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 six members were present.

Motion by Mr. Thibodeau to APPROVE the minutes for the April 13, 2015 meeting. Mr. Standerford seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on May 11, 2015, Colby Esterling (Noddle Companies), Dwayne Brown (Slate Architecture), and Steve Swift (Dickey's BBQ Pit) appeared before the Board.

Mr. Ryan noted that both the Permits & Inspections Division and the Omaha Fire Department did not support the request.

Mr. Brown stated that the applicant was requesting a waiver that would allow the second exhaust duct to be combined with the existing piece of equipment.

Mr. Swift explained that the proposed smoker is essentially a low-temperature gas fired oven that cannot be run on wood; any wood that is used would be for flavoring purposes only. He submitted a sketch of the oven (Exhibit 2) and explained how the unit works. He stated that in many of the Dickey’s restaurants, the smoker is approximately 15” to 18” away from the oven and that both pieces of equipment use the same hood.

Mr. Esterling explained that the adjacent spaces are leased out to other tenants and others are under construction. He stated that there was no opportunity for the applicant to be put in a location where the ductwork could run straight up to the roof. In response to Ms. Keil, Mr. Esterling stated that the building is 3 stories and that the top two floors consist primarily of office space. If the ductwork was installed according to code, eight different parties would need to coordinate so that it could be cleaned every 6 months. The waiver would mean that 3 fewer parties would need to be coordinated with so that the ductwork could be cleaned. In response to Ms. Keil, Mr. Esterling explained that the flue cannot be directed out the back of the property due to the design of the building. He added that the hickory wood used by the applicant is considered has little to no spark throws.

Michel Mason, Plans Examiner – Permits & Inspections, stated that the use of solid fuel (wood) is the primary concern, regardless of the amount being used. If there was no wood used, the smoker would not be considered a solid fuel burning appliance and it would not require its own hood. He mentioned that the City is concerned that the proposal is not in compliance with the National Fire Protection Association (NFPA), in addition to concerns about the long duct runs.

Ms. Keil inquired as to whether a chase could be installed through the offices on the upper levels. Mr. Esterling responded that he would need to research that option.

Jay Davis, Assistant Director – Permits & Inspections, noted that the manufacturer of the equipment requires that two separate vents be used and that the equipment be cleaned twice per month. He suggested that the information from the instruction and installation manuals be taken into consideration.

Captain Steve Thornburg, Omaha Fire Department, stated that both the Life Safety Code and Fire Code indicate that the equipment needs to be installed in accordance with NFPA 96.
Mr. Thibodeau commented on whether the manufacturer of the equipment would approve of the installation as it was being proposed or whether it would void the warranty on the product. Mr. Esterling responded that 90% of Dickey’s restaurants have one hood which serves the smoker and the oven.

Mr. Davis stated that he preferred to see something in writing from the engineers of the product stating their approval of the installation as proposed. Mr. Thibodeau suggested laying the case over for a month to give the applicant time to review the installation with the manufacturer. Greg Hauptman, Plans Examiner – City of Omaha, stated that he believed that the applicant had not thoroughly looked into the option of having the ductwork vent straight up. Ms. Keil was in support of that option. Mr. Ryan stated that Mr. Davis’ suggestion that a letter from the manufacturer about the proposal was very important to the case. He also agreed that the applicant should look into venting the ductwork straight up.

After some discussion, it was decided that if the applicant received information back from the manufacturer and an agreement was made with the City before the next schedule meeting of the Building Board of Review, the applicant would not need to reappear before the Board. Mr. Mason stated that he would provide formal documentation from the City advising the applicant of what type of information was needed from the manufacturer.

Mr. Thibodeau moved to LAYOVER until the next scheduled meeting to give the applicant the opportunity to provide additional information to the City regarding the proposed installation and acceptance of that installation by the equipment manufacturer; the City shall provide the applicant with a list of the information they are requesting. The applicant should consider the possibility of re-routing the ducts so that they are more acceptable to the Permits & Inspections Division. If the matter can be resolved before the next scheduled meeting the applicant would not need to reappear before the Board. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on May 11, 2015, Chris Reed and Tod Ford (Sodexo) appeared before the Board.

Mr. Ryan noted that the Permits & Inspections Division and the Omaha Fire Department did not support the request.

Mr. Ford submitted an informational packet to the file (Exhibit 2). He explained that currently there is a sports bar in the lower level of the Harper Center. The university decided to remodel that area into a resident dining facility that would provide healthy food options for its athletes. He stated that, at the Exhibition station, only pre-cooked food items would be warmed; no items would be cooked. The piece of equipment used to do this is an induction cooking unit. The applicant believed that the hood requirement created a hardship since there are multiple floors above the location and because the pre-cooked food will be warmed up and not cooked. He explained that the wok used to warm up food is an induction wok that triggers the release of heat on the induction cooker through a magnetic. It takes approximately three minutes to warm each meal. The induction cooker is primarily an electrical piece of equipment with no flame. The cooking station had two downdraft induction hoods that will remove any vapor that is released through a charcoal filter.

Michel Mason, Plans Examiner – Permits & Inspections, stated that it would be difficult to control what is cooked at that particular station and that it is capable of producing grease laden vapors. In response to Ms. Keil, the applicant stated that the space where the unit is located is sprinklered. Also in response to Mr. Standerford, Mr. Ford stated that the induction burner has the potential to produce as much heat as a gas or electric burner. There was some concern that if there was a change of use in the future the unit might be used to cook food.

There was some discussion about the UL listing on the device. Tom Phipps, Chief Mechanical Inspector – Permits & Inspections, stated that the device must be listed as a 710B unit. He explained that these types of units do not usually remove all the particulates and smells from the space and that they cannot be used if raw meat will be cooked. He stated that the unit is a stove and that any type of food can potentially be prepared on it. Mr. Ford responded that there is a full kitchen on site so there should be no reason for anyone to use the unit for anything else other than reheating pre-cooked food. He added that Sodexo has performed the same type of operation in multiple locations across the country and that hoods are rarely used.

In response to Mr. Davis, Mr. Ford stated that construction is anticipated to begin the first of June. Mr. Davis stated that the UL listing for the equipment and the filtration system would help the department to determine whether the equipment is adequate. He preferred that some additional research was done by the applicant before a final decision was made.

Mr. Ryan stated that if the applicant was able to provide the information to the City before the next scheduled meeting, and it was acceptable, they would not need to reappear before the Board.

In response to Mr. Standerford, Mr. Ford stated that the unit is owned by Sodexo and would only be operated by employees.
Mr. Thibodeau moved to LAYOVER until the next scheduled meeting to allow the applicant to gather and present information to the City, in writing, regarding the UL listing of the induction cooking unit and the ventilation system. If an agreement between the applicant and the City cannot be reached, the applicant should re-appear before the Board. However, if the information that the applicant presents to the City is acceptable they would not need to reappear before the Board. Mr. Ramm seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on May 11, 2015, Curtis Johnson appeared before the Board on behalf of the Elkhorn Public Schools.

Jack Ryan mentioned that the Mechanical section of the Permits & Inspections Division and the Omaha Fire Department did not object to the request.

Mr. Johnson stated that the stove is included as part of a Life Skills class for special needs and high needs students.

Ms. Keil moved to APPROVE the request. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on May 11, 2015, the applicant did not appear before the Board.

Kevin Denker, Chief Housing Inspector – Permits & Inspections, and Kevin Mulcahy, Housing Inspector, appeared on behalf of the City. Mr. Mulcahy stated that interior of the property needed to be inspected.

Jay Davis, Assistant Director – Permits & Inspections, noted that this complaint was filed under a new system. He advised the Board that under the new system, it was at the discretion of the housing inspector to grant additional time to the applicant if some progress has been made. He added that if the Board was to grant an extension, it would be in violation of city ordinance.

Mr. Thibodeau moved to take NO ACTION on this case. Mr. Ramm seconded the motion.

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

MOTION CARRIED: 6-0
Case No. 15-14
Christopher A. Pfanstiel
10404 Essex Court
Suite 100
Omaha, NE 68114

LOCATION: 4341 Polk Street – Dwelling Exterior

At the Building Board of Review meeting held on May 11, 2015, the applicant did not appear before the Board.

The applicant contacted the City and requested that the case be laid over. Todd Shearer, Housing Inspector – Permits & Inspections, stated that the applicant had stopped work on the property. He re-inspected it and subsequently mailed the property owner a 30-day vacate notice. Mr. Shearer submitted pictures of the property that he had just recently taken (Exhibit 2). He stated that the property had been cleaned up and that a building permit had been taken out. He was in support of a month layover.

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

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

MOTION CARRIED: 6-0
ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 2:25 p.m.