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. Feuerbach to approve the minutes for the August 12, 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 September 9, 2013, Tim Wurtele and Shane Cherney appeared before the Board in support of the request.

Mr. Wurtele submitted two exhibits for the file: a copy of the plans for the museum (Exhibit B) and a document titled “Building Board of Review, September 9, 2013, Joslyn Screen” (Exhibit C). He explained that the museum would like to renovate an existing storage space into additional exhibit space. He stated that, although the building is a Group A Occupancy, the museum would like the space to be considered as a Group B Occupancy in accordance with Section 303.1 – Exception 2 of the International Building Code. He explained that a movable wall would be located at the entrance that would be locked down in the open position during business hours. The doors would be shut on when an exhibit is being set up. He noted that Greg Hauptman, Plans Examiner, had expressed concern about the assembly occupancy.

In response to Ms. Kiel, Mr. Cherney stated that there is an exception in the International Building Code, Section 303.1 – Exception 3, that would allow the space to be considered a Group B Occupancy due to it being less than 750 square feet. Mr. Ryan clarified that if the space were considered as a Group B Occupancy, a waiver would not be required.

Mr. Hauptman explained that, although there is an exception in the code, it is based on area and occupant load. He noted that the occupant load exceeds 5.2 individuals. He further noted that the space technically does not qualify as a Group B. He stated that neither Permits and Inspections nor the Fire Department supports a waiver for a sliding door on an assembly space, regardless of the use.

In response to Ms. Kiel, Mr. Wurtele explained that if double doors were installed, they would take up wall space that could be used for exhibits. Additional options were discussed with the applicant including pocket doors and a door that has the appearance of a wall. Mr. Hauptman stated that there would be no need for a waiver if a hinged door was installed at the end of the corridor that exits to the stairway.

Mr. Cherney stated that the 2012 edition of the International Business Code, which the City of Omaha plans to adopt in the future, could be used to determine the occupant load. Mr. Hauptman responded that it would not apply since the occupant load would still be exceeded. There was some discussion about other options which included the use of a security grille. Mr. Hauptman mentioned that the sliding door being requested by the applicant has already been installed.

Mr. Weidenman stated that he was concerned about a room that has a wall that can shut and no other means of egress.

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

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

MOTION CARRIED: 7-0
Case No. 13-034 - WITHDRAWN
Eric Westman
Alley Poyner Maccheitto Architecture
1516 Cuming Street
Omaha, NE 68102

LOCATION: Lot 1, Aksarben Village (71st & Poppleton Streets)
REQUEST: Waiver to use the 2012 IBC requirements for dead end corridors.

This request was withdrawn at the request of the applicant.
Case No. 13-038
Richard or David Slosburg
10040 Regency Circle, Suite 200
Omaha, NE 68114

LOCATION: 3002 Paddock Road – Latvian Village Apartments
REQUEST: Waiver to eliminate the requirement that sprinkler protection be provided on all decks and patios where the building is of Type V construction.

The applicant requested that this case be laid over.

Ms. Makinster moved to LAYOVER until the October 7, 2013 meeting. Mr. Schaefer seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on September 9, 2013, Bryan Zimmer and Andrew Reich appeared before the Board in support of the request.

Mr. Ryan noted that Permits and Inspections had no objections to the request.

Mr. Zimmer stated that Hy-Vee is adding onto the far east side of the property. He explained that there is only one corner of the building where there is a 47’ open yard instead of the required 60’.

Greg Hauptman, Plans Examiner, stated that there is a property line that runs through the building.

Mr. Feuerbach moved to APPROVE the request as submitted. Ms. Kiel 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 & 3/11/13)
Mark L. Brasee
Fraser Stryker PC LLO
409 South 17th Street
Omaha, NE 68102

LOCATION: 5006 South 134th Street – Commercial Buildings Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated September 23, 2011

Case No. 11-055
(Over from 11/14/11, 12/12/11, 6/11/12, 9/10/12 & 3/11/13)
Mark L. Brasee
Fraser Stryker PC LLO
409 South 17th Street
Omaha, NE 68102

LOCATION: 5005 South 135th Street – Commercial Buildings Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated September 23, 2011

At the Building Board of Review meeting held on September 9, 2013, Elizabeth Culhane (Fraser Stryker) appeared before the Board in support of the request.

Kevin Denker, Chief Housing Inspector, stated that the property owner has complied with all of the stipulations made by Permits and Inspections, which included the removal of two T-sheds that were in poor condition. The property has remained secure and Millard Lumber has agreed to repair a door on the property that has been damaged. There have also been meeting with the Planning Department regarding Tax Increment Financing and to review other requirements. Mr. Denker stated that the Planning Director supports a six month layover with the understanding that Millard Lumber will continue to keep the property secure and well maintained. Ms. Culhane stated that, in addition to keeping the property secure and removing the T-sheds, Millard Lumber has submitted a proposed site development plan. She explained that a traffic study has not been done since a final site plan has not been completed. She further added that Millard Lumber is in the process of finalizing the investment deal for the property.

Mr. Wiedenman moved to LAYOVER for 6 months until the March 2014 meeting. Ms. Makinster seconded the motion.

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

MOTION CARRIED: 7-0
Case No. 13-027
(Over from 5/13/13)
John Chatelain
14707 California Street
Omaha, NE 68154

LOCATION: 4949 North 35th Street

The applicant requested that this case be laid over.

Mr. Wiedenman moved to LAYOVER until the October meeting. 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 September 9, 2013, John Chatelain, Gail Garrens, Jay Garrens, and Jeff Morris appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that the property at 519 South 26th Avenue had been recently purchased by a new owner on September 4, 2013. Mike Johnson, Housing Inspector, stated that he met with a representative for the new owner and had gone over existing violations. He explained that the Garrens no longer owned the property and did not have a financial interest in it. He requested that the appeal be denied.

Mr. Chatelain suggested that the appeal be withdrawn. Mr. Denker stated that an appeal had been sent to the current owner.

Jeff Morris stated that the new owner had no objections to making the necessary repairs on the property within the required 30 days.

Case number 13-040 was WITHDRAWN.
At the Building Board of Review meeting held on September 9, 2013, John Chatelain, Pete Townsend and Tom Jizba appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that the appeal initialed by Yvonne Barna, Housing Inspector, and processed by Permits and Inspections. He noted that the application shows the address of the subject property as 1330 South 30th Avenue, while the notice lists the address as 1336 South 30th Avenue. He further stated that only cases on the agenda could be heard at the meeting. RoseMarie Horvath, City Law, clarified that only cases that have been advertised could be discussed. Mr. Denker suggested that the request be denied.

Ms. Horvath stated that the case would need to be re-published with the proper address so that the Open Meetings Law is followed and proper notification could be given.

Mr. Chatelain suggested that corrections be made to the address on the original application. He explained that the paperwork submitted with the applicant all support that the application was for 1336 South 30th Avenue. He had no objections to the case being laid over until the next meeting.

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

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

MOTION CARRIED: 7-0

Mr. Chatelain amended the original application.
ADJOURNMENT:

Ms. Makinster moved to ADJOURN. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 7-0