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, November 28, 2016 and Thursday, December 1, 2016.

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

MEMBERS NOT PRESENT: Michael Gorman (Alternate)
Sean Kelley (Alternate)

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator
Jennifer Taylor, City Attorney
Michelle Alfarro, 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:

1. Case No. 16-107
   Stephen Kuehl
   5823 Pacific Street
   Omaha, NE 68106
   REQUEST: Waiver of Section 55-186 – Variance to the street side yard setback from 15’ to 0’ to allow an existing deck to remain.
   LOCATION: 5823 Pacific Street
   ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on December 8, 2016, Stephen Kuehl and James Nervig (Contractor) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that there was an existing deck on the west side of the home. The home sits approximately 1’ from the west property line along 59th Street. The deck provides access to a door on the west side of the home and it also straddles a driveway below that provides garage access to the lower part of the home. The Planning Department believed that there was a hardship that resulted from the location of the home and driveway. He explained that a right-of-way lease would be required because of the location of the deck in the right-of-way. The Planning Department recommended approval in accordance with the plans submitted.

The applicant stated that the new deck would be similar in size to the existing deck.

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
2. **WITHDRAWN** Case No. 16-108 - **REQUEST:** Waiver of Section 55-108 – Variance to the interior side yard setback from 25’ to 15’ to allow construction of a home addition.

Tracy and Brandon Frans
5722 South 185th Street
Omaha, NE 68135

**LOCATION:**
5722 South 185th Street

**ZONE:**
DR

This case was withdrawn at the request of the applicant.
3. Case No. 16-109
   John Lewandowski
   Congra Food, Inc.
   One Conagra Drive
   Omaha, NE 68102

   REQUEST: Waiver of Section 55-740(f) – Variance to the minimum perimeter parking lot landscaping from 10’ to 2.93’ and 7’ to allow construction of a parking lot addition.

   LOCATION: 808 Conagra Drive
   ZONE: CBD

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Dan Dolezal (Ehrhart Griffin & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to provide 7 additional parking stalls to an existing parking lot that would encroach in the 10’ perimeter parking lot landscaping. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Dolezal stated that Conagra was consolidating their operations into the 3 buildings to the south. He explained that this building would be put up for rent and the additional parking would make room for additional Conagra employees and help to attract future tenants. He mentioned that the entire campus has an abundant amount of green space. Many of the islands in the parking lot were being replaced with brick to allow for more parking.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
4.    Case No. 16-110
      John Lewandowski
      Congra Food, Inc.
      One Conagra Drive
      Omaha, NE 68102
      REQUEST: Waiver of Section 55-740(f) – Variance to
      the minimum perimeter parking lot landscaping from 10’ to 0’ to allow
      construction of a parking lot addition.
      LOCATION: 508 Conagra Drive
      ZONE: CBD

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Dan Dolezal (Ehrhart Griffin & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant wanted to add more parking to an existing parking lot. The waiver would allow the new parking stalls to line up with the existing ones. He noted that there is a wide right-of-way area on the site and that no other waivers had been granted to allow similar encroachments anywhere else on the campus. Since there was no hardship or practical difficulty to support the request, the Planning Department recommended denial.

Mr. Dolezal explained that this waiver would create additional parking for Conagra employees that were being integrated into the building. He requested that the board take into account the excessive amount of right-of-way and the fact that the five additional stalls would match the existing ones.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 16-111
Chad Bumsted
Choice Homes
1221 East Pierce Street
Suite 300
Council Bluffs, IA 51503
REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 25’ and to the interior side yard setback from 25 to 10 to allow construction of a new home.

LOCATION: 21924 Mayberry Circle
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Chad Bumsted and Michelle Owens (Property Owner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home on the property. The Planning Department found no hardship or practical difficulty to allow the request and recommended denial.

Mr. Bumsted explained that a natural waterway ran through the property that affected the neighbors below. He mentioned that he had spoken with the neighbors and received approval for the project. The applicant was attempting to move the home as far away from the gulley as possible so that it did not affect the natural flow of water. He noted that some surveying had been done at the property and that there was a 21’ drop from the back right corner of the garage to the front left corner of the home.

Ms. Owens mentioned that the president of the homeowner’s association wrote a letter of support for the project. She explained that there were no storm water sewers in the area so protection of the waterway was critical. She added that the home was designed so that it was more narrow and longer in an attempt to remain as far from the waterway as possible. Mr. Bumsted stated that the home was at the minimum square footage requirements for the neighborhood.

Mr. Lanoha noted that the applicant had weighed all of their options and that the R1 zoning of the property would result in the need for waivers.

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

Mr. Carter became aware that a waiver to the rear yard setback would be required since the setback was 35’ and the plans showed the home at approximately 30’8” from the rear property line. As a result, a substitute motion was made.

Mr. Anzaldo moved to LAYOVER to allow the Planning Department to advertise the waiver for the rear yard setback. Mr. Aspen seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 16-112
Allan Douglas
2924 North 75th Avenue
Omaha, NE 68134

REQUEST: Waiver of Section 55-146 – Variance to the
rear yard setback from 25’ to 18’3” and to
the maximum impervious surface coverage
from 40% to 41% to allow for construction
of a home addition.

LOCATION: 2924 North 75th Avenue
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Allan Douglas appeared before the
Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a
16’ x 20’ addition to the rear of the existing home. The Planning Department found no hardship or
practical difficulty and recommended denial.

Mr. Douglas explained that he wanted to replace an existing deck with a 4-seasons room that would be
smaller than the deck. The proposed room would be 16’ x 20’ while the existing deck is 20’ x 20’. The
addition would match the existing home. He indicated that he spoke with the neighbors to the west and
that they did not object to the request. Ms. Donovan noted that some other neighbors had similar
additions.

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
7. Case No. 16-113  REQUEST: Waiver of Section 55-830 – Variance to the overall sign budget from 32 sq. ft. to 116 sq. ft., to the maximum wall sign height from 16’ to 27’, and to the maximum size of a wall sign from 32 sq. ft. to 37 sq. ft.

Jonathan Ehly  
c/o The Water’s Edge United Methodist Church  
18035 Oak Street  
Omaha, NE 68130  

LOCATION: 19600 Harrison Street  
ZONE: AG-(R4-pending)

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

At the Zoning Board of Appeals meeting held on December 8, 2016, Kevin Schluckebier (BCDM Architects) and Ron Christensen (Business Manager – The Water’s Edge Church) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that Planning Board approved a Major Amendment of a Conditional Use Permit subject with conditions, which included the requested waiver from the Zoning Board of Appeals. The proposed signs would help visitors identify buildings on the site. The Planning Department has typically supported similar waivers for churches and schools on large civic sites in the past. Also, due to the restrictive nature of residential districts and the large size of the site, the Department believed that the request was reasonable and 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: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 16-114
Linda Morris
Rising Star Baptist Church
1823 Lothrop Street
Omaha, NE 68110

REQUEST: Waiver of Section 55-832 – Variance to the front yard setback from 12’ to 0’ and to the street side yard setback from 6’ to 0’ to allow a new monument sign.

LOCATION: 1823 Lothrop Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Approval of the front yard setback waiver from 12’ to 6’ to match the existing post and panel sign; denial of the street side yard setback waiver.

At the Zoning Board of Appeals meeting held on December 8, 2016, Bill Coonce (Vital Signs) and Reverend Bernard Johnson (Pastor) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a monument sign at the intersection of 19th Street & Lothrop Street that would be at a 0’ setback at both property lines. The Planning Department has typically supported these types of waivers, but not at a 0’ setback. Mr. Carter suggested that a more reasonable request would be to situate the sign 6’ from the setback which would match the existing post and panel sign, eliminate the need for the street side yard setback and reduce the encroachment into the front yard setback.

Mr. Coonce stated he was concerned that if the sign were placed at 6’ he would not meet the 36” fire egress clearance for the windows.

Ms. Donovan moved to APPROVE subject to the sign being no greater than 36” away from the building per City of Omaha code. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
9.  Case No. 16-115  
One Jake’s Place, LLC  
11440 South 146th Street  
Suite 101  
Omaha, NE 68138

REQUEST:  Waiver of Section 55-734, 55-740 & 55-716  
- Variance to the required bufferyard between R7 and R4 from 15’ to 10.25’, to  
the minimum drive aisle width from 24’ to 17’ and to the minimum number of off-  
street parking stalls from 29 to 23 to allow construction of a 24’ x 24’ detached storage  
building.

LOCATION:  2020 South 55th Street  
ZONE:  R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Chris Jerram and John Higgins (Owner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 24’ x 24’ detached storage building on the northwest corner of the site, replacing a smaller shed that was previously on the site. The Planning Department found no hardship or practical difficulty and believed that any new construction should comply with zoning regulations and, therefore, recommended denial.

Mr. Jerram explained that the shed would be part of a 17-unit complex that did not have enough parking according to current regulations. He added that the site was near a mass transit route and near a major employer where some of the current residents worked. He indicated that the lot was never full and that the loss of 1 parking stall would not have a significant impact on parking. He requested approval since the existing parking was already non-compliant due to changes in the code.

Mr. Anzaldo stated that the board had visited the site and noticed that the parking lot was not full at that time.

In response to Mr. Mahlendorf, Mr. Higgins stated that there were no parking issues with the four other apartment buildings to the north that he also owned. If necessary, tenants could potentially park in the lots of the adjacent buildings.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 16-116  
St. Frances Cabrini Church  
1248 South 10th Street  
Omaha, NE 68114  

REQUEST:  Waiver of Section 55-734 – Variance to the number of off-street parking stalls from 135 to 70.  

LOCATION:  1248 South 10th Street & 1334 South 9th Street  

ZONE:  R7-NCE-C  

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

At the Zoning Board of Appeals meeting held on December 8, 2016, Patrick Flood (Attorney) and Father Damian Zuerlein appeared before the Board.  

Mike Carter, Zoning Board of Appeals, stated that the applicant was proposing to utilize the building on 10th Street for a pre-school and kindergarten, parish offices and parish hall/reception area. The site would then be incorporated into the existing church/school facility across the street to the east. The required parking for the church and school is 135; both sites provide a total of 70 parking stalls. Because of the existing nature of the building and its location in an urban area of the city, the Planning Department supported the request. He noted that the 10th Street NCE plan supports fully utilizing on-street parking and that parking coordination between compatible uses is strongly encouraged for on and off-street parking. The adjacent on-street parking stalls could be counted towards the required off-street parking. This would increase the number of parking stalls provided to 115. The Planning Department recommended approval in accordance with the plans submitted.  

Marie Sedlacek, 1015 William Street, appeared before the board. Ms. Sedlacek stated that she was on the board of the Dahlman Neighborhood Association and that the association supported the waiver. She suggested that a revised parking plan be considered if more activities began to occur on the sites in the future.  

Mr. Mahlendorf mentioned that due to the density of the residential area, there could possibly be a greater likelihood that more individuals would walk to both buildings, reducing the need for off-street parking.  

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf  

MOTION CARRIED: 5-0
11. Case No. 16-117
Gonzalo A. Munoz
4210 South 24th Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-716 and 55-737 – Variance to the required bufferyard between GC and R4 from 15’ to 10’ and the minimum grouping of compact parking stalls from 5 to 2.

LOCATION: 5414 South 36th Street
ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Paul Kimmons (Architect) and Gonzalo Munoz appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the Planning Department had been working with the applicant on a plan to expand the daycare. A building permit had been approved for 22 parking stalls on the site. The applicant proposed a modification of the plans that would change the required bufferyard along 36th Street from 15’ to 10’ and change the sizes of the stalls throughout the parking lot. The Planning Department found no hardship or practical difficulty to support the request, noting that a permit had already been approved for the 22 parking stalls that were needed, and recommended denial.

Mr. Kimmons stated that the proposed changes would make the site safer for children and would allow more room for vans. He noted that the bufferyard was 15’ because of the cemetery across the street that was zoned residential. In response to Ms. Donovan, Mr. Carter stated that if the cemetery was zoned commercial, the 15’ bufferyard would not be required.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
12. Case No. 16-118 – **LAYOVER**  
   Robert & Sharon Bruning  
   16201 Fort Street  
   Omaha, NE 68122  

   **REQUEST:** Waiver of Section 55-84, 55-87, 55-715, 55-734 & 55-740(f) – Variance to the permitted use regulations of the AG district to allow Business Maintenance Services, Custom Manufacturing and Warehousing and Distribution (Limited), not otherwise permitted, to the maximum building coverage from 5% to 20%, to the maximum impervious surface coverage from 10% to 56%, to the required street yard landscaping percentage from 90% to 80%, to the minimum street yard landscaping depth from 35' to 5' and 9', to the required number of off-street parking stalls from 55 to 31 and to the minimum perimeter parking lot landscaping from 10' to 9' and 5'.

   **LOCATION:** 16201 Fort Street  
   **ZONE:** AG

The applicant requested a layover of this case.

Mr. Aspen moved to LAYOVER. Mr. Mahlendorf seconded the motion.

**AYES:** Donovan, Lanoha, Anzaldo, Mahlendorf

**NAYES:** Aspen

**MOTION CARRIED:** 4-1
APPROVAL OF MINUTES:

Motion by Ms. Donovan to APPROVE the minutes of the October 13, 2016 meeting. Second by Mr. Lanoha.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0

Motion by Mr. Anzaldo to APPROVE the minutes of the November 10, 2016 meeting. Second by Mr. Mahlendorf.

AYES: Anzaldo, Aspen, Donovan, Mahlendorf

ABSTAIN: Lanoha

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:08 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary