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, August 3, 2015 and Thursday, August 6, 2015.

MEMBERS PRESENT:  
Jacque Donovan, Vice-Chair  
Sebastian Anzaldo  
Sean Kelley, Alternate  
Teri Teutsch, Alternate

MEMBERS NOT PRESENT:  
Brian Mahlendorf, Chair  
Jeremy Aspen  
Jason Lanoha

STAFF PRESENT:  
Mike Carter, Zoning Board of Appeals Administrator  
Jennifer Taylor, City Law  
Travis Gibbons, City Planner  
Clinette Warren, Recording Secretary

Ms. Donovan 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 CASES:

1. Case No. 15-055 (from 5/14/15 & 6/11/15) - WITHDRAWN
   Jay Machleit, President
   Triple C Development, Inc.
   200 Armory Road
   Centre, AL 35960

   LOCATION: 2601 North 16th Street
   ZONE: CC-ACI-2(PL)

   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.

This case was withdrawn at the request of the applicant.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

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Request</th>
<th>Location</th>
<th>Zone</th>
</tr>
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<tbody>
<tr>
<td>15-026</td>
<td>Waiver of Section 55-831 – Variance to the total permitted sign area from 40 sq. ft. to 182 sq. ft., to the maximum wall sign height for 2 wall signs from 16 feet to 26 and 27 feet, to the maximum wall sign area for all three wall signs from 40 sq. ft. to 42 and 60 sq. ft. (2), and to the maximum monument sign area from 25 sq. ft. to 31 sq. ft., to allow for an updated sign plan.</td>
<td>13010 Atwood Avenue</td>
<td>R6</td>
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**PLANNING DEPARTMENT RECOMMENDATION:** Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on August 13, 2015, Matt Chadek appeared before the Board.

The applicant explained that greater exposure was being requested for this location because of its location. Changes also needed to be made since there was an upgrade to the YMCA’s sign standards. There was just one sign on the north side of the building; the applicant requested that a sign facing 132nd Street also be allowed.

In response to Mr. Kelley, Mr. Chadek stated that other YMCA locations will gradually upgrade their signage to the new standards.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
3. Case No. 15-090
   Kevin Bolte
   5123 South 90th Street
   Omaha, NE 68127
   REQUEST: Waiver of Section 55-187(e) – Variance to
            the front yard setback from 35’ to 21’10” to
            allow a new deck to remain.
   LOCATION: 5123 South 90th Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Kevin and Rochelle Bolte appeared before the Board.

Ms. Bolte submitted a letter to the case file (Exhibit B).

Mike Carter, Zoning Board of Appeals Administrator, stated that existing deck was built without a permit. The deck encroached 13’2” into the required front yard setback. The applicant was seeking a variance to allow the deck to remain. Mr. Carter stated that few, if any, waivers had been granted in the neighborhood for that type of encroachment. The Planning Department found no hardship or practical difficulty and recommended denial.

Ms. Bolte explained that the previous deck had been damaged by fire. The homeowners believed at the time that a permit was not necessary since they replaced the deck themselves. She stated that they received letters from a neighbor and the Autism Center of Nebraska to the north in support of the deck. In response to Ms. Teutsch, the applicant stated that the new deck was larger than the previous one. Ms. Teutsch stated that she was not inclined to support the request and gave the applicant the option of a layover. This would give the applicant the opportunity to have the case decided by a full board of five voting members instead of the four who were present.

Mr. Kelley suggested that pictures of the old deck might be helpful to the case. Mr. Anzaldo advised the applicant that the layover did not guarantee an approval of the request.

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

AYES: Teutsch, Kelley, Anzaldo, Donovan

MOTION CARRIED: 4-0
4. Case No. 15-091  
   Matt Palu  
   2302 South 35th Street  
   Omaha, NE 68105  

   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 of a residential zoning district.

   LOCATION: 2302 South 35th Street  
   ZONE: R5(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Matt Palu appeared before the Board.

Mr. Palu explained that there was previously a chain-link fence that was 11’ from the street when he purchased the home. He has had issues with theft of his possessions. He felt that the 6’ fence was necessary to protect his property.

Mike Carter, Zoning Board of Appeals Administrator, stated that the code required that the fence be installed 15’ from the property line, instead of the 7’ or 8’ proposed by the applicant. The Planning Department found no hardship or practical difficulty and believed that a fence in compliance with the code could be constructed on the property and, therefore, recommended denial.

In response to Ms. Donovan, Mr. Palu stated that a 50% open fence would not provide him with the privacy he needed. He added that he has a puppy and that he has had issues with unwanted animals in his yard.

Mr. Kelley stated that there was general support for a 50% open fence. The applicant was in agreement with the 6’ tall, 50% open fence.

Mr. Kelley moved to APPROVE accordance with the plans submitted, subject to the fence being 50% open. Ms. Teutsch seconded the motion.

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
5. Case No. 15-092  
Sebastian Anzaldo  
910 South 37th Street  
Omaha, NE 68105  

REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15’ to 6’ to construct a new home.  

LOCATION: 5061 South 36th Avenue  

ZONE: R4(35)  

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

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

AYES: Teutsch, Kelley, Donovan  

ABSTAIN: Anzaldo  

MOTION CARRIED: 3-0-1
6. Case No. 15-093
Stava Properties, LLC
7404 Lake Cunningham Road
Omaha, NE 68122

REQUEST: Waiver of Section 55-716 & 55-740(f) – Variance to the required buffer yard between LI and DR from 30’ to 0’ and to the perimeter landscaping requirement from 10’ to 0’ to allow for the installation of concrete for a new loading dock addition.

LOCATION: 7404 Lake Cunningham Road
ZONE: LI-ED

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Jason Headley (E & A Consulting Group, Inc. – 10909 Mill Valley Road) 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 building addition to the west side of the existing industrial property. As part of that addition, new loading docks will be installed which would require access around the north side of the existing building. The pavement that would be needed to provide that access would encroach into the required buffer yard and perimeter landscaped area along the north property line, resulting in the need for the requested waivers. The Planning Department believed that the proposed pavement should be installed in compliance with zoning regulations. He suggested that, if the Board was inclined to grant the waivers, the applicant should be required to install some type of screening along the north property line to provide privacy for the adjacent residentially zoned lot. The Planning Department recommended denial.

Mr. Headley explained that the loading docks were located on the north side of the building and that the applicant wanted them moved to the new addition. They could not be moved to the west due to grade issues. The applicant was in agreement with installing a 6’ fence at the Planning Department’s request.

Ms. Donovan stated that she preferred that some greenery be installed along the area where the new concrete would be installed that would provide some screening for future residential properties. Mr. Headley responded that a 4’ – 5’ area with pine trees could be added to the site plan.

Mr. Kelley moved to APPROVE subject to the pavement being installed 5’ from the north property line with a fence and landscaping (preferably pines) to provide screening and a buffer to the adjacent residential property. Ms. Teutsch seconded the motion.

AYES: Teutsch, Kelley, Anzaldo, Donovan

MOTION CARRIED: 4-0
7. Case No. 15-094
Dave Paladino
2702 Douglas Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-366 & 55-734 – Variance to the maximum Floor Area Ratio from 1.0 to 1.43 and to the minimum number of off-street parking stalls from 29 to 21 to allow construction of an indoor self-storage facility.

LOCATION: 7201 Maple, 2812 & 2816 North 72\(^{nd}\) Street, and 2803 North 73\(^{rd}\) Street

ZONE: CC-ACI-2(50), R2-ACI-2(50) and R2(CC-ACI-2(50) pending)

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

At the Zoning Board of Appeals meeting held on August 13, 2015, Bill Glismann (HGM Associates, Inc. – 5022 South 114\(^{th}\) Street) and Dave Paladino appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the site on the southwest corner of 72\(^{nd}\) and Maple with an indoor self-storage facility. Access to the site would be from 72\(^{nd}\) Street and all other existing driveways would be closed. The Planning Board recommended approval of a Conditional Use Permit at its July 2015 meeting for this project, with one of the conditions being that the applicant obtain the necessary waivers from the Zoning Board of Appeals. The Planning Department believed that the request was acceptable due to the unique nature of the self-storage facility use and the type of parking demands that type of facility has. The project would be in a designated ACI area and would comply with those requirements as part of the Urban Design regulations. Mr. Carter noted that the project complies with other regulations with regards to height, setbacks, and other density and bulk regulations that are part of the Floor Area Ratio. The Planning Department felt that the waiver was an acceptable request to grant.

Mr. Glisman explained that based on the history of this type of facility and the amount of traffic generated, the proposed parking lot should be more than sufficient. He added that more parking stalls could not be installed due to the slope from 72\(^{nd}\) Street down to 73\(^{rd}\) Street. In response to Ms. Teutsch, Mr. Glisman stated that the exterior of the building would be a combination of brick, metal panels, and glass. The materials were approved by the Urban Design requirements for an ACI district.

Ms. Teutsch felt that the facility was too large for the site and offered the applicant a layover so that the case could be decided by a full board of five members, instead of the four in attendance.

Dave Paladino, 2702 Douglas Street, explained some of the details of the project. He felt that the design of the building would fit in with the surrounding area.

Lou Meyers, 4927 Pinkney Street, appeared in opposition to the request. She was opposed to the size of the structure which she felt would impact the views of nearby properties. She mentioned that there was a problem with crime in the area and that the proposed facility might attract more criminal activity. She added that it did not comply with the Benson-Ames Alliance plan or the city master plan which indicated that the area would be developed as a neighborhood commercial area that would create jobs and stability. She felt that the project would block further development for the area. She stated that structure would not be welcoming or attractive for the west end of the Benson area.

Theresa Peterson, 7301 Maple Street, appeared in opposition to the request. She was opposed to the size of the structure and felt that it was not appropriate for the proposed location. She suggested that perhaps the building should be reduced to three stories. Ms. Donovan responded that the use or height of the property was not being decided by the board.

Dr. David J. Hibler, Sr., 3103 North 50\(^{th}\) Street, appeared in opposition to the request. He runs the Benson Plant Rescue at 7224 Maple Street. He felt that the storage facility would negatively impact his business and was not in keeping with the character of the neighborhood. He also mentioned that the project would
destroy dozens of mature trees. He requested that the waiver request be denied since the building would give Benson the appearance of an industrial area. He felt that the Board’s denial would force the applicant to design the space so that it would conform with zoning regulations. If the matter was not denied, he urged the Board to vote for a layover to give all parties involved the opportunity to come to a compromise. He developed an on-line petition drive with 750 signatures of persons expressing their opposition to the project, along with 144 paper petitions from surrounding neighbors.

Theresa Felderman, 2805 North 78th Street, appeared in opposition to the request. She was opposed to the size of the proposed structure.

Ruth Bailey, 3348 North 57th Street, appeared in opposition to the request. She was in agreement with Dr. Hibler’s statements.

Mr. Glisman requested a layover. Mr. Paladino explained that the layover would provide an opportunity to meet with the neighbors and reach a compromise. Ms. Teutsch advised the applicant to provide examples of proposed signage for the business, since it could become an issue in the future.

Ms. Teutsch moved to LAYOVER. MR. Kelley seconded the motion.

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
8. Case No. 15-095

Jacque & John Herdzina
10551 Forrest Drive
Omaha, NE 68124

REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, privacy fence within the front yard setback of a residentially zoned property.

LOCATION: 10551 Forrest Drive
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Ken Backman (Landscape Architect) appeared before the Board on behalf of the owners.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants were proposing to install a 6’ tall, privacy fence that would encroach into the front yard setback. The fence would extend as close as 24’ from the property line along Forrest Drive, resulting in the need for the waiver. The Planning Department felt that a fence in compliance could be built on the property since there was no hardship or practical difficulty. He noted that few, if any, waivers had been granted for fences in the front yards setback in the area. The Planning Department recommended denial.

Mr. Backman stated that his clients wanted to ensure additional security for the back and side yards by removing an existing section of 4’ fence and replacing it with a 6’, board-on-board fence that would match the fence that surrounds the eastern section of the home. The reason for the waiver was to make room for an existing Colorado Spruce. He stated that the fence location would not cause any line-of-site issues for driveways or neighboring homes.

Ms. Teutsch stated that she was not in support of a 6’ tall, board-on-board fence for that neighborhood, especially since very few exceptions had been made. In response to Ms. Teutsch, Mr. Backman stated that his clients were not interested in a fence that was 50% open. He was in agreement with a layover to give him time to speak with his clients.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
9. Case No. 15-096
Charlotte Rasmussen
10313 North 72nd Street
Omaha, NE 68122

REQUEST: Waiver of Section 55-108 – Variance to the street side yard setback from 25’ to 7.23’ and 0.52’ for an existing home and detached garage.

LOCATION: 10313 North 72nd Street
ZONE: DR-ED

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

At the Zoning Board of Appeals meeting held on August 13, 2015, Charlotte Rasmussen appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to subdivide an existing property that was over 5 acres into 3 individual lots. One of the proposed lots would be an outlot containing a private drive that runs along the north side of the property, another lot will contain the existing home and garage, and the third lot will be used to construct a new residence. The Planning Board recommended approval of a Preliminary Plat for this proposal at its July 2015 meeting. The existing drive serves the applicant’s property and 2 neighboring properties to the east. The Planning Department believed the requests were acceptable, noting that no changes were being made to the location of the existing buildings, and recommended approval in accordance with the plans submitted.

Daniel Barcell, 10331 North 72nd Street, appeared in opposition to the request. He shares the driveway with the applicant. He was opposed to the applicant building a new house adjacent to his existing home. He informed the applicant that he would not sign a new easement for a wider driveway, adding that he and his neighbor to the east were opposed to the proposed widening of the driveway. He felt that if the driveway was not widened, then the waivers would be unnecessary. He requested that the waiver be denied until all parties involved could resolve their differences.

Ms. Rasmussen stated that in order to meet zoning requirements, the driveway must be widened to 22’. She explained that the 40’ easement would remain intact.

In response to Ms. Donovan, Mr. Barcell stated that his main concern was that construction of the new home would eliminate the privacy for his home and the backyard where his pool is located. He stated that he and his neighbor to the east did not receive notice of the hearing when the applicant went before the Planning Board. Mr. Carter stated that the Planning Department was not required to notify neighbors for plats outside of the city.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
10. Case No. 15-097

John Pink
4920 South 66th Plaza
Omaha, NE 68117

REQUEST: Waiver of Section 55-734 & 55-766(b)(3) –
Variance to the minimum number of off-
street parking stalls from 375 to 6 and to
allow a Scrap & Salvage Services use closer
than 300’ from a residential zoning district.

LOCATION: NE corner of 60th & Harrison Streets (Lot 1,
Pink Grading Industrial Park)

ZONE: DR & DR-FF/FW (GI & GI-FF/FW pending)

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

At the Zoning Board of Appeals meeting held on August 13, 2015, Terry Atkins (Lamp, Rynearson & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to use a portion of the site for a seasonal Scrap & Salvage operation that crushes rock. Other areas of the site would be used as a material yard to store soil, rock and pipe owned by the business. Approximately 1 – 3 months out of a year a temporary rock crusher would crush any existing rock and concrete piles on the property, after which it would be disassembled and removed from the site. Zoning regulations require a 300’ separation of a Scrap & Salvage use from the business property line to the property line of any residentially zoned lots. There are some residentially zoned properties to the north and east, across a railroad property, that is within that 300’. Due to the size of the site, the code requires 375 parking stalls; however, the applicant is requesting a reduction in the number of stalls to 6 since the facility is not open to the public. The operating statement indicated that there would be no more than 5 employees on the site at any given time. Mr. Carter noted that the crushing operation is approximately 1000’ from the residentially zoned property. Due to the unique nature of the operation and the particular needs of the business, the Planning Department believed that the requests were acceptable. The Planning Board recommended approval of a Special Use Permit for the Scrap & Salvage use at its July 2015 meeting, with one of the conditions being approval of the requested waivers by the Zoning Board of Appeals. The operation must comply with all other zoning regulations. The Planning Department recommended approval, in accordance with the plans submitted.

Mr. Atkins explained that the large trees to the north, east and south of the business would remain and act as a screen and buffer. The applicant also proposed adding trees that would provide a screen and buffer up to 60th Street and for the property owner to the northwest. He explained that the crushing operation was put in the center of the site to put it as far away from any residential properties as possible. In response to Ms. Teutsch, Mr. Atkins stated that, at 300’, the crushing operation would be as loud as a lawn mower. He stressed that the proposed operation would be 1100’ – 1200’ feet from residential areas. The hours of operation during times that rock is being crushed would be 8:00 am to 5:00 pm, Monday – Friday.

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

AYES: Teutsch, Kelley, Anzaldo, Donovan

MOTION CARRIED: 4-0
11. Case No. 15-098
Kevin Ross
Superior Lighting, Inc.
2121 South 24th Street
Omaha, NE 68108

REQUEST: Waiver of Section 55-838 – Variance to allow signage including a wall sign, pole sign, and monument sign to serve a property without a sign budget.

LOCATION: 6990 Dodge Street
ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Approval of the wall and monument signs in accordance with the plans submitted, for this applicant only. Layover the pole sign waiver to allow the applicant time to either provide signage in compliance with Chapter 55, including Urban Design regulations or to appear before the Urban Design Review Board.

At the Zoning Board of Appeals meeting held on August 13, 2015, Kevin Ross appeared before the Board.

Mike Carter, Zoning Board of Administrator, stated that the site was formerly a Residence Inn that had been reopened as Sonesta ES Suites. The current operator wanted to update the wall sign on the south side of the building, the monument sign and the pole sign along Dodge Street. A previous waiver request was granted to the Residence Inn in 2005 for similar signage, for that applicant only. The proposal matched the existing signage in terms of size. Mr. Carter explained that after 2005, the property was rezoned to add the ACI (Area of Civic Importance) overlay, which does not allow pole signs. If the cabinet at the top of the pole is changed, the entire sign must comply with the ACI regulations and the applicant would need to appear before the Urban Design Review Board. The Planning Department believed that the two other signs on the site were appropriate and recommended approval of the wall and monument signs in accordance with the plans submitted, for this applicant only. It recommended a layover of the pole sign waiver to allow the applicant time to either provide signage in compliance with Chapter 55, including Urban Design regulations or to appear before the Urban Design Review Board.

Mr. Ross submitted a new drawing of the sign with a re-face (Exhibit B). At that time, the applicant had not received a determination from the hotel owner as to whether the shape of the sign was trademarked. If the shape of the sign was not trademarked, the applicant would re-face the sign as-is.

Mr. Carter advised that the Board could approve the waiver subject to a face-change of the sign only; if more than a face-change was needed, the applicant would be required to go through the proper processes.

Mr. Kelley moved to APPROVE in accordance with the plans submitted subject to: 1) only a face-change is allowed for the pole sign; and, 2) for this applicant only. Ms. Teutsch seconded the motion.

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
12. Case No. 15-099
Chuck Oddo
Midwest Screw Products
13416 B Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-740(f)(4) – Variance to the perimeter parking lot landscaping from 5’ to 1’ and 4’6” to allow existing pavement to remain and installation of a new drive lane.

LOCATION: 13506 B Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver for the perimeter parking lot landscaping on the west side of the property. Denial of the waiver for the perimeter parking lot landscaping along the north property line.

At the Zoning Board of Appeals meeting held on August 13, 2015, Paul Kelly (Paul Kelly Architecture) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to expand the parking lot to the north and east sides of the existing building. The new pavement would encroach 6” into the required perimeter landscaped area on the north. The other waiver is for the existing pavement on the west side. The applicant proposed removing a portion of the building on the north side to allow for the new drive lane. The Planning Department believed that a hardship existed for the waiver on the west property line due to the location of the existing pavement; however, it found no hardship or practical difficulty for the waiver on the north property line and felt it could be developed in compliance with the code. The Planning Department recommended approval of the waiver request for the west side of the property and denial of the waiver request for the north side.

Mr. Kelly stated that a survey had been obtained and it appeared as if a 12’ drive could be installed once a portion of the building is removed.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
13. Case No. 15-100  
Dan Renner  
12121 Ponca Road  
Omaha, NE 68112  
REQUEST: Waiver of Section 55-740(e) – Variance to the requirement for a driveway to allow construction of a new outbuilding.  
LOCATION: 12121 Ponca Road  
ZONE: R2-ED-FF/FW

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to no vehicles being parked inside the outbuilding.

At the Zoning Board of Appeals meeting held on August 13, 2015, Dan Renner appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct a 30’ x 50’ outbuilding to the south of the existing residence. The applicant indicated that the building would be used to store agricultural equipment and that no driveway was required since no vehicles would be parked inside. The Planning Department believed that a hardship existed due to the fact that the building would not be used to store vehicles and recommended approval in accordance with the plans submitted, subject to no vehicles being parked inside the building. He added that if the applicant decided to park vehicles inside the building in the future, he would need to request a waiver or pave a hard-surfaced drive to the building from the street.

In response to Ms. Donovan, Mr. Renner stated that there would be a 36” walk-through door on the building along with a 10’ x 12’ garage door. The building would be used to store a baler, a tractor and a lawn-mower.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to no vehicles being parked inside the outbuilding. Ms. Teutsch seconded the motion.

AYES: Teutsch, Kelly, Anzaldo, Donovan

MOTION CARRIED: 4-0
14. Case No. 15-101
   City Ventures
   P.O. Box 428
   Boystown, NE 68010

   REQUEST: Waiver of Section 55-928(e) & 55-934(b) – Variance to the minimum perimeter parking lot landscaping from 15’ to 4’ with a screen wall and to allow the maximum height for a Category 1 retaining wall from 5’ to 11’, for construction of a mixed-use development.

   LOCATION: Southwest of 60th Street & Northwest Radial Highway
   ZONE: CC & R5(35) (NBD-pending)

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

At the Zoning Board of Appeals meeting held on August 13, 2015, Mike McIntosh (Lamp, Rynearson & Associates) and Chris Erickson (City Ventures – 16755 Frances Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the site from 60th to 61st Street along the south side of Northwest Radial Highway and a portion of the block on the north side of Binney Street, west of 60th Street. This mixed-use project would include commercial and residential uses. Waivers are needed for the landscaping along the south side of Northwest Radial Highway, where the applicant is proposing to add 4’ of landscaping with a screen wall. Due to the grade of the property and the need for on-site parking the applicant requested a retaining wall variance to allow an 11’ retaining wall where the code requires a staggered wall. Because of the constraints of the site and the future plans for this project, the Planning Department recommended approval in accordance with the plans submitted.

Ms. Donovan mentioned that the Board had visited the site. Mr. McIntosh briefly explained the reasons for the waivers.

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

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
15. Case No. 15-102
Sam Garden
The Salvation Army
10755 Burt Street
Omaha, NE 68114

REQUEST: Waiver of Section 55-734 & 55-735 – Variance to the minimum number of off-street parking stalls from 235 to 170 and to allow off-street parking for residential uses within the front yard setback for the construction of a new building and off-street parking.

LOCATION: 3612 Cuming Street & 923 North 38th Street
ZONE: GO

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

At the Zoning Board of Appeals meeting held on August 13, 2015, David Lempke (HDR, Inc. – 8404 Indian Hills Drive) and Dr. Linda Burkle (The Salvation Army – 10755 Burt Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the site with a new 71,000 sq. ft., 4-story building that will contain residential uses and office space. The project will include demolition of the service garage, the Lied Renaissance Center, and the north and southeast parking lots. As part of the construction of the new facility, a new 144-stall parking lot will be provided. The remaining off-street parking in addition to the new lot will provide a total of 170 parking stalls.

The applicant indicated that a number of their programs would be relocated. The remaining and new programs will require a total of 276 stalls according to the code. This requirement can be reduced by 15% since the location is near a transit shelter and bicycle parking. That reduces the number to 235 parking stalls. In addition, part of the parking lot along Cuming Street and Lincoln Boulevard extends into the required setback. The Planning Department found a practical difficulty resulting from the mix of uses on the site after the completion of the new facility. In addition, many of the uses are shared so the Department believed that the requests were acceptable. He noted that the Planning Board recommended approval of a Special Use Permit for Large Group Living and a Conditional Use Permit for Multiple Family Residential as proposed, with one of the conditions being that the applicant must obtain the requested waivers from the Zoning Board of Appeals. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Lempke stated that the existing facility, which is 156,000 square feet, had 164 existing parking stalls that served a peak population on the site approximately 3 years ago. The new facility will be reduced to 71,000 square feet and would have 6 additional parking stalls. In response to Ms. Teutsch, Mr. Lempke stated that there will be 49 residential units, which will include studios, 1-bedroom and 2-bedrooms. Many programs were removed and the administrative offices were relocated to another location.

At Mr. Anzaldo’s request, Dr. Burkle explained the past and future changes to the programs and services provided by the Salvation Army, as well as services that were currently being offered at the Cuming Street location.

Julie Jorgensen, 3610 Lincoln Boulevard, appeared in opposition to the request on behalf of the Bemis Park Neighborhood Association. The major concern of the neighborhood association was parking. She mentioned that there are apartments on Cass Street and a senior center on the site that had not been addressed on the parking plans. She stated that, due to the fact that many of the homes do not have garages or driveways, there is a considerable amount of on-street parking. In addition, there are also parks in the neighborhood that do not have designated parking, which also increases the number of cars parked on the street.
In response to Ms. Teutsch, Dr. Burkle stated that most of the staff will be moving off-site. There was also some discussion about the percentage of residents with vehicles. She stated that there were a number of persons who drive to the Dora Bingle Senior Center; however, many are transported in by staff.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
16.  Case No. 15-103  
Bryan Zimmer  
4610 Dodge Street  
Omaha, NE 68132  

REQUEST:  Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 20’ to construct a 3-unit townhome development.

LOCATION:  4912 Davenport Street

ZONE:  R7

This case was withdrawn at the applicant’s request.
17. Case No. 15-104
John Faulkner
Faulkner Construction
3423 Cuming Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-206 – Variance to the rear yard setback from 25’ to 21’ to construct an enlarged deck.

LOCATION: 17501 Douglas Street

ZONE: R5

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, John Faulkner and Mijin Moon (Property Owner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct a larger elevated deck to cover the existing patio below. The current deck was located at the rear setback for the property and the patio below extended legally a few feet into the setback. In order to extend the deck further, a waiver was needed to allow it to encroach as close as 21’ from the rear property line. The Planning Department found no hardship or practical difficulty and believed that any new deck should comply with zoning regulations as the existing does and, therefore, recommended denial.

Mr. Faulkner submitted pictures of the homeowner’s deck along with other decks in the neighborhood (Exhibit B). He felt that the small size of the deck was a hardship. In response to Ms. Donovan, Ms. Moon stated that the house adjacent to the back yard was empty at the time. She did speak with her neighbors to the west and they were in support of the project. She believed that the open deck was an eyesore in comparison with others in the neighborhood. She added that the stairs to the deck crosses a window that she would like to open in occasion.

Ms. Donovan suggested a layover to give the Board the opportunity to view the site.

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

AYES: Teutsch, Kelley, Anzaldo, Donovan

MOTION CARRIED: 4-0
18. Case No. 15-105
   Kenneth Hahn
   Kenneth Hahn Architects
   1343 South 75th Street
   Omaha, NE 68124

   REQUEST: Waiver of Section 55-166 – Variance to the street side yard setback from 17.5’ to 5’ to allow the placement of 3 temporary classrooms during the construction of the new school on site.

   LOCATION: 6523 Western Avenue
   ZONE: R3

This case was withdrawn at the applicant’s request.
19. Case No. 15-106
Ray Trimble
4383 Nicholas Street
Omaha, NE 68131

REQUEST: Waiver of Section 55-503 – Variance to the permitted use regulations of the GI District to allow Religious Assembly not otherwise permitted.

LOCATION: 4383 Nicholas Street
ZONE: GI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Ray Trimble appeared before the Board.

The applicant provided some details about the project. Ms. Donovan stated that the Board had visited the site earlier in the day.

Mike Carter, Zoning Board of Appeals Administrator, stated that the church had occupied the location for over a year but had not been granted a Certificate of Occupancy. The Religious Assembly use is not allowed in a GI district. City Council granted a Special Use Permit for the site in 2009 and 2013 with conditions. One of the conditions was that all uses in the building required Certificates of Occupancy. There were some allowed uses in the building that had not obtained a Certificate of Occupancy. Based on the size of the sanctuary and number of occupants, the code required more stalls than what could be provided. The code requires close to 600 stalls; however, the applicant indicated that they would be able to provide 322, 105 of which would be in a graveled parking area. The Planning Department found no hardship or practical difficulty and recommended denial. Mr. Carter noted that the applicant had applied to go before the Planning Board for a parking adjustment.

David Tarwater, 612 North 46th Street, appeared before the Board to inquire about the project. He was concerned about the effects of the use on the surrounding area. He inquired as to whether there were additional services that would be provided by the church that would be beneficial to the area. Gavin Johnson, Pastor – City Light Church, responded by explaining the church’s plans.

Mr. Trimble explained that the parking on the site has been sufficient for the congregation. In response to Ms. Donovan, Mr. Trimble stated that all Certificates of Occupancy for all of the uses in the building had been applied for. There was some discussion as to whether a Special Use Permit was needed for the event center.

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

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
20. Case No. 15-107
Russell Zeisler
3529 North 152nd Street
Omaha, NE 68116

REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 21’ to allow a garage addition to remain.

LOCATION: 320 Shorewood Lane
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Joe Wieland (8712 West Dodge Road) and Russell Zeisler appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had substantially completed construction of a garage addition at the front of the home, which extended into the required front yard setback, without a building permit. The garage addition extended as close as 21’ from the property line along Shorewood Lane, resulting in the need for the requested waiver. He noted that, although a number of homes on the block do extend into the setback, none encroached as far as this home would. The Planning Department believed that the addition should be in compliance with the code and recommended denial.

Mr. Wieland mentioned all of the repairs that the property owner had made to the property. He explained that the applicant was not aware that a permit was needed since the home was located in Waterloo. He submitted several letters of support from the neighbors (Exhibit B). He added that neighbors from the adjacent home were in attendance, along with several others, who were in support of the project. In response to Ms. Donovan, Mr. Wieland stated that all necessary permits had been applied for and that the work would receive the property inspections. He also indicated that a survey had been obtained.

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

AYES: Anzaldo, Teutsch, Kelley, Donovan

MOTION CARRIED: 4-0
21. Case No. 15-108  
David Panowicz  
12319 Weir Street  
Omaha, NE 68137  
REQUEST: Waiver of Section 55-166 & 55-715 – Variance to the front yard setback from 35' to 25', to the interior side yard setback from 7' to 5', to the maximum impervious coverage from 45% to 51% 50% and to the minimum street yard landscaping from 65% to 51% 60%, to construct a new home.  
LOCATION: 13629 Corby Street  
ZONE: R3  

PLANNING DEPARTMENT RECOMMENDATION: Approval of the front and interior side yard setback waivers, in accordance with the plans submitted, subject to submittal of an application to rezone the subject property from R3 to R4. Denial of the waivers for the impervious coverage and street yard landscaping as requested. Approval of the waivers for impervious coverage to 50% and street yard landscaping to 60%.  

At the Zoning Board of Appeals meeting held on August 13, 2015, Paul Lanphier (Contractor) appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that this case was typical of the Green Meadows area. The applicant was proposing to build a new home on the site that was zoned R3. A number of properties in the neighborhood had been rezoned to R4. He stated that the Planning Department typically supports waiver to the front and side in this type of situation since the waivers for the setbacks are not necessary once the property is rezoned. However, the requests for impervious coverage and street yard landscaping exceeded the requirements for both R3 and R4. The Planning Department does not support those types of requests. The Department was in support of the front and side yard setbacks and recommended approval for the impervious coverage of 50% and the street yard landscaping to 60%, which is what the R4 regulations allow. He mentioned that the letter of opposition was submitted from the neighbor to the south.  

Mr. Lanphier stated that the property owner was in agreement with the Planning Department’s recommendation. The applicant planned to obtain the required waivers and rezone the property to R4. In response to Ms. Donovan, Mr. Lanphier explained how the size of the driveway would be reduced to meet the impervious coverage.  

Mr. Kelley moved to APROVE the waivers to the front yard and interior side yard setbacks in accordance with the plans submitted, subject to submittal of an application to rezone the subject property from R3 to R4. Also, approval of the waiver to the maximum impervious coverage of 50% and approval of the waiver of street yard landscaping to a minimum of 60% (R4 standards). Ms. Teutsch seconded the motion.  

AYES: Teutsch, Kelley, Anzaldo, Donovan  

MOTION CARRIED: 4-0
22. Case No. 15-018
Vince Kunasek Design
9629 Redick
Omaha, NE 68122

REQUEST: Waiver of Section 55-126 & 55-715 – Variance to the maximum impervious coverage from 30% to 37%, to the front yard setback from 50' to 40' and to the minimum street yard landscaping depth from 30’ to 12’, to construct a new home.

LOCATION: 19411 Camden Avenue
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Approval of the front yard setback waiver to 40’, in accordance with the plans submitted. Denial of the impervious coverage and street yard landscaping depth waiver requests.

At the Zoning Board of Appeals meeting held on August 13, 2015, Vince Kunasek appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the owners were proposing to build a new, single-family home on a vacant lot in the Indian Creek subdivision of what was formerly Elkhorn. In 2009, waivers were granted to a number of lots within the subdivision to allow 40’ setbacks of the front yards. The Planning Department supported the request for the waiver to the front yard setback due to the other waivers that were granted in the neighborhood. However, the Department believed that the project should comply with the maximum impervious coverage and minimum street yard landscaping depth requirements and, therefore, recommended denial of those waivers.

Mr. Kunasek showed a picture of an adjacent property and others that had a higher percentage of impervious coverage. He stated that the hardship was that there needed to be handicap accessibility for the pool and parking spaces for caretakers of the property. There was some discussion about what could be done to decrease the amount of impervious coverage. Ms. Donovan stated that she would not support the project unless the impervious coverage was reduced, noting that the request was a design preference. There was also discussion about what changes could be made so that a waiver for the street yard landscaping depth would not be necessary. The applicant stated that he would redesign the driveways, eliminate the caretaker’s parking area, and make the walk going down to the pool with pervious materials.

Mr. Carter stated that the plans for this project needed to be reviewed before the Planning Department could recommend to the applicant what specifically needed to be done.

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

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
23. Case No. 15-109
Benjamin Steiner
106 South 51st Street
Omaha, NE 68132

REQUEST: Waiver of Section 55-166 – Variance to the front yard setback from 35’ to 30’ to allow expansion of a covered front porch.

LOCATION: 106 South 51st Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on August 13, 2015, Benjamin Steiner appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to enlarge a covered front stoop that will cover an existing patio area on the front of the home. The Planning Department could not support the request since it was an expansion and there was no hardship or practical difficulty to allow the enlargement and, therefore, recommended denial.

Mr. Steiner explained that the partially covered porch was in poor condition. He stated that the only major change would be to the cover over the patio. Mr. Kelley stated that the Board was inclined to approve these types of waivers in older neighborhoods.

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

AYES: Kelley, Anzaldo, Teutsch, Donovan

MOTION CARRIED: 4-0
APPROVAL OF MINUTES:

The minutes for the July 9, 2015 meeting will be approved at the September 10, 2015 meeting.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 4:03 p.m.

______________________________________________
Approved (date)

______________________________________________
Brian Mahlendorf, Chair

______________________________________________
Clinette Warren, Secretary