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 one member not 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. Epstein moved to APPROVE the minutes of the August 9, 2010 meeting, as corrected. Mr. Thibodeau seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Epstein, Ryan

ABSTAINED: Meyerson

MOTION CARRIED: 5-1-0
NEW CASES:

Case No. 10-48
Insurance Auto Auctions
Attn: Dick Engleman
Two Westbrook Corp. Center, Ste. 500
Westchester, IL  60154

LOCATION: 4710 S. 36 Street
REQUEST: Waiver to allow a non-compliant office trailer to remain in place with no permanent foundation

Mr. Dick Engleman, Real Estate Project Manager, Insurance Auto Auctions, appeared before the board in support of this request. Mr. Engleman stated that the company was informed by Jay Davis, Chief Building Inspector, that the office trailer at the site required a permanent foundation after one year, according to Sec. 1604 of the building code. He stated that the lot is strictly a storage yard, no access to the public, and surrounded by a non-lethal electric fence in a closed position at all times. The lot is used to store cars that are examined by insurance adjusters. He stated that the trailer is furnished with a desk and electricity; a temporary workplace for the adjuster. Mr. Ryan stated that the trailer was placed on site in 2007 without acknowledging the City. He stated that the board normally would grant a waiver of this type for one year at a time. At the end of one year, extensions could be available within reason. He stated that the board's consideration to extend waivers from year to year is based upon whether substantial progress has been made and/or the applicant's future plans.

Mr. Paul Sorensen stated that the Permits and Inspections Division does not support this request.

The board had concerns regarding the length of time the trailer would be located at the site, no accessibility, and no facilities. The applicant did not submit an application of waiver to the Plumbing Board to forego the plumbing. Mr. Engleman stated that portable facilities are available on the property. Mr. Limpach stated that the applicant did not indicate a temporary date or plans to construct a permanent building.

Mr. Limpach moved to DENY the request. Mr. Kucks seconded the motion.

AYES: Thibodeau, Epstein, Kucks, Limpach, Ryan
ABSTAINED: Meyerson
MOTION CARRIED: 5-0-1

Case No. 10-46
James D. Severa
P.O. Box 31009
Omaha, NE  68131

LOCATION: 3314 Burt Street, Dwelling Interior
REQUEST: Appeal International Property Maintenance Code Notice of Violation dated July 30, 2010

Mr. Sean Cuddigan, Attorney, appeared before the board in support of this request.

Mr. Roger Carroll, Housing Inspector, stated that the initial notice of violation was mailed July 30, 2010. The due date for completion of repairs was set for September 28, 2010. He stated that an additional 90 days would be supported to make repairs. Mr. Carroll stated that the property was vacant, a permit was taken, and repairs are in progress. Mr. Kucks stated that an extension was reasonable but release of the property would not be considered at this time.

Mr. Kucks moved to APPROVE a 90-day extension. Mr. Meyerson seconded the motion.

AYES: Limpach, Thibodeau, Meyerson, Epstein, Kucks, Ryan
MOTION CARRIED: 6-0
LAYOVER CASES:

Case No. 10-39
Douglas & LuAnne Gnuse
7902 N. 279 Street
Valley, NE  68064

LOCATION: 7902 N. 279 Street, Vacate
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated June 28, 2010

The applicant did not appear to present this request.

Mr. Kurt Holmstrom, Housing Inspector, stated that the applicant requested removal of the “Danger Closed” sign. He stated that the property is gutted and has no electrical or plumbing in it. Holmstrom stated that the applicant has a permit from 2008 for a period of 30 months to work on the property. He stated that the property should remain placarded until the applicant completes the repairs and secures a certificate of occupancy.

Mr. Limpach moved to LAYOVER this case until the October 4, 2010 meeting to allow the applicant time to appear and discuss the timeframe regarding the repairs to the property. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 10-41
Edward R. Kaczmarek
2139 S. 48th Avenue
Omaha, NE  68106

LOCATION: 564 S. 35th Street, Basement north side interior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated June 15, 2010

This case was withdrawn at the applicant’s request.

Case No. 10-43
Sean D. Cuddigan
10855 W. Dodge Road, Ste. 100
Omaha, NE  68154

LOCATION: 507 S. 31st Street, #1, Dwelling
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated June 25, 2010

Case No. 10-44
Sean D. Cuddigan
10855 W. Dodge Road, Ste. 100
Omaha, NE  68154

LOCATION: 507 S. 31st Street #2, Dwelling
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated June 25, 2010

Cases 10-43 and 10-44 were heard concurrently.

Mr. Sean Cuddigan, Attorney, appeared before the board in support of this request.

Mr. Mike Johnson, Housing Inspector, stated that the Vacate Order was withdrawn subject to the applicant’s progress on repairs at the property. Mr. Cuddigan referred to the December 2008 repairs which were not appealed yet are being completed.

Mr. Limpach moved to take NO ACTION regarding this case due to a resolution between the applicant and the City to complete all repairs. Mr. Meyerson seconded the motion.

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

MOTION CARRIED: 6-0
Case No. 10-47
Wesley Hall
1009 S. 35 Ave.
Omaha, NE 68105

LOCATION: 3220 Poppleton Ave., Interior Commons Area,
Apt. 1 Interior, Apt. 3 Interior, Apt. 5 Interior,
Dwelling Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated July 22, 2010

Mr. Wesley Hall appeared before the board in support of this request.

Mr. Kevin Denker, Chief Housing Inspector, stated concerns regarding this property were the fire rating between units and the shared air. Mr. Denker discussed a notice of violation in 2001 written on a previous owner and under a previous code. He noted that the shared air was not addressed at that time. Mr. Denker stated that there was a recent complaint of forced air serving all the units. Mr. Mike Johnson presented photos of holes in the walls and ceilings. These findings prompted the recent violation regarding the fire rating.

Mr. Wesley stated that repairs were made regarding the 2001 violations. He stated that the City returned in 2004 requesting that the applicant repair the driveways and sidewalks. The applicant stated that the work was completed. Wesley added that the property has a new roof. He felt that the upgrades required by the City are not feasible for him to undertake at this time. Wesley stated that a vacate order was issued. Mr. Denker stated that it is not uncommon for the City to extend the timeframe of the vacate order to allow tenants to make arrangements to move.

Ms. Yvonne Barna, Housing Inspector, stated that she issued the Vacate Order and informed tenants that the notice would be in effect up to 30 days beyond the date of the notice. In response to Mr. Wesley, Ms. Barna stated that the tenants in apartment #2 requested an inspection of their unit for safety reasons. Ms. Barna stated that the ceiling fell down in a unit, which prompted a complaint, and the unit above sustained a weak floor.

Mr. Denker discussed the issue of building conversions occurring city-wide. Mr. Tom Phipps, Chief Mechanical Inspector, discussed the adverse affects of the shared-air issues in these conversions. Mr. Limpach suggested that the applicant look for alternative solutions to alleviate the shared-air and verify one-hour fire rating or provide the sufficient rating. Ms. Barna stated that there are plumbing issues that need to be remedied as well.

Mr. Limpach moved to LAYOVER this case until the October 4, 2010 meeting to allow applicant time to prepare solutions for the violations. Mr. Meyerson seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Meyerson, Epstein, Ryan
MOTION CARRIED: 6-0

ADJOURNMENT:

Mr. Limpach moved to ADJOURN the meeting at 2:21 pm. Mr. Meyerson seconded the motion.

AYES: Limpach, Thibodeau, Meyerson, Epstein, Kucks, Ryan
MOTION CARRIED: 6-0

Claudia Moore, Secretary  Jack Ryan, Chairman