

**ZONING BOARD OF APPEALS
AGENDA**



Public Hearing
Thursday, August 8, 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 August 8, 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, July 29, 2024 (for use waivers only) and Thursday, August 1, 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.

LAYOVER CASES:

1. *(Layover from 7/11/24)*
Case No. 24-124
Joe Copeland
8310 N. 37th St.
Omaha, NE 68112

REQUEST: Waiver of Section 55-186 – Variance to the required rear yard setback from 25' to 15' to allow for the construction of a detached garage.

LOCATION: 8310 N. 37th St.
ZONE: R4(35)

2. *(Layover from 7/11/24)*
Case No. 24-127
Philip Schaffart
1108 S. 84th St.
Omaha, NE 68124

REQUEST: Waiver of Sections 55-406, 55-734, & 55-716 – Variance to the required rear yard setback from 15' to 12' 6", to the required number of parking stalls on the site from 19 to 0, and to the screening requirement between GC and R5 Districts to allow for the construction of an uncovered deck to serve an existing restaurant.

LOCATION: 5213 Leavenworth St.
ZONE: GC-MCC

NEW CASES:

3. Case No. 24-140
Neil Hayhurst
19264 Robin Dr.
Gretna, NE 68028

REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between R8 and R4(35) Districts from 30' to 0' to allow for a 4' and 6' tall, privacy fence to be located on the exterior boundary of the bufferyard.

LOCATION: 4835 S. 49th St.
ZONE: R8

4. Case No. 24-142
10 Men LLC
1923 N. 42nd St.
Omaha, NE 68111

REQUEST: Waiver of Section 55-146 – Variance to the required front yard setback from 40' to 29' and to the maximum impervious coverage from 40% to 43.2% to allow for a previously constructed covered front porch to remain as-is.

LOCATION: 8525 Lafayette Ave.
ZONE: R2

5. Case No. 24-143
Vitalsigns
925 S. 7th St.
Council Bluffs, IA 51501

REQUEST: Waiver of Section 55-830 – Variance to the maximum sign budget from 32 sq. ft. to 70 sq. ft. and to the maximum sign area for a wall sign from 32 sq. ft. to 70 sq. ft. to allow for new signage for an existing ice rink.

LOCATION: 4220 Q St.
ZONE: R4

6. Case No. 24-144
Timothy Brennan
9236 Browne St.
Omaha, NE 68134

REQUEST: Waiver of Section 55-166 – Variance to the required rear yard setback from 25' to 8' to allow for replacement of an existing deck.

LOCATION: 9236 Browne St.
ZONE: R3

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7. Case No. 24-145
Matt Fenton
14049 Pierce 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: 14049 Pierce St.
ZONE: R2
8. Case No. 24-146
WDC 10, LLC
10050 Regency Cir. #200
Omaha, NE 68114

REQUEST: Waiver of Section 55-716 – Variance to the required bufferyard between DR and R6 Districts from 30' to 10' to allow for the construction of multi-family residential.

LOCATION: Southwest of 204th & Blue Sage Parkway
ZONE: R6-NCE-E
9. Case No. 24-147
Westgate Elementary School
c/o Matt Herzog
9437 J St.
Omaha, NE 68127

REQUEST: Waiver of Section 55-740(f)(4) – Variance to the minimum depth of landscaping between any parking facility and a residentially zoned lot from 10' to 2', to allow for construction of a sidewalk adjacent to Pipal Park.

LOCATION: 7802 Hascall St.
ZONE: R4
10. Case No. 24-148
Dakota Upreit Limited Partner
c/o Robert Rush
3003 32nd Ave. Suite 250
Fargo, ND 58103

REQUEST: Waiver of Sections 55-366, 55-768(b)(6)(a), 55-770, 55-716, 55-740(f)(4) - Variance to the temporary uses regulation to allow a garden center to operate over the maximum 90-day period in a calendar year, to the outdoor storage regulations to allow outdoor storage of bagged goods not otherwise permitted for a General Retail Sales use, to the maximum impervious coverage from 85% to 90%, to the required front yard setback along Hascall Street from 25' to 0', to the required bufferyard between CC and R6 Districts from 30' to 5', and to the required perimeter parking lot landscaping depth from 10' to 0'.

LOCATION: 3457 S. 84th St.
ZONE: CC-FF
11. Case No. 24-149
Brian Metz
14940 A Cir. Suite 102
Omaha, NE 68114

REQUEST: Waiver of Section 55-715 - Variance to the required street yard landscaping from 60% to 50% to allow for construction of an extension to the existing paved driveway to access a new garage and covered patio.

LOCATION: 16062 Charles St.
ZONE: R4
12. Case No. 24-150
Alvaro Urbina Sanchez
2116 Castelar Avenue
Omaha, NE 68108

REQUEST: Waiver of Section 55-186 – Variance to the maximum impervious surface coverage from 50% to 71%, to the maximum building coverage from 40% to 45%, to the rear yard setback from 25' to 6' and to the street side yard setback from 15' to 10' to allow newly constructed covered patio to remain.

LOCATION: 2116 Castelar Ave.
ZONE: R4

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MINUTES: Approval of the May 9, 2024, June 13, 2024 and July 11, 2024 meeting minutes.