MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., FEBRUARY 11, 2013
Third Floor, Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

MEMBERS PRESENT: Jack Ryan, Chairman
Martin Wiedenman, Vice Chair
Ron Feuerbach
Cheryl Kiel
Mark Santo
Brad Schaefer

MEMBERS NOT PRESENT: Cynthia Makinster

OTHERS PRESENT: Jay Davis, Superintendent
Kevin Denker, Chief Housing Inspector
Paul Sorensen, Plans Examiner
Mike Johnson, Housing Inspector
RoseMarie Horvath, City Law Department
Clinette Warren, Board Secretary

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 six members were present.

Motion by Mr. Schaefer to approve the minutes of the January 14, 2013 meeting. Mr. Santo seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
CASES:

Case No. 13-006
Larry Bakker & Steve Nass
5603 Oak Hills Drive
Omaha, NE 68137

LOCATION: 5603 Oak Hills Drive
REQUEST: Waiver to eliminate the requirement for an egress window from a basement.

This case was postponed until the March 11, 2013 meeting of the Board.
At the Building Board of Review meeting held on February 11, 2013, Eric E. Krakowski and Doug Dahl appeared before the Board in support of the request.

Mr. Krakowski stated that he is in the process of renovating his basement. He explained that the door to the garage is assessible from the basement. Mr. Krakowski submitted photographs of the property (Exhibit #2). He explained that the door is in close proximity to where an egress window would be located. It was his opinion that the garage door could be used in case of a fire or other emergency.

Mr. Kiel stated that there were two points of egress, one through the garage and one through the steps. She noted that egress through the garage would not be possible since the door does not swing in the required direction. Also, the code does not allow for egress through the garage in this situation. Paul Sorensen, Plans Examiner for the City of Omaha, agreed adding that the code states that egress must open directly to the outside.

Mr. Krakowski stated that the placement of the egress window on the southwest corner would involve the relocation of the gas line. Referring to the gas line, Mr. Santo noted that Metropolitan Utilities District (MUD) had indicated that completely new service would need to be installed if the gas line was relocated. Mr. Dahl responded that a technician for MUD stated that the line was antiquated and that meters are no longer allowed on the rear of homes. Relocation of the meter would mean that the street would be torn up so that new gas lines can be installed. Also, a new gas meter would be placed on the side of the home. The technician further stated that all of the meters in the neighborhood would be converted in the future at MUD’s expense; however, they could not determine exactly when the meter at Mr. Krakowski’s property would be replaced.

In response to Mr. Wiedenman, Mr. Dahl explained that putting a window on the east side of the home would possibly cause easement issues. In addition, the main gas line borders the house on the east side out into the street.

Ms. Kiel stated that there did not appear to be any safe options for an individual in case of fire. In response to Ms. Kiel, Mr. Dahl stated that the gas line is located approximately 1’ from the home. He was not certain about the exact depth of the line. Ms. Kiel stated that the Board would more than likely deny the request. There was some discussion about options for the homeowner.

Mr. Wiedenman concluded that the existing exit would not be a safe option for the property.

Ms. Kiel moved to DENY. Mr. Wiedenman seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on February 11, 2013, Larry Tatum appeared before the Board in support of the request.

Mr. Tatum stated that he was requesting a waiver of the 12’ floor-to-floor height. He explained that the existing Police Headquarters, which is being renovated, has consistent egress located at the east end and center core section of the building. The proposed staircase will serve the west end of the building, exiting immediately to the south on a grade. Mr. Tatum stated that the problem is that the floor to floor height is currently 12’3½”, noting that the code only allows 12’. He stressed that the door is for a fire exit only and is not an egress door.

Mr. Ryan mentioned that Permits and Inspections did not object to the request due to the technical infeasibility involved in cutting or relocating the existing concrete T’s.

In response to Ms. Kiel, Mr. Tatum explained the difficulties that would arise if another step was added.

Ms. Kiel moved to APPROVE. Mr. Feuerbach seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
Case No. 13-009
Dan Dolezal
Alley Poyner Macchietto Architecture
1516 Cuming Street
Omaha, NE 68102

LOCATION: 4842 Sprague Street
REQUEST: Waiver to allow lower ceiling heights than what is required by the 2006 International Building Code.

At the Building Board of Review meeting held on February 11, 2013, Dan Dolezal appeared before the Board in support of the request.

Mr. Dolezal stated that he is working with Heartland Family Service to renovate the former Park Crest Apartment building into a drug treatment facility for women and their children. The building will include a number of treatment units and therapy rooms. He added that the floor construction is concrete double "T"s, and that the floor-to-floor height is 8'9 ½". During renovation the ceiling height will be brought down to 7'6". Mr. Dolezal stated that Chapter 10 of the International Building Code (IBC) allows for projections as low as 6'8". He added that Chapter 12 of the (IBC) allows for 7’ minimum clearance heights in the units. He explained that the waiver being requested is for 6'8” ceiling clearances throughout the building to allow for system installations. In following the instructions of the Case Analysis prepared by Greg Hauptman, BBR Administrator and Plans Examiner, Mr. Dolezal stated that the applicant will attempt to maintain the required 7'6” ceiling height whenever possible.

Mr. Ryan noted that Permits and Inspections does not object to the request as long as the applicant maintains the 7'6” ceiling height wherever possible and does not drop below the 6'8” being requested.

In response to Ms. Kiel, Mr. Dolezal stated that the systems will be exposed in all areas, except for the restrooms.

Mr. Wiedenman moved to APPROVE. Ms. Kiel seconded the motion.

AYES: Wiedenman, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 5-0-1
Case No. 13-010
Samuel Dorchen
Dorchen/Martin Associates, Inc.
29895 Greenfield Road
Suite 107
Southfield, MI 48076

LOCATION: 19702, 19704, 19706, 19708, & 19710 Lake Plaza (Bldg. #36)
19707, 19709, 19711, 19713, & 19715 Ohio Plaza (Bldg. #37)
19720, 19722, 19724, & 19726 Ohio Plaza (Bldg. #38)

REQUEST: Waiver to use the provisions of the 2012 International Building Code and International Fire Code as they pertain to buildings with a single exit.

This case was postponed until the March 11, 2013 meeting of the Board.
Case No. 13-011
Location: 702 Florence Boulevard (Creighton University)
Request: Waiver to the requirement for a family/unisex restroom in an assembly occupancy.

At the Building Board of Review meeting held on February 11, 2013, Aaron Person (DLR Group), Jim Torres (DLR Group), Ken West (DLR Group), and Lennis Pederson (Creighton University) appeared before the Board in support of the request.

Mr. Person, Architect for the Creighton University Championship Center, stated that facility will be a multi-use building with athletic department offices, an academic support area, and athletic practice courts. He noted that offices and support areas fall under the Business classification, while the practice courts fall under the Assembly classification. He explained that the courts will be used specifically for team practice and will have fewer occupants than what is dictated by the Assembly classification. Mr. Person referred to the International Building Code and Municipal Code requirements that state that a family and/or unisex restroom must be added in a facility that is classified as Assembly. He stressed that the center will be used only for team athletic training and does not have areas for spectators with children that would require the use of a family restroom. He added that, given the collegiate athletic training use of the facility, use of the facility by person with disabilities will be limited. He further added that the other restrooms in the facility will have ADA access.

Mr. West added that although the code required that a restroom be built, there will be no demand for it because of what the building will be used for.

In response to Mr. Ryan, Mr. Torres stated that the University was directed by Jim Wonder, Chief Plumbing Inspector, to approach the Building Board of Review for a waiver before appearing before the Plumbing Board (Plumbing Board Case No. 13-2-31---The request before the Plumbing Board was denied at the February 13, 2013 meeting).

Mr. Pederson stated the facility would be used by a maximum of 16 varsity players. Mr. Person added that there is another practice facility in close proximity to Championship Center that is intended for spectator viewing. That building is equipped with bleachers and the required restroom facilities.

Mr. Feuerbach moved to APPROVE subject to the approval of the Plumbing Board. Mr. Schaefer seconded the motion.

Mr. Wiedenman commented that waivers are granted mainly for hardships. He noted that reasoning that the space could be used for another purpose is not considered a hardship. Ms. Kiel acknowledged that a precedent would be set if the Board approved the waiver for that reason.

Mr. Schaefer noted than exceptions are routinely added to waivers. Mr. Wiedenman agreed, adding that the reason for the approval of the waiver should be stated in the motion.

Mr. Feuerbach AMENDED his motion to state that approval was due to the non-public use of the facility and subject to approval of the Plumbing Board. Mr. Schaefer seconded the amended motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
Case No. 13-012
Paul Nelson
PEN Architect
1331 Ridgewood Avenue
Omaha, NE 68124

Shawn Swaney
KSI Construction
8720 South 114th Street
LaVista, NE 68128

LOCATION: 407 South 27th Avenue
REQUEST: Waiver to the requirement for rated corridor walls in a non-sprinklered office building.

At the Building Board of Review meeting held on February 11, 2013, no one appeared before the Board in support of the request.

Mr. Wiedenman moved to LAYOVER. Mr. Santo seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on February 11, 2013, John Chatelain and Jill Archer appeared before the Board in support of the request.

Mike Johnson, Housing Inspector, stated that he had received complaints on this property. He explained that when he made a follow-up inspection, the person who answered the door stated that they resided at the property. Mr. Johnson was allowed to enter the residence to have a look around. He informed the occupant that he would need to vacate the property, and that a notice would be sent to that effect. He explained that if a property is vacant and in disrepair, it is to remain vacant until the property is fully repaired, or until the majority of the repairs have been made and the proper permits have been obtained. He noted that the Notice of Violation is for the exterior only.

Mr. Denker stated that the Vacate Order issued by the City on December 18, 2012 was in response to an outstanding Violations List that was dated December 14, 2011. He added that the repairs were not made, and that someone had moved into the property without the City's approval, which resulted in the issuance of the Vacate Order.

In response to Mr. Ryan, Mr. Johnson stated that the repairs were not made in a workmanlike manner. He explained that neither plans nor a permit had been submitted for work on the back deck. Also, the windows were only partially repaired and other parts of the property had not been properly repaired. In addition to the Vacate Order, Mr. Johnson stated that he also issued a ticket to Ms. Archer.

Mr. Chatelain responded that Mr. Johnson had no witnesses to support his testimony. He stated that Ms. Archer was in the process of repairing the violations from the list dated December 14, 2011. Mr. Chatelain stated that Ms. Archer did not complete the deck because she was told that she needed a permit. He further stated that on December 17, 2012, Ms. Archer was criminally cited for occupying a structure that had been vacated. He requested that the case be laid over, so that issues with the interior could be combined with those of the exterior. This would allow for all of the issues to be appealed to the District Court at the same time. He also submitted a structural engineer assessment about the condition of the property (Exhibit #2).

Ms. Archer stated that many repairs had been done to the property; however, she was confused about how to proceed with repairing the deck.

Mr. Denker stated that one of the reasons why the Vacate Order was issued was because there is no deck on the rear of the property which could potentially be a safety hazard for anyone inside. At Mr. Denker's request, Jay Davis, Assistant Planning Director and Superintendent, clarified that a permit is not needed if a new deck top is being added. However, if the deck is completely removed, then a permit would be required.

In response to Mr. Ryan, Mr. Chatelain stated that, to Ms. Archer's knowledge, the residence has not been occupied. Mr. Wiedenman questioned whether the Vacate Order was an issue since no one was living at the property.

There were questions from the Board regarding the status of several issues on the Violations List. In response to Mr. Feuerbach, Mr. Johnson stated that the retaining wall is part of the adjacent property and is therefore, not Ms. Archer's responsibility.

Mr. Denker stated that he would like for the Vacate Order to stand, which would prohibit anyone from residing at the property.
Mr. Kiel moved to DENY the appeal. Mr. Wiedenman seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0
ADJOURNMENT:

Motion to adjourn made by Mr. Wiedenman. Ms. Kiel seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 6-0