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:

1. Case No. 16-039 (from 5/12/16)  REQUEST: Waiver of Section 55-715 & 55-735(b) - Variance to the minimum street yard landscaping percentage from 60% to 38%, to the minimum street yard landscaping depth from 15' to 10' and to allow parking for a non-residential use within the front yard setback of a residential zoning district for the construction of a new elementary school.

   LOCATION: 9801 West Center Road – Oakdale Elementary School

   ZONE: DR (R4 pending)

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

At the Zoning Board of Appeals meeting held on June 9, 2016, Michael Coyle (500 Energy Plaza), Rob Zimmerman (Project Advocates), and Dan Block (DLR Group) appeared before the Board.

Michael Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over to give the applicant and the adjacent property owners the opportunity to meet. The Planning Department continued to recommend approval in accordance with the plans submitted.

Mr. Coyle stated that he met with the neighbors, Larry Jobeun (11440 West Center Road) and Mr. Zimmerman on May 18, 2016. The attendees were able to agree on the following issues: vendor hours, a period of time upon which the applicant would commit to maintaining the landscaped area, and installation of a lock on the waste collection area. He submitted a copy of those agreed upon conditions (Exhibit B).

Mr. Jobeun stated that his clients were in agreement with the conditions that had been submitted by the applicant. He felt that they benefitted the property owners to the south and to the east of the proposed school. In response to Mr. Mahlendorf, Mr. Jobeun stated that he was in agreement with the exhibit (B) becoming part of the waiver that would be tied to the land and that the City would have the authority to enforce the conditions of the waiver as needed.

Mr. Aspen moved to APPROVE in accordance with the plans submitted and with the conditions set forth in Exhibit B. Ms. Donovan seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

2. Case No. 16-045
John Inzauro
7410 North 57th Street
Omaha, NE 68152
REQUEST: Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 5’ to allow a 900 sq. ft. detached garage to remain.
LOCATION: 7410 North 57th Street
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 9, 2016, John Inzauro appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant constructed a 30’ x 30’ garage without the benefit of a building permit. The structure is located 5’ from the rear property line. The Planning Department found no hardship or practical difficulty to allow the structure to remain and believed that it should be built according to zoning regulations. This would require that the size of the garage be reduced or moved to comply with the existing setback. The Planning Department recommended denial.

Mr. Inzauro stated that he had gone to all his neighbors and received letters of support for the garage (Exhibit B). He indicated that he had pulled approximately 1,000 feet of concrete of the site so that he could have enough green space. He also obtained a permit for a fence that had been installed.

Mr. Carter stated that he had received an email from a neighbor that was in opposition to what he believed that the garage was being used for business purposes.

In response to Mr. Anzaldo, Mr. Inzauro stated that he did operate a floor-recovery business. He has an office in his home where he does paperwork. He stated that there is usually a minimal amount of supplies in his garage along with his boat and a couple of antique cars. He explained that it was not a warehouse to store or sale supplies for his business. He acknowledged that there was some concern because some of his employees would meet at his home and then proceed to their jobsite. He stated that he had not have a valid reason for not obtaining a building permit for the garage.

Ms. Donovan noted that there were similar garages in the surrounding neighborhood. Mr. Lanoha noted that the garage was not out of character with the neighborhood; however, he was concerned that a building permit had not been obtained. Mr. Aspen stated that if a permit had been pulled and the applicant had requested a variance, he would have been in support of the waiver. He did not want it to appear as if the board had to grant the waiver because the garage was already in place.

Mr. Carter stated that employees were not allowed to come to his home to pick up work vehicles because it violated city ordinance. He explained that if it was determined that employees were picking up work vehicles from the home, the applicant could be ticketed. The applicant indicated that he would make the necessary changes to ensure that that situation did not occur.

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

AYES: Donovan, Lanoha, Anzaldo, Mahlendorf
NAYES: Aspen

MOTION CARRIED: 4-1
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3. Case No. 16-046
   Terry Hurt
   8529 Wirt Street
   Omaha, NE 68134
   REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a rock drive for a new single-family home.
   LOCATION: 5775 McKinley Street
   ZONE: DR-ED

PLANNING DEPARTMENT RECOMMENDATION: Approval subject to the approach plus the first 50’ of driveway being paved.

At the Zoning Board of Appeals meeting held on June 9, 2016, Terry Hurt and Robert Paro appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the site had been platted and a Special Use Permit approved in 2008 to allow development in the North Hills Environmental District. A building permit had been approved for a single-family home with a hard-surfaced driveway, which allowed construction to begin on the project. The Planning Department has historically supported these types of waivers in the North Hills Environmental Overlay due to the topography of the land which supports less impervious coverage. Because of the unique nature of the request, the Planning Department supported it and recommended approval, subject to the applicant paving the approach plus the first 50’ of driveway. This would insure that rock and other materials were cleared from the tires of the vehicles and not being tracked out onto McKinley Street.

Mr. Hurt was in agreement with the Planning Department’s recommendation. Mr. Carter advised the applicant that the driveway would need to be paved 50’ from the property line.

Robert Paro (5540 Paro Street) appeared before the Board. Mr. Paro was concerned about the size of the rock being used on the driveway. He also believed that there would just be a garage on the site without a residence. Mr. Hurt explained the reason for the particular type of rock that would be used for the driveway and he also stated that the home would be his primary residence. He indicated that he would not be running a business from the home.

Mr. Anzaldo moved to APPROVE subject to the approach plus the first 50’ of driveway being paved. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 16-047
Miguel Rodriguez
4310 South 21st Street
Omaha, NE 68107

REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 20’ to allow a 10’ x 22’ deck to remain.

LOCATION: 4310 South 21st Street
ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 9, 2016, Alejandro Rodriguez and Rodney Gray appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a deck had been constructed without the benefit of a permit. The Planning Department believed that any improvements to the site should comply with zoning regulations. It appeared that, based on aerial photographs, the deck might be closer to the property line than what was indicated on the plans. He suggested that the board consider laying the case over to give the applicant time to obtain a survey.

The applicant submitted pictures of the property (Exhibit B). His explained that son was not aware that a permit was needed for the deck.

Mr. Lanoha stated that when the board visited the site, it appeared that the deck could be closer than 20’ to the setback. Mr. Rodriguez stated that he found on pin on the property but he was not sure if it was the correct one. He was in agreement with laying the case over so that the property lines could be located.

Mr. Gray stated that from their calculations, the deck appeared to be 13’ from where the property pin was possibly located. Mr. Anzaldo directed the applicant to obtain a survey.

Mr. Anzaldo moved to LAYOVER to give the applicant time to obtain survey. Mr. Lanoha seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 16-048
   Kurtis Suhr
   Architecture One
   8030 Thornview Road
   Lincoln, NE 68506
   REQUEST: Waiver of Section 55-738 – Variance to the number of handicapped parking stalls from 2 to 0 to allow construction of a parking lot.
   LOCATION: 820, 824 & 826 South 41st Street - Community Alliance
   ZONE: R4(35) - (PK-pending)

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

At the Zoning Board of Appeals meeting held on June 9, 2016, Carole Boye (Executive Director - Community Alliance) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared before the Planning Board and received approval of a PK-Parking Overlay for the three properties. At the time, there were three homes on the site that were to be removed so that a parking lot could be constructed. The site of the parking lot is just west of the existing Community Alliance facility. The code requires handicapped parking stalls within the parking lot; however, the applicant was proposing to put the 2 required stalls on the main site close to the building which would be the safest location for handicapped individuals. The Planning Department believed that there was a hardship due to the distance of the new parking lot to the facility and because of concerns for handicapped person crossing the street to reach the facility. The Planning Department 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: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 16-049

Eric Westman
Alley Poyner Macchietto
Architecture
1516 Cuming Street
Omaha, NE 68106

REQUEST: Waiver of Section 55-740(f) & 55-928(c) - Variance to the perimeter parking lot landscaping from 10’ to 2’ and to the parking lot interior landscaping from 7% to 5.68% to allow for construction of a parking lot.

LOCATION: 3804 Farnam Street & 140 South 38th Street

ZONE: R8-ACI-1(PL) and GC-ACI-1(PL)-(NBD-ACI1(PL)-pending

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

At the Zoning Board of Appeals meeting held on June 9, 2016, Eric Westman and Matt Dwyer (Green Slate Development – 144 South 39th Street) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to convert the existing Colonial Hotel into 40 market-rate apartments with 3,000 sq. ft. of retail space. As part of that project, they planned to remove a home to the north and construct a parking lot. An application to rezone the property had been submitted along with an application to vacate the existing alley. The Planning Department believed that there was a hardship due to the restraints of the existing site, the location of the existing building and because it is a redevelopment in an urban area. He noted that additional off-street parking would be provided that does not currently exist. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf noted that there was a letter of support from the Midtown Business Board of Directors.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 16-050
   Jason P. Lanoha
   19111 West Center Road
   Omaha, NE 68130

   REQUEST: Waiver of Section 55-740(f)(4) – Variance to the minimum perimeter parking lot landscaping from 5’ to 0’ to allow construction of a new mixed-use building and parking lot.

   LOCATION: 1207 Cass Street
   ZONE: CBD-ACI-1(PL)

   Due to a conflict of interest, Mr. Lanoha recused himself from this case.

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

   At the Zoning Board of Appeals meeting held on June 9, 2016, Larry Jobeun (11440 West Center Road) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a mixed-use building with 45 market-rate apartments, a single level parking garage and over 30,000 sq. ft. of office space. The site is an irregular shaped piece of property that was formerly the lease office for the former Wall Street Tower building that was not constructed. There was a hardship due to the property being located very close to the freeway ramp. There is also parking under that ramp for the State of Nebraska. The waiver request is for the south side of the project next to the ramp. The Planning Department believed that the request was reasonable, considering the constraints of the site and recommended approval in accordance with the plans submitted.

   Larry Jobeun, 11440 West Center Road, stated that his client was in agreement with the Planning Department’s recommendation.

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

   AYES: Donovan, Anzaldo, Aspen, Mahlendorf

   MOTION CARRIED: 4-0
8. Case No. 16-051  
Kendall Scheer  
13112 North 73rd Plaza  
Omaha, NE 68122  
REQUEST: Waiver of Section 55-108 – Variance to the interior side yard setback from 25’ to 10’ to construct a 22’ x 30’ garage addition.  
LOCATION: 13112 North 73rd Plaza  
ZONE: DR-ED  

PLANNING DEPARTMENT RECOMMENDATION: Denial.  

At the Zoning Board of Appeals meeting held on June 9, 2016, Dwayne Brown (Slate Architecture – 3624 Farnam Street) appeared before the Board on behalf of the property owners.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a garage addition to the existing home. The Planning Department found no hardship or practical difficulty and believed that a garage in compliance with zoning regulations could be built. He noted that a number of lots in the area had been granted side yard setback waivers, but none were as close as 10’ to the property line. He recommended that the applicant speak with the neighbors about rezoning their properties to a district more consistent with their improvements. The Planning Department recommended denial.  

Mr. Brown stated that the property owner received a letter of support from the neighbor to the east who would be most impacted by the addition (Exhibit B). He explained that the proposed location of the garage addition is the only place on the site that would allow the owner to have a “walk-out” condition below the garage. He noted that there were other properties in the neighborhood that did not comply with the setbacks for the DR zoning classification.  

Mr. Lanoha inquired about the Planning Department’s recommendation that the development property owners have their properties rezoned. Mr. Carter explained that since so many waivers have been granted in that subdivision, it could be determined that the DR zoning is not correct and that an R2 zoning would be more applicable.  

Mr. Lanoha moved to APPROVE in accordance with the plans submitted with the condition that the applicant use similar materials as the existing home. Ms. Donovan seconded the motion.  

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf  

MOTION CARRIED: 5-0
9. Case No. 16-052
   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 12’ deck.
   LOCATION: 4621 South 151st Street
   ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 9, 2016, Rodger Fawcett appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the applicant had recently been granted a waiver from the board which allowed him to construct a sunroom addition to the rear of the home. He was granted to waiver for an 18’ rear yard setback. At that time the applicant proposed building a patio adjacent to the sunroom addition which is allowed in the zoning regulations. The applicant subsequently decided that he preferred a deck instead of a patio; however, the height of the deck and the request for railings mean that it must comply with the 25’ rear yard setback. As with the previous request for the sunroom addition, the Planning Department found no hardship or practical difficulty and believed that the deck should be constructed in compliance with zoning regulations and recommended denial.

In response to Mr. Mahlendorf, Mr. Fawcett stated that the deck would be elevated 24” off the ground which is the same height as the floor of the sunroom. The deck would be the same size as the original patio.

Mr. Carter explained that below the deck is an existing patio. He stated that if the site exceeded the limit of impervious coverage, the patio may need to be removed before the deck was built. There was some discussion about handrail requirements.

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
10. Case No. 16-053
Corey Harpster
17209 Jessica Lane
Gretna, NE 68028

REQUEST: Waiver of Section 55-108 – Variance to the interior side yard setback from 25’ to 12’, to the maximum building coverage from 20% to 23.4%, and to the maximum impervious coverage from 25% to 38.5% to allow for construction of a 16’10” x 22’ garage addition.

LOCATION: 16317 C Street
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of an application to rezone the property from DR to R3.

At the Zoning Board of Appeals meeting held on June 9, 2016, Corey Harpster appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the property in question was part of a larger piece of land that was zoned DR. At some point, the piece of land that the house sat on was split off from that site and the home was constructed on it. The neighborhood surrounding the property is zoned R3. The Planning Department supported the request because the waivers would not be necessary if the site was zoned R3 like the rest of the neighborhood. The Department recommended approval in accordance with the plans submitted, subject to submittal of an application to rezone the property from DR to R3.

Mr. Harpster stated that the property owner was willing to rezone the property to R3.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submittal of an application to rezone the property from DR to R3. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. **Case No. 16-054**  
Foundations Development, LLC  
Rob Woodling  
1886 South 126th Street  
Omaha, NE 68144  

**REQUEST:** Waiver of Section 55-206 – Variance to the rear yard setback from 25’ to 20.9’, 21.1’, 19.8’, 22.2’ & 23.4’ to allow construction of 3 duplexes.  

**LOCATION:** 9220 & 9228 Crown Point Avenue and 5902 North 92nd Street  

**ZONE:** R5  

**PLANNING DEPARTMENT RECOMMENDATION:** Denial.  

At the Zoning Board of Appeals meeting held on June 9, 2016, Rob Woodling appeared before the Board.  

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Department found no hardship or practical difficulty to allow the request and believed that the hardship was created by the design of the structure. He added that a structure in compliance should be constructed since the lots were vacant. The Planning Department recommended denial.  

Mr. Woodling stated that the subdivision was platted in January of 1999 and subsequently re-platted in June of 1999. He explained that the re-plat caused several issues with sewer stub-outs and draining areas going to the wrong places. The waivers would allow the applicant to build on the lot with those existing conditions. He explained that the duplexes would be part of an affordable, senior-housing development with long-term housing tax credits. He further explained that 20% of the units will be for physically handicapped residents, so there must be no-step entries which makes the footprint of the buildings slightly larger. He indicated that the lots are about 10’ shorter than most of the existing lots in the neighborhood that he is trying to match. He indicated that the neighbors adjacent to the lots had been notified by letter and that there were no responses or concerns. He mentioned that he received an email from the president of the neighborhood association expressing his support of the project.  

Ms. Donovan noted that the encroachment into the setbacks were minor and that they should have minimal impact on the surrounding properties.  

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

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

**MOTION CARRIED:** 5-0
12. Case No. 16-055
Omaha Public Schools
4041 North 72nd Street
Omaha, NE 68134

REQUEST: Waiver of Section 55-787 – Variance to the required storm shelter size from 6,050 sq. ft. to 4,551 sq. ft. to allow construction of a new elementary school.

LOCATION: 6523 Western Avenue – Western Hills Elementary

ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 9, 2016, Kenneth Hahn (President - Kenneth Hahn Architects) and Mark Warneke (Director of Facilities – Omaha Public Schools) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the Planning Department uses the building code to determine occupancy for storm shelters based on the area of homeroom classrooms; for the proposed building, 6,050 sq. ft. of storm shelter area is required. The applicant indicated that the projected maximum capacity of the school is 655 and the proposed, available storm shelter area is only 4,551 sq. ft., which provided space for 827 people. The applicant stated that there was a total storm area of 6,203 sq. ft. available for construction; however, part of that space would be for the mechanical room and kitchen space which will not be used for students or staff. The Planning Department found no hardship or practical difficulty and believed that the hardship results from a design preference on the part of the applicant. He stated that the zoning ordinance determines storm shelter size based on occupancy of the building and not on projected attendance calculations. This would ensure that the City would not have to determine in the future if the school had exceeded their maximum capacity, causing issues with the size of an existing storm shelter. He was not aware of any waivers that had been supported by the Planning Department or the Zoning Board of Appeals for a new school. The Planning Department recommended denial of the request.

Mr. Hahn stated that the school district directed that the shelter be large enough to accommodate the projected amount of students, staff and any additional number of individuals that may be added due to portables. That number came to a total of 827 persons. He felt that the zoning ordinance was vague with regards to how storm shelter occupancy is determined and that the size was a number determined by the Planning Department.

In response to Mr. Mahlendorf, Mr. Hahn stated that the mechanical room and kitchen space were not counted in the storm shelter calculations since those spaces were deemed as being not appropriate for children. Mr. Warneke stated that the Health Department advised the applicant that kitchen could not be used as a storm shelter due to safety issues and the chance of contamination of food and other items. In response to Mr. Lanoha, Mr. Hahn stated that if the waiver were not granted, one or two of the classrooms would be “hardened”.

Mr. Hahn stated that the City’s calculations were based on 20 sq. ft. per occupant which comes to 48 students per classroom. He explained that there would never be that many students in a classroom. In response to Mr. Aspen, Mr. Hahn stated that, during the schools highest enrollment, there were 413 students from 2009 through 2016.

Jay Davis, Assistant Planning Director, explained that the Planning Department’s decisions are based on tables out of the International Building Code. He stated that occupant load is determined by a certain square number of feet per person. He explained the factors that were taken into consideration in this particular case. He indicated that the rules will change when the new code is adopted in the future. He briefly discussed another method of calculating occupancy load that was being considered. He did not support reducing the size of the storm shelter based on a projected number instead of one that has been accepted nationally. The code takes into consideration the maximum number of persons who could be in the building at any time, for example, an assembly or other activity.
Mr. Anzaldo suggested that a layover might be necessary to give the applicant and the City time for further discussion of the issue. Mr. Davis stated that he was willing to take the time to meet with the applicant.

Mr. Lanoha stated that he did not support granting a variance in situation that he believed was a worse-case-scenario. He was also concerned with the precedent that would be set, especially considering that other school projects would come before the board in the future.

Mr. Aspen moved to LAYOVER. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
REQUEST: Waiver of Section 55-830 – Variance to the maximum allowed sign budget from 32 sq. ft. to 52.5 sq. ft., to the maximum height for a monument sign from 6' to 12', to the required setback from 12' to 0', and to the height of a wall sign from 16' to 23.5' to allow for an updated sign plan.

LOCATION: 7400 Military Avenue – Marian High School
ZONE: R2 & R2-ACI-3(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submitting an application adding the MCC-Major Commercial Corridor to the site.

At the Zoning Board of Appeals meeting held on June 9, 2016, Gaby Ryan and Rochelle Rohlfis (Marian High School) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to update the signage for the high school and the Servants of Mary Motherhouse with two new monument signs near the Military Avenue entrance to the school, and the existing wall sign on the south face of the building. The Planning Board approved a Major Amendment to the Conditional Use Permit for Secondary Educational Facility to permit the proposed signage, subject to the approval of the requested waivers and submittal of the rezoning application to add the MCC overlay to the site, at its June 2, 2016 meeting. The Planning Department has supported these types of waivers for schools and churches. He explained that once the property is zoned MCC the height waiver would not be necessary. The Department believed that the request was reasonable for the property and recommended approval in accordance with the plans submitted, subject to the submittal of an application adding the MCC overlay to the site.

Ms. Ryan stated that an application to add the overlay had recently been submitted and would be on the July agenda of the Planning Board.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submitting an application adding the MCC-Major Commercial Corridor to the site. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 16-058  
Cormaci Construction  
Attn: Chuck Cormaci  
9404 Sans Arc Drive  
Gretna, NE 68028  

REQUEST: Waiver of Section 55-786(f) – Variance to the maximum height for a chain link fence in a General Office district from 6’ to 8’.

LOCATION: 10714 Mockingbird Drive  
ZONE: GO

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on June 9, 2016, Chuck Cormaci appeared before the Board on behalf of E.W. Scripps Company/KMTV.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install an 8’ tall, chain-link fence on the east, west and a portion of the north side of the site. This fence would provide security for the facility. The zoning regulations limit the size of a fence in this zoning district to 6’. The request would allow the applicant to fence off the parking area from the front wall of the building towards the rear of the site with gated vehicle access on the east and west sides of the building. There was no evidence provided that indicated that the 6’ tall, chain-link fence did not provide adequate security. The Planning Department found no hardship or practical difficulty that would support a waiver of the fence height. He added that if the waiver was granted, the proposed fence should be at least 30’ from the property line along 107th Street because of a required bufferyard in that area that is adjacent to residential properties. The Planning Department recommended denial.

Mr. Cormaci explained that his client was concerned about the safety of their employees. He indicated that in the last 3 months a couple of vehicles had been broken into and property was taken. Armed guards had been hired to protect their staff due to threats and stalkers. He added that the site is open 24 hours and staff is coming and going at all times. He stated that a variance was granted in 2012 for an 8’ fence along the north side of the property and part of the east side along 107th Street. This request would allow an 8’ fence along all four sides of the site. The proposed fence would be 110’ from Mockingbird Drive, 45’ from 107th Street and over 130’ from the homes on the east side of 107th Street. He felt it would be more difficult for someone to climb an 8’ fence and that it would give employees more time to get into their vehicles and lock their doors.

In response to Ms. Donovan, Mr. Cormaci stated that his client had not considered any other fencing material besides chain-link. She stated that she would be more likely to support the request if the fence was made of a different material. Other board members also stated that they would not support an 8’, chain-link fence.

Mr. Cormaci asked if the board would be in support of a wrought iron fence although it would be costly to the owner. Ted Zetzman, Noddle Companies, suggested that, due to the cost involved with a wrought-iron fence, an aluminum segmented fence could be used.

Ms. Donovan moved to APPROVE subject to a fence with a wrought-iron appearance being installed. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Donovan, Anzaldo, Mahlendorf

NAYES: Lanoha

MOTION CARRIED: 4-1
15. Case No. 16-059
Noddle Companies
Attn: Ted Zetzman
2285 South 67th Street
Suite 250
Omaha, NE 68106

REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a temporary parking lot through January 2017.

LOCATION: 1509 Burt Street & 723, 717 & 713 North 16th Street

ZONE: "DS-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, through the end of January 2017, subject to construction related parking and activity only.

At the Zoning Board of Appeals meeting held on June 9, 2016, Ted Zetzman appeared before the Board on behalf of the owner, Kiewit Infrastructure Company.

Mike Carter, Zoning Board of Appeals Administrator, stated that the owner was proposing to utilize a vacant piece of land as a temporary parking and staging area for the structure to the east. The applicant indicated that, upon completion of the project, the site would no longer be used for those purposes. Because of the temporary nature of these types of waiver and the lack of parking and staging areas available in the downtown area, the Planning Department has supported these requests in the past. He stated that the applicant needed to ensure that no rock from that area was tracked out into the streets and that the use is for construction-related activities only. Parking would also not allowed for commercial businesses or other civic events like the College World Series. The Planning Department recommended approval in accordance with the plans submitted, through the end of January 2017, subject to construction related parking and activity only.

Mr. Zetzman stated that there would be fencing installed around the property, along with No Parking signs, so that there would be no unauthorized use of the lot. He was in agreement with the terms of approval.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, through the end of January 2017, subject to construction related parking and activity only. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Mr. Anzaldo moved to APPROVE the minutes for the May 12, 2016 meeting. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:13 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary