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

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

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.

Roll call was taken and seven members were present.

Motion by Mr. Feuerbach to approve the minutes of the April 9, 2012 meeting as submitted. Mr. Santo seconded the motion.

AYES: Feuerbach, Makinster, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Wiedeman

MOTION CARRIED: 6-0-1
CASES:

(It was the consensus of the Board to hear this case first)

Case No. 12-007
(Held over from 3/12/12)

LOCATION: 809 South 25th Street – Commercial Building
REQUEST: Appeal International Property Maintenance Code
Notice of Violation dated January 18, 2012

Thomas J. Anderson, Esq.
12020 Shamrock Plaza
#333
Omaha, NE 68154

At the Building Board of Review meeting held on Monday, May 14, 2012, Tony Savich appeared before the Board in support of the request. Mr. Savich requested that this case be postponed since his attorney was not able to appear.

Motion by Mr. Wiedeman to postpone this case until the June 11, 2012 meeting of the Board. Seconded by Ms. Makinster.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0

Case No. 12-010
(Over from 4/9/12)

LOCATION: 2902 South 20th Street
REQUEST: Waiver to allow the use of an incline platform lift where it’s not allowed.

Paul R. Kimmons, Architect
8031 West Center Road
Omaha, NE 68124

At the Building Board of Review meeting held on Monday, May 14, 2012, Paul Kimmons appeared before the Board in support of the request.

Mr. Kimmons stated that he had consulted with Capt. Dickerson, Omaha Fire Department, and Greg Hauptman, Plans Examiner, regarding alternatives to the incline platform lift. He explained that he understood that the lift was not an acceptable option because it would be an impediment to the stairway in the case of an emergency. He added that Capt. Dickerson and Mr. Hauptman assisted him in locating an acceptable location for an elevator, if his client wished to install one in the future.

Motion by Ms. Kiel to deny the request. Seconded by Mr. Schaefer.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on Monday, May 14, 2012, Mitchell Elliott, Vetter Health Services, and Christopher Reed, Morrissey Engineering, appeared before the Board in support of the request.

Mr. Elliott stated that his facility specializes in short-term rehabilitation and long-term care. They have recently completed a 20 bed addition, which includes a therapy and rehabilitation gym complex. He explained that part of the recovery process for their patients is to prepare them for their return home. In their attempt to create a homelike environment, they have installed a kitchen with residential appliance, which includes a range with a residential hood. Mr. Elliott further explained that they would not be preparing any meals to serve large groups of people, limiting the use of the range to boiling water or preparing cookies. Mr. Elliott confirmed that there are commercial kitchens in the buildings that have the required hoods, and added that the kitchens in the rehabilitation areas would be for therapeutic purposes only. Mr. Elliott felt that the therapeutic use of the residential appliances do not fall under the commercial requirements listed in the Code.

Mr. Reed referred to the Life Safety Code, to explain that there is an exception for limited cooking facilities which does not require the commercial hood in the kitchen. He further explained that the Life Safety Code acknowledges the limited use of the cooking equipment they plan to use.

Tom Phipps, Chief Mechanical Inspector, stated that there should be an exhaust system for the range since any exhaust would not exit the building.

In response to Ms. Kiel’s inquiry as the proposed uses for the kitchen, Mr. Reed explained the kitchen would be used for therapy purposes only and that there would be no frying of foods. He added that their goal is for the patient to have the experience of being in a realistic home environment under the supervision of an occupational therapist. Mr. Reed noted that there is a shutdown for the range when it is not being used for therapy.

Bob Dana, Plan Review Engineer, stated that he opposed the request based on what is stated in the Code. He added that his concern was mainly with the fire suppression issue. He explained that if the person operating the range were to undergo a medical emergency, the person supervising would be more inclined to assist the patient than to be concerned with what is cooking on the stove. Taking into consideration the possible number of patients in the facility and their mobility, Mr. Dana advised that this could create a high fire risk.

Capt. Dickerson, Omaha Fire Department, stated that his concern was with what would be considered as limited cooking and also with who would check to make sure that the rules for limited cooking are followed. He added that the Fire Department prefers that a Type I hood is used in a commercial setting. He explained that if the person using the range would undergo a medical emergency, the person supervising would be more inclined to assist the patient than to be concerned with what is cooking on the stove. Taking into consideration the possible number of patients in the facility and their mobility, Mr. Dana advised that this could create a high fire risk.

In response to Mr. Santo, Mr. Reed explained that they had not considered a suppression system for the Type II hood over a residential appliance because it has not been allowed by the Code. Capt. Dickerson advised that a Guardian suppression system could be attached to a residential hood and the existing fire alarm system as an acceptable alternative. He added that those types of systems are used frequently in assisted living facilities and residential housing.

Mr. Wiedeman commented that the type of fire suppression system suggested by Capt. Dickerson appeared to be the best compromise since the range would technically be in a commercial property and not in a residential home.
In response to Ms. Makinster, Capt. Dickerson explained that the suppression system he suggested would use a chemical that separates grease and water and would smother a fire as opposed to the water from a sprinkler system that could possibly cause a flare up. The heads that would be located in the hood are closer to the top of the range and would also react quicker than a water sprinkler system.

Mr. Dana stated that the suppression system suggested by Capt. Dickerson would need to be vented to the outside.

Motion by Ms. Kiel to grant the request subject to the installation of a residential type hood that vents to the exterior with a fire suppression system (Guardian system or similar product) that meets with the Fire Marshall’s approval. Seconded by Mr. Schaefer.

AYES: Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1

Case No. 12-014
Matthew Manning/John Perlebach
4973 Dodge Street
Omaha, NE 68132

LOCATION: 8455 Frederick Street & 3052 South 84th Street
REQUEST: Waiver to the requirements for rated exterior walls and opening protectives based on proximity to the property lines.

At the Building Board of Review meeting held on Monday, May 14, 2012, Matthew Manning and John Perlebach, Buck’s Inc., appeared before the Board in support of the request.

Mr. Manning stated that they were attempting to split the property and draw a new property line, which would come close to the existing buildings. He added there would be no construction or physical changes to the site and the existing businesses would remain as they are.

Greg Hauptman, Plans Examiner, stated that Permits and Inspections does not object to the request since there would be no changes to the existing buildings other than the drawing of the new property line. He added that the exterior walls of the buildings are of masonry construction, which adds to the rating and protection of the structures. Mr. Hauptman explained that if the buildings were newly constructed there would be rating issues with the walls. The property to the immediate west is parking that should remain for some time. To the south is the drive lane to the car wash, which is essential to the business and should also remain for some time. He added that if any future changes were proposed they would be addressed accordingly.

In response to Ms. Kiel’s concern about flammable materials on the property, Mr. Hauptman explained that the canopies and gas pumps are on the opposite side of the property.

Motion by Mr. Feuerbach to grant the waiver. Seconded by Ms. Kiel.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on Monday, May 14, 2012, Jim Cramdon, Joseph Scarpino and Nanci Adams appeared before the Board in support of the request.

Yvonne Barna, Housing Inspector, stated that she had spoken with Mr. Cramdon, the attorney for the applicants. Mr. Scarpino and Ms. Adams agreed with the violations and requested an extension to allow for more time for repairs.

Motion by Ms. Kiel to grant an extension of 90 days for repairs. Seconded by Mr. Schaefer.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0

**ADJOURNMENT:**

Motion to adjourn made by Ms. Makinster. Seconded by Mr. Santo.

AYES: Feuerbach, Wiedeman, Makinster, Santo, Kiel, Schaefer, Ryan

MOTION CARRIED: 7-0

Meeting adjourned at 1:57 p.m.