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. Mr. Ryan informed the public that a copy of The Open Meetings Law is available in this board room on the north wall for anyone to review. He noted that only those items on today’s agenda could be discussed at today’s public hearing.

Mr. Ryan requested that speakers limit their presentation to 10 minutes.

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.

Roll call was taken and seven members were present.

Motion by Mr. Feuerbach to approve the minutes of the May 14, 2012 meeting as submitted. Ms. Makinster seconded the motion.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on Monday, June 11, 2012, Ernie Cruz and Mike Zabawa appeared before the Board in support of the request.

Ernie Cruz, Slate Architecture, stated that the space in question had been subdivided into two buildings with a 2-hour rated wall. He explained that they were exceeding the allowable area by over 800 square feet. He further explained that they had spoken with a structural engineer who advised them that they would have to split several joists and re-support them. This would require that they add new posts, columns, and footings. Mr. Cruz stated they were proposing to make the space a game area with no more than 22 occupants present at any given time. He added that the exterior of the building at the proposed area is about 60’ and that it borders a railroad.

Ms. Kiel stated that a 2 hour rated wall from the floor to the deck would be sufficient for what was being proposed in that area.

Greg Hauptman, Plans Examiner, stated that Permits and Inspections had no objections to the request given that the overage of the building would be less than 2%, and because there is a railroad right-of-way behind the space. Mr. Hauptman added that if the railroad decided to abandon the land behind the space, half of the right-of-way would go to the current property owner.

In response to Ms. Kiel, Mr. Cruz stated that the building is fully equipped with an automatic sprinkler system.

Motion by Mr. Schaeffer to approve the request as submitted. Seconded by Mr. Wiedeman.

AYES: Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

Motion carried 6-0-1
At the Building Board of Review meeting held on Monday, June 11, 2012, Janey Mass appeared before the Board in support of the request.

Janey Mass, DLR Group, stated that Elkhorn Public Schools was requesting a residential hood instead of the Type I hood for the Family and Consumer Science Room and the Life Skills Room at the Elkhorn Middle School. She noted that this request was similar to one that was approved for Valley View Middle School in 2010. She also added that the ranges are used approximately 2-3 times in a 6 week period, as a part of the curriculum, for limited cooking and warming applications. Ms. Mass explained that the hoods include automatic and integral fire suppression systems that are tied into the fire-alarm system. The building is fully sprinklered and fire extinguishers are available at each range.

Greg Hauptman, Plans Examiner, stated that Permits and Inspections had no objection to the request.

In response to Mr. Schaefer, Ms. Mass stated that there are exhaust fans which ventilate directly to the outside of the building.

Motion by Mr. Santo to approve the request. Seconded by Mr. Feuerbach.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

Motion carried 7-0
At the Building Board of Review meeting held on Monday, June 11, 2012, Nathan Gieselman and Chris Erickson appeared before the Board in support of the request.

Nathan Gieselman, Alley-Poyner-Macchietto Architecture, stated that they were planning to convert the Barker Building into apartments. The existing windows are located right along the property line. They are proposing to add sprinklers to the entire building, including the window openings. There is also a historic stair down the middle of the building, where the center handrail is slightly lower than what is required by Code. Mr. Gieselman explained that because the building is part of the Historic Tax Credit Program, the handrail cannot be removed. They proposed installing a handrail on the outside of the wall.

Greg Hauptman, Plans Examiner, stated that Permits and Inspections had no objections to the request as long as the building is sprinklered and extra sprinkler heads are added to the windows. He added that, in regards to the non-compliant handrail, code compliant handrails would need to be installed. Mr. Hauptman also stated that the stipulation be added requiring that the easement be recorded as a condition of the waiver being granted.

Motion by Ms. Kiel to approve subject to: 1) the recording of the easement; 2) the installation of a code compliant handrail on the wall at all the stairways, and; 3) if the ownership or use of the property changes, then everything must be re-evaluated at that time. Seconded by Mr. Schaefer.

AYES: Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

Motion carried 6-0-1
At the Building Board of Review meeting held on Monday, June 11, 2012, Father Robert Scheiblhofer and John Chatelain appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that Roger Carroll, Housing Inspector, had been out on June 11, 2012 to check on the property. Referring to pictures taken of the property (Exhibit 2), Mr. Denker noted that there were holes in the roof of the front porch and other materials hanging loose. He expressed concern that falling pieces of wood from the roof and other hanging materials could pose a danger to individuals in the neighborhood. Mr. Denker suggested that the roof to the front porch and the hanging materials be torn down or secured immediately for safety purposes.

In response to Mr. Schaefer, John Chatelain, Attorney, stated that the property owner of record is St. Barnabas Church. Mr. Chatelain explained that a Summary Judgment had been filed by both the Episcopal Diocese of Nebraska and St. Barnabas Church in December. The case was heard in late December and the judge had taken it under advisement; however, a ruling had not yet been entered on the case.

Roger Carroll, Housing Inspector, noted that the building materials consisted of concrete stucco, which is very heavy when wet. He advised that the front porch roof be removed and the walls capped so that water would go over the outside of the stucco. Referring to the pictures of the property (Exhibit 2), he noted that strips of bead board and soffit are hanging from the building.

Mr. Chatelain stated that they would be able to tear down the porch roof, remove any hanging materials, and cap the walls. He requested a layover of 60 – 90 days to allow time for the judge to make a ruling on the matter of who has ownership of the property. In response, Mr. Denker stated that he would also require that the porch roof be torn down along with the removal or securing of any loose materials within 10 – 14 days.

Motion by Mr. Wiedeman to lay the case over until the September 10, 2012 meeting of the Board, with the stipulation that the porch roof be torn down and any loose and hanging material be removed or secured within 10 – 14 days. Seconded by Mr. Santo.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

Motion carried 7-0
(It was the consensus of the Board to hear the following cases together)

Case No. 11-54  
(Over from 11/14/11 & 12/12/11)  
Mark L. Brasee  
Fraser Stryker PC LLO  
409 South 17th Street  
Omaha, NE  68102  

LOCATION:  5006 South 134th Street – Commercial Buildings Exterior  

Case No. 11-55  
(Over from 11/14/11 & 12/12/11)  
Mark L. Brasee  
Fraser Stryker PC LLO  
409 South 17th Street  
Omaha, NE  68102  

LOCATION:  5005 South 135th Street – Commercial Buildings Exterior  

At the Building Board of Review meeting held on Monday, June 11, 2012, Elizabeth Culhane appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that he had recently met with Elizabeth Culhane, Attorney, and another representative from Millard Lumber. Millard Lumber had met with the City in regards to TIF Funding, and to discuss proposed plans for the development.

Ms. Culhane shared with the Board a proposed plan for the project, but did not enter it as an exhibit due to confidentiality issues.

Mr. Denker stated that Code Enforcement did not have any objections to laying the case over, since the property had been kept secure and well-monitored.

Ms. Culhane requested laying the case over for 90 days to allow for the finalization of the proposed plans for the project.

Motion by Ms. Makinster to lay the case over until the September 10, 2012 meeting of the Board. Seconded by Mr. Feuerbach.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

Motion carried 7-0
Case No. 12-007  
(Held over from 3/12/12 & 5/9/12)  
Thomas J. Anderson, Esq.  
12020 Shamrock Plaza  
#333  
Omaha, NE 68154

At the Building Board of Review meeting held on Monday, May 14, 2012, Anthony Savich appeared before the Board in support of the request. His attorney, Thomas Anderson, appeared later while the case was being heard.

Kevin Denker, Chief Housing Inspector, reminded the Board that this case was about a commercial space that had been converted into a residence. It had been decided at the March 12, 2012 Building Board of Review meeting that City Inspectors would be notified by the property owner to specify a time when they could check the property. They would then determine what would need to be done to bring the commercial property into compliance for a residential structure. Jay Davis, Superintendent, confirmed that they had not been in the building.

Mr. Denker stated that Permits and Inspections would agree to an extension, instead of a layover, since it had already been 60 days and no progress had been made.

In response to Mr. Feuerbach, Mr. Savich stated that he was willing to speak without his attorney present. Mr. Savich expressed that he felt that his property had already been inspected, since there was a Certificate of Occupancy issued for it in 2004. He added that he had not made any changes or alterations to the building since he moved in, and that it was being used for the same purpose as when the Certificate of Occupancy was issued. In response Mr. Denker stated that a Certificate of Occupancy is not issued for a residential building.

Mr. Schaefer stated that a file for this address had been opened in December 2008 and that there did not appear to be any cooperation on the part of the property owner in having the issue resolved. He added that at the March 12, 2012 meeting it was decided that Mr. Savich would be granted more time to allow inspectors onto the property so that they could prepare an itemized list of what needed to be done.

Thomas Anderson, Attorney, questioned whether Mr. Savich had been informed of the reason why the City needed to inspect the property. Mr. Denker reiterated that the building had been used for commercial purposes in the past and was not intended to be used a residence. It had not had the required inspections to determine if it could be occupied as a residence.

Motion by Mr. Schaefer to grant an extension of 30 days. Seconded by Ms. Kiel.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

Motion carried 7-0

ADJOURNMENT:

Motion to adjourn made by Mr. Wiedeman. Seconded by Ms. Makinster.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
Meeting adjourned at 2:07 p.m.