MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., APRIL 11, 2011
Third Floor, Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

MEMBERS PRESENT: Jack Ryan, Chairman
Ron Epstein, Vice Chairman
Cindy Makinster
Thomas Thibodeau
Martin Wiedenman
James Kucks

MEMBERS NOT PRESENT: Nicholas Limpach

OTHERS PRESENT: Greg Hauptman, Plans Examiner
Kevin Denker, Chief Housing Inspector
Roger Carroll, 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 and six of the seven members were present.

Mr. Ryan informed the public 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 March 14, 2011 meeting, as written. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 6-0
NEW CASES:

Case No. 11-22
John Wyzgoski
111 N. 161st Street, Ste. 202
Omaha, NE 68022

LOCATION: 1802 Dodge Street
REQUEST: Waiver to allow non-compliant unit entry doors to remain

At the Building Board of Review meeting held on Monday, April 11, 2011, Mr. John Wyzgoski, Managing Partner, Construction Dynamics representing Logan Housing Partners, appeared before the board in support of this appeal.

Mr. Wyzgoski stated that Logan Housing Partners is an affordable housing developer. This property has received credits from low-income housing tax credits from Nebraska Investment Finance Agency and is ready to start construction. He stated that this is a 98-unit historic tax credit project. The building is on the historic register. Construction requirements for this project are set by the National Park Service and State Historical Preservation Office in order to receive tax credit equity for this project. He stated that the National Park Service requires the applicant to keep the existing 2’6” openings of the original hotel building. The applicant proposes to either widen or create 3’ doors in the corridor and nail shut some of the existing doors. He stated that the building is ADA accessible. It has an elevator as well. Wyzgoski requested 60 doors to be allowed to remain at 2’6” with the rest to be modified with the larger opening. He stated that there are 20 existing units that will be made new because of modifications. Wyzgoski stated that the 1st through 6th floors would have 60 units with 2’6” openings; 4 new entries per floor and 10 historic entries per floor would be sealed permanently.

In response to Mr. Ryan, Mr. Grant Landreth, Nebraska State Historical Society, stated that corridors in buildings listed on the National Register are considered primary spaces. He explained that the features and finishes contribute to the historic character. He stated once the historic fabric is removed, it can adversely affect the character of the building. Landreth discussed the doorways and the potential for creating an awkward relationship between a wider door and a smaller transom. He stated that the Park Service wants a balance between the historic consideration and the local jurisdiction requirements.

Mr. Greg Hauptman, Plans Examiner, stated that the Permits & Inspections Division does not object if the owner and contractor agree to provide Type A accessible units in accordance with Table 1107.6.1.1. Mr. Kucks expressed concern about the egress components. He inquired if the use change from hotel to apartments should require the building to be brought up to code regarding egress. Landreth felt that possible for a variance due to its current residential use status. He inferred that secondary spaces such as apartments would have more flexibility relative to the requirements.

Mr. Wyzgoski stated that the structure has not deteriorated enough to replace all the openings with new materials. Mr. Kucks felt that a compromise on egress is not reasonable. Mr. Wiedenman felt that not meeting the code is the same as being deteriorated. Mr. Thibodeau stated that a seven-story building causes concern as well.

Mr. Epstein moved to APPROVE the waiver request to allow the existing doors to remain; 10 doors on each floor to keep the historic character and 4 doors on each floor to be converted so as to clear 36”.

Mr. Epstein withdrew the motion due to the lack of a second.

Mr. Kucks moved to DENY the waiver request. Mr. Wiedenman seconded the motion.

AYES: Kucks, Thibodeau, Wiedenman, Makinster

NAYES: Epstein, Ryan

MOTION CARRIED: 4-2
At the Building Board of Review meeting held on Monday, April 11, 2011, Mr. John Chatelain, Attorney, 12111 Anne Street, appeared before the board in support of the two appeals listed above.

Mr. Roger Carroll, Housing Inspector, stated that the property has a potential buyer. Mr. Chatelain requested a layover. Mr. Carroll stated that during a previous discussion with Chatelain, a layover would allow time for the property to sell and the seller to withdraw the appeals. Mr. Chatelain stated that the property is closed and is in need of extensive work.

Mr. Epstein moved to LAYOVER the appeals until the June 11, 2011 meeting. Ms. Makinster seconded the motion.

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

MOTION CARRIED: 6-0

ADJOURNMENT:

Mr. Kucks moved to ADJOURN the meeting at 1:45 pm. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 6-0

Claudia Moore, Secretary

Jack Ryan, Chairman