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, May 1, 2017 and Thursday, May 4, 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
Cheri Rockwell, Current Planning Manager
Jennifer Taylor, City Attorney
Clinette Ingram, Recording Secretary
Michelle Alfaro, Planning Department

The meeting was called to order at 1:02 p.m. Mr. Mahlendorf introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

   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 May 11, 2017, Jerry Slusky (8712 West Dodge) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the case had been laid so that the applicant could continue to meet with City staff about various issues. Additional information had been submitted that proposed restrictions on the occupancies and uses for the existing buildings. The information also addressed some of the building code issues that had been discussed at previous meetings. The Planning Department continued to find that there was no hardship or practical difficulty to justify the requested waivers. He explained that the information did not address other issues that included subdivision, traffic and Master Plan policies, or any other policies that pertained to Chapter 55 of the ordinance. The Planning Department recommended denial.

Mr. Slusky stated that he believed that the board had gone outside of its boundaries and had begun to consider information related to Public Works issues, which were not a part of the request. He stated that his clients had offered to limit the use on the property to warehousing and storage. He indicated that there would be no employees on the site and that this would be reflected in the lease agreements between the applicants/owners and tenants. In addition, each building would also have a Certificate of Occupancy which the City could pull if violations were found. Mr. Slusky stated that he and his clients had met extensively about the fire and Life Safety issues with Jay Davis (Assistant Director – Permits & Inspections) and had agreed on a set of plans for each building that included the addition of firewalls and the opening of the gate to the rear of the property for Fire Department access. He stated that it was the responsibility of the board to make reasonable adjustments of the ordinance based upon practical difficulty or hardship.

Mr. Mahlendorf responded that the board had a responsibility to the public and could decide on matters that were not strictly related to zoning issues. The required that the board weigh as many factors as it could in making decisions. Mr. Slusky strongly urged to board to be brave enough to grant the waivers as requested by his clients, with the conditions he mentioned.

Mr. Anzaldo acknowledged that the board had been informed by Mr. Davis that some improvements had been mutually decided upon; however, other issues needed to be resolved with the Public Works
Department. In response to Mr. Anzaldo, Mr. Slusky stated that the neither the board nor the Public Works Department had made any promises to him or his clients regarding the case.

Mr. Slusky stressed that State statutes dictated that the board look at the facts and determine whether or not to grant the requested waivers, adding that it did not have the authority to consider Public Works or building code issues while determining this case.

Councilmember Aimee Melton appeared before the board in support of the request. She did not want the request denied, but preferred that perhaps some type of mediation be put in place before the case possibly went to court. She also noted that the neighbors supported the applicants and the waivers being requested. She added that the applicants were willing to spend a significant amount of money to meet some of the City’s recommendations.

Addressing Mr. Slusky, Ms. Donovan stated that she did not want to the applicants to make a big investment in the property, only to find out at a later date that circumstances had changed. She felt that all issues pertaining to the property should be discussed before any decisions had been made.

Larry Wingate, 16076 Redman Avenue, appeared in support of the request. He indicated that none of the residents had any complaints about the site at the last meeting of the homeowner’s association meeting. He stated that the association supported the Brunings.

Mr. Mahlendorf mentioned that the board had received correspondence from the neighborhood that had been included in the case file.

Terri Sautter, 5125 North 161st Avenue Circle, appeared in support of the request. She stated that, with the exception of one neighbor, all of the feedback she received about the property has been positive. She expressed concern about what would happen to the site if the request was denied. Mr. Carter explained that the Master Plan designated how property will be developed. In this case the Master Plan dictated that this property that is zoned Agricultural would become residential with more single-family homes similar to what surrounds it.

Mr. Aspen commented that, due to the interconnectivity between the city departments, any decision made by the board must be made with that fact in mind. In response to Mr. Aspen, Ryan Haas (Public Works Department), stated that in the last 2 to 3 years there was one crash that was directly related to the driveway from the site onto Fort Street. He added that the City’s Master Plan driveway regulations clearly state that private property shall not have direct access onto major arterial streets, those accesses should be consolidated into 3 public street connections at the ¼, ½ and ¾ mile and that all of the driveways should be on an internal network of local streets with low speeds and low volumes. He explained that the reason for those regulations is because the fewer number of accesses along a street, the fewer number of crashes there will be. He added that the existing street is not designed well because there is no place for left-turning traffic to sit. He concluded that the hazards on Fort Street will remain and would get worse as traffic volumes increase.

In response to Mr. Lanoha, Mr. Haas stated that if the site was subdivided, Chapter 53 of the code would require the discontinuation of the septic system and connection to the City’s public sewer system located in the vicinity; the 17’ of property along Fort Street would have to be dedicated as right-of-way which is a standard requirement along arterial streets; sidewalks would need to be constructed along the Fort Street frontage; the building in the southwest corner of the property (#10) required a Post-Construction Storm Water Management Plan since it was built after July 1, 2008 and finally, impact fees needed to be paid. In response to Mr. Lanoha, Mr. Haas stated that if Fort Street were closed the applicants would need to determine which of the two stub streets, 161st Street or 160th Circle, would be used to access the property which would impact the neighborhood by diverting commercial traffic through it.

Mr. Wingate suggested that perhaps the County could assist with some signage on Fort Street that might ease the situation.
Mr. Mahlendorf felt that continued discussion was needed so that the applicant could address Public Works' concerns.

Mr. Lanoha stated that the Public Works issues were a major concern for him and that he supported a layover so that the applicant and neighbors could consider what would happen if Fort Street access to the site was closed and traffic was rerouted through the neighborhood.

Mr. Slusky stated that rerouting commercial vehicle through the neighborhood would be a danger to the area. He added that his clients had agree to put in a concrete street at 161st Street to accommodate fire trucks.

Ms. Donovan moved to LAYOVER to give the applicant time for further discussions with the Public Works Department and the neighbors. Mr. Anzaldo seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 17-037 - WITHDRAWN

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

This request was withdrawn at the request of the applicant.
3. Case No. 17-045 (from 5/11/17) REQUEST: Waiver of Section 55-837 – Variance to the maximum height for two (2) projecting signs from 20' to 32' and 48'.

Scott Semrad
3020 Leavenworth Partners, LLC
4880 S. 131st St. #2
Omaha, NE 68137

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

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

At the Zoning Board of Appeals meeting held on May 11, 2017, Scott Semrad 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 meet with City staff. As a result of the meeting, the applicant submitted a revised request that eliminated the need for one of the originally requested waivers. The building is taller than the proposed signage which complies with the regulations of the NBD district. The Planning Department supported the request and felt that it was reasonable for the sign to be allowed to go further up the side of the building. The Planning Department recommended approval in accordance with the plans submitted.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 17-042  
   Kermit Brashear, President  
   The Lutheran Home  
   c/o Vandenack Weaver LLC  
   17007 Marcy St. #3  
   Omaha, NE 68118  
   REQUEST: Waiver of Section 55-266, 55-734 & 55-740(f) – Variance to the minimum interior side yard setback from 10' to 0' (Lots 1 and 2), to the maximum impervious coverage from 80% to 90% (Lot 1), to the Floor Area Ratio from 2.0 to 2.35 (Lot 1), to minimum number of off-street parking stalls from 33 to 13 (Lot 1), to allow the property to be subdivided into 2 lots.  
   LOCATION: 520 and 530 South 26th 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 May 11, 2017, Joe Dethlefs (Thompson, Dreessen & Dorner, Inc. – 10836 Old Mill Road) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the site is currently one lot with 2 buildings on it. The applicant planned to subdivide the lot into 2 separate lots, with a building on each lot. The Lutheran Home would occupy the southern lot. The requested waivers are needed for the subdivision. Since all of the improvements are existing and no changes to the site would occur, the Planning Department believed that the request was acceptable and recommended approval in accordance with the plans submitted.

In response to Ms. Donovan, Mr. Dethlefs stated that owner of the northern property planned to renovate the building into 30, one-bedroom apartments.

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

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 17-043  
James McNeil Jr.  
3526 N. 81st St.  
Omaha, NE 68134  

REQUEST: Waiver of Section 55-146 – Variance to the minimum street yard setback from 20' to 8'6" to allow a garage addition.  

LOCATION: 3526 North 81st Street  
ZONE: R2  

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, James McNeil, Jr. appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct an addition to the existing garage that extended into the required setback along Evans Street. The Planning Department found no hardship or practical difficulty and believed that any addition should comply with the required setback and, therefore, recommended denial.

Mr. McNeil stated that the street he lived on was not a through-street and that it had no traffic signs. He explained that he could not build towards the back because of a large cottonwood tree. In response to Ms. Donovan, he stated that his neighbors had no objections to the request and that he would use materials that matched the existing home. She noted that the irregular shape of the property and how the home was situated on it made expansions somewhat difficult.

Ms. Donovan moved to APPROVE in accordance with the plans submitted, subject to the materials used being similar to the existing home. Mr. Aspen seconded the motion.

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

MOTION CARRIED: 4-1.
6. Case No. 17-052
   Mike Jansen
   6223 S. 170th St.
   Omaha, NE 68135

   REQUEST: Waiver of Section 55-186 – Variance to the minimum rear yard setback from 25’ to 12’ to allow construction of a new deck.

   LOCATION: 1211 South 155th Street
   ZONE: R4(35)

   PLANNING DEPARTMENT RECOMMENDATION: Denial.

   At the Zoning Board of Appeals meeting held on May 11, 2017, Mike Jansen appeared before the Board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the property received a waiver in 1985 to build the existing deck. That waiver allowed a 4’ encroachment into the rear yard setback. The applicant was requesting a larger deck that would go even further into the setback. The Planning Department found no hardship or practical difficulty to allow further encroachment and recommended denial.

   Mr. Jansen stated that the property abuts a creek and St. Winceslaus Church. He added that the neighbors were all in support of the project. The board noted that there would be little to no impact on the neighbors.

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

   AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
7. Case No. 17-053
Alan Potash, CEO
Jewish Federation of Omaha
333 S. 132nd Street
Omaha, NE 68154

REQUEST: Waiver of Section 55-832 – Variance to the maximum sign budget from 40 square feet to 202 square feet, to the maximum sign area for a monument sign from 25 square feet to 55 square feet, to allow an electronic message center, not otherwise permitted, and the front yard setback from 12’ to 6’ for the new monument sign, based on the proposed overall sign plan for the site.

LOCATION: 333 South 132nd Street
ZONE: R8

PLANNING DEPARTMENT RECOMMENDATION: Approval of the waiver for the overall sign budget, sign height and setback, in accordance with the plans submitted; Denial of the waiver for the electronic message center.

At the Zoning Board of Appeals meeting held on May 11, 2017, Troy Meyerson (409 South 17th Street) appeared before the Board on behalf of the applicant. He stated that the applicant had requested a layover.

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

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-054
   Jessica Henry
   5618 N. 126th Ave.
   Omaha, NE 68164
   REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a gravel driveway for a new home.
   LOCATION: 12420 North 132nd Street
   ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property line at such time that 132nd Street is paved.

At the Zoning Board of Appeals meeting held on May 11, 2017, Jessica Henry appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that a building permit for a new home had been issued for the property. The plans showed a paved driveway; however, the applicant requested that a gravel driveway be allowed. The Planning Department believed that the request was reasonable due to the length of the driveway, the agricultural nature of the surrounding area and the unimproved public street adjacent to the site. The Planning Department recommended approval in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property at such time that 132nd Street is paved.

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

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property line at such time that 132nd Street is paved. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 17-055
Ramon Jacobo
302 Allison Ave.
Papillion, NE 68135

REQUEST: Waiver of Section 55-928(e) – Variance to the minimum perimeter landscaping for a green parking area from 15’ to 7’ to allow for a parking lot addition.

LOCATION: 4621 South 24th Street
ZONE: NBD-ACI-1(50)

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

At the Zoning Board of Appeals meeting held on May 11, 2017, Dennis Duer (Professional Associates Architects) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that the request was for an additional parking lot area near 24th and L. The property is a small parking lot addition that encroaches into the required 15’ for a typical green parking area in an ACI overlay. The Planning Department has supported similar types of waivers in the past. He stated that technically the site does not meet the requirements of a constrained parking lot per the ordinance, but it is very close. The proposed solution is not inconsistent with what the Planning Department would normally support. The plan for the lot included 7’ of landscaping along the street and a fence that would serve as a screen wall. The Planning Department 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: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 17-056
   Dale Barr
   GESU Housing, Inc.
   5008 ½ B Dodge St.
   Omaha, NE 68132

   REQUEST: Waiver of Section 55-186, 55-187(e) & 55-742(b) - Variance to the front yard setback from 35' to 25', to the street side yard setback from 15' to 5' and to allow required off-street parking in the front yard setback, for the construction of 2 single-family homes.

   LOCATION: 4202 and 4206 Ohio Street
   ZONE: R4(35)

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

   At the Zoning Board of Appeals meeting held on May 11, 2017, Michael Hall (Hallmarq Construction - 1425 Dayton Circle) appeared before the Board on behalf of the applicant.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct two single-family homes on the two existing lots which would require the requested waivers. He explained that the front yard setback is larger than the 25' that would be required if the property were zoned R4. He added that there was a hardship for the corner home due to the required front yard and side yard setbacks for the R4 district. The Planning Department did not believe that the requests were out of character for the area and recommended approval in accordance with the plans submitted, subject to the applicant submitting an application to rezone the property to R4.

   Mr. Hall introduced Dale Barr, the Executive Director of GESU Housing and Brother Wilmot, the founder. Mr. Hall questioned the reason for the rezoning to R4. Mr. Carter responded that there would not be an issue with the front yard setback if the site was zoned R4. There was some discussion about the process for rezoning the site. Mr. Mahlendorf mentioned that rezoning of the property did not have to be included as part of the waiver.

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

   AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, Jeremiah Johnson appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new deck on the east side of the existing structure. The Planning Department found no hardship or practical difficulty and determined that a stoop to allow access to the structure could be constructed legally. The Planning Department recommended denial.

Mr. Johnson stated that the deck would provide access for 3 doors on the east side of the building and would have a staircase to a lower doorway. He showed current pictures of the deck and noted that the new deck would be more attractive in appearance. In response to Ms. Donovan, Mr. Johnson stated that the deck would go no further than the existing concrete steps and that the general appearance of the east side of the building would be improved.

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
12. Case No. 17-058  
NP ‘Sandy’ and Kate Dodge  
222 N. 93rd St.  
Omaha, NE 68114  
REQUEST: Waiver of Section 55-786 – Variance to the residential fence regulations to allow an 8’ tall privacy fence.  
LOCATION: 222 North 93rd Street  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, Kenneth Backman (Landscape Architect) appeared before the Board on behalf of the applicants.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants were proposing to install an 8’ tall, privacy fence along a west section of the property for privacy purposes. A new home was being constructed to the rear of the applicants’ property (9313 Davenport Street) that would have an elevated deck that overlooks into their back yard. The Planning Department found no hardship or practical difficulty and determined that a fence in compliance with the code, which allows 6’, could be constructed. The Planning Department recommended denial.

Mr. Backman stated that the request was for a 50’ section of the fencing. He indicated that the fence would provide privacy for both neighbors. He explained that the existing 6’ chain link provides no privacy. A 50’ – 55’ portion of the chain-link fence would be removed and replaced with an 8’ board-on-board fence. He stated that the applicants met with all of the neighbors about the plan and they there was support for the fence.

Ms. Donovan inquired as to whether evergreens had been considered. Mr. Backman stated that there were a lot of existing plants on both properties and that the area is shady, which would make it difficult to grow the types of shrubbery that would fit in the space.

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

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 17-059
   Isaac Nelson
   McDaniel Wallquist Construction
   2628 S. 87th St.
   Omaha, NE 68124

   REQUEST: Waiver of Section 55-126 & 55-715 - Variance to the maximum impervious surface coverage from 30% to 32% and to the minimum street yard landscaping depth from 30' to 0' to allow for construction of a circular driveway.

   LOCATION: 9528 Capitol Avenue
   ZONE: R1

   This case was laid over so that the neighbors could be properly notified about the case.

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

   AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

   MOTION CARRIED: 5-0
14. **Case No. 17-060 WITHDRAWN**

   Ed Thiele  
   Habitat for Humanity  
   1701 N. 24th St. 
   Omaha, NE 68110

**REQUEST:** Waiver of Section 55-187(e) – Variance to the front yard setback from 35’ to 15’9” to allow construction of a covered front stoop.

**LOCATION:** 6503 North 32nd Street  
**ZONE:** R4(35)

This request was withdrawn at the request of the applicant.
15. Case No. 17-061
Matthew S. Wright
4848 S. 228th Plz.
Omaha, NE 68022

REQUEST: Waiver of Section 55-084 – Variance to the permitted use regulations of the AG district to allow a Two-Family Residential use not otherwise permitted.

LOCATION: 4848 South 228th Plaza
ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, Matthew Wright appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a second home on property zoned Agricultural. The zoning ordinance does not allow two separate single-family homes on one property. The property does not have enough acreage to allow a second home. In the past the Planning Department has met with individuals regarding this type of project and has indicated that additional residential development must comply with the city’s subdivision and rezoning process, including the dedication of right-of-way for a public street. The Planning Department believed that approval of the waiver to allow two single-family homes on one property would circumvent the process through the Planning Board and City Council. The Planning Department found no hardship or practical difficulty to allow the second home on the site and recommended denial.

Mr. Wright explained that the purpose of the home is so that his mother would be close enough for him to take care of. He indicated that the proposed home would match his existing home and would be used by his family in the future. In response to Ms. Donovan, Mr. Wright stated that he had no plans to subdivide the lot or sell the home. He added that he understood that it would be difficult for him to do so because of city requirements.

Mr. Lanoha noted that, from a practical standpoint, the site was not developable and that it would be impossible for the applicant to go through the subdivision process.

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
16. Case No. 17-062
Jason C. Hubbard
12303 Pacific St.
Omaha, NE 68154

REQUEST: Waiver of Section 55-767(c), 55-166 & 55-830 – Variance to the front yard setback from 35’ to 27’6”, to the home occupation regulations to allow 1 non-resident employee, to the maximum sign area from 2 sq. ft. to 5 ft. and to the maximum height for a wall sign from 8’ to 15’.

LOCATION: 12303 Pacific Street
ZONE: R3

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, Jason Hubbard appeared before the Board.

Mr. Hubbard stated that he was requesting a layover. He explained that he wanted to run his private law office from his home with one part-time paralegal. He indicated that he has very little foot traffic to his office and that there should be very little impact to the surrounding area.

In response to Mr. Mahlendorf, Mr. Hubbard stated that a layover was needed so that he could make adjustments to his site plan.

Mr. Lanoha moved to LAYOVER. Mr. Mahlendorf seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
17. Case No. 17-063  
Tom Egan, Jr.  
10220 F St.  
Omaha, NE 68127

REQUEST: Waiver of Section 55-143 - Variance to the permitted use regulations of the R2 district to allow an accessory use on the property without a primary use.

LOCATION: 956 South 95th Street  
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on May 11, 2017, Julia Plucker (7134 Pacific Street), Tom Egan, Jr. and Joe Zadina (Lamp Rynearson & Associates) appeared before the Board on behalf of the applicant.

Mike Carter, Zoning Board of Appeals Administrator, stated that this case began with the Planning Board with a rezoning and subdivision so that the property to be combined with the property to west into one lot. This would allow the owner to have a sports court and recreation space to the rear of their existing home. The Planning Department found no hardship or practical difficulty to grant the request and believed that rezoning was the proper process for this situation. The Planning Department recommended denial.

Ms. Plucker stated that when this case went before the Planning Board, there were neighbors who appeared who were opposed to the project. She believed that the neighbors’ goal was for the property to eventually become a lot for a single-family home. Instead of rezoning the property through the Planning Board, the applicant sought to obtain a use waiver. She stated that some covenants were negotiated between the owners and the neighbors (Exhibit B) and that if the board decided to grant approval of the request, it be subject to the terms of the covenants.

Larry Jobeun appeared before the board. He represented 11 of the 12 adjacent property owners. He submitted the list of those owners (Exhibit C). He stated that his clients were in support of the covenants.

Mike Quill (500 Energy Plaza) appeared in support of the request.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted (dated 5-4-2017), subject to the covenants provided (Exhibit B). Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Minutes for the April 13, 2017 meeting with be approved at the June 8, 2017 meeting.

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 3:11 p.m.

________________________________________________________________________

Approved (date)

________________________________________________________________________

Brian Mahlendorf, Chair

________________________________________________________________________

Clinette Ingram, Secretary