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, January 2, 2017 and Thursday, January 5, 2017.

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

MEMBERS NOT PRESENT: Jason Lanoha
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.
LAYOVERS:

1. Case No. 16-111
   Chad Bumsted
   Choice Homes
   1221 East Pierce St.
   Suite 300
   Council Bluffs, IA 51503
   REQUEST: Waiver of Section 55-126 – Variance to the
   front yard setback from 50’ to 25’; to the
   interior side yard setback from 25’ to 10’
   and to the rear yard setback from 35’ to 30’
   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 January 12, 2017, Chad Bumsted appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid over to allow an additional waiver of the rear yard setback to be advertised. The Planning Department continued to find no hardship or practical difficulty to allow the waivers and recommended denial. He added that he received an email after the December meeting from a neighbor who was opposed to the request.

Mr. Bumsted stated that the property owner and the president of the neighborhood association had spoken with the neighbor in opposition. The neighbor objected to the removal of some trees and the change of view that would occur with the construction of the home.

Robert S. Thompson, 957 South 220th Street, appeared in support of the request. Mr. Thompson is President of the Lower Quail Ridge Homeowner’s Association. The association had met with the owner and builder and believed that the plans for the home were well-suited to the community.

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

AYES: Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 4-0
2. Case No. 16-118 - **LAYOVER**  
Robert & Sharon Bruning  
16201 Fort St.  
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

A layover was requested for this case.

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

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

**MOTION CARRIED:** 4-0
NEW CASES:

3. Case No. 17-001
   Robert Byers
   22630 Southshore Dr.
   Waterloo, NE 68069
   REQUEST: Waiver of Section 55-146 – Variance to the front yard setback from 40’ to 28’8” to allow a garage addition.
   LOCATION: 22630 Southshore Drive
   ZONE: R2

Mike Carter, Zoning Board of Appeals Administrator, requested that the case be laid over for proper advertising and notification.

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

AYES: Aspen, Donovan, Anzalo, Mahlendorf

MOTION CARRIED: 4-0
4. Case No. 17-002
Paula Glissman
Simmonds Properties LTD
3730 S. 148th Street, #107
Omaha, NE 68144

REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 27 to 10 to allow a Restaurant (Drive-in) use.

LOCATION: 815 North 204th Avenue
ZONE: CC-MCC

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Joe Flaxbeard (Lamp Rynearson) and Paula Glissman appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the site contained two lots: an existing Jimmy John’s restaurant on the south of the site and a proposed coffee shop to the north. He explained that there was an issue with the amount of available parking since Jimmy John’s required 26 stalls and the proposed coffee shop would require 27. There are only 36 total available parking stalls for the entire site. The Planning Department found no hardship or practical difficulty and recommended denial.

Mr. Flaxbeard explained that the coffee shop business and the Jimmy John’s restaurant had differing peak hours, with the Starbucks’ traffic occurring mainly during the morning and Jimmy John’s during lunch and dinner hours. He added that most of the Starbucks’ business would consist primarily of drive-through customers. In addition, there is legal, on-street parking along 204th Avenue that is available to customers of both facilities. He stated that there an existing easement would allow both businesses to share parking and that there was a shared-access drive agreement and a common area maintenance agreement in place.

In response to Ms. Donovan, Ms. Glissman stated that the applicant planned to hold both properties and that both tenants had long-term leases.

Mr. Aspen moved to APPROVE in accordance with the plans submitted for THIS APPLICANT ONLY. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0
5. Case No. 17-003
Brent Beller
Baird Holm LLP
1700 Farnam St.
Ste. 1500
Omaha, NE 68102
REQUEST: Waiver of Section 55-406, 55-716, 55-740 & 55-928 - Variance to the maximum impervious surface coverage from 90% to 92%, to the bufferyard between GC and R8 from 20' to 6'2", to the minimum perimeter parking lot landscaping from 10' to 6'2" and 5' to 4'3" and to the green parking area perimeter landscaping from 15' to 9'6" to allow for reconstruction of the parking lot.

LOCATION: 4922-4964 Dodge Street, 115 North 50 Street
ZONE: GC-ACI-2(50) and GC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to submittal of an application to rezone the overall site to CC-Community Commercial District, with the ACI-Area of Civic Importance Overlay District.

At the Zoning Board of Appeals meeting held on December 8, 2016, Michael Alley (Alley Poyner Macchietto Architecture) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to renovate the existing Dundee Theater. As part of that project, the home on the southeast corner of 50th and Capitol would be demolished and the parking lot that serves a number of buildings on the site would be rebuilt. The Planning Department found that there was a hardship/practical difficulty that resulted from the confined space that was available for the reconstruction of the parking area. The Department also found that the improvements would be beneficial to the area. He mentioned that there was some discussion regarding a screen wall along Dodge Street. The applicant indicated that there was a below-grade basement in the area up to the property line and that it might not be possible to construct a wall on top of it. The Planning Department stated that, if possible, the wall should be constructed since it would eliminate the need for the waiver for landscaping along Dodge Street. The Department also recommended that the site be rezoned to CC (Community Commercial District) with the ACI (Area of Civic Importance Overlay District).

Mr. Alley stated that the owner was in agreement with rezoning the property. He explained the anticipated traffic flow of the site. In response to Ms. Donovan, he explained that after the improvements to the site, one parking stall would be added.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to submittal of an application to rezone the overall site to CC-Community Commercial District, with the ACI-Area of Civic Importance Overlay District. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 4-0
6. Case No. 17-004
   Chris Wayne
   City of Omaha
   1819 Farnam St.
   Omaha, NE 68183

   REQUEST: Waiver of Section 55-206 & 55-742 – Variance to the minimum lot size from 5,000 sq. ft. to 4,523 – 4,995 sq. ft.; to the front yard setback from 25’ to 20’ and 13’; to the street side yard setback from 15’ to 13’ and 12’; to the rear yard setback from 25’ to 17’, to allow required off-street parking in the front yard setback to subdivide the property into 7 lots for single-family residential homes.

   LOCATION: Between Locust and Corby Streets from 19th Street to Florence Boulevard

   ZONE: R7 & GC (R5 pending)

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

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

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to subdivide the land to construct additional homes and also to extend 19th Avenue. The Planning Department found that there was a hardship due to the substandard size of the properties and recommended approval in accordance with the plans submitted.

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

   AYES: Aspen, Donovan, Anzaldo, Mahlendorf

   MOTION CARRIED: 4-0
7. Case No. 17-005
   Eric & Ann Wieseler
   9217 Davenport St.
   Omaha, NE 68114
   REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40.7’ to allow construction of a garage addition.
   LOCATION: 9217 Davenport Street
   ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on December 8, 2016, Ted Brownlee (Axiom Construction Services, Inc.) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants were proposing to construct an attached garage onto the existing residence. The garage would extend into the required front yard setback from Davenport Street. The Planning Department found no hardship or practical difficulty and believed that the garage should either be removed or reduced to meet the setback regulations. The Department recommended denial.

Mr. Brownlee stated that the lot was irregularly shaped and that the front of the home was situated more towards 92nd Street. He explained that the proposed placement of the garage would balance out the lot and would add more value to the home. In response to Ms. Donovan, Mr. Brownlee stated that the existing trees would stay in place.

Mr. Wieseler stated that he had spoken with his adjacent neighbors and that both were in support of the project. He felt that a hardship resulted from how the home was situated on the lot. He submitted two letters of support from his neighbors and a rendering of the project (Exhibit B). The applicant stated that the addition would match the dimensions and materials of the existing garage.

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

AYES: Donovan, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0
ELECTION OF OFFICERS:

Mr. Anzaldo moved to ELECT Mr. Mahlendorf as CHAIR. Ms. Donovan seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 4-0

Mr. Anzaldo moved to ELECT Ms. Donovan as VICE-CHAIR. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Anzaldo, Mahlendorf

MOTION CARRIED: 4-0

APPROVAL OF MINUTES:

Motion by Mr. Anzaldo to APPROVE the minutes of the December 8, 2016 meeting. Second by Ms. Donovan.

AYES: Donovan, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 4-0

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 1:51 p.m.

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Approved (date)

____________________________________________
Brian Mahlendorf, Chair

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Clinette Ingram, Secretary