MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., JANUARY 10, 2011
Third Floor, Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

MEMBERS PRESENT:
Jack Ryan, Chairman
Ron Epstein, Vice Chairman
James Kucks
Nicholas Limpach
Thomas Thibodeau
Martin Wiedenman
Cindy Makinster

OTHERS PRESENT:
Greg Hauptman, Plans Examiner
Tom Phipps, Chief Mechanical Inspector
Kevin Denker, Chief Housing Inspector
Kenton Duncan, Housing Inspector
Michael Johnson, Housing Inspector
Yvonne Barna, Housing Inspector
Scott Benson, Housing Inspector

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. He introduced Ms. Cincy Makinster, the board’s new member representing the public. Roll call was taken and all members were 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 December 13, 2010 meeting, as written. Mr. Epstein seconded the motion.

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

ABSTAIN: Makinster

MOTION CARRIED: 6-0-1.
NEW CASES:

Case No. 11-01  
David Hinsley  
8404 Indian Hills Drive  
Omaha, NE 68114  

LOCATION: 450 Regency Parkway  
REQUEST: Waiver to allow the installation of sprinklers in an existing atrium on one side of the glass only

At the Building Board of Review meeting held on Monday, January 10, 2011, Mr. David Hinsley and Mr. Matthew Kuhn, HDR, appeared before the board in support of this appeal.

Mr. Hinsley stated that this project involves renovating the atrium in which sprinkler heads will be required on the tenant side of the space, according to the code. He stated that interventions were made to the atrium glass in the form of bump outs which changes the existing condition. He is requesting approval of sprinkler heads every 6 feet relative to the atrium glass work. Mr. Kuhn noted that the building is sprinklered on both tenant and atrium sides. In response to Mr. Thibodeau, Mr. Hinsley stated that the glass wall is being pushed out further and the sprinkler heads will remain in the same position.

Mr. Greg Hauptman, Plans Examiner, stated that sprinklers will be added inside the bump out areas every 6 feet.

Mr. Epstein moved to grant the waiver to allow the applicant to only install additional heads at the new atrium bump outs on the tenant side. Mr. Wiedenman seconded the motion.

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

ABSTAIN: Kucks

MOTION CARRIED: 6-0-1

Case No. 11-02  
Jazzercise  
Attn: Brian Napp  
15504 Spaulding Pkz., Ste. C8  
Omaha, NE 68116

LOCATION: 15475 Ruggles Street  
REQUEST: Waiver to the requirement for an accessible ramp up to an instructor's platform

At the Building Board of Review meeting held on Monday, January 10, 2011, Mr. Frank Kulig, and Mr. Brian Knapp, KVI Associates, appeared before the board in support of this appeal.

Mr. Kulig stated that they plan to build a 30" to 36"-high platform in order for the instructor to perform exercises that will be seen by participants, also allowing the instructor to observe the class. He stated that the platform would be used strictly for aerobics performed by the instructor only. No other commercial activity or sales merchandise will occupy the platform. Kulig mentioned a revision in the plan, stating that a door on the platform area was omitted as well. He stated that there is a similar platform without a ramp currently in use at this facility.

Mr. Ryan listed concerns regarding a tenant change or a handicapped person needing to be on the platform. Mr. Kulig stated that there are areas available for the public and individuals confined to a wheelchair to watch the activity. Mr. Kucks stated that a platform above 29" would require stairs and a handrail. The applicant agreed to construct a platform less than 30 inches.
Mr. Kucks moved to grant a waiver to not require a ramp for access to a platform with the condition that in the event a disabled employee needs to access the platform, a ramp will be provided and all other code requirements for the height of the platform shall be followed. Mr. Epstein seconded the motion.

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

MOTION CARRIED: 7-0

Case No. 11-03
Michael Lacey/Gary Cooper
5060 Dodge Street
Omaha, NE 68132

LOCATION: 15345 West Maple Road
REQUEST: Waiver to eliminate the requirement for combination fire and smoke dampers coming out of a shaft

At the Building Board of Review meeting held on Monday, January 10, 2011, Mr. Gary Cooper, Alvine Engineering, 1102 Douglas Street, and Mr. Michael Lacey, CWP Architects, 5060 Dodge Street, Suite 2001, appeared before the board in support of this appeal.

Mr. Cooper requested a waiver of a requirement for smoke dampers only where ducts penetrate into an attic level mechanical space on a project at the Fitzgerald Home for the Douglas County CSI Facility. He stated that the design of the facility and the air distribution system in the building puts all of the supply and exhaust systems in the upper level attic mechanical room where the ducts enter into shafts through the attic floor. Cooper is requesting a waiver of the smoke dampers at those penetrations due to 1) the air handling system that is connected to the ductwork is fed by energy recovery units which do not recirculate air and are connected directly to the outside on both the supply and intake side of the duct system; and 2) the supply portion of the ERVs is equipped with a smoke detector in the ductwork that will shut off the air handling system should smoke be generated in the air supply system. Cooper stated that the building has non-rated floor assemblies. Mr. Lacey stated that currently there are four different locations of shafts which are one-hour rated assemblies. He explained that the shafts go up to the underside of the attic/mechanical room and terminate. Cooper stated that the ductwork is continuous to the outdoors. Lacey contends that with the smoke detector that is provided in the supply side, should there be smoke generated at the mechanical equipment, it would shut off the air distribution system. Also a concern was if smoke dampers were added at the attic floor, there would be a possibility that smoke could be maintained in the occupied floors below.

Mr. Tom Phipps, Chief Mechanical Inspector, City of Omaha, stated that the analysis for this project required smoke and fire dampers at all penetrations in and out of the shaft space. He stated that this is a continuous system which does not go up to the roof deck of the structure. It comes out of the penthouse floor and splits into two separate directions the full length of the facility. The analysis indicates that the shaft has to be continuous to the outside. Phipps stated that the shaft has been bulkheaded at the lowest level of the floor below. Therefore the entire upper area is open and is not continuous to the outside of the structure. Phipps recommended installing the smoke and fire dampers because there is no physical way in which to encase the ductwork all the way to the exterior of the structure.

In response to Mr. Limpach, Mr. Cooper stated that, per the code, any vertical shaft must be rated. He stated that the floor is non-rated and the shafts are rated. Cooper discussed the definition in the code which states that the top of the shaft needs to be rated the same as the floor. However, in this case the floor is not rated.

Mr. Limpach conceded that fire and smoke dampers belong at the shaft and if the duct is smoke-sealed, smoke dampers could be added to the connections to the unit. The smoke detector would provide further protection by shutting off the distribution system if needed. Mr. Phipps recommended the same smoke and fire damper arrangement in the ductwork for Phase 2 of this project which is in the same penthouse location.
Mr. Limpach moved, knowing that the fire dampers are currently in place to maintain the one-hour rating of the shaft and will remain in place, to APPROVE an exception for the smoke dampers to be located one per unit (duct system) rather than one per shaft and that all the ductwork be sealed smoke-tight between the top of the shaft and the smoke damper. Mr. Epstein seconded the motion.

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

ABSTAIN: Thibodeau

MOTION CARRIED: 6-0-1

Case No. 11-04
Richard Berkshire
1301 S. 75th Street
Omaha, NE 68124

LOCATION: 2511 N. 97th Avenue, Dwelling Exterior
REQUEST: Appeal International Property Maintenance code Notice of Violation dated November 16, 2010

At the Building Board of Review meeting held on Monday, January 10, 2011, Mr. Richard Berkshire, Attorney, representing Ms. Martha Nielson, personal representative of the estate of Fletcher and Anis Williams appeared before the board in support of this appeal.

Mr. Kenton Duncan, Housing Inspector, stated that the property owner appealed a violation of the deck, roof water runoff, and other administrative issues at vacant property.

Mr. Berkshire stated the property is listed with a realtor. He requested an extension in order to allow a new owner to address the issues.

Mr. Epstein recommended that the deck be given immediate attention to prevent injury to anyone. Mr. Kucks stated that a time extension to make the needed repairs could coincide with the sale of the property.

Mr. Wiedenman moved to APPROVE a six-month extension (June 13, 2011). Mr. Limpach seconded the motion.

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

MOTION CARRIED: 7-0.

Case No. 11-05
John David Hunt
539 S. 26th Avenue #201
Omaha, NE 68105

LOCATION: 539 S. 26th Avenue #201, Apartment
REQUEST: Appeal International Property Maintenance code Notice of Violation dated December 10, 2010

At the Building Board of Review meeting held on Monday, January 10, 2011, no one appeared before the board on behalf of this appeal.

Mr. Mike Johnson, Housing Inspector, stated that upon three inspections of the property, nothing was done to address the issues stated in the violation. He stated that the applicant was served an eviction notice by property management of the dwelling, as well. Johnson recommended denial of this appeal.

Mr. Thibodeau moved to DENY the appeal. Mr. Limpach seconded the motion.

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

MOTION CARRIED: 7-0
LAYOVER CASES:

Case No. 10-32
Thomas J. Young
(over from 7/12/10, 10/4/10)
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, January 10, 2011, Mr. Kevin Denker, Chief Housing Inspector, presented this case.

Mr. Denker stated that this property was going through foreclosure. He recommended a layover to allow time for counsel to complete the foreclosure.

Mr. Epstein moved to LAYOVER this case until the March 14, 2011 meeting to allow time for the foreclosure to be completed. Mr. Kucks seconded the motion.

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

MOTION CARRIED: 7-0

Case No. 10-33
CFF Enterprises
(over from 7/12/10, 8/9/10, 10/4/10)
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, January 10, 2011, no one appeared before the board on behalf of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, recommended that this case be laid-over to allow the applicant an appearance.

Mr. Epstein moved to LAYOVER the case until the February 14, 2011 meeting. Mr. Limpach seconded the motion.

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

MOTION CARRIED: 7-0

ADJOURNMENT:

It was the consensus of the board to ADJOURN the meeting at 2:20 pm.