

**ZONING BOARD OF APPEALS
AGENDA**



Public Hearing
Thursday, April 11, 2024 - 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 Joe Pogge. 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.

The applicant **does not** need to appear at the assembly of the Board members in the Planning Department Central Conference Room, 11th Floor, on April 11, 2024, at 11:00 a.m. where they will do an initial review of the cases.

CERTIFICATION OF PUBLICATION: Board of Appeals Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, April 1, 2024 (for use waivers only) and Thursday, April 4, 2024.

MEETING PROCEDURES:

Applicant, Property Owner, or Representative – MUST APPEAR AT THE 1:00 P.M. 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. 24-017
David Reeson
11900 Pacific St.
Omaha, NE 68154

REQUEST: Waiver of Section 55-830 – Variance to the maximum height for a monument sign from 6’ to 12’, to the maximum square footage per monument sign from 25 sq. ft. to 92 sq. ft.; to the maximum sign budget from 32 sq. ft. to 92 sq. ft.; and to the permitted sign types in the R2 District to install electronic signage not otherwise permitted to allow for a new monument sign to serve an existing church.

LOCATION: 11900 Pacific St.
ZONE: R2-MCC
2. (*Layover from March 14, 2024*)
Case No. 24-033
Julissa Rosales
4611 S. 62nd St.
Omaha, NE 68117

REQUEST: Waiver of Sections 55-186 – Variance to the required interior side yard setback from 5’ to 3.5’ to allow for a previously reconstructed carport to remain.

LOCATION: 4611 S. 62nd St.
ZONE: R4(35)-FF
3. (*Layover from March 14, 2024*)
Case No. 24-040
Buffy Bush
4138 Burdette St.
Omaha, NE 68111

REQUEST: Waiver of Section 55-203 – Variance to allow a *Parking structure* use not otherwise permitted in the R5(35) District to allow for the construction of a detached garage with covered patio on a vacant, residentially zoned lot.

LOCATION: 4135 Burdette St.
ZONE: R5(35)
4. (*Layover from March 14, 2024*)
Case No. 24-044
Emily Andersen
1717 Vinton St.
Omaha, NE 68108

REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 6’ and to the maximum impervious coverage from 40% to 42.3% to allow for the conversion of an existing, detached garage to include a studio addition and to allow for the construction of a bedroom addition on an existing single-family home.

LOCATION: 2213 S. 85th Ave.
ZONE: R2
5. (*Layover from March 14, 2024*)
Case No. 24-050
Candace Gregory
2828 N. 23rd St. E
Omaha, NE 68110

REQUEST: Waiver of Sections 55-764(e)(1)(b) & 55-764(e)(1)(d) - Variance to the minimum separation requirement for noncommercial day shelters from an established residential zoning district from 300’ to 190’ and to the maximum hours of operation per day from 14 to 24 to allow for the expansion of an existing homeless shelter campus (Open Door Mission).

LOCATION: Southeast of 20th and East Locust Streets
ZONE: GI

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6. (Layover from March 14, 2024)
Case No. 24-053
TFL Inc, dba Mega Saver
202 South 73rd St.
Omaha, NE 68114
- REQUEST: Waiver of Section 55-928(e) - Variance to the minimum perimeter parking lot landscaping depth from 15' to 4' to allow for the renovation of a portion of an existing commercial building into a new convenience store.
- LOCATION: 7059 Dodge St.
ZONE: GC-ACI-2(65)

NEW CASES:

7. Case No. 15-151
Kiewit Infrastructure Group
c/o Noddle Companies
2285 S. 67th St.
Omaha, NE 68106
- REQUEST: Waiver of Section 55-718 & 55-928(e) – Variance to the required landscaping plantings for a surface parking lot for a period of no more than 4 years from the date of the approval of the Conditional Use Permit for Surface Parking.
- LOCATION: 1515 Cuming St.
ZONE: CBD-ACI-1(PL)
8. Case No. 24-055
Rochelle Rohlf
7400 Military Ave.
Omaha, NE 68134
- REQUEST: Waiver of Section 55-830(b) – Variance to the maximum sign budget from 32 sq. ft. to 85.75 sq. ft. to allow for the construction of a wall sign.
- LOCATION: 4910 N. 72nd St. & 7400 Military Ave.
ZONE: R2
9. Case No. 24-056
Kataw Bereded
1817 N. 33rd St.
Omaha, NE 68111
- REQUEST: Waiver of Section 55-246 – Variance to the required rear yard setback from 25' to 17' to allow for the construction of a detached garage.
- LOCATION: 1820 & 1816 N. 33rd St.
ZONE: GC (CC pending)
10. Case No. 24-057
Jacob Sarver
1011 N. 192nd Ct.
#133
Omaha, NE 68022
- REQUEST: Waiver of Section 55-345 – Variance to the use regulations of the Limited Commercial District to allow a *Kennel* use not otherwise permitted.
- LOCATION: 15721 W. Dodge Rd.
ZONE: LC-ACI-4(PL)
11. Case No. 24-058
Esteban Benitez
6041 S. 49th St.
Omaha, NE 68117
- REQUEST: Waiver of Section 55-186 – Variance to the required front yard setback from 35' to 25' to allow for the construction of a covered front porch.
- LOCATION: 5845 S. 48th Ave.
ZONE: R4(35)
12. Case No. 24-059
Eddie R. Nelson
6411 Ames Ave.
Omaha, NE 68104
- REQUEST: Waiver of Section 55-186 – Variance to the required front yard setback from 35' to 24' to allow for the replacement of a covered front porch.
- LOCATION: 3539 Grand Ave.
ZONE: R4(35)

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| 13. | Case No. 24-060
Modesto Vazquez
1820 S. 56 th St.
Omaha, NE 68106 | REQUEST: | Waiver of Section 55-782(b)(6)(a) – Variance to the accessory structure interior side yard setback from 3' to 2' to allow for the extension of an existing, detached garage. |
| | | LOCATION: | 1820 S. 56 th St. |
| | | ZONE: | R4(35) |
| 14. | Case No. 24-061
Ganesh Naik
3610 Armbrust Dr.
Omaha, NE 68124 | REQUEST: | Waiver of Section 55-166 – Variance to the required street side yard setback from 17.5' to 14.5' to allow for the construction of a garage addition and bedroom addition. |
| | | LOCATION: | 3610 Armbrust Dr. |
| | | ZONE: | R3 |
| 15. | Case No. 24-062
Design8 Studios
8446 Madision St.
Omaha, NE 68127 | REQUEST: | Waiver of Section 55-836 – Variance to the minimum setback for a monument sign from 12' to 0' to allow for the installation of a monument sign. |
| | | LOCATION: | 2611 N. 204 th St. |
| | | ZONE: | CC-MCC |
| 16. | Case No. 24-063
Matt Kronaizl
2437 S. 156 th Cir.
Omaha, NE 68130 | REQUEST: | Waiver of Section 55-126 – Variance to the required front yard setback from 50' to 27.2' and to the street side yard setback from 25' to 15' to allow for the construction of a single-family home. |
| | | LOCATION: | 21934 Mayberry Cir. |
| | | ZONE: | R1 |
| 17. | Case No. 24-064
Lance Paulsen
20308 Patton St.
Gretna, NE 68028 | REQUEST: | Waiver of Section 55-734 – Variance to the off-street parking requirement for a Two-Family residential use from 3 stalls to 0 stalls for the remodel of an existing multi-family development. |
| | | LOCATION: | 4823 S. 22 nd St. |
| | | ZONE: | R7 |
| 18. | Case No. 24-065
Jack Rediger
12227 S. 217 th Ave.
Gretna, NE 68028 | REQUEST: | Waiver of Section 55-166 – Variance to the required front yard setback from 35' to 25' to allow for the construction of a home addition. |
| | | LOCATION: | 7504 Jaynes St. |
| | | ZONE: | R3 |
| 19. | Case No. 24-066
Matt Herzog
Westside Middle School
909 S. 76 th St.
Omaha, NE 68127 | REQUEST: | Waiver of Section 55-146 – Variance to the maximum impervious coverage from 40% to 44% to allow for the construction of an addition to an existing middle school. |
| | | LOCATION: | 8601 Arbor St. |
| | | ZONE: | R2 |

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| 20. | Case No. 24-067
Lucas Carmichael
5764 S St.
Omaha, NE 68117 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-186 – Variance to the required front yard setback from 35' to 9' to allow for the replacement of a covered front porch.
5515 Marcy St.
R4(35) |
| 21. | Case No. 24-068
Al Lewis
P.O. Box 111044
Omaha, NE 68111 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-186 - Variance to the required front yard setback from 35' to 8' to allow for the replacement of a covered front porch.
1717 Missouri Ave.
R4(35) |
| 22. | Case No. 24-069
Numotion
5980 S. 118 th Cir.
Omaha, NE 68137 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-206 - Variance to the required front yard setback from 25' to 7' to allow for the construction of a front porch with stairs and lift.
3539 N. 28 th Ave.
R5 |
| 23. | Case No. 24-070
Nicholas McPeck
741 S. 127 th St.
Omaha, NE 68154 | REQUEST:

LOCATION:
ZONE: | Waiver of Sections 55-786(e)(3) - Variance to the residential fence regulations to allow a 6' tall, privacy fence within the street side yard setback.
741 S. 127 th St.
R2 |
| 24. | Case No. 24-071
Myles Gardner
2437 S. 156 th Cir.
Omaha, NE 68130 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-166 - Variance to the required street yard setback from 20' to 3.5'; to the rear yard setback from 25' to 24.2'; to the maximum building coverage from 35% to 36.7%; and to the maximum impervious coverage from 45% to 47.5% to allow for the construction of a second-story home addition.
3520 Poppleton Ave.
R3 |
| 25. | Case No. 24-072
Adam Dusatko
2117 S. 156 th Cir.
Omaha, NE 68130 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-786(e)(3) - Variance to the residential fence regulations to allow a 6' tall, greater than 50% open fence within the front yard setback.
306 N. 92 nd St.
R1 |
| 26. | Case No. 24-073
The Church of Jesus Christ of
Latter-day Saints
50 E. North Temple St.
Salt Lake City, UT 84150 | REQUEST:

LOCATION:
ZONE: | Waiver of Section 55-830 - Variance to the minimum setback for a monument sign from 12' to 0' to allow for a monument sign to serve an existing visitor center.
3215 State St.
R4(35) |

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27. Case No. 24-074
Max Wallman
20601 Elk Dr.
Ste. 120
Omaha, NE 68022
- REQUEST: Waiver of Section 55-206 - Variance to the required street side yard setback from 15' to 5' to allow for the construction of a home addition.
- LOCATION: 2541 S. 221st Cir.
ZONE: R5
28. Case No. 24-075
Frasier Martis Architects
1005 S. 76th St.
Omaha, NE 68114
- REQUEST: Waiver of Section 55-166 - Variance to the required interior side yard setback from 10' to 6'; to the rear yard setback from 25' to 7.1'; and to the maximum impervious coverage from 45% to 63% to allow for the construction of a second-story home addition.
- LOCATION: 5225 Cass St.
ZONE: R3
29. Case No. 24-076
McNeil Company
4666 S. 132nd St.
Omaha, NE 68137
- REQUEST: Waiver of Section 55-246 & 55-735(a)(1) - Variance to the required front yard setback from 35' to 15' and to allow off-street parking for a multiple-family residential use in the front yard setback of a residential district to allow for the construction of two detached garages and associated parking to serve an existing apartment complex.
- LOCATION: 12500 W. Dodge Rd.
ZONE: R7-ACI-4(PL)

MINUTES: Approval of the March 14, 2024 meeting minutes.