

ZONING BOARD OF APPEALS AGENDA



Public Hearing
Thursday, April 14, 2016 - 1:00 P.M.

Legislative Chambers-LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Brian Mahlendorf – Chair, Jacque Donovan - Vice-Chair, Sebastian (Subby) Anzaldo, Jason Lanoha, and Jeremy Aspen. Teri Teutsch and Sean Kelley are the alternates. For a waiver to be approved, four members must vote in favor of the request.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

ZONING BOARD OF APPEALS MEMBERS will assemble in the Planning Department Central Conference Room, 11th Floor, on Thursday, April 14, 2016 at 8:30 a.m. to determine the sites to be inspected.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, April 4, 2016 (for use waivers only) and Thursday, April 7, 2016.

MEETING PROCEDURES:

Applicant, Property Owner or Representative - must appear at the meeting.

It is the applicant's responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standard are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please state your name. If there are opponents, they will also come forward at that time, give their names and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, **the applicant must receive a building permit before starting any construction.** You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, no earlier than the Monday following the meeting.

The Zoning Board of Appeals agenda and other information regarding the Zoning Board of Appeals and the Planning Department is available on the Internet at <http://www.cityofomaha.org/planning>. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska. Prior to the hearing, the applicant may schedule a time to review the City's case file during normal business hours by contacting the Planning Department at (402) 444-5150 x2063. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5150 x2061, 72 hours in advance.

ZONING BOARD OF APPEALS

Agenda – April 14, 2016

Page 2

LAYOVER CASE:

- | | | | |
|----|--|------------------------------------|--|
| 1. | Case No. 16-021
<i>(from 3/10/16)</i>
Clif Poling
Best Lawns, Inc.
2205 North 88 th Street
Omaha, NE 68134 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-186 – Variance to the rear yard setback from 25' to 5' to construct a 15' x 20' gazebo.
21031 X Street
R4 |
|----|--|------------------------------------|--|

NEW CASES:

- | | | | |
|----|---|------------------------------------|--|
| 2. | Case No. 16-024
Perri Gardner
Professional Resource Development
1200 Network Center Drive
Effingham, IL 62401 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-716 – Variance to the required bufferyard between CC and R4 from 30' to 19' to allow for construction of a commercial building and parking lot.
17810 Pierce Plaza
CC |
| 3. | Case No. 16-025
Joe Kreski
9300 Underwood Avenue
Suite 200
Omaha, NE 68114 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6' tall, wrought iron fence with 6'11" pillars, 8'9" gate and a 15' tall decorative arch in the front yard setback of a residential zoning district.
407 North Elmwood Road
R1 |
| 4. | Case No. 16-026
Jeff Winkler
Home Improvement USA
18063 Jones Street
Elkhorn, NE 68022 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-186 – Variance to the rear yard setback from 25' to 15' to construct a 16' x 33' deck.
13431 Marinda Street
R4(35) |
| 5. | Case No. 16-027
Matt Kohles
1617 South 63 rd Street
Omaha, NE 68106 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-186 & 55-186(e) – Variance to the front yard setback from 35' to 18' and to the rear yard setback from 25' to 15.5' to allow for construction of additions to the existing home.
1617 South 63 rd Street
R4(35) |
| 6. | Case No. 16-029
John & Holly Cimino
330 South 93 rd Street
Omaha, NE 68114 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-126 – Variance to the rear yard setback from 35' to 0.8' to allow a new storage cabinet and replacement/enlargement of a deck.
330 South 93 rd Street
R1 |

ZONING BOARD OF APPEALS

Agenda – April 14, 2016

Page 3

7. Case No. 03-280 **WITHDRAWN**
TKG – Storage Mart Partners, LP
c/o Weyen Burnham
215 North Stadium Boulevard
Columbia, MO 65203
- REQUEST: Waiver of Section 55-843 – To amend a previously approved variance to the allowed sign budget from 81.56 sq. ft. to 1,000 sq. ft.
- LOCATION: 10010 Scott Circle
- ZONE: GI
8. Case No. 16-031
Esteban Benitez
6041 South 49th Street
Omaha, NE 68117
- REQUEST: Waiver of Section 55-108– Variance to the interior side yard setback from 25’ to 10’ to allow construction of a 40’ x 60’ detached garage.
- LOCATION: 6041 South 49th Street
- ZONE: DR
9. Case No. 16-032 **WITHDRAWN**
Tom Egan, Jr.
10220 F Street
Omaha, NE 68127
- REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, ornamental-style fence in the front yard setback of a residential district.
- LOCATION: 956 South 95th Street
- ZONE: R2
10. Case No. 16-033
Imelda Onate
5008 Glasgow Avenue
Omaha, NE 68157
- REQUEST: Waiver of Section 55-246 – Variance to the minimum lot width from 40’ to 27.03’ and 28.9’, to the minimum lot size from 4,000 sq. ft. to 1,324 sq. ft. and 1,360 sq. ft. and to the interior side yard setback from 5’ to 3.5’ to allow for the approval of an administrative subdivision.
- LOCATION: 1263 & 1265 South 15th Street
- ZONE: GI (R7 pending)
11. Case No. 16-034
Election Systems & Software
11128 John Galt Boulevard
Omaha, NE 68137
- REQUEST: Waiver of Section 55-783 – Variance to the maximum height of a flagpole in the GI district from 150’ to 184’.
- LOCATION: 11128 John Galt Boulevard
- ZONE: GI
12. Case No. 16-035
Jeff Elliott
13131 West Dodge Road
Suite 200
Omaha, NE 68154
- REQUEST: Waiver of Section 55-734 – Variance to the minimum number of parking stalls from 32 to 17 to allow construction of a Restaurant (Drive in).
- LOCATION: 787 North 204th Avenue
- ZONE: CC

ZONING BOARD OF APPEALS

Agenda – April 14, 2016

Page 4

13. Case No. 16-036
Eric Westman
Alley Poyner Macchietto
Architecture
1516 Cuming Street
Omaha, NE 68106
- REQUEST: Waiver of Section 55-108 – Variance to the maximum impervious coverage from 25% to 41.2% to allow for a building expansion to the existing school.
- LOCATION: 10828 Old Maple Road
- ZONE: DR
14. Case No. 16-037
Ryan Turek
1120 North 18th Street
Omaha, NE 68102
- REQUEST: Waiver of Section 55-830 – Variance to the maximum overall sign budget from 32 sq. ft. to 159.5 sq. ft., to the maximum area for wall signs from 32 sq. ft. to 36, 44 and 44 sq. ft., to the maximum height for wall signs from 16' to 21' and 45', to allow for an overall sign plan for the school.
- LOCATION: 8050 North 129th Avenue
- ZONE: R3

APPROVAL OF MINUTES

March 10, 2016

DISCUSSION

4/5/16