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, February 1, 2016 and Thursday, February 4, 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.
LAYOVER:

Case No. 16-001
(Laid over from 1/14/16)
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 of the waiver to the street side yard setback along West Center Road, subject to providing a sight distance exhibit; Denial of a waiver to the front yard setback.

At the Zoning Board of Appeals meeting held on February 11, 2016, Steve Laird appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the Board had requested that the applicant obtain a survey to determine the actual location of the fence posts with relation to the property lines. The applicant did obtain the survey, which showed the fence posts as close at 6’ from the property line along West Center Road on the west side, approximately 14’ from the corner pin of 99th Avenue and West Center Road, and approximately 7.5’ from the property line along 99th Avenue. The Planning Department supported the request for the waiver to the street side yard setback along West Center Road; however, it did not support the waiver for the front yard setback.

Mr. Laird requested that the Board allow the fence to be constructed where the existing posts were located, which he explained was consistent with other homes in the neighborhood. Ms. Donovan stated that she was in support of the request due to the hardship incurred because of the shape of the lot and the orientation of the home on the lot.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to providing a sight distance exhibit. Ms. Donovan seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

Case No. 16-005
NS-Yard Parking, LLC
6336 John Pershing Drive
Omaha, NE 68110

REQUEST: Waiver of Section 55-928(e) – Variance to the required perimeter parking lot landscaping from 15’ to 5.5’ with a screen wall.

LOCATION: East side of 15th Street from Cuming Street to Mike Fahey Street

ZONE: CBD-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on February 11, 2016, Bob Peters (3552 Farnam Street) appeared before the Board on behalf of the applicant. Mr. Peters stated that the applicant was in support of the Planning Department's recommendation.

Mike Carter, Zoning Board of Appeals Administrator, stated that the property was a parking lot that would possibly be developed with a training center, hotel and residential apartments. Based on the parking needs, the applicant was proposing to reduce the landscaped area along 15th Street to 5.5’ with additional landscaping in other areas and a screen wall. The Urban Design Review Board recommended approval of the plan at its January 21, 2016 meeting. The Planning Department also 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
Case No. 16-006
Nancy Liebermann
1110 North 66th Street
Omaha, NE 68132

REQUEST: Waiver of Section 55-166, 55-715 & 55-735(b) - Variance to the maximum impervious coverage from 45% to 52.4%; to the required street yard landscaping depth from 20' to 18'; and to allow off-street parking for a non-residential use in the front yard setback of a residential zoning district, to allow for the expansion of the existing parking lot.

LOCATION: 1110 North 66th Street
ZONE: R3

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

At the Zoning Board of Appeals meeting held on February 11, 2016, Adam Cramm and Eric Westman (Alley Poyner Macchietto Architecture - 1516 Cuming Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that this project was part of a building addition project that had already been approved. A parking lot was proposed for the side of the building adjacent to 66th Street which will add approximately 11 parking stalls to the site. It would also close access from the parking lot into 66th Street. He explained that the Planning Department had been supportive of similar waivers for other types of school facilities in the city due to their location with residential districts and, therefore, recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-007
REL Holdings, LLC
13629 Grover Street
Omaha, NE 68144

REQUEST: Waiver of Section 55-246 – Variance to the minimum lot width from 50’ to 48’ to allow for the approval of an administrative subdivision to build a new duplex.

LOCATION: 3319 Cuming Street
ZONE: R7

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

At the Zoning Board of Appeals meeting held on February 11, 2016, the applicant did not appear before the Board.

Mr. Anzaldo inquired as to whether it was necessary for the applicant to appear to present their case, especially when the Planning Department recommended approval of the request. Ms. Donovan noted that there was a hardship that resulted from the size of the lot.

Jennifer Taylor, Attorney – City Law Department, advised the Board that there was nothing in the rules for Zoning Board of Appeals that stated that the applicant had to appear. The agenda stated that the applicant must appear for their case to be heard; however, Ms. Taylor stated that the Board could decide to waive that requirement in this instance. The Board agreed to do so.

Mr. Anzaldo moved to APPROVE the request. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-008  
Cinthya B. Duenas  
5630 South 50th Street  
Omaha, NE 68117  

REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 19’ to enclose the existing front porch.  

LOCATION: 5630 South 50th Street  
ZONE: R4(35)  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 11, 2016, Don Salem and Omar Duenas appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to enclose the existing front porch, which would encroach no farther into the front yard setback than the existing porch did. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Salem stated that the existing porch is 6’ x 20’ in size. In response to Ms. Donovan, he stated that the space would become part of the interior of the home and would be heated and cooled. The enclosed porch would be constructed to match the rest of the home.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf  

MOTION CARRIED: 5-0
Case No. 16-009
Hawkins Construction Company
Robert Bloechle
2516 Deer Park Boulevard
Omaha, NE 68105

REQUEST:
Waiver of Section 55-716 & 55-740(e) – Variance to the required bufferyard between GI and CC from 20’ to 0’ along the east and south sides of the site and to allow a crushed rock equipment storage area.

LOCATION:
2505 Oak Street

ZONE:
CC-ACI-1(50) – (GI Pending)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 11, 2016, Larry Jobeun, Robert Bloechle and Joe Flaxbeard (Lamp Rynearson & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to utilize a vacant space to expand the existing construction yard. The property was zoned CC (Community Commercial) but was in the process of being rezoned to GI (General Industrial). The site was also in the process of having the ACI designation removed through the Planning Board and City Council. The Planning Department found no hardship or practical difficulty and believed that the project could be developed in compliance with the bufferyard and hard-surfacing requirements. However, if the board was inclined to grant the waivers, he suggested that the applicant be required to add screening along the east property line visible from 24th Street. The Planning Department recommended denial.

There was some discussion about the details of the project. Ms. Donovan felt that the project would help to clean up the site and she noted that additional landscaping would be provided.

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
Case No. 16-010
Ed Rockwell
13096 F Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-737 – Variance to the maximum number of compact parking stalls from 40% to 70% of the total number of parking stalls.

LOCATION: 5710 South 176th Avenue
ZONE: R4

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

At the Zoning Board of Appeals meeting held on February 11, 2016, Joe Zadina (Lamp Rynearson & Associates – 14710 West Dodge Road) appeared before the Board on behalf of Millard Public Schools.

Mike Carter, Zoning Board of Appeals Administrator, stated that the request was for Millard West High School. The applicant received approval of a major amendment to the Conditional Use Permit for the proposed parking area from the Planning Board at its February 3, 2016 meeting. The additional parking would provide the necessary space for the site. The Planning Department found that there was a hardship resulting from the parking needs of the school. The additional parking would create more off-street parking for teachers and students. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-011
Ed Rockwell
13096 F Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-715 & 55-735(b) – Variance to the minimum street yard landscaping depth from 15’ to 13’ and to allow off-street parking for a non-residential use in the front yard setback of a residential district, to construct a 13-stall parking lot.

LOCATION: 6565 South 136th Street
ZONE: R4

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

At the Zoning Board of Appeals meeting held on February 11, 2016, Joe Zadina (Lamp Rynearson & Associates – 14710 West Dodge Road) appeared before the Board on behalf of Millard Public Schools.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to convert an existing driveway on the south side of the school into off-street parking. The Planning Department supported the request since the waiver would make the space which has been historically used by staff for parking into a legal parking area.

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
Case No. 16-012
Kenneth Hahn Architects
Kenneth Hahn
1343 South 75th Street
Omaha, NE 68124

REQUEST: Waiver of Section 55-715 - Variance to the minimum street yard landscaping percentage from 65% to 53% to allow for the construction of a new elementary school and parking lot.

LOCATION: 6523 Western Avenue
ZONE: R3

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

At the Zoning Board of Appeals meeting held on February 11, 2016, Kenneth Hahn and Mark Warneke (Omaha Public Schools) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new elementary school on the site. As proposed, the building would be set back further from Western Avenue to make room for parking and a drop-off area in front of the building. Additional parking would reduce on-street parking and parking in the neighborhoods. The Planning Department has supported these types of request for schools in residential areas due to the hardship of trying to comply with the regulations of a residential district. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Hahn explained that the project would reduce the number of buses and cars that sit in the street and the surrounding neighborhood. Mr. Mahlendorf stated that the Board had spoken with someone from Public Works about the proposed plan for school bus parking. Ms. Donovan mentioned that the Board had visited the site and it appeared that, due to the grade change, the neighbors would be looking over the buses and headlights should not be an issue.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
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**APPROVAL OF MINUTES:**  

Ms. Donovan moved to APPROVE the minutes for the December 10, 2015 meeting. 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 1:36 p.m.  

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Approved (date)  

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Brian Mahlendorf, Chair  

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Clinette Warren, Secretary