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 31, 2015 and Thursday, September 3, 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
Dave Fanslau, Assistant Director – Urban Planning
Jennifer Taylor, City Law
Michelle Alfaro, 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 CASES:

1. Case No. 15-069 (6/11/15) 
   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 6’8” 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 September 10, 2015, Nancy Somerhalder appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the case had been laid over to give the applicant time to meet with the new owners of the home to the north and to give them the opportunity to comment on the requested waiver. Since that time, updated plans had been submitted to the Planning Department which showed the elevation of the addition and the actual setback being proposed. The Planning Department found no hardship or practical difficulty and recommended denial.

Ms. Somerhalder stated that she had met with the neighbors and that they submitted a letter stating that they had no issues with the proposed addition. She added that another home in the neighborhood (5405 South 124th Street) has an addition that was within 7’ of the lot line. She stated that the addition would perfectly match the existing home.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 15-090 (from 8/13/15)  
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 September 10, 2015, Kevin and Rochelle Bolte appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had constructed a 12’ x 13’ replacement deck on the front of the home that encroached inside the front yard setback. The deck was cited for a violation by a city inspector, resulting in the applicant requesting a waiver to allow the deck to remain as constructed. The Planning Department found no hardship or practical difficulty to allow the encroachment into the setback, noting that few if any homes had been granted that type of waiver, and recommended denial.

At the Board’s request, Ms. Bolte submitted photos that showed the condition of the previous deck (Exhibit C). She explained that the previous deck had caught fire. The applicants did not know that a permit was needed to construct the deck. She mentioned letters of support from the neighbors at 5117 South 90th Street and from the Autism Center of Nebraska (9012 Q Street). She stated that the home is 34’ inside the required 35’ setback which would mean that any deck addition would be in the setback. Mr. Carter explained that the code would allow a 5’ x 6’ stoop on the front of the house, with stairs to the side, since there is a door there.

Jon Bonnstetter, 5117 South 90th Street, appeared in support of the request. He felt that the deck was an improvement to what was previously there.

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

AYES: Donovan, Lanoha, Anzaldo, Mahlendorf

NAYES: Aspen

MOTION CARRIED: 4-1
3. Case No. 15-092 (from 8/13/15)  
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.

At the Zoning Board of Appeals meeting held on September 10, 2015, Sebastian Anzaldo appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a home on a 40’ wide lot. He explained that it was difficult to construct a typical home on a narrow, corner lot, noting that typically a lot in an area zoned R4 is, at a minimum, 50’ wide. The Planning Department believed that a hardship resulted from the narrowness of the lot and recommended approval in accordance with the plans submitted.

Mr. Anzaldo stated that the home will have a 2-car driveway and garage. He added that a tree on the site that will need to be removed will be replaced with another.

Clarissa Walters, 5057 South 36th Avenue, appeared in opposition to the request. She submitted a statement of opposition from a neighbor (Exhibit B) and her statement (Exhibit C). Her issue with the property was that it was being used as an investment property and with the fact that the applicant was aware that waivers would be needed for the project. She felt that that construction of the new home adjacent to hers would add to the medical issues that she and her mother have. She mentioned that other neighbors were in opposition because of its possible negative impact to the value of their homes. She submitted a letter stating her opposition and other supporting paperwork.

Mr. Anzaldo assured the Board that he would work with the neighbors as much as he could. He added that many of the neighbors he spoke with were in support of the project. Mr. Carter stated that he had not heard from any other neighbors who were opposed to the project.

In response to Mr. Aspen, Mr. Carter explained that many waivers of this type have been granted by the Planning Department in older parts of the city where the lots are smaller and do not meet the minimum requirements under current zoning regulations. The Department also determined that the waivers would allow the home to match existing homes in the neighborhood. Ms. Donovan stressed the importance of infill housing in older sections of the city. She explained that the Board had granted waivers to new homes that were built on older, smaller lots since many homeowners wanted 2-car garages. She stated that her support for the project was based on its benefit to the neighborhood and to the city as a whole.

Mr. Lanoha stated that the home would more than likely improve the value of other homes in the area. He also explained that cases of this type come before the board regularly and are granted waivers due to the hardship that goes along with building homes on older, smaller lots.

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

AYES: Donovan, Lanoha, Aspen, Mahlendorf  
MOTION CARRIED: 4-0
4. Case No. 15-094 (from 8/13/15)  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 72nd Street, and 2803 North 73rd 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 September 10, 2015, David Levy (Baird Holm Law – 1700 Farnam Street), Dave Paladino, and Bill Glissman (Architect – HGM Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to meet with the neighbors. The Planning Department continued to believe that there was a hardship and practical difficulty due to the unique nature of the type of facility proposed and how it operates with regards to off-street parking. He also noted that, due to the bottom level of the building being situated below ground, no other density regulations were being violated. The Department recommended approval in accordance with the plans submitted.

Mr. Levy stated that a neighborhood meeting was held on September 5th with approximately 16 - 24 people in attendance. He stated that no decision was made to change the project from what was originally proposed. He noted that the project had been before the Planning Board and had been granted a Conditional Use Permit, along with a recommendation to City Council of approval to rezone the property. He noted that the project would meet all of the requirements of the ACI Overlay District and requested the board's approval of the waivers. Mr. Carter added that the applicant was required to receive the requested waivers from the Zoning Board of Appeals as one of the conditions of the Conditional Use Permit.

Mr. Glissman stated that, in accordance with ACI guidelines, the building façade would be comprised mainly of brick with some glass/clear surface areas. Those ACI Overlay requirements also stipulate that the building should be shifted closer to the street. He explained that the amount of parking could be reduced since there would be no more than 2 or 3 vehicles on-site in an hour. He added that if more parking was added it would reduce the amount of green space on site and possibly increase the load for a nearby retaining wall.

Dr. David J. Hibler, 3103 North 50th Street, appeared in opposition to the request. He stated that several neighbors, along with the community-at-large, were not in support of the project. He also mentioned an on-line petition that had several hundred supporters. He believed that there was too much building and not enough space. He felt that the hardship was caused by the applicant and that a building in compliance with zoning regulations could be constructed with no opposition from the neighborhood. He referred to the Omaha Master Plan which indicated that the Planning Department would make every effort to "organize and participate with community clubs and organizations in the implementation of the Central City Program". He added that the Master Plan also states that the City would provide “more stringent zoning enforcement” in the Central City area, which includes 72nd Street. He requested that the Board deny the waiver request and have the matter re-evaluated, while also giving neighborhood organizations and groups the opportunity to provide more input to the Planning Department and reach a conclusion that would be in the best interest of all parties involved. In response to Mr. Lanoha, Dr. Hibler stated that his main objection was to the removal of several mature trees and the reduction in green space that would result from the project. He felt that the existing building could be redeveloped for a light commercial or professional use.
Mr. Paladino explained that the proposed business would be designed so that there is indoor loading, which felt would be safer. He stated that the business could use even less than the requested 21 parking stalls due to the nature of the business. He explained that, during peak periods, the maximum number of individuals who would be at the storage facility in an hour would be about 10. There would also be 1 employee on-site and security cameras. The facility would be open on most days from 8 a.m. until 5 p.m., one day during the week until 7 p.m., and a few hours on Saturday. Customers would need permission to be allowed at the facility outside of regular business hours.

Theresa Peterson, 7301 Maple Street, appeared in opposition to the request. She read a statement to the Board and submitted it to the case file (Exhibit C). She felt that the proposed building was too big for the lot and believed that it would decrease the resale values of adjacent homes. She stated that there would not be an appropriate buffer between the building and the single-family homes nearby.

Mr. Levy pointed out the measures that had been taken to reduce the impact of the project on surrounding properties, including the surrounding buffer yard and the one level of the building that would essentially be built underground. He added that the applicant had made arrangements for a community room to be located in the building that would be available to customers and neighbors. In addition the building would be designed so that there is small retail space at the corner of 72nd and Maple for a future business. There was also some discussion about the FAR requirement. Mr. Mahlendorf noted that there would be another opportunity for community input about the project when City Council reviewed the rezoning of the property at its September 15, 2015 meeting.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 15-095 (from 8/13/15)  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.

Jacque & John Herdzina
10551 Forrest Drive
Omaha, NE 68124

LOCATION: 10551 Forrest Drive
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 10, 2015, Kenneth Backman appeared before the Board on behalf of the applicants.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over so that it could be heard before a full board. The applicants were proposing to construct a 6’ tall, privacy fence that would encroach inside the front yard setback of the property. The Planning Department found no hardship or practical difficulty to allow the encroachment and recommended denial.

Mr. Backman noted that there was some existing 6’ tall, privacy fence along the perimeter of the property. His clients wanted to provide additional security and privacy for the rear of the home by removing a 4’ section of fence and replacing it with 6’ fence. He showed a revised plan of the fence location to the board and noted 5 fence posts along the east fence line. He stated that although a fence from the 5th post was allowed, it would encounter and existing tree and impact future plant growth and development. Mr. Backman requested that the fence be aligned with post 4, which would be located approximately 7’6” north of the front façade of the home and 26’6” from the post 1. He indicated that the proposed location would not impact sight lines for traffic or the driveways of neighboring homes.

Mr. Mahlendorf noted that the new location would put the fence approximately 44’6” from Forrest Drive that there would be almost no impact to the surrounding area.

Ms. Donovan moved to APPROVE in accordance with the Exhibit B (dated 9-10-15) which show the fence aligned with post 4. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 15-104 (from 8/13/15)  
   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 September 10, 2015, John Faulkner and Mijin Moon (Homeowner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over to allow the applicant to appear before a full board. The Planning Department found no hardship or practical difficulty that would justify the need for the waiver and recommended denial.

Mr. Faulkner explained that proposed deck would be no larger than the existing 10’ patio below. The deck would be enlarged about 2’ and a spiral staircase would be added. He added that other homes in the area had larger decks and fire pits in their backyards. Ms. Moon stated that the waiver would allow her home to be more uniform with the rest of the neighborhood. Mr. Mahlendorf noted that the home a couple of doors down had a large fire pit in the backyard that appeared to encroach into the rear yard setback farther than the proposed deck would.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 15-018 (from 8/13/15) 
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 33.8%, to the front yard setback from 50’ to 40’ and to the minimum street yard landscaping depth from 30’ to 25’, 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 requested waivers for impervious coverage and street yard landscaping depth.

At the Zoning Board of Appeals meeting held on September 10, 2015, Vince Kunasek appeared before the Board. He noted the revised changes that had been made to the plans since the August meeting. He felt that the impervious coverage had been reduced as much as possible. In response to the board’s request that the amount of impervious coverage be reduced, he stated that the area behind the indoor pool, which would be approximately 350 sq. ft., could be changed to impervious. In response to Mr. Carter, Mr. Kunasek stated that the space behind the pool was not an above-grade structure. The applicant explained why impervious coverage was not an option for other areas of the site.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to the patio area behind the pool must be a pervious surface. Mr. Lanoha seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

8. Case No. 15-110  
   Carol and Terry Williams  
   17108 Franklin Drive  
   Omaha, NE 68118  

   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, steel security fence in the street side yard setback of a residential zoning district.  

   LOCATION: 17108 Franklin Drive  
   ZONE: R4

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 10, 2015, Terry and Carol Williams appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct a 6’ tall, security fence along the street side yard setback of the property to facilitate the installation of a pool. The fence would be built up to the property line resulting in the need for the waiver. The Planning Department found no hardship or practical difficulty and believed that any fence built on the property should comply with zoning regulations. He noted that one other waiver was granted in the neighborhood for a similar fence, but that the majority of the fences in the area do comply. The Planning Department recommended denial.

Mr. Williams explained that there are some elevations issues with his property. The proposed fence would align with an adjacent property.

Ms. Donovan stated that she was in support of the applicant’s decision to have the fence be 50% open and line up with the adjacent property.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
At the Zoning Board of Appeals meeting held on September 10, 2015, John Nimmer (Attorney) and Samer Hadad appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a complaint came into the Planning Department that an auto repair business was being conducted out of a residential property. A city inspector visited the site and spoke with the property owner who indicated that he did perform small auto repair jobs on the site. At that time there were 4 vehicles on the property and on the street, including the applicant’s vehicle. Mr. Hadad explained that he did work from his home because he could not afford his own shop. The zoning ordinance states that home occupations must be conducted entirely inside the dwelling unit; a garage had never been treated as part of the dwelling unit. He explained that a housing unit or dwelling unit is defined as, “A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.” He added that there are conditions that go along with home occupations that include the following: External effects; employees; display, purchase or sale of commodities; and service traffic. He witnessed cars that were parked in the driveway and on the street. In addition, the garage door was opened and vehicles were being worked on inside the garage. It appeared as if the driveway had been widened to make room for additional cars in the driveway. The Planning Department found that the violation had been correctly issued and that no appeal should be granted for the use.

Mr. Nimmer stated that his client claimed that he was authorized to run a home auto repair service as a secondary use of his property under Section 55-767(c) of the Omaha Municipal Code. He felt that the attached garage was part of the dwelling unit. He also believed that parked cars were not an external effect of his clients business, but were a necessary aspect of a home business.

Mr. Hadad stated that he has cars parked at his home so that he can take the time to drive them to diagnose problems. If light repair is needed, he will perform the work with as little noise as possible. He explained that no car parts are delivered to his home; he is not selling commodities from the home; and, there are no other employees besides him. However, with regards to external effects, Mr. Mahlendorf noted that there was noticeable traffic on the property and vehicles parked on the street nearby. There was also discussion about the extra concrete that had been laid around the applicant’s home and its purpose. As a compromise, Mr. Hadad offered to just have one additional car that he works on aside from the 2 cars that belong to his family.

Mr. Lanoha clearly stated that businesses are not allowed in an R4 zone. He added that under no circumstances would he be able to support the request. Ms. Donovan added that she was concerned about the safety issues that would be connected to running an automotive business from the home. She felt that the business would prove to be detrimental to the neighborhood.

Mr. Aspen moved to CONFIRM the decision made by an Administrative Official relating to Section 55-767. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
10.  Case No. 15-112  
Brian Reiman  
Midwest Construction Concepts  
14105 North 132nd Street  
Omaha, NE 68142  

REQUEST:  Waiver of Section 55-108 and 55-740(e) –  
Variance to the interior side yard setback from 25’ to 11’6” and the hard-surfaced  
driveway requirement, to allow for a garage  
addition and gravel driveway.  

LOCATION:  10607 North 47th Avenue  
ZONE:  DR-ED  

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver to the hard-surfaced driveway  
requirement, subject to the property owner agreeing to pave the drive approach, plus the first 50’, when  
47th Avenue is improved; denial of the waiver to the interior side yard setback.  

At the Zoning Board of Appeals meeting held on September 10, 2015, the applicant failed to appear before  
the Board.  

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf  

MOTION CARRIED: 5-0
11.  Case No. 15-113  
Gail Ross  
Charles Drew Health Center  
2912 Manderson Street  
Omaha, NE 68111  
REQUEST: Waiver of Section 55-832 – Variance to the total permitted sign area from 40 sq. ft. to 55 sq. ft. to allow installation of a ground sign.  
LOCATION: 2912 Manderson Street  
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on September 10, 2015, Gail Ross, Rudy Cooper (Director of Facilities – Charles Drew Health Center) and Don Eldridge (Signs by Tomorrow) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 24’ square foot ground sign. The existing signage on the building is approximately 30 square feet. The zoning and use of the property allows up to 40 square feet. He explained that the Planning Department typically only supports waivers for signage in situations where there is a civic use in a large, campus type setting. The Planning Department found no hardship or practical difficulty and recommended denial.

Ms. Ross clarified that the request was for 54 square feet instead of 55. She explained the purpose and services provided by the “Omaha Healthy Start” and “Fathers for a Lifetime” programs. She explained that the wall sign identifies the property as belonging to Charles Drew; however, there is no sign to identify the programs offered at the site.

Mr. Cooper stated that the sign was needed to bring awareness to the programs that are offered at that location. He felt that the sign would not negatively affect the neighborhood in any way. Mr. Eldridge stated that the proposed sign would be 5’6” tall.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 15-115  
Joel Dougherty  
4920 South 30th Street  
Omaha, NE 68107  
REQUEST: Waiver of Section 55-734 & 55-740(b) – Variance to the number of off-street parking stalls from 18 to 9, to the drive aisle width from 24’ to 20’ and the parking stall depth from 18’ to 16’, to allow a Medical Office use.  
LOCATION: 4310 – 4316 South 24th Street  
ZONE: GC-ACI-1(50)  

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

At the Zoning Board of Appeals meeting held on September 10, 2015, Eric Westman (Alley Poyner Macchietto Architecture – 1516 Cuming Street), Stephanie Gould (One World Community Health Center), and David Levy (Attorney) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to renovate an existing building into a medical office. There are existing residential units in the basement of the building and surface parking to the west. As part of the project the parking lot will be redesigned with 90° stalls instead of angled parking. The Planning Department believed that the request was acceptable for an existing commercial site; it is also providing a use that is allowed in the district. He mentioned that there is bus service at this location along with street parking. 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, Anzaldo, Aspen, Donovan, Mahlendorf  

MOTION CARRIED: 5-0
13.  Case No. 15-117
     Susan Schonlau
     6717 Mayberry Street
     Omaha, NE 68106

     REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 23’ for construction of a home addition and deck.

     LOCATION: 6717 Mayberry Street
     ZONE: R4(35)

     PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant time to work with the Planning Department to address issues related to street yard landscaping and impervious coverage.

     At the Zoning Board of Appeals meeting held on September 10, 2015, Susan Schonlau and Ken Sorensen (Design Associates) appeared before the Board.

     Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct an addition to the rear of the existing home. The addition would extend 23’ into the rear property line resulting in the need for the requested waiver. He stated that, after reviewing of the plan and visiting the site, other possible issues were found. The Planning Department recommended a layover to allow the applicant time to work with the Department on those issues, since others waivers may be needed.

     Mr. Sorensen stated that she had the opportunity to re-measure the property and determined that the amount of impervious coverage was at 43%, below the 50% that is allowed. Ms. Schonlau explained the changes that had been made to the original plan.

     Mr. Carter stated that there could be additional issues with the street yard landscaping and the patio at the front of the home.

     The applicant and the board were in agreement with voting on the 2’ waiver for the rear yard setback and dealing with a possible impervious coverage issue at another time.

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

     AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

     MOTION CARRIED: 5-0
14. Case No. 15-118  
Dr. Ralph Lassiter  
2409 North 161st Street  
Omaha, NE 68116  

REQUEST: Waiver of Section 55-206 & 55-715 –  
Variance to the front yard setback from 25’ to 2’; to the street side yard setback from 15’ to 4’; and to the street yard landscaping percentage from 55% to 52% to allow construction of a church addition.  

LOCATION: 2602 North 24th Street  
ZONE: R6, R5(35) & R5 (R5-pending)  

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

At the Zoning Board of Appeals meeting held on September 10, 2015, Dr. Ralph Lassiter (Pastor) appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing an addition to the east side of the existing church. The applicant had appeared before the Planning Board at its September 2, 2015 meeting and obtained a Conditional Use Permit, with one of the conditions being the granting of the requested waivers from the Zoning Board of Appeals and the rezoning of the property to consolidate the property. The Planning Department believed that the request was acceptable and felt that there was a hardship resulting from the location of the existing building and parking lot, other commercial buildings to the south that have similar setbacks, and the need for ADA accessibility for the church. The Department recommended approval in accordance with the plans submitted.  

Dr. Lassiter was in agreement with the Planning Department’s recommendation.  

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf  

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 4:19 p.m.

_______________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Warren, Secretary