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 27, 2017 and Thursday, March 2, 2017.

MEMBERS PRESENT: Jason Lanoha (Acting Chair)
Sebastian Anzaldo
Jeremy Aspen
Sean Kelley (Alternate)

MEMBERS NOT PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator
Jennifer Taylor, City Attorney
Clinette Ingram, Recording Secretary
Rikki Flott, Planning Department

The meeting was called to order at 1:00 p.m. Mr. Anzaldo moved to elect Mr. Lanoha as Acting Chair and Mr. Aspen as Vice Chair for this meeting only. Mr. Aspen seconded the motion. The motion was approved unanimously.

Mr. Lanoha introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

1. Case No. 17-008 (from 2/9/17) REQUEST: Waiver of Section 55-126 & 55-715 - Variance to the front yard setback from 50' to 40', to the interior side yard setback from 25' to 10' and to the street yard landscaping depth from 30' to 0' to allow construction of a new home.

   LOCATION: 5015 South 237th Circle
   ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: DENIAL of the waiver for the street yard landscaping and APPROVAL of the waiver for the front and interior side yard setbacks, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on March 9, 2017, Pete Widhalm appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant the opportunity to appear before the Board. The property is in the Hamptons subdivision and was originally developed under Douglas County regulations. Part of the subdivision was annexed under Omaha’s jurisdiction and a waiver was granted in 2008 for the front and side yard setbacks of those lots. A recent annexation resulted in the remaining lots that were not part of the 2008 waiver coming under Omaha jurisdiction. The applicant requested waivers to the front and side yard setbacks that were similar to what was granted in 2008. He added that the request also included a waiver to the street yard landscaping depth which was not included under the previous waiver. The Planning Department supported and recommended approval of the waiver for the front and side yard setbacks in accordance with the plans submitted, but denial of the request for the waiver to the street yard landscaping depth.

With regards to the waiver for the street yard landscaping, Mr. Widhalm explained that due to the topography of the lot, a waiver was needed to accommodate the driveway from the home. He also added that the home could not be pushed back due to a sinkhole and washout located to the rear of the property.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
2. Case No. 17-016 (from 2/9/17) REQUEST: Waiver of Section 55-523 - Variance to the permitted use regulations of the HI district to allow Single-family Residential (Detached) not otherwise permitted.
Byron J. Boyd
1007 Normandy Dr.
Bellevue, NE 68005
LOCATION: 2419 South 27th Avenue
ZONE: HI

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

At the Zoning Board of Appeals meeting held on March 9, 2017, Byron J. Boyd appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant submitted a rezoning request to the Planning Board in September 2016. The Planning Board suggested that the applicant appear before the Zoning Board of Appeals to request a Use Waiver for the home. Mr. Carter explained that the home was in an area zoned Heavy Industrial which does not allow single-family residential. The home was constructed at the time when this situation was allowed. He mentioned that a similar waiver was granted to a property to the south in 2009. The Planning Department believed that the Use Waiver was an acceptable alternative to rezoning the property and recommended approval in accordance with the plans submitted.

Mr. Boyd explained that he was attempting to sale the home but was informed that it could not be sold due to the current zoning of the property.

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

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
3. Case No. 17-017 (from 2/9/17)  
David E. Anderson  
4805 N. 107th St.  
Omaha, NE 68134  
REQUEST:  Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 6’9” to allow a garage addition.  
LOCATION:  4805 North 107th Street  
ZONE:  R2  

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

At the Zoning Board of Appeals meeting held on March 9, 2017, David E. Anderson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an addition to the north side of the existing home that would extend as close as 6’9” from the side property line. The Planning Department found no hardship or practical difficulty and believed that any addition should comply with zoning regulations and recommended denial.

Mr. Anderson submitted 3 examples from the neighborhood where 3-car garages had been built that encroached into the side yard setback (Exhibit B) and 2 letters of support from the adjacent neighbors (Exhibit C). He stated that the materials used for the addition would match the existing home.

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

AYES: Kelley, Anzaldo, Aspen, Lanoha  

MOTION CARRIED: 4-0
4. Case No. 17-021 (from 2/9/17)  
Clarity Development  
144 S. 39th St.  
Omaha, NE 68131  

REQUEST: Waiver of Section 55-734 - Variance to the minimum number of off-street parking stalls from 102 to 51 to allow a 51-unit, senior-living facility.  

LOCATION: Southeast of Blair High Road and 93rd Avenue  

ZONE: DR (R6 proposed)  

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the applicant recording against the property, with the Douglas County Register of Deeds, a copy of the letter from Magellan, or similar documentation of the agreement regarding future parking rights.

At the Zoning Board of Appeals meeting held on March 9, 2017, Neeraj Agarwal appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid over to give the applicant time to submit additional information. A revised site plan was subsequently submitted to the Planning Department showing additional parking to the west of the proposed site. He noted that the applicant submitted documentation from Magellan who owned an existing pipeline under the site that gave the applicant permission to have parking on the site. He explained that the Planning Department has typically supported requests for reduced parking at senior-living facilities due to lower demand and, therefore, recommended approval in accordance with the plans submitted, subject to the applicant recording against the property, with the Douglas County Register of Deeds, a copy of the letter from Magellan, or similar documentation of the agreement regarding future parking rights.

Mr. Agarwal stated that the applicant was in agreement with the Planning Department’s recommendation.

Mr. Anzaldo noted that the demand for parking was typically lower at senior-living facilities and that occasionally transportation would be provided for residents.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to the applicant recording against the property, with the Douglas County Register of Deeds, a copy of the letter from Magellan, or similar documentation of the agreement regarding future parking rights. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha  

MOTION CARRIED: 4-0
NEW CASES:

5. Case No. 17-012
   Ryan Lindquist
   Elkhorn School Dist. 10
   20650 Glenn St.
   Omaha, NE 68022
   REQUEST: Waiver of Section 55-108 – Variance to the maximum impervious surface coverage from 25% to 28% to allow for campus parking improvements.
   LOCATION: 3100 North 206th Street
   ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the submittal of an application rezoning the campus to R4.

At the Zoning Board of Appeals meeting held on March 9, 2017, Brian Emmerich, DLR Group - 6457 Frances Street, appeared before the Board on behalf of the applicant.

Mr. Emmerich requested a layover on the applicant's behalf. Mike Carter, Zoning Board of Appeals Administrator, stated that a revised plan that reflected the correct percentage of impervious coverage needed to be submitted.

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

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
6. Case No. 17-013
Frank R. Krejci
1505 N. 203rd St.
Elkhorn, NE 68022

REQUEST: Waiver of Section 55-659, 55-740(e) & 55-740(f) - Variance to the hard-surfacing requirement for an off-street parking facility to allow a gravel surface, to the minimum interior parking lot landscaping from 5% to 0% and to the permitted use regulations of the FW overlay district to allow Outdoor Sports and Recreation, not otherwise permitted.

LOCATION: Approximately 2,000’ north of West Maple Road, east side of 230th Street (Lot 1, St. Pat’s Field)

ZONE: AG-FF/FW (DR-FF/FW proposed)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to and compliance with an approved floodplain development permit, including a no-rise certification.

At the Zoning Board of Appeals meeting held on March 9, 2017, Jim Lang appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to use the parcel of land for a private outdoor sports and recreational facility that would ultimately be conveyed to St. Patrick’s Catholic Church of Elkhorn. The field would be used from about April 1st through October 31st each year during daylight hours since no field lighting would be provided. The applicant had gone through the platting and rezoning process and had also obtained a Special Use Permit for Outdoor Sports and Recreation in a DR district from the Planning Board. The Planning Board recommended approval subject to approval of the requested waivers from the Zoning Board of Appeals. Mr. Carter noted that the parking area would be gravel for approximately 300 parking stalls; however, there would be a 50’ paved access from 230th Street. The floodway request pertains to the southern portion of the property where parking and part of the field will be located. The applicant indicated that there would be no structures or grading in the floodway although a floodplain development permit would be required, including a no-rise certification. The Planning Department believed that the request was acceptable since the proposed use is similar to a Parks and Recreation Services use or city park that is permitted in the floodway. The only difference is that city parks are publicly owned and this location would be privately owned. He noted that if approved, the waiver would not be to the technical floodplain management standards which is required by the ordinance, but is the minimum necessary to afford relied for the proposed use. The Planning Department recommended approval in accordance with the plans submitted, subject to and compliance with an approved floodplain development permit, including a no-rise certification.

Mr. Anzaldo commended the applicant for his efforts on behalf of the City and others.

The applicant was in agreement with the Planning Department’s recommendation.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to and compliance with an approved floodplain development permit, including a no-rise certification. Mr. Kelley seconded the motion.

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
7. Case No. 17-023
Craig Pennell
CPTO, Inc.
1624 E. Ridge Way
Ashland, NE 68003

REQUEST: Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 20’ to allow construction of a 10’ x 24’ covered front porch.

LOCATION: 4839 William Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 9, 2017, Craig Pennell and Janie Carrig appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a porch on the front of the home. The existing home is 30’ from the property line and the proposed addition would extend as close as 20’ from the property line. The Planning Department found no hardship or practical difficulty, adding that the proposed addition would be closer to William Street than most of the other homes on that side of the street. He noted that there are no residential districts with a 20’ front yard setback. The Planning Department recommended denial.

Mr. Pennell presented information that showed the home-to-curb distance of other nearby properties (Exhibit B).

Mr. Lanoha mentioned that the board did drive by to visit the property.

Ms. Carrig stated that she had spoken with her neighbors and that they were all in support of the request. She felt that the addition would enhance her home and the neighborhood.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
8. Case No. 17-024
Paul Kelly, AIA
440 N. 61st St.
Omaha, NE 68132

REQUEST: Waiver of Section 55-126, 55-715 and 55-740(f)(4) - Variance to the maximum impervious surface coverage from 30% to 40%, to the minimum street yard landscaping depth from 30’ to 2’, to the minimum street yard landscaping percentage from 25% to 30.5% and to the perimeter parking lot landscaping from 10’ to 1’ to allow for a new circular driveway.

LOCATION: 6237 Underwood Avenue
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 9, 2017, Paul Kelly and Gretchen McGill appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the property was substandard for the R1 zoning classification and was more consistent with R2. If the property was zoned R2 the proposed impervious surface coverage and street yard landscaping percentage would comply with a small adjustment; however, the street yard landscaping depth and perimeter parking lot landscaping setback would still not comply. The Planning Department found no hardship or practical difficulty and believed that any construction should comply with the requirements. He added that an alternative would be to install a hammerhead turnaround to allow vehicles to enter the street in a forward position instead of backing onto Underwood Avenue. That option would most likely not require a waiver or would reduce the number of requested waivers. The Planning Department recommended denial.

Mr. Kelly stated that the request would make pick-ups and drop-offs safer. He added that the existing driveway is only 11’ wide and that the owner was attempting to protect an existing oak tree in the front yard. He further added that there were several homes in the neighborhood with circle drives, some that were close to the property line.

Ms. McGill spoke more about the safety concerns and how a hammerhead turn would affect the existing oak tree. She stated that a circle driveway would be consistent with those in the area.

Mr. Lanoha mentioned that the board had visited the property.

Mr. Kelley suggested that the case be laid over so that the applicant would have more time to consider the Planning Department’s recommendation and so that it could be heard before a full board. Mr. Lanoha stated that he did not feel that a circle driveway was the best solution and that the hammerhead option should be considered.

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

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOTION CARRIED: 4-0
9. Case No. 17-025
   Chris Erickson
   City Ventures
   905 Jones St.
   Omaha, NE 68102

   REQUEST: Waiver of Section 55-837 – Variance to the
   maximum area for a projecting sign from 32
   sq. ft. to 75 sq. ft., to the maximum height
   for a projecting sign from 20’ to 55’ and to
   allow a projecting sign with bare bulbs.

   LOCATION: 3030 North 60th Street
   ZONE: NBD-MCC

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

   At the Zoning Board of Appeals meeting held on March 9, 2017, Chris Erickson and Troy Panagiotis
   (Omaha Neon Sign) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the property owner was proposing to
   install signage on the Benson mixed-use development that was under construction. The signage complies
   with all zoning regulations except for the projecting sign proposed for the northeast corner of the building.
   The Planning Department believed that the proposed sign was consistent with the scale of the building
   and that the bare bulb design was acceptable due to the applicant’s intent to pay respect to the history of
   unique signage in the Benson area and, therefore, recommended approval in accordance with the plans
   submitted.

   Mr. Erickson stated that the sign design had received positive feedback from many of the business owners
   and other interested parties in the area.

   Mr. Lanoha noted that the board had received letters of support from Councilmember Pete Festersen and
   from the Benson Business Improvement District.

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

   AYES: Kelley, Anzaldo, Aspen, Lanoha

   MOTION CARRIED: 4-0
10. Case No. 17-026
   Gerald Waldow
   BPO Elks Lodge #39
   6410 S. 96th St.
   Omaha, NE 68127
   REQUEST: Waiver of Section 55-832 – Variance to the sign regulations to allow a monument sign with electronic messaging not otherwise permitted.
   LOCATION: 6410 South 96th Street
   ZONE: R8

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on March 9, 2017, Carol Waldow, Shaun Dolphens and Rick Dolphens appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to remove an existing pole sign and replace it with a new monument sign that complies with the zoning requirement in all respects, with the exception of the proposed electronic messaging center. Electronic messaging is not allowed in the R8 zoning classification. The Planning Department found no hardship or practical difficulty to allow the request and recommended denial.

Ms. Waldow explained that the lodge frequently has fundraisers for various causes. She indicated that visitors to the lodge often have trouble locating the property and that electronic messaging was needed to advertise fundraisers and other events located at the site.

Sean Dolphen added that the applicant would agree to no moving or flashing information on the sign so that it would not be a nuisance to the public. He further added that the sign would allow the applicant to advertise multiple events, eliminating the need for frequent manual sign changes.

Mr. Kelley stated that he could support the sign if there was no flashing or scrolling messages and no advertisement of events outside of the lodge. Ms. Waldow added that the sign could also be on a timer so that it was not on all night. There was some discussion about hours of operation. It was decided that the sign would operate between 7 a.m. to 11 pm.

Mr. Aspen moved to APPROVE accordance with the plans submitted, subject to no commercial or off-premise advertisements, flashing or scrolling allowed on the sign and the hours-of-operation shall be from 7a.m. to 11p.m. Mr. Kelley seconded the motion.

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
11. Case No. 17-027
   Ruben D. Gomez
   Little Venez, LLC
   3801 Frances St.
   Omaha, NE 68105

   REQUEST: Waiver of Section 55-246 – Variance to the
   minimum lot width from 40’ to 22’, to the
   minimum lot size from 4,000 sq. ft. to 3,212
   sq. ft., to the site area per unit from 4,000
   sq. ft. to 3,212 sq. ft. and to the street side
   yard setback from 15’ to 0’, to allow for the
   property to be properly platted and
   construction of a single-family home.

   LOCATION: 1947 South 28th Street
   ZONE: R7

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

   At the Zoning Board of Appeals meeting held on March 9, 2017, Ruben Gomez appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a
   single-family home on a 22’ wide lot. The Planning Department believed that, due to the small size of the
   property and the extensive right-of-way for Martha Street, the waivers were reasonable in order to have
   the lot be developed and, therefore, recommended approval in accordance with the plans submitted.

   Mr. Anzaldo commended the applicant for utilizing the lot.

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

   AYES: Aspen, Kelley, Anzaldo, Lanoha

   MOTION CARRIED: 4-0
12. **Case No. 17-028**
   
   **Casey Logan**
   **Film Streams, Inc.**
   **1340 Mike Fahey St.**
   **Omaha, NE 68102**

   **REQUEST:** Waiver of Section 55-836 – Variance to the maximum sign budget from 192 sq. ft. to 350 sq. ft. and to allow an above the peak roof sign, not otherwise permitted.

   **LOCATION:** 4952 & 4964 Dodge Street
   **ZONE:** GC-ACI-2(50), CC-ACI-2(50)-pending

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

   At the Zoning Board of Appeals meeting held on March 9, 2017, Michael Alley (Alley Poyner Macchietto Architecture) appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was requesting signage for the renovated Dundee Theater. The proposed peak-roof sign would be consistent with the historical features of the property. He explained that a condition of approval for a previous waiver request was rezoning of the property to CC (Community Commercial) which reduced the amount of sign budget available for the site from 258 square feet to 192 square feet. The Planning Department believed that the request was acceptable and consistent with the historical signage for the site and, therefore, recommended approval in accordance with the plans submitted.

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

   **AYES:** Kelley, Anzaldo, Aspen, Lanoha

   **MOTION CARRIED:** 4-0
13. Case No. 17-029
   Peter G. Pol
   910 S. 220th St.
   Omaha, NE 68022

   REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 35’ to allow a home addition.

   LOCATION: 910 South 220th Street
   ZONE: R1

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

At the Zoning Board of Appeals meeting held on March 9, 2017, Mick McGuire (Straightline Design) and Peter Pol appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an addition to the northwest side of the existing home which is located 36’ from the property line. The property was originally developed under Elkhorn regulations which had a 35’ front yard setback. As a result of Omaha’s annexation of Elkhorn and the zoning conversion which occurred, larger setbacks were required. The Planning Department believed that the request was acceptable and recommended approval in accordance with the plans submitted.

Mr. McGuire submitted a letter of support from the Quail Ridge Neighborhood Association (Exhibit B) and signatures from the neighbors expressing support for the project (Exhibit C).

Mr. Pol stated that he had spoken with all of the neighbors within 300’ of his property line and was able to get signatures from all those that he spoke with.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
14. Case No. 17-030
   Best Lawn
   2205 N. 88th St.
   Omaha, NE 68134

   REQUEST: Waiver of Section 55-126 & 55-782(b)(2) - Variance to the rear yard setback from 25' to 2' and to the setback for a patio from 15' to 2' to allow for the construction of a pool house and patio area.

   LOCATION: 10917 Walling Circle
   ZONE: R2

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on March 9, 2017, Clif Poling appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 20' x 55' pool house and patio to the rear of the home that would both encroach into the required rear yard setback and the setback for a patio space. The Planning Department found no hardship or practical difficulty and believed that any additions should be built in compliance with the code. He noted that there appeared to be some vacant land to the north of the home that could potentially be used to construct the improvements. The Planning Department recommended denial.

   Mr. Poling explained that the property backs up to I-680 and would have little to no impact on any of the neighbors. He added that there was no way to build within the side yard and have room for the pool. In response to Mr. Lanoha, he stated that both neighbors were contacted and that they had no objections to the request.

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

   AYES: Aspen, Kelley, Anzaldo, Lanoha

   MOTION CARRIED: 4-0
15. Case No. 17-031
Imelda Onate
5008 Glasgow Ave.
Omaha, NE 68157

REQUEST: Waiver of Section 55-186 – Variance to the minimum lot width from 50’ to 45’ to allow the property to be properly platted.

LOCATION: 2524 South 9th Street
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on March 9, 2017, Imelda Onate (Contractor) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that since the lot is only 45’ wide, it does not meet the minimum requirements for its zoning classification. The Planning Department believed that there was a practical difficulty due to the inability to widen the existing property to meet the minimum requirements. In addition, the size of the lot is consistent with other lots in the neighborhood. The Planning Department recommended approval in accordance with the plans submitted.

In response to Mr. Anzaldo, Ms. Onate explained that she was not the owner or developer but would be in charge of construction.

David Pazout (2530 South 9th Street) appeared in opposition to the request. His home is next door to the lot. He was concerned about issues with sinking on the lot and cracks that he has seen in his walls and in the basement. He felt that the new home would be too close to his property. Mr. Lanoha responded that the Mr. Pazout’s concerns would not necessarily impact the board’s decision and that the new construction could possibly improve his situation.

Jennifer Taylor, Attorney – City Law Department, explained that the requested waiver would allow the property to be developed in its current condition. The waiver would apply to the property and not its current owner.

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

AYES: Kelley, Anzaldo, Aspen, Lanoha

MOTION CARRIED: 4-0
16. Case No. 17-032
Invest Omaha, LLC
8644 Executive Wood Dr.
Lincoln, NE 68152
REQUEST: Waiver of Section 55-832 – Variance to the maximum sign budget from 40 sq. ft. to 88 sq. ft. and to allow an 80 sq. ft. projecting sign not otherwise permitted.
LOCATION: 3601 Jones Street
ZONE: R8-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on March 9, 2017, Larry Jobeun and Charlie Sullivan appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to install signage for a 153-unit, multi-family, residential project that was currently under construction. Two signs were proposed: a canopy sign at the entrance on the north side of the building and a projecting sign at the southeast corner of the building. The sign budget for the R8 district is limited; however, due to the size of the project, the location of the building close to the street and the multiple street frontages for the property, the Planning Department believed the request was acceptable and recommended approval in accordance with the plans submitted.

Mr. Jobeun stated that the applicant had worked with the Planning Department on the design.

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

AYES: Anzaldo, Aspen, Kelley, Lanoha

MOTION CARRIED: 4-0
17. Case No. 17-033  
Rodrigo Lopez  
Capitol Place, LLC  
14010 Browne Cir.  
Omaha, NE 68164

REQUEST: Waiver of Section 55-740(f) and 55-928 - Variance to the minimum perimeter parking lot landscaping from 5’ to 1’, to the perimeter landscaping area for a green parking area from 7.5’ with a screen wall to 2’ with a screen wall and 15’ to 4’.

LOCATION: Southwest of 9th Street and Capitol Avenue

ZONE: DS-ACI-1(PL) and CBD-ACI-1(PL), (CBD-ACI-1(PL)-pending)

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

At the Zoning Board of Appeals meeting held on March 9, 2017, Joe Flaxbeard appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to redevelop the site with a mixed-use development. As part of the project, a parking lot was planned for the corner of 9th Street and Capitol Avenue that will need perimeter landscaping waivers. The Planning Department believed that there was a practical difficulty due to the dimension of the space and the confined surface parking lot. The Planning Department felt that the request was acceptable and recommended approval in accordance with the plans submitted.

Mr. Flaxbeard stated that he worked with members of the Planning Department on the plan.

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

AYES: Aspen, Kelley, Anzaldo, Lanoha

MOITON CARRIED: 4-0
APPROVAL OF MINUTES:

Motion by Mr. Aspen to APPROVE the minutes of the February 9, 2017 meeting. Second by Mr. Anzaldo.

AYES: Anzaldo, Aspen, Lanoha

ABSTAIN: Kelley

MOTION CARRIED: 3-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:36 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary