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 February 11, 2013 meeting. Mr. Wiedenman seconded the motion.

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

ABSTAIN: Makinster

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on March 11, 2013, Larry Bakker, Homeowner, and Steve Nass, Flair Custom Cabinets, appeared before the Board in support of the request.

Mr. Bakker stated that when he purchased the home 19 years ago, the basement was completely finished. There were four rooms and a storage area, none of which were used as a bedroom. He submitted a copy of the proposed plan for the basement remodel (Exhibit #2). Instead of four rooms, the plan showed that there would be one large room along with a storage area. Mr. Bakker stated that when the home was originally built in 1972, there were four windows in the basement. When a 10’x30’ addition was built on the east side of the home, two of the basement windows were covered. He added that in 1994, an 18’x20’ wood deck was built on the north side of the home, along with a paver patio off of the deck. Mr. Bakker submitted photos of his home (Exhibit #3) along with a copy of the notice by the City Inspector (Exhibit #4), which stated that an egress window could be installed in an 8’ area on the west/front wall of the home. He explained that an egress window could not be placed on the north wall because of foundation work that was done. There was also concrete poured underneath the deck for required footings. He concluded that this left little room for the placement of an egress window. Mr. Bakker stated that putting an egress in the front of the home, as suggested by the inspector, would be a hardship because the space is currently where the kitchen range is vented. He also felt that the installation of the window would ruin the aesthetics of the home. He also explained that the electrical, plumbing, and cable systems were located in that particular space.

Capt. Jim Dickerson, Omaha Fire Department, stated that the Life Safety Code and Fire Code both require that an egress window be installed. He suggested that the applicants seek a waiver from the State.

Mr. Kiel suggested that the applicant put the egress window in front of the home and conceal it with landscaping.

Mr. Feuerbach clarified that the egress window was basically a Life Safety requirement which the Board has no authority to waive. In response, Mr. Bakker stated that he would not have applied for the waiver if he had been told about the Life Safety issue in advance. Mr. Wiedenman stated that if the Board approved the waiver, it would still need to be approved by the Nebraska State Fire Marshall. Capt. Dickerson informed the applicant that he could present his case to the State and possibly have it approved with certain stipulations.

Mr. Feuerbach suggested that the case be laid over to give the applicant time to meet with the Nebraska State Fire Marshall.

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

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

MOTION CARRIED: 7-0
Case No. 13-010
Postponed from 2/11/13
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 withdrawn at the request of the applicant.
At the Building Board of Review meeting held on March 11, 2013, Paul Nelson appeared before the Board in support of the request.

Mr. Nelson stated that PEN Architect is proposing to remodel various areas on the 2nd and 3rd floors of the existing building, which currently does not have rated corridors and is not sprinkled. He noted that there was major work done on the 3rd floor in 2008 and that some code requirements for the corridor walls and doors did not apply for the 2008 remodel. In order to comply with the code, he stated that walls that were built in 2008 would be required to be torn out and rebuilt unless a waiver is granted. Mr. Nelson stated that a waiver would allow for the installation of new walls and doors, which would make the building more consistent. He added that existing storerooms that are not currently rated would be rated.

In response to Mr. Schaefer, Mr. Nelson stated that any new or existing storage closets that are over 100 sq. ft. would also be rated.

In response to Ms. Kiel, Mr. Nelson stated that his client is proposing not to rate any new offices. Mr. Ryan noted that Permits and Inspections did not object to the applicant’s request subject to the applicant agreeing to enclose any new/existing storage rooms, file rooms or any other rooms of like hazard with 1-hour rated walls and 45-minute rated doors with closers.

Mr. Feuerbach moved to APPROVE subject to applicant enclosing any new/existing storage rooms, file rooms or any other rooms of like hazard with 1-hour rated walls and 45-minute rated doors with closers. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on March 11, 2013, Nathan Gieselman appeared before the Board in support of the request.

Mr. Gieselman stated that the request was for an existing two-story concrete building. King Fong is located on the north side of the building. He explained that the waiver being requested is for the east wall where the building abuts a parking lot. He further explained that although the Seldin Company owns the entire building along with the adjacent parking lot, two ownership entities exist within the company. The parking lot is also tied into HUD financing. He stated that a permanent easement has been created and signed by all parties involved that prohibits construction within 50' of the parking lot.

In response to Mr. Ryan, Mr. Gieselman stated that the owner is in agreement with the conditions stipulated by Permits and Inspections.

Ms. Makinster moved to APPROVE subject to the following conditions:

1) The no-build easement must be recorded with the Register of Deeds.
2) If the building changes in use or ownership, everything must be reevaluated and the windows may be required to be removed and the openings in-filled.
3) If anything changes in use or ownership on the adjacent parking lot, everything must be reevaluated and the windows may be required to be removed and the openings in-filled.
4) The applicant must provide deluge sprinkler protection at each existing and new window opening.
5) The owner/applicant must agree to all of the conditions listed above.

Mr. Wiedenman seconded the motion.

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

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on March 11, 2013, Stanley J. How appeared before the Board in support of the request.

Mr. How stated that he had met with the Fire Department along with Permits and Inspections regarding various issues, including the existing stairs. He explained that currently there is one compliant exit stair from the 2nd level, and that another set of stairs is being built in compliance with the code. He further explained that the stairs that are being requested to remain may have been original to the building, which was constructed in 1918. The risers are between 8” – 8 ¼” in height with 11” treads. He added that the existing stair is centrally located and is convenient to use. In response to Mr. Ryan, Mr. How stated that the existing stair is not required. He also stated that the building is fully sprinkled and that new handrails would be added to the stairs.

Mr. Ryan noted that neither the Omaha Fire Department nor Permits and Inspections objected to the request.

In response to Mr. Feuerbach, Mr. How stated that the stair is open on both the 1st and 2nd floors.

Ms. Kiel moved to APPROVE.

Mr. Santo suggested that the motion state that any signage that identifies the stairs as an exit be removed.

Mr. Santo seconded the motion.

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

ABSTAIN: Wiedenman

MOTION CARRIED: 6-0-1
Case No. 13-016
Matt Krumholz
CH2M Hill
9191 South Jamaica Street
Englewood, CO 80112

LOCATION: 5600 South 10th Street – City of Omaha
REQUEST: Waiver to allow an egress door that is less than the code requires and to eliminate a required handrail extension.

At the Building Board of Review meeting held on March 11, 2013, Kirk Pfeffer, City of Omaha – Public Works Department, and Noah Johnson, CH2M Hill, appeared before the Board in support of the request.

Mr. Pfeffer stated that the waiver was for the Missouri River Wastewater Treatment Plant which was built during the early 1960’s. He explained that the pumps are located on the lower level. The control systems for the pumps are located on the upper level. He added that the City is proposing to install a wall that would separate the controls from the pumps on the lower level, thereby eliminating any atmospheric issues. He stated that there is an existing stair connecting the upper and lower levels. The size of the opening for the proposed wall is limited because of existing duct work. For this reason, a 32” door is being requested instead of the required 36” door. He added that the building is not permanently staffed, and is mostly used for maintenance. He requested that the 12” extensions on the stairs be removed since they project into the opening.

In response to Mr. Shaefer, Mr. Johnson stated that the main purpose of the wall would be to reduce the amount of moisture near the panels. Mr. Johnson stated that moisture resistant gypsum would also be used to protect the panels. In addition, intake and exhaust would be used for ventilation purposes.

Mr. Schaefer moved to APPROVE as requested. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 7-0
(Case No.'s 11-054 & 11-055 were combined)

Case No. 11-054  
(Over from 11/14/11, 12/12/11, 6/11/12 & 9/10/12)  
Mark L. Brasee  
Fraser Stryker PC LLO  
409 South 17th Street  
Omaha, NE 68102  

LOCATION: 5006 South 134th Street – Commercial Buildings  

Case No. 11-055  
(Over from 11/14/11, 12/12/11, 6/11/12 & 9/10/12)  
Mark L. Brasee  
Fraser Stryker PC LLO  
409 South 17th Street  
Omaha, NE 68102  

LOCATION: 5005 South 135th Street – Commercial Buildings  

At the Building Board of Review meeting held on March 11, 2013, Elizabeth Culhane, Attorney, appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that the City had recently met with the applicant to check the progress of the project. He stated that as long as the property remains secure and the one remaining T-shed is removed, the City did not object to a layover of 6 months.

Ms. Culhane stated that Millard Lumber had met with the City regarding Tax Increment Financing and has also made initial agreements with a few developers. She requested additional time to finalize those agreements. She also explained that there was some delay resulting from the death of the owner’s mother. Referring to a letter (Exhibit #2 dated 9-10-12) submitted to Mr. Jerry Slusky from Rick Cunningham (Planning Director), dated July 19, 2012, Ms. Culhane stated that Millard Lumber has agreed to resolve a couple of issues mentioned in that letter. The first issue is listed as number 5 on the letter, which mentions the submittal of the proposed development plan for the Urban Design site plan review. The second issue is listed as number 7, which specifies that a traffic study must be done for the area. Ms. Culhane mentioned a letter (Exhibit #2 dated 3-11-13) from Rick Russell, President and CEO of Millard Lumber, to Mr. Denker and Todd Shearer, Code Inspector. The letter updated Code Enforcement on the progress that has been made with the property.

Ms. Makinster moved to LAYOVER until the September 9, 2013 meeting of the Board subject to the property being well secured and the removal of the remaining T-shed on the property. The applicant has also agreed to submit the proposed development plan/Urban Design site plan review and a traffic study as outlined in the letter from the City addressed to Mr. Jerry Slusky, dated July 19, 2012. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on March 11, 2013, Mary Rivas, Property Owner, and Nick Rayer, Skyline Construction, appeared before the Board in support of the request.

Mike Johnson, Housing Inspector, stated that a building permit was pulled for the property on February 12, 2013 for shoring and a general repair permit pulled on August 21, 2012, which had expired. A permit for a deck had also been applied for on August 21, 2012 that was put on hold. He added that no electrical, plumbing or HVAC permits had been applied for. Mr. Johnson recalled that this case involved a car that entered the basement apartment.

Kevin Denker, Chief Housing Inspector, stated that if the property owner agreed to submit a construction schedule and a list of who would be applying for the permits, Code Enforcement would be agreeable to allowing additional time for repairs. Regarding the deck permit, Mr. Rayer stated that there was no need for the permit since there would no longer be a door on the upper level. In response to Mr. Ryan, Mr. Rayer stated that they would need at least until July 1, 2013 to complete all necessary repairs. Mr. Denker stated that he would agree to an extension of six months.

Mr. Wiedenman moved to grant an EXTENSION of six months. Ms. Makinster seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on March 11, 2013, no one appeared before the Board in support of the requestS.

Kevin Denker mentioned that the applicant’s father had recently passed which may have been the reason for his absence. Mr. Denker recommended laying both cases over to give the applicant the opportunity to appear.

Motion by Mr. Schaefer to LAYOVER Case No. 13-017 until the April 8, 2013 meeting of the Board. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 7-0

Motion by Mr. Feuerbach to LAYOVER Case No. 13-018 until the April 8, 2013 meeting of the Board. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 7-0
ADJOURNMENT:

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

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

MOTION CARRIED: 7-0