

**MINUTES**  
**BUILDING BOARD OF REVIEW**  
**1:00 P.M., OCTOBER 1, 2012**  
**Third Floor, Jesse Lowe Conference Room**  
**Omaha Civic Center - 1819 Farnam Street**

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**MEMBERS PRESENT:** Jack Ryan, Chairman  
Martin Wiedenman, Vice Chair  
Brad Schaefer  
Cheryl Kiel  
Ron Feuerbach

**MEMBERS NOT PRESENT:** Cynthia Makinster  
Mark Santo

**OTHERS PRESENT:** Kevin Denker, Chief Housing Inspector  
Jay Davis, Superintendent  
Greg Hauptman, Plans Examiner  
RoseMarie Horvath, City Law Department  
Clinette Warren, Board Secretary

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 five members were present.

Motion by Mr. Feuerbach to approve the minutes of the September 10, 2012 meeting. Ms. Kiel seconded the motion.

AYES: Feuerbach, Kiel, Ryan

ABSTAIN: Wiedenman, Schaefer

MOTION CARRIED: 3-0-2

**CASES:**

Case No. 12-034  
Steve Kuzelka  
119 South 49<sup>th</sup> Avenue  
Omaha, NE 68132

LOCATION: 343 North 24<sup>th</sup> Street  
REQUEST: Waiver to the requirement for a Type II hood  
over a crepe griddle.

At the Building Board of Review meeting held on Monday, October 1, 2012, Chris Reed, Morrissey Engineering, and Steve Kuzelka, Holland Basham Architects, appeared before the Board in support of the request.

Mr. Reed stated that the waiver being requested is for a crepe restaurant that has a functional commercial kitchen installed with a Type I hood. The owner would like to install two electric, table-top, crepe irons installed. The City of Omaha Permits and Inspections Division is requiring that a Type II hood be installed over the griddles. Mr. Reed noted that neither the Mechanical Code nor the City of Omaha Municipal Code specifically addresses crepe griddles. The Mechanical Code allows exceptions to the Type II hood requirement for electrical heated appliances such as toasters, steam tables, pop-corn poppers, etc. The Municipal Code allows exceptions for small pizza ovens and Panini sandwich grills. Mr. Reed stated that the crepe griddle is similar to a Panini sandwich maker. His opinion is that the crepe griddle would not produce enough heat and moisture to require a hood. Mr. Kuzelka added that the restaurant owner would like to make the crepes outside of the enclosed kitchen area at a serving counter in full view of customers. All other cooking that would generate grease would be done in the kitchen.

Tom Phipps, City of Omaha – Chief Mechanical Inspector, stated the crepe maker does not meet any of the exceptions in the Municipal Code because open cooking would be performed. He added that the griddle should actually be under a Type I hood since it is similar to a flat grill that could be used to prepare many different types of food. Greg Hauptman, Plans Examiner, agreed with Mr. Phipps.

In response to Mr. Phipps, Mr. Reed agreed that the crepe griddle functions in the same manner as a regular griddle; however, he added that the UL tag for the crepe griddle lists the appliance as a crepe maker. Mr. Phipps replied that he received information from Bob Dana, City of Omaha – Engineer, that defines the crepe griddle as a cooking appliance, the same as a flat top grill.

Mr. Schaefer stated that the two griddles could potentially generate the same amount of heat as a residential cooking range if turned to the highest setting. Mr. Reed explained that the highest setting is used only once to condition the griddle. Taking into account the heat from the griddles, he explained that there are seven tons of cooling installed in the restaurant's 2,000 sq. ft. space. This includes three tons of cooling in the kitchen and four tons of cooling in the dining area.

Mr. Hauptman noted that the hardship listed on the application was not accurate. He explained that the applicant stated that there was no place to route the hood exhaust out of the restaurant, when in fact, hoods were being installed, ducted out, and inspected by the City. Mr. Kuzelka explained that the duct was being installed for the hood in the kitchen. He added that the hardship would be in adding the second hood for the crepe griddles. In response to Mr. Schaefer, Mr. Phipps stated that a common exhaust could be used for the hood in the kitchen and the hood over the griddles, as long as both were equally balanced. He added that both areas would also require fire suppression.

In response to Mr. Wiedenman, Mr. Reed stated that Panini makers, small pizza ovens, and hot dog cookers do not require hoods. Mr. Schaefer expressed concern about the high concentration of heat in that small area. Mr. Reed responded that additional cooling could be diverted to the area if necessary.

Motion by Mr. Schaefer to DENY the appeal. Motion dies for lack of second.

Mr. Wiedenman stated that there did not appear to be any danger from the griddles, especially if additional cooling was added to handle the heat generated from them. In response to Ms. Kiel, Mr. Phipps stated that

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the City was mostly concerned with the heat and moisture generated from the griddles, not necessarily because of the threat of fire. Mr. Reed explained that very little moisture would be generated from the griddles.

Mr. Wiedenman moved to APPROVE with the stipulation that the temperature be balanced with additional cooling in the preparation area. Ms. Kiel seconded the motion.

AYES: Wiedenman, Kiel, Ryan

NAYES: Schaefer

ABSTAIN: Feuerbach

MOTION CARRIED: 3-1-1

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Case No. 12-035  
Pat Carson  
BCDM Architects  
1015 North 98<sup>th</sup> Street  
Suite 300  
Omaha, NE 68144

LOCATION: 2617 South 114<sup>th</sup> Street  
REQUEST: Waiver to the maximum allowable area for a  
non-sprinklered A-3 occupancy.

At the Building Board of Review meeting held on Monday, October 1, 2012, Pat Carson, BCDM Architects, and Pastor Kip Tyler, Lutheran Church of the Master, appeared before the Board in support of the request.

Mr. Carson stated that his client was proposing to renovate small areas of the church. The entry narthex would be enlarged, adding approximately 1,500 sq. ft. of space to the building. He noted that the building is not fire sprinklered, and that the space is larger on the side of the fire wall than what is allowed by the International Building Code. Mr. Carson further stated that they are proposing to install smoke detection in the entire building, which is approximately 30,000 sq. ft., instead of fire sprinklers.

In response to Mr. Schaefer, Mr. Carson explained that the fire alarm system would include manual stations and notification devices throughout the entire building, including all storage areas and the entire lower level.

Mr. Ryan noted that Permits and Inspections did not object to the waiver as long as a complete smoke detection system and fire alarm system were installed throughout the existing building. Greg Hauptman, Plans Examiner, added that the City and the Fire Department met with Mr. Carson about the project, and did not object to the request as long as alarms and detection systems were installed.

Ms. Kiel moved to APPROVE subject to the installation of a complete smoke detection system and fire alarm system throughout the existing building and addition. Seconded by Mr. Wiedenman.

AYES: Wiedenman, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 4-0-1

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Case No. 12-036  
Aaron Wascher  
1102 Douglas Street  
Omaha, NE 68102

LOCATION: 2222 Cuming Street – Metro Transit Authority  
REQUEST: Waiver to a number of codes relating to compressed natural gas storage and handling.

At the Building Board of Review meeting held on Monday, October 1, 2012, Aaron Wascher, Alvine Engineering, David Jameson, Metro Transit Authority, and Dan Reinhardt, Reinhardt & Associates Architects, appeared before the Board in support of the request.

Mr. Wascher stated that Metro is in the process of adding compressed natural gas (CNG) vehicles to their fleet and upgrading the existing facility. While reviewing the codes, several conflicts were discovered between the International Fire Code, International Building Code, International Mechanical Code, and the National Fire Protection Association (NFPA) code. Mr. Wascher stated that a waiver from the Board would allow the applicant time to obtain clarification of the codes that should be followed. He added that if waivers were granted for some of the mechanical, fire, and building codes, the applicant would be able to consistently follow the NFPA codes. Mr. Wascher noted that the State Fire Marshall plans to adopt newer version of the NFPA code in the near future, and would allow the applicant to use the newer version also. Mr. Wascher submitted a floor plan (Exhibit 2) for the file.

Jay Davis, City of Omaha – Superintendent, stated that he was unclear on what was being requested by the applicant. He expressed concern with the idea of waiving sections of the existing code to use sections of the code that have not yet been adopted. He suggested additional meetings with the applicant to give all parties involved a clearer understanding of the case. Mr. Wascher agreed that additional time would be beneficial.

In response to Mr. Schaefer, Mr. Wascher stated that the State has agreed to allow waivers for some portions of the code, based upon what is decided by the City of Omaha.

Mr. Davis and members of the Board agreed that, after further discussions between the applicant and Permits and Inspections, the decision could be made that waivers from the Board would not be necessary.

Thomas Thibadeau, Allied Engineering, stated that the applicant was not necessarily requesting waivers for the NFPA codes. In regards to the electrical code, his client would like to use one area both as a major repair garage for diesel vehicles and a minor repair garage for CNG vehicles.

Greg Hauptman, City of Omaha – Plans Examiner, clarified that Mr. Wascher had met with Darryl Giles, Assistant Fire Marshal for the City of Omaha and not the State Fire Marshal. He added that any waivers would have to go through the State.

Mr. Feuerbach moved to LAYOVER until the November 5, 2012 meeting of the Board to allow the applicant additional time to meet with the Planning Department. Seconded by Mr. Schaefer.

AYES: Feuerbach, Wiedenman, Kiel, Schaefer, Ryan

MOTION CARRIED: 5-0

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Case No. 12-027  
*(Over from 8/13/12)*  
John Comstock  
5021 Nicholas Street  
Omaha, NE 68132

LOCATION: 1302 South 30<sup>th</sup> Avenue – Multi-Family Dwelling  
Entire Structure  
REQUEST: Appeal International Property Maintenance Code  
Notice of Violation dated June 28, 2012

At the Building Board of Review meeting held on Monday, October 1, 2012, no one appeared before the Board.

Yvonne Barna, Housing Inspector – City of Omaha, stated that she had spoken with Mr. Comstock, who was not able to attend the meeting. Mr. Comstock requested an extension of 60 days to allow him time to complete necessary repairs. Kevin Denker, Chief Housing Inspector – City of Omaha, had no objections to the request.

Mr. Wiedenman moved to grant an extension of 60 days to allow the applicant time to complete repairs. Seconded by Mr. Schaefer.

AYES: Feuerbach, Wiedenman, Kiel, Schaefer, Ryan

MOTION CARRIED: 5-0

**DISCUSSION:**

None

**ADJOURNMENT:**

Motion to adjourn made by Mr. Schaefer. Seconded by Ms. Kiel.

AYES: Feuerbach, Wiedenman, Kiel, Schaefer, Ryan

MOTION CARRIED: 5-0

Meeting adjourned at 1:53 p.m.