Mr. Ryan, 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 the agenda could be discussed at the 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 for the June 10, 2013 meeting. Mr. Wiedenman seconded the motion.

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

ABSTAIN: Schaefer

MOTION CARRIED: 6-0-1
CASES:

Case No. 13-029
Keystone Little League
P.O. Box 34124
Omaha, NE 68134

LOCATION: 4615 North 120th Street, #7
REQUEST: Waiver to the requirement that all wiring for commercial and industrial buildings shall be installed in an approved raceway.

At the Building Board of Review meeting held on June 10, 2013, no one appeared before the Board in support of the request.

Mr. Wiedenman moved to LAYOVER. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 7-0
Case No. 13-030
CFM Realty
209 South 19th Street, #301
Omaha, NE 68102

At the Building Board of Review meeting held on June 10, 2013, Steve Kuzelka (Holland Basham Architects), Todd Moeller (Holland Basham Architects), Jeremy Carlson (Holland Basham Architects), and Annette Farnam (Legal Aid of Nebraska), appeared before the Board in support of the request.

Mr. Kuzelka submitted a proposed plan for the project (Exhibit B). He explained that this office is located in an existing unsprinkled building and that the code requires that corridors serving an occupant load of more than 30 be fire rated. He stated that it would be difficult to function in an office space where there are no windows and the doors are required to be shut at all times. He proposed that the main corridor, which would carry the most occupants and also connect the two exit stairs, be fire-rated one hour. He noted that this would be the corridor that would carry the most occupants. Referring to Exhibit B, Mr. Kuzelka discussed the occupant loads and exit widths.

Mr. Carlson stated that the tenant is Legal Aid of Nebraska. He explained that there would be a call center that would include no more than 8 employees. There will also be offices for attorneys that are bringing in clients. He noted that typically there are no more than five or six attorneys present at any given time. Also, any clients present for consultations will be in one of the offices or the conference room that is adjacent to the fire-rated corridor. He added that the conference room is capable of holding up to 37 people and is used once a month for board meetings. Ms. Farnam clarified that the conference room would be used quarterly for board meetings with no more than 25 people in attendance. She stated that most visitors would be with a staff member at all times. In addition, she added that many of the attorneys routinely work out of the office on a daily basis.

Greg Hauptman, Plans Examiner, stated that the City is opposed to the request. He did not agree with the way the applicant calculated the occupant load. He explained that the occupant load is based on the square footage of the space and added that the corridors would serve more than 30 people. He noted that this particular project is beginning with a blank empty space and is not a space that is being remodeled with already existing non-compliant walls. He felt that there was no hardship that prevented the applicant from complying with the code. He further mentioned that the Fire Department also does not support the request for the same reasons. In response, Mr. Kuzelka stated that although the Fire Department does not support the request, the provision is included in National Fire Protection Association (NFPA) 101.

Ms. Kiel raised concerns over what could potentially happen in case of a fire on the floor. She explained that depending on the location of a fire, panicked individuals could be trapped inside of a dead-end corridor. She stressed that safety is a more important factor than convenience. She also stated that cost is not considered a hardship. Ms. Farnam indicated that cost is a major factor due to the not-for-profit nature of their business.

In response to Mr. Ryan, Mr. Hauptman stated that if the building was sprinkled, the applicant would not be required to rate the corridors. He added that both the Building Code and the Fire Code require that the corridors be fire-rated.

There was some discussion about the option of installing a fire-rated corridor around the core of the floor.

Ms. Kiel moved to DENY. Mr. Santo seconded the motion.

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

MOTION CARRIED: 6-0-1
Case No. 13-031
Shamrock Development, Inc.
Chris Erickson
1414 Harney Street, Suite 400
Omaha, NE 68102

LOCATION: 306 South 15th Street
REQUEST: Waiver to install a second oven without being required to install a Type I hood over it.

At the Building Board of Review meeting held on June 10, 2013, Daniel Vargas, Chris Erickson, Douglas Stritzel (Pickleman’s) and Alex Harrington (Pickleman’s) appeared before the Board in support of the request.

Mr. Vargas explained that his client was not seeking an exemption from Section 507 of the Mechanical Code; however, they did want to avoid installing a Type II hood since their ovens are UL listed. He stated that UL 710B allows an exemption for the Type I hood. He added that UL KNLZ exempts the applicant from the requirement to install a Type II hood. Referring to Section 507.2.2 of the 2006 International Mechanical Code, he stated that a single, light-duty oven is exempt from the need to install a hood, as long as heat and moisture are accounted for. He explained that the oven used by his client has a built-in recirculating system that takes care of grease-laden vapors, heat and moisture. Mr. Vargas stated that the hardship is that the restaurant is in an existing building with six additional floors above and that it would not be feasible to install a Type II hood with the current construction that is occurring in the building. He submitted a section of the 2012 International Mechanical Code (Exhibit B), Section 507.2.2 – Type II hoods, that states that “Type II hoods shall be installed above dishwasher and appliances that produce heat or moisture and do not produce grease or smoke as a result of the cooking process, except where the heat and moisture loads from such appliances are incorporated into the HVAC system design or into the design of a separate removal system”. He explained that grease or smoke is not produced as a result of the restaurant’s cooking process and that the ovens have a separate removal system. Mr. Stritzel added that raw meat is not being cooked, but that pre-cooked items will be reheated. Mr. Vargas noted that a copy of the menu was attached to the packet provided to Board which listed the types of foods that will be prepared. He stated that there is already one oven installed in the restaurant which is currently open; the owner is proposing to install a second oven without a Type II hood. He explained that the one oven does not keep up with the demands of the business. In response to Mr. Ryan, Mr. Erickson clarified that the 2006 International Mechanical Code exempts one of the ovens and that the waiver is to allow the second oven to be installed.

Tom Phipps, Chief Mechanical Inspector, stated that the current code requires a Type II hood; however, no provisions were made for a restaurant on the bottom floor of the building to have any type of hood or exhausts. He explained that the code currently requires a conveyor pizza oven, which is similar to the oven being proposed, requires a Type II hood. He explained that the reason for only allowing one oven has to do mainly with the heat load/heat gain of the appliance, which was not provided by the applicant. In response, Mr. Stritzel explained that the newer model oven uses less energy and emits very little heat.

In response to Mr. Wiedenman, Mr. Phipps stated that the applicant would need to provide information regarding ventilation for the space and the additional heat load. In addition, the Board would need to approve the installation of a second oven.

There was some discussion about the meaning of the term “light-duty” and its application to this case.

Ms. Kiel suggested that the applicant submit the HVAC load calculation to Mr. Phipps.

Mr. Wiedenman moved to APPROVE the installation of a second oven subject to the applicant submitting HVAC load calculations to the City that shows the additional oven will not require modifications to the current HVAC system. Ms. Makinster seconded the motion.
AYES: Wiedenman, Makinster, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at 2:00 p.m.