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, January 4, 2016 and Thursday, January 7, 2016.

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
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.
LAYOVERS:

1. Case No. 15-145 (from 12/10/15) REQUEST: Waiver of Section 55-715 – Variance to the minimum street yard landscaping percentage from 65% to 51%; and to the minimum street yard landscaping depth from 20’ to 0’ to allow installation of a circular drive.

   Mark J. Hemmer
   17621 Patrick Avenue
   Omaha, NE 68116

   LOCATION: 18716 North HWS Cleveland Boulevard
   ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 14, 2016, Mark Hemmer 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 present other options for the proposed circular drive. The applicant submitted two alternative designs. The Planning Department believed that the driveway should be built according to the plans submitted with the original building permit. Mr. Carter noted that additional regulations apply to homes that are located on the boulevard. He explained that the Parks Department is especially concerned with the trees along the boulevard, which must be taken into consideration when designing homes and putting in driveways. He added that the Parks Department discourages additional landscaping in the right-of-way in order to maintain the uniformity of the boulevard itself. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Hemmer stated that he had met with the Planning, Parks and Public Works Departments about the driveway. He explained that the hardship was that the lots were re-plotted which shifted where the trees were positioned in relation to the homes. He explained that the tree would need to be moved approximately 6’ - 10’ to the west to make it center with the home. He submitted an email from Pat Slaven with the Parks Department stating approval of the re-location of the tree; however, if the tree were to die then the applicant would be responsible for replacing it (Exhibit C, page 3). He also presented a letter from the homeowner stating their desire to have the driveway remain as-is (Exhibit C, page 2). Mr. Hemmer noted that the homeowner preferred Alternate Plan # 3 (Exhibit C, page 1).

The Board noted that the dimensions for Plan #1 and 3 were the same, with the only difference being the location of the trees.

Ms. Donovan moved to APPROVE in accordance with the Alternate Plan #3 (Exhibit C). Mr. Lanoha seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 15-146 (from 12/10/15) REQUEST: Waiver of Section 55-506 – Variance to the minimum lot width from 100’ to 32.95’ and 32.75’ to allow for the approval of a subdivision of the property into 2 lots.

Matt Tinkham
Lamp Rynearson & Associates
14710 West Dodge Road
Suite 100
Omaha, NE 68154

LOCATION: 6620 F Street & 4343 South 67th Street

ZONE: GI

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

At the Zoning Board of Appeals meeting held on January 14, 2016, Matt Tinkham appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the case had been laid over to give the applicant the opportunity to appear. The applicant was proposing to subdivide 3 parcels into 2 lots with access near 67th and F Streets. As proposed, the 2 lots would not meet the required width for the General Industrial zoning district. Due to the existing nature of the properties and size and orientation of the lots, the Planning Department believed that there was some justification for the proposed waiver. He noted that the Planning Board recommended approval of the Preliminary and Final Plat for the subdivision at its December 2, 2015 meeting, with the condition that the waiver was granted by the Zoning Board of Appeals. 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: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

3. Case No. 16-001
   Steve Laird
   9958 West Center Road
   Omaha, NE 68124
   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 6’ tall, privacy fence in the street side yard and front yard setbacks of a residential zoning district.
   LOCATION: 9958 West Center Road
   ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of a survey verifying the location of the property lines and the fence not encroaching into the front yard setback.

At the Zoning Board of Appeals meeting held on January 14, 2016, Steve Laird appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 6’ tall, privacy fence along the north side of West Center Road that would extend into the required front and side yard setbacks. One of the primary reasons for the fence was to reduce the amount of noise from West Center Road. He noted that other fences had been built along West Center Road, though some had not been granted waivers to do so. The Planning Department has supported the waivers in those situations where they were granted. The Planning Department believed that the fence should not extend into the required front yard setback which is 40’ from the front property line along 99th Avenue. The Department also recommended that a survey be submitted to ensure that location of the fence would be consistent with what was being proposed. The Department recommended approval in accordance with the plans submitted, subject to submittal of a survey verifying the location of the property lines and the fence not encroaching into the front yard setback. In addition, a site distance exhibit was requested to ensure that there were no traffic visibility issues.

Mr. Laird explained that he considered his front yard to be his back yard since it is a larger space. He was also concerned with safety since his children play in the yard. He added that the fence would help to alleviate noise and light from passing cars.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of a survey verifying the location of the property lines and the fence not encroaching into the front yard setback. Mr. Lanoha seconded the motion.

AYES: Donovan, Mahlendorf
NAYES: Lanoha, Anzaldo, Aspen
MOTION FAILED: 3-2

There was some discussion about the location of the proposed fence and whether the fence would be built according to the Planning Department’s recommendation. The applicant stated that he would not want to move the fence back 40’ from the front yard setback since it would put the fence almost at the front door. There was some discussion about granting a waiver to the front yard setback with knowing exact location of the fence. The Board encouraged the applicant to obtain a site plan.

Mr. Lanoha moved to LAYOVER to give the applicant the opportunity to obtain a survey to determine the exact location of the existing posts. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf
MOTION CARRIED: 5-0
4. Case No. 16-002
Francis J. Safranek
911 South 57th Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 3’; to the interior side yard setback from 5’ to 3’; to the maximum building coverage from 40% to 44%; to the maximum impervious coverage from 50% to 52%, to allow for the construction of a new 30’ x 34’ detached garage and driveway.

LOCATION: 911 South 57th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on January 14, 2016, Francis Safranek appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 30’ x 34’ detached garage and driveway. He explained that there was an existing detached garage on the site that was in disrepair. The applicant indicated that the new garage would allow him to store vehicles and other items on his property. The Planning Department found no hardship or practical difficulty. Mr. Carter added that it appeared that a 750 sq. ft. garage could be legally built with 3’ side and rear yard setbacks. He further added that financial issues or the applicant’s desire to store his belongings on-site were not a hardship. The Planning Department recommended denial of the request.

Mr. Safranek listed the vehicles that he would keep in the garage and explained that he wanted them nearby so that he could work on them when he wanted. He also stated that his neighbors were in support of the project.

Mr. Mahlendorf believed that the proposed garage would be out of context with the rest of the neighborhood. In response to Mr. Aspen, Mr. Safranek stated that the garage would have wood siding similar to what was on his home. Mr. Anzaldo noted that there was very little green space in the backyards of the homes in the area. The applicant responded that he would be willing to install a green roof on the garage to create more green space. Mr. Anzaldo felt that the proposed garage was too big for the site.

Mr. Aspen moved to APPROVE subject to the building being constructed with materials similar to those of the exiting home. Ms. Donovan seconded the motion.

AYES: Aspen

NAYES: Lanoha, Donovan, Anzaldo, Mahlendorf

MOTION FAILED: 4-1
5. Case No. 16-003  
Ted Franssen  
ABC Seamless  
8032 Maple Street  
Omaha, NE 68134  

REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 12’ to allow for construction of a 6.8’ x 15’ enclosed porch and handicapped accessible ramp.  

LOCATION: 3919 North 45th Street  
ZONE: R4(35)  

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

At the Zoning Board of Appeals meeting held on January 14, 2016, Ted Franssen and Nicholas Brown (Homeowner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the home has an existing, covered front porch and handicap accessible ramp on the site. The applicant was proposing to remove the porch and build an enclosed front porch of approximately the same size with a handicap ramp for access. The Planning Department supported the request since the porch is an integral part of the home and an existing structure, and recommended approval in accordance with the plans submitted.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf  

MOTION CARRIED: 5-0
6. Case No. 16-004
   Mark Sanford
   Mark Sanford Group
   1306 North 162nd Street
   Omaha, NE 68118

   REQUEST: Waiver of Section 55-715, 55-716 & 55-734
   - Variance to the minimum street yard landscaping depth from 15’ to 11’; to the
   required bufferyard between GI and R4(35)
   from 60’ to 11’ and 30’ to 24’; and to the
   minimum number of off-street parking stalls
   from 48 to 43, to allow for construction of a
   1,500 sq. ft. building addition and parking
   lot.

   LOCATION: 5638 & 5722 Center Street
   ZONE: GI

   PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted, subject
   to:
   1) Compliance with the MCC building material regulations, urban design signage requirements and
      submittal of an application to add the MCC overlay to the overall site.
   2) No storage of vehicles in the new parking area to the west of the existing building.
   3) Submittal of an acceptable landscaping plan in compliance with zoning regulations.
   4) For this applicant only.

   At the Zoning Board of Appeals meeting held on January 14, 2016, Mark Sanford and Dan Dolezal (Ehrhart
   Griffin & Associates) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the site consisted of an existing 12,000
   square foot building and parking area on the eastern portion of the property. The applicant proposed
   building a 1,500 square foot building to the west and add 21 off-street parking stalls to the site. The
   existing building houses a body and fender repair business. The land for the proposed addition is an
   irregularly shaped, triangular piece of property that is bordered by residential zoning on the north and
   south, making it difficult to comply with the bufferyard requirements. The Planning Department believed
   that there was a hardship due to the irregular shape of the lot. Also, since Center Street is proposed as
   Major Commercial Corridor (MCC), the Planning Department recommended that the applicant apply for the
   MCC zoning requirements which would include compliance with building materials and signage
   requirements of the urban design code. In addition the Department recommends that no dismantled or
   damaged vehicles be stored in the new parking area to the west of the existing building. The Planning
   Department recommended approval in accordance with the plans submitted, subject to the four conditions
   listed above.

   In response to the Mr. Sanford, Mr. Carter stated that the MCC overlay would apply to the new building.
   The applicant was in agreement with the recommendation of the Planning Department.

   Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to:
   1) Compliance with the MCC building material regulations, urban design signage
      requirements and submittal of an application to add the MCC overlay to the overall site; 2) No
      storage of vehicles in the new parking area to the west of the existing building; 3) Submittal of an
      acceptable landscaping plan in compliance with zoning regulations; and 4) For this applicant only. Mr. Anzaldo seconded the motion.

   AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

   MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Ms. Donovan moved to APPROVE the minutes for the December 10, 2015 meeting. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0

ELECTION OF OFFICERS:

Mr. Anzaldo moved to KEEP Mr. Mahlendorf as the Chair of the board and Ms. Donovan as Vice-Chair. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:00 p.m.

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Approved (date)

____________________________________________
Brian Mahlendorf, Chair

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Clinette Warren, Secretary