location as the current deck.

LOCATION: 2105 South 38th Street
ZONE: R8

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Ronald Romans appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to rebuild a deck in the same location. The applicant submitted documentation which showed that a building permit was issued for a deck in 1991. There was no previous waiver found for the existing deck. The Planning Department found no hardship and recommended denial.

Mr. Romans stated that not only was a permit issued for the deck, a City inspector came out and approved it. He also mentioned that his neighbor (David Larson – 2101 South 38th Street) submitted a letter of support for the project. He added that his wife has some health issues and regularly uses the deck to enjoy the outdoors.

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

AYES: Lanoha, Aspen, Teutsch, Mahlendorf

MOTION CARRIED: 4-0

(Mr. Anzaldo was not present for this case).
10.  Case No. 15-048  REQUEST:  Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 16’ to construct a 13’x24’ garage addition.
Danielle Dring  LOCATION:  901 South 87th Street
Mercury Contractors  ZONE:  R2
4222 Davenport Street
Omaha, NE 68131

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, the applicant was not present.

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

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
11. **Case No. 15-049**  
Holy Cross School Athletic Dept.  
Holy Cross Church  
4803 William Street  
Omaha, NE 68106

**REQUEST:** Waiver of Section 55-865 & 55-740(e) - Variance to allow enlargement of an existing non-conforming use to construct a new structure and to the requirement for a hard-surfaced driveway connection from the street to the new structure.

**LOCATION:** 2425 & 2429 South 60th Street  
**ZONE:** R4(35)

**PLANNING DEPARTMENT RECOMMENDATION:** Approval in accordance with the plans submitted, subject to providing an acceptable driveway connection to the overhead door on the west side of the building.

At the Zoning Board of Appeals meeting held on May 14, 2015, Chris Jerram (7134 Pacific Street) and Dan Maher (4803 William Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the property has been used as an athletic field by Holy Cross School for several years. There is an existing maintenance building on the site that has outlived its usefulness. The new building being proposed just south of the existing building will be 30’ x 70’ and will allow the field to have bathroom facilities and additional storage space. Traditionally, schools have their athletic fields on the same property as other school buildings; the current use is considered to be a non-conforming use in a residential area. There will be two doors at either end of the building; the waiver would apply to the door located to the east. The west side would connect with the existing hard-surfaced driveway. The Planning Department believed that the use was acceptable and an improvement to the property and recommended approval in accordance with the plans submitted, subject to the applicant providing an acceptable driveway connection to the overhead door on the west side of the building.

Mr. Jerram stated that the Church was in agreement with the Planning Department’s recommendation.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to providing an acceptable driveway connection to the overhead door on the west side of the building. Ms. Teutsch seconded the motion.

**AYES:** Anzaldo, Teutsch, Lanoha, Aspen, Mahlendorf

**MOTION CARRIED:** 5-0
12. Case No. 15-050

David Uhrich
Faith Westwood UMC
4814 Oaks Lane
Omaha, NE 68137

REQUEST: Waiver of Section 55-186, 55-715 & 55-735(b) - Variance to the maximum impervious coverage from 50% to 76.1%, to the minimum street yard landscaping percentage from 60% to 35.4% and to allow parking for a non-residential use in the front yard setback of a residential district, for construction of building and parking lot additions to the existing church.

LOCATION: 4814 Oaks Lane
ZONE: R4

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

At the Zoning Board of Appeals meeting held on May 14, 2015, John Adler (7305 South 174th Street) and Pastor Steve Todd appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a parking lot expansion to the south of the building. There are building additions proposed for the east and south sides of the existing building. There are also some adjustments to the location of the playground which will be relocated to the south of the building. He explained that the Planning Department typically supports these types of requests for civic uses since more off-street parking will be provided. The Department recommended approval in accordance with the plans submitted.

In response to Mr. Mahlendorf, Mr. Adler stated that the applicant chose not to act on the waiver was granted in 2012. The decision was made to relocate the playground closer to the church, avoiding the need to cross the parking lot. The waiver being requested was similar to what was granted in 2012. Mr. Carter stated that approximately 47 parking stalls would be added if the waiver was granted.

Mr. Lanoha moved to APPORVE in accordance with the plans submitted. Mr. Anzaldo seconded the motion.

AYES: Teutsch, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 15-051  

Seth Silverstein  
4102 South 13th Street  
Omaha, NE 68107

REQUEST: Waiver of Section 55-764(d)(2) – Variance to the capacity limitations for a Daycare Services (General) use in a R5(35) district from 24 to 250 individuals.

LOCATION: 4110 & 4102 South 13th Street  
ZONE: R5(35)

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

At the Zoning Board of Appeals meeting held on May 14, 2015, Mike Weinberg and Seth Silverstein appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that in 2011 the northern section of the property received a waiver to allow up to 100 children. The applicant was proposing to add the St. Rose property to the facility for a total of 2 daycare facilities with a total capacity of 250 children. At its May 6, 2015 meeting, the Planning Board recommended approval of the Major Amendment to allow daycare facilities at both locations, subject to approval of the waiver by the Zoning Board of Appeals. The Planning Department felt that this is an acceptable use of the building and recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Aspen, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 11-104  
   The Nebraska Methodist Hospital  
   8303 Dodge Street  
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-123 & 55-740(e) –  
   Variance to allow a temporary gravel  
   parking lot for construction personnel not  
   permitted in the R1 district.

   LOCATION: 8135 and 8151 Farnam Drive & 8220 and  
   8224 Harney Street

   ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the previously approved plans  
and conditions except that the variance expires December 31, 2017 or sooner if renovation of in-patient  
surgery area is completed.

At the Zoning Board of Appeals meeting held on May 14, 2015, Scott Dye appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the applicant was seeking an extension  
of a previously approved waiver that would allow them to use the site for temporary vehicle parking for  
construction workers, contractors, and subcontractors. There is another major renovation project for the  
inpatient surgery area and related facilities. The previous waiver expired in March 2015. A letter of support  
was submitted by the Old Loveland Neighborhood Association. The property is residential and the Planning  
Department believed that it should not be used for permanent parking. It suggested that alternative plans  
be made by the applicant for other parking alternatives after the end of 2017. However, the Planning  
Department felt that the temporary parking would alleviate some of the traffic from the neighborhood  
streets and, therefore, recommended approval in accordance with the previously approved plans and  
conditions except that the variance expires December 31, 2017 or sooner if renovation of in-patient  
surgery area is completed.

Mr. Dye stated that the applicant was in agreement with the Planning Department’s recommendation. Mr.  
Mahlendorf mentioned that the area should continue to be maintained.

Robert Schartz, 8712 West Dodge Road, appeared in support of the waiver. He stated that the  
homeowner’s association supports the temporary nature of the request since it would reduce the amount  
of extra parking in the surrounding neighborhood. He mentioned that the parking lots have been  
maintained.

Councilman Franklin Thompson, 1025 Beverly Drive, appeared in support of the waiver since it would  
alleviate parking in the neighborhood. He stated that the December 31, 2017 expiration date would help  
the neighborhood understand that the situation is temporary. He also stated that he is in constant  
communication with members of the hospital staff regarding present and future plans.

Mr. Anzaldo moved to APPROVE in accordance with the previously approved plans and conditions except  
that the variance expires December 31, 2017 or sooner if renovation of in-patient surgery area is  
completed. Mr. Aspen seconded the motion.

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 15-053

Donald Kaiser
22827 Rifle Ridge Terrace
Omaha, NE 68022

REQUEST: Waiver of Section 55-126 - Variance to the minimum lot width from 100’ to 81.94’ to allow the approval of an administrative subdivision.

LOCATION: 22833 Rifle Ridge Terrace
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Cory Gross (RW Engineering & Surveying – 6225 North 89th Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a portion of the neighboring property’s driveway (22827 Rifle Ridge Terrace) was constructed over the property line, and that the property owners were attempting to adjust the lot line to correct the error. The proposed lot line adjustment would result in the applicant’s lot falling below the minimum required lot width. Mr. Carter explained that no permit would have been granted to allow the driveway to be constructed past the property line. The Planning Department found no hardship and recommended denial.

Mr. Gross stated that the applicant and the previous owner of 22827 Rifle Ridge Terrace had agreed on the current arrangement in 2009 and that the new neighbors want the situation cleared up.

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

AYES: Anzaldo, Teutsch, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 15-054  
Michael & Katie Grier  
1709 South 109th Street  
Omaha, NE 68144  
REQUEST: Waiver of Section 55-126 - Variance to the interior side yard setback from 25' to 15' 19' to construct a garage addition.  
LOCATION: 1709 South 109th Street  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Ken Hahn (Ken Hahn Architects - 1343 South 75th Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 16' x 24.5' garage addition to the existing 2-car garage that would extend into the required interior side yard setback. The Planning Department found no hardship or practical difficulty and felt that any addition should comply with the required setbacks and, therefore, recommended denial.

Mr. Hahn explained that the location of the home on the lot created the need for the waiver, since there was not enough space on either side of the home to legally place the garage. The neighbor directly to the north contacted the City to express approval of the project. Mr. Mahlendorf noted that there was a 4' area to the north of the existing garage that was being used for storage. Mr. Hahn responded that the homeowner would be willing to give up that space. That would result in the setback being at 19' instead of 25'.

Ms. Teutsch moved to APPROVE the variance to the interior side yard setback from 25' to 19' to construct a garage addition (removing the 2'4" storage addition on the north). Mr. Aspen seconded the motion.

AYES: Teutsch, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 15-055
   Jay Machleit, President
   Triple C Development, Inc.
   200 Armory Road
   Centre, AL 35960
   REQUEST: Waiver of Section 55-824(d) & 55-836(b) –
   Variance to allow a monument sign on a property with a building closer than 15’ to
   the property line and to the front yard setback from 12’ to 3’ for monument sign
   not otherwise permitted.
   LOCATION: 2601 North 16th Street
   ZONE: CC-ACI-2(PL)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, no one appeared before the Board.

Ms. Teutsch moved to LAYOVER to give the applicant the opportunity to appear. Mr. Aspen seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
18. Case No. 15-056
   Kent Braasch
   96th & Center, LLC
   11606 Nicholas Street
   Suite 100
   Omaha, NE 68154
   REQUEST: Waiver of Section 55-716, 55-784(c)(1) & (2) – Variance to the required buffer yard between R6 and R3/R2 from 20’ to 19’ and 16’; to the setback from public streets from 35’ to 10’; and to the setbacks from other property lines from 20’ to 19’ and 16’ to allow an 8 lot single-family residential development.
   LOCATION: Southeast corner of 96th Street and West Center Road
   ZONE: R6-PUD

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Kent Braasch appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an 8 lot, single-family, cluster subdivision development. The site requires waivers to the buffer yards on the east and south; and to the cluster subdivision setback requirements to the west, east and south of the property. The Zoning Board granted waivers to a similar project in 2013. Also, at its April 1, 2015 meeting the Planning Board recommended approval of the preliminary plat for this project with one of the conditions being the approval of waivers by the Zoning Board of Appeals. Because of the infill nature of the project and the dedication of right-of-way along 96th Street that reduced the amount of developable space on the site, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Braasch explained that although waivers had been granted in 2013, the project would have been over budget as it was proposed at that time. The applicant felt that the revised plans for the project would enable it to go forward.

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

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
19. Case No. 15-057  
David Kain Properties, LLC  
P.O. Box 4066  
Omaha, NE 68104  
REQUEST: Waiver of Section 55-734 and 55-737 - Variance to the minimum number of off-street parking stalls from 58 to 30 and to allow more than 40% of the total stalls as compact stalls, for a 36-unit multiple-family residential development.  
LOCATION: 617 South 31st Street  
ZONE: R8-ACI-1(PL)  

This request was withdrawn at the request of the applicant.
20. Case No. 15-058
   Dan Brewer
   Habitat for Humanity of Omaha
   1701 North 24th Street
   Omaha, NE 68110

   REQUEST: Waiver of Section 55-206 – Variance to the front yard setback from 25’ to 21’6” and to the street side yard setback from 15’ to 14’ to allow replacement of the existing covered front porch.

   LOCATION: 4102 North 21st Street
   ZONE: R5

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

   At the Zoning Board of Appeals meeting held on May 14, 2015, Ed Thiele (Habitat for Humanity – 1701 North 24th Street) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was performing a total renovation of the existing home, including the front porch which was located in the front and street side yard setbacks. The porch is consistent with other homes in the area and is also an integral feature to the design of the home. The Planning recommended approval in accordance with the plans submitted.

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

   AYES: Teutsch, Lanoha, Aspen, Anzaldo, Mahlendorf

   MOTION CARRIED: 5-0
21. Case No. 15-059
Rick Cox
6003 North 52rd Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-108 – Variance to the interior side yard setback from 25’ to 12’ to construct a garage addition.

LOCATION: 6003 North 52nd Street
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of a rezoning application from DR to R2.

At the Zoning Board of Appeals meeting held on May 14, 2015, Rick Cox appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to construct a garage addition to the existing 1-car garage that would encroach into the required side yard setback. The neighbor to the south submitted a letter of support for the project. The Planning Department believed that the DR zoning was not really appropriate for the area, noting that it is surrounded by R2 zoning. If the property were rezoned to R2 the garage addition would be legal. The Department recommended approval in accordance with the plans submitted, subject to the submittal of a rezoning application from DR to R2.

The applicant was in agreement with the Planning Department’s recommendation and stated that he would pave the existing gravel driveway with asphalt or concrete.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of a rezoning application from DR to R2. Mr. Lanoha seconded the motion.

AYES: Lanoha, Aspen, Analdo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
22. Case No. 15-060
McNeil Company Builders
4666 South 132nd Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-716 - Variance to the required buffer yard between R7 and DR from 30' to 0' to allow construction of an apartment complex.

LOCATION: 12510 West Dodge Road & 710 North 124th Plaza

ZONE: R7-ACI-4(PL)

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to apply for a Site Plan Review to determine all he waivers necessary for the project.

At the Zoning Board of Appeals meeting held on May 14, 2015, Jason Thiellen (E & A Consulting Group – 330 North 117th Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an apartment development on the site which is a total of 3 lots. There is an outlot in the center. The applicant was requesting that the buffer yard be reduced to 0' along the outlot which is not allowed by code. He stated that before the Planning Department can make a recommendation, the applicant should have a site plan review to ensure that all the necessary waivers are being requested. The Department recommended a layover to allow that to happen.

Mr. Thiellen was in agreement with the layover that would allow time for a Site Plan Review. He acknowledged that an additional waiver would be needed for the side yard setback for parking. He stated that there has been some communication with the Army Corps of Engineers regarding the crossing in the middle of the project.

In response to Ms. Teutsch, Mr. Thiellen stated that there could be a maximum of 350 units at this location. She was concerned about the traffic situation along Dodge Street and whether it could handle the number of units being proposed. In response to Mr. Lanoha, the applicant stated that he would have information at the next meeting about how many units are currently on the west parcel.

Jim Dalen, 12280 Burt Street, appeared in opposition to the request. He submitted a map (Exhibit B) showing a layout of the proposed development in the existing area. He expressed concerns about how the project would affect traffic in the area. He mentioned that there would be only two exits from the site, including the one at 120th & Burt Streets which he felt was already extremely congested. Mr. Mahlendorf responded that the Site Plan Review that the applicant would undergo would include input from the Public Works Department about traffic in the area.

David Tarwater, 612 North 46th Street – #8, appeared in opposition to the request. He was also concerned with traffic in the area. Mr. Tarwater submitted a map of the area (Exhibit C) to discuss future traffic concerns. He inquired as to whether signage could be installed that would limit truck traffic. It was decided that the matter would be considered when the applicant had a Site Plan Review.

Mr. Anzaldo moved to LAYOVER. Mr. Aspen seconded the motion.

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
23. Case No. 15-062
   Jon Alexander
   5656 Mark Street
   Papillion, NE 68133

   REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a temporary parking lot for two Junk Stock events (6/12 to 6/14/2015 and 10/9 to 10/11/2015).

   LOCATION: 315 South 192nd Street
   ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Jon Alexander appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the ordinance does not provide any exemptions for temporary uses to do what the applicant was proposing. The Planning Department will not issue a Temporary Use Permit without the required hard-surfacing area. The Department believed there were other options for the applicant and recommended denial of the request.

Mr. Alexander explained the history of the event. He explained that grass has been planted on some of the ground that would help with moisture. Ms. Teutsch was concerned about pedestrian traffic along 192nd Street. Mr. Alexander responded that he has attempted in the past to get shuttle service for attendees but that he has been denied by various organizations because of issues with insurance. He added that he is looking at alternate venues in expectation of the time when the current property was not longer available.

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

AYES: Anzaldo, Teutsch, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
24. Case No. 15-063  
Clif Poling  
2205 North 88th Street  
Omaha, NE 68134  

REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35' to 15', and to the interior side yard setback from 25' to 10' for the construction of a new pool house structure.  

LOCATION: 1314 North 141st Avenue  
ZONE: R1  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on May 14, 2015, Clif Poling appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, explained that the site had previously been granted waivers for a similar project in October 2014. The applicant applied for a building permit but proposed a different plan than what was granted by the Board. The Planning Department advised the applicant to adhere to the original plan or reappear before the Board to request additional waivers. He noted that the previous approval granted to the applicant required that 14, 12' columnar white pines be installed at the rear of the pool house. The Department found no hardship or practical difficulty and recommended denial.  

Mr. Poling stated that his current plans did include the trees that were part of his original waiver. He explained that many of the changes that were made to the plans were done to save as many of the existing trees and shrubs as possible. The original waiver would have resulted in the removal of 3 large spruce trees. The size of the pool house was reduced and only 1 tree needed to be removed.  

Mr. Mahlendorf recalled that screening was a very important part of the waiver and that the applicant needed to comply with the tree requirement. Mr. Lanoha noted that the structure was being moved further away from the neighboring property.  

Mr. Lanoha moved to APPROVE in accordance with the plans submitted, subject to the applicant planting 14, 12' columnar white pines at the rear of the pool house. Mr. Aspen seconded the motion.  

AYES: Teutsch, Lanoha, Aspen, Anzaldo, Mahlendorf  

MOTION CARRIED: 5-0
25. Case No. 15-064  
Hap and Suzanne Pocras  
10324 Rockbrook Road  
Omaha, NE 68124

REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 36 8/10’ 37.1’ to construct a 2nd floor addition to the existing home.

LOCATION: 10324 Rockbrook Road
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Toby Paul (16429 Mason Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department had received a revised plan for the project which showed the proposed front yard setback at 37.1’. The applicant was proposing to construct a second floor addition for a bathroom. The Department found no hardship or practical difficulty and recommended denial.

Mr. Mahlendorf noted that the proposed 2nd projection of the addition would be less than others already on the home.

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

AYES: Lanoha, Aspen, Anzaldo, Teutsch, Mahlendorf

MOTION CARRIED: 5-0
26. Case No. 15-065
   Brian Buescher
   1322 South 35th Avenue
   Omaha, NE 68105

   REQUEST: Waiver of Section 55-782(b)(6) – Variance to the interior side yard setback from 3' to 1' to allow a 3'x20' addition to an existing detached garage.

   LOCATION: 1322 South 35th Avenue
   ZONE: R3

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 14, 2015, Brian Buescher appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had an existing detached garage and was proposing add a 3’ x 30’ addition to the front side. The existing structure is 1’ from the setback. The Planning Department found no hardship or practical difficulty and believed that anything built on the property should comply with zoning regulation and, therefore, recommended denial.

Mr. Buescher explained that the garage was too small for his vehicle. The Planning Department received emails in which the neighbors to the north and south of the applicant both stated that they had no objections to the project.

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

AYES: Aspen, Anzaldo, Teutsch, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Anzaldo moved to APPROVE the minutes for the April 9, 2015 meeting. Mr. Aspen seconded the motion.

AYES: Anzaldo, Lanoha, Aspen, Mahlendorf

ABSTAIN: Teutsch

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:18 p.m.

______________________________
Approved (date)

______________________________
Brian Mahlendorf, Chair

______________________________
Clinette Warren, Secretary