

MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., MAY 10, 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
Troy Meyerson

OTHERS PRESENT: Jim Harper, Civil Engineer III
Tom Phipps, Chief Mechanical Inspector
Greg Hauptman, Plans Examiner
Kevin Denker, Chief Housing Inspector
Yvonne Barna, Housing Inspector
Mike Johnson, Housing Inspector
Greg Peterson, Housing Inspector
Kurt Holmstrom, Housing Inspector
Scott Benson, 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 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.

Mr. Kucks moved to APPROVE the minutes of the March 1, 2010 meeting as written. Mr. Wiedenman seconded the motion.

AYES: Kucks, Thibodeau, Wiedenman, Meyerson, Ryan

ABSTAIN: Epstein, Limpach

MOTION CARRIED: 5-0-2

Mr. Epstein moved to APPROVE the minutes of the April 12, 2010 meeting as written. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 7-0

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Case No. 10-23
Joseph Poteat
6310 N. 112th Circle
Omaha, NE 68164

LOCATION: 300 S. 16 Street, Ste. 101
REQUEST: Waiver of the Type I and Type II hood requirements as prescribed in the International Mechanical Code

Mr. Joe Poteat, 6310 N. 112th Circle, presented this requested.

Mr. Poteat provided the members with a cut sheet for the ovens. He proposes to use a 36" Vulcan range and two Lincoln Impinger ovens in the restaurant. Poteat bases his hardship on the fact this is a historic building. Poteat states that they are not allowed to penetrate any of the exterior walls with the ductwork because of the building's historical standing. He added that the roof is 14 stories above the restaurant which is on the ground floor making it too far to run the ductwork. Poteat noted the inability to run ventilation through the lobby and corridors to the rear of the building and that the lobby and corridors are owned by various owners and associations as well.

Mr. Poteat is proposing to use two Giles FSH-4 ventless hoods; one for over an electric range and one for over the conveyor ovens. He explained that the hood is specified to be a free-standing hood which will have safety straps and is UL listed for this application. Poteat stated that ventilation outside the building is not a requirement according to the manufacturer. Poteat stated that the hoods are in compliance with IMC 2006, NFPA 96, UL 710B, UL 710, UL 1046 and UL 867 standards for treatment of the vapors. He stated that food prep involves boiling water, warming sauces, and cooking pasta. The ovens will be used for cooking pizzas. Pre-cooked meats will be used as well. Poteat stated that the Giles hoods are in use in 13 Pizza Hut locations. He stated that each of the restaurants has fresh smelling air both inside and outside. Poteat felt that the successful application of the hoods demonstrates the successful handling of grease laden vapors in the environment. He added that they have measured the air flow within the environment as well. Poteat discussed the BTUs produced which provide a surplus cooling capacity per hour. He added that the location has been fitted with sprinklers throughout. In response to Mr. Ryan, Mr. Poteat stated that construction has not started. He summarized that, in an all-electric kitchen, this equipment is designed to handle the cooking vapors and meet the needs of a restaurant in these circumstances where the air cannot be exhausted out of the building.

Mr. Harper stated that the PO-VH hood does not provide full coverage of the ovens and does not provide 6" minimum hood projection beyond the appliance. Poteat stated that the hood can be extended. Harper stated that fire suppression system is required in the PO-VH hood above the double stack Lincoln Impinger Model 1132 Conveyor ovens. Mr. Phipps stated that the oven for the project were CSA listed products. When reviewing the listing it was a listing for gas fired ovens models only, not electric. Mr. Phipps concurred with Mr. Harper's requirements for clearance to combustibles and fire suppression be installed in all exhaust hoods for this project. Mr. Phipps further stated with the comfort ventilation information provided to the board by Mr. Poteat, would not affect the efficiency of the heating and cooling system for the facility. Mr. Limpach stated that the applicant's suggested alternative is acceptable to the codes. He stated that the applicant would need to show the UL listing for the ovens. Poteat inquired about a waiver for fire suppression which was not supported by the City. The board did not see a hardship regarding fire suppression. The board would support the request to use the circulating hoods with the Ansul system and to provide coverage for the full conveyor.

Mr. Thibodeau moved to deny the waiver to omit the Ansul system provided that the units are installed with the appropriate listings and with the appropriate coverage 6" beyond the edges of the equipment. Mr. Limpach seconded.

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

ABSTAIN: Meyerson

MOTION CARRIED: 6-0-1

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Case No. 10-24
Kirk Pfeffer
City of Omaha
1819 Farnam Street
Omaha, NE 68183

LOCATION: 302 Pierce Street
REQUEST: Waiver to eliminate the sprinkler requirements
for stories and basements without openings

Mr. Kirk Pfeffer, Public Works Design Engineer, City of Omaha, Mr. Bob Riede and Mr. Mike Shanahan, both with HDR Engineering, 8404 Indian Hills Drive, appeared in support of this request.

Mr. Pfeffer stated the City contracted with HDR to design a wastewater treatment facility lift station. He stated that this facility is a multi level building made of concrete and steel with access by ladders and stairs. Pfeffer noted that the electric wiring is encased in a metal conduit. He discussed the challenge it would be to maintain fire suppression due to the layout of the facility. Pfeffer stated that all the requirements are met at exit level with two means of egress at the deepest part where the pumps are located. He added that the top floor has enough doors. Pfeffer stated that the building has 4-foot thick concrete foundation walls below grade in which egress would be extremely expensive. Pfeffer stated that the structure is essentially non-occupied except for a few workmen stopping in periodically throughout the day.

Mr. Epstein confirmed that Mr. Hauptman met with Capt. Dickerson and HDR recommending that the applicant extend the sprinkler coverage to all of the rated stair enclosures and to install two stand pipes. Hauptman stated that he has no objections to the request and confirmed that Captain Dickerson felt the sprinklers would be unwarranted in this case. An HDR representative stated that a corridor was turned into a passageway as required by the Department.

Mr. Epstein moved to grant the waiver with the two provisions that the sprinklers are extended into the two rated stair enclosures and that the two stand pipes are installed. Mr. Limpach seconded.

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

ABSTAIN: Kucks

MOTION CARRIED: 6-0-1

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Case No. 10-25

Albert Macchietto
Alley Poyner Machietto Architects
1516 Cuming Street
Omaha, NE 68102

LOCATION: 10202 F Street

REQUEST: Waiver to the requirement for a vestibule in a space greater than 3,000 sq. ft.

Mr. Albert Machietto, Alley Poyner Machietto, 1516 Cuming Street, appeared before the board on behalf of this request. Mr. Machietto took issue with the interpretation of the IECC provision on vestibules in commercial buildings. He stated what the provision (502.4.6) requires regarding vestibules along with the particular exception (4. Doors that open directly from a space less than 3,000 sq in area are exempted) then explained that this building has a tenant space that is over 10,000 sq, a front entry reception area which is 500 sq that is closed off from the remaining 9,500 sq of office space. He stated that their interpretation of the code would indicate that this meets the requirement and the exception because it is an area that is less than 3,000 sq.

Mr. Hauptman stated that as the AHJ they are charged with the interpretation of the term "space" which is and always has been interpreted as the "entire conditioned space" and not just the front room of the space. He stated that the 3,000 sq. ft. space is considered the entire tenant conditioned space. Hauptman explained that the purpose of the vestibule is two-fold; to help conserve the energy within the rest of the building, and to prevent cold air that flows in during the winter. He stated that the vestibule is a separate entity and the space in question is the whole tenant space being heated and cooled.

In response to Mr. Machietto's example from the IECC commentary, Mr. Limpach stated that the AHJ made a judgment of the interpretation. Limpach suggested that the board next decide if there is a waiver on this particular application. Mr. Machietto stated that the 500 sq. ft. space serves as a vestibule. There are two doors that join onto the entire space both of them on closers in which the doors will stay closed sealing off the remainder of the space. The 500 sq. ft. space is being used as a reception area. Limpach suggested using the ASHRAE Standard 90.1 rather than the energy code prescriptive. Mr. Thibodeau pointed out that a vestibule is a void area. He added that vestibules are typically not occupied as office space or a work area. Mr. Wiedenman stated that a vestibule is required to save energy regardless if the space is occupied. Mr. Machietto stated that a vestibule could be included if necessary but felt the interpretation of the code is vague and does not provide much guidance. The board also felt that the code needed clarification yet recognized the City as the AHJ.

Mr. Thibodeau moved that this board agree with the City's interpretation that "space" is the entire tenant space rather than a room with the door opening into it. Mr. Limpach seconded.

AYES: Meyerson, Kucks, Limpach, Thibodeau, Ryan

NAYES: Wiedenman

ABSTAIN: Epstein

MOTION CARRIED: 5-1-1

Mr. Limpach moved to approve the request for waiver to allow the space to be used as a vestibule based on the overall size of the building and the size of the reception area. Mr. Wiedenman seconded.

AYES: Limpach, Wiedenman, Ryan

NAYES: Meyerson, Kucks, Thibodeau

ABSTAIN: Epstein

MOTION FAILED 3-3-1

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Case No. 10-26

Mick McGuire

3925 S. 147 Street, Ste. 119

Omaha, NE 68127

LOCATION: 13232 Blondo Street

REQUEST: Waiver to allow two additions to an existing church without adding sprinkler protection

Mr. Mick McGuire, owner of Straightline Design, 3925 S. 147th Street, Pastor Mark Grorud, St. Michael Lutheran Church, 13232 Blondo Street, Mr. Robert Engel, RWE Architects, 2110 S. 156th Circle and Capt. David Mann, member of St. Michael Lutheran Church, appeared before the board in support of this request.

Mr. McGuire informed that he was a member of the church and on the Building Committee as well. He stated that Straightline Design is collaborating with RWE Architects for two additions (north and south sides) to the sanctuary of the church. Upon meeting with the City, he then found it necessary to come before the board for a waiver of sprinkler system installation in the sanctuary which is required by City code. McGuire stated that the sanctuary was built in 2001 as an addition. He stated that the current occupancy is approximately 244 people and the additions would increase the capacity by approximately 148 more individuals, 18" per seat on the north and south sides. McGuire stated that the additions are a noncombustible, steel structure, 2-hour fire rated all around, including the floor. He mentioned that the finished basement underneath is not sprinkled as well.

Mr. Hauptman informed Mr. McGuire that the Life Safety Code could not be waived. However, Mr. McGuire noted a provision in the Life Safety Code which exempts churches as long as the structure remains as a church. He stated that nothing is being added that would change its current occupancy. Mr. Bob Engel introduced himself. Mr. Mark Grorud introduced himself as senior pastor of St. Michael Lutheran Church. Mr. David Mann introduced himself as Captain of the Omaha Fire Department and member of St. Michael's Church. In response to Mr. Limpach, Captain Mann was present on behalf of the applicant stating that his background is Fire Prevention Bureau in the public education side of it. Mann noted his assistance with a general understanding of fire code and all that comes with it.

Mr. McGuire stated that the sanctuary has a fire alarm system in place. He stated that the church currently has two exits from the sanctuary portion of the building which will increase to five exits with the proposed additions. McGuire stated that the new additions will have fixed pews that are made of steel and concrete as well. In response to Mr. Thibodeau, Mr. McGuire stated that the only combustible material would be the pews and the platform that are made of wood. Mr. Ryan commented that Permits & Inspections and the Fire Department do not object to this request for waiver. In response to Mr. Limpach, the applicant has agreed to extend the fire alarm coverage and add smoke detectors and pull stations in the new additions.

Mr. Limpach moved to grant the waiver based on the existing use of the space, added exits (three), and extended coverage of the fire alarm system along with smoke detectors in the additions. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0

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Case No. 10-27
Prochaska & Associates
Attn: Curt Field
11317 Chicago Circle
Omaha, NE 68154

LOCATION: 711 N. 205 Street
REQUEST: Waiver to use alternative methods not currently
addressed in the code

Mr. Curt Field, Architect, Prochaska & Associates, 11317 Chicago Circle, Omaha, NE; Mr. Fernando Azcue, Structural Engineer, and Mr. Mario Sanchez, Manufacturer, both with InnoVida, 560 Lincoln Road, Miami Beach, FL 33139, appeared in support of this request.

Mr. Field stated that the alternative method proposed is German technology which is successful worldwide for structurally-insulated panels as well as beams and columns. This alternative, not ICC approved, was chosen for expediency. The product passed Miami Dade testing which is an IBC based code. Fields stated that the product is in use throughout Europe, the Middle East, and will be used to rebuild Haiti. The product is energy efficient and does not require the labor pool to be as skilled as some construction. US Bank sought this method primarily because of the energy efficiency ascribed to the material.

Mr. Hauptman stated that there are no test results available from any accredited agency or laboratory for this product. He stated that the testing is in progress and the results will not be available until September. Mr. Ryan stated that this board is not in a position to approve material that has not been tested and certified by our recognized laboratories. The cold weather performance testing, which is delayed, was a concern as well. Mr. Limpach stated that the testing in Florida is not a recognized standard by IBC.

Mr. Wiedenman moved to deny the request until further testing can be done. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 7-0

Case No. 10-13
Kent Bealer, LLC
(over from 4/12/10)
1521 N. Argonne Road #258
Spokane, WA 99212

LOCATION: 3115-17-19-21-23-25-27 & 29 Pacific Street,
REQUEST: Building Exterior
Appeal International Property Maintenance Code
Notice of Violation dated February 26, 2010

Case No. 10-14
Kent Bealer, LLC
(over from 4/12/10)
1521 N. Argonne Road #258
Spokane, WA 99212

LOCATION: 3115-17-19-21-23-25-27 & 29 Pacific Street,
REQUEST: Interior Commons Area
Appeal International Property Maintenance Code
Notice of Violation dated February 26, 2010

Mr. Kent Bealer, 1521 N. Argonne Road #258, Spokane, WA, and Mr. Jack Binge, Maintenance, appeared before the board in support of these requests.

Both cases were heard concurrently.

Ms. Barna stated that there are two appeals for the same property. She stated that the applicant maintains that the violations on the interior and the commons of the connecting rowhouses were overstated and/or inaccurate. Mr. Bealer agreed that the building needs numerous repairs done and is willing to correct the violations. He added that the property is 23 units, 11 small studios and 12 small one-bedroom apartments that share eight furnaces. The ultra-violet air purification system currently being used received a negative response from Code Enforcement. Mr. Denker stated that the ultra-violet system is an alternative method and needs board approval. He recommended the applicant present a proposal for review by the mechanical department. If the alternative method is accepted, Code Enforcement would grant an extension. Denker stated that the results would be read into the record at a later date.

Mr. Thibodeau moved to layover the requests until the July 12 meeting to allow the applicant to work with the City to develop a plan to address the items in the violation report. Mr. Limpach seconded the motion.

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

MOTION CARRIED: 7-0

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Case No. 10-04

David Phillips

(over from 4/12/10)

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

(over from 4/12/10)

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

(over from 4/12/10)

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

(over from 4/12/10)

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

(over from 4/12/10)

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. David Phillips, 5119 Davenport Street, Mr. Thomas Jizba, Atlas Engineering, 14445 N. 192nd Street, Bennington, NE, and Mr. John Chatelain, Attorney, 12111 Anne Street, Omaha, NE, appeared before the board in support of these requests.

The cases were heard concurrently.

Mr. Kevin Denker, Chief Housing Inspector, reported the issues were discussed with the applicant, owner and the property engineer. They discussed an alternative option for the shared air such as an outside system to remedy what is currently being used. Mr. Mike Johnson, Housing Inspector, stated that the applicant submitted a heating proposal to SOS Heating which will also be reviewed by Mr. Tom Phipps, Chief Mechanical Inspector, and the board for approval. Denker stated that the ceiling height in the basement apartment did not meet the 7' requirement. He stated that the code was recently changed reducing ceiling heights from 7'6" to 7 feet. Denker stated that fire walls and ceilings are required to have one-hour separation between basements and above units, which is not met. He added that PVC stacks are not allowed in multi-units. Egress requirements are not met. Denker stated he will work with the applicant on the electrical inspection. He stated that the applicant must get the basement unit into compliance or vacate the unit.

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Mr. John Chatelain asked the board for a waiver regarding the ceiling height. He stated that some areas of the ceiling meet the requirement and other areas are lower than 7 feet. Mr. Phillips stated that the low areas can be raised depending on what is above the ceiling. He stated that the areas of the ceiling that are below 7' are soffitted.

Discussion surrounded the property owner providing the proper UL assembly and raising the ceiling height to 6' 6" in the areas that can be modified.

Mr. Chatelain challenged the separate fees assessed for multiple appeals. Mr. Wiedenman stated that applicants seem to bypass their option to meet with city inspectors and are inclined to appeal to the board which involves paying the fees. Mr. Denker stated that the appeal form clearly states all write-ups can be discussed with the inspector for resolutions. He added that this issue would be referred to the Law Department for administrative clarification.

Mr. Thibodeau moved to layover the appeals until the July 12 meeting to allow the property owner to present information on the shared air issue to the City's mechanical inspector; to allow the owner to investigate the fire rating of the ceilings and based on that investigation. If an acceptable method is found the 7' height requirement for ceilings would be waived provided that the area that is currently at 6' 1" is raised to a minimum of 6' 6"; install the egress window in the bedroom; and to allow time to meet with the City's plumbing inspector regarding the PVC plumbing/piping. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0

Case No. 10-16
Robb N. Gage
319 S. 17th Street, Ste. 700
Omaha, NE 68102

LOCATION: 4316 Leavenworth Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated March 10, 2010

Mr. Robb N. Gage, Attorney, appeared on behalf of the property owner in support of this request.

Mr. Denker, Chief Housing Inspector, reported meeting with Mr. Gage. He stated that the roof was replaced and remainder of repairs is in progress. Denker recommended a 120-day extension to complete the minor repairs.

Mr. Thibodeau moved to approve an extension for 120 days to make the necessary repairs. Mr. Meyerson seconded the motion.

AYES: Thibodeau, Wiedenman, Meyerson, Limpach, Epstein

ABSTAIN: Kucks, Ryan

MOTION CARRIED: 5-0-2

Case No. 10-19
National Sound
Bob Ursdevenicz
2620 S. 36th Street
Omaha, NE 68105

LOCATION: 3921 Farnam Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated April 6, 2010

Mr. Bob Ursdevenicz, property owner, appeared before the board in support of this request.

Mr. Johnson, Housing Inspector, reported meeting with the owner and agreed to recommend an extension.

Mr. Ursdevenicz stated that storm damage from the heavy snows caused some roof issues. He added that he has received offers for the building. Ursdevenicz will decide whether to repair the building or sell it for redevelopment.

Mr. Wiedenman moved to approve an extension for 120 days. Mr. Thibodeau seconded the motion.

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

ABSTAIN: Kucks

MOTION CARRIED: 6-0-1

Case No. 10-20
Brian Carlin
1934 S. 34th Street
Omaha, NE 68105

LOCATION: 616 S. 31st Avenue
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated April 9, 2010

Mr. Brian Carlin, property owner, and Mr. John Chatelain, Attorney, appeared before the board in support of this request.

Mr. Mike Johnson, Housing Inspector, explained that a phone call or meeting with the inspector prior to appealing is highly recommended and can be very productive in resolving many issues.

Mr. Thibodeau moved to layover until the next meeting on June 14, 2010 to allow the property owner time to meet with the City to discuss issues toward an agreement so as not to return to the board. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0

Mr. Kucks left at 4:00 p.m.

Case No. 10-21
John J. Malone, Sr.
11806 Washington Circle
Omaha, NE 68137

LOCATION: 4324 Sprague Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated April 9, 2010

Mr. John Malone, Sr., property owner, appeared before the board in support of this request. He objected to the Chairman's adverse response to his request that the City staff be under oath for this hearing.

Mr. Greg Peterson, Housing Inspector, addressed the 17 issues appealed. He discussed the comments from his case analysis along with the recommendation of relief requested.

Mr. Malone requested policies relative to the violations. Mr. Denker stated that any policies can be provided by his office. Malone stated that his priority is to get the demolition order vacated. He contracted a structural engineer who informed that the fire damage can be repaired. In response to Mr. Thibodeau, Mr. Malone did not agree to make the necessary repairs to the fire-damaged property. Malone insisted the demolition order be withdrawn. Mr. Wiedenman inquired of Malone to specify the items being appealed. He argued the standard and unreasonableness of the demolition order. Denker stated that the Code Enforcement office received an email complaint from the fire department regarding a fire at the property. Peterson added that OPPD and MUD reported the property as not having service over a long period of time.

Mr. Epstein moved to deny the request to overrule the demolition order. Mr. Limpach seconded the motion.

AYES: Epstein, Limpach, Wiedenman, Meyerson, Ryan

ABSTAIN: Thibodeau

MOTION CARRIED: 5-0-1

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Case No. 10-22
Dave Thompson
5006 S. 94th Street
Omaha, NE 68127

LOCATION: 6204 N. 42nd Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated April 1, 2010

Mr. John Chatelain, Attorney, and Mr. Dave Thompson, property owner, appeared in support of this request.

Mr. Kurt Holmstrom, Housing Inspector, stated that this case goes back six years. He added that no changes have occurred since April 2004. Holmstrom presented his case analysis and recommendation. The appeal stated that the owner is using the building for storage. Holmstrom stated that the property is zoned community commercial in which outdoor storage is not allowed. Mr. Denker, Chief Housing Inspector, informed that repairs need to be made to the building and all utilities need to be turned on, according to the code.

Mr. Chatelain stated that the building will be evaluated by a structural engineer so as to determine whether the building is structurally feasible for repair. The applicant can also get more clarification from the inspector.

Mr. Epstein moved to layover until the next meeting on June 14, 2010 to allow applicant time to meet with the City for further clarification. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 10-17
John R. Koch
5304 N. 78th Street
Omaha, NE 68134

LOCATION: 4135 Spencer Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated February 26, 2010

Mr. John Koch, property owner, appeared before the board in support of this request.

Mr. Scott Benson, Housing Inspector, stated this case goes back to April 2003. He reported recent upkeep of the lawn. However, the rear porch roof collapsed and fell through the floor and some window casings have deteriorated. Mr. Koch felt that the house is usable and he has entertained selling the property. He has plans to demo the rear porch and rebuild it. Scott stated the violation deals with dwelling interior in which there are photos previously taken showing wall and floor damage. Koch agreed that the property needs a new roof. He felt that the cost to fix the property is not in excess.

Mr. Denker state that this property is low priority on the demolition list. Koch stated that he has a permit to do the repairs. Denker added that the property needs to be kept secured as well.

Mr. Limpach moved to stay the demolition order for the period of which there is a valid, current permit and that the property is maintained and secured. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 10-18
Midge McDaniel-Franklin
1445 Blue Sky Way
Clermont, FL 34714

LOCATION: 2102 Pinkney Street
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated March 2, 2010

Mr. Flynn Franklin appeared on behalf of the applicant in support of this request.

Mr. Scott Benson, Housing Inspector, stated that the applicant wants time to save the home. He noted that the property is on the historic landmark listing. Benson reported that bids are being taken regarding the work that needs to be done. He added that the property is kept secure, lawn is mowed, and is watched by a neighbor.

Mr. Thibodeau moved to approve an extension for 6 months to complete the work. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 6-0

ADJOURNMENT:

It was the consensus of the board to adjourn the meeting at 4:29 p.m.

Claudia Moore, Secretary

Jack Ryan, Chairman