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 29, 2015 and Thursday, July 2, 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  
Travis Gibbons, City Planner  
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.
LAYOVER CASE:

1. 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, 55-735(a)(1) & 55-716 – Variance to the required bufferyard between R7 and DR from 30’ to 0’, to the interior side yard setback from 12’ to 0’ and to allow off-street parking for a multiple family residential use in the front yard setback of a residential district, for construction of an apartment complex.

   LOCATION: 12510 West Dodge Road & 710 North 124th Plaza  
   ZONE: R7-ACI-4(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted subject to the following: 1) Compliance with Article 22, Urban Design regulations; and, 2) Prior to applying for a building permit the applicant must: a) amend the subdivision agreement to allow the driveway within the outlot; b) update the wetlands analysis and provide a mitigation plan if necessary; c) address the parking lot over the property line as mentioned in the report; and d) provide approval of a Corp Section 404 permit.

At the Zoning Board of Appeals meeting held on July 9, 2015, Jason Thiellen (E & A Consulting Group), Kyle Vohl (E & A Consulting Group), Pat McNeil (McNeil Company Builder), and Ryan Haas (City of Omaha – Public Works) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over to give the applicant time to submit a site plan review, which had been done. Based on the proposed changes, the requested waivers were needed. The Planning Department supported the waivers due to the topographic challenges of the site and the drainage area that is situated between the two lots. The Planning Department recommended approval in accordance with the plans submitted subject to the following: 1) Compliance with Article 22, Urban Design regulations; and, 2) Prior to applying for a building permit the applicant must: a) amend the subdivision agreement to allow the driveway within the outlot; b) update the wetlands analysis and provide a mitigation plan if necessary; c) address the parking lot over the property line as mentioned in the report; and d) provide approval of a Corp Section 404 permit.

The applicant was in agreement with the Planning Department’s recommendations. In response to Mr. Lanoha, Mr. Thiellen stated that there would be a total of 327 units on the site: 159 units on the west side and 168 units on the east. He noted that the number is 33 units short of the maximum allowed.

Mr. Lanoha stated that the Board had discussed some off-site improvements, specifically the addition of a turning lane. Mr. Mahlendorf noted that the original traffic study dealt only with the west parcel. Mr. Haas stated that there were some concerns because of the proposed drive that will connect the east and west parcels. He mentioned that the City encourages connectivity whenever possible; however, the proposed changes to the site would change the way the nearby intersection functions. He stated that the connection of the outlots would need to be done in conjunction with one of the following improvements: the addition of a frontage road or the revision of the traffic study to include the proposed driveway and connecting parcel. He noted that the proposed changes could not be made unless the subdivision agreement was revised. Public Works was in support of the changes to the subdivision agreement contingent upon the applicant implementing one of the options. Mr. Haas further explained that a center lane could be added along a portion of the frontage road to allow for the addition of an east-bound left turn lane into the apartment complex. Another option would be to restrict the driveway to a right-in/right-out.

Mr. Thiellen stated that his client was willing to amend the traffic study, although he did not believe that the amount of left turns into the complex would increase.
Kathy Soula, 811 North 123rd Plaza (Spanish Village) appeared in opposition to the request. She was concerned about what land would be used to widen Burt Street and to put in an island. She also inquired about how many parking spaces would be available to accommodate tenants and visitors of the complex. Mr. Lanoha responded that the Burt Street issues were not before the Board at that time. Mr. Haas explained that at the time of the subdivision process, no improvements for Burt Street were required.

Mike Parizak, Candlewood Homeowners Association, appeared before the Board. Mr. Parizak inquired as to whether Public Works would take pedestrian traffic into consideration and add sidewalks.

Dorothy Beer, Candlewood Homeowners Association, appeared before the Board. She expressed concerned that the connecting drive would impact the traffic on Burt Street. She felt that the driveway would provide easy access for vehicle traffic to get to the access road then on to Burt Street. She suggested that, at minimum, another traffic study be done that would include traffic on Burt Street.

In response to Mr. Anzaldo, Mr. Haas explained that another traffic study would not be necessary if the applicant put in a left turn lane on the frontage road, or if the driveway was modified to restrict left turn lanes. There was some discussion about how traffic studies are performed.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted subject to the following: 1) Compliance with Article 22, Urban Design regulations; and, 2) Prior to applying for a building permit the applicant must: a) amend the subdivision agreement to allow the driveway within the outlot; b) update the wetlands analysis and provide a mitigation plan if necessary; c) address the parking lot over the property line as mentioned in the report; and d) provide approval of a Corp Section 404 permit. Mr. Aspen seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

2. Case No. 15-078
   Elkhorn School District 10
   3200 North 207th Plaza
   Omaha, NE 68022
   REQUEST: Waiver of Section 55-735(b) – Variance to allow off-street parking for a non-residential use in the front yard setback of a residential zoning district to construct a new warehouse facility.
   LOCATION: 20720 Glenn Street
   ZONE: DR

At the Zoning Board of Appeals meeting held on July 9, 2015, Kyle Crouch (DLR Group) appeared before the Board.

Mike Carter, Zoning Board of Administrator, stated that the applicant was proposing to construct a new warehouse facility as part of the Elkhorn Public School campus. There is a proposed parking area to the south of the building that will encroach into the front yard setback along Glenn Street. A Major Amendment to a Conditional Use Permit was approved by the Planning Board at its July 1, 2015 meeting, with one of the conditions being the approval of the requested waiver. The Planning Department has historically supported these types of waivers for churches and schools because of their locations and the types of improvements that are needed for them to operate. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 15-079
Michael J. Hall
14225 Dayton Circle
Suite 9
Omaha, NE 68137

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

LOCATION: 9111 North 138th Street

ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the property owner paving the drive approach, plus the first 50’ of the driveway, at such time that 138th Street is paved.

At the Zoning Board of Appeals meeting held on July 9, 2015, Michael Hall appeared before the Board on behalf of the owner.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new detached garage on the site which requires a paved street connection. The existing public street that is adjacent to the property, 138th Street, is presently a gravel surface. A property to the south had been granted a similar waiver (Case 94-268). The Planning Department supported the request and recommended approval in accordance with the plans submitted, subject to the property owner paving the drive approach, plus the first 50’ of the driveway, at such time that 138th Street is paved.

Mr. Hall stated that the owner was in agreement with the Planning Department’s recommendation.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to the property owner paving the drive approach, plus the first 50’ of the driveway, at such time that 138th Street is paved. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 15-080
Malibu Sunrooms
13633 South 217th Street
Gretna, NE 68028

REQUEST: Waiver of Section 55-784(c)(2) – Variance to the perimeter yard setback from other property lines in a cluster subdivision from 20’ to 15.5’ to construct a sunroom addition and new deck.

LOCATION: 17219 Howard Plaza
ZONE: R5-cluster

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 9, 2015, James Benkis appeared before the Board on behalf of the homeowner.

Mike Carter, Zoning Board of Appeals Administrator, explained that the existing property backs up to a golf course. The applicant was issued a building permit, but upon start of construction it was determined that the property line to the rear of the house was closer to the home than originally thought. The Planning Department found no hardship or practical difficulty to support the waiver and, therefore, recommended denial.

Mr. Benkis noted that all the appropriate steps had been taken during the process, which included obtaining a survey at the City Inspector’s request. The homeowner was making renovations to the home so that his parents could live in the basement.

Mr. Mahlendorf noted that the Homeowner’s Association has provided a letter of support for the project. He also noted that there would be little to no impact to the adjacent golf course.

In response to Mr. Lanoha, Mr. Benkis stated that there had been no opposition from the owners of the golf course or surrounding homeowners.

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
5. Case No. 15-081
J3F&R, LLC
James Thomas
4940 Emmet Street
Omaha, NE 68104

REQUEST: Waiver of Section 55-716 – Variance to the
required buffer yard between GI and R4
from 60’ with screening to 30’ and 23’ with
screening to allow redevelopment of the site
for a new funeral home.

LOCATION: 3510 North 33rd Street
ZONE: GI

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

At the Zoning Board of Appeals meeting held on July 9, 2015, Ken Johnson (J3F&R, LLC), James Thomas (J3F&R, LLC), and Steve Eveans (Architect – 14927 Shirley Circle) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the proposed location for the funeral home was an unoccupied industrial property that was zoned General Industrial. The Planning Board recommended approval of a Special Use Permit at its June 3, 2015 meeting to allow a Funeral Services use on the site. One of the conditions of approval was the requirement that the applicant obtain waivers to the required buffer yard. The waiver to the buffer yard would encompass the south side of Pinkney, the west side of 33rd Street, and along the north side of Emmet and the existing homes on the southwest corner of the site. A hardship existed due to the General Industrial zoning; if the property had been rezoned to Commercial, most of the buffer yards would be in compliance. Since the proposed use is more of a Commercial use, the Planning Department believed that the proposed waiver was acceptable and recommended approval in accordance with the plans submitted.

Mr. Thomas stated that the project had the support of all the surrounding neighborhood associations and other organizations. The applicant met with the Malcolm X Memorial Foundation and presented a copy of the resolution of their approval (Exhibit B). In addition, a letter of support was submitted from the Fellowship Christian Center at 3211 Pinkney Street (Exhibit C). He also stated that a meeting was held at the Malcolm X Community Center on June 18th for property owners within 600’ of the site. About 40 residents appeared at that meeting.

Mark Robinson, 3320 Emmet Street, appeared in opposition to the request. He appeared for his mother who owns the property he lives in and 3331 Emmet Street where she lives. He also represented a neighbor who rented the property at 3327 Emmet Street. He stated that no one on Emmet Street was in support of the project and that anyone who was in support of it did not live on the street. He felt that the applicant should have reached out to the neighbors before the City did. He objected to the increase in traffic that would come with the business and toxins that could be leaked into the air from cremations that would be performed on the site. He felt that the funeral home would change the way of life for the neighbors. Mr. Mahlendorf mentioned that value that would be brought to the neighborhood because of the project. He also explained that the General Industrial zoning classification could result in any number of less desirable businesses using the site. Mr. Robinson requested that the Board not allow a decrease in the amount of the required buffer yard.

In response to Ms. Donovan, Mr. Robinson stated that he would be in support of the Board requiring the applicant to install enough landscaping to provide more of a buffer between the proposed business and his residence.

With regards to screening in the southwest corner of the property, Mr. Eveans stated that there would be a dense screen of evergreen type plant materials. The applicant was also considering the use of 6’ high, PVC fence as a barrier. Mr. Mahlendorf noted that if the 30’ buffer was maintained in the southwest corner of the property, then 3 parking stalls would be lost. Mr. Eveans agreed that the plans could be changed to maintain the 30’ buffer in that particular area.
Mr. Mahlendorf stressed to the opposition that the place to voice concerns about whether a funeral home was appropriate in the proposed location would be before City Council.

Ms. Donovan moved to APPROVE the variance to the required buffer yard from 60’ to 30’ and screening in compliance with Section 55-717 of the Omaha Municipal Code. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 15-082
   Maria T. Soto
   2008 North 64th Street
   Omaha, NE 68104

REQUEST: Waiver of Section 55-742(b) – Variance to allow off-street parking in the front yard setback of a residential zoned property not otherwise permitted, to remain.

LOCATION: 2008 North 64th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 9, 2015, Angelica Gutierrez and David Gutierrez appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting a waiver to allow a new off-street parking area located at the front yard of the property to remain. The applicant was granted a permit for a house addition on the south side of the existing home. As part of that project, the applicant made a request to construct a parking area, but it was not approved. Nevertheless, the driveway was installed and the applicant requested a waiver to allow the parking area to remain. The Planning Department found no hardship or practical difficulty and believed that parking on the site should comply with regulations and, therefore, recommended denial.

Ms. Gutierrez stated that the applicant did not notice that the parking area had been crossed out of the plans and continued on with the project. She explained that the area is used for a trailer and two cars. The reason the garage was not used to store the trailer is because of theft of previous trailers. Also, in the wintertime it is difficult to use the garage because of snow in the alley.

In response to Ms. Donovan, Ms. Gutierrez stated that previously there was no driveway in front of the home only the front yard. She added that there is very little parking available since the neighbors on Blondo Street park along 64th Street. She stated that there are two neighbors in the area that have parking in the front yard. It was mentioned that the neighbors with parking in the front were accessing an on-site garage, whereas the applicant was not. Mr. Carter explained that if the Board denied the waiver, the code requires that the parking area be removed since there is alley access and a garage in the back. He further explained that if the home addition had not been built, the applicant could have legally built a driveway to the existing garage. In response to Mr. Mahlendorf, Ms. Gutierrez stated that the existing garage was fairly new and was mainly used for storage.

Mr. Aspen mentioned the precedent that could be set in the neighborhood by allowing the applicant to put a parking area in the front of the home. Mr. Mahlendorf mentioned that there was a letter in opposition to the request along with a letter of support.

Mr. Aspen moved to DENY the request. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 15-083
   Gregg Studanski
   6006 Wenninghoff Road
   Suite B
   Omaha, NE 68134
REQUEST: Waiver of Section 55-166 – Variance to the interior side yard setback from 7’ to 5’ to construct a 3’5” x 11’4” home addition.
LOCATION: 15665 Lamp Circle
ZONE: R3

This case was withdrawn at the request of the applicant.
8. Case No. 15-084  
Lamar Outdoor  
4849 G Street  
Omaha, NE 68117  

REQUEST: Waiver of Sections 55-852 & 55-853(a) – Variance to allow an electronic off-premise sign in a CC district not otherwise permitted, and closer than 700’ from 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 July 9, 2015, Mike Degan (Attorney – Husch Blackwell) and Jim Deitering appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that this case was similar to what had previously been before the Board for this site (Case 14-042 & 15-038). At the time of the meeting, the City had not had time to review the take-down plan that had recently been submitted to the case file from the applicant’s attorney. In addition, there were potentially other waivers were necessary so that the sign could be erected. The Planning Department recommended denial of the request; however, it was in support of the Board laying over the case to allow the applicant time to submit a new or amended application for the sign itself. This would give the Planning Department time to review the application and determine what additional waivers were necessary before appearing before the Board. The Planning Department recommended denial.

Mr. Degan agreed that there were some issues that needed to be resolved if a waiver were granted. There was some disagreement about the actual ordinances that applied in the case and also about the Judge’s ruling on the case. In response to Mr. Mahlendorf, Mr. Degan explained the details of the revised take-down plan which is part of the case file. The applicant clarified one of the locations where a sign would be removed. In a letter dated July 7, 2015 from Husch Blackwell, it stated that the sign would be removed from 36th & Dodge; the actual location was 36th & Leavenworth. Mr. Anzaldo felt that the removal of the 36th & Leavenworth was a generous concession on the applicant’s part. He believed that the Board should take the plan under consideration. It was again mentioned that the applicant would need to submit a new sign application or amend the one from 2012. Although the Board acknowledged that the Planning Department would not be in agreement with the Board’s decision, it was stated that the action being taken was believed to be in the best interest of the city as a whole.

Mr. Lanoha moved to APPROVE subject to: the amended take down plan (included in letter from Husch Blackwell dated July 7, 2015) which includes the removal of 2 existing signs at 109 Park Avenue (1,012 sq. ft.) and credit for previously removed signs located at 4615 Dodge Street (744 sq. ft.) and 4409 Dodge Street (396 sq. ft.). In addition, the voluntary takedown of other signage, including the signs at 6501 Center Street (506 sq. ft.) and 36th & Leavenworth (253 sq. ft.) and any other sign regulations that may apply. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf  

MOTION CARRIED: 5-0
9. Case No. 15-085  
Darin Smith  
3101 South 24th Street, LLC  
505 Walker Street  
Woodbine, IA 51579  

REQUEST: Waiver of Section 55-716, 55-740(f)(4) & (5), 55-734 and 55-246 – Variance to the maximum impervious coverage from 70% to 90%; to the buffer yard between CC & R5 from 30’ to 12.5’ and 14.6’; to the number of off-street parking stalls from 40 to 36; to the perimeter parking lot landscaping from 5’ to 0.4’ and 1.3’; and to the minimum interior landscaping percentage from 7% to 3%, to allow for the redevelopment of the existing building into multiple-family residential use.

LOCATION: 3101 South 24th Street  
ZONE: CC-ACI-1(50)

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

At the Zoning Board of Appeals meeting held on July 9, 2015, Doug Kellner (Thompson Dreessen Dorner) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the request was similar to one that was approved in 2012 (Case 12-131). The applicant was proposing to redevelop the former Aksarben Beef Company building with 20 residential apartment units. As part of the project, additional off-street parking was proposed on the north side of the building and replacement of existing parking on the south. The applicant also proposed the addition of an outdoor recreational space that was not part of the original plans. The Planning Department believed that there was a practical difficulty that resulted from the location and size of the existing building along with the infill nature of the project. The Planning Department supported the request and recommended approval in accordance with the plans submitted.

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

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 15-086  
RMR Group, LLC  
2411 O Street  
Suite 200  
Omaha, NE 68107  

REQUEST: Waiver of Section 55-246, 55-734, 55-740(b)(1) & 55-740(f)(4) – Variance to the front yard setback from 35’ to 33.5’; to the interior side yard setback from 10’ to 1’6”; to the number of off-street parking stalls from 6 to 4; to the minimum parking stall depth from 18’ to 16’; and to the perimeter parking lot landscaping from 10’ to 5’, 5’ and 3’10”, to allow the rehabilitation of the site for multiple-family residential.

LOCATION: 1120 South 31st Street  
ZONE: R7  

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

At the Zoning Board of Appeals meeting held on July 9, 2015, Robert Ryan (RMR Group, LLC) and James Linkletter (Architect – 2639 Avenue D, Council Bluffs, IA) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the building had been previously converted to 4 units. The applicant was proposing to renovate those units with off-street parking at the rear of the building, which required several waivers. Because the building is existing and the site would provide a 1:1 parking ratio, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Ryan stated that he would provide paved parking to replace the existing gravel lot.

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

AYES: Anzaldo, Donovan, Lanoha, Aspen, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 15-087  
Robert Kozol  
RKG Investments, LLC  
6056 North 156th Street  
Omaha, NE 68116

REQUEST: Waiver of Section 55-108, 55-715, 55-762(a)(1)(c) & 55-735(b) – Variance to the street side yard setback from 25’ to 10’ to the rear yard setback from 35’ to 8’, maximum impervious coverage from 25% to 37%; to the minimum street yard landscaping depth from 30’ to 15’ and 10’; to the minimum street yard landscaping percentage from 80% to 54%; to the required buffer yard for a garden center adjacent to a residential district from 30’ to 15’ and 10’; and to allow non-residential parking in the front/street side yard setback of a residential district, to allow for the improvements to the existing garden center.

LOCATION: 6056 North 156th Street  
ZONE: DR

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

At the Zoning Board of Appeals meeting held on July 9, 2015, Doug Dreessen (Thompson Dreessen Dorner) and Robert Kozol appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing some improvements to the existing garden center facility, including a new greenhouse and additional off-street parking. The Planning Board approved a Major Amendment to a Conditional Use Permit to allow this use on the site at its June 3, 2015 meeting, with one of the conditions being the approval of the requested waivers. The waivers include variances for the buffer yards on the west, north and east to allow an encroachment into those areas for parking and storage bins. It would also allow additional pavement on the site for parking on the property. In the past, there were issues with employees parking on Kansas Avenue to the north. The Planning Department felt that there was a hardship resulting from the grade issues on the west side of the property and the dedication of the right-of-way along Kansas Avenue and, therefore, recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 15-088  
St. Francis Cabrini Church of  
Omaha and Bethlehem House  
Omaha, NE

REQUEST: Waiver of Section 55-246, 55-735(a)(1) & 55-740(f) – Variance to the maximum impervious coverage from 70% to 83% for Lot 2; to the minimum parking lot perimeter landscaping from 10’ to 1’ on Lot 1, to allow parking for a Large Group Living use in the front yard setback of a residential district on Lot 1, for the property to be administratively subdivided into 2 lots.

LOCATION: 1404 Castelar Street  
ZONE: R7

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

At the Zoning Board of Appeals meeting held on July 9, 2015, Patrick Flood appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to subdivide the property into 2 lots. The Bethlehem House would be on one lot and the former St. Patrick’s campus would remain on the other. The waiver for impervious coverage is for the campus site that would exceed the maximum allowed because of the subdivision of the site. The Planning Board approved a Special Use Permit to allow Large Group Living for the Bethlehem House at its July 1, 2015 meeting. One of the conditions of approval was that the applicant had to obtain waivers for parking in the front yard and the perimeter landscaping on the south side of the proposed parking lot. Considering the existing nature of all the improvements and the need to provide additional parking for the Bethlehem House, the Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Aspen, Anzaldo, Donovan, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 15-089  
Brother Mike Wilmot  
GESU Housing, Inc.  
5008 ½ B Dodge  
Omaha, NE 68132  
REQUEST: Waiver of Section 55-207(g) & 55-742(b) –  
Variance to the front yard setback from 35’ to 25’ and to allow required off-street parking in the front yard setback, to construct 2 single-family homes.  
LOCATION: 4138 & 4140 Burdette Street  
ZONE: R5(35)  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of a rezoning application to R5.

At the Zoning Board of Appeals meeting held on July 9, 2015, Michael Hall (14225 Dayton Circle) and Brother Mike Wilmot appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that this area has been granted waivers in the past, especially for front yard setbacks. The 25’ setbacks were more consistent with the neighborhood. The Planning Department supported the waiver and requested that an application be submitted to rezone the property to R5.

Mr. Hall stated that the application to rezone the property had already been submitted for both lots.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submittal of a rezoning application to R5. Mr. Anzaldo seconded the motion.

AYES: Aspen, Anzaldo, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Motion by Mr. Anzaldo to APPROVE the minutes for the May 14, 2015 meeting. Mr. Aspen seconded the motion.

AYES: Anzaldo, Lanoha, Aspen, Mahlendorf

ABSTAIN: Donovan

MOTION CARRIED: 4-0-1

Motion by Mr. Anzaldo to APPROVE the minutes for the June 11, 2015 meeting. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Aspen, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:56 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary