

MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., FEBRUARY 8, 2010
Third Floor, Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

MEMBERS PRESENT: Jack Ryan, Chairman
Ronald Epstein, Vice Chairman
James Kucks
Nicholas Limpach
Thomas Thibodeau
Martin Wiedenman

MEMBER NOT PRESENT: Troy Meyerson

OTHERS PRESENT: Kevin Denker, Chief Housing Inspector
Todd Shearer, Housing Inspector

Mr. Ryan, Chairman, called the meeting to order at 1:00 P.M., introduced the board members, as well as the staff, and explained the procedures for hearing the cases. Roll call was taken with six members present.

Mr. Ryan informed those present that a copy of The Open Meetings Law is available in the board room for anyone to review. He noted that only those items on today's agenda could be discussed at today's public hearing.

Mr. Ryan explained that this Board does not have the authority to waive any requirements of the Americans with Disabilities Act, Federal Fair Housing Act, or NFPA Life Safety Code. This Board does have the authority to hear appeals of the International Fire Code, Nebraska Accessibility Guidelines, and the Nebraska Fair Housing Act. Life Safety Regulations are administered by the State Fire Marshal.

Mr. Ryan requested that speakers limit their presentation to 10 minutes.

Mr. Kucks moved to approve the minutes of the January 11, 2010 meeting as written. Mr. Thibodeau seconded.

AYES: Epstein, Kucks, Limpach, Thibodeau, Ryan

ABSTAIN: Wiedenman

MOTION CARRIED: 5-0

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CASES:

Case No. 10-01
Douglas L. Mertes
P. O. Box 6568
Omaha, NE 68106

LOCATION: 15168 Jefferson Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated December 29, 2009

Mr. Todd Shearer, Code Inspector, Planning Department, stated that the applicant needed A/C permit and a final inspection.

Mr. John Chatelain, Attorney, appeared on behalf of the applicant. Mr. Chatelain stated that Donovan Brothers inspected the A/C unit. Mr. Mertes stated that Donovan Brothers were to request an inspection at the time the permit was issued. Mr. Shearer stated that it is Mr. Mertes' responsibility to follow-up on a request for a final inspection. Mr. Denker stated that February 27, 2010 is the notice date for completion of the final inspection. Denker stated that a 30-day extension can be given if the applicant needs more time due to the backlog of inspections occurring at this time,.

Mr. Kucks moved approval to grant an extension of the February 27 deadline until March 29, 2010 (30 days) to allow applicant time to have a final inspection performed and approved by a mechanical contractor for the new A/C unit installed. Mr. Epstein seconded.

AYES: Limpach, Thibodeau, Wiedenman, Epstein, Kucks, Ryan

MOTION CARRIED: 6-0

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Case No. 10-02
Anita Sheneberger
1220 S. 10th Street
Omaha, NE 68108

LOCATION: 1220 S. 10th Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated January 5, 2010

Mr. Todd Shearer, Code Inspector, Planning Department, stated that the property was identified due to possible conversion to two or more living areas with no permit. He stated that there are problems on the outside of the property that need to be rectified as well. Shearer stated that the applicant applied for the property to be painted through the EPA lead program and waiting for a response. The applicant has asked for an extension to do the repairs due to the weather. Shearer reported that the assigned code inspector (Yvonne Barna) requested an interior inspection to make sure the property conforms to a single family dwelling, duplex, or tri-plex. Ms. Sheneberger denied the request. Ms. Barna had also agreed to an extension of six months, to repair the exterior, on the contingency that the permits are obtained and the property is kept clean, safe, and secure.

In response to Mr. Ryan, Ms. Sheneberger stated that her property has not been approved by the EPA yet. She stated that the testing took place and from that time it takes 90 days to get the results back. Sheneberger stated that the EPA confirmed that the soil is contaminated and they want to replace the soil before painting the house to prevent re-contamination if there is lead-based paint on the house.

Ms. Sheneberger stated that regarding the conversion issue, a nephew lives in the addition at the property. She explained that there are two furnaces that accommodate both their living arrangements. Mr. Shearer stated that multiple families dwelling at the property brings into account plumbing and heat issues, etc. Mr. Denker stated that the next course of action may be to pursue a warrant in order to inspect the interior of the property. He stated the Department's expectation that the applicant make progress on the exterior repairs while awaiting the EPA's decision must line up with code requirements and value, accordingly. Repair specifics were discussed. Sheneberger felt that more detail is needed on required repairs before she can secure the permits. She stated that the EPA would have her results by the end of March 2010. Sheneberger stated that if qualified, the list of paint jobs could push her property into next year for painting. She stated that if she does not qualify, she would finish the painting. Denker stated that the Department would not press the March 6 deadline on an EPA agreement to paint the property.

Mr. Wiedenman moved approval to grant an extension of the March 6, 2010 deadline to October 6, 2010 (7 months) to allow repair of the exterior items in violation and to secure the necessary permits. Mr. Limpach seconded.

AYES: Thibodeau, Wiedenman, Epstein, Kucks, Limpach, Ryan

MOTION CARRIED: 6-0

It was the consensus of the board to adjourn the meeting at 1:20 pm.

Claudia Moore, Secretary

Jack Ryan, Chairman