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 was available for review on the north wall of the room. He noted that only those items on the agenda could be discussed at the public hearing.

Mr. Ryan explained that the 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. The 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. (Ms. Kiel had not yet arrived when the roll was called).

Motion by Mr. Schaefer to APPROVE the minutes for the October 6, 2014 meeting as amended. Mr. Ramm seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Schaefer, Ryan

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on November 10, 2014, Ty Egbert appeared before the Board.

Mr. Egbert explained that the existing library stairs were for ornamental purposes only. The library is two stories high and both levels have doors that access the main portion of the home. The main staircase is 9’ away from the spiral stair. He stated that the home would need to be reconstructed to accommodate the required width of the staircase. The existing staircase is approximately 1½” short of what is required.

In response to Mr. Ryan, Mr. Hauptman explained that, although the stairs are not required, they should still be constructed according to code. The rise/run and the head room clearance are legal; however, the overall width of the tread is too narrow.

Mr. Feuerbach mentioned that the main hardship appeared to be that the staircase had already been built. Mr. Egbert stated that it would be difficult to make changes to the design and that it would increase construction time. In response to Ms. Kiel, Mr. Egbert stated that the second level of the library would be used for book shelves.

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

AYES: Feuerbach, Naccarato, Ramm, Kiel, Schaefer

NAYES: Standerford, Ryan

MOTION CARRIED: 5-2
At the Building Board of Review meeting held on November 10, 2014, David Warner (Meyer & Associates, Architects) and Kevin Hooker (Oak View Associates) appeared before the Board.

Mr. Warner explained that his client, Elite Cheer, is proposing to occupy a section of an existing 60,000 sq. ft. building. The applicant was proposing to use Type II-B Construction (non-combustible construction) along with an occupancy class of A-3 which limits the square footage. The existing building would be too small to allow an A-3 occupancy. The applicant requested a waiver for an unlimited area building; however, this would require a public yard of 60’ around the perimeter of the structure. The issue, he explained, is that there is currently a 0’ lot line on the west side of the building with a 2 – 3 hour existing wall. The unlimited area building would also require accessible entrances with a ramp on grade. The applicant proposed a new entrance/exit to the rear of the building which is 34” off of grade. An ADA compliant stair would be provided. In addition, there is an existing 3,200 sq. ft., wood-frame mezzanine on the east side of the building that was in compliance at the time it was constructed. The applicant proposed using that mezzanine for another tenant improvement and stated that non-combustible construction would be used for any new construction.

Mr. Hooker stated that another business would occupy the other half of the building and that it would also be an A-3 occupancy. There could possibly be another smaller business in the middle of the building with a “M” (Mercantile) occupancy.

In response to Mr. Ryan, the applicants stated that he had read the four conditions of approval set by the Omaha Fire Department and the City of Omaha and that they were in agreement with them. Those conditions are as follows: 1) the west wall of the building be revised to provide a 3-hour fire rating; 2) the existing wood framing be allowed to remain with the condition that all new construction be of non-combustible materials and comply with the requirements of Type II construction; 3) the use of stairs be allowed as a means of egress in lieu of a ramp; and 4) the building be provided with accessible entrances.

Mr. Feuerbach moved to APPROVE based on the following conditions: 1) the west wall of the building be revised to provide a 3-hour fire rating; 2) the existing wood framing be allowed to remain with the condition that all new construction be of non-combustible materials and comply with the requirements of Type II construction; 3) the use of stairs be allowed as a means of egress in lieu of a ramp; and 4) the building be provided with accessible entrances. Ms. Kiel seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on November 10, 2014, Jeffrey Ray (Wade Trim), Kirk Pfeffer (City of Omaha – Public Works), Daric O'Neal (Alley, Poyner, Macchietto Architure), and Mark Muller (Alley, Poyner, Macchietto Architure) appeared before the Board.

Mr. Pfeffer stated that the request was for a large basin that is being constructed as part of the CSO (Clean Solutions for Omaha) program. He explained that the basin would serve to treat wastewater before it reaches the waste water treatment facility or is discharged. The building would be unoccupied and made of non-combustible materials. The electrical elements of the structure will be explosion proof. In addition, a dry stand pipe would be installed where appropriate. He further explained that the facility will be used only when wastewater is diluted by rainwater.

Greg Hauptman, Plan Examiner, stated that there was a typographical error on the Case Analysis. The dry standpipe should actually be installed in Stair “F” and not Stair “A”. The applicants were in agreement with the conditions set forth by the Omaha Fire Department and the City of Omaha.

In response to Mr. Schaefer, the applicants stated that the ventilation system will have a backup generator.

Mr. Feuerbach moved to APPROVE with the condition that a standpipe be required for Stair “F”. Ms. Kiel seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on November 10, 2014, Neeraj Agarwal appeared before the Board.

Yvonne Barna, Housing Inspector – City of Omaha, stated that the applicant was requesting more time to decide what to do with the structure. She added that the applicant had done what the City had requested to that point, including cleaning up the property and ensuring that it was secure.

Mr. Agarwal requested enough time to complete all repairs and inspections. He stated that he is in the process of meeting with the neighbors to discuss what should be done with the property. Taking into consideration the winter weather, he requested a 9-month extension.

Kevin Denker, Chief Building Inspector – City of Omaha, stated that the applicant is the new owner of the property and would need time to decide how to develop and maintain it. He did not object to a 9-month layover.

Mr. Ryan encouraged the applicant to maintain contact with Ms. Barna and to keep up with repairs.

Ms. Kiel moved to GRANT a 9-month extension until the August 2015 meeting of the Board. Mr. Ramm seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on November 10, 2014, John Chatelain, Patrick McNally, Shirley McNally, John M. Oien, and Tom Jizba appeared before the Board.

Todd Shearer, Housing Inspector – City of Omaha, stated that the property had been neglected. He offered to meet the owners at the property so that they could discuss what repairs needed to be made. Mr. Shearer submitted a copy of an engineer’s report prepared by Mr. Jizba (Exhibit 3) that he received from the applicant. He stated that he was in agreement with what was listed in the report as long as the property owner obtained the proper permits. He noted that some repairs had been made without permits.

Mr. Chatelain acknowledged that repairs needed to be made, which included work on the south wall. With regards to the City’s request to pave the parking lot, Mr. Chatelain stated that his client believed that the condition of the parking lot was pre-existing and that it had been in place at least as far back as 2010. He submitted an inter-office communication from the Planning Department dated January 10, 1997 (Exhibit 3). That memo indicates that the first ordinance to require paving was from 1957. Mr. Chatelain claimed that the building was in place before that time. Kevin Denker, Chief Housing Inspector – City of Omaha, responded that he would look at some older aerials of the site to determine if the parking lot had already been in place before changes to the code were made. He did not think the lot had any grandfather rights due to the poor maintenance of the property.

Mr. Oien is the current tenant at the property. He stated that he is a pewterer and briefly explained the work he does in the building. Mr. Denker questioned whether Mr. Oien had obtained a Certificate of Occupancy for that type of use.

In response to Mr. Ryan, Mr. Chatelain suggested an 8-month layover to have all repairs completed, including any painting work that needed to be done. Mr. Shearer stated that the property owner would need time to submit their plans for review and obtain the necessary permits. It was also determined that additional time would be needed to work through some zoning and electrical issues. Mr. Denker felt that 60 days would be sufficient time for the property owner to decide if they wanted to invest in the project. He added that this would allow the City to make a decision on the gravel parking and investigate whether a valid Certificate of Occupancy had been issued for the use.

Ms. Kiel moved to LAYOVER for 60 days until the January 2015 meeting of the Board. Mr. Feuerbach seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
ELECTION OF OFFICER:

Mr. Standerford moved to ELECT Mr. Feuerbach as Vice-Chair. Mr. Schaefer seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 1:55 p.m.