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 all 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.
CASES:

Case No. 10-15
The Architectural Offices
ATTN: Bill Stott
5015 Underwood Avenue
Omaha, NE 68132

LOCATION: 1111 Jones Street - Kaneko Museum
REQUEST: Waiver to allow a non-sprinklered museum space to be used for an art exhibit

Mr. Randy Palandri, Architectural Offices, 5015 Underwood Avenue, presented this request.

Mr. Palandri stated the Kaneko Center is a non-profit organization that supports and displays artwork. He stated that the center is housed in a building at 11th & Jones most of which has been renovated except for a significant portion of the second floor. Palandri stated that future plans are to add a new entrance with elevator access to the second floor. He discussed the opportunity to exhibit a temporary display in 2011. Palandri explained that the applicant does not have the space in the usable area of the existing facility to house the display. They are requesting the use of the second floor as a temporary display for a 4-month time period time only. He stated that the applicant will make all improvements necessary with the exception of installing the fire sprinkler systems. Palandra added that the sprinkler system would be installed as part of the addition and renovation of space as funds become available. Only a portion of the second floor is sprinklered and meets all requirements, has been permitted and constructed per the plans.

Ryan had concerns about the time period requested which is more than a year away. Palandri stated that it would allow them time to make improvements by fire-rating the stair tower and install smoke detectors.

In response to Thibodeau, Palandri confirmed the second floor as the top floor of the building. He explained that the remainder of the building is sprinklered except for the private residence which is separated from this space by a two-hour separation wall on both floors. Palandri talked about the egress and addressed the existing stair located in the middle having a two-hour rated shaft which leads directly to the outside on the main floor. The new entrance would allow access to that stair. He stated that the stair in the corner would be enclosed with one-hour rating and leads directly to the outside. The existing stair in the middle of the space is adjacent to an elevator that would be used. Palandri stated that according to size and occupancy this meets the requirement for 3 egress components from the second floor.

Mr. Greg Hauptman, Plans Examiner, stated that the Permits Division does not support this request. He stated that both the owner and contractor have delayed getting this project sprinklered for the last 10 years. Hauptman stated that there have been a number of reasons for not getting the sprinkler system installed. He stated that Permits is not giving anything out on this building until sprinklers are installed. Hauptman stated that the project started under the UBC and has bypassed two different code changes. He stated that with each code change the sprinkler requirements have increased and become more stringent. In response to Ryan, Hauptman stated that the Fire Department is agreed that the center finalize the sprinkler system installation as well. Hauptman stated that the sprinkler system needs to be in the entire building excluding the residence. He stated that the applicant is currently using areas of the building not sprinklered.

In response to Mr. Thibodeau, Mr. Palandri stated that the applicant is looking into the completion cost of the sprinkler installation. He felt that the cost could be tied into the existing sprinkler system. Mr. Wiedenman felt that if the space is used temporarily it could become difficult bringing it to an end date. Thibodeau felt that the center should install the sprinkler system before the exhibit goes into the space.
In response to Mr. Meyerson, Mr. Palandri stated that they need to make some improvements to the second floor to accommodate the display. He stated that the opportunity to display the exhibit came prior to the timeframe to complete improvements for better access. Palandri stated that the improvements needed to fully occupy the second floor on a permanent basis could not be completed at this present time.

In response to Mr. Kucks, Mr. Palandri stated that the second floor is a Type IIA. Palandri stated that the display area including the stairs measures at 11,600 sq. ft.

Mr. Kucks stated that, “given the timeframe, history, and safety concerns” moved to deny the request. Mr. Thibodeau seconded the motion.

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

ABSTAIN: Limpach

MOTION CARRIED: 6-0-1
**Case No. 10-04**  
**David Phillips**  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE 68132

**LOCATION:** 131 S. 38th Street, Apt. 6 - Interior  
**REQUEST:** Appeal International Property Maintenance Code Notice of Violation dated January 11, 2010

**Case No. 10-05**  
**David Phillips**  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE 68132

**LOCATION:** 131 S. 38th Street, Apt. 6 - Vacate  
**REQUEST:** Appeal International Property Maintenance Code Notice of Violation dated January 11, 2010

**Case No. 10-06**  
**David Phillips**  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE 68132

**LOCATION:** 131 S. 38th Street, Apt. 6 - Demolish  
**REQUEST:** Appeal International Property Maintenance Code Notice of Violation dated January 11, 2010

**Case No. 10-07**  
**David Phillips**  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE 68132

**LOCATION:** 131 S. 38th Street, Multi-Family Exterior  
**REQUEST:** Appeal International Property Maintenance Code Notice of Violation dated January 11, 2010

**Case No. 10-08**  
**David Phillips**  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE 68132

**LOCATION:** 131 S. 38th Street, Laundry Room & Commons Area Interior  
**REQUEST:** Appeal International Property Maintenance Code Notice of Violation dated January 11, 2010

Mr. John Chatelain, Attorney, represented the applicant in support of these cases. Mr. David Phillips, Grandview Properties, LLC, and Mr. Thomas Jizba, Civil/Structural Engineer, Atlas Engineering, also appeared on behalf of the applicant. The five cases above were heard concurrently.

In response to Mr. Chatelain, Mr. Mike Johnson, Housing Inspector, stated that IPMC files are maintained separately according to each violation written. He explained the practice of being able to release cases which are no longer in violation while managing other issues at the same address until compliance is met. Mr. Kevin Denker stated that the five appeals began with three violations and led to a vacate order and a demolition order. Denker stated that the applicant requested to appeal each write-up. Mr. Limpach stated that write-up issues should initiate with the applicant's efforts to meet with the City. Then if items remain unresolved they should be brought before the board. Thibodeau informed that the board does not rule on property searches. With respect to the five cases, Mr. Chatelain stated that there is no objection to meeting with the City regarding ambiguities prior to the May meeting. It was also noted that if the parties are able to come to an agreement it would not be necessary to return to the board.
Mr. Limpach moved to LAYOVER the five cases until the next meeting (May 10, 2010) to give the applicant and the City time to discuss the specific details of the appeal. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 7-0
Ms. Jessica Finkle, Attorney, appeared on behalf of the applicant.

Mr. Roger Carroll, Housing Inspector, stated that there were various code violations in the apartment including plumbing issues, loose electrical outlets, a leaking bathroom ceiling, etc. He stated that several property maintenance people had been in the building and presented pictures that were taken. Carroll stated that the owner’s attorney, Sean Cuddigan, requested an additional 90 days to complete the repairs. He stated that City supports the request.

Mr. Limpach moved to APPROVE an extension of 90 days (July 11, 2010) to allow applicant time to make necessary repairs. Mr. Meyerson seconded the motion.

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

MOTION CARRIED: 7-0
Ms. Jessica Finkle, Attorney, appeared on behalf of the applicant.

Mr. Epstein moved to APPROVE an extension of 90 days (July 11, 2010) to allow applicant time to make necessary repairs. Mr. Limpach seconded the motion.

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

MOTION CARRIED: 7-0
The two cases above have the same applicant and were heard concurrently.

Ms. Yvonne Barna, Housing Inspector, presented the cases. She stated that the applicant lives out of state and needed to make arrangements to attend the BBR meeting. Barna stated that the City supports a layover to give the applicant time to arrive for the May meeting.

Mr. Limpach moved to LAYOVER the cases until the next meeting on May 10, 2010. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0
ADJOURNMENT

It was the consensus of the board to adjourn the meeting at 1:51 pm.

Claudia Moore, Secretary                          Jack Ryan, Chairman