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 and all members were 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. Wiedenman moved to APPROVE the minutes of the October 4, 2010 meeting, as amended. Mr. Thibodeau seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Wiedenman, Ryan

ABSTAINED: Meyerson

MOTION CARRIED: 6-0. One abstention.
NEW CASES:

Case No. 10-52
Farm Credit Building LLC
Attn: Albert Macchietto
1516 Cuming Street
Omaha, NE 68102

LOCATION: 209 South 19 Street
REQUEST: Waiver to the minimum court dimensions and for non-compliant handrails and stairways

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Albert Macchietto and Mr. Martin Kluck, Alley Poyner Macchietto, 1516 Cuming Street, and Mr. Todd Heistand, NuStyle Development, 514 Walker Street, Woodbine, IA, appeared before the board in support of this request.

Mr. Macchietto gave some history on the Farm Credit Building with a proposal to convert floors 2 through 10 into residential apartments with a combination of businesses on the first floor. He stated that the 11th floor will house community room, deck and sunrooms. Macchietto also presented the drawings for the proposed plan.

Mr. Macchietto discussed the court in the center of the building which does not meet the code standard (11' wide X 26' long). Macchietto stated the court is 17.6' wide X 19.6' long. He explained that only one residential unit per floor has windows which open onto the courtyard. Macchietto added that the walls adjacent to the court are fire-rated.

Mr. Greg Hauptman, Plans Examiner, stated that the building is fully sprinklered and therefore supported a variance of the minimum court dimension.

Mr. Epstein moved to APPROVE a waiver for the courtyard, as it exists. Mr. Kucks seconded the motion.

AYES: Thibodeau, Wiedenman, Meyerson, Epstein, Kucks, Ryan
ABSTAINED: Limpach
MOTION CARRIED: 6-0. One abstention.

Mr. Macchietto next referenced the handrails on the east stairs (historic stair) which do not meet the guidelines. He proposed to add a rail on the outside walls of the existing stair at the height required with the proper extensions. The building is currently listed on the historic register.

Mr. Hauptman stated that the building has an elevator available for use. He was in support of a variance for handrails.

Mr. Kucks moved to APPROVE a waiver for handrails according to the plans submitted. Mr. Wiedenman seconded the motion.

AYES: Thibodeau, Wiedenman, Meyerson, Epstein, Kucks, Ryan
ABSTAINED: Limpach
MOTION CARRIED: 6-0. One abstention.

Mr. Macchietto discussed a second staircase which was different in construction from the historical stair previously mentioned. He stated that this stair has approximately 6” of space between the flights and proposed add-ons to make one side wider. Mr. Hauptman felt that a waiver was not necessary to widen the stair and install the proper handrails.
At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Kirk Pfeffer, Mr. Albert Macchietto and Mr. Daric O’Neal, Alley Poyner Macchietto, 1516 Cuming Street, Mr. Jeffrey Ray, Wade Trim, 1907 Harney Street, appeared before the board in support of this request.

Mr. Macchietto stated that the building is non-inhabited and is functioning as part of a sewer project. He stated that a portion of the building underground (a wet well) is approximately 9’ below grade and another portion (a dry well) which is even lower. Macchietto stated that due to the nature of the wet well, maintaining a sprinkler system would be a difficult challenge. He stated that the wet well has one direct stair up and out of the building and the dry well area has two staircases at opposite corners. Macchietto stated that the construction is non-combustible. Only maintenance personnel would have access to the area.

Mr. Limpach moved to APPROVE a waiver of sprinkler requirements in a below-grade windowless building with the provision that stairs B and C are provided with standpipes, and those two stair enclosures are sprinklered, as well as any required exit passageways. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Evan McNally appeared before the board in support of this appeal.

Mr. Greg Peterson, Housing Inspector, stated that the house was built as a two-story and later converted to a duplex. He listed and summarized each violation. Peterson stated that on October 8, 2002, during an incident of violation, this property was identified as a single family dwelling. Peterson stated that during a recent meeting with Mr. McNally at the property, repair work was in progress.

Mr. McNally was informed of the requirements that would make the property compliant as a duplex. McNally agreed to address the fire separations, plumbing and plastic pipes, and shared air, as well, if he opted to maintain the property as a duplex. Otherwise, McNally would convert the property back to a single family dwelling and complete the needed repair work.

Mr. Thibodeau moved to APPROVE a 120-day extension (March 9, 2011) to meet compliance. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 7-0
Case No. 10-55
Fred Godinez
1905 Park Avenue
Omaha, NE  68105

LOCATION: 1911 Park Avenue, Apartment Fire Escape
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated September 13, 2010

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Fred Godinez appeared before the board in support of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, stated that the Mr. Godinez received notices on the property regarding the exterior, a rebuilt fire escape, and an illegal basement apartment. Denker stated that the property owner is working to convert the building back to a single family dwelling and sell it. Therefore the City will support an extension to allow the property owner time to make the conversion and repairs.

Mr. Limpach moved to APPROVE a 180-day extension to meet compliance (May 8, 2011). Mr. Wiedenman seconded the motion.

AYES: Epstein, Kucks, Limpach, Thibodeau, Wiedenman, Meyerson, Ryan
MOTION CARRIED: 7-0

Case No. 10-56
Randall Way
15508 Josephine Street
Omaha, NE  68138

LOCATION: 3863 Arbor Street, Dwelling-Entire Structure
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated September 21, 2010

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. John Chatelain, 12111 Anne Street, appeared before the board in support of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, recommended a layover to allow the property owner and Mr. Chatelain time to meet with the City to discuss the specifics of the notice.

Mr. Epstein moved to APPROVE a layover until the December 13, 2010 meeting. Mr. Wiedenman seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Wiedenman, Meyerson, Epstein, Ryan
MOTION CARRIED: 7-0
At the Building Board of Review meeting held on Monday, November 8, 2010, Ms. Cindy Andrew, 2611 S 117th Street, and Mr. John Chatelain, 12111 Anne Street, appeared before the board in support of this appeal.

Mr. Roger Carroll, Housing Inspector, listed and summarized the violations.

Mr. Chatelain requested a layover until the December 13, 2010.

Mr. Limpach moved to APPROVE a layover until the December 13, 2010 meeting to allow the property owner time to discuss the specifics of the notice with City housing staff. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 7-0

LAYOVERS:

Case No. 10-42
Wallstreet Tower Omaha, LLC
(Over from 8/9/10)
Attn: Chet Clark
12635 Hemlock
Overland Park, KS  66213

LOCATION: 1441 Capitol Avenue, Excavation
REQUEST: Hole/Excavation Site
APP: Appeal International Property Maintenance Code
Notice of Violation dated June 25, 2010

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Chet Clark appeared before the board in support of this appeal.

Mr. Roger Carroll, Housing Inspector, provided current photographs of the site which meets the conditions of the previously granted extension. The conditions included that the site would be maintained and free of weeds and/or debris prior to development of the site.

Mr. Clark stated that the City of Omaha Planning Department received a letter indicating that funding for the project was secured and they anticipate the wire transfer.

Mr. Limpach moved to LAYOVER this case until the December 13, 2010 meeting to allow the City time to review the case update letter and to allow the appellant time to present a preliminary schedule. Mr. Epstein seconded the motion. Mr. Ryan called for discussion.

Mr. Kucks felt that it was important to know the progress of this project. He noted that if the project is in the design phase, it is likely that the construction phase may not occur until August 2011. Mr. Meyerson suggested that the appellant provide the preliminary construction schedule three days prior to the December 13, 2010 meeting. Mr. Clark stated that a full set of construction documents already exists. Clark added that the City also issued them a foundation permit.

The board was polled.

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

MOTION CARRIED: 7-0
Case No. 10-51  LOCATION:  12142 P Street, Dwelling Exterior
(Over from 10/4/10)  Notice of Violation dated July 27, 2010
12142 P Street
Omaha, NE  68137

At the Building Board of Review meeting held on Monday, November 8, 2010, Mr. Kevin Denker, Chief Housing Inspector, appeared before the board regarding this appeal.

Mr. Denker stated that the City met with the property owner at the site to clarify the work that needed to be done. He added that a significant amount of the work had been done. Denker stated that Mr. Brown was doing a majority of the work himself and requested an extension. Therefore, Mr. Denker recommended a 90-day extension.

Mr. Wiedenman moved to APPROVE a 90-day extension (February 7, 2011). Mr. Thibodeau seconded the motion.

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

MOTION CARRIED:  7-0

ADJOURNMENT:

Mr. Wiedenman moved to ADJOURN the meeting at 3:30 pm. Mr. Kucks seconded the motion.

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

MOTION CARRIED:  7-0

CLAUDIA MOORE, Secretary  JACK RYAN, Chairman