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, July 4, 2016 and Thursday, July 7, 2016.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Sebastian Anzaldo
Jeremy Aspen
Jason Lanoha

MEMBERS NOT PRESENT: Jacque Donovan, Vice-Chair
Sean Kelley (Alternate)
Michael Gorman (Alternate)

STAFF PRESENT: Jay Davis, Assistant Director (Permits & Inspections)
Mike Carter, Zoning Board of Appeals Administrator
Jennifer Taylor, City Attorney
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.
LAYOVERS:

1. Case No. 16-047 (from 6-9-16)
   - Miguel Rodriguez
   - 4310 South 21st Street
   - Omaha, NE 68107

   REQUEST: Waiver of Section 55-246 – Variance to the front yard setback from 35’ to 9.9’ and to the interior side yard setback from 5’ to 4.9’, 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 July 14, 2016, Miguel Rodriguez and Rodney Gray appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case was laid over to give the applicant time to obtain and submit a survey that would show the exact location of the deck in relation to the property line at the front of the home. The request was adjusted to be consistent with the survey. The Planning Department found no hardship or practical difficulty and recommended denial.

The applicant stated that he was not aware that a permit was required to build the deck in the front of the home.

Mr. Anzaldo moved to APPROVE in accordance with the revised plans submitted (Exhibit B). Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Lanoha, Mahlendorf

MOTION CARRIED: 4-0
2. Case No. 16-055 (from 6-9-16) REQUEST: Omaha Public Schools
   4041 North 72nd Street
   Omaha, NE 68134
   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 July 14, 2016, Ken Hahn (Kenneth Hahn Architects) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that no new information had been submitted. Mr. Hahn stated that he had met with Jay Davis, Assistant Director – Planning Department, and reviewed the future process that Permits & Inspection was proposing to add to the revised building code with regards to storm shelter size. That process had not yet been finalized through the City’s legal department. If that process were used the applicant would be in compliance and the size of the proposed storm shelter would be more than adequate for the school.

Mr. Davis explained how the size of the proposed shelter had been calculated by using the largest area in the school and determining its maximum load. He stated that this gave the school additional area for portable classrooms and eliminated the need to calculate the occupancy in each classroom. In response to Mr. Mahlendorf, Mr. Davis stated that the process would be addressed in the new building code and that the waiver would serve as a short-term gap until that process had been adopted.

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

AYES: Aspen, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
NEW CASES:

3. Case No. 16-056
   Request: Waiver of Section 55-206 – Variance to
   the rear yard setback from 25’ to 17’ to
   allow reconstruction of a deck.
   
   Bill Bolte
   Bill Bolte Construction
   12411 Hickory Road
   Omaha, NE 68144
   Location: 11766 Roanoke Boulevard
   Zone: R5(35)

Planning Department Recommendation: Denial.

At the Zoning Board of Appeals meeting held on July 14, 2016, Lori Baine (Property Owner) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a deck on the south of the property needed to be replaced. The Planning Department found no record of a waiver for the existing deck in its current location. The Department found no hardship or practical difficulty and recommended denial.

Ms. Baine stated that she was not sure when the deck was originally built and that it was in place when the home was purchased approximately 12 years ago. She and Mr. Carter looked at aerials of the property and it appeared as if the deck had been in its location for several years. She had spoken to her neighbors to the north and southeast and both had submitted letters of support for the project.

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

AYES: Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0
4. Case No. 16-060
   Gladys Vinson
   1906 Binney Street
   Omaha, NE 68110

   REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow a 5’ tall, wrought iron style fence within the front and street side yard setback.

   LOCATION: 1904 & 1906 Binney Street
   ZONE: R7

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 14, 2016, Gladys Vinson appeared before the Board.

Mike Carter, Zoning Board of Appeals Coordinator, stated that the zoning ordinance limits the height of the fence along the street to 4’. The Planning Department found no hardship or practical difficulty to allow the proposed fence. He added that if the board was inclined to grant the request, the applicant should obtain a survey to verify the location of the property line. The Planning Department recommended denial.

Ms. Vinson explained that she was concerned about her safety and for the children that attend the childcare facility in her home. She also wanted to improve the appearance of her home.

Mr. Mahlendorf felt that the fence would not create a visual distraction and expressed support for the fence.

In response to Mr. Aspen, Mr. Carter stated that a survey would protect both the applicant and the city. Ms. Vinson felt that she had a good idea of where the property line was. Mr. Carter explained that the applicant would be able to get a fence permit with the plan submitted but that it would not indicate where the property line was.

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

AYES: Anzaldo, Aspen, Lanoha, Mahlendorf

MOTION CARRIED: 4-0.
5. Case No. 16-061
Jamie Saldi
6910 North 102\textsuperscript{nd} Circle
Omaha, NE 68122

REQUEST: Waiver of Section 55-366, 55-716, 55-740, 55-928(c) - Variance to the rear yard setback from 15' to 0'; to the maximum impervious coverage from 85% to 90%; to the required bufferyard between CC and DR from 30' to 5'; to the perimeter parking lot landscaping from 10' to 5' and 5' to 0'; and to the interior parking lot landscaping from 7% to 4% to allow for the construction of a new commercial development.

LOCATION: 6920 Pacific Street

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

At the Zoning Board of Appeals meeting held on July 14, 2016, Terry Morrison (Ehrhart Griffin & Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeal Administrator, stated that the project requires a number of waivers primarily because of its location in a flood zone that pushes the building further away from the creek. There is an agreement between the property owner and the adjacent Kohl's store that hinders the redevelopment potential of the site. Because of those challenges, the Planning Department believed that the proposed location was the best place for the development. He noted that available parking based on actual uses on the site must comply with zoning regulations and that no parking waivers had been requested. The applicant indicated that there was an agreement with Kohl's for parking. Due to the hardships that result from developing the site, the Planning Department recommended approval in accordance with the plans submitted.

Mr. Morrison stated that the applicant had been working with the city and were in the process of obtaining a Floodplain Development Permit.

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

AYES: Aspen, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0
6. Case No. 16-062
Sahamak Hamearbane
9507 Chicago Street
Omaha, NE 68114

REQUEST: Waiver of Section 55-126 – Variance to the rear yard setback from 35’ to 28’ to allow for a garage addition and sunroom addition to the existing home.

LOCATION: 9507 Chicago Street
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 14, 2016, Sahamak and Mary Hamearbane appeared before the Board. Also in attendance was Vince Kinasek.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant wanted to replace an existing sunroom that was in bad condition. The Planning Department found no hardship or practical difficulty and believed that any improvements should comply with zoning regulations and, therefore, recommended denial.

Ms. Hamearbane explained that she wanted to replace the existing structures due to issues with water drainage and to make the additions structurally sound and aesthetically appealing.

Mr. Mahlendorf noted that there was already an existing sunroom and that the addition would have very little impact on the surrounding neighbors. The applicant explained that the existing sunroom is 29’ from the rear property line and that the request was to extend it a foot closer to the property line. Ms. Hamearbane stated that the neighbors were aware of the project and were not opposed.

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

AYES: Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0
7. Case No. 16-063
Christopher Welsh
9705 Fieldcrest Drive
Omaha, NE 68114

REQUEST: Waiver of Section 55-782(b) - Variance to allow a 2’ roof overhang to extend into the required rear yard setback as close as 32’ from the rear property line.

LOCATION: 9705 Fieldcrest Drive
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 14, 2016, Tom Anderson, Christopher Welsh and Christopher Oldenhuis appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a project was underway to add a covered patio and porch to the rear of the property. The code limits eaves or overhangs to no more than 2’ wide on the property. The Planning Department found no hardship or practical difficulty and believed that the improvement could be constructed in compliance with the code and recommended denial.

Mr. Anderson explained that encroachment had been created inadvertently and that the overhang would consist of just a cover for the deck. He noted that several of the neighbors had signed a statement of support for the project.

Mr. Welsh explained some details of the improvement. He felt that it would add value to the neighborhood as a whole.

Mr. Mahlendorf stated that it did not appear that there would be a significant impact on the surrounding neighbors.

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

AYES: Anzaldo, Aspen, Lanoha, Mahlendorf

MOTION CARRIED: 4-0
8. Case No. 16-064
  Blake Ihrke
  5909 North 52nd Street
  Omaha, NE 68104
  \ REQUEST: \ Waiver of Section 55-146 – Variance to the rear yard setback from 25’ to 12’ for a covered breezeway.
  LOCATION: 1306 South 78th Avenue
  ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on July 14, 2016, Blake Ihrke (Maple Shadows Construction) and Jeff Sauvageau appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the covered breezeway would be constructed between the existing patio and a garage that was also to be constructed. He explained that there was no exception in the code to allow that type of structure in the rear yard setback. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Ihrke explained that the plans for the garage had been approved and was being built. The attached breezeway was considered an accessory structure to that garage but would actually be a functional part of the garage. He added that the original purpose of the breezeway was to get to the back door that would be the new main entrance. He stated that the breezeway would have little to no visual impact on the neighbors.

Mr. Carter explained that the request was listed on the agenda as if the proposed breezeway would be a standalone structure that was not connected to the patio or garage. If that structure was connected to the garage, the case would need to be laid over and re-advertised. The applicant indicated that there would be a gap between the breezeway and its adjacent structures.

Mr. Sauvageau explained that the request would help his daughter with special needs.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted subject to the breezeway not being connected to the garage or pool house. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Lanoha, Analdo, Mahlendorf

MOTION CARRIED: 4-0
APPROVAL OF MINUTES:

Mr. Anzaldo moved to APPROVE the minutes for the June 9, 2016 meeting. Mr. Mahlendorf seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:01 p.m.

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Approved (date)

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Brian Mahlendorf, Chair

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Clinette Ingram, Secretary