

MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., NOVEMBER 4, 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
Cynthia Makinster
Mark Santo
Brad Schaefer

MEMBERS NOT PRESENT: n/a

OTHERS PRESENT: Greg Hauptman, Plans Examiner
Kevin Denker, Chief Housing Inspector
Dennis Small, Chief Electrical Inspector
Roger Carroll, Housing Inspector
Alan Thelen, City Law
Will Acosta-Trejo, City Law
Clinette Warren, Board Secretary

Mr. Ryan, 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 the agenda could be discussed at the 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. Schaefer to APPROVE the minutes for the October 7, 2013 meeting. Mr. Santo seconded the motion.

AYES: Feuerbach, Wiedenman, Santo, Schaefer, Ryan

ABSTAIN: Makinster, Kiel

MOTION CARRIED: 5-0-2

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 2

CASES:

Case No. 13-035
(over from 8-12-13)

Mark Sanford
1306 North 162nd Street
Omaha, NE 68118

LOCATION: 17520 Wright Street

REQUEST: Waiver to use air purifiers to provide fresh air in lieu of a mechanical fresh air system that the code requires.

This case was withdrawn at the request of the applicant.

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 3

Case No. 13-043

Kevin Lacey

Lacey Electric

31 Edgewater Lane

Dakota Dunes, SD 57049

LOCATION: 2707 South 140th Street – Red Lobster

REQUEST: Waiver to allow the use of MC Cable in an application that is not allowed by the Omaha Municipal Code.

At the Building Board of Review meeting held on November 4, 2013, Susan Gross and Kevin Lacey appeared before the Board in support of the request.

Ms. Gross stated that the electrical contractor that was hired performed the work in compliance with the codes for the State of Nebraska, which allows the use of MC cables. She added that the State informed her that inspection for the work that had been performed is under the jurisdiction of the City of Omaha, which does not allow the use of MC Cable.

Mr. Ryan noted that the Chief Electrical Inspector, Dennis Small, nor the Permits and Inspections Department objected to the request. He added the waiver being requested would eventually be allowed in newer versions of the code.

Mr. Small explained that he had previously submitted a revision of Section 44-173 of the Omaha Municipal Code to City Council, who chose to maintain that section as written. He added that until the ordinance is changed, waivers would need to be obtained from the Building Board of Review. In response to Mr. Hauptman, Mr. Small stated that the National Electrical Code does allow the use of MC Cable.

Ms. Makinster moved to APPROVE. Mr. Schaefer seconded the motion.

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

MOTION CARRIED: 7-0

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 4

Case No. 13-044

A. Samuel Dorchen
Dorchen/Martin Associates, Inc.
29895 Greenfield Road, #107
Southfield, MI 48076

LOCATION: Lynbrook Apartments (various addresses)
REQUEST: Waiver to eliminate the requirement for lighting
and switches for exterior decks and balconies.

At the Building Board of Review meeting held on November 4, 2013, Sam Dorchen, Tim Coon, and Tom Wheatley appeared before the Board in support of the request.

Mr. Dorchen stated that he did not believe that Section 44-173 of the Omaha Municipal Code specifically requires lights for second and third floor balconies. He noted that lights have been installed on the first floor balconies in accordance with the National Electrical Code.

Dennis Small, Chief Electrical Inspector, stated that the National Electrical Code requires light at ground level apartments only. The Omaha Municipal Code, however, states the following: *In all dwelling units, at all exterior doors, light switches must be installed to control both interior and exterior luminaires. Light switches must be adjacent to and in the same room as the door opening.* He explained that lighting and switches are required which would allow a person to safely exit and enter a patio door on the second and third levels.

It was Mr. Dorchen's belief that additional lighting was not required on the second and third floors since the light from the adjacent room would potentially spill over onto the balcony. Ms. Kiel responded that lighting should be installed for safety reasons, in accordance with the Omaha Municipal Code.

Mr. Wiedenman stated that, according to his understanding of Section 44-173 of the Omaha Municipal Code, light switches are not required unless there are lighting fixtures installed. He felt that maybe the language was not as clear as it should be. Ms. Kiel responded that the requirement was inferred.

Greg Hauptman, Plans Examiner, stated that the City of Omaha is charged with interpreting the intent of the Omaha Municipal Code. He explained that although that section of the code may be regarded by some as being ambiguous, the intent is that lighting is provided for every balcony on every level.

Ms. Kiel moved to DENY the request. Mr. Schaefer seconded the motion.

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

NAYES: Wiedenman

MOTION CARRIED: 6-1

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 5

(Cases 13-022 & 13-023 were heard together)

Case No. 13-022

(from 10/7/13)

John C. Chatelain
14707 California Street
Suite 1
Omaha, NE 68154

LOCATION: 3023 Leavenworth Street – Multi-Family Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated January 24, 2013

Case No. 13-023

(from 10/7/13)

John C. Chatelain
14707 California Street
Suite 1
Omaha, NE 68154

LOCATION: 3025 Leavenworth Street, Apt. 3025 –
Apartment Interior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated January 22, 2013

At the Building Board of Review meeting held on November 4, 2013, Josh Scott and John Chatelain appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that progress had been made. He added that when the final inspections have been made, Permits and Inspections would release the properties. He recommended a layover of one month to allow time for the inspections.

Mr. Chatelain stated that once the properties have been released by the Permits and Inspections Department, the appeal would be withdrawn.

Mr. Wiedenman moved to LAYOVER until the December 9, 2013 meeting of the Board. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 7-0

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 6

Case No. 13-027

(Over from 5/13/13, 9/9/13 & 10/7/13)

John Chatelain
14707 California Street
Omaha, NE 68154

LOCATION: 4949 North 35th Street

REQUEST: Appeal International Property Maintenance Code
Notice of Violation & Order to Vacate dated April
16, 2013.

At the Building Board of Review meeting held on November 4, 2013, Tim Sheehy and John Chatelain appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that Kurt Holmstrom, Housing Inspector, had recently met with the owner and that all repairs had been completed. He explained that all that remained was for the paperwork to be finalized so that the property could be released.

Mr. Chatelain agreed that once the property was released from Code Enforcement, the appeal would be withdrawn. He suggested a layover.

Ms. Makinster moved to LAYOVER until the December 9, 2013 meeting of the Board. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 7-0

BUILDING BOARD OF REVIEW

November 4, 2013 - Minutes

Page 7

Case No. 13-037

(from 8/12/13)

John Chatelain

14707 California Street, Ste. 1

Omaha, NE 68154

LOCATION: 3504 Hamilton Street – Dwelling Entire Structure

REQUEST: Appeal of the Notice of Violation dated June 13, 2013.

At the Building Board of Review meeting held on November 4, 2013, James Riskowski and John Chatelain appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that progress had been made on the exterior of the property. He added that the property owner, Mr. Riskowski, agreed to allow Permits and Inspections to look at the interior. He suggested that the case be laid over.

Mr. Chatelain submitted pictures (Exhibit C) which showed that exterior work that had been completed.

Mr. Feuerbach moved to LAYOVER until the December 9, 2013 meeting of the Board. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 7-0

ADJOURNMENT:

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

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

MOTION CARRIED: 7-0

The meeting was adjourned at 1:43 p.m.