Mr. Jack 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 one member not 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. Thibodeau moved to APPROVE the minutes of the September 13, 2010 meeting. Mr. Epstein seconded the motion.

AYES: Kucks, Limpach, Thibodeau, Epstein, Ryan

ABSTAINED: Wiedenman

MOTION CARRIED: 5-1-0
NEW CASES:

Case No. 10-49  LOCATION:  1313 South 208 Street
DLR Group  REQUEST:  Waiver to allow substitute for Type 1 Hood
Attn: Curtis Johnson  requirement for domestic-type kitchen
400 Essex Court  68114  equipment in an educational occupancy for a
Family & Consumer Science (FCS) Room in a
middle school

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. Curtis Johnson, DLR
Group, appeared before the board in support of this request.

Mr. Johnson stated that a middle school is a limited use application for the preparation of foods as part of
the curriculum. He stated that the request is for a factory-assembled product and submitted some of the
back-up literature. There is a small part of the curriculum and foods are prepared as part of a six-week
rotation wherein only 2 to 3 days of use occurs in the kitchenette areas. The curriculum teaches safety
skills at all three levels (6th, 7th, and 8th grades) including fire prevention with regards to stovetop
cooking, and maintenance of kitchen appliances rather than the commercial Type 1 hood. Johnson
stated that the State Fire Marshal approved the Guardian product in other schools within the state. He
noted that the building is 100% automatic fire-protected with manual pull stations in the Family
Consumer Science room. Johnson covered other highlights of the system: 1) The control processor for
the hood has automatic connection to the building fire alarm system with automatic shutoff connection to
the electrical and stove; and 2) the wet chemical suppression system has a mechanical fail-safe fusible
link in addition to the sensor that would detect a fire without power.

In response to Mr. Ryan, Mr. Johnson stated that the system has not been installed. Upon notification of
non-compliance, they put a hold on the contract at the middle school project. He added that the building
is under construction; it's enclosed, yet the cabinets and kitchen equipment have not been installed.
Johnson felt that the proposed upgrade system was better because of less chance for errors. He stated
that the intent of the curriculum is to teach students in a residential setting to perform these functions in
the home, and provide safe practices in a familiar environment regarding the cooking stations as well.

Mr. Jim Harper, Permits & Inspections Plans Examiner, stated that staff were divided on issues of
installation and submitted the case to the board for input. His concerns were other potential safeguards
that would be necessary for these types of installations.

Mr. Darryl Giles, Asst. Fire Marshal, Omaha Fire Department, discussed the implications of “commercial
cooking” conditions per interpretation of the State Fire Marshal's office. He used the interpretation from
the Life Safety Code to determine that the definition of educational assembly occupancy does not meet
the requirements of commercial cooking. Johnson stated that the Guardian System has been approved
by the State and installed in schools. He likened the proposed system to Guardian, yet better, in that the
suppression system is built into the hood of the proposed model.

Mr. Limpach felt that the limited use of the environment is a strong determinant for supporting the
Guardian system; 2 to 3 days' use in a 6-week rotation, the use is supervised, and the system is housed
in a protected building. In response to Mr. Epstein, Mr. Johnson stated that wall-mounted fire
extinguishers can be installed in the Family Consumer Science rooms. Johnson added that there are
three kitchen stations in the one room.
The board revisited the interpretation of “commercial cooking,” particularly in schools. Mr. Kucks recalled that part of the activity in a home economics class was the idea that whatever was cooked was not thrown out, but consumed by the students in some fashion. Mr. Thibodeau felt that the code describes the daily use of restaurant kitchens. Mr. Johnson stated that the rotation involves part of the student time in the kitchens, part in other modules doing textiles, another part working on the consumer sciences of checkbook-keeping, etc. Mr. Giles recommended that the school submit a letter with a curriculum and statement that they would regulate the cooking and warming of foods. His concern was possible misuse by other users.

Mr. Harper stated that the Department’s concern is due to the fact that the system would be in a school which raises the standards. Mr. Wiedenman recommended treating these requests on a case-by-case basis so as not to discount the “commercial cooking” category of any case. Mr. Limpach stated that this application is not rare and recommends each case be reviewed by the City, then allow the City to determine whether the case should go before the board. Mr. Hauptman was concerned about giving interpretations across the board, exampling this case as compared to a culinary arts class which would require the use of a hood. Mr. Harper felt that the findings on these types of cases would be due to the frequency, management, and oversight which warrant having a suppression system that is less than what the standard would be in the mechanical code.

Mr. Limpach moved to APPROVE the waiver request to allow the proposed system based on the understanding of the use of cooking applications. The applicant shall provide: 1) A letter explaining the operation and use; and 2) One fire extinguisher for each stove according to NFPA 10. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 10-51
Ronald E. & Cheryl S. Brown
12142 P Street  68137

LOCATION: 12142 P Street, Dwelling Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated July 27, 2010

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. Ronald Brown appeared before the board in support of this appeal.

Mr. Todd Shearer, Code Inspector, stated that an inspection of the property took place in which the dwelling was uninhabited with no gas service. Shearer stated that additional sanitation violations were written up as well. He stated that there was electricity service. Shearer stated that MUD reported on July 9, 2010, the applicant requested service be restored at the property. Shearer stated that upon the MUD inspection, the property owner was asked to replace the water heater flue and have the furnace inspected. He stated that the applicant has not contacted the City for an inspection to-date. Shearer attempted to contact and meet with the owner regarding these matters to no avail.

Mr. Brown stated that the gas was later turned on. He listed other issues with specifics regarding the deck. Brown stated that repair of the deck had not been addressed due to non-use of the property. In response to Mr. Ryan, Mr. Brown stated that he maintains the property—i.e., mows grass, picks weeds, cuts limbs, places debris on the curb for pick-up, and picks up mail. Pictures of the property were provided by Mr. Shearer. Mr. Ryan suggested that Mr. Brown schedule to meet with the City to address each violation with an explanation in order to make proper repairs. Mr. Brown felt that the violations were excessive. Mr. Shearer explained that the code allows five outdoor trash cans and the applicant was cited for having thirteen containers at the property. He further explained that the gas service could be shut off at a property owner’s request if the furnace and hot water heater are electric. Mr. Limpach recommended that Mr. Kevin Denker, Chief Inspector, facilitate a meeting with Mr. Brown and the code inspector. Mr. Denker conceded.
Mr. Limpach moved to LAYOVER the appeal until the November 8, 2010 meeting to allow the applicant time to meet with the City to determine the specifics of the violations. Mr. Wiedenman seconded the motion.

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

Case No. 10-50
Chatelain Properties, LLC
Attn: John Chatelain
12111 Anne Street 68137

LOCATION: 2712 Laurel Avenue, Dwelling Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated August 13, 2010

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. John Chatelain appeared before the board in support of this appeal.

Mr. Kurt Holmstrom, Code Inspector, stated that a complaint was received regarding the property. Upon thorough investigation, he discovered numerous violations. Holmstrom stated that the applicant has since moved forward in securing a general repair permit to address the repairs. He noted that the garage would be demolished, by permit. Mr. Kevin Denker, Chief Inspector, stated that the City would assist with an asbestos inspection. Mr. Chatelain referenced his property manager stating his experience working on these specific type of repair issues.

Mr. Kucks moved to LAYOVER the appeal until the December 13, 2010 meeting to allow the applicant time to properly resolve the repair issues. Mr. Thibodeau seconded the motion.

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

LAYOVER CASES:

Case No. 10-39
Douglas & LuAnne Gnuse (over from 8/9/10, 9/13/10)
7902 N. 279 Street
Valley, NE 68064

LOCATION: 24503 King Lakeside Drive, Vacate
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated June 28, 2010

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. Kurt Holmstrom, Code Inspector, appeared before the board regarding the violations at this property.

The applicants were not present.

Mr. Holmstrom stated that after inspecting, repairs were underway at a slow pace. His concerns were electrical and plumbing issues. Holmstrom stated that the interior of the house was gutted along with other violations. He stated that the applicant's request was to have the placard removed.

Mr. Thibodeau moved to DENY request to remove the placard. Mr. Epstein seconded the motion.

AYES: Epstein, Kucks, Limpach, Thibodeau, Wiedenman, Ryan
MOTION CARRIED: 6-0
Case No. 10-32
Thomas J. Young
(over from 7/12/10)
2433 S. 130th Circle  68144

LOCATION:  4125 N. 19th Street, Dwelling Exterior
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated May 20, 2010

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. Kevin Denker, Chief Inspector, stated that he spoke with the applicant. He stated that the property continues in foreclosure at this time. Mr. Greg Peterson, Code Inspector, stated that the property was kept secure and clean.

Mr. Epstein moved to LAYOVER the appeal until the January 10, 2011 meeting. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED:  6-0

Case No. 10-33
CFF Enterprises
(over from 7/12/10, 8/9/10)
Linda Fox
16325 C Street  68137

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

At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. John Chatelain, Attorney, 12111 Anne Street on behalf of the applicant, and Mr. Bill Stowell, NAI NP Dodge, 13321 California Street, appeared before the board in support of this appeal.

Mr. Chatelain stated that the church to the east has a signed purchase agreement on this property. He stated that the plan is to demolish the structure. Mr. Chatelain requested a layover to allow time for the buyer to close on the sale of the property.

Mr. Epstein moved to LAYOVER the appeal until the January 10, 2011 meeting to allow time for the sale of the property to be completed. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED:  6-0
At the Building Board of Review meeting held on Monday, October 4, 2010, Mr. Wesley Hall appeared before the board in support of this appeal.

Mr. Kevin Denker, Chief Inspector, stated that the applicant needs to address the fire-ratings on the property in order to reinstate residents for occupancy. He added that the applicant would also need to establish a plan for the shared air. Mr. Denker recommended a 60-day extension to allow the applicant time to progress with repairs.

Mr. Kucks moved to APPROVE a 60-day extension (December 3, 2010). Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 6-0

ADJOURNMENT:

Mr. Kucks moved to ADJOURN the meeting at 2:15 pm. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 6-0