Mr. Jack 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 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. Thibodeau moved to APPROVE the minutes of the April 11, 2011 meeting, as written. Ms. Makinster seconded the motion.

AYES: Kucks, Thibodeau, Makinster, Epstein, Ryan

ABSTAIN: Limpach

MOTION CARRIED: 5-0-1
At the Building Board of Review meeting held on Monday, May 9, 2011, Mr. Ron Hug, Automotive Heritage Museum of Omaha, appeared before the board in support of this request.

Mr. Hug is requesting a waiver of Table 1004 which states 15 sq. ft./person in an assembly. He proposes an automotive museum which involves 9,100 sq. ft. of display area. Hug is asking that he not be required to adhere to the calculated occupancy, and be allowed to design and operate the facility based on a fixed maximum occupant load of 50-100 people. He intends to rope off the cars such that people can't get around them, thus limiting the area where spectators will be. Hug stated that they plan to rotate the cars every two weeks. He stated that they will be open on Saturdays and Sundays. Hug stated that the intent for reducing the occupancy load was to have a number they could manage with volunteers and to reduce the number of port-o-potties needed. He stated that spectators will be limited to a controllable number. Mr. Hauptman stated that the Permits & Inspections Department is neutral relative to the request. Some concerns are: 1) the sprinkler system is not operational; 2) the building is not handicap accessible; and 3) the building has non-sufficient restroom facilities. He noted that the fixture count needs to be clarified. In response to Mr. Kucks, Mr. Dickerson stated that the fire department normally regulates the amount of gas in display vehicles at an assembly-occupancy. Hauptman stated that the applicant does not plan to use a security staff which is an added risk regarding the cars. Hauptman stated that the Plumbing Board will be involved with the restroom issues. Mr. Dickerson stated that the Life Safety Code does not allow for a reduction in occupancy, based on the floor area. Mr. Ryan inquired about the existing exits. Hug stated that there are three exits within the bay in question. Two of the exits are too close together to count as being separate exits. Hug stated that admission will be charged with an ongoing head count taken to regulate the occupancy. Thibodeau felt there are more numbers involved which would increase the occupancy load. Mr. Kucks stated that based on the exit requirements, the front and rear doors could accommodate 500 people. He added that in using the closest occupant factor, which is Table 1004.1.1 (600 people), the applicant would need to add an additional door within the space to meet the requirements of separation of exits by travel distance. Kucks stated that other issues go above and beyond what this board must deal with. In response to Ms. Makinster, Mr. Hug stated that they want to open on June 1st and run through Labor Day 2011.

Mr. Jay Davis, Chief Building Inspector, City Planning Department, stated concerns regarding the building use, accessibility, and future intentions for the structure. He stated that zoning does not permit this use unless the applicant applies for a temporary use permit. Davis stated that restrictions are typical but not for the purpose of waiving a building code. He stated that the applicant was made aware of the steps to take for rezoning the building. Davis stated that the building may be active as a warehouse, which is a concern if the sprinkler system is not operable.

Mr. Kucks noted that there are also alarm issues that need to be addressed. Mr. Epstein stated that the occupant load could be reduced so that the applicant does not need a voice-activated fire alarm system. He stated that the fire alarm and sprinkler systems need to be operational. Mr. Hauptman stated that the building is in need of ramp(s) as well. Mr. Hug plans to facilitate a removeable ramp in front of the building during operational hours.
Mr. Limpach moved to APPROVE a temporary waiver (from June 2, 2011 to October 1, 2011) for occupancy of 299 people, subject to the existing fire alarm and fire sprinkler systems are operational and all accessibility requirements are met. Mr. Epstein seconded the motion.

AYES: Limpach, Epstein, Kucks, Ryan

NAYES: Thibodeau

ABSTAIN: Mackinster

MOTION CARRIED: 4-1-1

Case No. 11-26
Troy Gartner
13625 "C" Street
Omaha, NE 68144

LOCATION: 5708 N 117 Circle
REQUEST: Waiver to eliminate the required egress window from a basement

At the Building Board of Review meeting held on Monday, May 9, 2011, Mr. Troy Gartner, General Manager, Owens Corning Basements, appeared before the board in support of this appeal.

Mr. Gartner stated that the applicant is proposing to finish a basement which does not have an egress window. He stated that the front of the house has a porch that is 6' high with steps. The front also has a bay window with supports that are 2' above ground. Gartner stated that a gas line runs within 3' of the neighbor's retaining wall on one side of the house. He stated that there is a garage on the other side of the house. Gartner stated that the furnace system, power meter and electrical panel run along the back wall of the house. He stated that there will be no sleeping rooms in the basement. Gartner stated that one exit is within 3' to the patio door on the top floor. He stated that another exit is four steps from the basement to the garage. In response to Mr. Ryan, Mr. Gartner stated that the rear wall is completely underground.

Mr. Greg Hauptman, Plans Examiner, stated that the egress requirement involves having a 3' X 3' exit space. He stated that there is a 3' X 4' space to provide an egress window. Hauptman added that an egress window can be installed below the cantilever by digging the well further out for clearance. He stated that Permits & Inspections does not support the request due to the requirement being a major life safety issue. Mr. Epstein suggested the applicant contact the gas company about relocating the gas line and meter in order to install a well for egress.

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

NAYES: Thibodeau, Makinster, Epstein, Kucks, Limpach, Ryan

MOTION CARRIED: 6-0

Case No. 11-27
Harlan R. Faust
14344 "Y" Street, Ste. 101
Omaha, NE 68137

LOCATION: 2110 S 67 Street, Ste. 108
REQUEST: Waiver to install a smoker inside the building without a Type II hood over it

At the Building Board of Review meeting held on Monday, May 9, 2011, Mr. Harlan Faust, Engineer, appeared before the board in support of this request.

Mr. Faust requested a layover to continue the case on June 13, 2011.
Mr. Epstein informed the applicant that this request involves the Life Safety Code. Therefore, the Fire Marshall will weigh in on this request as well.

Mr. Limpach moved to LAYOVER the request until the June 13, 2011 meeting. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 11-28
ND 24 Turner Park Lofts, LLC  
c/o: Michael Nelson/Troy Strawhecker  
1045 76th Street, Ste. 2000  
W. Des Moines, IA  50266

LOCATION: 3001 Douglas Street, aka 3000 ½ Farnam Street
REQUEST: Demolish Building Structure
Appeal International Property Maintenance Code
Notice of Violation dated March 18, 2011

Case No. 11-29
ND 24 Turner Park Lofts, LLC  
c/o: Michael Nelson/Troy Strawhecker  
1045 76th Street, Ste. 2000  
W. Des Moines, IA  50266

LOCATION: 3001 Douglas Street, aka 3000 ½ Farnam Street
REQUEST: Demolish Garage
Appeal International Property Maintenance Code
Notice of Violation dated March 18, 2011

At the Building Board of Review meeting held on Monday, May 9, 2011, Mr. Michael Nelson, Mr. Troy Strawhecker, Nelson Construction, and Mr. James Sherrets, Sherrets Bruno & Vogt LLC, 260 Regency Parkway Drive, appeared before the board in support of the two appeals listed above.

Mr. Kevin Denker, Chief Housing Inspector, stated that the City received a letter from the applicant’s attorney requesting a 90-day layover to allow the applicant to resolve the matters regarding both cases. He stated that the applicant also obtained a temporary restraining order through the courts.

Mr. Sherrets stated that the applicant recently received a permit to work on the structural issues related to the underground parking. He stated that Nelson Construction will perform the repair work and projects a September completion date. Sherrets requested to amend the continuance until the October 3, 2011 Building Board of Review meeting in which the structural issues will be completed at that time. He stated that work is underway on repairs relative to the north and south towers.

Mr. Joe Jones, Attorney, Fraser Stryker Law Firm, on behalf of Midtown Crossing, appeared in opposition to this appeal.

Mr. Jones stated that the north tower needs to be restored or demolished due to the condition of the building which presents a safety and health risk. Jones stated that allowing code violations to persist is detrimental to further development. He stated that the building was cited for violations in 2004, 2007, and 2011.

Mr. Sherrets stated that there is a contract in place addressing the material issues. He stated that a different contractor will address the structural concerns once the permit is actually in-hand. Mr. Ryan added that upon granting a layover, progress in the interim is expected.

In response to Mr. Thibodeau, Mr. Roger Carroll, Housing Inspector, explained that primarily there are two components to this building: a sub-surface and a surface-mounted parking lot which have rotted bearing beams in the basement. He stated that the north tower sits on columns. Carroll stated that the parking beams attach to the building piers on the inside. He stated that there is concern relative to
surface weight causing a collapse issue. Carroll stated that a demolish notice was issued approximately two months ago upon discovering that the building was not secure. He suggested that repairs begin immediately on permitted work.

Mr. Carroll stated that other issues are broken windows and general deterioration of the building which have not been addressed for two years. Mr. Troy Strawhecker, property owner, stated that the architect will go forward with the plans now that the permit is in place. He stated that a property management company has been contracted. Strawhecker listed that the broken windows, which require a lift, along with access and egress will be remedied. He stated that the timeframe of the renovation is tied to pending negotiations.

Mr. Strawhecker stated that the property is listed on the National Register for historic places. He commented that the schematic design is complete as well. Strawhecker stated that he is working with the State for tax credits as well.

Mr. Epstein moved to APPROVE an extension until the October 3, 2011 Building Board of Review meeting to allow for structural repairs, repair of windows, and access issues to be completed. Mr. Thibodeau seconded the motion.

AYES: Epstein, Kucks, Thibodeau, Makinster, Ryan

ABSTAIN: Limpach

MOTION CARRIED: 5-0-1.

At the Building Board of Review meeting held on Monday, May 9, 2011, David & Kathleen Thompson, property owners, and John Chatelain, Attorney, appeared before the board in support of this appeal.

Mr. Todd Shearer, Housing Inspector, stated that a notice was sent in 2007 for repairs to be made. He stated that repairs were not completed on the re-inspection, therefore a Vacate Order was issued. Shearer met with the property owner and Mr. Chatelain regarding the unfinished repairs. He stated that at that time, more repairs were completed. Shearer stated that permits are pending as well. In addition, an electrical permit was rejected on April 12, 2011, and mechanical and general improvement permits were approved. Mr. Kevin Denker, Chief Housing Inspector, stated that the housing inspectors are diligently working to reduce the backlog of cases. He stated the applicant refused to allow the inspector inside the property in regards to a new room addition. Chatelain discussed a letter submitted to the board explaining the status of the property. He requested a 3-month continuance to allow time to finalize the inspections.

Mr. Epstein moved to APPROVE a 90-day extension from May 9, 2011 to allow the applicant time to complete the repairs, secure the necessary permits, and set aside the Vacate Order. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 6-0
ADJOURNMENT:

Mr. Kucks moved to ADJOURN the meeting at 2:30 pm. Ms. Makinster seconded the motion.

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

MOTION CARRIED: 6-0

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Claudia Moore, Secretary    Jack Ryan, Chairman