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 was available for review on the north wall of the room. He noted that only those items on the agenda could be discussed at the public hearing.

Mr. Ryan explained that the 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. The 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. Standerford to APPROVE the minutes for the December 8, 2014 meeting. Mr. Ramm seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Ryan

ABSTAIN: Thibodeau

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on January 12, 2015, Nate Underwood (Heritage Communities), Patrick Morgan (Slaggie Architects), Steve Perrotto (Alvine Engineering), and Shane Harrer (Alvine Engineering) appeared before the Board in support of the request.

Mr. Harrer began by making a clarification of the request. He stated that the request was to install the HVAC equipment with the condensate system provided by the manufacturer. He contended that the equipment met the code requirements for condensate. To support the request, he referred to Section 307 – Sub-section 307.2.1 (Condensate Disposal) in the 2006 International Mechanical Code which states: “Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley or other areas so as to cause a nuisance.” He explained that the condensate system drains to a floor drain located underneath the equipment. He also referred to Sub-section 307.2.3 (Auxiliary and secondary drain systems) which states: “In addition to the requirements of Section 307.2.1, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil or fuel-fired appliance that produces condensate, where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping.” He further explained that the condensate is being drained to the sanitary sewer and if that system were to overflow or fail, no building components would be damaged by the drainage. The condensate would run out of the louver enclosure into a pan and out of the building. Mr. Perrotto added that there is stone and board in place that will not rot. In response to Ms. Kiel, Mr. Perrotto stated that if the initial condensate systems fail, the condensate would run down the side of the building with no drainage to any sidewalks or streets.

Mr. Harrer restated that a secondary draining system was not required since the condensate would be discharged to the perimeter of the building. If that occurred, it would prompt an inspection of the draining unit by maintenance staff that will regularly monitor the building. He stressed that none of the building components would be damaged. He believed that, although the letter of the code (Sub-section 307.2.3) was not being met, the intent of the code was.

Mr. Ryan clarified that the applicant was not requesting a waiver to install HVAC equipment without the code prescribed drainage system.

Tom Phipps, Chief Mechanical Inspector, stated that Permits & Inspections did not agree with the applicant and were requesting that a secondary drain or device be installed to meet code requirements. He explained that device would shut down the equipment in the event of an overflow. Mr. Phipps submitted drawings (Exhibit #2) that showed damage that could happen to a structure if a secondary drain or device was not installed and also pictures of frozen drains as a result of the temperature falling below 40°. He explained that there was the possibility of freezing, causing the weep holes to plug up with ice leading to damage the appliance.

Michael Mason, Plans Examiner – Permits & Inspections, addressed the Omaha Plumbing Code, which requires that condensate to be drained to an approved fixture. He explained that it did not cite the exterior of the building façade or grade as an approved plumbing fixture. He added that the applicant would need a waiver from the Omaha Plumbing Board in addition to a waiver from the Building Board of Review. In response, Ms. Kiel commented that the
Mechanical Code stated that the condensate could be drained to the grade. Mr. Mason explained that what was stated in the Mechanical Code did conflict with the more restrictive Plumbing Code, which would take precedence. He presented copies of portions of the 2010 Omaha Plumbing Code – Chapter 49 (Exhibit 3).

In response to Mr. Ryan, Mr. Phipps stated that he believed there was an overflow cutoff device for the equipment in question. In response to Mr. Ryan, Mr. Hauptman mentioned that it may be possible to allow the applicant to continue progress with the project if the decision was made to install overflow cutoff devices.

Mr. Feuerbach inquired as to what the applicant’s actual hardship was. Mr. Underwood responded that the hardship is the timing of the project, which has tenants planning to move in beginning March 1, 2015. Mr. Harrer stated that there is an additional hardship that would occur if they were to modify each piece of equipment with the chances that many could be damaged while attempting to make the modifications.

Mr. Morgan stated that they had worked with the City to develop an approved design in accordance with the code. He explained that an inspector informed the applicant that a second means of drainage was required; however, when the applicant complied they were told that it was not acceptable because it would rot the building. The applicant contended that the building would not rot because of the materials being used. There was also discussion with building officials about grade and sensor locations. He felt that a decision from the Building Board of Review would assist the applicant in reaching an agreement that would help to further the project along.

Ms. Kiel questioned why the City approved the plan, issued a building permit, and then decided parts of the plan were not sufficient. She felt that the applicant had made every attempt to meet the City’s requirements. Mr. Phipps said that approval of plans is based on the details received from the applicant. In addition, the inspector is checking the mechanical and not structural details. He noted that all plans state that approval is subject to field verification.

There was discussion about secondary drains. Mr. Phipps explained that, per Section 307.2.3 of the code, every piece of equipment requires at least two draining systems. There was some disagreement as to whether the holes in the back of the equipment were considered the secondary drainage system. Mr. Harrer clarified for Mr. Feuerbach that the equipment has a drain pan with a drain flows to another pan in the bottom of the unit. That pan is sloped which allows water to flow to the outside of the building. Mr. Mason stated that he had spoken with the manufacturer of the equipment who verified how the equipment works. He stated that, after speaking with the manufacturer, it was decided that a pump device in the lower pan would be the most efficient way to stop an overflow and meet the intent of the code.

In response to Mr. Feuerbach, Mr. Harrer stated that the manufacturer does not provide a shut-off switch alternative because of the drain pans that are included with the units.

Mr. Standerford noted that if there was freezing outside, there would be the possibility of damage inside of the building. Mr. Harrer responded that the condensate in the winter months is minimal and that the possibility of that happening was reduced because of the width of the pan.

Mr. Ryan stated that the overflow cutoff device would be a solution that would eliminate the various opinions of what is acceptable.
There was some discussion about the reliability of the primary condensate drain, its chances of plugging, and ease of maintenance. There was some discrepancy about what steps needed to be taken to gain access to the lower drain pain where a clog is most likely to occur.

Mr. Feuerbach felt that the manufacturer was attempting to meet the intent of the code, although not the letter of it. Ms. Kiel agreed that the applicants had met the requirements of the code.

Ms. Kiel moved to APPROVE the applicant’s plan as it was originally approved by the City, subject to Plumbing Department approval. Mr. Ramm seconded the motion.

Mr. Hauptman inquired as to whether the motion should contain language stating that the applicant needed to appear before the Plumbing Board. Mr. Morgan responded that there was no need to go before the Plumbing Board, since the secondary drainage system was not necessary. He stressed that it was only needed if there was damage to the building from the condensate. Mr. Mason stated that the Plumbing Code did not address overflow, only condensate which, in the case of the applicant, was not going to an approved fixture. Mr. Mason explained that the applicant would need to ask the Plumbing Department if it would approve condensate draining down the building and if a waiver would be needed. Mr. Morgan responded that condensate would not go outside the building. Mr. Hauptman disagreed. It was suggested that the applicant speak with Jim Wonder, Chief Plumbing Inspector, about the issue.

Mr. Thibodeau stated that he would not be voting on the case since his firm had business with the applicant.

AYES: Naccarato, Ramm, Kiel

NAYES: Feuerbach, Standerford, Ryan

ABSTAIN: Thibodeau

MOTION FAILED: 3-3-1

Mr. Feuerbach moved to APPROVE the waiver based on the fact that the installation meets the intent of the code but not the letter of the law of the code, subject to Plumbing Department/Plumbing Board approval. Mr. Naccarato seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel

NAYES: Ryan

ABSTAIN: Thibodeau

MOTION CARRIED: 5-1-1
At the Building Board of Review meeting held on January 12, 2015, John Chatelain appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that the applicant had advised the City that a purchase agreement was in place for the property. The applicant requested a layover of 30 days to allow time for the transition of owners.

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

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Thibodeau, Ryan

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on January 12, 2015, John Chatelain appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that Jay Davis, Assistant Director – Permits & Inspections, had visited the property and felt that all necessary work had been completed. A letter of release was to be submitted to the file. Mr. Denker suggested a layover to allow time for that to be done.

Mr. Chatelain stated the Mr. Davis had inspected the interior of the home. He requested that a hollow-core door in the basement be removed and replaced with a solid door, which had been done. He also required a letter from the electrician stating that the electrical systems were up to code, which had also been done.

Mr. Thibodeau moved to LAYOVER. Mr. Feuerbach seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Kiel, Thibodeau, Ryan

MOTION CARRIED: 7-0

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at 2:20 p.m.