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. Feuerbach to APPROVE the minutes for the November 10, 2014 meeting as
amended. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on December 8, 2014, Robert W. Powers II appeared before the Board.

Mr. Powers explained that he replaced the electrical panel in the home in order to accommodate the subpanel being installed in a new garage addition. The electrical inspector failed the location of the electrical panel. The homeowners prefer to keep the electrical panel in its existing location since relocating it would encroach into their living space.

Dennis Small, Chief Electrical Inspector – City of Omaha, explained that the code provides minimum standards for the distance required between electrical panels and other energized systems like sump pumps, sewage ejectors, or radon systems. He added that there should be space approximately the size of a refrigerator around the electrical panel so that any work on the panel can be safely performed. Addressing the applicant’s claim that the panel was already in place, he referred to Sec. 44-171 of the Omaha Municipal Code which essentially states that if anything new is attached to an existing electrical system, the work should be performed as if the system were new. In addition, the electrical system cannot be left in an unsafe or hazardous condition.

Mr. Powers responded that he was initially unaware of the condition of the electrical panel and that it was discovered when the homeowner asked a question of the electrical inspector. It was determined that there was not sufficient space around the electrical panel for any work to be performed safely.

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

AYES: Feuerbach, Standerford, Ramm, Kiel, Scheafer, Ryan

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on December 8, 2014, Hans Klein-Hewitt appeared before the Board. Mr. Klein-Hewitt stated that he was representing Larry DeBruin of the Beth El Synagogue.

Mr. Ryan stressed to the applicant that the Board cannot grant any waivers to the American with Disabilities Act. He added that any waivers granted from the Board would be inconsequential unless additional waivers were received from the proper authorities.

Mr. Klein-Hewitt stated that he was seeking permission to build an exterior ramp at the Beth El Cemetery. He explained that a total of two ramps were being proposed to improve accessibility of the site. The ramp to the west of the building meets the code; however, the eastern ramp does not. The eastern ramp does not have the required 5'x5' landing and the slopes do not meet code. He explained that the hardship is that there are occupied graves on the south side of the sidewalk where the new ramp location is proposed. Other options had been considered, but none were viable. Mr. Klein-Hewitt stated that although the plan does not meet code, it does improve accessibility on the site, specifically for senior citizens using walkers, canes, or wheelchairs.

There was some discussion regarding the layout of the site and the width of the proposed ramp. In response to Mr. Standerford, the applicant stated that persons in wheelchairs would have access to the western ramp which does meet code.

Greg Hauptman, Plans Examiner – Planning Department, stated that the applicant was doing the best that they could do considering the circumstances. He added that if the waiver was not granted the ramp could not be built. Since the ramp would be an improvement to the site, Permits & Inspections did not object to the request.

Ms. Kiel moved to APPROVE as requested. Mr. Schaefer seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on December 8, 2014, Kevin Denker, Chief Housing Inspector – City of Omaha, appeared before the Board.

Mr. Denker stated that the former Millard Lumber site had been sold to Lanoha Development. The new owners were sent the same Notice of Violations that had been sent to the previous owners. The City had received no indications from the new owners as to what their intentions were.

Mr. Feuerbach moved to DISMISS/CLOSE case 11-054. Mr. Schaefer seconded the motion.

AYES: Feuerbach, Standerford, Ramm, Kiel, Scheafer, Ryan

MOTION CARRIED: 6-0

Mr. Shaefer moved to DISMISS/CLOSE case 11-055. Ms. Kiel seconded the motion.

AYES: Feuerbach, Standerford, Ramm, Kiel, Scheafer, Ryan

MOTION CARRIED: 6-0
Case No. 14-25
John C. Chatelain
14707 California Street, Suite 1
Omaha, NE 68154

LOCATION: 809 North 49th Avenue – Multi-Family
REQUEST: Basement Apartment Exterior
Appeal of Notice of Violation dated October 29, 2014

At the Building Board of Review meeting held on December 8, 2014, John Chatelain and Ryan Basye appeared before the Board.

Kevin Denker, Chief Housing Inspector – City of Omaha, stated that the property had been converted from a single-family home to a duplex. He added that the basement has been converted into a third unit. The property is zoned R4(35), which is a single-family zoning. Permits & Inspections received a complaint concerning egress issues with the basement unit. Mr. Denker mentioned other issues with shared-air, fire rating, zoning, and the property owner obtaining a Certificate of Occupancy.

Roger Carroll, Housing Inspector – City of Omaha, stated that the exterior of the home was in good condition. However, he noticed that the egress window from the basement was too shallow to allow a person to exit the home. In addition, the door at the rear of the home was not sufficient for proper egress. He notified the owner that repairs would need to be made.

Mr. Chatelain stated that, to the best of his knowledge, the home was originally built as a duplex. He noted a picture of the property which showed two side-by-side doors with separate addresses. He stated that an egress window had been installed in a bedroom on the north side of the basement unit. He submitted a picture (Exhibit #2) showing a picture of the window and the signed ticket from the City of Omaha which proved that the window had been inspected. He acknowledged that the width of the basement door was not sufficient; however, he explained that there was no way to make it wider because of brick walls on either side of the door that had been that way since the home was built. He felt that the condition was pre-existing and should be grand-fathered. He indicated that he questioned the neighbors who all stated that there had been an apartment in the basement as far as they could recall. He submitted an affidavit from one of the neighbors, Lars Erickson, (Exhibit #3) which stated that he was aware of the existence of the basement apartment before 1987 and that it had existed since that time. Mr. Chatelain requested that the property be released so that it could be sold.

Jay Davis, Assistant Director – Permits & Inspections, stated that the egress window was an improvement from what existed previously and that the Board would need to decide if they believed it was sufficient for the basement apartment. There was some discussion as to whether an interior door that Mr. Chatelain mentioned earlier would be sufficient egress for the basement apartment. Mr. Davis suggested an inspection of the interior so that it could be determined if the interior stairway was code compliant. Mr. Chatelain agreed to let inspectors in to examine the stairwell.

There was some discussion about how the impending sale of the home would be affected by the actions of the Board and the decisions of the City. Mr. Chatelain suggested that the Board lay the case over for a month to give the City time to decide whether the interior staircase was satisfactory. If the issue was resolved before the next schedule meeting, the request could be withdrawn.
Mr. Feuerbach moved to LAYOVER until the January 12, 2015 meeting of the Board. Mr. Ramm seconded the motion.

AYES: Feuerbach, Standerford, Ramm, Kiel, Scheafer, Ryan

MOTION CARRIED: 6-0
DISCUSSION:

Jay Davis, Assistant Director – Permits & Inspections, advised the members of the Board there would be several ordinances before them in the upcoming months. Some would concern the Building Code and others the Property Maintenance Code. He stated that there would be another Board that would handle Property Maintenance Code issues, reducing the number of those types of cases that come before the Building Board of Review. The 2012 International Residential Building Code will also come before the Board. He also mentioned that attempts were being made to find a replacement for Mr. Brad Schaefer whose term on the Board expires December 19, 2014.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 2:10 p.m.