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 Ms. Kiel to APPROVE the minutes for the January 12, 2015 meeting. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on February 9, 2015, Steve Kuzelka (Holland Basham Architects) and Megan Jarosz (Holland Basham Architects) appeared before the Board on behalf of the property owner.

Mr. Feuerbach stated that he would be recusing himself from this case.

Mr. Kuzelka stated that his firm was designing four buildings for Metropolitan Community College. Permits for the project would be obtained around May or June when the City could possibly be adopting a new building code. The applicants were requesting a waiver to design all of the buildings under the current code.

Mr. Ryan mentioned that the Permits & Inspections Department did not object to the request.

Mr. Feuerbach clarified that the applicants would be abiding by the soon-to-be adopted Omaha Plumbing Code.

Ms. Kiel moved to APPROVE the request. Mr. Standerford seconded the motion.

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

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on February 9, 2015, Steve Kuzelka (Holland Basham Architects) and Megan Jarosz (Holland Basham Architects) appeared before the Board on behalf of the property owner.

Mr. Feuerbach stated that he would be recusing himself from this case.

Mr. Kuzelka explained that the issue is with an internal property line that is also an easement that allows access to a parking lot and parking garage. The applicant requested that the easement be considered as a public way and, that they be able to measure the property line from the center of that easement.

Ms. Jarosz stated that the property is 122’ deep. The current building design is 108’ and would need to be reduced by 7’ to make the plan work. This would negatively impact parking for the site. Ms. Jarosz submitted a copy of the preliminary plans (Exhibit 2). Mr. Kuzelka noted that the properties in question share the same owner. Ms. Jarosz stated that the existing easement is a “no-build” agreement.

Mr. Ryan mentioned that the Permits & Inspections Department did object to the waiver. Greg Hauptman, Plans Examiner, stated that when an applicant begins a project with an empty lot and a blank piece of paper, there is no hardship. His opinion was that the owner was attempting to put too much building on a lot that was too small.

Jay Davis, Assistant Director – Permits & Inspections, agreed with Mr. Hauptman; however, he stated that the existing easement did help the applicant’s request somewhat. In response to Mr. Davis’ question as to whether the building could be moved back 2’, Ms. Jarosz stated that there is an 8’ utility easement on the north side of the property.

Mr. Feuerbach suggested increasing the number of sprinkler heads, or using atrium-style spacing, along the south wall of the building. Mr. Davis was in agreement with that suggestion, especially since there was a permanent no-build easement agreement was in place.

Noting that there is a permanent easement in place along the south side of the property that is being treated as the property line, Mr. Thibodeau moved to APPROVE the waiver subject to the installation of additional sprinkler heads along the south wall with atrium-style spacing in lieu of protected openings and rated construction. Ms. Kiel seconded the motion.

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

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on February 9, 2015, Jeffrey Gardner appeared before the Board in support of the request.

Mr. Gardner started that the college was proposing to completely renovate the exterior of two historic structures on the site, Building 17 which is the hospital and Building 18 which is the old surgeon’s residence. All of the entrances will be brought to code including the addition of a handicapped assessable ramp with handrails. With regards to the handrails, Mr. Gardner explained that the college was bound by the deed of title to preserve the historic elements of the buildings. For this reason, the applicant was seeking approval to use rails that would preserve the historic nature of the building. He noted that there was no change of use for the buildings and that they are used mainly by college staff and members of the public. He added that the highest points of the proposed ramps are 36” above grade.

Mr. Ryan noted that Permits & Inspections did not object to the request.

Mr. Feuerbach moved to APPROVE. Mr. Naccarato seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on February 9, 2015, Chris Erickson (City Ventures, LLC), Steve Perrotto (Alvine Engineering), and Shane Harrer (Alvine Engineering) appeared before the Board in support of the request.

Mr. Thibodeau and Ms. Kiel both stated that they would be recusing themselves from this case. Michel Mason – Plans Examiner submitted plans to the file (Exhibit 2). Jay Davis – Assistant Director – Permits & Inspections also submitted plans to the file (Exhibit 3).

Mr. Harrer explained that there is a package terminal air conditioning unit that is installed on the perimeter of the building with a louvre that faces the exterior of the building. There is a primary overflow drain that drains to the sanitary per code requirements. In addition, there is a secondary drain that drains to the exterior of the building to grade. The waiver would allow the unit to drain to grade in lieu of modifying the manufacturers design. He stated that they were confident that the cementitious materials used on the building exterior would not rot, and that there would be maintenance staff available around the clock that would check the systems when necessary. He clarified that the waiver being requested was for the overflow condensate; the primary condensate would be installed per code requirements.

Michel Mason – Plans Examiner, stated that he had included information from the manufacturer in his materials (Exhibit 2) and that it stated that there is a pre-manufactured hole in the unit for secondary condensate if state and local codes required it. He noted that part of the building façade is canted outward, with louvers, where the condensate would drain. That façade is directly over lower unit balconies which, he felt, would make it difficult for building staff to detect any problems with the system. He added that the condensate would also drip on anyone that may be using the balcony areas. Referring to the photograph attached to the exhibit, he explained that the code was in place to prevent a situation where rust lines form down the side of a building.

In response to Mr. Hauptman, Mr. Erickson stated that HVAC units had been purchased but not installed. He felt that the overflow could be controlled by having a preventative maintenance schedule in place.

Tom Phipps, Chief Mechanical Inspector – City of Omaha, stated that maintenance of the units would entail removing the external panel on the building to get to the secondary drains or disassembling the equipment, which would then require a permit and a licensed contractor. Mr. Perrotto responded that the units had been manufactured in such a way that they could be removed and reconnected. There was more discussion on what would be required to service the equipment, particularly the secondary drain. Mr. Phipps noted that General Electric, which manufactured the equipment purchased by the applicant, made a provision in the design which allows for the installation of a secondary interior drain if necessary.

There was some discussion about where the condensate for each unit would drain. It was determined that in two instances, condensate would drain onto a patio or balcony.

Mr. Ryan noted that Permits & Inspections was in opposition to the waiver.
Jay Davis, Assistant Director – Permits & Inspections, stated that he was concerned that the ordinance stated that condensate could drain to grade but did not make a determination as to how it could be done. He felt that a secondary, internal drain should be installed since the system was equipped for it.

Mr. Feuerbach had an issue with the condensate draining onto balconies. Mr. Standerford inquired as to whether water notification devices could be installed to alert maintenance workers of any problems with the systems. Mr. Perrotto responded that modifications would need to be made to the units for them to be installed properly.

Mr. Standerford moved to DENY the request. Mr. Feuerbach seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Ramm, Ryan

ABSTAIN: Kiel, Thibodeau

MOTION CARRIED: 5-0-2
At the Building Board of Review meeting held on February 9, 2015, John Carlson (Carlson West Povondra Architects), Nate Underwood (Heritage Communities), Steve Perrotto (Alvine Engineering), and Shane Harrer (Alvine Engineering) appeared before the Board in support of the request.

The applicant submitted revised drawings to the case file (Exhibit 2). It was mentioned that this case was similar to case 15-01 from the January 2015 Building Board of Review meeting. Mr. Harrer explained that there would be a piece of equipment installed on the exterior of the building that drains to grade. He requested a waiver that would allow the overflow to drain to grade, via the louver down the front of the building. Mr. Underwood stated that the HVAC units had already been purchased and were being stored off-site. Mr. Harrer explained that there was no factory option for the equipment that would allow for the installation of a secondary drain; the lower pan would need to be modified and an alarm would need to be installed that would shut down the equipment in the event of an overflow.

Mr. Underwood stated that the building will be an independent living, assisted living, and memory care facility. Mr. Carlson stated that drainage pans would flow out onto either a brick exterior or fiber cement siding.

Tom Phipps, Chief Mechanical Inspector – City of Omaha, noted that two of the units in question would drain onto concrete. Mr. Underwood stated that they would do what was necessary to bring those units to code.

Jay Davis, Assistant Director – Permits & Inspections, stated that in the instances where the condensate flows onto the concrete, it should be re-routed. Greg Hauptman, Plans Examiner – Permits & Inspections noted that the units have not been installed and that if any modifications needed to be made they should be done before installation of the equipment.

Mr. Feuerbach moved to APPROVE the request for this applicant only, subject to the property owner ensuring that the two (2) drains that are situated over driveways are NOT included in the waiver and subject to Plumbing Board approval. Mr. Ramm 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 February 9, 2015, Mark Sanford appeared before the Board in support of the request.

Mr. Sanford explained that the property in question is a historic building. For tax purposes, the façade of the building cannot be altered in any way. He stated that the property owner was in agreement with Permits & Inspections’ recommendation to install an automatic door opener on the front door. In response to Greg Hauptman, Plans Examiner – Permits & Inspection, Mr. Sanford stated that it was possible to add a sign stating that a fully assessable entrance was available on the west side of the building, and that an easement had already been obtained from the adjacent neighbor.

Mr. Ryan mentioned that the Board had no authority over Federal ADA requirements. He also noted that Permits & Inspections did not object to the request.

Ms. Kiel moved to APPROVE the waiver subject to the installation of a power assisted door opener being added to the front door and signage being added to the front entrance which gives direction to the accessible entrance at the side of the building. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on February 9, 2015, John Chatelain appeared before the Board.

Kevin Denker, Chief Housing Inspector – City of Omaha, stated that the applicant had presented a change of Warranty Deed showing that the property had changed hands from the person who originally received the Notice of Violation. He explained that a notice would be sent to the new owners.

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

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

MOTION CARRIED: 7-0
Case No. 14-25 (from 12/8/14 & LOCATION: 809 North 49th Avenue – Multi-Family 1/12/15) Basement Apartment Exterior
John C. Chatelain REQUEST: Appeal of Notice of Violation dated October 14707 California Street, Suite 1 29, 2014
Omaha, NE 68154

At the Building Board of Review meeting held on February 9, 2015, John Chatelain appeared before the Board.

Kevin Denker, Chief Housing Inspector – City of Omaha, stated that Jay Davis, Assistant Director – Permits & Inspections, had conducted an inspection of the property and determined that all issues had been resolved. He stated that the property would be released on the following day, February 10, 2015. Mr. Chatelain requested that the case be laid over to allow time for the property to be released. Mr. Davis stated, for the record, that the case file had been released and that a letter to that effect would be subsequently issued.

Mr. Thibodeau moved to CLOSE the case subject to the letter of release being issued by the Permits & Inspections Department, Code Enforcement Division. Mr. Ramm 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 2:32 p.m.