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. Roll call was taken with each member present.

Mr. Ryan informed those present that a copy of The Open Meetings Law is available in the board room for anyone to review. He noted that only those items on today’s agenda could be discussed at today’s public hearing.

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.

Mr. Ryan requested that speakers limit their presentation to 10 minutes.

Mr. Kucks moved to APPROVE the meeting minutes for June 14, 2010. Mr. Meyerson seconded the motion.

AYES: Epstein, Kucks, Meyerson, Ryan

ABSTAIN: Limpach, Thibodeau, Wiedenman

MOTION CARRIED: 4-0-3
NEW CASES:

Case No. 10-36  LOCATION:  Children's Hospital - 111 N 84 Street
HDR  REQUEST:  Waiver to allow a permanent sculpture to remain
Attn: John White/Bernie Gehrki  in a rated stair enclosure that is a part of the
8404 Indian Hills Drive  required means of egress
Omaha, NE  68114

Mr. Bernard Gehrki, Managing Principal Architect, and Mr. John White, Sr. Project Architect, HDR, 8404
Indian Hills Drive, appeared on behalf of Children's Hospital to present this request.

Mr. Gehrki stated that the proposed artwork is a 70' tall steel sculpture. He stated that the sculpture will
be on display at the Specialty Pediatric Clinic adjacent to Children's Hospital. Gehrki stated that the clinic
is a medical office building categorized as Business Occupancy group because of no inpatient or
ambulatory care at the location. He stated that the sculpture resides outside of the path of egress and is
constructed of both non-combustible and Class A materials. Gehrki felt that a deluge system for a non-
combustible would not be of aid. He clarified that the umbrella shades are fabricated from a Class A
polycarbonate material with a flame spread in the 800 degree range. According to the State Fire
Marshal, Doug Hohbein, the art fixture could be considered a permanent fixture because it is not
suspended or loose and the code language does not prohibit the sculpture. Gehrki provided drawings,
plans, and other data about the sculpture, including samples. In response to Mr. Ryan, Mr. Gehrki stated
that placement of the art fixture in the stair enclosure would not be in violation of the state fire code. He
stated that based upon the quality control done, the life safety aspect is not threatened. Gehrki was
apologetic for not presenting this sculpture to the Building Division sooner and viewing it as a decoration.

Mr. Greg Hauptman, Plans Examiner discussed the code language that states, “An exit enclosure shall not
be used for any purpose other than means of egress.” His concern is the use of the stair enclosure to
display artwork. He discussed the wiring inside the enclosure and under the sculpture. In response to
Mr. Limpach, Mr. Gehrki confirmed that the wiring is concealed within the components of the sculpture
and complies with Omaha code requirements.

Mr. Jim Harper, Civil Engineer III, felt that this waiver request could set a precedent for other items
which should be kept out of vertical exit enclosures. Information provided by the applicant confirmed
that the structure meets ASTM E84 for Class A finish. Harper has some concern regarding how fast it
would burn and how much smoke it would generate. Thibodeau stated that there is no listing for every
conceivable use of any product. He felt that eventually a judgment call was needed based on what is
known about the product. Harper felt there would be a better comfort level if the artwork were not in an
exit enclosure. In response to Mr. Thibodeau, Mr. Gehrki stated that there are rails separating the
sculpture from the public. Mr. Limpach agreed with the City's interpretation. However, he felt that this
request was reasonable for consideration. Mr. Ryan also agreed to consider a waiver request rather than
a reversal of interpretation.

Mr. Hauptman suggested they add one or two extra smoke heads at the top of the enclosure in case
something would ever start to smolder. He felt that that particular corner location is high profile and
could set a precedent for more displays in an exit enclosure.

In regards to the sprinkler system Mr. Gehrk felt that the structure would be placed in the corner well
enough to get coverage from the risers on the landing. Mr. Harper commented on the irony in
pressurizing the stair to keep smoke out and having something there that could burn. Mr. Limpach
stated that this particular area of the building had all the provisions to make it a low priority fire location.

In response to Mr. Hauptman's concern, Mr. Thibodeau felt that if there were an issue with the lighting, it
would be more apt to occur at installation. He stated that since the structure is immobile, a wire
shortage over time would be unlikely.
Mr. Gehrki stated that the location of the stair tower within the building is strictly for egress. He stated that it is not a communication stairway. However, the stair tower is founded on a parking structure and needed at its lowest level. Gehrki added that the location of the stair tower in the corner would be used primarily by staff.

Mr. Harper inquired if this material had similar characteristics to the kind of furniture material found in an atrium. Mr. Gehrki stated that studies were done and the aluminum was more vulnerable than the LEXAN regarding heat release rates. Also, the Class A flooring materials, such as rubber treads and ceiling tiles, perform better.

Mr. Epstein moved to APPROVE a waiver request for this specific sculpture which is constructed of non-combustible Class A material and must remain of the same material. Mr. Limpach seconded the motion.

AYES: Limpach, Thibodeau, Wiedenman, Epstein, Ryan

ABSTAINED: Meyerson, Kucks

MOTION CARRIED: 5-0-2

Case No. 10-37
Studio 360 Architecture
Attn: Jeremy Carlson
3624 Farnam Street
Omaha, NE 68131

LOCATION: Callahan Financial Planning—3157 Farnam Street
REQUEST: Waiver of the requirement to provide an accessible route to a mezzanine level

Mr. Ryan stated that this case was withdrawn.

Case No. 10-38
Randy Meyer
1065 N 115 Street
Omaha, NE 68154

LOCATION: Midlands Scientific Inc. - 1202 S 11 Street
REQUEST: Waiver to allow wood framed construction in a Type II-B building

Mr. Randy Meyer, Meyer & Associates, Mr. Ken Gigstad, Darland Construction, and Mr. John Gondring, property owner appeared to present this request.

Mr. Meyer stated that under the 1978 code this building was listed with the City as a Type II-N. He stated that the original building was pre-engineered and the main structural components were non-combustible. Meyer explained that a corner of the building consists of offices and mezzanine constructed of wood. Therefore, in 1978 the building was mislabeled. He stated that the building does not comply with Type II designation, with the presence of wood, but does comply with Type V-B. The proposed addition is consistent with Type V-B as well. Meyer is requesting a waiver to change the original building designation from Type II-N to Type V-B to bring the building up to code.

Mr. Meyer stated that the proposed addition consists of 7,000 sq. ft. to be used for storage purposes. The existing office area would be remodeled. He added that the existing building was fully sprinklered at a later date and that the sprinkler system would be extended into the proposed addition. He listed some of the proposed changes, such as a plywood deck, a set of wood steps up to the mezzanine, wood railings installed, etc. Currently, as it stands and with the proposed addition, the building meets the criteria for a Type V-B.

Mr. Greg Hauptman, Plans Examiner, stated that the Building Division is not in the practice of changing a building's construction type once it's permitted and built. He stated that the applicant could request a waiver to Section 603 of the 2006 IBC. Also, a reversal of opinion voted on by this board would change the construction type and reclassify the building. Hauptman stated that he still has the 1978 plan review
forms which can be changed administratively. He requested that the applicant resubmit new height and area calculations based on Type V-B.

Mr. Epstein moved to APPROVE a request that the Building Department reclassify the building to a Type V-B in order that the existing and the new construction are compliant with current code. The existing sprinkler system is to be extended into the new addition. Mr. Kucks seconded the motion.

AYES: Thibodeau, Meyerson, Epstein, Kucks, Limpach, Ryan
ABSTAINED: Wiedenman
MOTION CARRIED: 6-0-1

Ms. Jessica Finkle, Attorney, appeared on behalf of the property owner in support of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, stated that work is progressing on this case. He stated that the applicant has requested a 90-day extension. Denker recommended approval of the extension.

Mr. Kucks moved to APPROVE a 90-day extension, subject to obtaining all proper building permits. Mr. Wiedenman seconded the motion.

AYES: Wiedenman, Meyerson, Epstein, Kucks, Limpach, Thibodeau, Ryan
MOTION CARRIED: 7-0

Ms. Jessica Finkle, Attorney, appeared on behalf of the property owner in support of this appeal.

Both cases were heard concurrently.

Mr. Kevin Denker, Chief Housing Inspector, stated that the applicant requested a 90-day extension.

Mr. Kenton Duncan, Housing Inspector, recommended that the applicant provide a roof inspection report from a reputable roofing company. He stated that the roof had caved in on the 3rd floor apartment. Duncan stated that as of today there is a swell in the paint where the water has penetrated.

Mr. Wiedenman moved to APPROVE an extension.

Mr. Denker recommended an additional 30-days to allow the applicant time to provide the City with an inspection report from a licensed roofing company.
Mr. Wiedenman moved to AMEND and APPROVE a 120-day extension. Mr. Thibodeau seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Wiedenman, Meyerson, Epstein, Ryan  

MOTION CARRIED: 7-0

Case No. 10-32  
Thomas J. Young  
2433 S. 130th Circle  
Omaha, NE 68144  

LOCATION: 4125 N. 19th Street, Dwelling Exterior  

Mr. Kevin Denker, Chief Housing Inspector, presented this case. He stated that the property is going through foreclosure. Denker was in contact with Mr. Young, attorney for the bank, who requested a 90-day layover to complete the foreclosure process. Denker stated that a new notice would be sent to the new owner at a later date.

Mr. Epstein moved to APPROVE a layover until the October 4, 2010 board meeting to allow the property to complete the foreclosure process. Mr. Thibodeau seconded the motion.

AYES: Meyerson, Epstein, Kucks, Limpach, Thibodeau, Wiedenman, Ryan  

MOTION CARRIED: 7-0

Case No. 10-33  
CFF Enterprises  
Linda Fox  
16325 C Street  
Omaha, NE 68137  

LOCATION: 2514 Sahler Street, Commercial Structure & Demolition  
REQUEST: Appeal International Property Maintenance Code Notice of Violation dated June 1, 2010

Mr. John Chatelain, Attorney, appeared on behalf of the property owner in support of this appeal.

Mr. Greg Peterson, Housing Inspector, stated that OPPD initiated this complaint. He stated that the building is secured and empty.

Mr. Chatelain stated that the applicant intends to sell the building and will assess the repairs. He stated that a structural engineer checked the roof to ensure that the building was not an imminent danger. The applicant plans to identify a buyer who would assume all the repairs as well. Chatelain requested a 30-day layover.

Mr. Kucks moved to APPROVE a layover until the August 9, 2010 board meeting. Mr. Wiedenman seconded the motion.

AYES: Epstein, Kucks, Limpach, Thibodeau, Wiedenman, Meyerson, Ryan  

MOTION CARRIED: 7-0
LAYOVER CASES:

Case No. 10-13
Kent Bealer, LLC  
(over from 4/12/10)  
1521 N. Argonne Road #258  
Spokane, WA  99212

LOCATION:          REQUEST:  
3115-17-19-21-23-25-27 & 29 Pacific Street,  
Building Exterior  
Appeal International Property Maintenance Code  
Notice of Violation dated February 26, 2010

Case No. 10-14
Kent Bealer, LLC  
(over from 4/12/10)  
1521 N. Argonne Road #258  
Spokane, WA  99212

LOCATION:          REQUEST:  
3115-17-19-21-23-25-27 & 29 Pacific Street,  
Interior Commons Area  
Appeal International Property Maintenance Code  
Notice of Violation dated February 26, 2010

Ms. Yvonne Barna presented the cases. She stated that the building recently burned down and the appeals was withdrawn by the applicant.

Case No. 10-04
David Phillips  
(over from 4/12/10, 5/10/10)  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE  68132

LOCATION:          REQUEST:  
131 S. 38th Street, Apt. 6 - Interior  
Appeal International Property Maintenance Code  
Notice of Violation dated January 11, 2010

Case No. 10-05
David Phillips  
(over from 4/12/10, 5/10/10)  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE  68132

LOCATION:          REQUEST:  
131 S. 38th Street, Apt. 6 - Vacate  
Appeal International Property Maintenance Code  
Notice of Violation dated January 11, 2010

Case No. 10-06
David Phillips  
(over from 4/12/10, 5/10/10)  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE  68132

LOCATION:          REQUEST:  
131 S. 38th Street, Apt. 6 - Demolish  
Appeal International Property Maintenance Code  
Notice of Violation dated January 11, 2010

Case No. 10-07
David Phillips  
(over from 4/12/10, 5/10/10)  
Grandview Properties, LLC  
5119 Davenport Street  
Omaha, NE  68132

LOCATION:          REQUEST:  
131 S. 38th Street, Multi-Family Exterior  
Appeal International Property Maintenance Code  
Notice of Violation dated January 11, 2010
Case No. 10-08  LOCATION:  131 S. 38th Street, Laundry Room & Commons Area Interior
(over from 4/12/10, 5/10/10)
Grandview Properties, LLC
5119 Davenport Street
Omaha, NE 68132

Mr. John Chatelain, Attorney, and Mr. David Phillips appeared before the board in support of the appeals.

Mr. Kevin Denker, Chief Housing Inspector, stated that this case was held over from the April 12, 2010 meeting in which the issues were not resolved. He listed the issues: the shared air, fire rating, ceiling height, the egress window, plumbing appeal, electrical, and the entry door. Mr. Mike Johnson, Housing Inspector, stated that some progress was made on the exterior of the building only. He identified additional unresolved issues on the interior that had not been addressed since the April layover.

Mr. Chatelain stated that they met with the Department and believed the unresolved items needed board ruling. Mr. Johnson stated that the only meeting attempted by the applicant was on July 8, 2010. Mr. Limpach referred to the May 2010 minutes which stipulated the conditions set forth by the board. In regards to the fire rating, Mr. Kucks reiterated that the applicant must provide a UL assembly that achieves one hour fire rating. The applicant introduced intumescent paint for the ceiling. Mr. Denker stated that intumescent paint had not been discussed prior to this meeting.

Mr. Tom Phipps, Chief Mechanical Inspector, stated that he met with the property owner. Phipps stated that the house is not built to provide for current code compliance in any shape or form. He stated that installation of a filtration system would not achieve the requirements of the mechanical code. Therefore, the applicant would need a waiver to allow a filtration system as an alternative. Also, a waiver would be needed for replacement equipment to ensure its compliance. Installation would need to be done properly and according to current code. Phipps stated that the City does not recommend a waiver for shared air. He noted that previous waivers had been granted for systems that were almost identical to this one. Mr. Limpach suggested that this board take a closer look at alternative shared air systems to determine the feasibility of each request. In response to Mr. Johnson, Mr. Phillips stated that the PVC needs to be replaced throughout the building. Mr. Kucks agreed with the applicant’s comments about numerous conversions throughout the city which are not compliant due to shared air. He noted that there are many houses which are converted into apartments and kept up enough so as not to come before the board.

Mr. Epstein moved to APPROVE a six-month extension to allow installation of the media filtration and UV treatment, as specified in SOS Heating & Cooling proposal, in lieu of providing units for each individual apartment; property owner must have a maintenance contract to service system twice yearly; records must be kept and made available to the City upon request; if the furnace is replaced, all the systems currently installed must be maintained and kept in order with the new furnace. The six-month extension applies to all other items that must meet the code and were discussed at previous hearings; to include providing proper UL assembly for 1-hour separation, installing an egress window in bedroom, and appealing PVC plumbing/piping to Plumbing Board. Mr. Wiedenman seconded the motion.

AYES: Thibodeau, Wiedenman, Meyerson, Epstein, Kucks, Limpach, Ryan

MOTION CARRIED:  7-0

Mr. Meyerson left the meeting at 3:00 pm.
Mr. John Chatelain, Attorney, and Mr. Brian Carlin appeared before the board in support of this appeal.

Mr. Mike Johnson, Housing Inspector, stated that all issues were resolved and the applicant requested a 6-month extension on the repair time.

In response to Mr. Chatelain, Mr. Johnson stated that reports had been received that the property was a rooming house. He later inspected and confirmed that one family is living in the single family dwelling.

Mr. Kevin Denker, Chief Housing Inspector, stated that if an interior inspection is necessary, the City may secure a warrant to do so.

Mr. Wiedenman moved to APPROVE a 180-day extension. Mr. Limpach seconded the motion.

AYES: Wiedenman, Epstein, Kucks, Limpach, Thibodeau, Ryan

MOTION CARRIED: 6-0

ADJOURNMENT:

Mr. Wiedenman moved to ADJOURN the meeting at 3:07 p.m. Mr. Kucks seconded the motion.

AYES: Epstein, Kucks, Limpach, Thibodeau, Wiedenman, Ryan

MOTION CARRIED: 6-0