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 29, 2016 and Thursday, March 3, 2016.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Sebastian Anzaldo
Jeremy Aspen
Jason Lanoha

MEMBERS NOT PRESENT: Sean Kelley, Alternate

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator
Jennifer Taylor, Assistant City Attorney
Michelle Alfaro, City Planner
Clinette Ingram, 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.
NEW CASES:

Case No. 16-013
Gary Norton
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

REQUEST: Waiver of Section 55-740(b)(1), 55-740(f)(4), 55-928(c) & 55-928(f) - Variance to the minimum drive aisle width from 24’ to 22’ and 20’, to the perimeter parking lot landscaping from 5’ to 3.5’ and 7.5’ to 1.5’, 3.8’ and 4’ and to the landscaping requirements along the interior property lines adjacent to the parking area.

LOCATION: 302 South 38th Street
ZONE: GC-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to providing the required trees along the west property lines of the site.

At the Zoning Board of Appeals meeting held on March 10, 2016, Gary Norton appeared before the Board on behalf of the owner.

Mike Carter, Zoning Board of Appeals Administrator, stated that owner was proposing to renovate the existing building as a new bank with off-street parking on the site. There are challenges that result from the irregular shape of the lot and the location of the building on the property. The Planning Department supported the waivers because of those challenges, with the exception of the waiver of the tree plantings along the west side of the interior property lines. The Department believed that there was enough space available to plant the trees and recommended approval in accordance with the plans submitted, subject to providing the required trees along the west property lines of the site.

Mr. Norton stated that there should be no issues with adding trees along the west side of the property.

Jim Sorrell, 3812 Harney Street, appeared in opposition to the request. He was concerned about the landscaping requirements being reduced along the property line that he shared with the property in question. He felt that it would diminish the value of his property. He requested that the landscaping requirements along the south property line be maintained to create a sound buffer and provide more privacy for his family. He stated that he received no notification about the project from the owner or developer.

Mr. Norton noted that, at the Planning Department’s request, the owner would be providing a 6’ opaque fence to provide additional screening on the south side of the parking lot for the adjacent residential lots. Bryan Zimmer, The Architectural Offices, also mentioned that there would be landscaping between the fence and the parking lot. Mr. Sorrell was in agreement with those plans.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to providing the required trees along the west property lines of the site. Ms. Donovan seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-014

REQUEST: Waiver of Section 55-830–Variance to the total permitted sign area from 32 sq. ft. to 64 sq. ft. and to allow a 15’ tall, 49 sq. ft. sign with an electronic message center not otherwise permitted.

LOCATION: 6401 Sorensen Parkway

ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the sign design being revised to comply with the MCC (Major Commercial Corridor) regulations that require a monument sign with a masonry base.

At the Zoning Board of Appeals meeting held on March 10, 2016, Ann O’Connor appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the school received approval from the Planning Board for an amendment to its Conditional Use Permit, with one of the conditions being that the necessary waiver be obtained from the Zoning Board of Appeals. The Planning Board also required that the sign comply with MCC (Major Commercial Corridor) standards for a monument sign with a masonry base. The Planning Department supported waivers in the past that allowed the school to have electronic messaging. He noted that, because of the large size of the site, more signage than normal is required. The Planning Department recommended approval in accordance with the plans submitted, subject to the sign design being revised to comply with the MCC (Major Commercial Corridor) regulations that require a monument sign with a masonry base.

Ms. O’Connor stated that the applicant was in agreement with the Planning Department’s recommendation. In response to Ms. Donovan, Ms. O’Connor stated that the school was aware of, and in compliance with, the operational regulations that went along with the sign.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the sign design being revised to comply with the MCC (Major Commercial Corridor) regulations that require a monument sign with a masonry base. Ms. Donovan seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-015 - WITHDRAWN
3
Paul Kelley, AIA
440 North 61st Street
Omaha, NE 68132

REQUEST: Waiver of Section 55-308 – Variance to the maximum impervious coverage from 65% to 67% to allow for an addition to the existing building.

LOCATION: 1113 North 72nd Street
ZONE: LO

This case was withdrawn at the applicant’s request.
Case No. 16-016

4

Rodger Fawcett
4621 South 151st Street
Omaha, NE 68137

REQUEST: Waiver of Section 55-186 – Variance to the rear yard setback from 25’ to 18’ to allow construction of a 12’ x 21’ sunroom addition.

LOCATION: 4621 South 151st Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 10, 2016, Rodger Fawcett appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a sunroom addition. A covered deck was constructed approximately 10 years ago with no waivers or permits. The applicant was proposing to construct the sunroom in the same location as the covered deck. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Fawcett explained that he believed that the contractor who constructed the covered deck obtained the necessary permits to perform the work. The proposed sunroom would match the existing roof line. The applicant spoke with his neighbors who all signed statements of support.

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
<table>
<thead>
<tr>
<th>Case No.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
<th>ZONE:</th>
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<tbody>
<tr>
<td>16-017</td>
<td>Waiver of Section 55-768 – Variance to the temporary use regulations to allow a farmer’s market for up to 5 years.</td>
<td>4343 North 52nd Street</td>
<td>R7</td>
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**PLANNING DEPARTMENT RECOMMENDATION:** Approved in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on March 10, 2016, Janelle Grieco (Vice-Chair of Benson Farmer’s Market) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was requesting to allow the market to operate from a surface parking lot at the Omaha Home for Boys. The farmer’s market used the 52nd Street location last year due to a streetscape project that occurred in the Benson Area. The applicant was requesting that the location become more permanent since no street closure would be needed and more off-street parking would be available. The market would operate on Saturday’s from 9 a.m to 1 pm. from early spring until the fall. Because of the temporary nature of the event and the unique characteristics of the site, the Planning Department believed the request was acceptable and recommended approval in accordance with the plans submitted. Mr. Carter added that Mike Gaughen from Public Works was available to answer any questions regarding street closings.

Ms. Grieco felt that the location would be better for the farmer’s market because of the problems that resulted while it was at the downtown Benson location.

Mr. Mahlendorf was in support of the request since it removed the market from a main street and utilized an area that was better suited for it.

In response to Mr. Lanoha, Mr. Carter explained that another farmer’s market could technically apply to use the space if they followed the same rules as the applicant. Mr. Lanoha felt that the waiver should be for this applicant only.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted, for this applicant only. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 10, 2016, Todd Smith appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 14’ x 22.5’ addition to the existing 2-car garage that would extend as close as 7’ to the side yard setback. The Planning Department found no hardship or practical difficulty to allow the waiver and felt that any addition should comply with the code and recommended denial. He noted that the required driveway for the addition could start no closer than 25’ from the property line.

Mr. Smith explained that he and his wife were the primary caregivers for his father-in-law who lived nearby. The waiver would make it easier for them to get his father-in-law in and out of the home. The building material for the addition would match the existing home. He noted that his neighbors were also in support of the project. In response to Mr. Mahlendorf, Mr. Smith stated that the large, existing tree would remain in place.

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
Case No. 16-019  
Douglas County School District  
28-0066, a/k/a Westside Community Schools  
909 South 76th Street  
Omaha, NE 68114-4559

REQUEST: Waiver of Section 55-146 and 55-787(b) – Variance to the storm shelter regulations to determine size based on historic maximum enrollment and to the front yard setback from 40’ to 10.9’ to allow for the construction of an area of refuge.

LOCATION: 8201 Pacific Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial as requested.

At the Zoning Board of Appeals meeting held on March 10, 2016, Michael Coyle (500 Energy Plaza) appeared before the Board on behalf of the applicant. Also in attendance were Dr. Blane McCann (Superintendent – Westside Community Schools), Bob Zagozda (CFO – Westside Community Schools), Stephanie Hornung (Principal – Loveland Elementary School), Rob Zimmerman (Project Advocates), Alan Kennedy (Project Advocates) and Corey Hess (DLR Group).

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an area of refuge where there is an existing temporary classroom. The zoning ordinance states that the size of the shelter should be determined by occupancy. The Planning Department determines the size of the shelter by using the square footage of the classroom divided by 20 in order to establish a capacity; then multiplying by 5.5 sq. ft. The applicant indicated that a shelter of the size that would be required would not fit on the site and that it would not be necessary based on historic enrollment. The Planning Department did not support waiving a requirement of the Life Safety regulations, but was willing to support waivers to the bulk and density regulations so that a structure in compliance could be built. The Planning Department found no hardship and recommended denial as requested.

Mr. Coyle explained that, because the school district is land-locked, enrollment has been very stable. He stated that the average student enrollment for the past ten years has been approximately 300. The building attendance limit for the school is 292 students. The ordinance would require space for more than 600 students. He believed that the facility that was being proposed would be more than adequate for the safety of all of the students and a great improvement to the existing situation. In about 10 years, the school would be reviewed to determine whether extensive renovations were needed and if a separate shelter facility would be necessary.

Mr. Zimmerman reviewed the current and proposed future site plans for the school. He explained that the current overall elevation for the portable building is 15’ and that the proposed shelter would be about the same height. He added that the impermeable area would also not be increased so that site drainage would not affected.

Mr. Lanoha felt that building the shelter according to code would be a waste of resources, since space for 600 students was not necessary. Mr. Zimmerman addressed issues related to drainage, especially towards the south of the site. Ms. Donovan suggested that the applicant take into consideration the needs and concerns of the neighbor to the south who had questions about run-off from the property.

Paul Nelson, 1331 Ridgewood Avenue, appeared in support of the project on behalf of the neighborhood association. However, did have concerns about the appearance of the structure and the materials to be used.

Joy Suder, 1117 North 88th Street, appeared in support of the project. She felt that the waivers were necessary for safety of the students and because the structure would look better than what was currently in place.
Marsha Anderson, 1300 South 80th Street, appeared before the board. She was concerned about the appearance of the building. She mentioned that the school was originally built to match the homes in the surrounding neighborhood. She felt that the appearance of the structure was just as important as the safety of its students.

Mr. Hess addressed the aesthetics of the building. He stated that case-in-place concrete would be used for economic reasons. In addition, it would help to provide a safe structure. A material would be used that would imitate the brick of the existing school building. In response to Mr. Aspen, Mr. Nelson stated that he was not in support of the proposed materials since he believed that it would not look as authentic as real brick. There was some discussion about constructing a cast-in-place wall with a brick veneer. The applicant expressed the hope that the community would be understanding and accept that they would do everything they could to reach a favorable solution.

Dr. McCann noted that the structure would probably be in use for about 10 years. He stated that the structure would be as appealing as possible; however, the cost of the structure needed to be taken into consideration.

Mr. Hess stated that he would work with Mr. Nelson during the process.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-020

REQUEST: Waiver of Section 55-825(c) - Variance to the temporary sign regulations to allow 3,200 sq. ft. and 16,200 sq. ft. of temporary signage from June 1 – August 10, 2016 for the 2016 US Olympic Swim Trials.

LOCATION: 3333 Farnam Street & 3301 Dodge Street

ZONE: CBD-ACI-1(PL) & CBD-ACI-2(50)

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

At the Zoning Board of Appeals meeting held on March 10, 2016, Chuck Wiethop (Design 8 Studios), Carol Williams and Mike Miller (Super Color) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to install temporary banners on the north side of the buildings at 3333 Farnam Street and 3301 Dodge Street to celebrate the 2016 US Swim Trials that are to be held in Omaha. One banner will be on the Mutual of Omaha building on Dodge Street that has had banners on it in the past for similar events. Two banners are proposed for the building on Farnam Street. The Planning Department has supported these type of requests for unique, temporary events in the city since they are promoting a specific event and because there is no commercial advertising. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf stated that, in the past, the board’s qualifications for this type of signage is that there is no self-advertising and that it be for civic events that are promoted by corporate entities.

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
At the Zoning Board of Appeals meeting held on March 10, 2016, Clif Poling appeared before the Board. Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a gazebo at the rear of the existing single-family home, which would be as close as 5' from the rear property line. The Planning Department believed that any improvements should comply with the setback requirements and recommended denial.

Mr. Poling explained that the backyard was too shallow to build the gazebo. He stated that the surrounding neighbors signed documents expressing support for the project. He also submitted two additional letters of support that he had recently received from J.F. Carter, chairman of the SID. He added that the backyard abuts a wetland area that he did not believe will ever be developed.

Mr. Mahlendorf noted that the Planning Department recommended that the applicant calculate total impervious coverage for the entire site. Mr. Poling responded that impervious coverage for and R4 district was 50% and that his client was at 47%, which was within the acceptable requirements. There was some discussion as to whether the type of pavers being proposed would be considered pervious or impervious. It was also mentioned that the applicant had been before the board on another case where the conditions had not been met. The applicant responded that he would fulfill the conditions for that case within the next 30 days.

Mr. Poling stated that, since the application to the Zoning Board of Appeals, the property owner had purchased an additional 10' of land from the property owner to the rear, which would increase the size of the lot. Mr. Carter explained the steps that would need to be taken to add the extra space. He further cautioned that the property was in an SID and that the applicant would need to speak with the Planning Department to determine what the options were.

Chad Bernake, Homeowner, appeared before the board. He implored the board not to penalize him for the applicant’s prior actions on another case. He felt that delaying the case could be disruptive to his neighborhood. Mr. Aspen stated that the case would still need to be laid over to settle the impervious issue.

Mr. Aspen moved to LAYOVER to give the applicant time to determine impervious surface coverage percentage and to discuss with the Planning Department the acquisition of additional property to the south. Mr. Anzaldo seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-022
Roger Wells
13415 Charles Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-166 - Variance to the front yard setback from 35' to 31.5' to construct a larger covered front stoop.

LOCATION: 13415 Charles Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 10, 2016, Susan Rohrig (Architect) appeared before the Board on behalf of the property owners.

Mike Carter, Zoning Board of Appeals Administrator, stated that owners were proposing to replace the existing covered front porch which would extend as close as 31.5’ from the property line along Charles Street. The Planning Department found no hardship or practical difficulty and felt than any improvements should comply with zoning regulations and, therefore, recommended denial.

Ms. Rohrig explained that the home’s front porch is very shallow. When the screen door is open, it is difficult to stand on the porch. She stated that the current porch is on the setback and the proposed porch would extend 3’6” beyond the line. She submitted 5 letters of support from neighbors (Exhibit 2).

Ms. Donovan felt that the project would be an improvement for the neighborhood. Mr. Mahlendorf noted that the porch was the only part of the home that encroached and that there would be little to no impact on the area.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
Case No. 16-023  
Jon Alexander  
Junkstock LLC  
5656 Mark Street  
Papillion, NE 68133


LOCATION: 315 South 192nd Street
ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 10, 2016, Jon Alexander appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the request was similar to one approved by the Board in 2015. He explained that the Planning Department would not issue Temporary Use Permits without adequate hard-surfaced parking. The applicant had the option of providing hard-surface parking off-site and shuttling people to the event. The Planning Department found no hardship or practical difficulty to support the request and recommended denial.

Mr. Alexander stated that he had contracted with Metro Community College and a bus company to shuttle some visitors to the site, but that there was still on-site parking available. Mr. Alexander stated that this would be the events last year at the site. A new property for the event was purchased on 230th and Dodge. In response to Mr. Lanoha, Mr. Alexander stated that off-duty officers had been hired to discourage patrons from walking along 192nd Street.

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. Aspen moved to APPROVE the minutes for the February 11, 2016 meeting. Mr. Anzaldo seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0

DISCUSSION ITEMS:

Jennifer Taylor, Assistant City Attorney, stated that the Motion to Dismiss for matters involving Case 15-094 was successful. However, an amended complaint was filed. Ms. Taylor planned to file a Motion to Dismiss since the necessary parties were not involved in the case.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:05 p.m.

Approved (date)

Brian Mahlendorf, Chair

Clinette Warren, Secretary