

**046ZONING BOARD OF APPEALS
AGENDA**



Public Hearing
Thursday, April 13, 2023 - 1:00 P.M.

Legislative Chamber, LC Level
Omaha/Douglas Civic Center
1819 Farnam Street

ZONING BOARD OF APPEALS (ZBA): Board members are citizens of Omaha who serve without pay and are not employed by the City. Current members are: Sean Kelley – Chair, Kristine Moore – Vice Chair, Jeremy Aspen, Brian Mahlendorf, and Dustin Friedman. Matthew Kortright is the alternate. For a waiver to be approved, four members must vote in favor of the request.

Sections 14-408 through 14-414 of the State Code of Nebraska authorize the ZBA to rule on waivers from the City of Omaha Zoning Ordinance (Chapter 55). Pursuant to Neb. Rev. Stat. Section 14-410, any appeal from an order or decision of a zoning official must be filed within 30 days of the date of the order or decision appealed from. All Board decisions must be based on a finding of unnecessary hardship or practical difficulty and must be in the best interest of the public good.

Board members will assemble in the Planning Department Central Conference Room, 11th Floor, on April 13, 2023, at 11:00 a.m. to discuss the cases. **(The applicant does not need to appear at this time.)**

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, April 3, 2023 (for use waivers only) and Thursday, April 6, 2023.

MEETING PROCEDURES:

Applicant, Property Owner or Representative – MUST APPEAR AT THE MEETING

It is the applicant's responsibility to justify a waiver by showing a hardship or practical difficulty associated with the land. Personal preference, financial considerations, or disagreement with the zoning ordinance standards are not acceptable reasons for granting a waiver.

Cases will be heard in the order shown on the agenda. When your case is called, please state your name. If there are opponents, they will also come forward at that time, give their names and be seated in the front row.

The applicant may be given up to 10 minutes to present the case. The Board may waive the presentation. Opponents will be given up to 10 minutes to present reasons for their opposition. Board members may ask questions of any interested party. The time needed to respond will not count as part of the time limit.

If the Board grants the waiver, **the applicant must receive a building permit before starting any construction.** You may apply for a permit from the Permits & Inspections Department, located in Room 1110 of this building, no earlier than the Monday following the meeting.

The Zoning Board of Appeals agenda and other information regarding the Zoning Board of Appeals and the Planning Department is available on the Internet at <http://www.cityofomaha.org/planning>. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska. Prior to the hearing, the applicant may schedule a time to review the City's case file during normal business hours by contacting the Planning Department at (402) 444-5150 x2063. If an alternative (audio version) to this agenda is necessary, please notify the Secretary to the Zoning Board of Appeals at (402) 444-5150 x2061, 72 hours in advance.

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LAYOVER CASES:

1. Case No. 22-168 (from 11/11/22)
Platte River Concrete
9555 S. 147th St.
Omaha, NE 68138

REQUEST: Waiver of Sections 55-503, 55-506, 55-715, 55-734, 55-718, and 55-740(f) – Variance to the front yard setback from 50' from the center line of the fronting street to 0'; to the maximum impervious coverage from 90% to 97%, to the minimum required street yard landscaping from 10% to 3%; to the minimum required street yard landscaping depth from 12.5' to 0'; to the minimum required perimeter parking lot landscaping depth from 10' to 5' and 0'; to the required number of standard parking stalls from 14 to 10; to the requirement of one tree planting for every 500 square feet of minimum street yard landscaping depth; and to the permitted use regulations of the GI District to allow for a Heavy Industry use (batch plant) not otherwise permitted to rearrange and upgrade its current operations on the site.

LOCATION: 6155 M St. and 6160 & 6140 Holmes St.
ZONE: GI-FF

2. Case No. 23-027 (from 2/9/23)
Thompson, Dreessen & Dorner
10836 Old Mill Rd.
Omaha, NE 68154

REQUEST: Waiver of Section 55-108 & 55-782(b)(2) – Variance to the required interior side yard setback from 25' to 15' and 16.7' to allow for a previously constructed single-family home with back yard deck to remain and to allow for construction of a new pool equipment pad.

LOCATION: 23030 J Plaza Cir.
ZONE: DR

3. Case No. 23-038 (from 3/9/23)
McNeil Company
4666 S. 132nd St.
Omaha, NE 68137

REQUEST: Waiver of Section 55-246 & 55-716 – Variance to the required front yard setback for a *Multifamily* use in the R7 District from 35' to 15', to the rear yard setback from 25' to 10', and to the required bufferyard between R3 and R7 Districts from 30' to 10' to allow for the construction of a new apartment complex.

LOCATION: Southwest of 168th and Shirley Streets
ZONE: R7-MCC

NEW CASES:

4. Case No. 23-040
Gloria Pavalos
4102 S. 13th St.
Omaha, NE 68107

REQUEST: Waiver of Section 55-764(d)(2) – Variance to the capacity limitations for a Daycare Services (General) use in a R5(35) district from 24 to 280 individuals.

LOCATION: 4110 & 4102 S. 13th St.
ZONE: R5(35)

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5. Case No. 23-041
Bret Linden
1227 S. 109th St.
Omaha, NE 68144

REQUEST: Waiver of Section 55-126 – Variance to the required street side yard setback from 25' to 12.5' to allow for the construction of a garage addition.

LOCATION: 10822 Poppleton Ave.
ZONE: R1
6. Case No. 23-042
Penny Johnson
8005 N. 172nd St.
Omaha, NE 68007

REQUEST: Waiver of Section 55-186 – Variance to the required rear yard setback from 25' to 19' to allow for the extension of an existing deck.

LOCATION: 8005 N. 172nd St.
ZONE: R4
7. Case No. 23-043
Greg Ederer
5704 S. 53rd St.
Omaha, NE 68117

REQUEST: Waiver of Section 55-108 – Variance to the required interior side yard setback from 25' to 5' to allow for the construction of a detached garage.

LOCATION: 5704 S. 53rd St.
ZONE: DR
8. Case No. 23-044
Michael Ambrose
1704 S. 85th Ave.
Omaha, NE 68124

REQUEST: Waiver of Section 55-146, 55-715, & 55-742(b)(2) – Variance to the required rear yard setback from 25' to 10'; to the minimum depth from 25' to 0'; and to the parking regulations to allow parking in the front yard setback to allow for the construction of a garage addition and circle driveway.

LOCATION: 1704 S. 85th Ave.
ZONE: R2
9. Case No. 23-045
Kristina Spangenberg
2204 N. 188th Ave.
Omaha, NE 68022

REQUEST: Waiver of Section 55-186 & 55-715 – Variance to the required front yard setback from 35' to 25' and to the minimum depth from 15' to 5' to allow for the construction of a single-family home.

LOCATION: 1718 N. 56th St.
ZONE: R4(35)
10. Case No. 23-046
Alan Sadofsky
6605 S. 154th St.
Omaha, NE 68137

REQUEST: Waiver of Section 55-186 – Variance to the required street side yard setback from 15' to 7' and to the rear yard setback from 25' to 17.5' to allow for the construction of a carport.

LOCATION: 6605 S. 154th St.
ZONE: R4(35)

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11. Case No. 23-047
Cory Morris
11136 N. 126th St.
Omaha, NE 68142
- REQUEST: Waiver of Section 55-87 – Variance to the maximum impervious coverage from 10% to 14% and to the maximum building coverage from 5% to 7% to allow for the construction of a home addition.
- LOCATION: 11136 N. 126th St.
ZONE: AG
12. Case No. 23-048
Signworks, Inc.
4713 F St.
Omaha, NE 68117
- REQUEST: Waiver of Section 55-829(2) – Variance to the maximum height of a monument sign from 6' to 6' 9" and to the required front setback from 12' to 0' to allow for the installation of a new monument sign.
- LOCATION: Southwest of Glen Cunningham Lake Park & Bennington Roads
ZONE: AG-ED-FF
13. Case No. 23-049
Kayla Beller
12149 W. Center Rd.
Omaha, NE 68144
- REQUEST: Waiver of Section 55-740(f)(4) & 55-934(b)(3) – Variance to the perimeter parking lot landscaping depth from 10' to 7.5' and to the maximum height for a Category 3 retaining wall in an Urban Design Overlay District from 10' to 13' to allow for the construction of an apartment complex.
- LOCATION: 3001, 3021, 3023 & 3029 Leavenworth St.
ZONE: NBD-ACI-1 (pending)
14. Case No. 23-050
Torrey Walker
7927 Brentwood Dr.
La Vista, NE 68128
- REQUEST: Waiver of Section 55-186, 55-782(b)(2) & 55-734 – Variance to the required front yard setback from 35' to 25'; to the interior side yard setback for a patio with no structural elements above two feet from ground level from 3' to 0'; and to the required number of off-street parking stalls from 2 to 0 to allow for the construction of a single-family home.
- LOCATION: 3735 N. 44th Ave.
ZONE: R4(35)
15. Case No. 23-051
Ron Stukenholtz
15203 Ontario St.
Omaha, NE 68144
- REQUEST: Waiver of Section 55-786(e)(3) – Variance to the residential fence regulations to allow a 6' tall, privacy fence within the street side yard setback.
- LOCATION: 15203 Ontario St.
ZONE: R4-FF

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16. Case No. 23-052
Dave Lanoha
c/o Lanoha Nurseries
19111 W. Center Rd.
Omaha, NE 68130
- REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a graveled driveway and site circulation for a new agricultural sales and service facility.
- LOCATION: Northeast of 258th Plaza & West Center Rd.
ZONE: AG-FF (DR-FF pending)
17. Case No. 23-053
Larry and Theresa Baggett
4448 S. 63rd St.
Omaha, NE 68144
- REQUEST: Waiver of Section 55-186 – Variance to the required front yard setback from 35' to 25' and to the rear yard setback from 25' to 7.6' to allow for the construction of a covered front yard deck and stoop, covered backyard patio, home addition and garage addition.
- LOCATION: 6110 Hillside Ave.
ZONE: R4(35)
18. Case No. 23-054
Jared Gerber
5037 Parker St.
Omaha, NE 68104
- REQUEST: Waiver of Section 55-126 – Variance to the required interior side yard setback from 25' to 18' to allow for the construction of a garage addition.
- LOCATION: 813 S. 80th St.
ZONE: R1

SHOW CAUSE:

19. Case No. 20-041
Steve Walker
13612 Miami St.
Omaha, NE 68164
- REQUEST: Waiver of Section 55-163 & 55-166 – Variance to allow a Warehousing and Distribution (limited) use not otherwise permitted in the R3 district and to the rear yard setback from 25' to 15' to allow for an existing storage building.
- LOCATION: 13612 Miami St. & 13611 Corby St.
ZONE: R3

MINUTES: Approval of the February 9, 2023 & March 9, 2023 meeting minutes.