MINUTES
BUILDING BOARD OF REVIEW
1:00 P.M., FEBRUARY 14, 2011
Third Floor, Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

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

MEMBER NOT PRESENT:
James Kucks

OTHERS PRESENT:
Rick Cunningham, Planning Director
James Harper, Civil Engineer III (Retired)
Greg Hauptman, Plans Examiner
Paul Sorensen, Plans Examiner
Jim Dickerson, Fire Prevention-Plans
Tom Phipps, Chief Mechanical Inspector
Jay Davis, Chief Building Inspector
Kevin Denker, Chief Housing Inspector
Yvonne Barna, Housing Inspector
Todd Shearer, Housing Inspector
Michael Johnson, 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. Roll call was taken with six members 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. Epstein moved to APPROVE the minutes of the January 10, 2011 meeting, as amended. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 6-0
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NEW CASES:

Case No. 11-011  LOCATION:  4302 S 42 Street
James Prchal  REQUEST:  Waiver to eliminate the requirement for a
6616 S 45 Street  parapet on the roof of a building located on a
Omaha, NE 68117  property line

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. James Prchal appeared before the board in support of this appeal.

Mr. Jay Davis, Chief Building Inspector, stated that two stop orders were given. Due to the location of the building to the property line, a parapet wall was needed. He added that the inspector had informed the builder to tarp the roof because of the holes that would allow incoming moisture and further damage to the building.

Mr. Greg Hauptman, Plans Examiner, stated that according to the IBC, Section 704.11 a parapet is required on any exterior wall requiring a fire rating due to its proximity of the property line.

Mr. Limpach stated that builders performing new construction are obligated to meet the new codes. Mr. Epstein stated that with the building’s proximity to the next structure, the fire rating should be maintained.

Mr. Limpach moved to DENY the request. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 11-012  LOCATION:  16909 Burke Street
Gregory R. Schnackel  REQUEST:  Approval to install open Hibachi cook tops
3035 S 72 Street  without a Type I hood and suppression system
Omaha, NE 68124

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. Gregory Schnackel, Mr. Brian Austin, Schnacke Engineers, Inc., and Mr. Laszlo Szabolcs, Gas Consultants Company, 8501 Pleasant Valley, Cleveland, OH, and Mr. Jason Stanzi, MUD, appeared before the board in support of this appeal.

Mr. Ryan stated that this is a requirement of the Life Safety Code and is not an item that this board can rule on. The applicant was informed of this and requested that the board hear the case and give their opinion.

Mr. James Harper, Plan Review Engineer, stated that he investigated the cooking units. He stated that the mechanical code requires that equipment installed under the auspices of the mechanical code be listed and labeled appropriately. Harper stated that the mechanical code requires a canopy hood over cooking appliances. He stated that if a piece of equipment or hood is listed to UL710 there is an exception for the prescriptive requirements in the mechanical code for the hood. Harper stated that the Hibachi table is not listed by Underwriters Laboratories per UL710 which is the substitute for the prescriptive requirements for a canopy hood. However, it is listed as a fuel gas appliance. It was also noted that the UL300 fire suppression system, which is normally what would be used under a canopy hood, is not applicable to a downdraft cooking appliance per Underwriters Laboratories. Harper stated that the system is not tested for that use.
Mr. Schnackel stated that Kobe Steakhouse is one of only eight restaurants out of 2,000 in Omaha with a “superior” rating from the Douglas County Health Department. He stated that these products have been installed throughout the country including two locations in Omaha. Schnackel introduced Mr. Szabolcs, who has experience in the UL testing of hoods and gas appliances and will make a technical presentation on the safety of these devices. Schnackel requested that the board hear about the mechanical issues. He informed the board that a meeting is scheduled with Capt. Dickerson regarding the Life Safety issues.

Mr. Szabolcs stated that he represents an independent testing laboratory which has tested for Underwriters Laboratories. He stated his testing experience with UL, CSA, and ETL. Szabolcs stated that the downdraft system is a new concept in commercial cooking but not a new technology. He stated that the current NFPA 96 recognizes downdraft systems and allows the unit with a specified venting arrangement. Szabolcs explained the air flow controls of the device. Schnackel referred to Sec. 10.2.2 of the NFPA 96 2001 edition, and felt that this device is in that category. He discussed benefits of the system in being environmentally friendly, the aesthetics in surface cooking, the energy cost savings, and health and safety of the cooks and restaurant patrons.

Mr. Harper stated that the UL300 fire suppression is not designed for downdraft appliances.

The board felt that the system meets the mechanical requirements regarding equivalency. Schanckel added that the equipment meets the provisions of the current IMC with respect to the fire suppression. Mr. Szabolcs referred to the fire suppression manual, which was handed out, is put together by Kidde Company for these appliances in conjunction with Roaster Tech using all UL listed parts. He stated that each appliance has its own duct system.

Mr. Thibodeau moved, due to the fact that there is no UL 300 fire suppression system for this type of commercial cooking appliance application, to APPROVE the use of this equipment. The board acknowledged that the information provided by the applicant is sufficient proof that the Kidde WHDR system is an equivalent fire suppression system. The motion was AMENDED to include that, if installed, the system shall meet all the requirements of the NFPA 96 (2004). Mr. Limpach seconded the motion.

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

MOTION CARRIED: 6-0
Case No. 11-06
John Cumerford
5013 S 22 Street
Omaha, NE 68107

LOCATION: 5011 S 22 Street, Dwelling
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated December 20, 2010

Case No. 11-07
John Cumerford
5013 S 22 Street
Omaha, NE 68107

LOCATION: 5013 S 22 Street, Dwelling
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated December 14, 2010

Case No. 11-08
John Cumerford
5013 S 22 Street
Omaha, NE 68107

LOCATION: 5013 S 22 Street, Detached Garage
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated December 14, 2010

These three cases, which reflect similar properties and the same property owner, were heard together.

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. John Cumerford appeared before the board in support of the appeals.

Mr. Kevin Denker, Chief Housing Inspector, stated that the applicant requested a six-month extension for all three properties, subject to submitting a construction schedule to outline the steps taken in completing the work. Mr. Todd Shearer, Housing Inspector, stated that the three properties including the grounds need extensive work. He stated that outdoor storage is not permitted and the garage has structural concerns.

Mr. Thibodeau moved to APPROVE a six-month extension (until the August 8, 2011 meeting), with the condition that the owner provide the City with a construction schedule. Mr. Limpach seconded the motion.

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

MOTION CARRIED: 6-0

Case No. 11-09
Ralph Andersen
4606 Q Street
Omaha, NE 68117

LOCATION: 4606 Q Street, Dwelling
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated January 13, 2011

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. Ralph Andersen appeared before the board in support of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, stated that the City met with the applicant’s son, David, and pointed out the extent of the work in regards to the proper type of alternative siding for the house. Denker commented that progress had been made on the yard. He recommended a six-month extension to allow the applicant time to complete the work. Denker stated that the applicant contact the City for verification as the work gets completed.

Mr. Epstein moved to APPROVE a six-month extension (until the August 8, 2011 meeting) to allow the applicant time to complete the work. Mr. Wiedeman seconded the motion.

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

MOTION CARRIED: 6-0
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Case No. 11-10  
Lindenwood Nursing Home  
c/o Brent M. Kuhn  
1005 S 107 Avenue, #100  
Omaha, NE 68114

LOCATION: 910 S 40 Street, Nursing Home Interior  
REQUEST: Appeal International Property Maintenance Code  
Notice of Violation dated December 28, 2010

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. Brent Kuhn, Attorney and Ms. Pat Curtis, Administrator for the nursing home, appeared before the board in support of this appeal.

Mr. Kevin Denker, Chief Housing Inspector, stated that a boiler exploded causing damage to the wiring, piping/plumbing, and the structure. He stated that a claim was submitted to the insurance company and they have received proposals for another boiler. Denker recommended a six-month extension to allow the applicant time to select the new boiler and get it installed. Mr. Tom Phipps, Chief Mechanical Inspector, stated that the nursing home is currently using a temporary system installed by a licensed contractor.

Mr. Wiedenman moved to APPROVE a six-month extension (until the August 8, 2011 meeting). Mr. Epstein seconded the motion.

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

MOTION CARRIED: 6-0

LAYOVER CASES:

Case No. 10-58  
Francisco Talavera  
(Over from 12/13/10)  
c/o Talawe R.E. Investment, LLC  
11809 Jefferson Plaza  
Omaha, NE 68137

LOCATION: 2564 Marcy Street, Apartment Building Exterior  
REQUEST: Appeal International Property Maintenance Code  
Notice of Violation dated October 8, 2010

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. John Chatelain, Attorney, 12111 Anne Street, appeared before the board on behalf of the applicant.

Mr. Yvonne Barna, Housing Inspector, stated that the case has been released due to completion of the work required.

Mr. Chatelain submitted a copy of the release letter to the board and withdrew the appeal.
Case No. 10-33
CFF Enterprises
(Over from 7/12/10, 8/9/10, 10/4/10, 1/10/11)
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

At the Building Board of Review meeting held on Monday, February 14, 2011, Mr. John Chatelain, Attorney, 12111 Anne Street, appeared before the board on behalf of the applicant.

Mr. Kevin Denker, Chief Housing Inspector, stated that the property was sold. Mr. Chatelain presented a copy of the Warranty Deed. Denker stated that the new owner will be notified and given the appropriate time to file an appeal of the previous owner’s violations.

Mr. Wiedenman moved to DENY the appeal filed by the previous property owner. Mr. Thibodeau seconded the motion.

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

ADJOURNMENT:

Ms. Cindy Makinster moved to ADJOURN the meeting at 2:52 pm. Mr. Epstein seconded the motion.

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

Claudia Moore, Secretary

Jack Ryan, Chairman