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. Schaefer to APPROVE the minutes for the March 10, 2014 meeting as amended. Mr. Santo seconded the motion.

AYES: Wiedenman, Standerford, Santo, Kiel, Schaefer, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1
CASES:

Case No. 14-11  
Dan Schinstock/Justin Veik  
1113 North 13th Street  
Suite 216  
Omaha, NE 68102

LOCATION: 1301 Jones Street
REQUEST: Reversal of the opinion of the Building Official.

At the Building Board of Review meeting held on March 10, 2014, Justin Veik, Curt Witzenburg and Dan Schinstock appeared before the Board in support of the request.

The applicants were seeking to have their project ruled under the ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers) 90.1, 2007 Energy Code as allowed by the 2009 IECC (International Energy Conservation Code). Mr. Veik stated that the building was constructed under the ASHRAE code which is also allowed by the State of Nebraska. He clarified that the refrigeration installation in question is from the roof to the ceiling of the second floor housing unit. Installation of 1 ½” has been added through the roof; however, the applicant is requesting to have the remaining interior of the building insulated under the ASHRAE 90.1 code.

Mr. Schinstock mentioned that the 2012 IECC is now modeled after the ASHRAE code with regards to installation thickness, pipe sizes and temperatures.

Jay Davis, Assistant Director – Permits & Inspections, stated that he had spoken with Tom Phipps, Chief Mechanical Inspector, about the project. He explained that the City typically does not like to change a design in the middle of the project unless absolutely necessary. He added that the project would probably pass code; however, the City prefers that a project uses one code design. In response to Mr. Ryan, Mr. Davis stated that his main concern was not the thickness of the insulation being used, but the proposed change during the middle of the project.

Mr. Ryan noted that the applicant’s hardship included limited space.

Mr. Phipps stated that he agreed with the statements made by Mr. Davis.

Mr. Feuerbach moved to APPROVE the waiver to allow installation of ¾” refrigeration insulation on all refrigeration line sets serving apartments units in lieu of the required 1 ½” refrigeration insulation as allowed under the ASHRAE Energy Code, and if allowed by the Nebraska Energy office.

After some discussion, Mr. Feuerbach decided to RESCIND his motion.

Mr. Schaefer moved to APPROVE the request to reverse the opinion of the building official. Mr. Wiedenman seconded the motion.

In response to Mr. Hauptman, Ms. Kiel stated that the waiver would specifically apply to the refrigeration lines for this project only.

After additional discussion about which code(s) would apply to the project as a whole, Mr. Schaefer amended his motion and Mr. Wiedenman amended his second.
Mr. Schaefer moved to APPROVE the request to reverse the opinion of the building official with regards to the refrigeration lines only. The lines will be installed under the ASHRAE code in lieu of the IECC. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on March 10, 2014, Yvonne Barna, Housing Inspector, appeared before the Board.

Ms. Barna stated that the entire Violations List has been completed and the case has been released. She added that the property owner requested that the case be dismissed.

Mr. Feuerbach moved to CLOSE the case. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on March 10, 2014, Jay Davis, Assistant Director – Permits & Inspections, and Yvonne Barna, Housing Inspector, appeared before the Board.

Mr. Davis stated that he and Ms. Barna viewed the property at the Board’s request. He submitted a memo (Exhibit #2) regarding the property. He noted that the shingles are still sealed although they have been through at least two hailstorms. The foundation cracks were not as severe as depicted in pictures that had been submitted previously; the poor application of mortar gave them the appearance of being larger than they were. The window sills show signs of dry rot and the seals will eventually be broken and need replacing. He stated that he and Ms. Barna were not able to enter the home since the applicant could not remember the code. Mr. Davis explained that the case was being dismissed by Permits & Inspections with the expectation that it would be re-opened under a new system. He acknowledged that there are problems with the property that would need to be resolved in a different manner. The applicant had indicated that he is in bankruptcy and intends to sell the property.

Darcy, a neighbor who lives across from the applicant’s property, appeared before the Board. She mentioned the concerns she and others have about the home. Her request was for the City to keep a close eye on the property and its owner to ensure that all work is properly performed.

Helen Dunn, an adjacent neighbor, expressed her concerns about the property.

There was some discussion about the City of Omaha obtaining a subpoena which would allow city officials to enter the home.

Mr. Feuerbach moved to CLOSE the case. Mr. Wiedenman seconded the motion.

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

MOTION CARRIED: 7-0
ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 1:41 p.m.