Certification of Publication: Zoning Board of Appeals Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, June 1, 2015 and Thursday, June 4, 2015.

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

MEMBERS NOT PRESENT:  Sean Kelley, Alternate 
Teri Teutsch, 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. 15-011 (from 3/12/15 & 4/9/15) REQUEST: Larry Jensen Midtown Development 6324 South 118th Street Omaha, NE 68137 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 27; 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 buffer yard 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 and 3010 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 June 11, 2015, Jerry Slusky (8712 West Dodge Road) and Larry Jensen appeared before the Board.

Mr. Slusky stated that, since the applicant had last appeared before the Board, he and his partners acquired another property that would add 11 additional parking stalls to the site, bringing the total number of stalls to 33. Six of those parking stalls were subject to a lease from a nearby property, leaving 27 parking stalls for the 22 units. The applicant met with the neighbors to share the new plan. There was also some discussion with the Leavenworth Neighborhood Association about the revised plans.

Mike Carter, Zoning Board of Appeals Administrator, stated that a revised site plan had been submitted showing a total of 33 parking stalls for the site which was possible due to the acquisition of the property at 3010 Pacific Street. After 6 of the stalls are leased to another property, 27 stalls would be left for residents. The Planning Department supported the request and believed that the project would benefit the neighborhood and would provide infill development within the city. Some improvement would need to be made along Pacific Street in order for the project to comply with Urban Design standards. The Planning Department recommended approval in accordance with the plans submitted, subject to compliance with Article 22, Urban Design. He noted that the plan displayed to the Board was slightly different from what had been submitted to the City. The applicant submitted the revised site plan to the file (Exhibit B). Mr. Slusky explained that the architect made the change to improve the layout of the parking lot.

Councilman Chris Jerram (1819 Farnam Street) appeared in support of the project. He stated that the neighbors requested that the applicant consider lowering the prices of the off-street monthly parking leases since the current price could deter residents from utilizing the spots. The neighbors appreciated the quality of the work that the applicant does. He felt that the 11 additional parking stalls that had been recently acquired were adequate for the building.

Bonnie Urbanek (1017 South 30th Avenue) appeared in opposition to the request. She wanted more parking stalls added. Mr. Mahlendorf responded that the applicant had increased the parking above the 1:1 ratio.

In response to Mr. Anzaldo, Mr. Jensen confirmed that, with the exception of the 6 stalls leased to another property, the remaining 27 stalls would be for the tenants of the building only. Mr. Anzaldo stated that he
was displeased with how the Board found out about the 6 stalls that had been designated to another party, reducing the number of stalls that would be available for residents of the building.

In response to Mr. Aspen, Mr. Jensen stated that the meeting with the neighbors went well and that most had expressed support for the project. Also in response to Mr. Mahlendorf, Mr. Jensen explained that the parking had been changed on the site plan to make room for a water retention pond on the north side of the lot. He further stated that any fees for parking are in addition to rent, adding that they are about $10 less than what other properties charge. Mr. Mahlendorf felt that it should be stated in the motion that the 27 stalls be used by the residents at a minimum 1:1 parking ratio for the units. Mr. Lanoha inquired about what efforts were made to communicate with the neighbors. Mr. Jensen stated that letters were mailed to property owners within 150’ radius of the proposed site. About 6 – 8 of the neighbors appeared at the meetings and the response to the project was mostly positive.

Mr. Anzaldo moved to APPROVE in accordance with the revised plans submitted (Exhibit B – dated 6-11-15), subject to the 27 parking stalls being used by the residents at a minimum 1:1 parking ratio for the apartment units, in compliance with Article 22, Urban Design. Mr. Aspen seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 15-042 (from 4/9/15 & 5/14/15)  
   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 1,354 sq. ft. to allow installation of 4 wall signs.  
   LOCATION: 2001 Farnam Street  
   ZONE: CBD-ACI-1(PL)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 11, 2015, Julie Walker (Rose Theater - 2001 Farnam Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared at the May 2015 meeting and submitted additional information which indicated a total of 4 signs for the theater. This resulted in the need for an increase of the sign budget. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Mahlendorf recalled that the applicant submitted historical proof showing that there were originally 4 wall signs on the side of the building. He also suggested having the request reviewed biennially. Ms. Walker was in agreement with appearing before the Board in 2 years.

Ms. Donovan moved to APPROVE the wall signs for a total of 2 years after which the applicant must reappear before the Board. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 15-048 (from 5-14-15)  
   Danielle Dring  
   Mercury Contractors  
   4222 Davenport Street  
   Omaha, NE 68131  
   LOCATION: 901 South 87th Street  
   ZONE: R2

   REQUEST: Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 16’ to construct a 13’x24’ garage addition.

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on June 11, 2015, Danielle Dring and Ed Midgette (Mercury Contractors) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition on the front of the existing garage which would extend into the street side yard setback along Shamrock Road. The Planning Department found no hardship or practical difficulty and recommended denial.

   Ms. Dring explained that the existing angled driveway already extends into the side yard setback. The applicant was proposing a side addition to the home to make the driveway even. The Board felt that there was a hardship that resulted from how the home is situated on the site. Ms. Donovan added that the driveway abuts a church and would not impact any neighbors.

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

   AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

   MOTION CARRIED: 5-0
4. Case No. 15-055 (from 5/14/15)  
   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)  

The applicant requested a layover of this case.  

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf  

MOTION CARRIED: 5-0
5. Case No. 15-060 (from 5/14/15 & 6/11/15)

McNeil Company Builders
4666 South 132nd Street
Omaha, NE 68137

REQUEST: Waiver of Sections 55-246 & 55-716 - Variance to the required bufferyard between R7 and DR from 30’ to 0’ and to the interior side yard setback from 10’ to 0’, to allow construction of an apartment complex.

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

ZONE: R7-ACI-4(PL)

The applicant requested a layover of this case.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

6. Case No. 15-061  
   Red Brick Development LLC  
   18018 Burke Street  
   Omaha, NE 68022  
   REQUEST: Waiver of Sections 55-737(a), 55-740(b)(1), & 55-740(f)(4) – Variance to the maximum number of compact stalls from 40% to 50% of the total parking stalls; to the minimum drive aisle width from 24’ to 23’; to the minimum perimeter parking lot landscaping from 10’ to 4.3’ and 5’ to 1’ and 1’; to allow construction of a 3-story mixed use building.  

   LOCATION: 5018 Underwood Avenue  
   ZONE: NBD-NCE-C

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

At the Zoning Board of Appeals meeting held on June 11, 2015, Dan Dolezal (Alley Poyner Macchietto Architecture – 1516 Cuming Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the proposed structure would provide 12 off-street parking stalls, 6 of which will be compact. The first floor will consist of commercial restaurant space; the second floor will be a residential studio, a business tenant, and a pediatric clinic; and residential apartments will be on the third floor, consisting of 6 units. Waivers are necessary for parking requirements along the north side of the project for compact requirements, drive aisle widths, and landscaping requirements. The Planning Department believed that that the project would be an efficient use of the land and was consistent with the NCE plan in the Dundee area. He mentioned that, at its June 3, 2015 meeting, the Planning Board granted a Conditional Use Permit for the proposed project subject to approval of the requested waivers. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Dolezal stated that the applicant had met with the neighbors and that they had expressed support for the project.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 15-066
Habitat for Humanity
1701 North 24th Street
Omaha, NE 68110

REQUEST: Waiver of Section 55-206 – Variance to the street side yard setback from 15’ to 14’ to construct a new single family home.

LOCATION: 3802 North 22nd Street
ZONE: R5

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

At the Zoning Board of Appeals meeting held on June 11, 2015, Ed Thiele (Habitat for Humanity) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the proposed site for the home is a 45’ wide corner lot. A 5’ side yard and 15’ street side yard is required making it difficult to comply with the zoning requirements, resulting in a need for a waiver of the street side yard setback. Many homes in the neighborhood are closer than the required 15’ and, because of the substandard size of the lot, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf disclosed that his company was building a house for Habitat for Humanity at the time, but that it was at another location.

Mr. Anzaldo noted that many of the lots need waivers and expressed support for the work that Habitat for Humanity does.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 15-067
   Russell Finch
   Russell Finch Construction
   2114 South 47th Street
   Omaha, NE 68106
   **REQUEST:** Waiver of Section 55-166 – Variance to the interior side yard setback from 7’ to 4’ to construct a landing for a new deck.
   **LOCATION:** 2217 South 152nd Street
   **ZONE:** R3

   **PLANNING DEPARTMENT RECOMMENDATION:** Denial.

   At the Zoning Board of Appeals meeting held on June 11, 2015, Russell Finch appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant wanted to replace an existing deck that will have a landing that extends into the required side yard setback. The landing would provide access along the side of the home at grade level. The Planning Department found no hardship or practical difficulty and felt that any new deck should comply with the required setback and, therefore, recommended denial.

   Mr. Finch explained that the current deck is 15 – 20 years old and that the new landing will be even with an existing cement slab and should allow new steps to be built into the backyard.

   Mr. Mahlendorf noted that the rebuilt deck will be put back in its current location.

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

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

   **MOTION CARRIED:** 5-0
9. Case No. 15-068
Barry Stych
12562 Ohio Circle
Omaha, NE 68164

REQUEST: Waiver of Section 55-166 – Variance to the
front yard setback from 35’ to 25’ to
construct a new single-family home.

LOCATION: 2618 & 2624 North 137th Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject
to submittal of an application to rezone the property from R3 to R4.

At the Zoning Board of Appeals meeting held on June 11, 2015, Tim Lowndes (Charles Thomas Homes)
appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a
new home on 2 existing lots that are zoned R3. The applicant had applied to have the property zoned R4
which has a 25’ setback. The waiver request would be temporary until the property is rezoned to R4. The
Planning Department recommended approval subject to submittal of an application for the rezoning of the
property R4.

Mr. Lowndes stated that the applicant was in agreement with and had already begun the rezoning
process.

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. 15-069
Nancy Somerhalder
5505 South 124th Street
Omaha, NE 68137
REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 6’ to construct a 7’ x 15’ home addition.
LOCATION: 5505 South 124th Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 11, 2015, Nancy Somerhalder appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the addition that the applicant was proposing would extend into the required side yard setback. The applicant had indicated that that location was the only practical one for the expansion. The Planning Department found no hardship or practical difficulty and believed that any additions to the home should comply with zoning regulations and, therefore, recommended denial. He mentioned the Planning Department received a letter in opposition to the request from the property owner to the north.

Ms. Somerhalder explained that, due to changing health issues, some home renovations were needed to make the home wheelchair accessible. She stated that similar changes were made to the home at 5405 South 124th Street. She added that the addition would be unusable if it were built anywhere else on the house. Because of the way the home is situated on the lot, the south side of the home is the only place where the addition would not be close to a setback.

James Beerman, 5435 South 124th Street, appeared in opposition to the request. He stated that the expansion would be located directly across from his upper level deck, which he felt would affect his property value. He further explained that his house is under a contract for a future sale and that the new owners should have the opportunity to voice their opinions about the request. Mr. Beerman stated that his closing date is July 2. Mr. Lanoha felt that the addition would have a detrimental effect on Mr. Beerman’s property. Mr. Anzaldo suggested laying the case over so that the future buyer could be informed and have some input on the case.

Mr. Anzaldo moved to LAYOVER to give the future homeowner time to be informed of the waiver. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11.  Case No. 15-070  
Clarkson Memorial Hospital  
988145 Nebraska Medical Center  
Omaha, NE 68198  
REQUEST: Waiver of Section 55-740(b) – Variance to the required standard parking layout dimensions for a new parking garage.  
LOCATION: 4111 Harney Street  
ZONE: GC-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on June 11, 2015, John Andrews (Leo A. Daly) appeared before the Board on behalf of the owner.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Board had previously granted waivers for this project. This request detailed adjusted dimensions for 75° and 90° stall sizes. The adjustments comply with the standards of the National Parking Association (NPA) for parking garages. The City is considering makes changes to the code that reflect the standards of the NPA. Due to the limited space on the property, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Andrews made a minor adjustment to the dimension sizes. An area that was proposed to be 18.9’ would be 18.833’.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 15-071  
   Jay Muller  
   1120 North 18th Street  
   Omaha, NE 68102  
   REQUEST: Waiver of Section 55-832 – Variance to the maximum sign height from 8’ to 14’8” and to the front yard setback from 12’ to 0’ to install a monument sign.  
   LOCATION: 6809 North 68th Plaza  
   ZONE: R7  

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver to the front yard setback in accordance with the plans submitted. Denial of the waiver of the maximum sign height as requested.

At the Zoning Board of Appeals meeting held on June 11, 2015, Jay Muller and Don Mandel (CHI Health) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the site in question is residentially zoned and that there is an existing monument sign on the site. The applicant was proposing to replace the sign with a new one which would require a waiver to the setback along Newport Avenue and to the maximum height requirement. The Planning Department found no hardship or practical difficulty for the height waiver and recommended denial, but supported the request for the setback waiver since the sign is existing.

Mr. Mandel explained that signs on the hospital campus were being replaced with signs that reflected new logos and branding. Mr. Muller stated that the current sign is 12’6” high and 5’ wide. The sign height includes the concrete pad which is 8” tall.

In response to Mr. Anzaldo, Mr. Mandel explained that the sign would replace the one that currently sits at the main entrance off Newport Avenue. In response to Mr. Lanoha, Mr. Muller explained that the height is needed because of the letters on the sign. Mr. Lanoha felt that the zoning of the campus was a hardship. Mr. Mahlendorf mentioned that there was a letter of opposition from a neighbor in the surrounding area.

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 15-072

Jay Muller
1120 North 18th Street
Omaha, NE 68102

REQUEST: Waiver of Section 55-834, 55-836 & 55-933(b) - Variance to the maximum sign height from 12' to 14'8" and 15'8" and to the front yard setback from 12' to 0', 10', 7', and 3' to install 6 monument signs.

LOCATION: 6751, 6801 and 6901 North 72nd Street & 7101 and 7105 Newport Avenue

ZONE: GO-ACI-4(PL) & CC-ACI-4(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver to the front yard setback, in accordance with the plans submitted, subject to submittal of an application for a Major Amendment to a Conditional Use Permit for Hospital Services (General) in the GO district. Denial of the waiver of the maximum sign height as requested.

At the Zoning Board of Appeals meeting held on June 11, 2015, Jay Muller and Don Mandel (CHI Health) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the hospital is a conditional use in the district, and that if the Board was inclined to grant the waiver, the owner would be required to get an amendment to the Conditional Use Permit from the Planning Board.

At Mr. Anzaldo’s request the applicant mentioned the current and proposed heights for the 5 new signs. Mr. Carter asked that the applicant submit the documentation that the applicant presented to the Board (Exhibit B).

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted (Exhibit B), subject to submittal of an application for a Major Amendment to a Conditional Use Permit for Hospital Services (General) in the GO District. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 15-073
   Jeff Seaman
   4414 South 179th Street
   Omaha, NE 68135
   REQUEST: Waiver of Sections 55-126 and 55-715 – Variance to the front yard setback from 50’ to 35’ and to the street yard landscaping depth from 30’ to 0’, to construct a new home.
   LOCATION: 23602 Hampton Road
   ZONE: R1
   
   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on June 11, 2015, Jeff Seaman appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct a home on a vacant lot that is part of a subdivision that was granted waivers in 2008 to allow 40’ front yard setbacks and 10’ side yard setbacks. The applicant was proposing to build the home with a 35’ setback, indicating that the topography of the lot and the round-a-bout caused issues with the construction of the home. The Planning Department found no hardship or practical difficulty and felt that a home in compliance with zoning regulations could be built and, therefore, recommended denial.

   Mr. Seaman maintained that the topography of the lot made it a challenge to get the home to work on the lot. He added that the round-a-bout took away a significant portion of the front property. He stated that many of the lots were empty, but that the neighbor across the street and another neighbor three houses away were in favor of the request. Mr. Mahlendorf noted that, based on lot elevations, the property drops approximately 100’ from the front of the home to the rear.

   Ms. Donovan noted that most of the home was in compliance with the 40’ with the exception of the front, left corner of the garage and the covered entry into the home. Mr. Lanoha agreed that the topography and round-a-bout did prove to be a hardship to the applicant.

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

   AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf
   
   MOTION CARRIED: 5-0
15. Case No. 15-074

REQUEST: Waiver of Section 55-786 - Variance to the residential fence regulations to allow a 6’ tall, privacy fence in the street side yard setback to remain.

LOCATION: 3304 North 49th Street

ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 11, 2015, Hugh Lemmons appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the current fence was built as a replacement to a picket fence without benefit of a permit. A complaint about the fence was filed with the City. For aesthetic and safety reasons the ordinance requires that a fence be constructed 15’ away from the property line. The Planning Department recommended denial of the request. He noted that, based on the plans submitted, there seemed to be some confusion about the location of the property line. He advised the Board that if it inclined to grant the request, the applicant should be required to obtain a survey to ensure that the fence is not located outside of the property line.

Mr. Lemmons stated that he believed that he could replace a fence in its exact location without a permit. Mr. Carter informed the applicant that the back corner of his fence restricted the neighbor’s view and that it should be moved in 5’. Mr. Lemmons explained that there is approximately a 1.5’ drop-off immediately inside his fence and that it would be hazardous to pedestrians. He did remove a portion of the fence to improve the neighbor’s visibility along Bedford Avenue. He indicated that he saw over 50, 6’ tall, privacy fences in the Benson area that were located right along the sidewalk. Mr. Mahlendorf stated that if the fence was outside of the property line it would need to be moved, especially along Bedford Avenue.

In response to Mr. Aspen, the applicant stated that a 4’ fence would not give him the privacy he wanted.

Ms. Donovan moved to APPROVE in accordance with the plans submitted subject to the applicant obtaining a survey to ensure that the fence is not located in the right-of-way of Bedford Avenue. Mr. Anzaldo seconded the motion.

AYES: Lanoha, Anzaldo, Donovan, Mahlendorf

NAYES: Aspen

MOTION CARRIED: 4-1
16. Case No. 15-075  
Pat Kirby  
McNeil Company  
4666 South 132nd Street  
Omaha, NE 68137  

REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 25’ to construct a new home.  

LOCATION: 4953 Mayberry Street  
ZONE: R4(35)  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of an application to rezone the property to R4.

At the Zoning Board of Appeals meeting held on June 11, 2015, Pat Kirby appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the front yard setback along 49th Avenue is proposed to be at 25’, but the current zoning requires 35’ resulting in the need for the waiver. The Planning Department supported the request since it is temporary based on the applicant applying to have the property rezoned to R4, which has a 25’ setback. The Planning Department recommended approval in accordance with the plans submitted, subject to submittal of an application to rezone the property to R4.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to submittal of an application to rezone the property to R4. Ms. Donovan seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 15-076
Kenneth Hahn
Kenneth Hahn Architects
1343 South 75th Street
Omaha, NE 68124

REQUEST: Waiver of Section 55-715, 55-735(b) & 55-740(f)(4) – Variance to the street yard landscaping depth from 10' to 0'; to the street yard landscaping percentage from 50% to 47%, to the perimeter parking lot landscaping depth from 10' to 0'; and to allow parking for a non-residential use in the front yard setback of a residential district, to allow for a parking lot expansion.

LOCATION: 4622 Monroe Street
ZONE: R7

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

At the Zoning Board of Appeals meeting held on June 11, 2015, Kenneth Hahn appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to add more handicapped parking stalls to the property: 6 on the north side of the existing driveway and 2 along Monroe Street. There would also be a new driveway constructed between the upper and lower parking lots. The Planning Department has typically supported these types of waivers for civic uses, such as churches. He noted the 3 street frontages that make it a challenge to comply with zoning regulations. The Planning Department recommended approval, in accordance with the plans submitted.

Mr. Hahn stated that the 3 street frontages and the topography of the site made it difficult to comply with the street yard landscaping regulations. In response to Ms. Donovan, he stated that he had not spoken with the neighbor to the east, but that there was some discussion with the neighbor to northeast and that he was in support of the project.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
18.  Case No. 15-077  
      Roberta Hemmingson  
      16617 Drexel Street  
      Omaha, NE 68135  
      REQUEST:  Waiver of Section 55-206 – Variance to the rear yard setback from 25’ to 15’ to allow construction of a deck.  
      LOCATION:  16617 Drexel Street  
      ZONE:  R5  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 11, 2015, Kenneth Daniel appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new deck at the rear of the property that would be as close as 15’ from the property line. The Planning Department found no hardship or practical difficulty and believed that any new construction should comply with zoning regulations. It appeared that the subdivision was developed with the potential for rear yard patios, but not for decks on most lots. Very few waivers had been granted in the area for rear yard setbacks. The Planning Department recommended denial.

Mr. Daniel presented a letter from the homeowner association stating its approval of the deck (Exhibit B). He explained that the homeowners were getting older and the deck would give them access to the backyard. The deck would not be closer to the property line than the existing patio is. The proposed deck would be approximately 15’ x 10’ and about 1.5’ from the ground.

In response to Mr. Lanoha, Mr. Daniel stated that the adjacent neighbor had no objections to the request.

Dennis Klein, (9032 Valley View Drive - LaVista, NE) appeared in support of the request. He felt that the deck would help his sister and brother-in-law be able to enjoy the outdoors.

Because of the smaller size of the deck and the minimal impact it would have on the neighbors, the Board expressed support for the request.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

The minutes for the May 14, 2015 meeting were not ready for approval.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:50 p.m.

Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary