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, April 3, 2017 and Thursday, April 6, 2017.

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

MEMBERS NOT PRESENT: Sean Kelley (Alternate)

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

The meeting was called to order at 1:00 p.m. Mr. Mahlendorf introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

1. Case No. 16-118 (from 2/9/17) 
   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

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on April 13, 2017, Jerry Slusky (8712 West Dodge) appeared before the Board on behalf of the applicant.

Mr. Slusky requested a 30-day layover so that the applicants could continue to meet with City staff and work out the issues.

Mr. Mahlendorf advised Mr. Slusky that the board would not be able to waive the building code requirements.

Mr. Thomas Neal (5105 N. 161st Ave. Cir.) appeared before the board in opposition to the request. He referred to a letter that he had previously submitted to the board dated February 7, 2017 which outlined ongoing issues with the property. He believed that continual layovers would prove to be advantageous for the applicants. He stated that the issues continued to occur, even while the case was active. He added that there was still activity on the site and noise that was inconsistent with the agricultural zoning regulations. He mentioned that trash pick-up still occurred on Tuesday mornings, as early as 5:30 a.m. in addition to the existing zoning violations and other concerns. He requested that, if the waivers were granted, the board take into consideration the past history of the site and that any decisions made by the board be enforced. He also requested that the board direct the applicant to stop the early trash pick-up while a decision on the case was being made.

Mr. Mahlendorf responded that the board believed that a layover was necessary to facilitate additional discussion among all parties involved.

Ms. Donovan moved to LAYOVER to allow for additional discussion. Mr. Lanoha seconded the motion.

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf

NAYES: Aspen

MOTION CARRIED: 4-1
2. Case No. 17-012 (from 3/9/17)  
Request: Waiver of Section 55-108 – Variance to the maximum impervious surface coverage from 25% to 55% to allow for campus parking improvements.

Ryan Lindquist  
Elkhorn School Dist. 10  
20650 Glenn St.  
Omaha, NE 68102

Location: 3100 North 206th Street  
Zone: DR

Planning Department Recommendation: Approval in accordance with the plans submitted, subject to submittal of an application to rezone the campus site to R5.

At the Zoning Board of Appeals meeting held on April 13, 2017, Brian Emmerich (6457 Frances Street) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over to give the applicant the opportunity to file a revised request. The applicant was proposing to improve the parking and drive access to the site, which included an elementary school, middle school and teacher workshop areas. The site is zoned DR which restricts the amount of impervious coverage. The DR zoning is typically not a zoning classification for a school. The Planning Department was in support of the request to allow the school to supply the necessary parking and access to the site and, therefore, recommended approval in accordance with the plans submitted, subject to submittal of an application to rezone the campus site to R5. He explained that once the property was rezoned, the waiver would not be necessary since the amount of impervious coverage would then match with the R5 zoning classification.

Mr. Emmerich was in agreement with the Planning Department’s recommendation.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to submittal of an application to rezone the campus site to R-5. Mr. Lanoha seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
3. Case No. 17-024 (from 3/9/17)  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 April 13, 2017, Paul Kelly, Jack McGill and Gretchen McGill appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the case had been laid over to give the applicant more time to look into alternative designs for the proposed parking area and driveway. Additional information had been submitted. The Planning Department found no hardship or practical difficulty to allow the request and continued to recommended denial.

Mr. Kelly explained that the homeowners had indicated that there were ongoing issues with pickups/drop-offs at their home and that visitors had to park some distance away due to the heavy traffic on Underwood Avenue. He indicated that the zoning of the property was part of the issue, since an R2 or R3 zoning classification would reduce the amount of required impervious coverage. The applicant’s solution for the parking issues was the creation of a circle drive; however, the Planning Department believed that a hammerhead turnaround would be a better alternative. Mr. Kelly stated that, since the existing driveway was only 10’ wide, there would not be enough space for the turn-around. He added that there were also grading issues and an existing retaining wall that would make the turn-around impossible. He explained that visitors had to park on 63rd Street where there were no sidewalks. For the safety of their visitors and pedestrians, the homeowners decided that they would rather have the circular driveway.

The applicant had submitted information that showed that there were a number of circle driveways in the neighborhood. He indicated that several had been installed after the zoning ordinance went into effect. Mr. Carter stated that, although no waivers had been granted for those drives, building permits might have been issued for them. Mr. Kelly reasoned that a circular drive would not set a precedent, but was actually characteristic of the neighborhood.

Ms. McGill stated that the reason for the request was safety-related. She indicated that she has witnessed cars stop on Underwood Avenue for drop-offs and occasions where children would dart across Underwood Avenue from 63rd Street. She also felt that a circular drive would be more attractive that a hammerhead turnaround.

Mr. Mahlendorf inquired as to whether Mr. Kelly had considered widening the driveway up to the existing tree so that 2 cars could fit. Mr. Kelly stated that that solution would not fix the problem of backing into traffic onto Underwood Avenue. Mr. Mahlendorf stated that he was hesitant to approve the addition of another access point onto Underwood due to heavy traffic. He also believed that a circle driveway would be difficult to build due to the grade of the site. Ms. Donovan suggested increasing the parking pad to the rear of the home so that there would be room to turn around. Mr. Kelly stated that it would be difficult to do because of an existing retaining wall, the added expense that would be incurred and the desire to have their children play in the back instead of the front yard.
Mr. Lanoha stated that the garage to the rear was beneficial to the homeowners since it provided the opportunity for there to be 3 - 4 parking stalls. He was not in support of adding another curb cut on Underwood. He also did not believe it would be more expensive to move the retaining wall in the back. Ms. McGill responded that there were trees in the back that she did not want to remove.

Mr. Aspen stated that he could support the request in the light of the safety concerns that had been discussed. He agreed that there were safety issues since there was no parking on Underwood and no sidewalks for visitors who parked on 63rd Street.

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

AYES: Aspen, Mahlendorf

NAYES: Donovan, Lanoha, Anzaldo

MOTION TO APPROVE FAILED 2-3.

The applicant and homeowners declined a layover.
NEW CASES:

4. Case No. 17-034
   Steve Kanger
   2413 S. 27th Ave.
   Omaha, NE 68105
   REQUEST: Waiver of Section 55-523 – Variance to the permitted use regulations of the HI district to allow single-family residential, not otherwise permitted.
   LOCATION: 2413 South 27th Avenue
   ZONE: HI

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Steven Kanger appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant had appeared before the Planning Board on February 1, 2017 to request that the property be rezoned to a residential zoning classification that matched the use of the site. The Planning Board did not support the request for rezoning and recommended denial. The Board recommended that the applicant apply for a Use Waiver from the Zoning Board of Appeals. The industrial zoning classification does not permit single-family residential, resulting in these types of issues when owners are selling or refinancing their home. The Planning Department supported the continued use of the property as single-family residential and recommended approval in accordance with the plans submitted. He noted that in 2009 and 2017, two similar waivers were granted to properties to the south.

Mr. Kanger was in agreement with the Planning Department’s recommendation.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 17-035
   Gayle Townsend
   8413 Browne St.
   Omaha, NE 68134
   
   REQUEST: Waiver of Section 55-784(c) – Variance to the setback from a public street from 25' to 12' to allow a deck to be rebuilt.
   
   LOCATION: 843 North 131st Plaza
   ZONE: R5(cluster)

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on April 13, 2017, Gayle Townsend appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the request had been revised due to the applicant obtaining a survey of the property. The survey indicated that the north side of the home is 22' from the property line along Cuming Street. This resulted in the waiver being amended to 12' instead of 10'. The Planning Department found that a plan had been approved in 1986 when the deck was originally built. The Department found no hardship or practical difficulty that would justify further encroachment into the setback and, therefore, recommended denial.

   Mr. Townsend explained that the property owner has two doors on the back of the home that are less than 25' away from the lot line that could not be used without a deck. He indicated that several homes in the neighborhood had decks and fences that were within the setback. In response to Mr. Mahlendorf he stated that the deck would be 10' off the house but would not be as wide.

   Ms. Donovan agreed with the applicant’s explanation. Mr. Mahlendorf noted that there was another deck in the area (839 North 131st Plaza) that was even closer than what was being requested.

   Bruce Blanchard, Vice-President of the Neighborhood Association, appeared before the board. He stated that the association was in support of the request.

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

   AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
6. Case No. 17-036
   TruStar Energy
   10225 Philadelphia Ct.
   Rancho Cucamonga, CA 91730
   REQUEST: Waiver of Section 55-526 - Variance to the
             front yard setback from 50' from the center
             line of the fronting street to 40' 6" from the
             center line of the fronting street to allow
             installation of outdoor CNG equipment.
   LOCATION: 2535 and 2539 Edward Babe Gomez Avenue
   ZONE: HI

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on April 13, 2017, Maria Bolechowski (TruStar Energy) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install CNG (Compressed Natural Gas) time-fill staging stations at the north end of the UPS property. The location of the encroachment is along Edward Babe Gomez Avenue on the east side of the site. The Planning Department found no hardship or practical difficulty and believed that any improvements should comply with the required setbacks and, therefore, recommended denial.

Ms. Bolechowski stated that, at the time, UPS vehicles parked in the area that was being proposed for the time-fill dispensers. She explained that the dispensers are posts that would fuel the compressed natural gas vehicles. The applicant was attempting to work with the existing infrastructure. She indicated that the dispensers are 3” square, tubing posts that will protected by guardrails on both sides. In response to Ms. Donovan, Ms. Bolechowski stated that there would not be a significant change in the appearance of the site.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 17-037
   Bob Stratton
   809 N. 96th St.
   Omaha, NE  68114
   REQUEST: Waiver of Section 55-831 – Variance to the front yard setback from 12’ to 6’ to allow construction of a monument sign.
   LOCATION: 9910 Q Street
   ZONE: R6-PUD

Mr. Anzaldo moved to LAYOVER until the May 11, 2017 meeting. Mr. Aspen seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-038
Anant Enterprises, LLC
PO Box 3847
Omaha, NE 68103

REQUEST: Waiver of Section 55-740(f) and 55-928(c) - Variance to the minimum perimeter parking lot landscaping from 5' to 1.5' and to the minimum parking lot interior landscaping for green parking areas from 7% to 1.5% to allow construction of a new parking lot.

LOCATION: 2507 Farnam Street
ZONE: CBD-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Nathaniel Burnett appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a 24-stall parking lot for the adjacent Hupmobile Building. A waiver was required for the perimeter parking lot landscaping on the east side and for the interior landscaping. The Planning Department believed that the request was acceptable due to the compact nature of the site, and recommended approval in accordance with the plans submitted.

Mr. Burnett stated that additional landscaping would be added to the south side of Farnam in an attempt to make the area more attractive.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 17-039
Signworks, Inc.
4713 F St.
Omaha, NE 68117
REQUEST: Waiver of Section 55-823 – Variance to the maximum height from 5’ to 6.5’ and to the maximum sign area from 25 square feet to 51 square feet to allow a neighborhood identification sign.
LOCATION: 3702 South 204th Street
ZONE: DR

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on April 13, 2017, Gaby Ryan (Signworks) and Jeff Lake (Olsson Associates) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to install a neighborhood identification sign for a new subdivision. As proposed, the sign exceeds the maximum height and square footage allowed for a neighborhood sign. The Planning Department found that a sign in compliance with the code could be constructed on the property and recommended denial.

Ms. Ryan discussed that characteristics of the sign. Mr. Lake stated that the right-of-way in this location was extra wide when compared to other roadways. He added that the sign would be located in an outlot and would be approximately 77’ to 78’ from the edge of travel lanes. He indicated that Public Works gave approval for the location of the sign. He showed an example of 156th & Corby (Huntington Park) where the identification sign was located even closer to the travel lanes that what was being proposed.

Ms. Donovan agreed that the right-of-way along 204th Street was very large and that a bigger sign would be necessary for it to be visible.

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

AYES: Anzaldo, Donovan, Lanoha, Mahlendorf

NAYES: Aspen

MOTION CARRIED: 4-1
10. Case No. 17-040
John Wilhelm
Creighton University
2500 California Plaza
Omaha, NE 68178

REQUEST: Waiver of Section 55-825(c) – Variance to the maximum area for two (2) temporary wall signs from 32 sq. ft. to 132 sq. ft. and 108 sq. ft. for two banners for 4 weeks during the College World Series.

LOCATION: 1624 Mike Fahey Street and 815 Florence Boulevard

ZONE: DS-ACI-1(PL)

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Justin Burgett appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, recalled that this request had been before the board several times. The request was for the placement of 2 temporary banners at the locations listed above. The Planning Department typically supports these types of requests for a limited time and for a specific community event. The Department recommended approval in accordance with the plans submitted.

Mr. Burgett stated that the signs would be put up a week before the College World Series and would be taken down a week after.

Mr. Mahlendorf stated that, although he has supported the request in the past, he was cautious about amount of Creighton University lettering on the banners. He explained that the board has been adamant about the amount of personal advertising that is placed on temporary signage. He requested that Mr. Burgett inform the applicant that the amount of advertising for Creighton should be reduced and more attention given to the event.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
11. Case No. 17-041
   Tim Jacoby
   Children’s Hospital Foundation
   8200 Dodge Street
   Omaha, NE 68114

   REQUEST: Waiver of Section 55-326 & 55-783(a) - Variance to the maximum building coverage from 60% to 74%, maximum impervious surface coverage from 80% to 90%, maximum building height from 120' to 142' and maximum height for vertical projection of an elevator bulkhead from 150' to 176' to allow expansion of the Children's Hospital and Medical Center.

   LOCATION: 8300 Dodge Street and 7921 West Dodge Road
   ZONE: GC-ACI-2(65) and GO-ACI-2(65) – (GO-ACI-2(65)-pending)

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Troy Meyerson and Mike Brown (Executive Vice-President, Children's Hospital) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the hospital was proposing to construct the Hubbard Center for Children. The center will be a 500,000 square foot bedtower addition with 269 new patient beds. It will be connected to the existing Children's Hospital facility. The addition will be located on the north, adjacent to West Dodge Road with additional parking to the east side of the site. The applicant was in the process of acquiring the property to the east to enlarge the site; however, there are limitations to what could be enlarged because of the existing streets surrounding the property. The Planning Department acknowledged the need for the services provided by the hospital for its patients and visitors. Mr. Carter explained how the height of the building is calculated. He explained that there was a hardship that resulted from the topography of the site with its grade changes. He added that, at its March 1, 2017 meeting, the Planning Board recommended approval of a re-platting and rezoning of the site, and approved a major amendment to the original Conditional Use Permit to allow Hospital Services with conditions, which included approval of the requested waivers. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Brown explained the various uses for the new addition. He indicated that the hospital frequently has capacity issues which results in patients being referred to other hospitals.

Mr. Meyerson discussed the issues with the varying elevations of the site.

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. 17-044  
Phillip and Megan Durham  
415 N. 61st St.  
Omaha, NE 68132

REQUEST: Waiver of Section 55-166 – Variance to the minimum interior side yard setback from 7' to 5' to allow for a 14' x 15'8 1/2" addition to existing home.

LOCATION: 415 North 61st Street

ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on April 13, 2017, Mick McGuire (Straightline Design, Inc.) and Megan Durham appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicants were proposing to build an addition to the existing home. The wall of the home is at a 5’ setback although the zoning classification requires 7’. He explained that normally the code would allow an addition to be built at the 5’ setback while limiting the depth of the addition. In this case the addition would be limited to 10'6". The Planning Department found that an addition in compliance with the code could be constructed and recommended denial.

Mr. McGuire stated that there was a hardship since the lot was only 65' wide and any additions would need to be built to the rear. He explained the purpose of the addition and noted that there was support from the adjacent neighbors (Exhibit B).

In response to Mr. Mahlendorf, Mr. McGuire stated that the address that would be most affected by the project would be 419 North 61st Street. Ms. Durham indicated that she had spoken with her neighbors at that address and that they were in support of the project.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 17-045  
Scott Semrad  
3020 Leavenworth Partners, LLC  
4880 S. 131st St. #2  
Omaha, NE 68137  

REQUEST: Waiver of Section 55-837 – Variance to the maximum sign area for a projecting sign from 32 sq. ft. to 240 sq. ft. and to the maximum height for two (2) projecting signs from 20' to 56' and 36'.

LOCATION: 3020 Leavenworth Street  
ZONE: NBD-ACI-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Layover to allow the applicant to consider an alternative design for the proposed signage.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
14. Case No. 17-046
Jacob Frans
4406 R St.
Omaha, NE 68107

REQUEST: Waiver of Section 55-187(e) – Variance to the minimum front yard setback from 35' to 25'3" to allow for a 28' x 24' home addition.

LOCATION: 4406 R Street
ZONE: R4(35)

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Jacob Frans appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that property owner originally purchased the south-facing home. An addition was constructed to the north that changed the front yard setback from R Street to 44th Street. The applicant was proposing to construct an addition on the east side (44th Street) of the home that would encroach into the required front yard setback. The Planning Department typically does not support the R4(35) zoning and preferred the R4 zoning in this case with a 25' setback. He mentioned that other homes in the area are close to the property line along 44th Street so the proposed addition would not be out of character with the neighborhood. The Planning Department recommended approval in accordance with the plans submitted, subject to submittal of an application to rezone the property to R4.

Mr. Frans did not believe that rezoning of his property was necessary since no other homes in the area met the 35' setback. He stated that the home across the street from his was 33' from the setback. He added that, even with the addition, the home would be further from the setback than any other home in the area.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to the submittal of an application to rezone the property to R4. Ms. Donovan seconded the motion.

There was some discussion about the R4 zoning classification. Mr. Aspen questioned the reasoning behind the Planning Department’s recommendation to rezone the property to R4. Mr. Carter stated that if the property was zoned R4, the waiver would not be necessary.

Mr. Frans stated that he had spoken with all of his neighbors and they were in support of the project. He had previously submitted a list of signatures to the case file.

Mr. Lanoha believed that the motion should be amended to approval in accordance with the plans submitted, without the recommendation that the property be rezoned.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 17-047
   Midtown Lofts, LLC
   1114 Jones St. #6
   Omaha, NE 68102

   REQUEST: Waiver of Section 55-246 - Variance to the
   minimum rear yard setback from 25' to 4' to
   allow construction of a deck on the roof of a
   garage.

   LOCATION: 4629 Capitol Avenue
   ZONE: R7

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on April 13, 2017, Corey Spader and Ron Hackett (Architect)
   appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the 3-unit, multi-family building with rear,
   detached garages was under construction. The applicant requested a waiver to allow a deck to be built on
   the roof of the detached garage with access to the first unit in the main structure. The Planning
   Department found no hardship or practical difficulty, noting that the project as originally approved was in
   compliance with zoning regulations. The Planning Department recommended denial.

   In response to Mr. Mahlendorf, Mr. Spader stated that if the waiver was approved, the view from the
   street would not change since it would be behind the parapet wall.

   Mr. Hackett believed that the proposed deck would be beneficial for the residents of the building and for
   the neighborhood. He felt that the deck would enable the owner to take full advantage of the site while
   having little to no impact on the neighborhood.

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

   AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

   MOTION CARRIED: 5-0
16. Case No. 17-048  
Ed Rockwell  
Millard Public Schools  
13906 F Street  
Omaha, NE 68137

REQUEST: Waiver of Section 55-735(b) and 55-715 - Variance to the minimum street yard landscaping depth from 15' to 12.5' and to allow off-street parking for a non-residential use in the front yard setback of a residential district to allow for parking lot improvements at Norris Elementary School.

LOCATION: 12424 Weir Street
ZONE: R4

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Joe Zadina appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to replace the existing parking lot. He noted that the Planning Department has historically been supportive of these types of waivers for large civic uses in residential zoning districts due to the need for additional parking. The project would comply with all other landscaping and screening requirements. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 17-049

Brian Morrissey
336 N. 91st St.
Omaha, NE 68114

REQUEST: Waiver of Section 55-126 – Variance to the minimum interior side yard setback from 25' to 10'3" to allow a garage addition with a Reasonable Accommodation request.

LOCATION: 336 North 91st Street

ZONE: R1

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Brent Beller appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a 1-car, garage addition on the south side of the existing home, adjacent to an existing 2-car garage. The addition would provide accessibility for the disabled son of the property owners. A Reasonable Accommodation Request was submitted for the project. The Planning Department reviewed the request and found that the applicant met the requirement of the City of Omaha Reasonable Accommodation policy. The Planning Department believed that the accommodation was related to the needs of the son and that the accommodation was necessary to provide an equal opportunity to use and enjoy housing by ameliorating the effects of the disability. He noted that as part of the project, the circular driveway would be removed. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Mahlendorf reviewed Section 6, Part B, Steps 1 and 2 on pages 5 – 6 of the City of Omaha Reasonable Accommodation Policy and found that the applicant met all of the criteria. He concluded that the request was valid.

Mr. Carter added that applicant had submitted several letters of support from the adjacent neighbors.

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

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
18. **Case No. 17-050**
   
   **Adam Watson**
   
   2125 S. 114th St.
   
   Omaha, NE 68144
   
   **REQUEST:** Waiver of Section 55-734 – Variance to the minimum number of off-street parking stalls from 4 to 0.
   
   **LOCATION:** 1458 South 16th Street
   
   **ZONE:** GC
   
   **PLANNING DEPARTMENT RECOMMENDATION:** Approval in accordance with the plans submitted, subject to the following: 1) For this applicant only; 2) Re-seeding the existing gravel area north of the building with grass; and 3) Removal of the drive approach and replace with curb to allow for additional on-street parking.

At the Zoning Board of Appeals meeting held on April 13, 2017, Adam Watson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that existing commercial building lacked the spaced to provide sufficient off-street parking. The applicant planned to use the existing building for a new motorcycle repair business. The change in use requires compliance with off-street parking regulations. The space to the north of the building does not provide enough space for the required parking stall depths, drive aisle widths and landscaping. The applicant proposed utilizing on-street parking. Mr. Carter stated that the existing graveled area that had been used for parking was not in compliance with the code which, for safety reasons, does not allow cars to back out of a commercial space onto a street. Taking into consideration the parking issues with the site and the lack of space available the Planning Department recommended approval subject to the following: 1) For this applicant only; 2) Re-seeding the existing gravel area north of the building with grass; and 3) Removal of the drive approach and replace with curb to allow for additional on-street parking.

Mr. Watson was in agreement with the Planning Department’s recommendation.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted subject to: 1) Re-seeding the existing gravel area north of the building with grass and 3) Removal of the drive approach and replace with curb to allow for additional on-street parking. Mr. Lanoha seconded the motion.

In response to Mr. Aspen, Mr. Carter explained that the Planning Department usually recommends “For this applicant only” to control the parking situation with the next person who might own the property in the future. Mr. Anzaldo did not believe the requirement was necessary. Mr. Mahlendorf added that since the parking situation would not change from what it currently was, there was no need to add that requirement.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
19. Case No. 17-051  
Heartland Self Storage, LLC  
17620 Jones St.  
Omaha, NE 68116  

REQUEST: Waiver of Section 55-366 and 55-740(f) - Variance to the maximum Floor Area Ratio from 1.0 to 1.79 and to the minimum perimeter parking lot landscaping from 5’ to 0’, to allow construction of a personal storage facility.

LOCATION: 3002 South 82nd Avenue  
ZONE: CC

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

At the Zoning Board of Appeals meeting held on April 13, 2017, Kyle Haase (E & A Consulting Group) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Board approved a Conditional Use Permit to allow Warehousing and Distribution (Limited) with conditions, which included waivers to the Floor Area Ration (FAR) and perimeter parking lot landscaping along the west side of the site. He explained that the proposed building would be an internal storage facility, with no external access to storage units. The Planning Board required an improved elevation view on the east side of the building, which required an updated plan to be provided by the applicant. Mr. Carter explained that, because of the use, the building does not require a lot of parking. The Planning Department recommended approval in accordance with the plans submitted.

Mr. Haase stated that the applicant had worked out access easement agreements with the property owners to the west. He further explained that the applicant had been in contact with the adjacent property owners and the homeowner’s association and as a result, had decided to reduce the height of the building from 5 stories to 4, reducing the square footage of the building.

There was some discussion about the materials that would be used for the building.

Mr. Malendorf noted that the board had received correspondence from someone who was opposed to the waiver.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the building being 4 stories. Mr. Mahlendorf seconded the motion.

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

MOTION CARRIED: 4-1
APPROVAL OF MINUTES:

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

AYES: Anzaldo, Aspen, Lanoha

ABSTAIN: Donovan, Mahlendorf

MOTION CARRIED: 3-0-2

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:05 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary